



**XI. ACTION ITEMS**

- A. Convergent Technologies Contract Extension
- B. Century West Engineers Contract Addendum 2-A

Exhibit 11  
Exhibit 12

**XII. MAYOR'S COMMENTS**

**XIII. COUNCIL COMMENTS**

**XIV. CITY MANAGER COMMENTS**

**XV. ADDITIONAL COMMENTS FROM CITIZENS AT THE MEETING**

**XVI. ADJOURN**

Regular Council meetings are broadcast live on COTV11 – BendBroadband Channel 11 beginning at 6:30 p.m. on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month. Rebroadcasts are scheduled for the non-meeting Tuesdays at 6:30 p.m.

Anyone needing accommodation to participate in the meeting must notify Mike Viegas, ADA Coordinator, at least 48 hours in advance of the meeting at 541-504-3032, or through the Telecommunications Relay Service (TRS) which enables people who have difficulty hearing or speaking in the telephone to communicate to standard voice telephone users. If anyone needs Telecommunications Device for the Deaf (TDD) or Speech To Speech (STS) assistance, please use one of the following TRS numbers: 1-800-735-2900 (voice or text), 1-877-735-7525 (STS English) or 1-800-735-3896 (STS Spanish).

The City of Redmond does not discriminate on the basis of disability status in the admission or access to, or treatment, or employment in, its programs or activities

**REGULAR CITY COUNCIL MEETING OF THE CITY OF REDMOND WAS HELD FEBRUARY 25, 2014, IN THE CITY COUNCIL CHAMBERS.**

**COUNCIL MEMBERS PRESENT:** Joe Centanni – George Endicott – Camden King – Ginny McPherson – Ed Onimus – Jay Patrick

**COUNCIL MEMBERS EXCUSED:** Tory Allman

**STAFF PRESENT:** City Manager Keith Witcosky – Assistant City Manager Sharon Harris – City Attorney Steve Bryant – Interim Airport Director Bob Noble – Police Officer Keith Knight – Public Works Director Bill Duerden – City Engineer Mike Caccavano – City Recorder Kelly Morse – Community Development Director Heather Richards – CIS Administrator Sheri Cleveland – Finance/Budget Manager Jason Neff – Accounting Manager Jodi Burch – Senior Permit Technician Pamela Thomas – Utility Billing Supervisor Molly Mansfield

**MEDIA PRESENT:** COTV

Mayor Endicott called the meeting to order at 6:30 p.m. and noted the Employee Spotlight (Exhibit 14) will take place immediately following the Consent Agenda and approval of the Fiscal Year 2014/2015 Council Goals will be added to Action Items.

**INVOCATION**

Pastor Kevin Seibold, Redmond Heights Pentecostal Church, led the invocation.

**PLEDGE OF ALLEGIANCE**

Councilor King led the Pledge of Allegiance.

**COMMENTS FROM CITIZENS AT THE MEETING**

There were no comments from citizens at the meeting.

**MAJOR REDMOND STREET CONSTRUCTION UPDATES**

City Engineer Mike Caccavano updated the Council on the SW Timber Avenue Water Transmission Main.

**CONSENT AGENDA**

- A. Minutes of January 14, 2014, Special P.M. Council Workshop (Exhibit 1)**
- B. Minutes of January 14, 2014, P.M. Council Meeting (Exhibit 2)**
- C. Minutes of January 28, 2014, P.M. Council Meeting (Exhibit 3)**
- D. Minutes of February 4, 2014, Special P.M. Council Workshop (Exhibit 4)**
- E. Minutes of February 11, 2014, Special P.M. Council Meeting (Exhibit 5)**
- F. Minutes of February 18, 2014, Special P.M. Council Meeting (Exhibit 6)**
- G. Code Enforcement Liens (Exhibit 7)**

**Councilor King moved, seconded by Councilor McPherson, to approve the Consent Agenda as presented, motion passed. (Allman-absent, Centanni-yes, Endicott-yes, King-yes, McPherson-yes, Onimus-yes, Patrick-yes)**

**PRESENTATIONS**

At this point in the meeting, City Manager Keith Witcosky and Community Development Director Heather Richards presented an Employee Spotlight on Senior Permit Technician Pamela Thomas noting that in

addition to being the front line of the Community Development Department counter, she lead the City's transition to Accela which included a great deal of overtime and 250 hours of training.

**A. Relay for Life, Lauren Olander – American Cancer Society**

American Cancer Society (ACS) Relay for Life Coordinator Lauren Olander addressed the Council regarding the amazing things ACS does to touch and save lives.

Relay for Life Chair Rebecca Thomas announced that for the first time, Redmond will be the location of the 24-hour Relay for Life event on August 16-17, 2014. The event will take place at the Redmond Proficiency Academy Hugh Hartman Campus track. The event theme is Colors of Cancer and each team will be required to have an educational component at their campsites. On March 11, 2014, at 6:00 p.m., a Relay for Life community kickoff event will take place.

Councilor Onimus thanked Ms. Olander and Ms. Thomas for brining the event to Redmond adding that every person will be touched by cancer either directly or indirectly at some point in their lives. Councilor Onimus asked citizens to visit [www.redmondsistersrelay.org](http://www.redmondsistersrelay.org), make a donation, or get involved in order to "put an end to cancer once and for all." Ms. Thomas can be contacted at 541-728-6930 or at [thomasfamily22@hotmail.com](mailto:thomasfamily22@hotmail.com) for more information.

**B. Audit Report, Rob Tremper – Dickey and Tremper, LLC (Exhibit 8)**

Auditor Rob Tremper presented the Council with the results from the City's Fiscal Year (FY) 2012/2013 audit. Mr. Tremper explained that despite findings regarding Juniper Golf Course debt, Airport reporting, and concession leases, Dickey and Tremper issued a clean audit opinion. Mr. Tremper answered questions from the Council.

**ORDINANCES**

**A. Ord. # 2014-02 – An ordinance amending Redmond City Code Section 2.554 pertaining to aeronautical services at the Redmond Airport and declaring an emergency. (Exhibit 9)**

Interim Airport Director Bob Noble explained that Ord. #2014-02 clarifies language acknowledging the right of the Airport to conduct the exclusive and non-exclusive aeronautical services currently being provided by a Fixed Based Operator. Staff continues to negotiate a new contract with the current provider.

**Councilor King moved, seconded by Councilor Patrick, to have the first and second reading of Ord. #2014-02 by title only, motion passed. (Allman-absent, Centanni-yes, Endicott-yes, King-yes, McPherson-yes, Onimus-yes, Patrick-yes)**

City Attorney Steve Bryant read the first and second reading of Ord. #2014-02, by title only.

**Councilor King moved, seconded by Councilor Patrick, to approve Ord. #2014-02, roll call vote: Allman-absent, Centanni-yes, Endicott-yes, King-yes, McPherson-yes, Onimus-yes, Patrick-yes, motion passed.**

**ACTION ITEMS**

**A. Res. #2014-03 – A resolution setting fees and charges imposed by the City of Redmond. (Exhibit 10)**

Mr. Noble explained that that Airport's alteration to the fee schedule concerns collecting and tracking a refundable deposit for the 300-plus terminal (non-City) employees. Staff recommends eliminating the \$10 deposit in order to improve inefficiencies. Currently, staff must track the deposits for all cards that are issued, including those which are no longer in use, but have not been returned for a refund.

In response to questions from Councilor Centanni, Mr. Noble explained that the fee schedule exhibit should be corrected to show that City employees are not currently charged a deposit and the terminal tenant line should state non-refundable.

Assistant City Manager Sharon Harris stated the second consideration would be to increase the utility billing notification fee from \$5 to \$10 adding that these notifications are sent to those accounts in danger of having services shut off. The utility billing focus group suggested increasing the fee as a deterrent; Ms. Harris added that the increase would be cost recovery for the administrative costs to process the notices.

Several members of the Council expressed concern with implementing an additional fee as a deterrent; however, Councilor Centanni opined the City's utilities are to be operated like a business and many other outside entities would likely charge a much higher fee.

After further discussion, the Council directed staff to research the true cost recovery amount for utility billing and clean up the Airport parking card deposits. No action was taken by the Council on this item.

**B. Res. #2014-04 – A resolution of the City of Redmond adopting a supplemental budget. (Exhibit 11)**

Finance/Budget Manager Jason Neff stated that Res. #2014-04 will make supplemental budget changes to the Police Fund for patrol vehicle timing, eCite/eCrash software, and a Healthcare Preparedness Program Grant and to the Airport Fund for the American Airlines revenue guarantee.

**Councilor Centanni moved, seconded by Councilor King, to adopt Res. #2014-04 adjusting the City's FY 2013/14 budget, motion passed. (Allman-absent, Centanni-yes, Endicott-yes, King-yes, McPherson-yes, Onimus-yes, Patrick-yes)**

**C. Amendment to the Scheduled Airline Operating Agreement Exhibits B, C, and D (Exhibit 12)**

Mr. Noble requested approval of an amendment to Exhibits B (Landing Fees), C (Maintenance and Overhead Fees), and D (Supplemental Security Fees) to the Scheduled Airline Operating Agreement. Costs are based on the past year's actual cost recovery.

**Councilor McPherson moved, seconded by Councilor Patrick, to amend Scheduled Airline Operating Agreement Exhibits B, C, and D for January 1, 2014, to June 30, 2014, motion passed. (Allman-absent, Centanni-yes, Endicott-yes, King-yes, McPherson-yes, Onimus-yes, Patrick-yes)**

**D. Res. #2014-05 – A resolution of the City Council of the City of Redmond, Oregon, authorizing the execution and delivery of one or more financing agreements, escrow agreements and related sale documents that provide the terms for the execution, sale and delivery of Full Faith and Credit obligations, in one or more series, in an aggregate principal amount not exceeding the amount necessary to loan the proceeds of the obligations to the Redmond Urban Renewal Agency in an amount sufficient to allow the Agency to effect the refunding of its Revenue Bonds, Series 1999B and Series 2005A and 2005B and pay the costs of financing real or personal property locate in the Downtown Urban Renewal Area in an amount not to exceed \$13,000,000; authorizing the negotiation, execution and delivery of a loan agreement and related documents with the Agency; designating authorized representatives and delegating responsibilities; and related matters. (Exhibit 13)**

Mr. Neff delivered a presentation on the bonding/financing authority and delegation for the Downtown Redmond Urban Renewal Plan. Due to excess tax increment collection and refinancing existing debt, the City has a new debt capacity of \$13 million which can be leveraged to make strategic investments which grow the tax base. Examples of uses for the funds include:

- Redevelopment Opportunities (Public/Private Partnerships)
- Housing Opportunities (Public/Private Partnerships)
- Industrial Opportunities (Public/Private Partnerships)
- Property Assistance Program (Public/Private Partnerships)
- Professional Business Medical District (Streetscape and Trail)
- Redevelopment of Evergreen School
- Evergreen Streetscape Improvements (Sidewalks & Landscaping)
- Circulation Improvements (Street and Parking)
- Alternative Mobility Improvements (Bicycle & Pedestrian)
- Open Space (Public Park Development)

Mr. Neff reviewed the financing schematic, risk mitigation, the history of tax increment collections, financial modeling, bond figures, and rates. Staff addressed questions from the Council.

**Councilor King moved, seconded by Councilor Centanni, to approve Res. #2014-05, to authorize the City to deliver the Series 2014 Obligations, execute and deliver the financing and legal documents relating to the Series 2014 obligations and any further actions required for the issuance of the Series 2014 Obligations, and to delegate authority to the Authorized Representatives, motion passed. (Allman-absent, Centanni-yes, Endicott-yes, King-yes, McPherson-yes, Onimus-yes, Patrick-yes)**

#### **E. Fiscal Year 2014/2015 Council Goals**

The Council reviewed additional recommendations to the Fiscal Year 2014/2015 goals. Since the Council's goals drive all decisions within the City, approval of future goals will take place as an Action Item on the meeting agenda.

**Councilor King moved, seconded by Councilor McPherson, to approve the revised Fiscal Year 2014/2015 Council Goals as amended and discussed, motion passed. (Allman-absent, Centanni-yes, Endicott-yes, King-yes, McPherson-yes, Onimus-yes, Patrick-yes)**

#### **MAYOR'S COMMENTS**

Mayor Endicott provided an update on Senate Bill 1531 and announced that he will be attending several meetings in Salem.

#### **COUNCIL COMMENTS**

**Councilor Centanni** stated that Redmond businesses are struggling so citizens were encouraged to shop locally.

**Councilor Patrick** clarified his comments regarding the costs associated with the utility billing notices. He did not intend to imply that staff was not performing as they should, but rather if the intent of the increase is cost recovery, then he could support that kind of increase.

**Councilor McPherson** discussed local student theatre productions and encouraged citizens to support these groups. Councilor McPherson noted that members of the Council will be playing rolls in the upcoming production of Footloose.

#### **CITY MANAGER COMMENTS**

##### **A. Employee Spotlight (Exhibit 14)**

This item took place immediately following the Consent Agenda.

**City Manager Keith Witcosky** along with Councilor McPherson participated in a mock congressional hearing at Central Christian School. Approving the FY 2014/2015 goals sets the stage for staff to work

together through strategic work plans in order to advance Council's goals. Mr. Witcosky commented that Venerable Properties toured Evergreen School with staff and is excited about the possibility of working with the City on renovating the site.

**ADDITIONAL COMMENTS FROM CITIZENS AT THE MEETING**

There were no additional comments from citizens at the meeting.

There being no further business, the meeting was adjourned at 8:50 p.m.

Prepared by Kelly Morse, City Recorder

APPROVED by the City Council and SIGNED by the Mayor this 25<sup>th</sup> day of March, 2014.

\_\_\_\_\_  
George Endicott, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Morse, City Recorder

**SPECIAL P.M. CITY COUNCIL WORKSHOP OF THE CITY OF REDMOND WAS HELD MARCH 4, 2014, IN THE CITY COUNCIL CHAMBERS.**

**COUNCIL MEMBERS PRESENT: Tory Allman – Joe Centanni – George Endicott – Camden King – Ginny McPherson – Ed Onimus – Jay Patrick**

**STAFF PRESENT: City Manager Keith Witcosky – Assistant City Manager Sharon Harris – Assistant City Attorney Christian Ambroson – Police Chief Dave Tarbet – Public Works Director Bill Duerden – City Engineer Mike Caccavano – City Recorder Kelly Morse – Community Development Director Heather Richards – CIS Administrator Sheri Cleveland – Interim Airport Director Bob Noble**

**MEDIA PRESENT: Leslie Pugmire-Hole**

Mayor Endicott called the workshop to order at 6:30 p.m.

## **PRESENTATIONS**

### **A. TRIP 97**

Community Development Director Heather Richards provided the Council with a presentation on TRIP 97. Highlights included the study area which spans Deschutes and Jefferson counties from Madras to La Pine, the vision, the partnership in place, and issues at hand. The solution includes shifting the land use balance and growth in communities with transportation demands and mobility goals by redefining performance measures, establishing new/unique funding mechanisms, and creating local/state/federal partnerships.

TRIP 97 Performance Measures are:

- Mobility – travel time, reliability, side street delay
- Economy – job potential/funding revenue
- Safety – crash frequency
- Environment – emissions
- System Redundancy – percent north-south traffic on US 97
- Accessibility – turning movement opportunities
- Alternative modes – multimodal performance

TRIP 97 Funding Goals include:

- 20-year total funding amount of approximately \$60 million in local funding share of project investments
- Robust local “match” designed to attract state/federal participation in identified corridor investments
- Optimize the timing of economic growth and needed improvements

Ms. Richards described the funding approach, funding sources, governance, and next steps.

Oregon Department of Transportation Region 4 Director Bob Bryant addressed the Council and answered questions.

### **B. Downtown Parking**

Ms. Richards provided the Council with information on downtown parking. The timeline of the parking discussion is as follows:



- October 2011 – 15 downtown merchants submitted a petition requesting a review of downtown parking issues
- March 2012 – the City began issuing letters asking merchants to voluntarily avoid parking in the core areas
- May 2012 – the City issues a Request for Proposal (RFP) for a Parking Utilization Study
- October 2012 – parking inventory indicates 28 percent of spaces in the downtown core area were occupied by long term parkers
- January 2013 – the Redmond Downtowners Association (RDA) cites a need for improved parking management but concern with time limits
- March 2013 – letters and emails describing customer only zone were sent to business and property owners
- April 2013 – staff presents customer only parking zone concept to RDA
- June 2013 – staff surveys downtown merchants on customer only parking concept
- July 2013 – Downtown Urban Renewal Advisory Committee (DURAC) votes to recommend customer only parking zone (COZ) with no enforcement authority
- September 2013 – staff asks DURAC to consider a COZ with complaint based enforcement. DURAC requested a legal opinion on COZ without enforcement
- October 2013 – DURAC hosts public session and votes to recommend COZ with complaint based enforcement

Ms. Richards explained results of the parking survey which received 27 responses then reviewed the findings of the parking study which include:

- Noon to 1 p.m. is the peak hour for on-street occupancy
- On-street parking occupancy peaked at 36.2 percent
- Some core area streets had much higher occupancy rates
- High occupancy nodes
  - 6<sup>th</sup> Street between Forest and Deschutes Avenues and side streets had occupancies of 70-100 percent
  - Overall occupancy of 84.4 percent
  - Other nearby streets had high occupancies
- 28 percent of spaces in the core area were occupied by those staying longer than 2 hours
- Long term parkers believed occupancy was less likely to be customers and more likely to be employees and residents

Information on the 2012 new inventory recommendations, shared parking opportunities, downtown parking inventory needs, built ratio versus demand ratio, business survey results, and pros and cons of a COZ were also presented by Ms. Richards.

DURAC's final recommendation is for a COZ with complaint based enforcement with employees and residents required to register their license plates.

DURAC member Anne Graham stated she advocated for the "friendly" approach then relayed examples of tenants parking elsewhere when asked politely by the business owner and safety concerns with street light outages.

Councilor King opined that enforcement is a necessary mechanism for those who will not follow the "friendly" approach. Councilor McPherson concurred adding that there are problems and benefits to living downtown adding that much of the draw is the ability to walk.

Councilor Allman opined that a COZ or signs are not needed when the issue is more about parking during the lunch hour. Councilor Patrick concurred and suggested the City should not enforce parking.

