



125 SW "E" Street, Madras, OR 97741 Telephone (541) 475-2344 www.ci.madras.or.us

City of Madras
Madras Redevelopment Commission - City Council Meeting
City Council Chambers

October 12, 2021
5:30 pm

This meeting is open to the public and interested citizens are invited to attend. Those attending in person are asked to wear a mask in accordance with the Governor's mandates. The meeting will be offered via Zoom and teleconference with a moderator available to assist remote users. Audio of the meeting will be available on our website within 24 hours following the meeting.

Join via Zoom:

<https://us02web.zoom.us/j/2912614668?pwd=MIJ3ZzhOYzg0ZkhwOTZ0REgrWTFYdz09>

Passcode: **541 475 2344**

Join via teleconference:

From a cell phone:

971-247-1195

From a land line phone:

1-877-853-5257

Meeting ID: **291 261 4668#**

Participant ID: **#**

Passcode: **541 475 2344#**

Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the above referenced meeting; however, the agenda does not limit the ability of the Commission or Council to consider additional subjects. Meetings are subject to cancellation without notice. Minutes of this and all public meetings are available online or at Madras City Hall. The meeting place is handicapped accessible. The City of Madras is an Equal Opportunity Provider.

MADRAS REDEVELOPMENT COMMISSION AGENDA

- I. **Call Commission Meeting to Order**
- II. **Pledge of Allegiance and Prayer**
- III. **Roll Call**
- IV. **Changes/Additions to Regular Agenda**
- V. **MRC Consent Agenda**

All matters listed within the Consent Agenda have been distributed to every member of the Madras Redevelopment Commission for review, are considered to be routine, and will be enacted by one motion of the Commission with no separate discussions. If separate discussion is desired, any item may be removed from the Consent Agenda and placed on the Regular Agenda by request.

- A. **Approval of September 28, 2021 MRC Meeting Minutes**

- VI. **Public Comments (please limit to 3 minutes)**

For in-person attendees, please submit a comment form to the City Recorder prior to the beginning of the meeting. For Zoom participants, please notify the Moderator by using the "raise your hand" feature or pressing *9 and then waiting for your introduction. The Commission reserves the right to limit the number of speakers pertaining to the same topic in the interest of meeting efficiency and expediency.

VII. **Appointments of Chair and Vice-Chair**

City Recorder Lysa Vattimo

VIII. **Additional Comments**

IX. **Adjourn Commission Meeting**

CITY COUNCIL AGENDA

I. **Call Council Meeting to Order**

II. **Roll Call**

III. **Changes/Additions to Regular Agenda**

IV. **Consent Agenda**

All matters listed within the Consent Agenda have been distributed to every member of the City Council for reading and study, are considered to be routine, and will be enacted by one motion of the Council with no separate discussions. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by request.

A. Approval of September 14, 2021 City Council Executive Session Meeting Minutes

B. Approval of September 28, 2021 City Council Meeting Minutes

C. Professional Services Contract for Meterreaders, LLC to Perform Meter-Reading Services

D. Procurement Card Service Agreement

V. **Public Comments (please limit to 3 minutes)**

For in-person attendees, please submit a comment form to the City Recorder prior to the beginning of the meeting. For Zoom participants, please notify the Moderator by using the “raise your hand” feature or pressing *9 and then waiting for your introduction. The Council reserves the right to limit the number of speakers pertaining to the same topic in the interest of meeting efficiency and expediency.

VI. **Ordinance No. 959**

An ordinance amending the Madras Development Code to adopt clear and objective provisions for residential development; declaring an emergency.

Community Development Director Nicholas Snead

A. Mayor provides attendees with an opportunity to present questions and/or comments on the proposed ordinance.

B. Motion by Council for the City Attorney to read Ordinance No. 959 by title only.

C. City Attorney or his designee reads Ordinance No. 959 by title only.

D. Motion by Council to approve and adopt Ordinance No. 959 (if Council so chooses).

E. City Recorder takes a roll call vote.

VII. Department of Land Conservation and Development Grant for Technical Assistance – Housing Needs Analysis Update

Community Development Director Nicholas Snead

VIII. Appointment of Council President

City Recorder Lysa Vattimo

IX. Downtown Parking Plan Update (Verbal)

Community Development Director Nicholas Snead

X. Housing Code Update (Verbal)

Community Development Director Nicholas Snead

XI. Additional Comments, Announcements, and Department Reports

XII. Adjourn Council Meeting



**MADRAS
REDEVELOPMENT
COMMISSION

MEETING PACKET**



MADRAS REDEVELOPMENT COMMISSION

125 SW "E" Street Madras, OR 97741
Phone: 541-475-2344 Fax: 541-475-7061

OFFICIAL MINUTES SEPTEMBER 28, 2021

I. **Call to Order**

The Madras Redevelopment Commission Meeting was called to order by Chairman Brick at 5:30 p.m. on Tuesday, September 28, 2021 in the Madras City Hall Council Chambers, 125 SW "E" Street in Madras, Oregon.

II. **Pledge of Allegiance and Prayer**

Commissioner Canga led the Pledge of Allegiance to the flag of the United States of America and Commissioner Ladeby led the prayer.

III. **Role Call**

Commission Members In Attendance or on Teleconference:

Chairman Bartt Brick; Vice-Chair Royce Embanks, Jr.; Commissioners Rosalind Canga, Jennifer Holcomb, Richard Ladeby, Blanca Reynoso, Gabriel Soliz and Gary Walker.

Staff Members In Attendance or on Teleconference:

City Administrator Gus Burril; Police Chief Tanner Stanfill; Finance Director Kristal Hughes; Public Works Director Jeff Hurd; Community Development Director Nicholas Snead; HR & Administrative Director Charo Miller; City Attorney Jeremy Green of Bryant, Lovlien and Jarvis; and City Recorder Lysa Vattimo.

Visitors in Attendance:

Present in Chambers: Jay Mathisen and Joey Prechtl (509J School District); Mae Huston (Jefferson County Commission).

Zoom Participants: Nancy Diaz (Boys & Girls Club); Terri Moon; Judy Embanks; Rick Allen; Joe Krenowicz (Chamber).

IV. **Changes/Additions to Regular Agenda**

There were no changes to the regular agenda.

V. **Madras Redevelopment Commission Consent Agenda**

All matters listed within the Consent Agenda have been distributed to every member of the Madras Redevelopment Commission for review, are considered to be routine, and will be enacted by one motion of the Commission with no separate discussions. If separate discussion is desired, any item may be removed from the Consent Agenda and placed on the Regular Agenda by request.

A. Approval of September 14, 2021 MRC Meeting Minutes

MOTION: THAT WE APPROVE ALL MATTERS LISTED WITHIN THE
CONSENT AGENDA.
MOVED: COMMISSIONER CANGA
SECONDED: COMMISSIONER HOLCOMB
VACANCY: 1
PASSED: UNANIMOUSLY, 8/0

VI. Public Comments (please limit to 3 minutes)

There were no public comments.

VII. MRC Vouchers

MOTION: THAT WE APPROVE THE VOUCHERS AS PRESENTED.
MOVED: COMMISSIONER LADEBY
SECONDED: COMMISSIONER SOLIZ
VACANCY: 1
PASSED: UNANIMOUSLY, 8/0

VIII. Additional Reports

Community Development Director Snead reported that the Reynoso's new Food Court is just about completed. They are working with Staff and the Chamber to schedule a ribbon cutting event that the Commission will be invited to very soon.

Secondly, he received a phone call from a business that is interested in locating a restaurant in Madras. They would like to have a preliminary discussion about potential MRC funding. Commissioners Soliz, Holcomb and Embanks volunteered to participate in a Zoom meeting with Community Development Director Snead and the business owner to discuss the project and how the MRC may be of assistance.

IX. Adjourn Commission Meeting

The meeting adjourned at 5:38 p.m.

Minutes prepared by:

Reviewed by:

Lysa Vattimo, City Recorder

Bartt Brick, Chair

MADRAS URBAN RENEWAL AGENCY
Request for Commission Action

Date Submitted: October 5, 2021
Meeting Date: October 12, 2021
To: Madras Redevelopment Commission
From: Lysa Vattimo, City Recorder
Through: Gus Burrell, City Administrator
Subject: **APPOINTMENTS OF CHAIR AND VICE-CHAIR**
To Fill Vacancies November 6, 2021 through December 31, 2021

TYPE OF ACTION REQUESTED:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Public Hearing (Enter Type) |
| <input type="checkbox"/> Ordinance | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Consent Agenda | <input type="checkbox"/> No Action - Report Only |

MOTION FOR COMMISSION CONSIDERATION:

That the MRC appoint Commissioner Embanks as Chair and Commissioner [Name] as Vice-Chair to serve November 6, 2021 through December 31, 2021.

OVERVIEW:

With the resignation of Chair Brick effective November 5, 2021, the Commission needs to formally appoint Vice-Chair Embanks as the Chair for the remainder of 2021. This opens the Vice-Chair seat for an appointment for the remainder of 2021. Whoever the Commission appoints as Vice-Chair will serve as Chair if/when the Chair is not available.

In accordance with the MRC bylaws, a new Chair and Vice-Chair are appointed during the first meeting of the year each year. Therefore, a new Chair and Vice-Chair will be appointed in January 2022.

STAFF ANALYSIS:

Appointing a Chair and Vice-Chair to fill the vacancy being left by Chair Brick's departure fulfills the bylaw requirements.

SUPPORTING DOCUMENTATION:

- Resolution No. MRC 2020-01 MRC Amended and Restated Bylaws

RECOMMENDATION:

That the MRC appoint Commissioner Embanks as Chair and Commissioner [Name] as Vice-Chair to serve November 6, 2021 through December 31, 2021.

**URBAN RENEWAL AGENCY OF THE CITY OF MADRAS
RESOLUTION NO. MRC 2020-01**

**A RESOLUTION OF THE URBAN RENEWAL AGENCY OF THE CITY OF MADRAS
APPROVING AND ADOPTING THE SECOND AMENDED AND RESTATED BYLAWS OF
THE URBAN RENEWAL AGENCY OF THE CITY OF MADRAS.**

WHEREAS, on or about June 11, 2002, the Madras City Council (the "Council") adopted Ordinance No. 698 pursuant to which the Council (a) declared that blighted areas exist in City of Madras ("City"), (b) activated the urban renewal agency, and (c) elected to exercise the powers of City's urban renewal agency; and

WHEREAS, pursuant to Ordinance No. 698, the corporate name of the urban renewal agency is the Urban Renewal Agency of the City of Madras ("Agency"); and

WHEREAS, on or about August 13, 2002, the Council adopted Ordinance No. 700 pursuant to which the Council adopted the Madras Urban Renewal Plan; and

WHEREAS, pursuant to ORS 457.055, the Council adopted Ordinance No. 709 on June 24, 2003 and transferred the powers of Agency from the Council to a body authorized to exercise those powers under ORS 457.045(2); and

WHEREAS, under Ordinance No. 709, the body authorized to exercise the powers of Agency is known as the Madras Redevelopment Commission (the "MRC") and is composed of three members from the Council and six members from the general public, nominated and appointed by the Council; and

WHEREAS, the MRC adopted certain bylaws to govern the conduct and business of the MRC by motion on October 16, 2007, as amended by those certain First Amended and Restated Bylaws of Madras Redevelopment Commission adopted by Resolution No. MRC 2013-01 on April 16, 2013 (collectively, the "Original Bylaws"); and

WHEREAS, on November 12, 2019, the Council adopted Ordinance No. 936 pursuant to which City changed the composition of the MRC; and

WHEREAS, Ordinance No. 936 provides, among other things, that the MRC may adopt, by resolution, bylaws governing the administration of Agency; and

WHEREAS, the MRC (a) has determined that the Original Bylaws are outdated and inconsistent with Ordinance No. 936, and (b) desires to adopt bylaws governing the administration of Agency.

**NOW, THEREFORE, THE URBAN RENEWAL AGENCY OF THE CITY OF MADRAS
RESOLVES AS FOLLOWS:**

1. Findings. The above-stated findings contained in this Resolution No. MRC 2020-01 (this "Resolution") are hereby adopted.

2. Bylaws. The MRC hereby approves and adopts the Second Amended and Restated Bylaws of the Urban Renewal Agency of the City of Madras dated January 14, 2020,

attached hereto as Exhibit A (the "Bylaws"). The Original Bylaws are hereby amended, restated, and replaced in their entirety by the Bylaws.

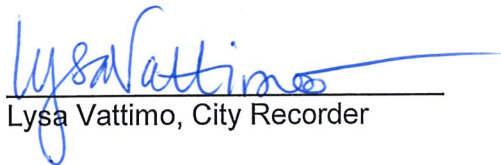
3. Miscellaneous. For purposes of this Resolution, the singular includes the plural and the plural includes the singular; the word "or" is not exclusive and the words "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. The provisions of this Resolution are severable. If any section, subsection, sentence, clause, and/or portion of this Resolution is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this resolution. This Resolution may be corrected by order of the MRC to cure editorial and/or clerical errors. This Resolution will be in full force and effect from and after its approval and adoption.

APPROVED, ADOPTED, AND MADE EFFECTIVE by the MRC on January 14, 2020.



Bartt Brick, Chair

ATTEST:



Lysa Vattimo, City Recorder

Exhibit A
Bylaws

(attached)

**SECOND AMENDED AND RESTATED BYLAWS
OF
THE URBAN RENEWAL AGENCY OF THE CITY OF MADRAS**

These Second Amended and Restated Bylaws of the Urban Renewal Agency of the City of Madras dated January 14, 2020 (these "Bylaws") are authorized by Section 3 of City of Madras ("City") Ordinance No. 936.

1. NAME; OFFICE; AUTHORITY

1.1 Name. This agency will be referred to the Urban Renewal Agency of the City of Madras ("Agency").

1.2 Office. Agency's office will be located at the Madras Police Station/City Hall (Madras, Oregon), or such other location as Agency may from time to time designate by resolution.

1.3 Powers and Duties. Agency's powers and duties are provided under ORS Chapter 457 and as authorized by the Madras City Council (the "Council") under Ordinance No. 698, as amended.

2. URBAN RENEWAL AGENCY BOARD

2.1 General Powers. All Agency powers will be exercised by or under the authority of, and the affairs of Agency managed under the direction of, the urban renewal agency board (i.e., the Madras Redevelopment Commission) (the "MRC"), subject to any limitations set forth under applicable Oregon law and/or Council ordinance.

2.2 Membership; Qualifications.

2.2.1 The MRC will be a variable-ranged size of board of commissioners. The minimum number of commissioners is nine (9) and the maximum number of commissioners will be thirteen (13). Notwithstanding anything contained in these Bylaws to the contrary, seven commissioner positions will be held by concurrent Council members (i.e., six councilors and the mayor). Subject to the provision contained in these Bylaws, the number of commissioners may be fixed or changed periodically, within the minimum and maximum, by resolution of the MRC.

2.2.2 Two (2) to five seats will be held by members of the general public from the Madras community, which Madras community is defined as that area consisting of two miles from the Madras city limits, excluding the City of Metolius, as depicted on the attached Attachment A. Of the commissioners appointed from the general public, not more than two commissioners may be engaged in the same kind of occupation, business, trade, or profession.

2.2.3 If the Council is unable to fill the MRC membership after the exercise of reasonable efforts, the Council may appoint individuals to the MRC notwithstanding the membership restrictions on occupation, business, trade, and/or profession contained in Section 2.2.2.

2.3 Appointment; Terms of Office. Council commissioners will serve commissioner terms that correspond with the term of the commissioner's Council seat, ending December 31. A vacancy in a member's Council seat will be deemed a vacancy in the member's respective MRC

seat. Citizen (general public) commissioners will be appointed by the Council and will serve staggered three-year terms, ending December 31. Commissioners may be re-appointed to consecutive terms.

2.4 Local Contract Review Board. The MRC will act as Agency's local contract review board when approving public contracts in accordance with Agency's public contracting rules. All contracts, deeds, and instruments will be approved in accordance with applicable law and Agency's public contracting rules.

2.5 Vacancies; Removal. Any vacancy in the MRC will be filled by the Council for the unexpired term of the predecessor in office. Notwithstanding anything contained in these Bylaws to the contrary, a commissioner appointed by the Council may be disciplined and/or removed by the Council for any of the following reasons: (a) three or more unexcused absences from regular MRC meetings; (b) commission of a felony; and/or (c) any other acts of misconduct or nonperformance that is contrary to the objectives and purpose of the Agency.

3. OFFICERS; PERSONNEL; COMMITTEES

3.1 Officers. Agency's officers will consist of a chair, vice-chair, an executive director, and any other officers whom Agency deems necessary.

3.2 Chair. The chair will be appointed by the commissioners during the first meeting of each calendar year and will preside at all MRC meetings. The chair will have a vote on all questions before the MRC. The chair will be a co-signer on checks.

3.3 Vice-Chair. The vice-chair will be elected by the commissioners during the first meeting each calendar year and will perform the duties of the chair in the absence of the chair. Whenever the chair is unable to perform the functions of the office, the vice-chair will act as chair. If both the chair and vice-chair are absent from an MRC meeting, the commissioners present will select one of their number to perform the chair's functions at the meeting. In the absence of the executive director, the vice-chair will keep the official records of Agency, attest signatures of Agency, certify copies of Agency documents, and perform other record-keeping duties of the executive director. The vice-chair will be a co-signer on checks.

3.4 Executive Director. The executive director will be the chief executive officer and administrative head of Agency and will be responsible to Agency for the proper administration of the affairs placed in the executive director's hands. The executive director will administer the affairs of Agency in accordance with federal, state, and local laws. The executive director will see that all contracts of Agency are carried out in the best interest of Agency and in accordance with applicable law.

(a) The executive director will cause to have prepared plans, reports, and other necessary matters concerning any given urban renewal area; and will report from time to time to Agency on the status of the urban renewal programs.

(b) The executive director will appoint and remove committee members and employees except as these Bylaws provide otherwise and will have general supervision and control over them and their work.

(c) The executive director (or his or her designee) will serve as the budget officer of Agency.

(d) City's then appointed city administrator (or his or her designee) may act as the executive director of Agency, or the MRC may select another individual to serve as executive director.

(e) The executive director will be responsible for the fiscal administration of all funds of Agency and will act as co-signer of the checks drawn upon the checking accounts of Agency.

3.5 Additional Duties. The officers of Agency will perform such other duties and functions as may from time to time be required by Agency.

3.6 Additional Personnel; Committees. Agency may, from time to time, create such positions, employ such personnel, create committees, subcommittees, or advisory groups as it deems necessary to exercise its powers, duties, and functions as prescribed by the laws of the State of Oregon applicable thereto.

3.7 Vacancies. Should the offices of the chair or vice-chair become vacant, Agency will elect a successor from its membership at the next regular meeting and such election will be for the unexpired term of such office.

3.8 Removal. The chair or vice-chair may be removed from office at any time by a vote of a majority of the entire the MRC. Agency officers, including the positions of chair and vice chair, may also be removed from office after three consecutive, unexcused absences.

4. MEETINGS

4.1 Regular Meetings. Subject to and in accordance with Oregon's Public Meetings Law, the MRC will hold a regular meeting at least once per month, or as the chair, executive director, and/or Agency staff determine necessary or appropriate to conduct Agency business. Regular meetings will be held at a time and place at which Agency designates. A regular meeting may be continued, postponed, cancelled, or adjourned to a later date, and notice of such adjourned meeting will be given to all commissioners and the public.

4.2 Emergency and Special Meetings; Notice. The chair may upon his or her own motion, or at the request of three commissioners of the MRC and/or at the request of the executive director, by giving notice to all commissioners and the public call for an emergency meeting or special meeting of the MRC; provided, however, special meetings must be called and noticed at least 24 hours' prior to the holding of the special meeting. All meetings of the MRC will be called, noticed, and held in accordance with these Bylaws and Oregon's Public Meetings Law.

4.3. Excused Absence. When any commissioner cannot attend a meeting of the MRC, the commissioner will notify the executive director prior to the meeting with as much advance notice as possible. If the absence is for good cause, the absence will be listed in the minutes as excused. If the absence is not for good cause, or prior permission is not obtained, except in the case of an emergency, the absence will be listed in the minutes as unexcused. Whether an absence is for "good cause" will be determined by the MRC.

4.4 Quorum. A majority of the then appointed MRC commissioners will constitute a quorum for the purpose of conducting MRC business and exercising its powers and for all other purposes. Except as provided otherwise in these Bylaws, a resolution of the MRC, and/or

applicable law, the express concurrence of a majority of a quorum is necessary to decide any question before the MRC. It is the duty of each commissioner to attend all meetings of the MRC. If a quorum is not present, the executive director will immediately inform absent members, except those known to be unavoidably detained, that their presence is required. Subject to applicable law, MRC commissioners may attend a regular, special, or emergency meeting through use of any means of communicating by which all MRC commissioners participating may simultaneously hear or read each other's communications during the meeting.

4.5 Manner of Voting. The chair will ask for a voice vote for all final decisions. All MRC commissioners present at a meeting are expected to vote on each motion except as provided otherwise under applicable law. A commissioner who does not vote must state the basis for any conflict of interest or other disqualification in accordance with applicable law. MRC commissioners present and not voting and MRC commissioners absent will be entered into the minutes of such meeting. The executive director will maintain a record of the votes. Any commissioner may request a roll call vote on any motion. At the conclusion of any vote, the chair will announce the results.

4.6 Order of Business. At the regular meetings of Agency, the following will be substantially the order of business:

- (a) Call to order.
- (b) Roll call.
- (c) Consent agenda and approval of minutes of previous meeting.
- (d) Citizen input.
- (e) Items from chair or MRC commissioners.
- (f) Items from executive director.
- (g) Public hearings.
- (h) Committee reports.
- (i) New and miscellaneous business.
- (j) Adjournment.

4.7 Time for Submission. An agenda deadline is necessary in order to allow time for sufficient research by staff, recommendations from subcommittees or advisory committees, and review by the MRC in order to be prepared for meetings. Items for the MRC agenda will be submitted in writing by filling out an agenda request form available at City Hall. For an issue to be addressed on a specific date, a completed agenda request form must be received by the executive director not later than 5:00 p.m. on the day at least one week prior to the requested meeting. The executive director will place items which have been previously reviewed by the MRC and/or items which are obviously routine in nature on the consent agenda. Items may be removed from the consent agenda by the chair or by a majority vote of the MRC.

4.8 Robert's Rules. Unless otherwise provided by applicable law or these Bylaws, all rules of order and order not herein provided for will be determined in accordance with *Robert's Rules of Order Newly Revised*.

4.9 Minutes; Resolutions; Open Meetings. The executive director or his or her designee will keep an accurate record of all Agency proceedings, including written minutes or recordings of all meetings. MRC minutes are a public record available for public inspection. All Agency resolutions will be in writing. All meetings, deliberations, and proceedings of the MRC will be public except as state law allows otherwise.

5. FINANCIAL

5.1 Agency Funds; Investment; Disbursement. City's Finance Director will be the ex officio custodian of funds of Agency. Agency funds will be kept separate from City's funds and will be invested and disbursed in accordance with Oregon law. The Urban Renewal Agency General Fund is hereby established for deposit of all Agency revenues until otherwise provided by Agency. Other funds may be established as needed by resolution of Agency.

5.2. Budget. Agency will adopt a biennial budget. Budget procedures will follow budget law of the State of Oregon for urban renewal agencies.

5.3 Audit. An annual audit of the fund(s) of Agency will be performed.

5.4 Annual Report. As required in ORS 457.460, an annual report will be prepared for Agency and published as required by applicable Oregon law.

6. PROFESSIONAL SERVICES

Agency will use the same auditor, legal counsel, consulting engineer, and other consultants as City, unless not in the best interests of Agency to do so. Subject to and in accordance with Agency's public contracting rules, Agency may hire other professional services, including, without limitation, bond counsel, urban renewal consultant(s), and financial analyst(s), as may be required to fulfill the goals and objectives of Agency.

7. AMENDMENT OF BYLAWS


The MRC may, by resolution, adopt one or more amendments to these Bylaws by a vote of a majority of the entire MRC, provided that the proposed amendment(s) has been submitted in writing to all commissioners at least five days prior to the meeting. In accordance with Oregon's Public Meetings Law, Agency must provide notice of any MRC meeting at which an amendment is to be approved. The notice must also state that the purpose or one of the purposes of the meeting is to consider a proposed amendment to these Bylaws and contain or be accompanied by a copy or summary of the amendment or state the general nature of the amendment. Agency will annually review these Bylaws, commencing on January 14, 2021 to determine whether any changes or modifications are necessary or appropriate.

These Bylaws were adopted and made effective by the Madras Redevelopment Commission on January 14, 2020.

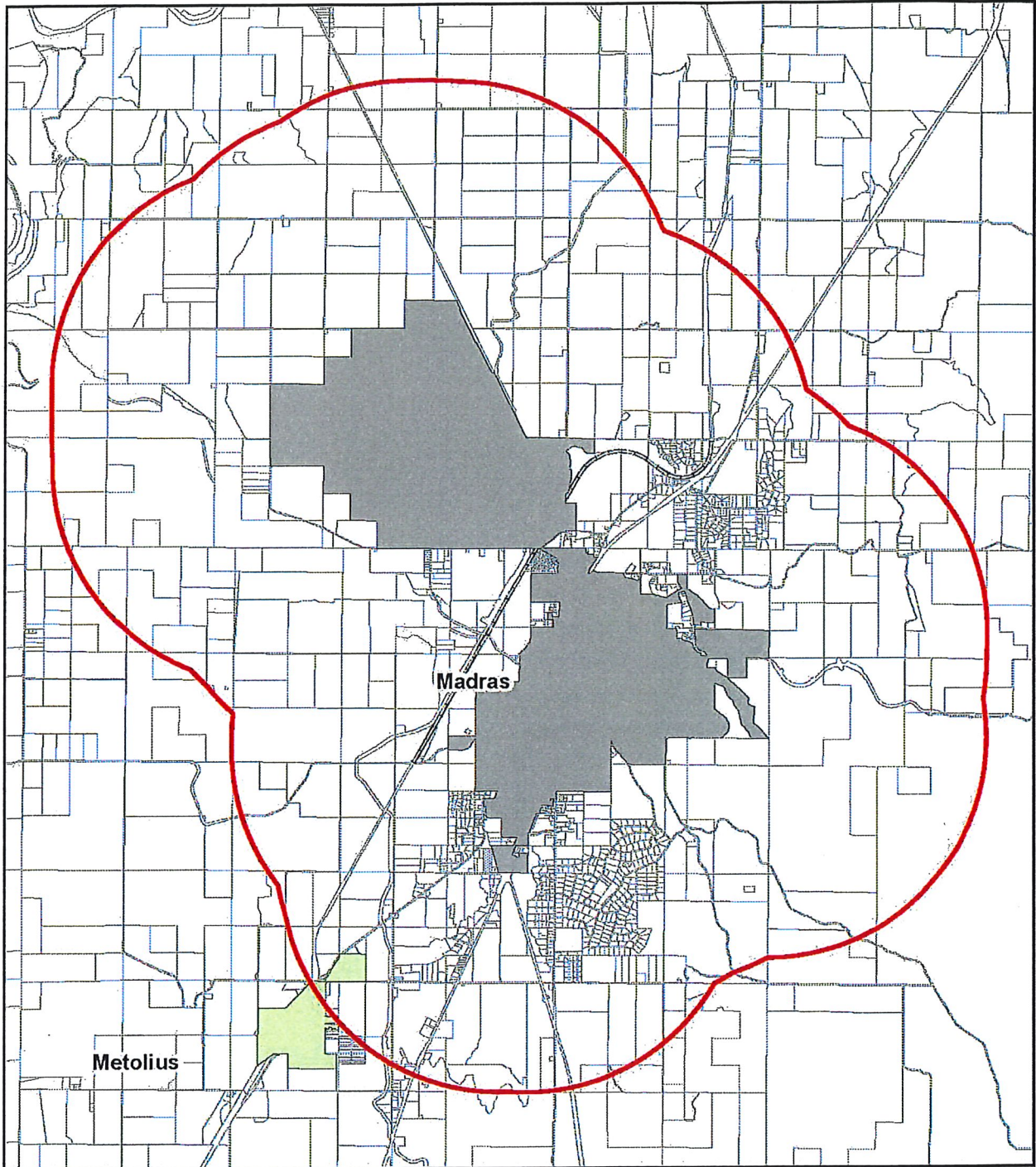



Bartt Brick, Chair

ATTEST:



Lysa Vattimo, City Recorder

Attachment A









 The City of Madras uses GIS data in support of internal business functions and the public services it provides. GIS data may not be suitable for other purposes or uses. The requestor shall verify information derived from GIS data before making any decisions or taking any actions based on the information. The City of Madras shall not be liable for errors in the GIS data. This includes errors of omission, commission, errors concerning the content of the data, and relative and relational accuracy of the data. The City of Madras assumes no legal responsibility for this information.



 NORTH

 1 inch = 6,669 feet

 N.Snead, City of Madras, 1-8-20

-  City Limits 2 mile buffer
-  Madras City Limits
-  Metolius City Limits
-  Taxlots



CITY COUNCIL MEETING PACKET



OFFICIAL CITY COUNCIL EXECUTIVE SESSION MEETING MINUTES
September 14, 2021

I. Call to Order

Mayor Richard Ladeby called the meeting to order at 5:00 p.m. in the Madras City Hall Council Chambers, 125 SW “E” Street in Madras, Oregon and read the following statement:

“The Madras City Council will now meet in executive session to consider and review attorney-client privileged communications. This executive session is held pursuant to ORS 192.660(2)(f), which permits the council to meet in executive session to consider information or records that are exempt by law from public inspection. Representatives of the news media and designated staff will be allowed to attend the executive session. All other members of the audience will not be permitted to attend. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision will be made in the executive session. The Madras Redevelopment Commission and Madras City Council will commence their regular meeting at 5:30 p.m.”

II. Roll Call

Council Members In Attendance or on Teleconference:

Mayor Richard Ladeby; Council President Bartt Brick; Councilors Rosalind Canga, Royce Embanks, Jr., Jennifer Holcomb, Gabriel Soliz and Gary Walker.

Staff Members In Attendance or on Teleconference:

City Administrator Gus Burrell, HR & Administrative Director Charo Miller, Public Works Director Jeff Hurd, Police Chief Tanner Stanfill, Community Development Director Nicholas Snead and City Recorder Lysa Vattimo.

Visitors in Attendance or on Teleconference:

None.

III. Executive Session – ORS 192.660(2)(f)

Council and staff reviewed and discussed information or records that are exempt by law from public inspection in accordance with ORS 192.660(2)(f).

IV. Adjourn

The Executive Session was adjourned at 5:25 p.m.

Minutes prepared by:

Reviewed by:

Lysa Vattimo, City Recorder

Richard Ladeby, Mayor



OFFICIAL CITY COUNCIL MEETING MINUTES
September 28, 2021

I. Call to Order

The City Council Meeting was called to order by Mayor Ladeby at 5:39 p.m. on Tuesday, September 28, 2021 in the Madras City Hall Council Chambers, 125 SW "E" Street in Madras, Oregon.

II. Roll Call

Council Members In Attendance or on Teleconference:

Mayor Richard Ladeby; Council President Bartt Brick; Councilors Rosalind Canga, Royce Embanks, Jr., Jennifer Holcomb, Gabriel Soliz and Gary Walker.

Staff Members In Attendance or on Teleconference:

City Administrator Gus Burril; Police Chief Tanner Stanfill; Finance Director Kristal Hughes; Community Development Director Nicholas Snead; Public Works Director Jeff Hurd; HR & Administrative Director Charo Miller; City Attorney Jeremy Green of Bryant, Lovlien and Jarvis; and City Recorder Lysa Vattimo.

Visitors in Attendance or on Teleconference:

Present in Chambers: Jay Mathisen and Joey Prechtl (509J School District); Mae Huston (Jefferson County Commission); Rob & Tracy Berg.

Zoom Participants: Nancy Diaz (Boys & Girls Club); Joe Krenowicz (Chamber); Teri Moon; Judy Embanks; Rick Allen.

III. Changes/Additions to Regular Agenda

Additions:

- Extension of COVID Leave Time for City of Madras and Madras PD Staff
- Letter of Support for HB 5006 - Funding for Jefferson County Irrigation Efforts
- Request for Grant Funding – Jefferson County Cowdeo

MOTION: TO APPROVE THE REGULAR AGENDA AS AMENDED.

MOVED: COUNCILOR BRICK

SECONDED: COUNCILOR CANGA

PASSED: UNANIMOUSLY, 6/0

IV. City Council Consent Agenda

All matters listed within the Consent Agenda have been distributed to every member of the City Council for reading and study, are considered to be routine, and will be enacted by one motion

of the Council with no separate discussions. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by request.

A. Approval of September 14, 2021 City Council Meeting Minutes

MOTION: TO ACCEPT THE CONSENT AGENDA AS PRESENTED.
MOVED: COUNCILOR HOLCOMB
SECONDED: COUNCILOR SOLIZ
PASSED: UNANIMOUSLY, 6/0

V. Public Comments (please limit to 3 minutes)

There were no public comments.

VI. Visitor Presentations

A. Big Brothers/Big Sisters Presentation

Nancy Diaz, Jefferson County Program Coordinator, provided background on the Big Brothers Big Sisters program and provided examples of local program relationship successes. She is working on re-opening the school-based program in Culver and would like to do the same at 509J. She has a few kids ready and waiting for mentors now. There are several types of programs including a community-based program (adults over age 18 are matched with kids), school-based program (high school students are matched with elementary or middle-school students), Bigs and Badges (emergency responders are matched with kids), Club Buddies (takes place at Kids Club) and Lunch Buddies (adults go to schools and have lunch with students once a week). She stated it only takes about six hours per month to help a child. Background checks are run on all mentors and training is provided. She invited everyone to either become a mentor, refer a child, help with activities, or make a donation (games, gift cards or monetary). She verified that all the Big Brothers Big Sisters work is volunteer. The program provides activities, gift cards to local restaurants, theatre tickets, games to be checked out, etc., to provide things for mentors to do with their matches.

B. Jefferson County 509J School District Proposed Bond Measure

509J Superintendent Jay Mathisen, provided an overview of what the expiring bonds provided for the school district and what the proposed bond measure will provide. He stated the proposed facilities bond of \$24M is a renewal so it is estimated not to increase the tax rate. He spoke about the process the school district went through in determining whether or not to propose a new bond to the voters, for how much, and which projects were the highest need for the district over the next 10 years. The funding that the district receives from the State is used for personnel (80-84%), fuel, utilities, curriculum, furniture replacement, etc. Hence the reason the district needs bond funding to repair and/or build facilities (asbestos removal, fire alarm upgrades, key card access systems, HVAC systems, roofing, etc.), creating larger space for the manufacturing program at Madras High School and the Future Farmers of America program. They will also add and refurbish early learning spaces for children younger than kindergarten, primarily through a six-classroom addition at the Warm Springs K-8 and renovating four spaces at Bridges Alternative High School. Should the bond pass in November, the State will provide a matching grant of \$4M additional funding.

VII. Extension of Airport Management & FBO Services Agreements with Berg Air, LLC

City Administrator Burri explained that he and Mr. Berg met and discussed options for extending the current agreements and they reached agreement on terms. They extended

the current agreement from September 30, 2021 to June 30, 2022 with an option to renew for one additional year as long as terms of the agreement are met that include addressing some things at the airport discussed between them. Mr. Berg is in agreement and is already addressing those things. Compensation will continue at the same rate through June 30, 2022 and adjust it by 10 percent in the second year renewal.

In regard to changing the model to separate the FBO and the Airport Manager, they also agreed to start the recruitment for an Airport Manager in the winter of 2023 (a year later than originally proposed), with an anticipated hire date of March/April 2023. Mr. Berg can apply for that position, but he would not be able to provide both Airport Management and FBO services. If he does not apply for the Airport Manager position, his services would transition to more training and onboarding the new Airport Manager. They agreed that the new Airport Manager would have a position in the aviation building. The solicitation for FBO services is anticipated for Spring 2023, effective July.

Rob Berg, Berg Air, LLC stated that he is in agreement with what has been presented.

MOTION: THAT COUNCIL APPROVE THE GENERAL NEGOTIATED TERMS AS OUTLINED WITHIN THIS REPORT FOR AIRPORT MANAGEMENT AND FIXED BASED OPERATOR (FBO) SERVICES WITH BERG AIR AND AUTHORIZE THE MAYOR TO SIGN THE SERVICE AGREEMENT TIME EXTENSIONS, SUBJECT TO CITY ATTORNEY FINAL REVIEW.