Councilor King clarified that if a COZ is implemented he feels enforcement is necessary; however, he would like to believe that the perceived issues can be resolved in a friendly manner.

Councilor Allman stated there is a middle ground that can be achieved and suggested a courtesy sign for customer only parking between certain hours might be beneficial.

Councilor Onimus recommended the downtown businesses create an internal policy on parking which will ultimately benefit their business.

Councilor Centanni commented he is not convinced a problem exists and expressed concern that enforcing the COZ will place a strain on staff time and resources.

After additional discussion, the direction of the Council was to continue monitoring the situation.

City Manager Keith Witcosky updated the Council on next week’s meeting schedule and asked for clarification regarding a proposed action item.

Councilor Centanni communicated comments from a business owner who stated his business has increased 30 percent since the approval of feather flags.

Mayor Endicott updated the Council on the status of the medical marijuana bill.

There being no further business, the workshop was adjourned at 8:14 p.m.

Prepared by Kelly Morse, City Recorder

APPROVED by the City Council and SIGNED by the Mayor this 25<sup>th</sup> day of March, 2014.

\_\_\_\_\_  
George Endicott, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Morse, City Recorder

**SPECIAL CITY COUNCIL JOINT WORKSHOP OF THE CITY OF REDMOND AND DESCHUTES COUNTY BOARD OF COMMISSIONERS WAS HELD MARCH 11, 2014, IN CONFERENCE ROOM A AT CITY HALL.**

**COUNCIL MEMBERS PRESENT:** Tory Allman – Joe Centanni – George Endicott – Camden King – Ginny McPherson – Jay Patrick

**COUNCIL MEMBERS EXCUSED:** Ed Onimus

**COMMISSIONERS PRESENT:** Tammy Baney – Tony DeBone – Alan Unger

**STAFF PRESENT:** City Manager Keith Witcosky – Assistant City Manager Sharon Harris – Interim Manager Bob Noble – Police Chief Dave Tarbet – Public Works Director Bill Duerden – City Engineer Mike Caccavano – City Recorder Kelly Morse – Community Development Director Heather Richards – Finance/Budget Manager Jason Neff

**COUNTY STAFF PRESENT:** Deschutes County Administrator Tom Anderson – Deschutes County Deputy Administrator Erik Kropp – Deschutes County Property and Facilities Manager Susan Ross

**MEDIA PRESENT:** None

Mayor Endicott called the workshop to order at 6:30 p.m.

#### **EAST REDMOND INDUSTRIAL SITE NEXT STEPS**

Deschutes County Administrator Tom Anderson shared Deschutes County's (County) plan for moving forward with their property located in the East Redmond Industrial Site noting that partnerships with the City, Redmond Economic Development, Inc., and Economic Development for Central Oregon for recruitment of new and existing opportunities will continue. The County has started the environmental assessment of the Rod and Gun Club site. Discussions will need to take place on the condition of the land and remediation efforts.

Mr. Anderson commented that the County Commissioners will consider a recommendation by County staff to extend the Rod and Gun Clubs lease through December 31, 2014.

Redmond citizen Anne Graham opined that as a former site selector she would recommend the City and County complete the infrastructure at the East Redmond Industrial Site as soon as possible.

Commissioner Baney acknowledged the relationship with the Rod and Gun Club adding that the club's long term request is for an extension through 2015.

#### **BRIGHTSIDE ANIMAL SHELTER / CENTRAL OREGON COMMUNITY COLLEGE**

Brightside Animal Shelter (formerly known as Humane Society of Redmond) Executive Director Chris Bauersfeld and Central Oregon Community College (COCC) Vice President Matt McCoy described the potential partnership for a Vet Tech clinic housed in an adjacent building at Brightside.

Mr. McCoy and Ms. Bauersfeld answered questions from the Council and Board.

#### **OTHER BUSINESS**

Mayor Endicott updated the Board on Evergreen School.

There being no further business the workshop was adjourned at 7:00 p.m.

**DRAFT**

Prepared by Kelly Morse, City Recorder

APPROVED by the City Council and SIGNED by the Mayor this 25<sup>th</sup> day of March, 2014.

\_\_\_\_\_  
George Endicott, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Morse, City Recorder



**CITY OF REDMOND**  
Community Development Department

716 SW Evergreen Avenue  
Redmond, OR 97756  
(541) 923-7721  
Fax: (541) 548-0706  
[www.ci.redmond.or.us](http://www.ci.redmond.or.us)

## STAFF REPORT

**DATE:** March 25, 2014  
**TO:** Mayor and Council Members  
**THROUGH:** Keith Witcosky, City Manager  
**FROM:** Heather Richards, Community Development Director  
**SUBJECT:** Change Order to Professional Services Contract with HHPR for Dry Canyon Master Plan

---

### Addresses Council Goal:

Goal #5: Comprehensive Planning: Enhance the quality of life in the City through adoption of programs, policies, and standards that balance growth while maintaining the city's unique character.

C. Maintain an up-to-date Comprehensive Plan that meets the City's long term development goals.

### Report in Brief:

This is a request for the approval of Change Order #1 to the Dry Canyon Master Plan contract with Harper Houf Peterson Righellis, Inc. (HHPR) in the amount of not to exceed \$12,900.00, which exceeds 10% of the original contract, which is \$26,434.00.

### Background:

The City of Redmond has contracted with HHPR to provide maps and diagrams for the Dry Canyon Master Plan update. As part of the process, the Dry Canyon Advisory Committee felt that it was valuable to the city's efforts to conduct specific site mapping in a few key areas in the Dry Canyon, the area north of Antler Avenue to Fir Avenue. In addition, with staffing attrition in the Community Development Department, city staff would like to contract with HHPR to help in the final assembly of the Dry Canyon Master Plan update. This work will be conducted on a billable hourly rate not to exceed \$7,500 and will allow the project to remain on-time.

### Discussion:

Approving Change Order #1 will increase the Dry Canyon Master Plan contract from Centennial Park construction contract from \$26,434.00 to \$39,334.00.

**Fiscal Impact:**

Change Order #1 will be paid for by the CDD Long Range Planning Sub Fund that currently has contractual services budgeted for this project.

Fund	GL Account	Amount
CDD Long Range Planning	22452-02-000-06-00-98	\$12,900

**Alternative Courses of Action:**

1. Approval of Change Order #1
2. Reject Change Order #1
3. Request additional information.

**Recommendation/Suggested Motion:**

"I move to approve Change Order #1 for the Dry Canyon Master Plan contract with Harper Houf Peterson Righellis for a not to exceed amount of \$12,900.00 and authorize the City Manager to sign the agreement."

Heather Richards  
Community Development Director

**Contract # 2013-058  
Dry Canyon Park – Entryway Gateway Area Design  
Redmond Oregon  
18- July 2013 (rev. 8-30-2013)**

**ADDITIONAL SERVICES  
13-February, 2014**

**Project Understanding & Approach**

**Task 1 – North Central: Antler to Fir - Master Plan**

HHPR will provide preliminary planning and design programming for the area identified by the DCAC for further planning review. The area is currently developed for medium – high intensity uses including the historic school house, community gardens, dog park and disk golf.

- HHPR will review and document the Central Dry Canyon Master Plan areas to delineate Open Space / Passive Use / Semi-active use and Active Use areas for the purpose of providing the City with a “Bubble-Diagram” for further review and discussion with the DCAC. HHPR will also provide a metric for identification of current and future uses based on intensity and a three-tiered reference for intensity of uses.

**Additional Fee: \$2500.00**

**Task 2 – North Central: Antler to Fir - Concept Plan**

HHPR will provide preliminary planning and design programming for the area identified by the DCAC for a more defined concept plan for the southern portion of the Antler to Fir Planning area and specifically the area between Antler and the south end of the fenced Dog Park area. The Concept Plan will be based on DCAC comments regarding the Task 1 and facilities and uses identified during previous DCAC meetings, including:

- Refined Gateway element layout,
- User Access and service vehicle circulation,
- Future development options for the treed area on the west end of the project area,
- Transitional design and options for the community garden area,
- Small event facilities and options for the Historic School building site

**Additional Fee: \$2900.00**

**Task 3 – Dry Canyon Master Plan Update – Final Document Preparation**

HHPR will prepare the final plan document utilizing narrative and graphics provided by the City of Redmond.

HHPR understands the City of Redmond will provide the following items for inclusion in the Final Document:

- Plan Text
- Plan Maps (including maps generated by HHPR)
- Plan Graphics (Photos, Tables, Etc.)

Deliverables:

The final report will be formatted in Adobe InDesign and provided to the city as a final pdf and in its original software format for future editing purposes.

**Additional Fee:** This additional task will be driven by billable hours with a **not to exceed rate of \$7500.**



# City of Redmond PROCLAMATION

**A proclamation designating April 6-12, 2014, as**

## **ARBOR WEEK**

**WHEREAS**, in 1872 Arbor Day, a special day set aside for the planting of trees, was first celebrated in Nebraska; and

**WHEREAS**, Arbor Day is the day set aside to plant ceremonial trees, educate children and adults about the importance of trees, and honor the important role trees play in our daily lives; and

**WHEREAS**, trees provide shade and habitat for wildlife, improve air and water quality, reduce the erosion of precious topsoil, increase property values and economic vitality in business areas, contribute to a sense of community pride and ownership, and add beauty to communities; and

**WHEREAS**, the City of Redmond recognizes that our urban forest is a necessity and is an integral part of the City's infrastructure and ecosystems; and

**WHEREAS**, the City of Redmond is committed to provide resources to maintain and enhance the urban forest; and

**WHEREAS**, the City of Redmond is now recognized as a "Tree City USA" recipient for fostering programs which increase the number and health of our trees; and

**WHEREAS**, the City of Redmond recognizes April 25, 2014, as National Arbor Day; and

**WHEREAS**, the Oregon State Legislature has set aside an entire week to honor trees by designating the first full week of April as Arbor Week.

**NOW, THEREFORE BE IT RESOLVED THAT** Council hereby proclaims the week of April 6-12, 2014, to be ARBOR WEEK in the City of Redmond and citizens are encouraged through the City to become more involved with the planting and stewardship of the urban forest throughout the first full week of April in celebration of ARBOR WEEK.

**APPROVED** by the City Council and **SIGNED** by the Council President this 25<sup>th</sup> day of March 2014.

The City of Redmond, Oregon

---

George Endicott, Mayor

ATTEST:

---

Kelly Morse, City Recorder



**CITY OF REDMOND**  
Community Development Department

716 SW Evergreen Avenue  
Redmond, OR 97756  
(541) 923-7721  
Fax: (541) 548-0706  
[www.ci.redmond.or.us](http://www.ci.redmond.or.us)

## STAFF REPORT

**DATE:** March 25, 2014  
**TO:** Mayor and City Council Members  
**THROUGH:** Keith Witcosky, City Manager  
**THROUGH:** Heather Richards, Community Development Director  
**FROM:** James Lewis, Planning Manager  
**SUBJECT:** Ordinance No. 2014-03, Development Code Amendment to adopt a new code section that prohibits land uses that are in violation of state or federal laws (City Land Use File #TA-14-1).

---

### Addresses Council Goals:

Goal 5. Comprehensive Planning. Enhance the quality of life in the City through adoption of programs, policies, and standards that balance growth while maintaining the city's unique character.

### Background

This is a public hearing to consider Ordinance No. 2014.03 (Attachment A), amending the Redmond Development Code, by adding a new section to the code, Section 8.0026. Section 8.0026 requires that all land uses in the City of Redmond be compliant with state and federal law. In context, these standards will follow Section 8.0025 which establishes the legal requirement for land uses to comply with the Development Code, and precede Section 8.0030 which discusses the need for permits necessary to ensure compliance with the Development Code.

### Discussion

By adding the proposed text to the Development Code, the City will have the legal ability to regulate land uses on the basis that they may violate state or federal law. Without such text, the City could be subject to legal challenges from private parties that uses which may violate state or federal laws must be permitted in the City under the existing Development Code. Conversely, if the City were to allow uses that violate state or federal laws, the City could be subject to legal action from state and/or federal authorities, depending on the nature of the violation. Further, such regulations are consistent with regulations the City has currently had in place in the municipal code since 1989 governing business licenses. Thus, in order to eliminate the potential legal actions against the City (by either public or private entities), and for consistency with other City code provisions, the attached text is proposed.

The Planning Commission discussed this amendment in two work sessions in February 2014, and at a public hearing on March 3, 2014. At all meetings, the Planning Commission agreed for the need for

such text based on the premise that the City cannot allow land uses that violate either state or federal laws on the basis that it could put the City at risk for legal actions from either public or private parties.

At their public hearing on March 3, 2014, the Planning Commission voted to recommend the proposed amendment to the Redmond City Council.

As required by City Charter, notices regarding this ordinance coming before the Council were posted in three public places (the Library, the Police Department, and the Redmond Chamber of Commerce) in addition to City Hall on March 18, 2014, and three copies of the ordinance were available for review at City Hall.

**Fiscal Impact:**

There is no fiscal impact for this amendment to the Development Code.

**Alternative Courses of Action:**

1. Conduct the public hearing and vote to approve Ordinance No. 2014-03.
2. Continue the public hearing, and/or leave the written record open to request additional information.
3. Conduct the public hearing and vote not to approve Ordinance No. 2014-03.

**Recommendation/Suggested Motion:**

“I move to have a first and second reading of Ord. #2014-03, by title only.” (Voice vote)

(City Attorney will read ordinance by title only, twice.)

“I move to approve Ord. #2014-03.” (Roll call vote)

James Lewis  
Planning Manager

**CITY OF REDMOND  
ORDINANCE NO. 2014-03**

**AN ORDINANCE AMENDING THE REDMOND DEVELOPMENT CODE CHAPTER 8, ARTICLE I, ZONING STANDARDS, TO ADD A NEW SECTION PROHIBITING LAND USES THAT ARE IN VIOLATION OF STATE OR FEDERAL LAW.**

**WHEREAS**, the City of Redmond has adopted zoning and planning regulations in accordance with Oregon Revised Statutes Chapter 227 that regulate and control the development of land within the City; and

**WHEREAS**, the City of Redmond City Council has an adopted set of goals that includes: “Enhance the quality of life in the City through the adoption of programs, policies and standards that balance growth while maintaining the city’s unique character”; and,

**WHEREAS**, the Urban Area Planning Commission held a public hearings on March 3, 2014, and, after reviewing the record and gathering public testimony, has recommended that the Redmond City Council adopt the proposed text amendments to the Redmond Development Code as set forth in Exhibit A; and

**WHEREAS**, the Redmond City Council held a public hearing on March 25, 2014, to consider the recommendation of the Urban Area Planning Commission, review the existing record and gather additional evidence and public testimony; and

**WHEREAS**, the City Council has received the Planning Commission’s recommendation and, after receiving additional evidence and testimony, determined that the requested Development Code amendments would contribute to the Redmond Comprehensive Plan goal to “establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions; and

**WHEREAS**, the City Council finds that the findings set forth in Exhibit B for the development code amendments have fully addressed the City’s Comprehensive Plan, the applicable state law, the Statewide Planning Goals and the City’s standards and criteria for an amendment to the Redmond Development Code; and,

**WHEREAS**, the City Council finds that the attached code amendments are necessary to further these interests.

**NOW, THEREFORE, THE CITY OF REDMOND ORDAINS AS FOLLOWS:**

**SECTION ONE:** The City of Redmond hereby amends the Redmond City Code, Chapter 8 – Article I, to add a new section that prohibits land uses that are in violation of state or federal law. The amendments and adopted text are attached hereto as “Exhibit A.”

**SECTION TWO:** In support of the Development Code text amendments in Section One, the City of Redmond hereby adopts the findings which are attached hereto as “Exhibit B” which were prepared by City staff and demonstrate compliance with the Redmond Development Code, Section 8.0760 – Criteria for Amendments, the City’s Comprehensive Plan, and the applicable Statewide Planning Goals.

**SECTION THREE: SEVERABILITY.** The provisions of this Ordinance are severable. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given without such invalid part or parts.

**PASSED** by the City Council and **APPROVED** by the Mayor this 25<sup>th</sup> day of March, 2014.

---

George Endicott, Mayor

ATTEST:

---

Kelly Morse, City Recorder

## **Exhibit A (Ordinance No. 2014-03)**

### **Proposed Development Code Amendment – Violation of State or Federal Law**

**City of Redmond Development Code, Chapter 8, Article I, Zoning Standards, Section 8.0026, only (new code highlighted in red text) – code sections immediately preceding and following the new text are provided for reference and placement purposes only.**

#### **8.0025 Compliance with Zoning Provisions.**

1. A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied, or used only as these standards permit.
2. No dimensional requirement of these standards shall be violated after its terms become effective unless specifically provided for herein.
3. No lot area, yard, or other open space which is required by these standards for one use shall be used as the required lot area, yard, or open space for another use.

**8.0026 Consistency with Plans and Laws.** Actions initiated under this Code shall be consistent with applicable state and federal laws and regulations as these laws and regulations may now or hereafter provide. No parcel of land or structure may be used for, or in conjunction with, an activity that violates any state or federal law.

**8.0030 Zoning Permit.** Prior to the construction, alteration or change of use of any structure or lot for which a zoning permit but not a building permit, is required, a zoning permit for such construction, reconstruction, alteration, or change of use of any structure or lot shall be obtained from the Planning Department.

## **Exhibit B (Ordinance No. 2014-03)**

**File No:** TA 14-1: Development Code Text Amendment

**Applicant:** City of Redmond Community Development Department  
716 SW Evergreen Avenue  
P O Box 726  
Redmond, OR 97756  
Phone: (541) 923-7710  
Fax: (541) 548-0706

**Request:** Adopt findings in support of an amendment to the City of Redmond Development Code to amend Chapter 8, Article I – Zoning Standards, to add new text prohibiting uses which violate state or federal laws.

**Location:** The proposed amendment is not property specific. Rather, the text of the amendment would prohibit any uses that violate state or federal laws on any property within the City of Redmond.