MOVED: COUNCILOR EMBANKS

SECONDED: COUNCILOR CANGA

PASSED: UNANIMOUSLY, 6/0

VIII. Public Hearing TA-21-4 – Continued from August 24, 2021

Planning File No. TA-21-4, legislative land use regulation amendments initiated by the City of Madras Development Code to establish clear and objective approval criteria per ORS 197.307 in Madras Development Code Chapter 18 – Development Code.

A. Mayor Opens Public Hearing

Mayor Ladeby opened the public hearing at 6:10 pm.

B. Declaration of Conflicts of Interest: Does any Councilor have any actual economic conflict of interest to disclose?

There were no conflicts of interest disclosed.

C. Staff Report/Applicant Testimony

Community Development Director Snead explained that proposed amendments would bring the City's development code into compliance with ORS 197.303 which requires cities to establish clear and objective standards for land use permits and building permits for needed housing. Needed housing is defined as housing that is needed in a City's housing needs analysis. The City of Madras' 2006 housing needs analysis stated that Madras needs all types of housing. This still holds true today. When the City's housing code is amended with clear and objective standards, it will be for all housing types.

The value of the proposed amendments is that it will be easier for developers to obtain land use approval and any appeal of a land use decision would need to assert that the City did not apply a standard or that the standard was not

satisfied. With clear and objective standards, it should be fairly easy to determine whether a standard was met or not met, making appeals easier to resolve.

He added that the proposed amendments will be good for the City's housing objectives, in that it will make it easier for developers to obtain necessary land use and development permits to build housing in our community.

D. Public Testimony

There was no public testimony.

E. Staff Comments

None.

F. Mayor Closes Hearing

Mayor Ladeby closed the public hearing at 6:14 pm.

G. Deliberation (Motion to recommend approval, modification, denial, or continue the public hearing to a date and time certain).

MOTION: THAT THE CITY COUNCIL APPROVE THE NEEDED HOUSING CODE AMENDMENTS AND DIRECT STAFF TO PREPARE THE APPROPRIATE ADOPTING ORDINANCE.
MOVED: COUNCILOR HOLCOMB
SECONDED: COUNCILOR SOLIZ
PASSED: UNANIMOUSLY, 6/0

IX. Status of Late Fees and Shut-Offs (Verbal)

Finance Director Hughes explained that the City has about 39 customers who are delinquent with average bills of \$600 each (most accounts are between \$250 and \$600 with a few over \$1,000). Staff has been doing a good job of keeping customers current and referring them to agencies for assistance (LINC and NeighborImpact have been extremely helpful in providing assistance to customers). In March of 2020, the City suspended shut-offs and discontinued charging late fees in response to the COVID pandemic. Customers continue to receive delinquent notices and door hangers, so they aren't unaware that they are behind on their payments. Recently, some neighboring agencies have begun charging late fees again and shutting off utilities for non-payment. She asked Council if they were ready to begin charging late fees and/or doing shut-offs again with 30-day notices.

Council was concerned about letting delinquent accounts continue, becoming too large for customers to pay off. They agreed that Finance should send delinquent customers a 30-day notice letter in October that would give them options for payment plans or face shut off.

X. City Vouchers

MOTION: TO APPROVE THE AUGUST 2021 VOUCHERS.
MOVED: COUNCILOR CANGA
SECONDED: COUNCILOR SOLIZ
RECUSED: COUNCILOR WALKER

PASSED: PASSED, 5/0

XI. Liquor License Renewal – Madras Brewing

Police Chief Stanfill explained this is the last liquor license in town to be renewed this year.

MOTION: THAT COUNCIL APPROVE THE LIQUOR LICENSE RENEWAL FOR MADRAS BREWING.

MOVED: COUNCILOR SOLIZ

SECONDED: COUNCILOR HOLCOMB

PASSED: UNANIMOUSLY, 6/0

XII. League of Oregon Cities 2021 Voting Delegate Selection

HR & Administrative Director Charo Miller explained that the League of Oregon Cities (LOC) conference has been canceled. However, the annual membership meeting will still occur on October 22nd at 11:45 am. The Council needs to choose a delegate to attend the Zoom meeting to cast votes.

Councilor Holcomb nominated Mayor Ladeby.

Council agreed unanimously that Mayor Ladeby would be the 2021 LOC delegate.

XIII. Extension of COVID Leave time for City of Madras and Madras PD Staff

HR & Administrative Director Miller explained that the 80-hour COVID leave time for staff is set to expire on September 30, 2021. The ability to utilize this leave time has helped the City mitigate employee absences and the spread of the virus. To date, the City has not had a single case amongst staff stemming from someone coming to work with COVID. Management attributes this to having a policy like this that allows Staff to use leave when they have been exposed to the virus. Staff has not abused this policy and have only used the hours when necessary and appropriate. Management is asking that Council approve an extension of 80-hours to be used through June 30, 2022.

Councilor Soliz asked if the hours would be extended or are employees being granted a new set of hours.

HR & Administrative Director Miller responded that employees will be granted a new bank of 80 hours.

MOTION: THAT COUNCIL APPROVE STAFF'S REQUEST TO ALLOW EMPLOYEES 80 HOURS OF PAID LEAVE FOR COVID RELATED ABSENCES THROUGH JUNE 30TH OF 2022.

MOVED: COUNCILOR BRICK

SECONDED: COUNCILOR SOLIZ

PASSED: UNANIMOUSLY, 6/0

XIV. Letter of Support for HB 5006 - Funding for Jefferson County Irrigation Efforts (Verbal)

City Administrator Burril explained that North Unit Irrigation District requested letters of support for Jefferson County farmers and ranchers by sending a letter to the Governor and the Legislative Emergency Board regarding the distribution of funds from HB 5006.

Councilor Holcomb asked if local farmers are in support of HB 5006.

City Administrator Burril responded that it's a financial aid request at this point. The money is being set aside for drought impacts to agricultural communities in Oregon and this letter is showing support for funding to Jefferson County farmers and ranchers.

MOTION: THAT WE AUTHORIZE THIS LETTER BE FORWARDED WITH THE MAYOR'S SIGNATURE.

MOVED: COUNCILOR EMBANKS

SECONDED: COUNCILOR HOLCOMB

PASSED: UNANIMOUSLY, 6/0

XV. Request for Grant Funding – Jefferson County Cowdeo

Finance Director Hughes explained that she received a request from the Jefferson County Fairgrounds Manager, Brian Crow, requesting sponsorship for the Cowdeo. In the past, the City has donated \$200 per year. She asked Mr. Crow to complete an annual grant request covering multiple years so it could be budgeted in future years.

MOTION: THAT WE APPROVE THE REQUEST FOR \$200 FOR COWDEO.

MOVED: COUNCILOR HOLCOMB

SECONDED: COUNCILOR EMBANKS

PASSED: UNANIMOUSLY, 6/0

XVI. Additional Comments, Announcements, and Department Reports

➤ **Police Department:**

Police Chief Stanfill reported Ivan Alonso-Varona just graduated from the academy and he will bring him before Council soon for recognition. Two new hires are in the field training evaluation program, so they are with a full-time police officer being trained. Officers are working targeted speed enforcement areas right now specifically in residential areas where there have been high complaints of speeding. The Med Project kiosk should be here next month. Officers are training in domestic violence protocol and response as well as internal policies and procedures should it impact a staff member. Officers can have a really positive impact if things are done right; doing things methodically in the investigative process and doing follow-up with the victims. The training and case reviews are a vigorous process, but it's how a department progresses and becomes better.

➤ **Finance:**

Finance Director Hughes reported that the bond sold (\$13M) including about \$1M MRC debt in our line of credit that was turned over into long-term bonds. In addition, the City is able to release about \$400,000 in debt reserves the wastewater fund which means that money can be used for operations instead of being held for the next 10-15 years in a reserve account unable to be used. Then the savings from the bond itself is just over \$800,000. The next project is depositing into the PERS side account. Next, the audit will be in three weeks.

➤ **Community Development:**

Community Development Director Snead reported that the site plan and subdivision applications have been filed for the Bunkhouse hotel next to the Inn at Cross Keys.

The owners would like to start moving dirt by the middle of October. NW Creations has submitted their application for the industrial building on Andrews Way. This is only the 2nd industrial building constructed in Madras in 16-17 years. The Downtown Parking Committee met last week to review the Downtown parking plan and code amendments. There is a compressed timeline on the project so he'll be keeping Council up to speed so that when the proposal comes before them, they are familiar and can make a decision easily.

➤ **Public Works:**

Public Works Director Hurd reported that Whitney Bennett with Commute Options is going to do a chalked up "traffic garden" at the old TS&S Ford lot (the art wall location) at the end of the week to teach kids the rules of the road for bikes. The Hess Street sewer project will be paved in at the end of the week. The Grizzly sewer project is still moving along pretty well. The Cleveland sewer project is held up due to utility conflicts. Marie Street paving is complete and looks great.

➤ **HR & Administration:**

HR & Administrative Director Miller thanked Council for approving the COVID extended leave time. She's working on employee open enrollment which will take place October 11-15. She continues to work on recruitment for the Street Utility and Facilities Maintenance position which closes October 6th. She's also working on some technology improvements in various areas including Council Chambers and the airport.

➤ **City Administrator:**

City Administrator Burril expressed appreciation for Staff as they've been working really hard applying for grants and finishing up projects. Next Wednesday, October 6th at 8:15 am at the Joint City-County meeting, the County has asked for discussion on industrial space grants which Senator Lynn Findley earmarked for ARPA funding. The idea was that the City would put some of our ARPA money in with it to bolster what we could offer to the development community. The last one like this went out to NW Creations who are also building the apartments up in Yarrow and annexing some property south of town near Love's Truck stop in addition to the building in the industrial park. The City was able to incentivize the County's grant to provide some additional industrial space. Other items in the ARPA funding include the Homeless Services Center \$300,000 match, the "J" Street/Willowcreek stormwater project which classified for funding, thereby freeing up transportation funds for other projects like Hall Road, Culver Highway, "J" Street. The City will approach the County to see if they will partner with us in raising some local matching funds. With regard to the Fire Chief recruitment, 3-4 applicants are being interviewed by subpanels over the coming week. Staff met with the Bean Foundation and walked the City's property east of the Madras Aquatic Center to discuss future options and revision the area. Back in 2008, the City had a vision for a golf course and housing in that area. Looking at it now, housing is practical, but probably not a golf course. In addition, Central Oregon Trails is active out there now. The City's agreement with the Bean Foundation stated that if certain development did not occur, the City would transfer some land to them to make up for what did not occur. The City has about 600 acres out there and one of the remedies is to transfer about 120 of them to the Bean Foundation to make good on those prior agreements. Staff will bring an amended agreement to Council fairly soon. Since the Bean Foundation is actively selling land to developers who are building housing in that area, he sees this as a positive resolution.

➤ **City Recorder/Communications:**

Nothing to report.

➤ **Legal Counsel:**

Nothing to report.

➤ **Council:**

Councilor Holcomb gave kudos to the paving company that worked on Marie Street. She stated they went above and beyond, even helping students get to school safely when there was big equipment on the street.

Councilor Brick stated that his wife is being transferred to North Bend so they are moving. He will officially resign his position effective November 5th. He stated it has been an honor and privilege to work with this Council and the staff of the City of Madras.

Mayor Ladeby stated that he noticed there are now tables up at Juniper Hills on the other side up by the COTA trail which is a nice feature. The connector trail should be done by next Spring/early summer. The South Y sign was destroyed by a vehicular accident again this weekend. He added that the Chamber's banquet is October 21st at Erickson's Air Museum.

Public Works Director Hurd stated that Public Works is considering a different kind of sign at the South Y similar to what is at the North Y. They will also look at changing the location/placement so it's not in the direct path of being hit if someone comes over the curb again.

XVII. Adjourn Council Meeting

The Council meeting was adjourned at 7:10 pm.

Minutes prepared by:

Reviewed by:

Lysa Vattimo, City Recorder

Richard Ladeby, Mayor

CITY OF MADRAS
Request for Council Action

Date Submitted: October 5, 2021
Meeting Date: October 12, 2021
To: Mayor and City Council Members
From: Michele Quinn, Public Works Office Coordinator
Through: Jeff Hurd, Public Works Director
Gus Burril, City Administrator
Subject: **PROFESSIONAL SERVICES CONTRACT**
Metereaders, LLC for meter-reading services

TYPE OF ACTION REQUESTED:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Public Hearing (Enter Type) |
| <input type="checkbox"/> Ordinance | <input type="checkbox"/> Resolution |
| <input checked="" type="checkbox"/> Consent Agenda | <input type="checkbox"/> No Action - Report Only |

MOTION FOR COUNCIL CONSIDERATION:

That Council approve the Professional Services Contract for Metereaders, LLC to perform meter-reading services for a 2-year contract at \$0.88 cents per meter read.

DESCRIPTION:

The attached professional services contract enables Metereaders, LLC to perform meter-reading services for the City. Cost to perform this service is \$0.88 cents per meter read. The City currently has approximately 1,000 meters to be read monthly. The contract is a 2-year contract with two (2) one-year options to renew. Estimated total cost for the 2-year contract is \$21,120.00.

STAFF ANALYSIS:

Staff solicited three companies for meter-reading services the three companies were as follows:

- Bermex – Stow, Ohio – No response**
- Olameter – Wauwatosa, Wisconsin – No response**
- Metereaders, LLC – Portland, Oregon – \$0.88 cents per meter**

Metereaders, LLC were the only responsive bidder able to provide the appropriate service. Because of their past knowledge of the City's water system, and their track record of successfully completed quality services they've provided the city in the past, Staff recommends entering into a 2-year contract.

The contract will commence on November 1, 2021, and terminate November 1, 2023, with two (2) one-year options to renew.

SUMMARY:

- A. **Fiscal Impact:**
- 2 Year Contract with Metereaders = \$ 21,120.00
- B. **Funding Source:**
- Water Operations Fund, Meter Reads, Line item 502-020-520-1222
 - This item is a re-occurring expense that is budgeted each year.
- C. **Recognition of Collateral Material and Technical Report:**
- Quote sheet
 - Professional services contract for Metereaders, LLC

RECOMMENDATION:

That Council approve the Professional Services Contract for Metereaders, LLC to perform meter-reading services for a 2-year contract at \$0.88 cents per meter read.

INFORMAL QUOTES

PROJECT / EQUIPMENT: water meter reading.

TIME	DATE	COMPANY CONTACTED ADDRESS & PHONE NUMBER	QUOTE
	9-22-21	Bermex 4500 Courthouse Blvd Suite 150 Stow, Ohio 44224	NO Reply
	9-22-21	Clameter 11020 W Plank Ct. Ste 100 Wauwatosa, Wisconsin 53226	NO Reply
	9-22-21	Meter readers 1816 SW Boonosterry Rd Portland, Oregon 97224	.88¢ per meter

Employee Signature: Michael Smith

Michele Quinn

From: Michele Quinn
Sent: Wednesday, September 22, 2021 11:41 AM
To: 'greg@metereaders.com'
Subject: Meter read quote

Hello Greg, the City of Madras is requesting quotes for reading our water meters. The city has approximately 1,000 meters (this may go up with development) that need to be read monthly. If you are interested please reply to this email with your quote.

Thank you

Michele Quinn

Public Works Office Coordinator

City of Madras Public Works Dept.
125 SW "E" Street
Madras, OR 97741
Office: 541-325-0313
Cell: 541-777-7347

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Michele Quinn

From: Michele Quinn
Sent: Wednesday, September 22, 2021 11:30 AM
To: 'info@olameter.com'
Subject: City of Madras meter reads

Hello, the City of Madras is asking for quotes for meter reading. We have approximately 1,000 meters (this may go up with development) that need to be read monthly. If you are interested please provide a quote by replying to this email.

Thank you.

Michele Quinn

Public Works Office Coordinator

City of Madras Public Works Dept.
125 SW "E" Street
Madras, OR 97741
Office: 541-325-0313
Cell: 541-777-7347

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t (<https://twitter.com/ACRTServices>) **in** (<https://www.linkedin.com/company/bermex-inc/>)



CONTACT

[HOME \(HTTPS://BERMEX.ACRT.COM/\)](https://bermex.acrt.com/) > CONTACT

SEND US A MESSAGE

Interested in learning more about our metering services? Fill out the form and one of our representatives will be in contact with you shortly.

Michele

Quinn

City of Madras

541-325-0313

125 SW "E" Street

Madras

Oregon

97741

mquinn@cityofmadras.us

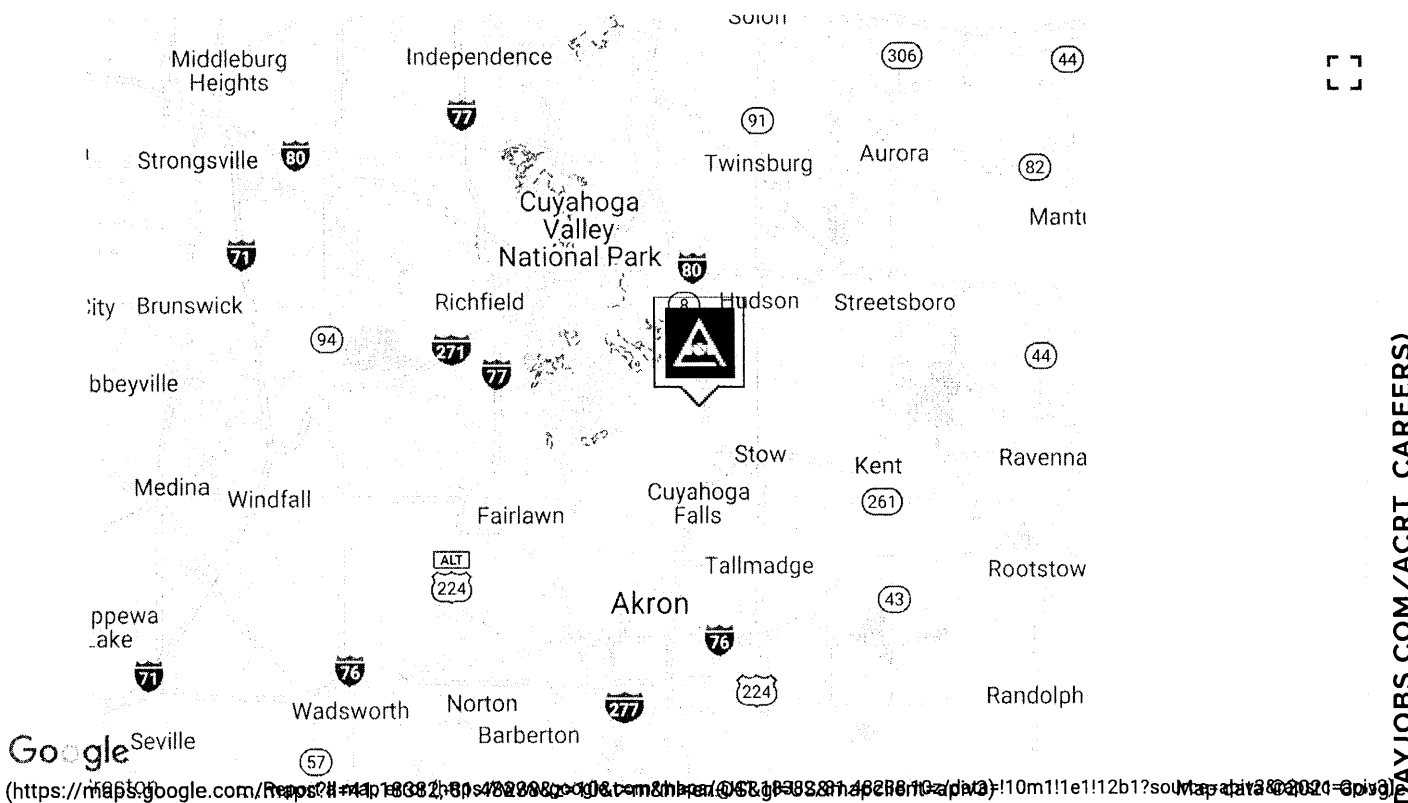
We are asking for quotes for water meter reads. The City of Madras has approximately 1,000 water meters (this may increase due to development) that need to be read monthly. If you are interested please provide a quote to mquinn@cityofmadras.us thank

SUBMIT

CONTACT US

Address : 4500 Courthouse Boulevard, Suite 150, Stow, Ohio 44224

Phone : 800.622.2562



FEEDBACK C/ (HTTPS://ACRT.WD)

1.MYWORKDAYJOBS.COM/ACRT_CAREERS

Michele Quinn

From: Greg Reynolds <greg@metereaders.com>
Sent: Thursday, September 23, 2021 9:20 AM
To: Michele Quinn; Michael Hamberg
Subject: Re: Meter read quote

Hello Michele,
We are happy to continue reading meters for the City of Madras.
Our price for the next 2 years would be \$.88 per meter.

Thank you for the opportunity to continue working with the City of Madras.

On Wed, Sep 22, 2021, 11:40 AM Michele Quinn <mquinn@ci.madras.or.us> wrote:

Hello Greg, the City of Madras is requesting quotes for reading our water meters. The city has approximately 1,000 meters (this may go up with development) that need to be read monthly. If you are interested please reply to this email with your quote.

Thank you

Michele Quinn

Public Works Office Coordinator

City of Madras Public Works Dept.

125 SW "E" Street

Madras, OR 97741

Office: 541-325-0313

Cell: 541-777-7347

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PROFESSIONAL SERVICES CONTRACT

THIS PROFESSIONAL SERVICES CONTRACT (the "Contract") is entered into by and between the **CITY OF MADRAS**, Oregon, an Oregon municipal corporation, hereinafter referred to as "City" and **METEREADERS, LLC**, an Oregon Corporation, hereinafter referred to as "Contractor".

WHEREAS, City has the need for the type of professional services, knowledge, skills, and experience possessed by Contractor.

NOW, THEREFORE, in consideration of the foregoing, Contractor agrees to provide the services set forth on the Scope of Services attached as Exhibit "A" (the "Services") to City for the following project:

PROJECT TITLE: METER READING FOR CITY OF MADRAS

In performing the Services, it is understood and agreed that:

1. **Compensation.** The compensation for all Services to be performed under this Contract, including all out-of-pocket costs associated with such Services, shall be in the total amount of \$.088 per meter. City shall have no obligation to pay Contractor any additional sum in excess of this amount, except for a change and/or modification to the Contract, which is approved and executed in writing by City and Contractor.

2. **Coordination of Work.** Contractor shall coordinate work through the City Administrator, or the City Administrator's designee, and make such reports to the Madras City Council as may be necessary. Contractor and City agree to consult in a reasonable manner to ensure effective and efficient provision of said services and minimize expense. Contractor will perform no work under this contract until a written "Notice to Proceed" has been received from City, and Contractor will perform no work other than that indicated in the City's "Notice to Proceed."

3. **Assignment of Intellectual Property Rights.**
 - 3.1 **Definition.** "Creative Work" means any work that Contractor creates or has created in connection with Contractor's services under this Contract.

 - 3.2 **Work Made for Hire.** The Creative Work is, was, and will be specially ordered and commissioned for use by the City, and is a work made for hire for copyright purposes to the extent it qualifies as such under applicable law.

- 3.3 **Assignment.** Contractor assigns to the City Contractor's entire interest in the Creative Work, including but not limited to all copyrights, patent rights, trade secret rights, trademark rights, and other intellectual property and proprietary rights in the Creative Work.
- 3.4 **Moral Rights.** Contractor assigns to the City any moral rights that Contractor may have in the Creative Work and waives any right to assert any moral rights in any portion of the Creative Work.
- 3.5 **Perfection.** At the request of the City, Contractor will sign such documents and take such actions that the City deems reasonably necessary to perfect, protect, and evidence the City's rights in the Creative Work.
- 3.6 **Electronic Files.** Contractor will provide the City with copies of all Creative Work in their original and editable file formats.
4. **Personal Services.** City has selected Contractor based on its reputation and specialized expertise. Contractor shall not assign any or all of the Services to any other individual or entity without City's prior written consent.
5. **Term.** The term of this Agreement commenced on the Effective Date and will continue thereafter for a period of two years, unless sooner terminated as provided in this Agreement. This Agreement may be extended for two additional one-year terms by the parties' mutual written agreement. The term of this Contract shall commence on **November 1, 2021**, and terminate **October 31, 2023**, unless sooner terminated as provided herein.
6. **Independent Contractor; No Benefits.** Contractor is an independent contractor of City. Contractor will not be an employee of City. Contractor will be free from direction and control over the means and manner of performing the Services, subject only to the right of City to specify the desired results. City will not provide any benefits to Contractor, and Contractor will be solely responsible for obtaining Contractor's own benefits, including, but not limited to, insurance, medical reimbursement, and retirement plans.
7. **Licenses.** Contractor will be solely responsible for obtaining any and all licenses, approvals, and certificates necessary or appropriate to provide the Services.
8. **No Agency Relationship.** This Contract does not create an agency relationship between City and Contractor and does not establish a joint venture or partnership between City and Contractor. Contractor does not have the authority to bind City or represent to any person that Contractor is an agent of City.

9. **Taxes.** City will not withhold any taxes from any payments made to Contractor, and Contractor will be solely responsible for paying all taxes arising out of or resulting from Contractor's performance of the Services, including, but not limited to, income, social security, workers' compensation, and employment insurance taxes.

10. **Conflicts.** The signing and delivery of this Contract by Contractor and the performance by Contractor of all of Contractor's obligations under this Contract will not:
 - (i) breach any agreement to which Contractor is a party, or give any person the right to accelerate any obligation of Contractor;
 - (ii) violate any law, judgment, or order to which Contractor is subject; or
 - (iii) require the consent, authorization, or approval of any person, including, but not limited to, any governmental body.

11. **Insurance Required.** During the term of this Contract, and for a period of two years after the completion of the Services, Contractor will obtain and maintain, at Contractor's expense, in addition to any other insurance Contractor is required to obtain under this Contract, the following minimum levels of insurance:
 - (i) Employer Liability Insurance with limits of not less than \$500,000 per occurrence and \$500,000 in the aggregate;
 - (ii) Commercial General Liability Insurance covering bodily injury and property damage in a form and with coverage's that are satisfactory to City, including personal injury liability, products and completed operations, and contractual liability coverage for the indemnity provided under this Contract. Combined single limit per occurrence shall not be less than \$1,000,000, with an annual aggregate limit of not less than \$2,000,000.
 - (iii) Automobile Liability Insurance with limits of not less than \$500,000 combined single limit or split limits of \$250,000 per person, \$500,000 per occurrence and \$250,000 property damage; and
 - (iv) Professional Liability Insurance with limits of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate coverage.

These minimum insurance limits may be provided by use of an excess or umbrella policy.

Each insurance policy required under this Contract will be in a form and content satisfactory to City, will list the City of Madras, its officers, agents, and employees as additional insureds, and will contain a severability of interest clause. Prior to Contractor's commencement of the Services, Contractor will furnish City with certificates of insurance evidencing the insurance coverage (and provisions) Contractor is required to obtain under this Contract. Certificates of Insurance shall be accompanied by a copy of the additional insured endorsement. There shall be no cancellation, material change, potential exhaustion of aggregate limits or failure to renew insurance coverages without thirty (30) days written notice from the Contractor to the City.

Contractor's insurance will be primary, and any insurance carried by City will be excess and noncontributing. In the event Contractor fails to maintain insurance as required under this Contract, City will have the option, but will not have the obligation, to obtain such coverage with costs to be reimbursed by Contractor upon City's demand.

12. **Workers' Compensation Coverage.** Unless exempt, Contractor will have Worker's Compensation insurance in a form and amount sufficient to satisfy the requirements of applicable Oregon law. Worker's Compensation coverage will contain a waiver of subrogation in favor of City.
13. **Reporting of Payments.** City will report the total amount of all payments to Contractor, including any expenses, in accordance with federal Internal Revenue Service regulations.
14. **City of Madras Public Contract Provisions.** The applicable provisions of City of Madras Ordinance No. 808, and Exhibits "B" and "C" of Resolution No. 12-2006, setting forth standard provisions for public contracts are hereby incorporated by reference as if fully set forth herein.
15. **Indemnification.** Contractor will defend and indemnify City, and each present and future councilor, employee, officer, agent, and authorized representative of City for, from, and against any and all claims, actions, proceedings, damages, liabilities, injuries, losses, and expenses of every kind, whether known or unknown, including, but not limited to, reasonable attorney's fees, resulting from or arising out of, whether directly or indirectly;
 - (i) state or federal anti-trust violations,
 - (ii) damage to persons or property caused directly or indirectly by Contractor (and/or Contractor's agents, employees, shareholders, or contractors),
 - (iii) Contractor's failure to pay any tax arising out of or resulting from the performance of the Services; and/or

- (iv) Contractor's breach or failure to perform any Contractor representation, warranty, covenant, or obligation contained in this Contract. Contractor's indemnification obligations provided in this Section 15 will survive termination of this Contract.

16. **Compliance with Applicable Laws.** Contractor will comply with all applicable federal, state, and local laws, regulations, and ordinances. Contractor will obtain and maintain any and all licenses, permits, registrations, and other governmental authorizations required to conduct Contractor's business and perform the Services, including but not limited to the public contracting provisions set forth on the attached Exhibit "B".

17. **Termination.**

A. **Termination by Mutual Agreement or City's Prior Notice.** Notwithstanding anything contained in this Contract to the contrary, this Contract may be terminated at any time by the mutual written consent of City and Contractor. City may terminate this Contract without cause by giving 10 days' prior written notice of such termination to Contractor.

B. **Immediate Termination for Cause.** Notwithstanding anything contained in this Contract to the contrary, City may terminate this Contract immediately upon notice to Contractor upon the happening of any of the following events:

- (i) Contractor engages in any form of dishonesty or conduct involving moral turpitude related to Contractor's independent contractor relationship with City or that otherwise reflects adversely on the reputation or operations of City;
- (ii) Contractor fails to comply with any applicable federal, state, or local law, regulation, or ordinance;
- (iii) problems occur in connection with Contractor's performance of the Services; and/or
- (iv) Contractor breaches or otherwise fails to perform any obligation in this Contract.

C. **Consequences of Termination.** Upon termination of this Contract,

- (i) City will not be obligated to reimburse or pay Contractor for any continuing contractual commitments to others or for penalties or damages arising from the cancellation of such contractual commitments, and

- (ii) City will pay Contractor for that portion of the Services Contractor has performed and City has accepted prior to termination in accordance with this Contract. Termination of this Contract by City will not constitute a waiver or termination of any rights, claims, and/or causes of action City may have against Contractor.
- 18. **Remedies.** If a party fails to perform any of its obligations under this Contract, the non-defaulting party may, in addition to any other remedy provided to the non-defaulting party under this Contract, pursue any and all remedies available to the non-defaulting party at law or in equity. All available remedies are cumulative and may be exercised singularly or concurrently.
- 19. **Arbitration.** Any dispute or claim that arises out of or that relates to this Contract, or to the interpretation or breach thereof, or to the existence, scope, or validity of this Contract or the arbitration agreement, shall be resolved by arbitration before a single arbitrator in Madras, Oregon, in accordance with the then-current rules of the Arbitration Service of Portland, Inc., and judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof. A party may seek from a court an order to compel arbitration, or any other interim relief or provisional remedies pending an arbitrator's resolution of any controversy or claim. Any such action or proceeding – or any action or proceeding to confirm, vacate, modify, or correct the award of the arbitrator –will be litigated in courts located in Jefferson County, Oregon. Each party consents and submits to the jurisdiction of any local, state, or federal court located in Jefferson County, Oregon.
- 20. **Non-Discrimination.** Contractor agrees that no person shall, on the grounds of race, color, creed, national origin, sex, marital status, or age, suffer discrimination in the performance of this Contract when employed by Contractor. Contractor agrees to comply with Title VI of the Civil Rights Act of 1964, with Section V of the Rehabilitation Act of 1973, and with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations. Additionally, each party shall comply with the Americans with Disabilities Act of 1990, ORS 659A.142, and all regulations and administrative rules established pursuant to those laws.
- 21. **Attorney Fees.** In the event litigation or arbitration is instituted to enforce or determine the parties rights or duties arising out of the terms of this Contract, the prevailing party will recover from the losing party reasonable attorney fees incurred in such proceeding to the extent permitted by the judge or arbitrator, in arbitration, at trial, on appeal, or in any bankruptcy proceedings.

22. **Amendment.** Any modification or amendments to this Contract must be in writing and must be signed by both parties.
23. **Notice.** All notices required or permitted under this Contract shall be in writing and shall be deemed sufficiently served if delivered by Registered or Certified Mail, with return receipt requested; or delivered personally; or delivered via fax or e-mail (if provided below) and followed with delivery of hard copy; and in any case addressed as follows:

If to City:

Jeff Hurd

125 SW "E" Street

Madras, Oregon 97741

Attention: Jeff Hurd

Phone: (541) 475-2344

Fax: (541) 475-1038

Email: jhurd@ci.madras.or.us

If to Contractor:

Metereaders, LLC

P.O. Box 1902

Lake Oswego, Oregon 97035

Attention: Greg Reynolds

Phone: (503) 624-7010

Fax: (503) 624-1801

Email: greg@metereaders.com

24. **Waiver.** No provision of this Contract may be modified, waived, or discharged unless such waiver, modification, or discharge is agreed to in writing by City and Contractor. No waiver of either party at any time of the breach of, or lack of compliance with, any conditions or provisions of this Contract will be deemed a waiver of other provisions or conditions hereof.
25. **Severability.** Contractor agrees that each provision contained in this Contract will be treated as a separate and independent provision and that the unenforceability of any one provision will in no way impair the enforceability of any other provision contained herein.
26. **Entire Agreement.** This Contract contains the entire agreement and understanding between the parties with respect to the subject matter of this Contract and contains all of the terms and conditions of the parties' agreement and supersedes any other oral or written negotiations, discussions, representations, or agreements. Contractor has not relied on any promises, statements, representations, or warranties except as set forth expressly in this Contract.

27. **Signatures.** This Contract may be signed in counterparts. A fax transmission of a signature page will be considered an original signature page, at the request of a party; the other party will confirm a fax-transmitted signature page by delivering an original signature page to the requesting party.

DATED this 12th day of October 2021.

CITY OF MADRAS:

Richard Ladeby, Mayor

Date Signed: _____

CONTRACTOR:

Date Signed: _____

Exhibit A

Scope of Work

The City of Madras owns approximately 1,000 water meters located throughout the city limits. The meters are typically located near the public right-of-way or property line. A few meters may be located in unusual locations, in which the City shall provide location details.

The City performs a monthly billing cycle which requires all 1,000 water meters be read each month or 12,000 reads per year.

Metereaders, LLC shall provide water meter reading services at a rate of \$0.88 per meter for all meters, as directed by City staff.

The City shall provide Metereaders, LLC a monthly list of meters to be read. The list may vary slightly each month based on additional meter installations or meter removals. Metereaders, LLC shall be required to submit meter reading data to the City's Finance department no later than the 25th of each month, actual read dates not more than four working days prior to the delivery date.

In addition to monthly meter reading data, separate electronic files shall provide the following information for City staff:

- Meter maintenance items (dig-outs, trim, meter lid replacement, etc.)
- Meter Problems (fogged/damaged register, dead meter)
- Misread meters from prior month
- Potential leaks
- Unreadable meters along with reasoning.

Metereaders, LLC shall not be responsible for readings associated with opening or closing customer accounts, re-reads, vacancy checks, verification if meter is on or off, readings inside buildings, pumping flooded vaults, or reading meters inside vaults that cannot be read without entering.

CITY OF MADRAS
Request for Council Action

Date Submitted: October 4, 2021
Meeting Date: October 12, 2021
To: Mayor and City Council Members
From: Kristal Hughes, Finance Director
Through: Gus Burrell, City Administrator
Subject: **PROCUREMENT CARD SERVICE AGREEMENT**
Change of Service from Bank of America to US Bank

TYPE OF ACTION REQUESTED:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Public Hearing (Budget) |
| <input type="checkbox"/> Ordinance | <input type="checkbox"/> Resolution |
| <input checked="" type="checkbox"/> Consent Agenda | <input type="checkbox"/> No Action - Report Only |

MOTION FOR COUNCIL CONSIDERATION:

That Council authorize the Mayor to sign the Participating Agency Addendum with US Bank for Procurement Card Services.