## **FINDINGS OF THE REDMOND CITY COUNCIL:**

The following narrative provides findings in support of the proposed amendments with respect to Redmond Development Code Section 8.0760 - Criteria for Amendments:  
“The applicant shall show the proposed change is:”

### **1. “In conformity with all applicable State statutes:”**

**ORS 197.610(1):** *“A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 35 days before the first evidentiary hearing on adoption . . .”*

#### Finding:

The City provided notice to the Director of the Department of Land Conservation and Development on January 28, 2014, which is 35 days before the Planning Commission’s March 3, 2009, public hearing regarding adoption of the proposed Ordinance.

#### Conclusion:

Based on the findings above, the proposed Code amendment conforms to the applicable State of Oregon statute.

### **2. “In conformity with the State-wide planning goals whenever they are determined to be applicable:”**

Only State-wide Goals 1 and 2 are addressed herein. Goals 3 through 14 (which are typically applicable within Urban Areas), are not applicable to this proposal as it does not include a specific type of land use or a specific zoning designation.

#### Goal 1- Oregon’s Statewide Planning Goals: Citizen Involvement.

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

#### Finding:

The City conducted public hearings before the Redmond Planning Commission on March 3, 2014, and the Redmond City Council on March 25, 2014. In addition, the City provided public notices and agendas for the public hearings where the proposed amendment was discussed. All documents were available on the City’s website and copies were available for the public. Further, meeting notices were published in the local newspaper, the Redmond Spokesman. The City provided ample public review and involvement opportunities during the public hearings (both at the Planning Commission and City Council levels) for the proposed amendment. Lastly, the Urban Area Planning Commission serves as the City’s required citizen advisory committee and is made up of Redmond area residents.



Goal 2- Oregon's Statewide Planning Goals: Land Use Planning.

*To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

Finding:

The proposed amendment only affects those uses which are in violation of either state or federal law (now or in the future). Thus, as either state or federal laws change, the City of Redmond will have a basis by which land uses that violate either, can be regulated within the realm of this Goal. In this regard, the Planning Commission and City Council received testimony from staff and citizens during the review and recommendation / decision making process regarding the applicability of such Code text. Based on this input, the City Council believes this change to Article I is necessary to prevent potential legal challenges to the City from either public or private sources, and that enough factual and policy basis exists to support the proposed Code amendment.

Conclusion:

*Based on the findings above, the proposed amendments conform to the Statewide Planning Goals where the Plan's policies and objectives are found to be applicable.*

**3. "In conformity with the Redmond Comprehensive Plan, land use requirements and policies; and"**

Only Chapters 1 and 2 are addressed herein. Chapters 3 through 14 are not applicable to this proposal.

Chapter 1 – Redmond Comprehensive Plan: Citizen Involvement.

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Finding:

The proposed amendments serve the following policies of Chapter 1 of the Redmond Comprehensive Plan.

1. The City shall establish a citizen involvement program to provide for widespread citizen involvement.
2. The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process.
3. The City shall assign the Redmond Urban Area Planning Commission as its officially recognized committee for citizen involvement (CCI).

4. The City shall establish mechanisms to assure two-way communications between citizens and elected and appointed officials.
5. The City shall provide the opportunity for citizens to be involved in all phases of the planning process.
6. The City shall assure that technical information is available to citizens in an understandable form.
7. The City shall assure that recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response from policy-makers.
8. The City shall allocate adequate human, financial and informational resources for the citizen involvement program.

The City conducted public hearings before the Redmond Planning Commission on March 3, 2014, and the Redmond City Council on March 25, 2014. In addition, the City provided public notices and agendas for the public hearings where the proposed amendment was discussed. All staff reports and documents related to this proposal were available on the City's website and copies were available for the public. Further, meeting notices were published in the local newspaper, the Redmond Spokesman. The City provided ample public review and involvement opportunities during the public hearings (both at the Planning Commission and City Council levels) for the proposed amendment. Lastly, the Urban Area Planning Commission serves as the City's required citizen advisory committee and is made up of Redmond area residents.

*Chapter 2 – Redmond Comprehensive Plan: Land Use Planning.*

*To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

Finding:

The proposed amendment serves the following policies of Chapter 2 of the Redmond Comprehensive Plan.

1. All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents.

2. The plan shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governments.
3. All land use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan.
4. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revisions of plans and implementing ordinances

The proposed amendment only affects those uses which are in violation of either state or federal law (now or in the future). Thus, as either state or federal laws change, the City of Redmond will have a basis by which land uses that violate either, can be regulated within the realm of these Policies. In this regard, the Planning Commission and City Council received testimony from staff and citizens during the review and recommendation / decision making process regarding the applicability of such Code text. Based on this input, the City Council believes this change to Article I is necessary to prevent potential legal challenges to the City from either public or private sources, and that enough factual and policy basis exists to support the proposed Code amendment.

Conclusion:

*Based on the findings above, the proposed amendments conform to the Redmond Comprehensive Plan where the Plan's policies and objectives are found to be applicable.*

4. **“That there is a change of circumstances or further studies justifying the amendment or mistake in the original zoning.”**

Finding:

When reviewing the Development Code text, it appears that the omission of the text adopted through this ordinance was a mistake that left the City vulnerable to legal challenges/actions from either state/federal jurisdictions, or private parties. By adding the proposed text to the Development Code, the City will have the legal ability to regulate land uses on the basis that they may violate state or federal law. Without such text, the City could be subject to legal challenges from private parties that uses which may violate state or federal laws must be permitted in the City under the existing Development Code. Conversely, if the City were to allow uses that violate state or federal laws, the City could be subject to legal action from state and/or federal authorities, depending on the nature of the violation. Further, such regulations are consistent with regulations the City has currently had in place in the municipal code

since 1989 governing business licenses. Thus, in order to eliminate the potential legal actions against the City (by either public or private entities), and for consistency with other City code provisions, the attached text is proposed.

**Conclusion:**

The above findings demonstrate that the proposed code amendment to adopt a new code section that prohibits land uses that are in violation of state or federal laws meets RDC section 8.0760 -Criteria for Amendments to the Development Code. Additionally, the proposed amendment is compliant with the applicable Statewide Planning Goals and state law.



**CITY OF REDMOND**  
Community Development Department

716 SW Evergreen Avenue  
Redmond, OR 97756  
(541) 923-7721  
Fax: (541) 548-0706  
[www.ci.redmond.or.us](http://www.ci.redmond.or.us)

## STAFF REPORT

**DATE:** March 25, 2014  
**TO:** Mayor and City Council Members  
**THROUGH:** Keith Witcosky, City Manager  
**THROUGH:** Heather Richards, Community Development Director  
**FROM:** James Lewis, Planning Manager  
**SUBJECT:** Ordinance No. 2014-04, Comprehensive Plan Text Amendment for new Transit Supportive Policies – Public Hearing (City File #PA-14-1).

---

### Addresses Council Goals:

- Goal 2. Preserve and enhance the City's infrastructure to position the City for future growth.
- Goal 4. Create and image and identity that generates a sense of community pride, ensuring the high quality of life and safety of our citizens, attracting new residents and businesses, and facilitating their success and safety as well.
- Goal 5. Comprehensive Planning. Enhance the quality of life in the City through adoption of programs, policies, and standards that balance growth while maintaining the city's unique character.
- Goal 6. Recognize that Central Oregon as a whole is stronger than the sum of its individual parts and regional relationships are critical in Redmond's planning and decision making process.

### Report in Brief:

This is a public hearing to consider Ordinance No. 2014-04, that will amend the City of Redmond Comprehensive Plan, Chapter 12 – Transportation, adding new policies that . The amendments add new policies regarding planning supportive land use patterns for future transit options when new development occurs. This Ordinance does not include any direction toward transit operations.

### Background:

Per Oregon Administrative Rules (OAR) for Transportation Planning, when a community reaches a population of 25,000, they should evaluate the feasibility of public transit service in their community. This evaluation is based on how to plan for future public transit when it is deemed necessary for the community. This OAR does not require the adoption of a Transit Master Plan or the implementation of a public transit service in the community.

The City of Redmond reached a population of 25,000 in 2010. In order to respond to the OAR requirements, the City programmed an evaluation of transit feasibility in FY 13/14 during the same time that the regional transit provider, Central Oregon Intergovernmental Council (COIC) was embarking on a Regional Transit Master Plan.

Not sure what a transit feasibility study entailed, city staff enlisted Department of Land Conservation and Development (DLCD) staff for guidance. Very few communities in Oregon have reached the milestone of a population of 25,000 people since the OAR was published. DLCD staff affirmed that the City of Redmond did not need to adopt a Transit Master Plan but needed to have land-use policies that support and enhance transit services when it is deemed feasible in the city.

In late 2013, the Planning Commission held three work sessions to study transit related issues within the City of Redmond. This included review of a draft Transit Master Plan prepared for Redmond by consultants working on the Regional Master Plan for COIC and evaluation of the transit supportive policies in the City of Redmond Comprehensive Plan. Ultimately, after a thorough discussion of all these issues, the Planning Commission directed staff to only move forward with the proposal to add the transit supportive policies to the Comprehensive Plan. The Planning Commission did not recommend moving toward adoption of the draft Transit Master Plan since it is not a legal requirement of either local or State law, and understood that additional transit planning could occur during a scheduled update to the City of Redmond Transportation System Plan (TSP) in FY 14/15.

On March 3, 2014, the Planning Commission held a public hearing and voted to recommend the proposed policies and amendments to the Redmond Comprehensive Plan based on the following: 1.) adding policies to the Comprehensive Plan which direct transit supportive land use development patterns was appropriate and would set the stage for new land use regulations to be developed in this regard if transit service were expanded in Redmond in the future; and, 2.) that it would be premature to adopt any changes to the TSP (including any new policies or the draft Transit Master Plan) until such time as the type and degree of transit service that will be provided in Redmond is better known (with an acknowledgment to future funding decisions that have yet to be determined).

**Discussion:**

Currently neither the Comprehensive Plan nor the TSP contain any policy language that addresses how land use (i.e. density patterns, pedestrian connectivity to transit stops, etc.) impacts the viability of transit service. However, the TSP does list specific strategies and action items that could further support and facilitate expansion of transit system operations – these operational policies though are separate from transit supportive policies regarding land use patterns and regulations for new development. The policies suggested by staff for inclusion in the Comprehensive Plan go beyond the requirements of the OAR’s (OAR 660-12-0020 (2)(c)(C)) inasmuch as they exceed the basic requirements of the actual transit system needs (i.e. transit routes, transit stops, park and ride stations), and include additional factors such as adjoining land use densities, multi-modal connectivity, and design and development regulations requiring that transit service needs be taken into consideration during the design phase of subdivisions and commercial development.

As required by City Charter, notices regarding this ordinance coming before the Council were posted in three public places (the Library, the Police Department, and the Redmond Chamber of Commerce) in addition to City Hall on March 18, 2014, and three copies of the ordinance were available for review at City Hall.

**Fiscal Impact:**

There is no fiscal impact for this amendment to the Redmond Comprehensive Plan.

**Alternative Courses of Action:**

1. Conduct the public hearing and vote to approve Ordinance No. 2014-04.
2. Continue the public hearing, and/or leave the written record open to request additional information.
3. Conduct the public hearing and vote not to approve Ordinance No. 2014-04.

**Recommendation/Suggested Motion:**

“I move to have a first and second reading of Ord. #2014-04, by title only.” (Voice vote)

(City Attorney will read ordinance by title only, twice.)

“I move to approve Ord. #2014-04.” (Roll call vote)

James Lewis  
Planning Manager

**CITY OF REDMOND  
ORDINANCE NO. 2014-04**

**AN ORDINANCE AMENDING THE REDMOND COMPREHENSIVE PLAN TO ADD NEW TRANSIT SUPPORTIVE LAND USE POLICIES TO CHAPTER 12, TRANSPORTATION.**

**WHEREAS**, the City of Redmond has adopted A Comprehensive Plan, and zoning and planning regulations in accordance with Oregon Revised Statutes Chapter 227 that regulate and control the development of land within the City; and

**WHEREAS**, the City of Redmond City Council has an adopted set of goals that includes: “Enhance the quality of life in the City through the adoption of programs, policies and standards that balance growth while maintaining the city’s unique character”; and,

**WHEREAS**, the Urban Area Planning Commission held a public hearing on March 3, 2014, and, after reviewing the record, has recommended that the Redmond City Council adopt the proposed text amendments to the Redmond Comprehensive Plan as set forth in Exhibit A; and

**WHEREAS**, the Redmond City Council held a public hearing on March 25, 2014, to consider the recommendation of the Urban Area Planning Commission, review the existing record and gather additional evidence and public testimony; and

**WHEREAS**, the City Council has received the Planning Commission’s recommendation and, after receiving additional evidence and testimony, determined that the requested Comprehensive Plan amendments would contribute to a goal of the Comprehensive Plan to “establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions; and

**WHEREAS**, the City Council finds that the findings set forth in Exhibit B for the development code amendments have fully addressed the City’s Comprehensive Plan, the applicable state law, the Statewide Planning Goals and the City’s standards and criteria for an amendment to the Comprehensive Plan; and,

**WHEREAS**, the City Council finds that the attached Comprehensive Plan amendments are necessary to further these interests.

**NOW, THEREFORE, THE CITY OF REDMOND ORDAINS AS FOLLOWS:**

**SECTION ONE:** The City of Redmond hereby amends the Redmond Comprehensive Plan, Chapter 12, Transportation, to add new policies that direct future land use regulations to be implemented, which include transit supportive land use patterns to be



created and transit amenities to be constructed, when new development occurs. The amendments and adopted text are attached hereto as “Exhibit A.”

**SECTION TWO:** In support of the Comprehensive Plan text amendments in Section One, the City of Redmond hereby adopts the findings which are attached hereto as “Exhibit B” which were prepared by City staff and demonstrate compliance with the Redmond Development Code, Section 8.0760 – Criteria for Amendments, the City’s Comprehensive Plan, and the applicable Statewide Planning Goals.

**SECTION THREE: SEVERABILITY.** The provisions of this Ordinance are severable. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given without such invalid part or parts.

**PASSED** by the City Council and **APPROVED** by the Mayor this 25<sup>th</sup> day of March, 2014.

\_\_\_\_\_  
George Endicott, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Morse, City Recorder

## Exhibit A (Ordinance No. 2014-04)

### Proposed Comprehensive Plan Amendment – Transit Supportive Policies

City of Redmond Comprehensive Plan Amendment to add new policies to Chapter 12, Transportation, of the City of Redmond Comprehensive Plan. The new policies direct future land use regulations to be implemented which include transit supportive land use patterns to be created and transit amenities to be constructed when new development occurs (new text highlighted in red, deleted text in strikethrough).

#### *Comprehensive Plan – Chapter 12, Transportation, Policies*

##### *Inter-City Transit:*

- 48. The City shall cooperate with the ~~County, the City of Bend, and~~ other City and County jurisdictions in the tri-county region, ODOT, COIC/CET, and any other transit service providers to complete an inter-City transit feasibility study.*
- 49. Existing or planned transit shall be protected by identifying potential transit corridors and encouraging transit-compatible land uses and site planning.*
- 50. The City will consider transit needs in the design and operation of street infrastructure.*
- 51. The City will support transit service operations through the creation of development regulations that consider transit needs in subdivision and site design, with regard to streetscape and pedestrian connectivity.*
- 52. The City will work with local transit provider(s) to consider improvements to existing bike and pedestrian access, including ADA access and other transit supportive amenities, along designated transit corridors.*
- 53. The City will encourage connectivity between different travel modes and ensure transit facilities are pedestrian and cyclist accessible.*
- 54. The City will consider increases in residential densities along transit corridors to encourage increased use and ridership.*

**Exhibit B  
(Ordinance No. 2014-04)**

**FINDINGS OF THE REDMOND CITY COUNCIL  
REGARDING PA-14-1, LAND DIVISION CODE  
CITY OF REDMOND ORDINANCE #2014-04**

**AN AMENDMENT TO THE REDMOND URBAN AREA COMPREHENSIVE PLAN TO  
ADD NEW TRANSIT SUPPORTIVE LAND USE POLICIES TO CHAPTER 12,  
TRANSPORTATION**

**FILE NO.** PA 14- 1

**REQUEST:** A Legislative Amendment to the City of Redmond Comprehensive Plan to add new policies that direct future land use regulations to be implemented which include transit supportive land use patterns to be created and transit amenities to be constructed, when new development occurs.

**APPLICANT:** City of Redmond  
716 SW Evergreen Avenue  
P O Box 726  
Redmond, OR 97756

**LOCATION:** The proposal is not site specific and applies to future land use regulations that would apply broadly across the City.

**STAFF:** James Lewis, Planning Manager  
Heather Richards, Community Development Director

**HEARINGS  
BODY:** Redmond Planning Commission  
Redmond City Council

**DATE & TIME:** Planning Commission – March 3, 2014 at 7:00 p.m.  
**LOCATION:** City Council – March 25, 2014 at 6:30 pm  
City Council Chambers, 777 Deschutes Avenue, Redmond, Oregon

**I. APPLICABLE CODE SECTIONS AND CRITERIA:**

**The Redmond Development Code, Article III, Land Use Procedures.**

**The Redmond Urban Area Comprehensive Plan, including:**

- Chapter 1, Citizen Involvement**
- Chapter 2, Land Use Planning**
- Chapter 12, Transportation**

**Oregon Revised Statutes (ORS) – ORS 197.250, 197.610, 197.763.**

**Oregon Administrative Rule (OAR), LCDC, Division 15, Statewide Planning Goals and Guidelines – OAR 660-015-0000 (as applicable).**

**Not Applicable**

**Oregon Administrative Rule (OAR), LCDC, Division 12, Statewide Planning Goals and Guidelines – OAR 660-012-0000 (specifically OAR 660-012-0060) is not applicable because the proposal does not include any changes to the allowable uses that would affect the number of trips or functional classifications of roads/streets in Redmond. The proposal is merely limited to textual elements of the Comprehensive Plan that will direct future land use development regulations.**

**II. BACKGROUND & HISTORY:** In late 2013, the Planning Commission held three work sessions to study transit related issues within the City of Redmond. This included review of a draft Transit Master Plan prepared for Redmond by consultants working for the Central Oregon Intergovernmental Council, and the legal requirements for transit planning as directed by Oregon laws (Oregon Administrative Rules). Also, the Planning Commission considered adding transit supportive policies to the City of Redmond Comprehensive Plan irrespective of the draft Transit Master Plan and the requirements of the OAR's. Ultimately, after a thorough discussion of all these issues, the Planning Commission directed staff to only move forward with the proposal to add the transit supportive policies to the Comprehensive Plan. Further, the Planning Commission did not recommend moving toward adoption of the draft Transit Master Plan since it is not a legal requirement of either local or State law, and understood that the transit planning requirements included in the OAR's would occur during a scheduled update to the City of Redmond Transportation System Plan (TSP) in the next fiscal year (as confirmed by Department of Land Conservation and Development – DLCD – staff as the proper process for such compliance).

Summary - The Planning Commission made their recommendation to the City Council on the following basis: 1.) Adding policies to the Comprehensive Plan which directed transit supportive land use development patterns was appropriate and would set the stage for new land use regulations to be developed in this regard if transit service were expanded in Redmond in the future; and, 2.) That it would be premature to adopt any changes to the TSP (including any new policies or the draft Transit Master Plan) until such time as the type and degree of transit service that will be provided in Redmond is better known (with an acknowledgment to future funding decisions that have yet to be determined).

**III. PROPOSAL:** The proposal includes a Legislative Amendment to the City of Redmond Comprehensive Plan, to add new policies that direct future land use regulations to be implemented which include transit supportive land use patterns to be created and transit amenities to be constructed, when new development occurs. The specific amendments to the Policies are as follows (proposed text shown in **red**, deleted text shown in ~~strikethrough~~):

Chapter 12, Transportation

~~Inter-City Transit:~~

~~55. The City shall cooperate with the County, the City of Bend, and~~ **other City and County jurisdictions in the tri-county region, ODOT, COIC/CET, and any other transit service providers** to complete an inter-City transit feasibility study.

56. Existing or planned transit shall be protected by identifying potential transit corridors and encouraging transit-compatible land uses and site planning.
57. The City will consider transit needs in the design and operation of street infrastructure.
58. The City will support transit service operations through the creation of development regulations that consider transit needs in subdivision and site design, with regard to streetscape and pedestrian connectivity.
59. The City will work with local transit provider(s) to consider improvements to existing bike and pedestrian access, including ADA access and other transit supportive amenities, along designated transit corridors.
60. The City will encourage connectivity between different travel modes and ensure transit facilities are pedestrian and cyclist accessible.
61. The City will consider increases in residential densities along transit corridors to encourage increased use and ridership.

**IV. AREA DESCRIPTION:** As stated above, this proposal (an Amendment to the Redmond Comprehensive Plan) is not site specific and applies to future land use regulations that would apply broadly across the City. Thus, the proposal does not include any specific Comprehensive Plan map or Zoning map changes.

**V. EXHIBITS:** The following exhibits make up the record in this matter:

1. Proposed Findings and Conclusions included herein.
2. The existing and proposed policy text of Chapter 12 of the Comprehensive Plan, Transportation.
3. Notice of Planning Commission Public Hearing - Redmond Spokesman- August 7, 2013 (file).
4. Notice of City Council Public Hearing - Redmond Spokesman- September 11, 2013 (file).
5. Planning Commission Work Session/Public Hearing Staff Reports.
6. City Council Work Session/Public Hearing Staff Reports.
7. Draft City of Redmond Transit Master Plan (July, 2013)

**VI. FINDINGS AND CONCLUSIONS:**

**1. In conformity with all applicable State statutes:**

**Finding:** The State statutes that directly apply to this application include ORS 197.610, *Local Government Notice of Amendment or New Regulation*; ORS 197.250, *Compliance with Goals Required*, and ORS 197.763, *Conduct of Local Quasi-Judicial Land Use Hearings; Notice Requirements*. The applicable City of Redmond Development Code standards (sections 8.1100 through 8.1125, *Legislative Procedures*), were developed in compliance with the applicable State Statutes listed above regarding noticing and public hearings. Applicability of the Statewide Planning Goals is addressed in greater detail below – those findings, incorporated by reference herein, show compliance with the applicable Statutes listed above.

With regard to the Statutory noticing requirements referenced above, notice of the proposed amendment has been provided to DLCD and advertised in the local newspaper (public notice)

as required by City Code and State Statute.

With regard to the Statutory public hearing requirements referenced above, this proposal is legislative and not quasi-judicial in nature. However, for lack of specific Statutory requirements governing such legislative actions, Sections 8.1100 through 8.1125 of the Redmond Development Code which implement the quasi-judicial Statutory requirements in a similar fashion have been met. Subsequently, the Planning Commission and (ultimately) City Council's public hearing and review processes meet the Statutory requirements for the purpose of the review.

Notwithstanding the Statutory requirements addressed herein, the Oregon Administrative Rules (OAR) also implement the Statutes. The applicable Rules are addressed in the ensuing review.

**Conclusion:**

Based on the findings above, the proposed Comprehensive Plan amendment conforms to applicable State statutes.

**2. In conformity with the State-wide planning goals whenever they are determined to be applicable:**

**Finding:** The proposed amendments do not directly implement a specific comprehensive planning requirement of the Statewide Planning Goals, State Statutes or Administrative Rules concerning the necessary provision for Transit – the amended plan does not include provisions that are directly applicable to the substantive “land use” elements of the Goals, or as specifically required for transit planning as specified in OAR 660-12-0020 (2)(c)(C) – which specifies the transit planning requirements to be included in the local Transportation System Plan (TSP). Rather, the proposal exceeds the basic requirements of the actual transit system needs to be included in the TSP (i.e. transit routes, transit stops, park and ride stations), and include additional factors such as adjoining land use densities, multi-modal connectivity, and design and development regulations requiring that transit service needs be taken into consideration during the design phase of subdivisions and commercial development. Thus, the only applicable Statewide Planning Goals addressed in this findings document are: Goal 1 (Citizen Involvement); 2 (Land Use Planning); and, Goal 12 (Transportation). All the listed Goals are addressed below.

**Goal 1- Oregon's Statewide Planning Goals: Citizen Involvement.**

***To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.***

**Finding:** The Urban Area Planning Commission serves as the City's formal citizen advisory committee to fulfill Goal 1, and is made up of Redmond area residents. The City conducted public meetings (a Planning Commission work session and public hearing) in February and March, 2014 respectively, regarding the proposal. Public notices and agendas for Planning Commission meetings at which the proposed amendments were discussed were provided. All documents were available for the public review. Further, public notice advertising the public hearing was published in the local newspaper, the Redmond Spokesman. Additionally, a public hearing was held before the City Council, with required notice provided. Thus, the City provided public review and involvement opportunities during/via the public work sessions and public

hearings both at the Planning Commission and City Council levels as deemed necessary by such bodies. Based on these actions, Oregon Planning Goal 1 for Citizen Involvement has been met.

**Goal 2- Oregon's Statewide Planning Goals: Land Use Planning.**

***To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.***

**Finding:** The staff, the Redmond Urban Area Planning Commission and the Redmond City Council, have received input from other City staff and residents of the community, either directly at the public hearings, or indirectly through the legislative process. Because the proposal includes changes to existing policies, and adds new policies to an existing chapter of the Comprehensive Plan, a formal process has been followed. Ultimately, the proposed amendments, which address future development, will require specific land use regulations to be drafted and added to the City of Redmond Development Code. Thus, the amendments proposed herein establish a planning and policy framework related to uses of land that will have a direct effect on transit use. Future Development Code regulations based on the direction of these policies will provide clearer regulations for the City staff to administer. Based on these findings, the proposed amendments are in conformance with Goal 2.

**Goal 12 - Oregon's Statewide Planning Goals: Transportation.**

***To provide and encourage a safe, convenient and economic transportation system.***

**Finding:** The proposed amendments do not address transit service operations or if/how/when transit will be provided within the City. Rather, the proposed policies provide direction toward future land use/development code requirements that would implement land use densities, design, amenities, etc., to support transit service operations within the City if/how/when that decision is made. By directing future land use regulations intended to support transit service, the proposed policies will aid the overall function of transit as an alternative and additional transportation option within the City. As part of the overall transportation system for the City, transit (and these transit supporting policies), will provide and encourage a safe, convenient and economic transportation system.

**Conclusion:**

Based on these findings, the proposed Comprehensive Plan Amendments conform to the applicable Statewide Planning Goals addressed herein.

**3. In conformity with the Redmond Comprehensive Plan, land use requirements and policies:**

**Chapter 1 – Redmond Comprehensive Plan: Citizen Involvement.**

***To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.***

**Finding:** The Urban Area Planning Commission serves as the City's formal citizen advisory committee to fulfill Goal 1, and is made up of Redmond area residents. The City conducted public meetings (a Planning Commission work session and public hearing) in February and

March, 2014 respectively, regarding the proposal. Public notices and agendas for Planning Commission meetings at which the proposed amendments were discussed were provided. All documents were available for the public review. Further, public notice advertising the public hearing was published in the local newspaper, the Redmond Spokesman. Additionally, a public hearing was held before the City Council, with required notice provided. Thus, the City provided public review and involvement opportunities during/via the public work sessions and public hearings both at the Planning Commission and City Council levels as deemed necessary by such bodies. Based on these actions, Oregon Planning Goal 1 for Citizen Involvement has been met.

As described above, the process followed to consider the proposed amendments serve the following Policies of Chapter 1 of the Redmond Comprehensive Plan.

1. The City shall establish a citizen involvement program to provide for widespread citizen involvement.
2. The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process.
3. The City shall assign the Redmond Urban Area Planning Commission as its officially recognized committee for citizen involvement (CCI).
4. The City shall establish mechanisms to assure two-way communications between citizens and elected and appointed officials.
5. The City shall provide the opportunity for citizens to be involved in all phases of the planning process.
6. The City shall assure that technical information is available to citizens in an understandable form.
7. The City shall assure that recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response from policy-makers.
8. The City shall allocate adequate human, financial and informational resources for the citizen involvement program.

**Chapter 2 – Redmond Comprehensive Plan: Land Use Planning.**

***To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.***

**Finding:** The staff, the Redmond Urban Area Planning Commission and the Redmond City Council, have received input from other City staff and residents of the community, either directly at the public hearings, or indirectly through the legislative process. Because the proposal includes changes to existing policies, and adds new policies to an existing chapter of the Comprehensive Plan, a formal process has been followed. Ultimately, the proposed amendments, which address future development, will require specific land use regulations to be



drafted and added to the City of Redmond Development Code. Thus, the amendments proposed herein establish a planning and policy framework related to uses of land that will have a direct effect on transit use. Future Development Code regulations based on the direction of these policies will provide clearer regulations for the City staff to administer.

As described above, the process followed to consider the proposed amendments serve the following Policies of Chapter 2 of the Redmond Comprehensive Plan.

1. All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable Statewide Planning Goal, evaluation of alternative courses of action and ultimate policy choices taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document of supporting documents.
2. The Plan shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governments.
3. All land use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan.
4. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revisions of plans and implementing ordinances.
5. To provide a sound basis for orderly and efficient urbanization by establishing proper relationships between residential, commercial, industrial, public and open land uses, and transportation uses.
6. To provide for a close correlation between the provision of urban services and urban development in order to bring about a more orderly and efficient development pattern, and thereby avoid unnecessary tax burdens and excessive utility costs normally associated with scattered, unrelated development.
7. To provide a safe, coordinated, efficient and effective transportation system to bring about the best relationship between places where people live, work, shop and play.
8. To bring about a general overall increase in population density throughout the community in order to facilitate efficient transportation systems as energy conservation factors become more prevalent.

### **Chapter 12 – Redmond Comprehensive Plan: Transportation.**

**Finding:** The proposed amendments do not address transit service operations or if/how/when transit will be provided within the City. Rather, the proposed policies provide direction toward future land use/development code requirements that would implement land use densities, design, amenities, etc., to support transit service operations within the City if/how/when that decision is made. By directing future land use regulations intended to support transit service, the proposed policies will aid the overall function of transit as an alternative and additional transportation option within the City. As part of the overall transportation system for the City, transit (and these transit supporting policies), will provide and encourage a safe, convenient and economic transportation system.

**Conclusion:**

Based on the findings provided above, the proposed amendment conforms with the existing Redmond Comprehensive Plan policies, and furthers the intent of such policies by the specific amendment proposed to the policies contained in of Chapter 12, Transportation.

---

**CONCLUSION:**

The Redmond City Council concludes that the above findings demonstrate that the proposed amendments to the City of Redmond Comprehensive Plan, to amend existing policies and add new transit supportive land use policies to Chapter 12, Transportation, satisfy all applicable local and state requirements as described herein.



**CITY OF REDMOND**  
Community Development Department

716 SW Evergreen Avenue  
Redmond, OR 97756  
(541) 923-7721  
Fax: (541) 548-0706  
[www.ci.redmond.or.us](http://www.ci.redmond.or.us)

## STAFF REPORT

**DATE:** March 25, 2014  
**TO:** Mayor and City Council  
**THROUGH:** Keith Witcosky, City Manager  
**FROM:** Heather Richards, Community Development Director  
**SUBJECT:** Ordinance No. 2014-05, Amending the Redmond City Code for Code Enforcement Administrative Citations and Clarifying Procedures for Weed Nuisances in the City

---

### Addresses Council Goals:

Goal 4. Community Enhancement: Create an image and identity that generates a sense of community pride, ensuring the high quality of life and safety of our citizens, attracting new residents and businesses, and facilitating their success and safety as well.

### Report in Brief:

This is a public hearing to consider Ordinance No. 2014-05, that proposes amendments to the Redmond City Code to provide the authority for code enforcement administrative citations and clarifies the weed nuisances in the City.

### Background:

The proposed amendments are changes the Code Enforcement Officer felt necessary in carrying out his duties to make the enforcement process more efficient. Currently, when there is a code complaint, the City investigates and, if there is found to be a violation, a citation can be issued. If the complainant wishes to dispute the citation, the civil infraction procedure is followed, which involves a court trial. While not common in Redmond, this process removes the City and the Code Enforcement Officer from the situation and places it into the realm of the court system. Often, the City is not made aware of the outcomes of the court decision and it is more difficult for the City to monitor the situation. There will continue to be need for the civil infraction procedure when the nature of the infraction necessitates court involvement, but often it does not and an administrative process would be more efficient where the Code Enforcement Officer can monitor the situation, drop the citation if the complaint is addressed, and a Hearings Officer designated by the City can provide a ruling in short order.

### Discussion:

The proposed code amendments authorize administrative citations for all non-criminal aspects of the code if deemed necessary.

There are two types of civil infractions in the Redmond City Code that this action would enable administratively, Class "A" Civil Infraction or Class "B" Civil Infraction. A Class "A" Civil Infraction is \$500 established by the Redmond Fee Schedule. This infraction applies to infractions in the Redmond Development Code, such as signage, zoning, conditions of approval, etc. A Class "B" Civil Infraction applies to nuisances in the Redmond City Code, such as weed abatement, removal of dead trees, junk, discarded vehicles, business licenses, sidewalks, and banners. A Class "B" Civil Infraction is \$250, established by the Redmond Fee Schedule. The City's Code Enforcement program is predicated on a compliance foundation, so citations for civil infractions are rarely issued, and are only issued after all other attempts towards compliance have failed. There have been two Class "A" Civil Infractions issued in the past four years.

Also included in the proposed code amendments is a clarification of the abatement of weed nuisances on city lots. The proposed amendment requires a full cut for the entire lot of a property that is considered a fire hazard due to weed nuisances.

As required by City Charter, notices regarding this ordinance coming before the Council were posted in three public places (the Library, the Police Department, and the Redmond Chamber of Commerce) in addition to City Hall on March 18, 2014, and three copies of the ordinance were available for review at City Hall.

**Fiscal Impact:**

There is no anticipated negative fiscal impact for this Redmond City Code amendment. Currently the City receives limited revenue from citations since the revenue pays for the court to administer the program. If the city administers the program the revenue will go to the city to cover the costs of administration. The city currently already contracts with a hearings officer for land-use decisions. This same hearings officer would serve the city in this role. Deschutes County uses a contracted hearings officer for administrative code enforcement citations.

**Alternative Courses of Action:**

1. Conduct the public hearing and vote to approve Ordinance No. 2014-05.
2. Continue the public hearing, and/or leave the written record open to request additional information.
3. Conduct the public hearing and vote not to approve Ordinance No. 2014-05.

**Recommendation/Suggested Motion:**

"I move to have a first and second reading of Ord. #2014-05, by title only." (Voice vote)

(City Attorney will read ordinance by title only, twice.)

"I move to approve Ord. #2014-05." (Roll call vote)

Heather Richards,  
Community Development Director

**CITY OF REDMOND  
ORDINANCE NO. 2014-05**

**AN ORDINANCE AMENDING THE REDMOND CITY CODE TO ADD PROCEDURES FOR CODE ENFORCEMENT ADMINISTRATIVE CITATIONS AND TO CLARIFY WEED ABATEMENT ON CITY LOTS.**

**WHEREAS**, the City of Redmond has found and declared that because of repeated disruptive behavior on them, properties within the City of Redmond can create unreasonable disruptions to the neighborhoods where the properties are located; and

**WHEREAS**, the City of Redmond has declared that civil regulation of these properties will provide a remedy to the problems caused by these chronic behaviors and will promote and protect the public health, safety and welfare; and

**WHEREAS**, in the City of Redmond, no person in charge of property may permit, or no person may cause to exist, any thing, substance or act that is detrimental to the public health, safety or welfare of the community; and

**WHEREAS**, the City of Redmond has adopted City Code that defines public nuisances and procedures for enforcing compliance with the City Code; and

**WHEREAS**, the City of Redmond is interested in establishing an administrative citation process for resource efficiency and customer service; and

**WHEREAS**, the City of Redmond has adopted zoning and planning regulations in accordance with Oregon Revised Statutes Chapter 227 that regulate and control the development of land within the City; and

**WHEREAS**, the City of Redmond City Council has an adopted set of goals that includes: "Enhance the quality of life in the City through the adoption of programs, policies and standards that balance growth while maintaining the city's unique character"; and,

**WHEREAS**, the Urban Area Planning Commission held a public hearings on March 3, 2014, and, after reviewing the record and gathering public testimony, has recommended that the Redmond City Council adopt the proposed text amendments to the Redmond Code as set forth in Exhibit A; and

**WHEREAS**, the Redmond City Council held a public hearing on March 25, 2014, to consider the recommendation of the Urban Area Planning Commission, review the existing record and gather additional evidence and public testimony; and

**WHEREAS**, the City Council has received the Planning Commission's recommendation and, after receiving additional evidence and testimony, determined that the requested

Code amendments would contribute to the Redmond Comprehensive Plan goal to expand, improve and diversify the economy of the Redmond area while maintaining Redmond's quality of life; and

**WHEREAS**, the City Council finds that the findings for the Code amendments have fully addressed the City's Comprehensive Plan, the applicable state law, the Statewide Planning Goals and the City's standards and criteria for an amendment to the Redmond Code; and

**WHEREAS**, the City Council finds that the attached code amendments are necessary to further these interests.

**NOW, THEREFORE, THE CITY OF REDMOND ORDAINS AS FOLLOWS:**

**SECTION ONE:** The City of Redmond hereby amends the Redmond City Code, to add an administrative citation process to the possible code enforcement responses to a code violation, and to clarify weed abatement on city lots. The amendments and adopted text are attached hereto as "Exhibit A."