OVERVIEW:

The current contract with the Procurement Card provider, Bank of America, expires December 31, 2021. The City participates as a member of the consortium to receive the rebates as described between the City of Portland and Bank of America. Since the Contract was set to expire this year, the City of Portland went out to bid for Procurement Card Services. US Bank was selected as the winning bid.

STAFF ANALYSIS:

It is in the best interest of the City of Madras to piggy back on the contract between US Bank and the City of Portland through the Participating Addendum attached.

SUPPORTING DOCUMENTATION:

- Participating Agency Addendum

RECOMMENDATION:

That Council authorize the Mayor to sign the Participating Agency Addendum with US Bank for Procurement Card Services.

PARTICIPATING AGENCY ADDENDUM

This Participating Agency Addendum ("**Addendum**") is entered into by City of Madras, an Oregon municipal corporation organized under the laws of the State of Oregon ("**Participating Agency**"), and U.S. Bank National Association ("**Contractor**"). This Addendum shall become effective upon signing by Contractor.

RECITALS

1. The City of Portland (the "**City**") and Contractor entered into the Contract for Services for Procurement Card Program Services dated May 1, 2021, as amended or supplemented (the "**Agreement**");
2. Participating Agency desires to participate as a "Participating Agency" under the Program and Agreement, with sole liability its own obligations it may incur under the Program and Agreement; and
3. Contractor has agreed to allow Participating Agency to be bound under the Agreement and participate in the Program as a "Participating Agency".

Now, therefore, for and in consideration of the mutual promises contained in this Addendum and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, Participating Agency and Contractor agree as follows:

1. **DEFINITIONS.** Unless otherwise stated in this Addendum, all capitalized terms shall have the same meaning as set forth in the Agreement.
2. **DESIGNATION.** Participating Agency is hereby designated as a "Participating Agency" under the Agreement, and upon Contractor's execution of this Addendum (after completing its necessary due diligence) Participating Agency shall be deemed a "Participating Agency" thereunder until Participating Agency so elects to remove such designation or such designation is revoked as set forth in Section 6, below. Contractor will take direction from such Participating Agency in the issuing of Accounts (or the suspension of Accounts issued at Participating Agency's direction). All the terms of the Agreement are incorporated into this Addendum, except as expressly provided in the Agreement.
3. **PARTICIPATING AGENCY REPRESENTATIONS, WARRANTIES AND COVENANTS.** Participating Agency
 - 3.1. Represents and warrants that is received a copy of the Agreement;
 - 3.2. Represents that it is organized under the laws of the State of Oregon;
 - 3.3. Represents and warrants that as of the date hereof that each of the representations and warranties made by the City in the Agreement to Contractor can be made by Participating Agency without breach on the date hereof;
 - 3.4. Represents and warrants that all financial and other information provided to Contractor by or about Participating Agency is true and correct;
 - 3.5. Agrees to comply with and be bound by the terms and conditions of the Agreement, including any future amendment regardless of whether Participating Agency has received notice of such amendment;
 - 3.6. Agrees it is liable for its own performance of the terms and conditions of the Agreement (including as it may be amended from time to time) as if Participating Agency signed the Agreement in the place of the City, including for all obligations incurred by it or by any party issued an Account at its direction, but shall not be liable for any obligations incurred by the City or any other participating agencies; and
 - 3.7. Agrees that it may not assign or transfer its rights under this Addendum or the Agreement without the express consent of Contractor.
4. **LIABILITY FOR PARTICIPATING AGENCY'S PERFORMANCE AND OBLIGATIONS.** Participating Agency agrees that is shall be solely liable for its performance of the terms and conditions of the Agreement and this Addendum. The City shall have no liability for any obligations incurred under the Program by Participating Agency and any Account holder designated by such Participating Agency.

5. NOTICES. The notice address for Participating Agency is:

125 SW E Street

Madras, Oregon 97741

541-475-2344

Attn: Kristal Hughes, Finance Director

- 6. CHANGE OF CONTROL.** Participating Agency shall immediately notify Contractor in writing of the occurrence of any event concerning Participating Agency that (i) would prevent Participating Agency from making the representations and warranties contained in Section 3 at such time, or (ii) results in a change of the legal name of such Participating Agency. Participating Agency shall promptly provide such additional details as reasonably requested by Contractor regarding such event. At the election of Contractor, the rights of Participating Agency to be designated a "Participating Agency" under the Agreement may be revoked based upon the notification provided by pursuant to Section 6(i) and this Addendum shall terminate.
- 7. BINDING AGREEMENT.** The representations, warranties and covenants of Participating Agency in this Addendum constitute valid, binding and enforceable agreements of Participating Agency. The execution of this Addendum and the performance of the obligations hereunder are within the power of Participating Agency, have been authorized by all necessary action and do not constitute a breach of any agreement to which Participating Agency is a party or is bound. Participating Agency represents and warrants that this transaction is within the scope of the normal course of business and does not require further authorization for Participating Agency to be duly bound by this Addendum.
- 8. DISCLOSURE OF INFORMATION.** Participating Agency acknowledges and agrees that its receipt of Services under the terms of this Addendum is dependent upon being designated as an Oregon Consortium Participating Agency by the City. As a member of such consortium, Participating Agency acknowledges, agrees and authorized Contractor to provide certain information about Participating Agency's activities under this Addendum and the Agreement as incorporated herein to the City, including without limitations, the contact information for your procurement card program coordinator, the number of cards in use, the total transaction value and number of transactions that occur during a particular period, and the average transaction value per card. Certain of this information is used to compute fees that may be due from Contractor to the City.
- 9. BREACH; TERMINATION.** Any breach by Participating Agency of the terms of this Addendum or of the terms of the Agreement shall be a default under this Addendum permitting U.S. Bank to (i) exercise against Participating Agency all rights and remedies available under the Agreement based upon such default and (ii) terminate this Addendum. The expiration or termination of the Agreement as to the City shall result in the termination this Addendum and the Agreement as incorporated into this Addendum.
- 10. AMENDMENT.** Participating Agency acknowledges that Contractor and the City may from time to time enter into amendments of the Agreement. No such amendments shall require the consent of Participating Agency and Participating Agency shall be bound by the terms contained in any such amendments. The City, and not Contractor, shall have the sole responsibility of informing Participating Agency of any such amendments. The failure of the City to so inform Participating Agency of any amendment shall not provide a defense to Participating Agency against Contractor's enforcement of the Agreement (as amended) or this Addendum against Participating Agency.
- 11. REBATE PAYMENT REGISTRATION.** Participating Agency shall register for ACH payments in the manner prescribed by U.S. Bank. U.S. Bank will not make any rebate payments until Participating Agency has registered for ACH. If Participating Agency fails to register for ACH by the completion of a rebate period, Participating Agency forfeits any payment for that rebate period. Participating Agency designates the following person to register Participating Agency for ACH:

Rebate Payment Registration	
a) Authorized Person's Name	Kristal Hughes
b) Authorized Person's Email Address	khughes@ci.madras.or.us

12.AUTHORIZATION AND EXECUTION. This Addendum may be executed in several counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document. This Addendum may be executed and delivered by the parties electronically, and fully executed electronic versions of this Addendum, or reproductions thereof, will be deemed to be original counterparts.

The signer(s) represents and warrants that (i) he or she is authorized by an applicable authority to enter into all transactions contemplated by this Addendum, and (ii) the signatures appearing on all supporting documents of authority are authentic.

PARTICIPATING AGENCY	CONTRACTOR
DATE: October 12, 2021	DATE:
<u>City of Madras</u> Legal Name of Participating Agency	<u>U.S. Bank National Association</u>
 <u>(Signature of Authorized Individual)</u>	 <u></u>
<u>Richard Ladeby</u> (Printed Name of Authorized Individual)	 <u></u>
<u>Mayor</u> (Printed Title of Authorized Individual)	<u>Vice President</u>

CITY OF MADRAS
Request for Council Action

Date Submitted: October 5, 2021

Meeting Date: October 12, 2021

To: Mayor and City Council Members

From: Nicholas Snead, Community Development Director

Through: Gus Burrell, City Administrator

File No.: TA-2-4

Subject: **ORDINANCE NO. 959**
An ordinance amending the Madras development code to adopt clear and objective provisions for residential development; declaring an emergency.

TYPE OF ACTION REQUESTED:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Public Hearing (Enter Type) |
| <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Consent Agenda | <input type="checkbox"/> No Action - Report Only |

MOTION FOR COUNCIL CONSIDERATION:

That the City Council approve and adopt Ordinance No. 959 by emergency.

OVERVIEW:

On September 28, 2021 the City Council approved the Development Code amendments to bring the City's regulations into compliance with ORS 197.303 by establishing clear and objective approval criteria for Needed Housing. Accordingly, the Council directed staff to prepare the necessary adopting ordinance. At the October 12, 2021 Council meeting staff will request that the City Council approve Ordinance No. 959. Staff is requesting that the Ordinance be adopted by emergency to: 1) bring the City's Development Code immediately into compliance with ORS 197.303; and 2) to immediately cause effect of the new Development Code provisions to enable land use applications to more easily be obtained and issued by developers and the City, respectively. It is the opinion of the Community Development Director that these two factors justify the need for the Ordinance to be passed by emergency.

SUMMARY:

A. General Coordination:

Department Review	Reviewed By	Date	Not Required
City Administrator	Gus Burrell	10/5/21	
City Attorney	Garrett Chrostek	10/1/21	
City Recorder	Lysa Vattimo	10/5/21	
Finance	Kristal Hughes		X
Police	Tanner Stanfill		X
Public Works	Jeff Hurd		X
Human Resources	Charo Miller		X

B. Fiscal Impact:

N/A

C. Funding Source:

N/A

D. Explanation of Impact:

City Council passage of Ordinance No. 959 will cause the Development Code changes to be effective within 30 days. If the Council passes the Ordinance by emergency, the Ordinance will cause the Development Code changes to be effective immediately.

E. Relationship to City Council Annual Strategic Implementation Plan:

Yes No

Discussion: Passage of Ordinance No. 959 would satisfy Objective 2B in the FY 21-22 Annual Strategic Plan.

F. Supporting Documentation:

- Ordinance No. 959

STAFF RECOMMENDATION:

That the City Council pass Ordinance No. 959 by emergency.

MOTION FOR COUNCIL ACTION:

That the City Council approve and adopt Ordinance No. 959 by emergency.

ORDINANCE NO. 959

AN ORDINANCE AMENDING THE MADRAS DEVELOPMENT CODE TO ADOPT CLEAR AND OBJECTIVE PROVISIONS FOR RESIDENTIAL DEVELOPMENT; DECLARING AN EMERGENCY.

WHEREAS, the City of Madras (“City”) adopted the Madras Development Code (the “Code”) to regulate land uses and development within the City; and

WHEREAS, ORS 197.307 generally requires cities to adopt “clear and objective standard, conditions, and procedures regulating the development of housing, including needed housing”; and

WHEREAS, City determined that amendments to the Code were necessary to meet the requirements of ORS 197.307; and

WHEREAS, City filed the land use application identified as Planning File No. TA-21-4 (the “Application”) to amend the Code to adopt clear and objective standards for residential development; and

WHEREAS, City provided appropriate notices to the Department of Land Conservation and Development, interested parties, and the public for the Application and a public hearing on the Application to be held by the City of Madras Planning Commission (“Planning Commission”); and

WHEREAS, after holding a public hearing on August 4, 2021, which was continued to September 15, 2021 to receive public comment, and after fully deliberating the matter, the City’s Planning Commission recommended that the City Council approve the Application; and

WHEREAS, City provided appropriate notices to interested parties and the public for a public hearing on the Application to be held by the Madras City Council (“City Council”); and

WHEREAS, after holding a public hearing on August 24, 2021, which was continued until September 28, 2021, to receive public comment, and after fully deliberating the matter, the City Council voted to approve the Application.

NOW, THEREFORE, the City of Madras ordains as follows:

SECTION 1: FINDINGS

- 1.1 The findings contained in the recitals and those found in the staff reports delivered at the August 24, 2021 and September 28, 2021 public hearings before City Council, attached hereto as Exhibit A, are hereby adopted and incorporated herein by reference. City Council finds that the proposed amendments are consistent with the City’s Comprehensive Plan and statewide land use goals and do not significantly impact any existing or planned transportation facilities.

SECTION 2: AMENDMENTS

- 2.1 The amendments to the Code contained in the attached Exhibit B are hereby adopted.

- 2.2 The provisions of the Code that are not amended or modified by this Ordinance No. 959 (this "Ordinance") remain unchanged and in full force and effect. The amendments supersede any conflicting provisions and/or policies in any City enactment or adopted document. Staff is directed to take such actions as are necessary to incorporate and/or codify the adopted amendments into the Code.

SECTION 3: MISCELLANEOUS

- 3.1 Severability. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance.
- 3.2 Corrections. This Ordinance may be corrected by order of the City Council to cure editorial and/or clerical errors.
- 3.3 Emergency. The City Council finds that passage of this Ordinance is necessary for the immediate preservation of the peace, health, and safety of County's citizens. Therefore, an emergency is hereby declared to exist. This Ordinance will be deemed in full force and effect at the time upon adoption or, if later, the earliest date permitted under state law.

APPROVED AND ADOPTED by the City Council of the City of Madras and signed by the Mayor this 12th day of October 2021.

Ayes: _____
Nays: _____
Abstentions: _____
Absences: _____
Vacancies: _____

Richard Ladeby, Mayor

ATTEST:

Lysa Vattimo, City Recorder

EXHIBIT A
STAFF REPORTS

[attached]

CITY OF MADRAS
Request for Council Action

Date Submitted: August 16, 2021
Meeting Date: August 24, 2021
To: Mayor and City Council Members
From: Nicholas Snead, Community Development Director
Through: Gus Burrell, City Administrator
File No: TA-21-4
Subject: **REQUEST FOR DEVELOPMENT CODE TEXT AMENDMENTS**
City of Madras request for Development Code text amendments to establish Clear and Objective Approval Criteria for Needed Housing in accordance with ORS 197.307.

TYPE OF ACTION REQUESTED: (Check One)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Formal Action/Motion | <input checked="" type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Ordinance | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Consent Agenda | <input type="checkbox"/> No Action - Report Only |

MOTION FOR COUNCIL CONSIDERATION:

That the City Council continue the public hearing to September 28, 2021 at 5:30 PM in the Council Chambers at City Hall.

OVERVIEW:

Staff has prepared a series of Development Code text amendments to comply with ORS 197.303 303 which requires the City to establish “clear and objective” land use approval criteria for “needed housing.” Staff presented the proposed Code amendments to the Planning Commission on August 4, 2021. However, the Planning Commission continued the public hearing to September 15, 2021. Therefore, staff does not have a proposal from the Planning Commission to present to the City Council to consider. Accordingly, staff recommends that the City Council continue the public hearing to September 28, 2021 at 5:30 PM in the Council Chambers at City Hall so the recommendation from the Planning Commission can be considered by the Council.

SUMMARY:

A. General Coordination:

Department Review	Reviewed By	Date	Not Required
City Administrator	Gus Burrell	8/16/21	
City Attorney	Garrett Chrostek	8/13/21	
City Recorder	Lysa Vattimo	8/16/21	
Finance	Kristal Hughes		X
Police	Tanner Stanfill		X
Public Works	Jeff Hurd		X

B. Fiscal Impact:

N/A

C. Funding Source:

N/A

D. Explanation of Impact:

City Council approval of the proposed Development Code text amendments will bring the Code into compliance with ORS 197.303 and establish clear and objective approval criteria for needed housing. Thereby, enabling needed housing to obtain land use approvals from the City more easily.

E. Relationship to City Council Annual Strategic Implementation Plan:

Yes No

Discussion: Amending the City's Development Code is consistent with Object 2B in the FY 20-21 Annual Strategic Plan, under Goal 2: Create and Implement a Housing Strategy.

F. Supporting Documentation:

None.

STAFF RECOMMENDATION:

That the City Council continue the public hearing to September 28, 2021 at 5:30 PM in the Council Chambers at City Hall.

MOTION FOR COUNCIL ACTION:

That the City Council continue the public hearing to September 28, 2021 at 5:30 PM in the Council Chambers at City Hall.

CITY OF MADRAS
Request for Council Action

Date Submitted: September 22, 2021

Meeting Date: September 28, 2021

To: Madras City Council Members

From: Nicholas Snead, Community Development Director

Through: Gus Burrell, City Administrator

File No.: TA-21-4

Subject: **DEVELOPMENT CODE TEXT AMENDMENTS**
City of Madras request for Development Code text amendments to establish Clear and Objective Approval Criteria for Needed Housing in accordance with ORS 197.303.

TYPE OF ACTION REQUESTED:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Formal Action/Motion | <input checked="" type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Ordinance | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Consent Agenda | <input type="checkbox"/> No Action - Report Only |

MOTION FOR COUNCIL CONSIDERATION:

I move that the City Council approve the Needed Housing Code amendments and direct staff to prepare the appropriate adopting ordinance.

OVERVIEW:

The Community Development Department is proposing amendments to City's Development Code to comply with ORS 197.303 which requires the City to establish "clear and objective" land use approval criteria for "Needed Housing." The City's Development Code is currently inconsistent with the requirements of ORS 197.303. Staff and the City Attorney have reviewed the City's Development Code and determined the needed amendments (**Attachment A**) that are necessary to comply with the statute. The Planning Commission held public hearings on August 4, 2021 and September 15, 2021 and took formal action to make a recommendation to the City Council to approve the proposed Needed Housing Code amendments. At the September 28, 2021 public hearing staff will provide an overview of the proposed Development Code amendments, answer any questions of the Commission and public, and request that the City Council approve the Needed Housing Code amendments and direct staff to prepare the appropriate adopting ordinance.