**SECTION TWO:** In support of the Redmond City Code text amendments in Section One, the City of Redmond hereby adopts the findings which are attached hereto as "Exhibit B" which were prepared by City staff and demonstrate compliance with the Redmond Code, Section 8.0760 – Criteria for Amendments, the City's Comprehensive Plan, and the applicable Statewide Planning Goals.

**SECTION THREE: SEVERABILITY.** The provisions of this Ordinance are severable. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given without such invalid part or parts.

**PASSED** by the City Council and **APPROVED** by the Mayor this 25<sup>th</sup> day of March, 2014.

---

George Endicott, Mayor

ATTEST:

---

Kelly Morse, City Recorder

## Exhibit A: Proposed Redmond City Code Amendments (#TA 14-2)

Redmond City Code Amendments (new text is **red**; deleted text is ~~strikethrough~~, unless otherwise stated):

### **CHAPTER 2 GOVERNMENT AND ADMINISTRATION (CODE ENFORCEMENT)**

#### **2.750 Establishment and Purpose.**

1. A procedure to handle violations of this Code and City Ordinances as infractions, subject to the provisions in Sections ~~2.750 to 2.786~~ **2.750 to 2.812**, is hereby established.

**2.752 Definitions.** Except where the context clearly indicates a different meaning, the general definitions and the definitions appearing in the definitional and other sections of particular chapters of the Oregon Criminal Code and Oregon criminal Procedure Statutes, as they now exist, are applicable to Sections 2.750 to 2.786. The following definitions shall also apply:

**City Infraction.** An offense against the City in the form of a violation of a Section of this code or a city ordinance for which the violation is classified as a civil infraction **and or an administrative infraction**. Civil infractions shall be handled in accordance with the procedures established by sections ~~2.750 to 2.786~~ **2.754 to 2.786; administrative infractions in accordance with the procedures established by sections 2.788 to 2.812**. When an infraction is of a continuing nature, a separate infraction will be deemed to occur on each calendar day the infraction continues to exist. A separate citation may be filed for each such infraction.

**Fine; Fine Schedule.** The penalty to be imposed for an infraction is a fine or other civil penalty. The appropriate fine shall be determined by reference to the fine schedule in Section 2.782 **and 2.812**. The procedure established herein shall be the exclusive procedure for imposing a fine. However, this section shall not be read to prohibit in any way alternative remedies, including abatement, nor shall the City be prohibited from recovering any expense incurred in an abatement procedure.

[Section 2.752 amended by Ord. #98-03 passed January 13, 1998]

**2.754 ~~Application and Amendment~~ Civil Infractions.** The **civil** infraction procedure shall apply to those code and ordinance violations classified as civil infractions **and be processed according to the procedures established in sections 2.754 to 2.786**.

**2.756 Procedure.** If a City Officer or Peace Officer has reasonable grounds to believe a person has committed an infraction, the officer may issue that person a citation for the offense. A Peace Officer may either arrest a person or issue a citation.

**2.758 Citation and Complaint.** A citation conforming to Exhibit A attached to this chapter and incorporated by reference shall be used for all infractions, except traffic offenses. Additional parts may be inserted by law enforcement agencies or the Justice Court for administrative use.

[Section 2.758 amended by Ord. #2003-03 passed January 14, 2003]

**2.760 Private Person May Commence Action for Infraction; Complaint; Service of Summons.**

1. A private person may commence an action for an infraction by certifying to the complaint before a Magistrate, Clerk or Deputy Clerk of the Court or a City Peace Officer. This action will be entered in the court record.
2. A complaint under subsection (1) of this section shall contain a form of certificate in which the complainant shall certify that the complainant has reasonable grounds to believe, and does believe, that the person cited committed the offense contrary to law. A certificate conforming to this section shall be deemed equivalent to a sworn complaint.
3. When the complaint is certified by a private person, the Court shall cause the summons to be delivered to the defendant.

**2.762 Minimum Requirements for Summons.** A summons in an infraction offense is sufficient if it contains the following:

1. The name of the court, the name of the person cited, the date on which the citation was issued, the name of the complainant and the time and place at which the person cited is to appear in court.
2. A statement or designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so, and the date, time and place at which the offense is alleged to have occurred.
3. A notice to the person cited that a complaint will be filed with the court based on the offense.
4. The amount of bail, if any, fixed for the offense.

**2.764 Minimum Requirements for Complaint.** Except as provided in this section, a complaint in an infraction offense is sufficient if it contains the following:

1. The name of the Court, the name of the City in whose name the action is brought and the name of the defendant.
2. A statement or designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so and the date, time and place at which the offense is alleged to have occurred.

**2.766 Delivery of Summons to Person Cited; Delivery of Other Parts of Citation.**

A Peace Officer issuing the citation shall cause:

1. The summons to be delivered to the person cited; and
2. The complaint and abstract of court record to be delivered to the Court.



**2.768 Appearance by Defendant.**

1. The defendant shall either appear in court at the time indicated in the summons or prior to such time shall deliver to the court the summons together with cash, check or money order in the amount of the bail set forth in the summons and enclosing:
  - A. A request for a hearing; or
  - B. A statement of matters in explanation or mitigation of the offense charged; or
  - C. The executed appearance, waiver of hearing and plea of guilty appearing on the summons. A statement in explanation or mitigation also may be enclosed with the guilty plea.
2. If the defendant personally appears in court at the time indicated in the summons, pleads guilty and the judge accepts the plea, the judge shall hear any statement in explanation or mitigation that the defendant desires to make.

**2.770 Effect of Statement in Explanation or Mitigation.** If a defendant has submitted to the court a written statement as provided in paragraph (B) of subsection (1) of Section 2.768, it constitutes a waiver of hearing and consent to judgment by the Court declaring a forfeiture of bail on the basis of the statement and any testimony or written statement of the arresting officer or other witnesses which may be presented to the Court.

**2.772 Fixing Hearing Date; Notice to Defendant.** If the defendant requests a hearing, or if pursuant to Section 2.768 the Court directs that a hearing be had, the Court shall fix a date and time for the hearing and, unless notice is waived, shall at least five (5) days in advance of the hearing mail to the defendant notice of the date and time.

**2.774 Hearing Discretionary with the Court.** In any case, the Court may direct a hearing be held. Otherwise, the Court may enter the appropriate judgment, impose a fine, direct that the fine be paid out of the bail deposited by the defendant and remit to the defendant any amount by which the bail exceeds the fine. No fine may be imposed in excess of the bail deposited by the defendant unless a hearing is held.

**2.776 Warrant for Arrest.**

1. If a person cited fails to comply with the provisions of Section 2.768 of this Code, or fails to appear at any time fixed by the court, a warrant for the person's arrest may be issued.
2. No warrant of arrest for failure to appear may be issued pursuant to this section after a period of 60 days from the date of the entry of an order declaring a forfeiture of bail. Unless a warrant has been issued before the expiration of that period, the order of forfeiture shall be deemed the final disposition of the case.

**2.778 Trial; Burden of Proof.**

1. The trial of an infraction shall be by the court without a jury. The trial of an infraction shall not commence until the expiration of seven days from the date of arrest or citation for the infraction unless the defendant waives the seven-day period.
2. The City shall have the burden of proving the alleged code or ordinance infraction by a preponderance of evidence.
3. The defendant may be represented by counsel, but counsel shall not be provided at public expense. If defense counsel is to appear, written notice shall be provided to the Justice Court five days prior to the hearing date, excluding weekends and holidays.
4. If the person alleged to have committed the infraction desires that witnesses be ordered to appear by subpoena, a request in writing must be made to the Court at least five days prior to the scheduled hearing. Subject to the same five-day limitation the complaining official or City Attorney, as appropriate, may also request the Court that certain witnesses be ordered to appear by subpoena. If a fine is declared in the final order, the order shall also provide that the person shall pay any witness fees payable in connection with the hearing.
5. The Court may allow hearsay or evidence by affidavit in a trial for a civil infraction.
6. After due consideration of the evidence and arguments presented at the hearing, the Court shall determine whether the infraction as alleged in the complaint has been established. If the infraction is not established, an order dismissing the complaint shall be entered in the Justice Court records. If a determination is made that an infraction has been committed, an appropriate order shall be entered in the Justice Court records. In addition to any fine, forfeiture, or both, or other civil penalty, the court shall assess court costs.

[Section 2.778 amended by Ord. #2003-03 passed January 14, 2003]

#### **2.780 Enforcement.**

1. Delinquent fines and those brought to default judgment which were assessed for infractions occurring on real property may be held as city liens against the real property and collected in the same manner as other such debts owing to the city, if the owner of property is notified of the infraction before entry of judgment on the lien docket.
2. Nothing in this section shall prevent the City from revoking or denying any city license or permit held or desired by a person owing a fine to the City.

[Section 2.780 amended by Ord. #98-03 passed January 13, 1998]

#### **2.782 Schedule of Fines.**

1. **Civil** infractions are classified for the purpose of determining fines into the following categories:
  - A. Class A **civil** infractions.
  - B. Class B **civil** infractions.

- C. Class C **civil** infractions.
- 2. An assessment of a fine for an infraction shall be an amount not exceeding an amount set by resolution.

[Section 2.782 amended by Ord. #97-42 passed November 11, 1997]

**2.784 Bail Schedule.** The Court is hereby authorized to establish a bail schedule for each class of civil infractions. A copy of this schedule is to be kept at the Office of the Justice Court Clerk.

[Section 2.784 amended by Ord. #2003-03 passed January 14, 2003]

**2.786 Appeal.** An appeal from a judgment involving a civil infraction may be taken by either party in the manner provided by state law.

**2.788 Administrative Infractions.** The administrative infraction procedure shall apply to those code and ordinance violations classified as administrative infractions in accordance with the procedures established by sections 2.788 to 2.812.

**2.790 Procedure.** Any person violating any provision of the City of Redmond Municipal Code may be issued an administrative citation by an Enforcement Officer and shall thereby be subject to an administrative fine as provided in section 2.812.

**2.792 Continuing Violation.** Each and every day a violation of the Municipal Code exists constitutes a separate and distinct offense.

**2.794 Citation Service.** The administrative citation shall either be served by personal service or shall be sent by registered or certified mail and by first class mail. Any such notice served by mail shall be deemed received three days after the date mailed if to an address within this state and seven days after the date mailed if to an address outside of this state.

**2.796 Administrative Citation Requirements.** The form for the citation to be issued under this chapter shall contain:

- 1. Description of the specific violation alleged;
- 2. The date, time and location of its occurrence;
- 3. The maximum amount of the fine for the violation alleged;
- 4. A statement that the fine must be paid or a hearing requested within 20 days, and that upon failure to do so within 20 days opportunity for a hearing is forfeited and the fine doubles;
- 5. A form for either admitting the violation alleged and paying the fine, or denying the violation alleged, posting bail by paying a refundable deposit equivalent to the amount of fine(s) indicated on the citation, and requesting a hearing;
- 6. The address to which the form should be sent;

7. The telephone number of the person or facility which may be contacted for information;
8. The name and address of the violator.

**2.798 Administrative Citation Procedure.** Upon receiving a citation under this chapter, a person may:

1. Within 20 days, deliver to the City of Redmond the form provided with the citation, admitting the violation(s), forfeiting and paying the amount of the fine(s) indicated on the citation. Forfeiture may be made by mail but must be received by the City of Redmond within 20 days from the date of the citation.
2. Within 20 days, deliver to the City of Redmond the form provided with the citation, denying all or part of the violation(s), and posting bail by paying a refundable deposit equivalent to the amount of fine(s) indicated on the citation. Response may be made by mail, but must be received by the City of Redmond within 20 days from the date of the citation.
3. Failure to perform any part of either Subsection 1 or 2, including failure to respond within 20 days, shall be deemed an admission of the violation(s) cited, the fine(s) for the violation(s) shall be doubled, and there shall be no further hearing or appeal.

**2.800 Denial of Violation.** Upon receipt of a denial, the City of Redmond shall inform the Hearing Officer(s), who shall set a hearing within 30 days of the City of Redmond's receipt of the denial and bail, and shall notify the person who requested the hearing. Notification of the hearing date, time and place shall be mailed by regular first class mail within 15 days of the City of Redmond's receipt of the denial and bail.

**2.802 Enforcement Officer's Discretion.**

1. Any time before a hearing as authorized by 2.798, the enforcement officer that issued an administrative citation may dismiss the citation for the following reasons: The violation(s) no longer exists, new information has been obtained changing the nature of the violation(s), or the violator and the City of Redmond have come to an agreement where the citation is no longer needed.
2. If an administrative citation is dismissed, the City of Redmond shall refund any bail or fines within three business days. The bail or fines shall be refunded by regular first class mail along with a letter informing the violator that the citation has been dismissed.

**2.804 Hearings Officer.** The Director of Community Development shall appoint a quasi-judicial Hearings Officer or Officers to hear and determine cases of alleged violations of this chapter where the allegations have been denied under section 2.798.

**2.806 Hearings.**

1. Every hearing pursuant to section 2.798 will determine whether this municipal code was violated and shall be held before a Hearing Officer. The Hearing Officer may prescribe procedures for the conduct of such hearings.
2. Evidence, including rebuttal evidence, may be presented at the hearing and shall be limited to that which is relevant to the violation alleged.
3. The Hearing Officer has the authority to administer oaths and take the testimony of witnesses. The Hearing Officer may issue subpoenas in accordance with Oregon Rule of Civil Procedure 55, provided that if the person who receives a citation desires that witnesses be ordered to appear by subpoena, he must so request in writing either at the time response is made to the citation or subsequently by mail at any time more than five (5) days before the scheduled hearing. A deposit for each witness in an amount set by resolution of the Redmond City Council, shall accompany the request, such deposit to be refunded if no fine is assessed or if the total witness cost is less than the amount deposited. Witnesses appearing by subpoena shall be allowed the same fees and mileage as allowed in civil cases in circuit court. If a fine is ordered, the person ordered to pay the fine shall also be ordered to pay all witness fees.
4. The parties shall have the right to cross-examine witnesses who testify.
5. After due consideration of the evidence and arguments, the Hearings Officer(s) shall issue a decision at the hearing or within three business days of the conclusion thereof as to whether the violation as alleged in the complaint has been established.
6. If the violation has been established, the Hearings Officer shall issue a decision including a brief statement of the findings of facts necessary to establish a violation, order the person to pay the fine total as recorded on the citation and witness costs. The fines shall be paid into the Code Compliance administrative citation fund.
  - A. The decision shall include a statement identifying the amount of daily penalty that will continue to accrue until the failure to comply is rectified
7. If the violation is not established, the Hearings Officer shall order that any bail which has been posted be refunded. Bail shall be refunded by regular first class mail.

**2.808 Administrative Citation Fine Collection.** The City of Redmond is authorized to collect the fine by any administrative or judicial action authorized by 2.810 or any other provisions of this Code or state statutes.

**2.810 Administrative Citation Collection Procedure.**

1. The administrative citation fine shall be delinquent if not paid within 20 days from the date of the citation.
2. If the administrative citation fine is delinquent, the amount due may accrue interest at 10% per annum.
3. If the administrative citation fine is not paid within sixty (60) days, the administrative citation fees may be entered in the docket of city liens, and shall

constitute a lien upon the property that was in violation of the city code or the violator's personal property. The City may seek a money judgment against the owner and/or persons in charge of the property.

- A. The lien may be enforced in the same manner as liens for assessments for local improvement districts. Failure to pay may result in foreclosure in any manner provided by ORS 223.505 to 223.650 or otherwise provided by law.
- B. An error in the name of the owner shall not void the lien, nor shall a failure to receive the notice render the lien void, but it shall remain a valid lien against the property.

### **2.812 Schedule of Fines.**

1. Administrative infractions are classified for the purpose of determining fines into the following categories:
  - A. Class A administrative infractions.
  - B. Class B administrative infractions.
  - C. Class C administrative infractions.
2. An assessment of a fine for an infraction shall be an amount not exceeding an amount set by resolution.

## **CHAPTER 2 GOVERNMENT AND ADMINISTRATION (PROPERTY TAXES EXEMPTION FOR LOW INCOME HOUSING OF CHARITABLE NON-PROFIT ORGANIZATIONS)**

**2.800 2.850 Adoption of ORS 307.515 to ORS 307.523.** The City of Redmond hereby adopts the provisions set forth in ORS 307.515 to 307.523 pertaining to low income rental housing and the qualifications of certain property for exemption from tax levy of the City of Redmond.

[Section 2.800 added by Ord. #95-05 passed February 14, 1995]

### **2.805 2.855 Standards and Criteria for Considering Applications.**

The City of Redmond hereby approves the following standards and guidelines for reviewing applications for tax exemptions under ORS 307.515 to 307.523:

1. Whether or not the applicant has submitted sufficient evidence of unregulatory agreements or other enforcement mechanisms to demonstrate that the required rent payment reflects the full value of the property tax exemption.
2. Whether or not enforcement mechanisms can insure that housing receiving exemptions under ORS Chapter 307 are maintained in decent, safe and sanitary conditions for the occupant.
3. Whether or not the applicant has submitted sufficient evidence that the use of the rentals received from low income persons meet the goals and objectives of the low income rental housing exemption under ORS Chapter 307.