STAFF ANALYSIS:

ORS 197.303 requires that the City to establish "clear and objective" land use approval criteria for "needed housing." Clear and objective standards are standards that do not include any discretion for a determination of compliance. Needed housing is defined as the housing that is determined to be needed in a City's Housing Needs Analysis by Statewide Planning Goal 10 – Housing, for which in part, determines the rational basis for determining the amount of land the City needs for 20-year

residential land supply. The City’s 2008 Housing Needs Analysis did not specify which types of housing were specifically needed more than other types of housing. Therefore, Single-family detached, Manufactured dwellings, Condo/Townhomes, and Multifamily housing types were all determined to be needed. Accordingly, the proposed Development Code amendments will establish non-discretionary approval criteria for land use actions associated with housing. This includes, but is not limited to, Subdivisions, Land Partitions, and Site Plan Review. If approved, the City’s Development Code will have two land use approval tracks for housing: 1) a Clear and Objective track; and B) Discretionary track. Both are necessary and are useful in different contexts. As an example, if a land use application cannot meet the Clear and Objective approval standards for a housing development, then at their election they can utilize the Discretionary track. In effect, the proposed Code amendments will allow land use decisions to be issued by the City easier and more quickly.

SUMMARY:

A. General Coordination:

Department Review	Reviewed By	Date	Not Required
City Administrator	Gus Burrell	9/22/21	
City Attorney	Garrett Chrostek	8/04/21	
City Recorder	Lysa Vattimo	9/22/21	
Finance	Kristal Hughes		X
HR	Charo Miller		X
Police	Tanner Stanfill		X
Public Works	Jeff Hurd		X

B. Fiscal Impact:

N/A

C. Funding Source:

N/A

D. Explanation of Impact:

City Council approval of the proposed Needed Housing Development Code will bring the Development Code into compliance with ORS 197.303. Approval also will complete Action 1.1a and, in part, Action 1.1b in the City’s 2018 Housing Action Plan. Council approval will also cause staff to prepare the necessary adopting ordinance for the Council to consider at a future meeting.

E. Relationship to City Council Annual Strategic Implementation Plan:

Yes No

Discussion: Approval of the proposed Code amendments, in part, satisfies Objective 2B in the FY 21-22 Annual Strategic Plan.

F. Supporting Documentation:

Attachment A: Needed Housing Development Code amendments

STAFF RECOMMENDATION:

That the City Council approve the Needed Housing Code amendments and direct staff to prepare the appropriate adopting ordinance.

MOTION FOR COUNCIL ACTION:

I move that the City Council approve the Needed Housing Code amendments and direct staff to prepare the appropriate adopting ordinance.

EXHIBIT B
AMENDMENTS

[attached]

EXHIBIT B

Added language in double underline
Deleted language in ~~strikethrough~~

18.20.120 Public park dedication/park fund.

All subdivisions must comply with the following standards:

(1) All subdivisions must dedicate at least eight percent (8%) of the gross area of the property proposed to be subdivided to the City of Madras for public parks, open space, trails, and other recreational purposes.

~~(2) Property dedicated to the City of Madras for public parks, trails, and other recreational purposes must be dedicated to the City of Madras upon recording the final plat.~~

(2) The Public Works Director will determine the manner in which the property is dedicated or conveyed to the City including, without limitation, the form of the instrument and the timing of the dedication or conveyance.

~~(3) For multiple phase subdivisions, upon final platting of the first phase of the subdivision, all property required to be dedicated to the City of Madras for public parks, open space, trails, and other recreational purposes must be dedicated to the City.~~

~~(4) Property~~ (3) Property dedicated to the City for public parks, open space, trails, and other recreational purposes should be located to ensure maximum access, visibility, use, reduce maintenance needs, to maintain public safety, and minimize adverse impacts to neighboring residents and must otherwise ~~be~~:

~~(a) Consistent~~ a) Be consistent with the provisions of the City of Madras Parks and Open Space Master Plan;

~~(b) At minimum, the property being dedicated to the City for parks and recreational purposes must front~~ b) Front at least two public streets ~~unless otherwise approved by the City Public Works Director;~~

~~(c) Property dedicated to the City must be~~ c) Be located on a part of the site that can reasonably be developed ~~for the uses with public parks, open space, trails, and other recreational purposes as~~ determined by the ~~City Public Works Director~~ considering: slope, topography, watercourses, drainage facilities, rock outcroppings, underground and overhead utility services, easements and encumbrances, availability of domestic water and sewer service, and proximity to existing or planned streets; and

~~(d) Property dedicated for trails must be dedicated to the City of Madras as right-of-way and must comply~~ d) Comply with the City's Transportation System Plan, Trails Plan, and Safe Routes to School Plan standards and specifications for trail improvements.

~~(5) The dedication of property for public trails by creating a public access easement is prohibited unless:~~

~~(a) The trail is located within an existing utility easement of which the beneficiary of such easement allows an additional easement to be created for the purpose of a public multi-use trail;~~

~~(b) The City of Madras Public Works Director determines that the location of the trail easement efficiently connects to existing or future planned multi-use trails identified in the City of Madras Parks and Open Space Master Plan; and~~

~~(c) The City of Madras Public Works Director determines that the location of the trail easement provides a safe and efficient route for pedestrian and bicycle transportation.~~

~~(6) Trails~~ (4) Trails crossing public right-of-way used for vehicular transportation (i.e., road crossings) must comply with ~~the access management~~ standards specified in the City's Transportation System Plan, Trails Plan, and Safe Routes to School Plan. ~~Trails that cross public right-of-way (i.e., road crossings) must be constructed in a manner consistent with the Transportation System Plan, Trails Plan, and Safe Routes to School Plan, Oregon Bike and Pedestrian Plan and American with Disabilities Act (ADA) including, without limitation, location, site distances, and construction specifications for a functionally classified street crossed by the trail.~~

~~(7) The~~ 5) The Public Works Director, in his or her sole discretion, may allow a ~~dedication of less than the required eight percent (8%) of the gross area of said development or permit the developer to pay fees in lieu of dedicating~~ payment in lieu for all or a part of the required dedication of property to the City of Madras for public parks, trails, and recreational purposes ~~under the following conditions:~~ (a) There is no planned park or trail identified in the City of Madras Parks and Open Space Master Plan within one-half (1/2) mile of the property proposed to be subdivided;

~~(b) There is an existing public park of adequate size to serve the existing neighborhood and new proposed subdivision located within one-half (1/2) mile of the property proposed to be subdivided; and~~

~~(c) The Public Works Director has determined that the area surrounding the property proposed to be subdivided is otherwise adequately served with public parks, trails, and recreational opportunities.~~

~~(8) If~~. If a developer is permitted to pay fees to the City of Madras in lieu of dedicating property, the fees must be equal to eight percent (8%) ~~, or a proportionately lesser amount if a partial dedication/partial fee in lieu is approved,~~ of the real market value (RMV) of the property proposed to be subdivided. The RMV of the property shall be established from the most recent tax assessment for the property proposed to be subdivided by the Jefferson County Assessor.

~~(9) Expenditure~~ (6) Expenditure of Funds. Funds collected from a developer in lieu of dedicating public park, trail, and recreation land shall be credited to a park acquisition and development

fund and must be deposited with the City Finance Director prior to the final plat of the subdivision (for multi-phase subdivisions, prior to phase 1 final plat approval). Such funds may be expended only on order of the City Council for the purpose of acquiring, developing, or maintaining existing land for parks, trail, or recreational purposes.

...

18.25.050 Off-street parking.

...

(2) Location.

...

(d) Parking lots cannot occupy more than thirty-three percent (33%) of the subject property's street frontage ~~of a block on any pedestrian-oriented streets~~. Parking areas should be located behind or to the side of a building. If a property has multiple street frontages, then this standard will apply to the frontage along the highest order street. If all street frontages have the same classification, then this standard will apply to the frontage to which the primary building entrance is located.

EXHIBIT B

Added language in doubleunderline

Deleted language in ~~strikethrough~~

18.40.020 Site plan review.

...

(3) *Procedures.*

(a) Before any building permit is issued for any development subject to a site plan review, a site plan application shall be submitted for determination.

(b) Prior to filing a site plan application, the applicant is encouraged to confer with the Community Development Department concerning the requirements of a formal application.

(c) The site plan application shall be filed on a form provided by the Community Development Department.

(d) The site plan shall be drawn to scale and shall indicate the following:

(i) Location, size, and height of all existing or proposed structures.

(ii) Location, size, and dimension of existing and proposed setbacks, and all spaces between buildings.

(iii) Adjoining streets and rights-of-way.

(iv) Points of access and circulation patterns, loading and maneuvering spaces.

(v) Off-street parking; showing location of parking areas, number of parking spaces including accessible parking, and type of surface.

(vi) Sidewalks, patios, courtyards, and decks.

(vii) Storm drainage system, including, but not limited to, draining and grading plan, existing topography, and elevations.

(viii) Fences, screens, and retaining walls, including heights and materials.

(ix) Existing utilities (e.g., electric, gas, power lines).

(x) Exterior lighting (show location and general nature).

(xi) Sanitary sewer system or location of septic tank and drain field (if still using and not connected to City sewer), and the distance the lot is from the nearest sewer connection.

- (xii) Water supply (showing size of main, water flow, and size of water line).
 - (xiii) Location of existing and, if any, proposed fire hydrants with size and flow data.
 - (xiv) Identify any existing or proposed easements.
 - (xv) Proposed public improvements.
 - (xvi) Sign (if existing, location and size). Signs are subject to the provisions of Chapter [18.35](#) MDC.
 - (xvii) Give intended type of occupancy for the structure (e.g., assembly, educational, manufacturing, processing, storage and type of contents).
 - (xviii) List all existing or proposed conditions that could be hazardous to life and property from fire or explosion (e.g., storage of: liquefied petroleum gas, flammable or combustible liquids, explosives and blasting agents).
- (e) Within thirty (30) days, the Community Development Director shall deem the application complete or notify the applicant of the deficiencies in the application.

[\(4\) Approval Criteria for Other than Needed Housing and Needed Housing on Discretionary Track.](#)

~~(f) Approval~~ (a) Approval of a site plan ~~review application~~ for other than needed housing shall be based on the following criteria:

(i) *Allowed Use.* The proposed land use is a permitted or conditional use in the zoning district. Conditionally permitted uses require approval of a conditional use permit.

(ii) Zoning Standards. The proposal complies with the applicable standards of the applicable zoning district(s) in which it is located.

~~(ii) Safety.~~ (iii) Safety. The proposed development can meet applicable building and fire code standards. The proposed development does not present, or adequately mitigates, any unique safety hazards.

~~(iii) Special~~ iv) Special Needs of the Disabled. When deemed appropriate, the site plan shall provide for the special needs of disabled persons, such as ramps for wheelchairs, drop curbs, and disabled parking stalls.

~~(iv) Preservation~~ v) Preservation of the Natural Landscape. The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve the applicant's functions. Preserved trees and shrubs shall be protected during construction.

~~(v) Pedestrian~~ vi) Pedestrian and Vehicular Circulation and Parking. The location and number of points of access to the site, sidewalks, the interior circulation patterns, designs of parking

areas, and the separation between pedestrians and moving and parked vehicles shall be designed to promote safety and avoid congestion on adjacent streets.

~~(vi) *Public Improvements.* The proposal demonstrates compliance with the Public Improvement Standards.~~

~~(vii) *Buffering*~~ (vii) *Buffering and Screening.* Areas, structures, and facilities for storage, machinery and equipment, services (main, refuse, utility wires, and similar materials), parking and loading, and similar accessory areas and structures shall be designed, located, buffered, or screened to minimize adverse impacts on the site and neighboring properties.

~~(viii) *Utilities.* Shall be installed consistent with MDC 18.20.050.~~

~~(ix) *Public Facilities.* The proposal shall not be an undue burden on public facilities, such as street, sewer, or water systems.~~

~~(x) *Landscaping.* The proposal satisfies the landscaping standards.~~

~~(xi) *Drainage.* Surface drainage shall be contained on site and approval shall be determined by the Public Works Director and City Engineer.~~

(viii) *Public Improvements.* The proposal demonstrates compliance with the Public Improvement Standards.

(ix) *Public Facilities.* All required public facilities have adequate capacity, as determined by the City, to serve the proposed use including, without limitation, the transportation, sewer, stormwater, and water systems.

~~(xii) *Supplementary*~~ (x) *Supplementary Provisions.* All applicable provisions in Chapter 18.25 MDC are satisfied.

~~(xiii) *Special*~~ (xi) *Special Standards for Certain Uses.* All applicable provisions in Chapter 18.30 MDC are satisfied.

(xii) *Master Plan Compliance.* The proposal is in substantial conformance with any applicable approved master plan, master facilities plan, refinement plan, and/or special planned district.

(5) Approval Criteria for Needed Housing.

(a) Approval of a site plan for needed housing shall be based on the following criteria:

(i) *Allowed Use.* The proposed land use is an allowed use in the zoning district.

(ii) *Zoning Standards.* The proposal complies or can comply with the applicable standards of the applicable zoning district(s) in which it is located.

(iii) *Safety.* The proposed development complies or can comply with applicable building and fire code standards.

(iii) *Special Needs of the Disabled.* The proposed development complies or can comply with the Americans with Disabilities Act and its implementing regulations.

(iv) *Public Improvements.* The proposal demonstrates compliance with the Public Improvement Standards.

(v) *Public Facilities.* All required public facilities have adequate capacity, as determined by the City, to serve the proposed use including, without limitation, the transportation, sewer, stormwater, and water systems.

(vi) *Supplementary Provisions.* All applicable provisions in Chapter 18.25 MDC are satisfied.

(vii) *Special Standards for Certain Uses.* All applicable provisions in Chapter 18.30 MDC are satisfied.

(viii) *Master Plan Compliance.* The proposal is in substantial conformance with any applicable approved master plan, master facilities plan, refinement plan, and/or special planned district.

~~(g) To~~ (6) To ensure that a development proposal satisfies applicable criteria, and mitigates identified impacts, the City may impose conditions of approval including, but not limited to, the following:

(i) An increase in the required setback(s).

(ii) Modifications to pedestrian and vehicular circulation patterns, parking provisions, the location and number of points of access to the site, sidewalks, and designs of parking areas.

(iii) Additional off-street parking.

(iv) Limitations on the size, location, and number of outdoor lights.

(v) Limitations on the number and location of curb cuts.

(vi) Dedication of land for the creation or enlargement of streets where the existing street system will be impacted by or inadequate to handle the additional burden caused by the proposal.

(vii) Dedication of land or an easement for the creation or extension of access corridors for pedestrian and bicycle travel.

(viii) Improvements, including, but not limited to, paving, curbing, installation of traffic signals, construction of sidewalks, striping bike lanes, or other improvements to the street system which serves the subject property where the existing street system will be burdened by the applicant's proposal or the proposal would create health or safety issues if unmitigated.

(ix) Improvement or enlargement of utilities serving the subject property where the existing utilities system will be burdened by the proposal. Improvements may include, but shall not be limited to, extension of utility facilities to serve the proposed use and installation of fire hydrants.

(x) Landscaping shall comply with the appropriate zoning district's landscape requirements within the Development Code.

(xi) Transit facility or an easement for bus pullout if on a mass transit route.

(xii) Location or orientation of buildings and entrances closer to the street to serve pedestrians, bicyclists, and/or mass transit use.

(xiii) Any other limitations or conditions necessary to achieve the purpose of this Development Code.

~~(4) Review~~ 7) Review Process. The Community Development Director may (at his/her discretion) elevate the application to a Type III Application and review process.

~~(5) Appeal~~ 8) Appeal. The applicant or any interested person may appeal a decision of the Site Plan Committee to the City Council, in accordance with the procedures of MDC 18.80.240.

~~(6) Revisions~~ 9) Revisions. Revisions made by the applicant to an approved site plan shall be made pursuant to the procedures set forth in this section. Where required site plan approval has been granted, it shall be unlawful for any person to cause or permit the proposed construction, alteration, improvement, or use in any manner except in complete and strict compliance with the approved site plan.

~~(7) Time~~ 10) Time Limit on Site Plan Approval. Authorization of site plan approval shall become void after one (1) year unless a building permit has been obtained and remains valid and active.

18.40.030 Design review.

...

(6) Standards for Approvals For Other than Needed Housing.

(a) Natural Features. Buildings shall be sited to protect areas of special interest and significant natural features such as natural grade, trees, vegetation, and rock outcroppings. These resources are encouraged to be incorporated into the overall site plan and may be calculated as part of the landscaping requirement. They are to be protected during construction.

(b) Pedestrian Walkways.

(i) Walkways from the Sidewalk to Building Entrances. A continuous pedestrian walkway shall be provided from the primary frontage sidewalk for pedestrians to access building entrances. This internal walkway shall incorporate a mix of landscaping, benches, and drop-off bays for at least fifty percent (50%) of the length of the walkway. Walkways shall be connected to adjacent sites wherever practicable.

(ii) Walkways from Parking Areas to Building Entrances. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from the parking areas. The walkways

shall be located within the parking areas and shall be designed to provide access from the parking areas to the entrances of the building(s). The walkways shall be designed to separate people from moving vehicles as much as possible. These walkways shall have a minimum width of five feet with no car overhang or other obstruction. The walkways must also be designed for disabled access according to the Uniform Building Code. This may require the walkways to be widened or modified. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation, or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

(c) Building and Sign Colors. Exterior colors and those used on signs shall be low reflectance, subtle, neutral and otherwise consistent with Ordinance 845*. The use of high intensity colors such as black, neon, metallic, or fluorescent for the facade and/or roof of the building are prohibited except as approved for building trim. Structures shall be painted or repainted as needed to maintain an attractive appearance.

~~(d) Additional Standards for Residential Development. Residential developments shall be designed to provide a safe living environment, while offering appropriate opportunities for privacy and transition from public to private spaces.~~

~~(e) Additional Standards for Nonresidential Development.~~

~~(i) New~~ (d) New primary buildings shall have at least one principal building entrance oriented toward the primary front property line. Entrances for customers or members of the public should be clearly delineated. Canopies, porticos, arcades, arches, wing walls, and integral planters are highly encouraged.

~~(ii) Mechanical~~ (e) Mechanical equipment and service areas shall be screened with visual barriers from adjacent properties, public streets, parks, or other public areas. The architectural design of the building shall incorporate design features that screen and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks, and service yards.

(f) Exterior Building Design.

(i) Exterior walls of buildings that are greater than ~~50~~ fifty (50) feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls. Walls that can be viewed from public streets shall be designed using architectural features and landscaping (abutting the building) for at least fifty percent (50%) of the wall length. Other walls shall incorporate architectural features and landscaping for at least thirty percent (30%) of the wall length.

(ii) Architectural features include, but are not limited to, the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures, or other features that complement the design intent of the structure and are acceptable to the review authority.

(iii) A portion of the on-site landscaping shall abut the walls of the structure so that the vegetation combined with the architectural features significantly reduces the visual impact of the building mass as viewed from the street.