## **CHAPTER 4 UTILITIES (WATER SERVICE)**

**4.153 Unlawful to Turn On Water.** No person shall turn on or use water from the city system if the water has been cut off because of delinquency, until the water is turned on by the Director of Public Works. A violation of this section is a Class A civil infraction **and/or a Class A administrative infraction.**

## **CHAPTER 4 UTILITIES (METERS)**

### **4.200 Water Meters.**

8. A violation of this section is a Class A civil infraction **and/or a Class A administrative infraction.** Each day a water meter is not installed following the time allowed for the installation is a separate offense.

## **CHAPTER 4 UTILITIES (SYSTEM DEVELOPMENT CHARGES)**

**4.750 Penalty.** Violation of this code as to the payment of systems development charges is a Class A Civil Infraction **and/or a Class A administrative infraction,** punishable consistent with the provisions of this code.

## **CHAPTER 4 UTILITIES (PENALTIES)**

**4.902 General Penalties.** Violation of any provision in this chapter or regulations promulgated by authority of this chapter shall be deemed a Class A civil infraction **and/or a Class A administrative infraction.**

## **CHAPTER 5 PUBLIC PROTECTION (OFFENSES)**

### **5.035 False Certification.**

1. No person shall, in connection with the issuance of a civil or **administrative** infraction citation, or filing of a complaint as defined in ~~the Redmond Civil Infraction Procedure~~ **section 2.750 to 2.812,** knowingly certify falsely to the matters set forth in the citation or complaint.

## **CHAPTER 5 PUBLIC PROTECTION (CIVIL INFRACTIONS)**

~~**5.100 Civil Infraction Procedure.** Enforcement of Sections 5.120 to 5.380 shall be in accordance with the Redmond Civil Infraction Procedure.~~

~~[Section 5.100 amended by Ord. #1999-28 passed August 10, 1999]~~

## **CHAPTER 5 PUBLIC PROTECTION (ANIMALS)**

### **5.257 Animal Waste.**



2. A violation of this section is a Class B civil infraction **and/or a Class B administrative infraction.**

**5.335 Public Nuisances.** The following shall be deemed Public Nuisances within the City of Redmond:

2. **Vegetation.** No person in charge of property that abuts a public street, road, alley or sidewalk may permit or cause to exist vegetation that:
  - A. Is a hazard to pedestrian use of a public sidewalk or is a hazard to bicycle or vehicular use of a public or private street by impeding passage or vision. The hazards include, but are not limited to:
    1. Vegetation which encroaches upon, or overhangs lower than 8 feet over a public sidewalk or other pedestrian way, or encroaches upon, or over-hangs lower than 10 feet over a public or private street.
    2. Vegetation that impedes motorist, bicyclist or pedestrian views of traffic, traffic signs or signals, street lights or name signs, or other safety fixtures or markings placed in the public way.
  - B. Is a hazard to the public or property on or near the property where the vegetation is located, due to the vegetation's disease or deterioration;
  - C. Obstructs drainage facilities in the public way, including but not limited to roadside ditches, street curbs and gutters, catch basins or culverts;
  - D. Has roots that have entered a sewer or waterline, main or system, and that stops, restricts or retards the flow of sewage or water, or damages the pipes or connectors. An owner may remove a nuisance defined under this subsection by removing that portion of the root causing the nuisance.
  - E. Has roots that have cracked or displaced a sidewalk, curb or street. An owner may remove a nuisance defined under this subsection by removing that portion of the root causing the nuisance.
  - F. Is a weed or grass more than 10 inches high at any time during the year (which is classified by the city for all purposes to constitute an imminent fire danger to surrounding properties) except for:
    1. Agricultural grasses that are not a fire hazard and are actively used for grazing livestock; or
    2. Crops that are being commercially grown;
    3. Areas identified by the Redmond Urban Area Comprehensive Plan as open space or natural resource areas.
    4. ~~Tax lots larger than ½ acre (21,780 square feet) containing natural grasses that are maintained with a fire break of not less than twenty (20) feet around the perimeter of the property, including all rights of way or easements.~~
  - G. In those areas between the property line and the back edge of curb or the edge of an improved roadway or right-of-way, is a weed, grass or dead plant more than 10 inches high.
  - H. Property, debris, weed and grass, or any other accumulation or activity that the City Manager or designee deems a fire hazard or potential fire hazard to other properties.



## **CHAPTER 5 PUBLIC PROTECTION (NUISANCES)**

### **5.360 Penalties.**

3. Any violations of Sections 5.327 through 5.365 shall be deemed a Class B Civil Infraction **and/or a Class B administrative infraction.**

## **CHAPTER 7 BUSINESS (BUSINESS LICENSE)**

**7.046 Penalty.** A business that the City Manager has determined knowingly operated without a business license will be considered in violation of Section 7.014. A violation of Section 7.014 is a Class B civil infraction **and/or a Class B administrative infraction.** Every day that a business operates without a required license shall be a separate violation.

**7.048 Enforcement.** In addition to the civil **and administrative** infraction procedure, the City may file a civil action to recover fees unpaid or, after mailing notice via certified mail to the person responsible for said business, the City may place a lien against the real property where the business is located for the amount of the fee plus interest

**7.130 Penalty.** A violation of Sections 7.100 to 7.128 is a Class A civil infraction **and/or a Class A administrative infraction.**

**7.170 Enforcement.** In addition to the civil **and administrative** infraction procedure, the City may file a civil action to recover taxes unpaid or, after mailing notice via certified mail to the person responsible for said business, the City may place a lien against the real property where the business is located for the amount of the tax plus interest. Said lien shall be filed with the Finance Officer and noted in the lien docket.

## **CHAPTER 7 BUSINESS (REGULATORY LICENSE)**

**7.238 Penalty.** A business that requires a regulatory license that the City Manager has determined knowingly operated without the regulatory license will be considered in violation of this Chapter. A violation of this Chapter is a Class B civil infraction **and/or a Class B administrative infraction** unless otherwise expressly stated in this Chapter. Every day that a business operates without a required license shall be a separate violation.

**7.240 Enforcement.** In addition to the civil **and administrative** infraction procedure, the City may file a civil action to recover fees unpaid or, after mailing notice via certified mail to the person responsible for the business, the City may place a lien against the real property where the business is located for the amount of the fee plus interest. The lien shall be filed with the Finance Officer and noted in the lien docket.

## **CHAPTER 7 BUSINESS (PENALTY PROVISION)**

**7.990 Penalty.** A violation of Sections 7.280 to 7.920 is a Class A civil infraction **and/or a Class A administrative infraction unless otherwise expressly stated in this Chapter.**

## **CHAPTER 8: REDMOND DEVELOPMENT CODE**

### **Article I: Zoning Standards**

#### **8.0805 Enforcement.**

7. Penalties of Violation.

- A. A violation of any provision of these standards shall be a Class A **civil Infraction and/or a Class A administrative infraction.**
- B. Violations shall be enforced under the ~~provisions of the Redmond Civil Infraction Procedure~~ **procedures established in sections 2.750 to 2.812.**

### **Article II: Land Use Procedures**

#### **8.1725 Enforcement.**

2. Violation of any provisions of these standards is a Class A Civil Infraction **and/or a Class A administrative infraction** and shall be enforced through the ~~Redmond Civil Infraction procedure~~ **procedures established in sections 2.750 to 2.812.**

### **Article III: Land Division Standards**

#### **8.2130 Enforcement.**

2. Violation of any provisions of these standards is a Class A Civil Infraction **and/or a Class A administrative infraction** and shall be enforced through the ~~Redmond Civil Infraction procedure~~ **procedures established in sections 2.750 to 2.812.**

### **Article IV: Site and Design Review Standards**

#### **8.3180 Enforcement.**

2. Violation of any provisions of these standards is a Class A Civil Infraction **and/or a Class A administrative infraction** and shall be enforced through the ~~Redmond Civil Infraction procedure~~ **procedures established in sections 2.750 to 2.812.**

## **Article V: Sign Standards**

**8.4710 Penalties.** A violation of any provision of these standards shall be a Class A Civil Infraction and/or a Class A administrative infraction, with the exception of a violation to the temporary sign provisions (RDC 8.4105) which shall be a Class B Civil Infraction and/or a Class B administrative infraction. Each day shall be a separate violation. Violations will be enforced through the ~~Redmond Civil Infraction Procedure~~ procedures established in sections 2.750 to 2.812.

## **CHAPTER 9 BUILDING AND FIRE CODES (FIRE CODE)**

### **9.130 Violation and Penalties.**

2. A violation of any provision of these standards shall be a Class A Civil Infraction and/or a Class A administrative infraction. Violations will be enforced through the ~~Redmond Civil Infraction Procedure~~ procedures established in sections 2.750 to 2.812.

**Exhibit B:  
Findings of the Redmond City Council**

**FINDINGS OF THE REDMOND CITY COUNCIL  
REGARDING TA-14-2, ADMINISTRATIVE CITATIONS**

**AN AMENDMENT TO THE TEXT OF THE REDMOND CITY CODE TO ADD  
AN ADMINISTRATIVE CITATION ENFORCEMENT PROCESS**

**FILE NO.** TA-14-2

**REQUEST:** A Legislative Amendment to the Redmond City Code

**APPLICANT:** City of Redmond, 716 SW Evergreen Avenue, P O Box 726  
Redmond, OR 97756

**LOCATION:** The proposal applies to all properties within the incorporated  
boundary of the City of Redmond.

**STAFF:** Scott Woodford, Associate Planner

**HEARINGS  
BODY:** Redmond City Council  
Redmond Urban Area Planning Commission

**DATE& TIME:** March 25, 2014 at 6:30 p.m.

**LOCATION:** City Council Chambers, 777 Deschutes Avenue, Redmond, Oregon

## I. **APPLICABLE CODE SECTIONS AND CRITERIA:**

The following are the applicable code sections from Chapter 8 of the Redmond Development Code that are applicable to this proposed code amendment:

- Article I, Zoning Standards, Section 8.0805
- Article II, Land Use Procedures, Section 8.1725
- Article III, Land Divisions Standards, Section 8.2130
- Article IV, Site and Design Review Standards, Section 8.3180
- Article V, Sign Standards, Section 8.4170

The following are provisions from the Redmond Urban Area Comprehensive Plan that are applicable to this proposed code amendment:

- Chapter 1, Citizen Involvement
- Chapter 2, Land Use Planning

The following are other criteria that are applicable to this proposed code amendment:

- Oregon Revised Statutes (ORS) – ORS 197.250, 197.610, 197.763.
- Oregon Administrative Rule (OAR), LCDC, Division 15, Statewide Planning Goals and Guidelines – OAR 660-015-0000 (as applicable)

The following criteria are not applicable to the proposed code amendment:

Oregon Administrative Rule (OAR), LCDC, Division 12, Statewide Planning Goals and Guidelines – OAR 660-012-0000 (specifically OAR 660-012-0060) is not applicable because the proposal does not include any changes to the allowable uses that would affect the number of trips or functional classifications of roads/streets in Redmond. The proposal is limited to clarifying the code enforcement procedures.

## II. **BACKGROUND & HISTORY:**

The proposed Code Text Amendments have been initiated legislatively by the City of Redmond – thus, the City is the applicant. The purpose of the amendment is to allow the City of Redmond's Code Compliance program an administrative citation process whereby the Code Enforcement Officer can utilize this process, in addition to the civil infractions enforcement, to more efficiently monitor the enforcement process and not require all cases to go before a judge.

The rationale for the adoption of the proposed text amendments is also consistent with the Redmond City Council 2012-13 Goals – the following Goal applies:

4. COMMUNITY ENHANCEMENT

*Create an image and identity that generates a sense of community pride, ensuring the high quality of life and safety of our citizens, attracting new residents and businesses and facilitating their success and safety as well.*

**III. PROPOSAL:**

The proposed amendments are changes the Code Enforcement Officer felt necessary in carrying out his duties to make the enforcement process more efficient. Currently, when there is a code complaint, the City investigates and, if there is found to be a violation, a citation can be issued. If the complainant wishes to dispute the citation, the civil infraction procedure is followed, which involves a court trial. While not common in Redmond, this process removes the City and the Code Enforcement Officer from the situation and places it into the realm of the court system. Often, the City is not made aware of the outcomes of the court decision and it is more difficult for the City to monitor the situation. There will continue to be need for the civil infraction procedure when the nature of the infraction necessitates court involvement, but often it does not and an administrative process would be more efficient where the Code Enforcement Officer can monitor the situation, drop the citation if the complaint is addressed, and a Hearings Officer designated by the City can provide a ruling in short order.

**IV. AREA DESCRIPTION:**

As stated above, this proposal (a Text Amendment to the Redmond Code) is applicable to all zoned areas within the incorporated boundary of the City of Redmond. Thus, the proposal will not include any specific Comprehensive Plan or Zoning map changes.

**V. EXHIBITS:**

The following exhibits make up the record in this matter:

1. Proposed Findings and Conclusions included herein.
2. The existing and proposed text of:
  - Article I, Zoning Standards, Section 8.0805
  - Article II, Land Use Procedures, Section 8.1725
  - Article III, Land Divisions Standards, Section 8.2130
  - Article IV, Site and Design Review Standards, Section 8.3180
  - Article V, Sign Standards, Section 8.4170
3. Notice to Department of Land Conservation and Development (DLCD)
4. Notice of Planning Commission Public Hearing “Spokesman- Publish February 19, 2014” (file).
5. Notice of City Council Public Hearing “Spokesman- March 12, 2014” (file).
6. Planning Commission Work Session/Public Hearing Staff Reports.
7. City Council Work Session/Public Hearing Staff Reports.

**VI. SUMMARY:**

1. The request is for an amendment to the text of the City of Redmond Code:

- Article I, Zoning Standards, Section 8.0805
- Article II, Land Use Procedures, Section 8.1725
- Article III, Land Divisions Standards, Section 8.2130
- Article IV, Site and Design Review Standards, Section 8.3180
- Article V, Sign Standards, Section 8.4170

The purpose of the amendment is to allow the City of Redmond's Code Compliance program to add the option of an administrative citation to the possible code enforcement methods.

2. The proposal will be applicable to all properties within the incorporated boundary of the City of Redmond – no amendments to the Comprehensive Plan text or map, and Zoning map are proposed.
3. The findings, the text for the enforcement standards, and supporting materials, all demonstrate that the proposed Code amendments are consistent with the Statewide Planning Goals, the Redmond Comprehensive Plan, the City Council Goals and other policies adopted by the City.
4. The four criteria set forth in RDC Section 8.0760 (*Criteria for Amendments*) are addressed herein/below, as well as all applicable state laws and requirements.

## **VII. FINDINGS AND CONCLUSIONS:**

**A. REDMOND CODE (RDC)**, Chapter 8, Sections 8.0750 through 8.0775 (Amendments) sets forth the procedure and standards for an amendment to the text of the Code or to the adopted Comprehensive Plan or Zoning map. Specifically, Section 8.0760 - Criteria for Amendments, sets forth the four (4) criteria that must be met:

### **1. In conformity with all applicable State statutes:**

**Finding:** The State statutes that directly apply to this application include:

1. ORS 197.610, *Local Government Notice of Amendment or New Regulation*
2. ORS 197.250, *Compliance with Goals Required*
3. ORS 197.763, *Conduct of Local Quasi-Judicial Land Use Hearings; Notice Requirements.*

The applicable City of Redmond Code standards (sections 8.0750 to 8.0775, *Amendment Procedures and Notice Requirements*), and (sections

8.1100 through 8.1125, Legislative Procedures), were developed in compliance with the applicable State Statutes listed above regarding noticing and public hearings. Applicability of the Statewide Planning Goals is addressed in greater detail below – those findings, incorporated by reference herein, show compliance with the applicable Statutes listed above.

With regard to the Statutory noticing requirements referenced above, notice of the proposed amendment has been provided to DLCD and advertised in the local newspaper (public notice) as required by City Code and State Statute.

With regard to the Statutory public hearing requirements referenced above, this proposal is legislative and not necessarily quasi-judicial in nature. However, for lack of specific Statutory requirements governing such legislative actions, Sections 8.1100 through 8.1125 of the Redmond Code, which implement the quasi-judicial Statutory requirements in similar fashion have been met. Subsequently, the Planning Commission and (ultimately) City Council's public hearing and review processes meet the Statutory requirements for the purpose of the review.

Notwithstanding the Statutory requirements addressed herein, the Oregon Administrative Rules (OAR) also implement the Statutes. The applicable Rules are addressed in the ensuing review.

**Conclusion:** Based on the findings addressing Code amendment criterion 1, the proposed Code text amendments conforms to applicable State statutes.

**2. In conformity with the State-wide planning goals whenever they are determined to be applicable:**

**Finding:** The proposed amendments do not directly implement a comprehensive planning requirement of the Statewide Planning Goals, State Statutes or Administrative Rules – they do not include provisions that are directly applicable to the substantive “land use” elements of the Goals, but do fall within the “procedural” Statewide Planning Goal requirements applicable to the development of land. Thus, the applicable Statewide Planning Goals are Goal 1 (Citizen Involvement) and 2 (Land Use Planning). All the listed Goals are addressed below.

**Goal 1- Oregon’s Statewide Planning Goals: Citizen Involvement.**  
***To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.***



**Finding:** The Urban Area Planning Commission serves as the City's formal citizen advisory committee to fulfill Goal 1, and is made up of Redmond area residents. The City conducted public meetings (Planning Commission work sessions and a public hearing) over the past few months regarding the proposal.

Public notices and agendas for Planning Commission meetings where the proposed amendments were discussed were provided. All documents were available for the public review. Further, public notice advertising the public hearing was published in the local newspaper, the Redmond Spokesman.

The City continually provided extensive public review and involvement opportunities during public work sessions and public hearings both at the Planning Commission level and City Council level as deemed necessary by such bodies. Based on these actions, Oregon Planning Goal 1 for Citizen Involvement has been met.

**Goal 2- Oregon's Statewide Planning Goals: Land Use Planning.**

***To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.***

**Finding:** Through the course of review, the staff, the Redmond Urban Area Planning Commission and the Redmond City Council has received input from other City staff and residents of the community. The City Council has determined that enough factual and policy basis exists to support the proposed Code amendments. The proposed amendments will better implement policies of the Comprehensive Plan and will provide clearer regulations for the City staff to administer. Based on these findings, the proposed amendments meet Goal 2.

**3. In conformity with the Redmond Comprehensive Plan, land use requirements and policies:**

**Chapter 1 – Redmond Comprehensive Plan: Citizen Involvement.**

***To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.***

**Finding:** The Urban Area Planning Commission serves as the City's formal citizen advisory committee (as required by State Administrative Rule) and is made up of Redmond area residents. The Planning Commission is formally recognized through City Code and was appointed

by the City Council. Thus, the Planning Commission is the appropriate public review and recommendation body to the City to meet this Comprehensive Plan policy.

The City, through the Planning Commission, has conducted initial public meetings, and a public hearing over the past few months regarding the proposed amendments. Public notices and agendas for Planning Commission meetings where the proposed amendments were discussed were provided. All documents were available for the public review. Further, a notice of the public hearing was published in the local newspaper, the Redmond Spokesman. The City has continually provided extensive public review and involvement opportunities during public work sessions and public hearings both at the Planning Commission and City Council levels as deemed necessary by such bodies.

The proposed amendments serve the following Policies of Chapter 1 of the Redmond Comprehensive Plan.

1. The City shall establish a citizen involvement program to provide for widespread citizen involvement.
2. The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process.
3. The City shall assign the Redmond Urban Area Planning Commission as its officially recognized committee for citizen involvement (CCI).
4. The City shall establish mechanisms to assure two-way communications between citizens and elected and appointed officials.
5. The City shall provide the opportunity for citizens to be involved in all phases of the planning process.
6. The City shall assure that technical information is available to citizens in an understandable form.
7. The City shall assure that recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response from policy-makers.
8. The City shall allocate adequate human, financial and informational resources for the citizen involvement program.

**Chapter 2 – Redmond Comprehensive Plan: Land Use Planning.**

***To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.***

**Finding:** The Planning Commission, City Council, and staff have provided opportunities for and have received public input throughout the

review process. Based on this input, the City Council finds that the proposed amendments and new enforcement standards are necessary to implement Chapters 1 and 2 of the City of Redmond's Comprehensive Plan, specifically, and other Chapters. The City Council has determined that enough factual and policy basis exists to support the proposed Code amendments. The proposed amendments will better implement policies of the Comprehensive Plan and will provide clearer regulations for the City staff to administer.

The proposed amendments serve the following Policies of Chapter 2 of the Redmond Comprehensive Plan.

2. The plan shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governments.
  3. All land use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan.
  4. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revisions of plans and implementing ordinances
  5. To provide a sound basis for orderly and efficient urbanization by establishing proper relationships between residential, commercial, industrial, public and open land uses, and transportation uses.
4. **That there is a change of circumstances or further studies justifying the amendment or mistake in the original zoning.**

**Finding:** This proposal in and of itself does not include a change of zoning to any particular property or area within the City. Rather, it involves the amendment of existing code regulations.

There is a change of circumstances justifying the amendment, in that the existing enforcement method of civil infractions has proven not to always be the most efficient method for code enforcement because it removes the Code Enforcement Officer from the process and requires judges to hear cases better suited for an administrative process.

Based on the findings addressing Code amendment criterion 4, the proposed Code text amendment is supported by the change in circumstances described above.

**CONCLUSION:**

The above findings demonstrate that the proposed Code Text Amendments meet Section 8.0760, Criteria for Amendments, to the Redmond Code:



**CITY OF REDMOND**  
Community Development Department

716 SW Evergreen Avenue  
Redmond, OR 97756  
(541) 923-7721  
Fax: (541) 548-0706  
[www.ci.redmond.or.us](http://www.ci.redmond.or.us)

## STAFF REPORT

**DATE:** March 25, 2014  
**TO:** Mayor and City Council  
**THROUGH:** Keith Witcosky, City Manager  
**THROUGH:** Heather Richards, Community Development Director  
**FROM:** James J. Lewis, Planning Manger  
**SUBJECT:** Ordinance No. 2014-07, Development Code Amendment – Article II,  
Land Use Procedures - Land Use Approval Timeline Extension  
(Correction for Ordinance No. 2013-07)

---

### **Addresses Council Goals:**

Goal 5. Comprehensive Planning. Enhance the quality of life in the City through adoption of programs, policies, and standards that balance growth while maintaining the city's unique character.

### **Report in Brief:**

Ordinance No. 2014-07 is a corrective action to further amend Development Code text approved through Ordinance No. 2013-07 which extended the expiration date for valid land use approvals from July 1, 2013 to June 30, 2015. The new Ordinance is necessary to add two additional Land Use File numbers to those included with Exhibit A of Ordinance No. 2013-07 (and is further amending the Redmond Development Code Section 8.1620) in order to fully acknowledge the ability for that project to begin prior to the expiration date, on the basis that the applicant met all established requirements for such an extension and the project was inadvertently omitted from the approved Ordinance.

### **Background:**

Ordinance No. 2013-07 extended 35 valid land use approvals (by City file number) for a period of two additional years (from July 1, 2013 to June 30, 2015). This extension was the third in a series of extensions granted by the City Council as a result of the economic downturn beginning in 2007/2008. However, the third extension was not a blanket extension – in order to be eligible for further extension, the applicant/owner of the project was required to submit a letter requesting such extension. These requirements were put into place in order to limit the number of extended projects to only those that were still viable and deemed developable by their owners. All applicants/owners who submitted letters requesting further extension had their projects added to Exhibit A of Ordinance No. 2013-07. No further documentation or burden of proof was necessary.

### **Discussion:**

On Monday, March 28, 2013, George Arthur submitted an e-mail letter requesting further extension of City File No's. SUB-04-12 and V-04-23, Carly Meadows Subdivision – this was well before the

*Attachments:*

*Attachment A – Ordinance 2014-07*

expiration of the time limit to submit such a request, which ended on May 10, 2013. Based on the information and documentation in the record, the extension Ordinance No. 2013-07, Exhibit A, should have included the file numbers in Mr. Arthur's request. As a result, the new ordinance (Ordinance No. 2014-07, Attachment A) further amends the previously approved Development Code text to add the additional land use file numbers to those projects that were extended (amends Section 8.1620 nunc pro tunc).

As required by City Charter, notices regarding this ordinance coming before the Council were posted in three public places (the Library, the Police Department, and the Redmond Chamber of Commerce) in addition to City Hall on March 18, 2014, and three copies of the ordinance were available for review at City Hall.

**Alternative Courses of Action:**

1. Approve Ordinance No. 2014-07.
2. Do not approve Ordinance No. 2014-07.

**Recommendation/Suggested Motion:**

"I move to have a first and second reading of Ord. #2014-07, by title only, and declare an emergency."  
(Voice vote)

(City Attorney will read ordinance by title only, twice.)

"I move to approve Ord. #2014-07, and declare an emergency." (Roll call vote)

James J. Lewis,  
Planning Manager

**CITY OF REDMOND  
ORDINANCE NO. 2014-07**

**AN ORDINANCE AMENDING THE REDMOND DEVELOPMENT CODE SECTION 8.1620, NUNC PRO TUNC, TO CORRECT AN OMISSION IN ORDINANCE NO. 2013-07, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Redmond has adopted zoning and planning regulations in accordance with Oregon Revised Statutes Chapter 227 that regulate and control the development of land within the City; and

**WHEREAS**, the City of Redmond has adopted regulations that regulate the issuance and expiration of land use permits that have been approved in accordance with the adopted and acknowledged Redmond Development Code; and

**WHEREAS**, the City Council previously amended the Redmond Development Code on August 9, 2009, to allow for an automatic land use approval extension of one year, terminating on July 31, 2011, and again on May 24, 2011, to allow for an automatic land use approval extension of two years, terminating on July 1, 2013, and,

**WHEREAS**, , through Ordinance No. 2013-07, the City of Redmond approved an additional extension of Land Use Approvals for a period of two years, terminating on June 30, 2015; and

**WHEREAS**, Ordinance No. 2013-07 included an amendment to Section 8.1620 of the Development Code text to include specific land use approval file numbers assigned by the City; and

**WHEREAS**, the Development Code text inadvertently omitted two land use approval file numbers that met the requirements and fulfilled the process for extension as established through the adoption process for Ordinance No. 2013-07; and

**WHEREAS**, the City Council finds that the Development Code amendment process and the findings for the adoption of the amendment to allow an extension of time for land use permits through Ordinance No. 2013-07 has fully addressed the City's Comprehensive Plan, the applicable state law, the statewide planning goals and the City's standards and criteria for an amendment to the Redmond Development Code.

**NOW, THEREFORE, THE CITY OF REDMOND ORDAINS AS FOLLOWS:**

**SECTION ONE:** The City of Redmond hereby amends the Redmond Development Code (RDC) Chapter 8, Article II – Land Use Procedures, in order to adopt an amended Code section 8.1620 which prevents the expiration of existing City approved land use permits until June 30, 2015. A copy of section 8.1620 is attached hereto as "Exhibit A".

**SECTION TWO:** In support of the Code text amendment in Section One, the City of Redmond hereby declares that the findings adopted in support of Ordinance No. 2013-07 and attached thereto as "Exhibit B" which were prepared by City staff and

demonstrate compliance with the Redmond Development Code Section 8.0760 – Criteria for Amendments, the City’s Comprehensive Plan, and the applicable statewide planning goals, are applicable to this amendment.

**SECTION THREE: SEVERABILITY.** The provisions of this Ordinance are severable. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given without such invalid part or parts.

**SECTION FOUR: EMERGENCY.** This ordinance is necessary for the immediate preservation of the peace, health and safety of the City in order to prevent the expiration of land use approvals on July 1, 2013 so as to maintain the economic viability of the affected projects, to maintain their potential positive impact on the development in the community, and to prevent undue economic hardship on the permit holder and property owner, and, therefore, this ordinance shall be immediately effective upon the date of passage.

**PASSED** by the City Council and **APPROVED** by the Mayor this 25th day of March, 2014.

\_\_\_\_\_  
George Endicott, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Morse, City Recorder

Approved as to form:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date



## Exhibit A

### Redmond Development Code (RDC) Chapter 8, Article II – Land Use Procedures, Section 8.1620.

**8.1620 Additional Approval Time Extension.** Notwithstanding sections 8.1605 and 8.1610, all City approved land use permits as listed in Section 8.1620 (1) below, that were due to expire after July 1, 2013 per Ordinance No. 2011-04, are hereby extended to June 30, 2015. Permits which have been automatically extended by this regulation may not apply for an additional extension of time.

- (1) RMP-07-02, PUD-05-01, PUD-07-02, PUD-08-01, **SUB-04-12**, SUB-02-07, SUB-05-12, SUB-05-14, SUB-06-02, SUB-06-05, SUB-06-17, SUB-06-19, SUB-06-22, SUB-06-27, SUB-06-32, SUB-07-02, SUB-07-04, SUB-07-07, SP-05-58, SP-06-46, SP-06-49, SP-06-55, SP-07-13, SP-07-14, SP-07-19, SP-07-47, CU-06-16, CU-07-09, CU-07-11, **V-04-23**, V-06-07, V-07-06, V-07-07, V-07-09, V-07-28, MC-07-18, MC-08-03



**CITY OF REDMOND**  
Community Development Department

716 SW Evergreen Avenue  
Redmond, OR 97756  
(541) 923-7721  
Fax: (541) 548-0706  
[www.ci.redmond.or.us](http://www.ci.redmond.or.us)

## STAFF REPORT

**DATE:** March 25, 2014  
**TO:** Mayor and City Council Members  
**THROUGH:** Keith Witcosky, City Manager  
**FROM:** Heather Richards, Community Development Director  
**SUBJECT:** Ordinance No. 2014-08, Establishing a Moratorium on Medical Marijuana Dispensaries

---

### Addresses Council Goals:

Goal 5. Comprehensive Planning. Enhance the quality of life in the City through adoption of programs, policies, and standards that balance growth while maintaining the city's unique character.

### Background

In March 2014, the Oregon Legislature passed Senate Bill 1531, allowing local governments to enact a moratorium on medical marijuana facilities until May 1, 2015. The moratorium needs to be passed via Ordinance and the local government needs to notify the Oregon Health Authority of the moratorium by May 1, 2014.

### Discussion

Since 1989 the Redmond City Code has not allowed businesses in the City of Redmond that are not compliant with federal, state and local laws. Currently the use or dispensing of marijuana is considered a violation of federal law.

As required by City Charter, notices regarding this ordinance coming before the Council were posted in three public places (the Library, the Police Department, and the Redmond Chamber of Commerce) in addition to City Hall on March 19, 2014, and three copies of the ordinance were available for review at City Hall.

### Fiscal Impact:

There is no fiscal impact anticipated at this time.

**Alternative Courses of Action:**

1. Conduct the public hearing and vote to approve Ordinance No. 2014-08.
2. Continue the public hearing, requesting additional information.
3. Conduct the public hearing and vote not to approve Ordinance No. 2014-08.

**Recommendation/Suggested Motion:**

“I move to have a first and second reading of Ord. #2014-08, by title only.” (Voice vote)

(City Attorney will read ordinance by title only, twice.)

“I move to approve Ord. #2014-08.” (Roll call vote)

Heather Richards  
Community Development Director

**CITY OF REDMOND  
ORDINANCE NO. 2014-08**

**AN ORDINANCE OF THE CITY OF REDMOND DECLARING A MORATORIUM ON MEDICAL MARIJUANA FACILITIES, AND DELCARING AN EMERGENCY**

**WHEREAS**, the City of Redmond requires that businesses operating within the city limits comply with all state and federal laws; and

**WHEREAS**, the Oregon Legislature enacted Senate Bill 1531, which expressly permits local jurisdictions to impose a moratorium on medical marijuana dispensaries within their jurisdiction; and

**WHEREAS**, the City Council believes it is in the best interest of the health, safety and welfare of the citizens of Redmond to enact such a moratorium.

**NOW THEREFORE, THE CITY OF REDMOND ORDAINS AS FOLLOWS:**

**SECTION 1:**

- A. MORATORIUM IMPOSED.** The City of Redmond hereby prohibits the operation of any medical marijuana facility in any area subject to the jurisdiction of the City. As used in this section, "medical marijuana facility" includes any facility that dispenses marijuana pursuant ORS 475.314, or any other provision of Oregon law.
- B. APPLICATION OF MORATORIUM.** The moratorium imposed by this ordinance shall apply to any decision, action, or recommendation by the City of Redmond, including but not limited to the issuance of building permits, land use permits, business or other regulatory licenses, or any other form of approval. This moratorium extends to any decision by the Oregon Heath Authority acting under ORS 475.314.
- C. PENALTY.** Notwithstanding ORS 475.309(1)(b), a person who is responsible for or employed by a registered medical marijuana facility located in an area subject to the jurisdiction of the City is not exempt from state and federal criminal laws for possession or delivery of marijuana, aiding and abetting another in the possession or delivery of marijuana or any other criminal offense in which possession or delivery of marijuana is an element.
- D. SEVERABILITY.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

**Section 2: EMERGENCY.** This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

**PASSED** by the City Council and **APPROVED** by the Mayor this 25<sup>th</sup> day of March, 2014.

\_\_\_\_\_  
George Endicott, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Morse, City Recorder



CITY OF REDMOND

716 SW Evergreen Ave  
Redmond, OR 97756

(541) 923-7710  
Fax: (541) 548-0706  
info@ci.redmond.or.us  
www.ci.redmond.or.us

## STAFF REPORT

**DATE:** March 25, 2014  
**TO:** Mayor and Council Members  
**THROUGH:** Keith Witcosky, City Manager  
**THROUGH:** Robert Noble, Interim Airport Director  
**FROM:** Nicole Jurgensen, Airport Security Coordinator  
**SUBJECT:** Exercise Option to Renew One-Year Contract for Access Control Systems Service & Maintenance with Convergent Technologies

---

### Addresses Council Goals:

1. Sustain Operations.
2. Preserve and Enhance the City's Infrastructure.

### Report in Brief:

This action relates to safety and security investments at Redmond Airport.

The Access Control Service and Maintenance Contract with Convergent Technologies expires April 03, 2014. The Airport seeks to exercise the first of four one-year renewal options, extend the expiration date and include preliminary authorization for projects contained in the original Request for Proposal (Addendum No.2).

### Background:

The Airport's access control systems require licensed and certified technicians to perform maintenance, system updates, expansion and modifications. Access control is a critical component of the Airport to maintain compliance with the Transportation Security Administration (TSA) security regulations.

### Discussion:

In November 2012, the Airport issued a Request for Proposal (RFP) to identify contractors to provide a scope of work that included scheduled and non-scheduled service and maintenance for access control systems as well as modification and expansion projects as funding permits. Access controls include doors, gates and similar movement controls which separate Secured Areas from non-secure areas and access to General Aviation areas.

Convergent Technologies was selected based on qualifications, pricing, and references. The Airport is satisfied with their performance to date and seeks to exercise the first one-year renewal option in addition, extend the expiration date to coincide with the City's Fiscal Year (FY) and include scope of work project titles from the original RFP. These approvals should have occurred at the time the contract was originally agreed to in 2013.

The contract includes multiple components:

- A service and maintenance component
- A menu of projects from the original RFP.

The contract allows the flexibility to include all, part of, or none of the projects, as well as modifications and cancellations.

The estimated costs are as follows:

- Addendum No.2 with Converjint Technologies for a one-year contract renewal, including an extended expiration date, for scheduled service and maintenance: **\$7,363.00**.
- The estimated cost for projects during the life of the Contract (four one-year renewals): **\$285,861.00**.

Project investment will be based on City Council's approval through the annual budget process, (unless grant money becomes available).

The following chart contains project titles and estimated costs from the original RFP scope of work, which span the life of the four-year contract. Projects costs will be updated prior to commencement. Those which exceed the City Manager signing authority (\$50,000) will be submitted to City Council for approval.

**\*\* DOLLAR AMOUNTS ARE ESTIMATES ONLY \*\*FOR BUDGETING PURPOSES**

1	Baggage Belt Doors	\$7,567.00
2	Vehicle Gate Position Switch	\$8,711.00
3	Pedestrian Gates	\$79,796.00
4	SRE Building	\$30,303.00
5	USFS Gate	\$19,137.00
6	ARFF Station	\$29,743.00
7	Gate A-2	\$18,804.00
8	Employee Parking	\$8,965.00
9	Terminal CCTV	\$82,8358.00

**Fiscal Impact:**

The Airport's FY 14/15 budget will include \$7,363.00 for the Access Control Systems service and maintenance and is anticipated to include \$20,100.00 for projects. Projects selected will be within the resources approved in the Council adopted budget.