(iv) The predominant building materials should be characteristic of Central Oregon such as brick, wood, native stone and tinted/textured concrete masonry units, and/or glass products.

(v) Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or prefabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building.

(vi) Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest, and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible rooflines and roofs that project out over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged. Architectural methods shall be used to conceal flat rooftops. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged.

(vii) Community amenities, such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located adjacent to the primary entrance to the building(s) are highly encouraged and may be calculated as part of the landscaping requirement.

(g) Architectural Features for Industrial Buildings.

(i) Exterior walls of buildings that can be viewed from a primary public street shall be constructed with at least three (3) of the following architectural features: recesses, projections, wall insets, arcades, windows, window display areas, doors, awnings, balconies, window projections, landscape structures, or other features that complement the design intent of the structure.

(7) Standards for Approvals For Needed Housing.

(a) Pedestrian Walkways.

(i) Walkways from the Sidewalk to Building Entrances. A continuous pedestrian walkway shall be provided from the primary frontage sidewalk for pedestrians to access building entrances. This internal walkway shall incorporate a mix of landscaping, benches, and drop-off bays for at least fifty percent (50%) of the length of the walkway. Walkways shall be connected to adjacent sites wherever practicable.

(ii) Walkways from Parking Areas to Building Entrances. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from the parking areas. The walkways shall be located within the parking areas and shall be designed to provide access from the parking areas to the entrances of the building(s). The walkways shall be designed to separate people from moving vehicles as much as possible. These walkways shall have a minimum width of five (5) feet with no car overhang or other obstruction. The walkways must also be designed

for disabled access according to the Uniform Building Code. This may require the walkways to be widened or modified. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation, or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

(b) Building and Sign Colors. Exterior colors and those used on signs shall be low reflectance, subtle, neutral and otherwise consistent with Ordinance 845*. The use of high intensity colors such as black, neon, metallic, or fluorescent for the facade and/or roof of the building are prohibited except as approved for building trim. Structures shall be painted or repainted as needed to maintain an attractive appearance.

(c) All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the figure below. Along the vertical face of a structure, such features shall occur at a minimum of every forty (40) feet, on each floor, and shall contain at least two (2) of the following features:

(i) Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of six feet;

(ii) Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two feet and runs horizontally for a minimum length of four feet; and/or

(iii) Offsets or breaks in roof elevation of two feet or greater in height.

(d) All building elevations adjacent to a street right-of-way shall provide doors, porches, balconies, and/or windows. A minimum of forty percent (40%) of front (i.e., street-facing) elevations, and a minimum of thirty percent (30%) of side and rear building elevations, shall meet this standard. Percent of elevation is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.

Exceptions:

(i) A multifamily building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance. In this case, at least one entrance shall be provided not more than thirty (30) feet from the closest sidewalk or street.

(ii) A multifamily building may be oriented to a common use courtyard.

(e) Detailed Design. All buildings shall provide detailed design along all elevations which are visible from the street(s) adjacent to the property (i.e., front, rear and sides). There are two (2) options for complying with this requirement.

(a) Menu Option. Detailed design shall be provided by using at least six (6) of the following twelve (12) architectural features on all applicable elevations, as appropriate for the proposed

building type and style (may vary features on rear/side/front elevations): dormers, gables, recessed entries, covered porch entries, cupolas, pillars or posts, eaves (minimum 12-inch projection), window trim (minimum four inches wide), bay windows, balconies, offsets in the building face or roof by a minimum of eighteen (18) inches, decorative patterns on the exterior finish using shingles, wainscoting, board and batt.

(b) Detail Design Option. Detailed design shall be provided by showing compliance with the following design criteria:

(i) The general size, shape, and scale of the structure(s) are architecturally compatible with the site and with the surrounding neighborhood, unless such compatibility with existing structures does not reflect the long-term purpose or intent of the underlying zoning of the subject site.

(ii) If the project includes a large structure or structures (greater than twenty thousand (20,000) square feet), the design shall incorporate changes in direction and divide large masses into varying heights and sizes by breaking up building sections, or by the use of such elements as variable planes, projections, bays, dormers, setbacks, canopies, awnings, parapets, changes in the roofline, materials, color, or textures.

(iii) Exterior finish on vertical surfaces shall be primarily of materials such as masonry/wood siding, shingles, or stucco. The use of sheet metal or plywood shall not exceed fifty (50) percent of the wall area. No smooth-faced cinder block construction shall be permitted on front facades. Cinder block construction for side and rear facades shall be permitted by approval as part of this review process.

~~(7) Exceptions~~ (8) Exceptions to Design Standards. An exception to the Design Review Standards may be approved by the Madras Planning Commission. The Planning Commission shall conduct a quasi-judicial hearing in accordance with the provisions of Chapter 18.80 MDC. The Planning Commission's decision may be appealed to the City Council in accordance with MDC 18.80.240.

EXHIBIT B

Added language in doubleunderline

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Chapter 18.55 MASTER PLANNED DEVELOPMENTS

18.55.010 Master planned development approval process.

(1) *General.* The approval and implementation of a master planned development generally consists of three steps, any of which may be pursued concurrently or consecutively. The first step is approval of the master development plan. The second step is the implementation of the master development plan through the land division review process. The third step is site plan or similar development and design review as applicable under MDC 18.40.020. The applicability of these steps and the extent of the review will depend on the nature of the master planned development proposed.

(2) *Applicability.* Unless the site is fully site plan approved for a single use, a master development plan is required prior to dividing or otherwise developing any site five (5) acres or greater for nonresidential and mixed-use developments, ~~20~~ twenty (20) acres or greater for residential developments, or any development proposing twelve (12) or more townhomes. Notwithstanding the foregoing, larger sites may be divided; provided, that all resulting lots or parcels are at least ~~10~~ ten (10) acres in size or greater and a deed restriction is recorded requiring a master plan prior to further division of the resulting parcels. In addition, a developer may voluntarily seek a master development plan for any property or group of contiguous properties two (2) acres in size or greater or any development containing townhomes.

(3) *Master Development Plan Submittal Requirements.* The master development plan application must include maps, studies, and written materials that show and/or contain all required information listed below. Maps may be in schematic form, but must be clearly and legibly drawn to a scale sufficient to enable the decision authority to have an adequate understanding of the proposal.

(a) A title report that includes a legal description of the master planned development.

(b) An existing conditions map depicting the topographic character of the land and any important natural features of the site, including without limitation streams, rivers, wetlands, trees over six (6) inches DBH, and rock outcroppings.

(c) A schematic depiction of the master planned development that includes types and general locations of proposed uses, character, and overall range of density of the development, proposed roadways, parks/open spaces, pedestrian or recreational amenities, utility connections, and other information necessary to convey the concept of the overall master planned development.

- (d) A vicinity map showing the relationship of the proposed master planned development to adjoining developments, streets, storm drainage, sewer, water, and utility services.
 - (e) Proposed development regulations if different from the regulations in the underlying zones or specific use.
 - (f) A street plan that includes the location, width, and design of streets, and the relationship of streets to any existing or proposed streets as shown in the City's transportation system plan.
 - (g) A traffic study which addresses impacts of the buildout of each phase of the master development plan on affected county, City, and state road systems, and transportation improvements necessary to mitigate any such impacts (including suggested timing for construction of mitigating improvements).
 - (h) Any reconfiguration of the zoning if proposed. A zone change may be required to achieve desired configuration.
 - (i) Alternative design review standards if proposed.
 - (j) An estimated development phasing schedule indicating:
 - (i) The approximate date when construction of the project can be expected to begin; and
 - (ii) The phases in which the project is expected to be built, including estimated dates of construction for each phase.
 - (k) A narrative setting forth the applicable approval criteria with discussion supported by evidence included in the submittal of how the proposal satisfies each applicable approval criterion.
- (4) *Approval Criteria [for other than Needed Housing and Needed Housing on a Discretionary Tract](#)*. The review body may approve the master development plan, or approve with conditions if appropriate, if the master development plan satisfies the following criteria:
- (a) The master development plan is designed to avoid or reasonably minimize potentially adverse effects on surrounding lands (both the natural and built environment). A variety of measures can be used to accomplish this, including, but not limited to, landscaping, buffers, fencing, or the arrangement of uses, structures, service facilities, open spaces, or improvements within the master development plan.
 - (b) Public facilities and services, including, but not limited to, water, sewer, transportation, parks, police service, fire protection, and schools, are adequate, or will be adequate at the time of occupancy, to accommodate the master development plan and are consistent with the City's infrastructure master plan.
 - (c) The master development plan is designed to efficiently use the land, including preserving the overall value of natural features such as streams, wetlands, wooded cover, and rock outcroppings if practicable.

(d) The uses and densities must be consistent with the Zoning Map designations. If the applicant proposes to rearrange or change the underlying zoning as part of the master development plan application, the applicant must satisfy the criteria for a zone change pursuant to MDC [18.75.030](#). The review body may approve additional or different uses if the review body determines that the additional or different uses are compatible with the uses otherwise allowed in the applicable zone and that the trip generation rate of the additional or different uses does not exceed the trip generation rate of the highest intensity outright permitted use in the zone as determined by the latest edition of the *Trip Generation Manual* produced by the Institute of Transportation Engineers, or a similar publication.

(e) The applicant must demonstrate that minimum lot size, width, depth, street frontage, setbacks, height, and other applicable requirements for proposed lots are or could be met. Approval is based on applicable standards in the Madras Development Code or alternative standards proposed by the applicant.

(f) At least thirty percent (30%) of the gross acreage of the master planned development must be open space. Improved or usable open space is encouraged. Open space may be publicly or privately owned and includes the use of land focusing on natural areas, trails (meeting the City's standards), parks, golf courses, community gardens, or public squares. Required landscaping on individual lots, planter strips along rights-of-way, and similar areas are not considered open space. The review body may allow a reduction in the open space requirement to as little as ten percent (10%) of the gross acreage if the review body determines that a significant portion of the master planned development is dedicated to uses (and not infrastructure) other than residential uses. The reduction must be roughly proportional to the percentage of the master planned development dedicated to other than residential uses. Master plans for townhome developments are also subject to MDC [18.30.190\(12\)](#).

(g) Proposed streets meet or can meet the public improvement standards and the design and construction standards unless waivers or modifications are proposed as part of the master planned development. Any modifications or waivers must be coordinated with and approved by the Public Works Director and the Fire Marshal.

(h) Any proposed modifications to otherwise applicable standards for development within the master planned development must be appropriate for the type and scale of development proposed, must not inhibit the ability to serve the subject property with urban services, and must otherwise assure the health, safety, and welfare of the subject property and adjacent properties.

(i) The applicant must demonstrate that commonly owned property, private streets, and other private amenities/infrastructure will be appropriately maintained through measures satisfactory to the City such as an owner's association or maintenance agreement.

(j) Master plans for any site proposed to be developed with fifty (50) or more dwellings must include a mix of at least two housing types, and master plans for sites proposed to be developed with one hundred (100) or more dwellings must include a mix of at least three housing types permitted or conditionally permitted in the applicable zones (i.e., accessory dwelling units, detached single-family dwellings, attached single-family dwellings, duplexes, triplexes and

apartments). Where a mix of housing units is required, no more than eighty percent (80%) of the total dwelling units may be the same housing type.

(5) Approval Criteria for Needed Housing. The review body may approve the master development plan, or approve with conditions if appropriate, if the master development plan satisfies the following criteria:

(a) All required public facilities have adequate capacity, as determined by the City, to serve the proposed land division including, without limitation, the transportation, sewer, stormwater, and water systems.

(b) The uses and densities must be consistent with the Zoning Map designations. If the applicant proposes to rearrange or change the underlying zoning as part of the master development plan application, the applicant must satisfy the criteria for a zone change pursuant to MDC [18.75.030].

(c) The minimum lot size, width, depth, street frontage, setbacks, height, and other applicable requirements for the proposed development are or could be met. Approval is based on applicable standards in the Madras Development Code for the applicable zone(s) or alternative standards proposed by the applicant.

(d) At least thirty percent (30%) of the gross acreage of the master planned development must be open space. Improved or usable open space is encouraged. Open space may be publicly or privately owned and includes the use of land focusing on natural areas, trails (meeting the City's standards), parks, golf courses, community gardens, or public squares. Required landscaping on individual lots, planter strips along rights-of-way, and similar areas are not considered open space. The review body may allow a reduction in the open space requirement to as little as ten percent (10%) of the gross acreage if the review body determines that a significant portion of the master planned development is dedicated to uses (and not infrastructure) other than residential uses. The reduction must be roughly proportional to the percentage of the master planned development dedicated to other than residential uses. Master plans for townhome developments are also subject to MDC [18.30.190(12)].

(e) Proposed streets meet or can meet the public improvement standards and the design and construction standards unless waivers or modifications are proposed as part of the master planned development. Any modifications or waivers must be coordinated with and approved by the Public Works Director and the Fire Marshal.

(f) Any proposed modifications to otherwise applicable standards for development within the master planned development must be appropriate for the type and scale of development proposed, must not inhibit the ability to serve the subject property with urban services, and must otherwise assure the health, safety, and welfare of the subject property and adjacent properties.

(g) The applicant must demonstrate that commonly owned property, private streets, and other private amenities/infrastructure will be maintained through measures satisfactory to the City such as an owner's association or maintenance agreement.

(h) Master plans for any site proposed to be developed with fifty (50) or more dwellings must include a mix of at least two housing types, and master plans for sites proposed to be developed

with one hundred (100) or more dwellings must include a mix of at least three housing types permitted or conditionally permitted in the applicable zones (i.e., accessory dwelling units, detached single-family dwellings, attached single-family dwellings, duplexes, triplexes and apartments). Where a mix of housing units is required, no more than eighty percent (80%) of the total dwelling units may be the same housing type.

~~(5) Master~~ (6) Master Development Plan Approval Process.

(a) The Planning Commission must review the master development plan at a public hearing conducted in accordance with the applicable provisions of Chapter 18.80 MDC.

(b) The approval of the master development plan is valid for a period of three (3) years, unless the review body approves, at its discretion, an alternative phasing plan, which must not exceed ten (10) years in the aggregate. However, extensions to the master development plan, or any phase thereof, may be approved in accordance with MDC 18.80.290. A master development plan, or any individual phase thereof, will not be considered initiated unless and until a plat is recorded for the master development plan, or any individual phase thereof, which must occur prior to expiration of the approval or in accordance with the phasing plan.

(c) Notice of the review process and opportunities for comment must be provided to all properties within five hundred (500-) feet of the boundaries of the proposed master planned development.

~~(6) Amendments~~ (7) Amendments to Master Development Plan.

(a) Minor modifications to an approved master development plan are reviewed by the Community Development Director using the Type II procedure. However, the Community Development Director may elevate any modification request to a Type III procedure. Minor modifications include:

(i) A change in residential densities by no more than ten percent (10%);

(ii) A change to the amount of acreage of open space by no more than ten percent (10%);

(iii) A change in land use or mix of residential housing types (e.g., apartment to single-family);

(iv) If approved by the Public Works Director, a change in public improvement standards or design and construction standards by no more than fifteen percent (15%);

(v) If approved by the Public Works Director, a change in the location of proposed streets, utility easements, or other site improvements by less than 100 feet, or a change in proposed street location that does not affect collector or arterial streets;

(vi) A change in off-street parking spaces by no more than twenty percent (20%);

(vii) A change in dimensional standards by no more than twenty percent (20%);

(viii) A change in the boundaries of the master development plan by no more than ten percent (10%); and

(ix) Other changes of similar scope or impact as determined by the Community Development Director.

(b) A major modification to an approved master development plan is a modification that is not a listed as a minor modification in subsection [\(6\)\(a\)](#) of this section. Major modifications are reviewed by the Planning Commission through a Type III process.

(c) During the initial approval period, including any permitted extensions, modifications may only be proposed by the original applicant or by its successor in interest. A successor in interest must provide documentation satisfactory to the City that the applicant has transferred its interest in the master planned development to the successor in interest. Following the initial approval period, modifications may be proposed by the applicant/successor in interest or by one or more owners representing thirty-three percent (33%) or more of the land area subject to the master planned development.

(d) Approval of a proposed modification is limited to those approval criteria applicable to the proposed modification and not to a master planned development in general.

(e) Modifications that are specific to certain properties within a master planned development will be noticed similar to site plan review for the affected properties. Modifications of general applicability will be noticed similar to a new approval of the master planned development.

~~(7) *Subdivision*~~ [\(8\) *Subdivision*](#). The division of land within a master development plan must be in accordance with the approved master development plan and Chapter [18.60](#) MDC. In the event that a standard or provision in an approved master development plan is in conflict with the Madras Development Code, the standard or provision in the approved master development plan governs. An application for tentative plan for a phase or phases of the master development plan may be reviewed concurrently with the proposed master development plan.

~~(8) *Site*~~ [\(9\) *Site Plan and Design Review Approval*](#). All development within the master development plan is subject to the applicable review standards in Chapter [18.40](#) MDC. All uses within a master development plan must be in accordance with the approved master development plan. In the event that a standard or provision in an approved master development plan is in conflict with the Madras Development Code, the standard or provision in the approved master development plan governs. An application for zoning review, site plan approval, or design review may be reviewed concurrently with the proposed master development plan.

EXHIBIT B

Added language in doubleunderline

Deleted language in ~~strikethrough~~

Chapter 18.05 INTRODUCTORY PROVISIONS

18.05.030 Definitions.

“Block” all of the property bounded by streets, rights-of-way (pedestrian or vehicle ways), water features, or any combination thereof, but is not divided or separated in any way by streets or water features.

“Block length” means the length of one side of a block (i.e. the distance between streets on opposite sides of the block).

“Block perimeter” means the distance to travel once completely around the block, ending at the starting point.

...

“Needed housing” has the meaning assigned to such term in ORS 197.303(1). Needed housing on a discretionary tract refers to a needed housing project that is not subject to clear and objective standards pursuant to ORS 197.303(6).

...

“Public improvement standards” means the applicable standards ~~for public improvements and street design set forth in in MDC~~ Chapter 18.20 ~~MDC~~.