**Fiscal Year / Cost Center**

<b>Fiscal Year</b>	<b>Description</b>	<b>Cost Center</b>	<b>Percentage</b>
14/15	** Service & Maintenance	Terminal	75%
14/15	** Service & Maintenance	Airfield	25%
14/15	** Projects	Terminal	TBD
14/15	** Projects	General	TBD

**\*\* Anticipated Cost, FY 14/15 Budget Not Currently Approved \*\***

**Alternative Courses of Action:**

- A. Approve and authorize the City Manager to sign the Access Control Systems Service and Maintenance Addendum No.2 with Convergent Technologies to renew a one-year contract, extend the expiration date, and modify the scope of work to include project titles identified in the original RFP. Projects are anticipated to be completed over the course of the Contract (four one-year renewals) subject to the City Council's approval of the Airport's annual budget and any contract exceeding \$50,000.00.
  
- B. Do not approve the Access Control Systems Service and Maintenance Addendum No.2 to Convergent Technologies. Consequence of this action is the risk for non-compliance with TSA which could result in the loss of the Airport's Operating Certificate and ability to accommodate aviation activities.

**Recommendation/Suggested Motion:**

"I move to authorize the City Manager to sign Addendum No. 2 with Convergent Technologies exercising a one-year contract extension for Access Control Systems Service and Maintenance in the amount of \$7,363.00, extending the expiration date to June 30, 2015, and modifying the scope of work to include project titles to be completed contingent upon subsequent budget approval and City Council approval if any project exceeds \$50,000.00."

Robert Noble,  
Interim Airport Director



CITY OF REDMOND

716 SW Evergreen Ave  
Redmond, OR 97756

(541) 923-7710  
Fax: (541) 548-0706  
info@ci.redmond.or.us  
www.ci.redmond.or.us

## STAFF REPORT

**DATE:** March 19, 2014  
**TO:** Mayor and Council Members  
**THROUGH:** Keith Witcosky, City Manager  
**FROM:** Robert Noble, Interim Airport Director  
**SUBJECT:** Contract Amendment 2012-8 Addendum 2-A Runway 4-22 Rehabilitation Project (AP3600)

---

### Addresses Council Goals:

1. Sustain Operations.
2. Preserve and Enhance the City's Infrastructure.

### Report in Brief:

This action seeks approval from the City Council for an Addendum to the Century West Engineering Contract for additional design services related to Phase I, Runway 4-22 Rehabilitation Project in the amount of \$157,790.

### Background:

Design: On March 12, 2013, the City Council approved a contract with Century West Engineering for the amount of \$682,912 for the design of Runway 4-22 Rehabilitation Project. This is a FAA Airport Improvement Project (AIP) grant funded project originally valued at \$11M. Century West Engineering subsequently initiated their services, however, in the fall of 2013, the FAA determined a different runway design would be required. The consequence of the FAA determination was an increase in the scope of work for Century West which the FAA is willing to fund.

### Construction:

Because the value of the construction project was originally anticipated to be \$11M, and the revised project estimate had grown to \$19.6M, the FAA had not programmed sufficient funding to permit completion of the entire construction project in the first year (summer of 2014). The construction project has been divided into two phases, and the Airport will receive two separate FAA grants.

In order to meet the new FAA requirements, the Airport altered its' 5 year ACIP and submitted a grant request to Connect Oregon V for an amount sufficient to cover the local match on the higher value. It is expected that Phase I construction will be completed by the fall of 2014 and Phase II is expected to be completed by December 2015.

### Discussion:

The FAA has reviewed Century West Engineering's proposed scope of work and fee proposal and has approved this request, and has noted that this expense is eligible for grant reimbursement. Under normal circumstances, a change of this magnitude (in excess of \$100,000) to amend an engineering services contract would require an independent fee estimate by another qualified engineering firm. Due to the FAA's involvement and responsibility for the design change, the FAA has waived this requirement.



The Airport now seeks City Council approval to amend the Century West Engineering contract for an amount of \$157,790.

**Fiscal Impact:**

The FAA will provide grant funds for 93.75% (\$147,928) of this additional expense and the Airport Fund will be responsible for the local match of 6.25% of the expense (\$9,862).

**Recommendation/Suggested Motion:**

“I move to authorize the City Manager to sign Addendum No. 2-A with Century West Engineering in the amount of \$157,790.

Robert Noble,  
Interim Airport Director

**Addendum #2-A – Runway 4-22 Rehabilitation**

**STATEMENT OF WORK, COMPENSATION**  
**and PAYMENT TERMS**

Incorporated Documents-Contract # 2012-8, The INVITATION TO BID, the INSTRUCTIONS TO BIDDERS, the signed copy of the PROPOSAL, the BID BOND, the fully executed PERFORMANCE BOND and PAYMENT BOND, the GENERAL CONDITIONS, the SUPPLEMENTARY CONDITIONS, any ADDENDA, the SPECIFICATIONS, and the PLANS, are hereby referred to and by reference made a part of this Addendum as fully and completely as if the same were fully set forth herein and are mutually cooperative there-with.

Contractor will increase Payment and Performance Bonds, if required, to total amount of contract with addendums, and provide original documents to City prior to execution of this agreement. Insurance certificates originally submitted must remain in effect during the course of project.

The following Addendum modifies the original contract terms.

**1. Contractor shall perform the following work (Scope of Project):**

**See Exhibit A (included)**

**Runway 4-22 Rehabilitation Design Changes-Phase I**

**2. The maximum compensation.**

- a. The maximum compensation under this contract, including expenses, is **\$157,790.00 (One hundred fifty seven thousand, seven hundred ninety dollars only)**
- b. Contractor shall not submit invoices for, and City shall not pay for any amount in excess of the maximum compensation amount set forth above. If this maximum compensation amount is increased by amendment of this contract, the amendment shall be fully effective before Contractor performs work subject to the amendment. Contractor shall notify City in writing of the impending expiration of this Contract thirty (30) calendar days prior to the expiration date.

**3. Effective Dates:**

\_\_\_\_\_  
Contractor Signature                      Date  
Title

\_\_\_\_\_  
City of Redmond                              Date  
Title

**Exhibit A**

**January 29, 2014**

**Scope of Work**

**Roberts Field  
Redmond Municipal Airport**

**Runway 4-22 Rehabilitation  
Design Services Changes-Phase I**

**GENERAL**

This scope of work amends a prior agreement to incorporate design service changes for the Runway 4-22 Rehabilitation project. The changes are a result of the following:

1. Changes in project requirements initiated by the FAA (certification inspection) not included in the original project scope.
2. Changes in project requirements, not included in the original project scope, resulting from preliminary design and investigation efforts. The primary change being a design approach change from a “grind and overlay” project to a “complete reconstruction” project. This change was initiated jointly by the FAA and the City.
3. Changes in project bidding, not included in the original project scope. Namely, in the original project scope, the project was to be bid as a single project with one bid period, and one set of bidding documents. Based on project funding limitations and timing, the project will now be bid in two project phases, with two bid periods and two sets of bidding documents. This change was initiated jointly by the FAA and the City.

The Runway 4-22 Rehabilitation will now be divided into two phases, Phase I and Phase II.

Phase I work includes work to be constructed in the 2014 construction season. The work generally includes rehabilitation of the approximately 1,500’ of the runway from TW E to TW H; pavement marking and sign changes to revise the runway designations to RW 5-23 and RW 11-29, and other miscellaneous work items.

Phase II work includes work to be constructed in the 2015 construction season. The work generally includes rehabilitation of the remainder of RW 4-22, and all other work not included in Phase I.

This scope of work describes work items, elements and activities, not included in the original project scope, necessary to prepare Phase I bidding documents.

The work items covered by this scope include the following:

1. Removal of terrain adjacent to TW C near its intersection with RW 4-22.
2. Topographic surveying (by a subconsultant) of terrain for the RW 4-22 RSA and OFA east of the runway, for its entire length.
3. Design for a new HIRL system, and sign relocations for the Phase I work.
4. Design for adjusting and relocating the RW 4 REIL caused by grade changes.
5. Revisions to TW E centerline markings.
6. Revisions to TW K centerline markings.
7. Design of Phase I shoulder grading and RSA grading.
8. Conduct additional analysis of RW 4-22 profile, cross section, and cost estimating.
9. Prepare additional work area, phasing, sequencing drawings for phase I work.

## **DESIGN SERVICES DESCRIPTION**

### **TASK 1-TW C TERRAIN REMOVAL**

This work item was initiated by the FAA to correct a deficiency identified during a certification inspection. To complete this work, the following activities will be conducted:

1. Assemble topographic data from prior surveys and record drawings.
2. Prepare a base map to be used for design.
3. Prepare a grading plan and details to depict the work. One drawing is anticipated.
4. Prepare an estimate of bid item quantities for inclusion in the Phase I bid schedule.
5. Incorporate the design drawing into the Phase I bidding documents.

### **TASK 2-TOPOGRAPHIC SURVEYING**

This work is required due to the change from a “grind and overlay” approach to a “complete reconstruction” design approach. The purpose of the work is to capture topographic information, not included in the original project scope, so that design of RW 4-22 RSA and OFA grading design can be completed. Grading of these areas were not anticipated in the original project scope.

The work includes:

1. Conduct a topographic survey of the RW 4-22 RSA/OFA areas not included in the original project scope. The limits of the additional topographic surveying are approximately as follows:
  - RW 4-22, East: The area includes a rectangular area of approximately 32 acres (9,238’x150’) that extends 1,100’ beyond the end of each threshold. This area captures the East OFA beyond what has been previously surveyed.

- RW 4-22, West: The area includes a rectangular area of approximately 21 acres (9,238'x100') that extends 1,100' beyond the end of each threshold. This area captures the West OFA beyond what has been previously surveyed.

Survey data for paved areas shall be collected on cross sections at a 25' max interval or a 25'x25' max grid spacing.

Off pavement areas shall be collected on cross section at a 50' max interval or a 50'x50' max grid spacing.

Document additional features including grade breaks, interface between types of pavement (i.e. PCC and AC), pavement cuts, patches, and utility patches/trenches.

The survey shall tie to prior surveying and control previously completed for this project.

The topographic survey shall show existing pavement striping/markings, edge lights and reflectors, signs, ditches, swales, drainage structures, fences, buildings, tie-down anchors, pavement edges(AC and PCC), gravel areas, utilities, test pits, pavement core locations, NAVAIDS and other structures or surface features within the survey limits. Property line and boundary surveying is not included.

2. Using the data collected from survey develop a digital terrain model of the area surveyed.
3. Develop a contour map at a scale of 1"=50' for use in the design. The contour interval shall be 0.5 feet.
4. Elevations on pavement areas, and for drainage structures shall be accurate to 0.01 feet and natural ground elevations shall be accurate to 0.10 feet.

### **TASK 3-PHASE I HIRL DESIGN**

This work is required due to the change from a “grind and overlay” approach to a “complete reconstruction” design approach. In the original scope of work, no new Runway HIRL system was anticipated in the design. This scope is for Phase I work only. Phase II work is not included and will be addressed by a separate scope of work. Work includes:

1. Prepare electrical plans, specifications and details for construction of a new Runway HIRL system and relocated/adjusted signs for Phase I. Phase II is not included and will be addressed by a separate scope of work. Electrical components include:
  - Install a new HIRL for RW 4-22, between TW E and TW H. This

includes new conductor, conduit, fixtures, counterpoise and other system appurtenances.

- Install new/adjust/ relocate existing guidance signs as determined, to accommodate new RW 4-22 grading and geometry for Phase I. Approximately 5 existing signs may require relocation/adjustment.
- Connect the new Phase I HIRL components and guidance signs to the existing airport lighting system.
- Evaluate the adequacy of the existing constant current regulator system. Recommend adding additional regulators or replacing existing regulators as necessary. Based on our current knowledge of the airfield regulator system, we do not anticipate the need for the design of a new regulator system. If additional design is required, the design and the cost for the design will be performed as an amendment to this scope of work.
- Upgrade/modify existing power and control as required.
- Provide for utility/lighting grade adjustments as needed to accommodate Phase I shoulder and RSA grading work.
- Determine bid item quantities and prepare a cost estimate for inclusion in the Phase I bidding documents.

#### **TASK 4 –RW 4 REIL GRADE ADJUSTMENT/RELOCATION**

This work is required due to the change from a “grind and overlay” approach to a “complete reconstruction” design approach. Due to this change in approach, significant grade changes will occur in the vicinity of the RW 4 REIL, requiring relocation/adjustment to meet new grades. In the original scope of work, no grading impacts to the RW 4 REIL was anticipated or included.

The work includes:

1. Design and coordinate the relocation/adjustment of RW 4 REIL equipment conduits, and conductors impacted grading changes.
2. Prepare a REIL relocation/adjustment plan. One drawing is anticipated.
3. Prepare details for construction of the REIL relocation. One drawing is anticipated.
4. Incorporate drawings and specifications for the REIL work into the Phase I bidding documents.
5. Determine quantities and bid items for inclusion in Phase I bidding documents.

## **TASK 5 –TW E CENTERLINE MARKING CHANGES, PHASE I**

This work is required because of information discovered during the preliminary design. During the course of the original runway design, it was determined that the geometry and pavement configuration of TW E does not meet current standards. At FAA's direction, the configuration of TW E will be revised to meet current geometry/layout standards. Corrections to the centerline markings will be completed as part of Phase I work. Lighting changes, and pavement edge geometry will be completed as part of Phase II work. This scope includes Phase I work only. Phase II work will be addressed in a separate scope of work or amendment.

Design activities include:

1. Evaluate existing geometry.
2. Prepare up to 3 options for TW E centerline and edge geometry for use in discussion with the Airport and FAA.
3. Coordinate approval of centerline geometry with FAA.
4. Prepare a pavement marking plan to reflect the TW E centerline geometry changes. One drawing is anticipated.
5. Incorporate the work into the Phase I bidding documents.

## **TASK 6 –TW K CENTERLINE MARKING CHANGES, PHASE I**

This work is required because of information discovered during the preliminary design. During the course of the original runway design, it was determined that the geometry and pavement configuration of TW K does not meet current standards. At FAA's direction, the configuration of TW K will be revised to meet current geometry/layout standards. Corrections to the centerline markings will be completed as part of Phase I work. Lighting changes, and pavement edge geometry will be completed as part of Phase II work. This scope includes Phase I work only. Phase II work will be addressed in a separate scope of work or amendment.

Design activities include:

1. Evaluate existing geometry.
2. Prepare up to 3 options for TW K centerline and edge geometry for use in discussion with the Airport and FAA.
3. Coordinate approval of centerline geometry with FAA.
4. Prepare a pavement marking plan to reflect the TW K centerline geometry changes. One drawing is anticipated.
5. Incorporate the work into the Phase I bidding documents.

## **TASK 7 –PHASE I SHOULDER AND RSA GRADING**

This work is required due to the change from a “grind and overlay” approach to a “complete reconstruction” design approach. In addition, through the preliminary design process, at FAA direction, significant grading changes are necessary in the RW 4-22 RSA to meet current design standards. In the original “grind and overlay” approach, minimal blending/grading of the shoulders was expected. However due to the “complete reconstruction” approach, significant changes in shoulders and RSA grades will occur, requiring additional design effort and drawings to depict the work. This scope addresses work for Phase I. OFA grading is not included in Phase I. OFA Grading will be included as part of Phase II. Phase II work will be addressed in a separate scope of work or amendment.

Work elements include:

1. Evaluate the existing Phase I cross section and work area and compare with FAA advisory circulars.
2. Prepare figures to serve as discussion exhibits for determining the need and extent of grading.
3. Coordinate design issues and requirements with FAA and solicit FAA approval for the recommended design approach.
4. Prepare preliminary grading design for Phase I RSA areas.
5. Prepare grading plans of the RSA for inclusion in the Phase I bidding documents. 3 Sheets area anticipated.
6. Compute earthwork quantities and cost estimating for Phase I bidding.

## **TASK 8 –CONDUCT ADDITIONAL RUNWAY PROFILE ANALYSIS**

This work is required due to the change from a “grind and overlay” approach to a “complete reconstruction” design approach. During the preliminary design, as the grind/overlay approach was being evaluated, coordination with FAA indicated that in order to be compliant with current design standards, the “grind and overlay” approach would not meet those requirements.

The direction from FAA required that the profile, cross section and reconstruction alternatives be re-evaluated from a constructability and cost perspective. This change in approach also has funding implications that requires coordination and support from both the Airport and FAA. The purpose of this scope item is to address activities and design effort to evaluate several construction approaches from a constructability and funding perspective. In addition, to meet funding limitations, the feasibility of constructing the project in phases was evaluated.



Work activities include the following:

1. Re-evaluating the runway profile design based on current FAA design standards.
2. Coordinating and seeking FAA approval of the design approach and criteria (for profile and cross section) to be used for the reconstruction of RW 4-22.
3. Evaluating the feasibility and cost of various construction methods for reconstruction of the runway. This included complete reconstruction; grind and overlay; combination of complete reconstruction and grind/overlay.
4. Evaluate the feasibility and cost of phasing the construction of the work over multiple construction seasons.
5. Preparation of preliminary profiles, cross sections to facilitate the discussion of the approach and facilitation of a recommended solution.
6. Preparation of a technical memo discussing the analysis for FAA review and comment.

#### **TASK 9 –PREPARE ADDITIONAL PHASE I WORK AREA PLANS**

This work is required due to the change from a single project with a single set of bid documents to a 2 phase project with 2 sets of bidding documents. The original scope of work included a set of phasing plans. The original set of phasing plans addresses the overall project sequencing for the purposes of inclusion in the Construction Safety and Phasing Plan. However, since the project will now be bid as 2 separate projects, a separate set of work area phasing plans, specific to Phase I is now required for inclusion in the Phase I bidding documents. This work addresses Phase I work only. Phase II work will be addressed in a separate scope of work.

Work for Phase I includes:

1. Prepare work area phasing plans for Phase I work areas. 12 drawings are anticipated.
2. Incorporate drawings into Phase I bidding documents.