Chapter 18.60 LAND DIVISIONS, REPLATS, AND PROPERTY LINE ADJUSTMENTS

18.60.010 Purpose.

In accordance with the provisions of ORS Chapters 92, 197, and 227, this chapter sets forth the minimum standards governing the approval of subdivisions, partitions, replats, and property line adjustments as necessary to carry out the City of Madras Comprehensive Plan and to promote the public health, safety, and general welfare while allowing for cost saving efficiencies. The purpose of these provisions and regulations is to:

- (1) Encourage well planned subdivision and partition development to promote the creation of livable neighborhoods with all needed amenities and community facilities.

- (2) Encourage development in harmony with the natural environment and within resource carrying capacities.
- (3) Safeguard the interests of the public, the applicant, and the future lot owner.
- (4) Improve land records and boundary monumentation.
- (5) Ensure equitable processing of land division applications and accomplish, to the greatest extent possible, the goals and objectives of the Comprehensive Plan.
- (6) Provide for orderly and efficient urban development and coordinate development with public facilities and service plans and capabilities.
- (7) To regulate the orientation of streets, lots, and parcels to ensure access to solar energy by reasonably regulating interests in property within the City, as authorized under ORS [227.090](#) through [227.190](#) and ORS [105.880](#) through [105.895](#), to promote and maximize the conservation of energy by preserving the option to utilize solar energy and to implement the Comprehensive Plan policies relating to solar energy.

18.60.020 Applicability.

Units of land shall only be created or reconfigured in conformance with the standards of this chapter and ORS Chapter [92](#). No person may subdivide ~~or~~, partition, or reconfigure land within the City of Madras except in accordance with ORS Chapter [92](#) and the provisions of this Development Code.

18.60.030 Delegation.

The City Council, pursuant to ORS [92.044\(2\)](#), hereby delegates to the Planning Commission the power to take final action on a proposed subdivision and any major replat involving 50 or more lots pursuant to the Type III procedures and to the Community Development Director the power to take final action on any subdivision, partition, major replat, minor replat, or property line adjustment involving fewer than 50 lots pursuant to the Type II procedures.

18.60.040 Subdivision Committee.

- (1) There is hereby established a Subdivision Committee which shall consist of:
 - (a) Community Development Director;
 - (b) Public Works Director;
 - (c) County Surveyor; and
 - (d) Fire Marshal;
 - (e) Any other appropriate public agency representative invited by the Community Development Director.

(2) The Community Development Director shall serve as chairperson of the Subdivision Committee.

(3) The Subdivision Committee shall be charged with reviewing subdivision and major replat applications for conformance with all applicable regulations and to make recommendations to the Planning Commission.

18.60.050 Pre-application meeting.

Prior to submitting a tentative plan for a land division, each applicant or their representative is encouraged to meet with the Community Development Director or a designated staff member to review the proposal. The intent of this meeting is to advise the applicant of the requirements and standards of this Development Code.

18.60.060 Application submission.

Any person, or his authorized agent or representative, proposing a subdivision, partition, or replat shall file an application and the filing fee for the applicable approval, along with a tentative plan, improvement plans, and other supplementary materials as may be required [by this chapter](#) or requested by the Subdivision Committee. If any concurrent approvals are sought, the application shall also include all ~~such~~ [required information and materials](#) for the applicable concurrent approval. The applicant must either provide electronic copies or submit four paper copies of all application materials to the Community Development Director.

18.60.070 General approval process for land divisions.

Land divisions generally follow a two-step approval process. First, a tentative plan is submitted for approval. After receiving tentative plan approval, and after satisfying any conditions of approval from the tentative plan approval, the applicant then files for final plat approval. After receiving final plat approval and satisfying any additional conditions of approval and any requirements of the county, the applicant can then record the plat to perfect the land division.

18.60.080 Informational requirements for tentative plans.

~~The~~ [Unless waived by the Community Development Director, the](#) following information shall be shown on a tentative plan or provided in accompanying materials. No tentative plan shall be considered complete unless all such information is provided:

(1) *General Information Required.*

(a) The proposed name of the subdivision, if applicable.

(b) Names, addresses, and phone numbers of the owner of record, authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed with the Secretary of State by the applicant.

(c) Date of preparation, north point, scale, and gross area of the subject property.

(d) Appropriate identification of the drawing as a tentative plan for a subdivision, partition, or replat.

(e) Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.

(f) Certified copy of the recorded instrument under which the applicant claims an ownership interest, or copy of a land sales contract that binds the applicant in the event of tentative plan approval.

(2) *Information Concerning Existing Conditions.*

(a) Location, names, and widths of existing improved and unimproved streets and roads within and adjacent to the subject property.

(b) Location of any existing features such as section lines, section corners, City and special district boundary lines, and survey monuments.

(c) Location of existing structures, irrigation canals and ditches, pipelines, waterways, railroads, any natural features such as rock outcroppings, and natural hazards.

(d) Location and direction of watercourses, and the location of areas subject to flooding.

(e) Location, width, and use or purpose of any existing easement or right-of-way within and adjacent to the subject property.

(f) Existing sewer lines, water mains, culverts, and other underground and overhead utilities within and adjacent to the subject property together with pipe sizes, grades, and locations.

(g) Contour lines related to some established benchmark or other engineering acceptable datum and having minimum intervals of two feet for slopes of less than five percent (5%), five feet for slopes of five to fifteen percent (5% to 15%), 10 feet for slopes of fifteen to twenty percent (15% to 20%), and 20 feet for slopes greater than twenty percent (20%).

(h) Zoning classification of land within and adjacent to the subject property.

(i) Names and addresses of all adjoining property owners for a distance of 250 feet.

(3) *Information Concerning Proposed Development.*

(a) Location, names, width, typical improvements, cross-sections, bridges, culverts, approximate grades, curve radii and centerline lengths and reserve strips of all proposed streets, and the relationship to all existing and projected streets.

(b) Location, width, and purpose of all proposed easements or rights-of-way and relationship to all existing easements and rights-of-way.

(c) Location of at least one temporary benchmark within the subject property's boundaries.

(d) Location, approximate area, and dimensions of each lot/parcel, and proposed lot/parcel and block numbers.

(e) Location, approximate area, and dimensions of any lot/parcel or area proposed for public use, the use proposed, and plans for improvements or development thereof.

(f) Proposed use, location, approximate area, and dimensions of any lot/parcel intended for nonresidential use.

(g) An outline of the area proposed for partial recording, if contemplated or proposed.

(h) Source, method, and preliminary plans for domestic water supplies, sewer lines, and all utilities.

(i) Description and location of any proposed community facility.

(j) Stormwater and other drainage facility plans.

(k) Proposed deed restrictions, including access restrictions or protective covenants if such are proposed to be utilized for the proposed development.

(l) Statement from each utility company proposed to serve the resulting lots/parcels stating that each company is able and willing to serve the proposed development as set forth in the tentative plan, and the conditions thereof.

(m) Proposed fire protection system for the proposed development and written approval thereof by the appropriate serving fire protection agency.

(n) Contour lines related to some established benchmark or other engineering acceptable datum and having minimum intervals of two feet for slopes of less than five percent (5%), five feet for slopes of five to fifteen percent (5% to 15%), 10 feet for slopes of fifteen to twenty percent (15% to 20%), and 20 feet for slopes greater than twenty percent (20%).

(o) An addressing plan for the development depicting proposed addresses and driveway locations for each proposed lot or parcel consistent with the requirements of Jefferson County Code Chapter 12.03.

(4) *Scale.* All tentative plans shall be drawn on a sheet at a scale not greater than one inch per 400 feet.

18.60.090 Block standards.

~~(1) *General.* The length, width, and shape of blocks shall accommodate the need for adequate building site size and street width and shall be compatible with the limitations of the topography of the subject property.~~

~~(2) *Size.* If existing block patterns are established on adjacent properties, the tentative plan shall carry the block patterns through the development unless otherwise approved by the applicable review body. However, in no event shall block lengths (total of all frontages) exceed 1,200 feet.~~

~~(3) *Alleys and Mid-Block Crossings.* For any frontage exceeding 200 feet, the review body may require mid-block alleys and/or crossings.~~

To promote efficient multi-modal circulation along parallel and connecting streets throughout the City, developments shall produce complete blocks bounded by a connecting network of streets, in accordance with the following standards:

(1) New development shall construct and extend planned streets (arterials, collectors and locals) in their proper projection to create continuous through streets and provide the desirable pattern of orderly developed streets and blocks. Streets shall be developed within a framework that is established in the Transportation System Plan and any applicable Special Area Plan, Refinement Plan, Master Plan or other adopted or approved development plan. Where such plans do not provide specific block length and perimeter standards, the requirements listed below shall apply:

(2) Block lengths and perimeters shall not exceed the following standards as measured from centerline to centerline of through intersecting streets.

(a) Six hundred sixty foot block length and 2,000 foot block perimeter in all Residential Zones;

(b) Four hundred foot block length and 1,500 foot block perimeter in the C-2 Zone;

(c) Six hundred sixty foot block length and 2,640 foot block perimeter for all other Commercial, Industrial and Mixed-Use Zones;

(d) An exception may be granted to the maximum block length and/or block perimeter by the Decision Maker if the applicant can demonstrate that the block length and/or block perimeter cannot be satisfied due to topography, natural features, existing development or other barriers, or it is unreasonable to meet such standards based on the existing pattern of development, or other relevant factors. When an exception is granted, the Decision Maker may require the land division or property reconfiguration to provide blocks divided by one or more access corridors. Access corridors shall be located to minimize out-of-direction travel by pedestrians and bicyclists and shall meet all applicable accessibility standards.

18.60.100 Lot standards.

The size, width, and orientation of lots/parcels shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the lot size provisions of the governing zoning district, subject to the following:

~~(1) *Lot Sizes.* In steep terrain, increased lot sizes may be required to avoid excessive cuts, fills, and steep driveways.~~

(1) Lot Sizes. Portions of a lot with slopes in excess of 20%, will not be counted for purposes of meeting minimum lot sizes.

(2) *Frontage.* Each lot shall satisfy applicable frontage requirements established by the zone in which it is located or the Public Improvement Standards.

(a) Corner lots shall be five feet more in width than other lots within the zone in which the proposed corner lot is located.

(3) All side lot lines shall be at right angles to street lines or radial to curved streets ~~wherever practical. It shall be considered impractical.~~ The Decision Maker may grant an exception where topography, watercourses, existing streets, infrastructure, and other development preclude such lot lines.

(4) *Through Lots.* Lots that span an entire block should be avoided except where they are essential to provide separation of residential development from major streets or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. The ~~review body~~ decision maker may require landscaping buffers or access restrictions as a condition of approval for any through lot.

~~(5) *Solar Access.* The lines of lots and parcels, as much as practical, shall be oriented to allow structures constructed on the lots or parcels to utilize solar energy by establishing the long axis in the east-west direction and permitting sunlight access for at least three hours before and after solar noon. Easements necessary to assure solar access may also be required for subdivision approval.~~

~~(6) *Future Resubdivision.* Where land is proposed to be divided into lots of an acre or more, the Planning Commission may require an arrangement of lots and streets such as to permit future resubdivision in conformity to the street requirements and other requirements contained in this Development Code.~~

(5) *Solar Access.* The lines of lots and parcels must be oriented such that the long axis is in the east-west direction. The Decision Maker may grant a waiver, where topography, natural features, existing development or other barriers inhibit required orientation.

18.60.110 Zero lot line subdivision.

In addition to the general provisions for land divisions set forth in this chapter, any application for a zero-lot line subdivision shall meet the following requirements:

(1) The tentative plan shall indicate all lot divisions, including those along the common wall of dwelling units.

(2) Independent utility service shall be provided to each unit including, but not limited to, water, electricity, and natural gas, unless common utilities are approved by the affected utility agency and are adequately covered by easements.

(3) Prior to the granting of final approval for creation of a zero-lot line subdivision, the Community Development Director shall require the applicant to enter into a written agreement, in a form approved by the City Attorney, that establishes the rights, responsibilities and liabilities of the parties with respect to maintenance and use of any common areas of the subdivision such as, but not limited to, common walls, roofing, water pipes, and electrical wiring. Such agreement shall be in a form suitable for recording, and shall be binding upon the heirs, executors, administrators, and assigns of the parties.

(4) Each zero lot line subdivision proposal shall receive approval by the Subdivision Committee prior to submission of the final plat. Site plan approval shall be granted only upon a finding that the design, materials, and colors proposed for each dwelling are harmonious and do not detract from the general appearance of the neighborhood.

~~(5) All frontages shall comply with the Public Improvement Standards.~~

18.60.120 Approval process for tentative plan for subdivision or major replat.

(1) The Subdivision Committee shall make its recommendation concerning the tentative plan for a subdivision or major replat to the applicant and Planning Commission prior to the public hearing before the Planning Commission.

(2) The Planning Commission shall review the tentative plan and all reports and recommendations of appropriate officials and agencies.

(3) The Planning Commission may approve, ~~modify~~approve with conditions, or deny the tentative plan for the proposed development and shall set forth findings for such decision.

(4) Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision or major replat for recording; however, approval of such tentative plan shall be binding upon the City for purposes of the preparation of the plat and the City may require only such changes in the plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision or major replat and the terms of this chapter.

18.60.130 Approval process for tentative plan for partition or minor replat.

(1) The Community Development Director shall process the application under a Type II process and shall review all reports and recommendations of appropriate officials and agencies.

(2) The Community Development Director may approve, modify, or deny the tentative plan for the proposed development and shall set forth findings for such decision.

(3) Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed partition or minor replat for recording; however, approval of such tentative plan shall be binding upon the City for purposes of the preparation of the plat and the City may require only such changes in the plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed partition or minor replat and the terms of this chapter.

18.60.140 ~~Required findings for approval of~~Approval criteria for a tentative plan.

The Planning Commission shall not approve a tentative plan for a proposed subdivision or major replat, and the Community Development Director shall not approve a tentative plan for a proposed partition or minor replat, unless the applicable review body finds, ~~in addition to other requirements and standards set forth in this Development Code,~~ that the proposal ~~will satisfy~~ satisfies the ~~intent and~~ requirements of the Development Code, ~~Comprehensive Plan,~~ and the design and construction standards. ~~Such findings shall include~~ and the following:

~~(1) The 1) For development other than needed housing, the~~ proposed development contributes to orderly development and land use patterns in the area and provides for the preservation of natural features and resources of the area.

~~(2) The proposed development will not create excessive demand on public facilities and services required to serve the development.~~

(2) All required public facilities have adequate capacity, as determined by the City, to serve the proposed land division including, without limitation, the transportation, sewer, stormwater, and water systems.

(3) The tentative plan for the proposed development meets the applicable requirements of ORS 92.090.

(4) The tentative plan meets the applicable ~~block and lot standards~~ provisions of this chapter.

(5) The tentative plan satisfies the Public Improvement Standards.

18.60.150 Submission of final plat.

(1) *Filing Time Period Requirements.* The applicant shall prepare and submit to the Community Development Department a final plat that is in conformance with the approved tentative plan. Within three (3) years ~~of~~ after the approval date for the tentative plan, the applicant shall submit the final plat, filing fee, and any supplementary information required by this Development Code and the ~~Planning Commission~~ Decision Maker. If the applicant fails to proceed with the submission of the final plat before the expiration of the three-year period following the approval of the tentative plan, the tentative plan approval shall be void. The applicant may, however, submit a new tentative plan together with the appropriate filing fee.

(2) *Extensions.*

(a) If the applicant is unable to comply with the filing time requirements of the Development Code, the applicant may submit a written letter to the Community Development Director requesting an extension of the final plat deadline. The letter shall be filed no earlier than sixty (60) days and no later than ten (10) days prior to the date the three-year period expires. It shall also be accompanied by the appropriate fee.

(b) If there is good cause, the Community Development Director may grant an extension up to six (6) months from the date of expiration. Good cause shall require a showing by the applicant that the delay is unavoidable and was not the result of the applicant's own negligence. The

applicant must also show they have made significant progress on each condition of the tentative plan.

(c) Any extension granted by the Community Development Director may be conditioned by a requirement that the applicant provide appropriate guarantees that the requirements of the Development Code will be met.

(d) The applicant may appeal a decision of the Community Development Director to the Planning Commission pursuant to MDC [18.80.240](#).

~~(3) Limited Reapproval.~~

~~(a) Expired approvals for residential land divisions (excluding mixed-used developments) may be reapproved through a Type II administrative review process, with discretion for the Community Development Director to elevate the application to a Type III review process, provided:~~

~~(i) The prior land division approval is currently expired and was approved after January 1, 1996;~~

~~(ii) The proposed tentative plan has not been substantially modified from the approved tentative plan; and~~

~~(iii) The proposed tentative plan meets, or with conditions of approval could meet, current requirements of the Development Code and the design and construction standards.~~

~~(b) Except for the administrative review process described in subsection [\(3\)\(a\)](#) of this section, land divisions subject to limited reapproval shall be subject to all other substantive and procedural requirements of the Development Code.~~

18.60.160 Submission of final plats for phased development.

(1) If a tentative plan is approved for phased development, the final plat for the first phase shall be filed within one year of the approval date for the tentative plan.

(2) The final plats for any subsequent phase shall be filed within three years of the approved date for the tentative plan.

(3) The applicant may request an extension for any final plat under this section in the manner provided for in MDC [18.80.280](#).

(4) If the applicant fails to file a final plat within the specified time period, the tentative plan approval for those phases shall become null and void.

18.60.170 Form of final plat.

(1) The final plat shall be submitted in the form prescribed by state statute and this Development Code.

(2) All plats and other writings or dedications made a part of such plats offered for recording, shall be made in black India ink, upon material that is 18 inches by 24 inches, suitable for binding and copying, having such characteristics of strength and permanency as may be required by the City. The plat shall be of such a scale, and the indication of the approvals thereof and of the dedication and affidavit of the surveyor shall be of such size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch. The plat may contain as many sheets as necessary, but a fact sheet and an index page shall be included for plats of two or more sheets.

18.60.180 Information on final plat.

(1) *General Requirements.* In addition to that required for the tentative plan or otherwise specified by law, the following information shall be shown on the final plat:

- (a) The name of the subdivision, partition, or replat.
 - (b) The name of the owner, applicant, and engineer or surveyor.
 - (c) The date, scale, north point, legend, controlling topography such as bluffs, creeks and other bodies of water, and existing highways and railroads.
 - (d) A legal description of the tract boundaries.
 - (e) Reference points of existing surveys, identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
 - (i) Stakes, monuments, or other evidences found on the ground and used to determine the boundaries of the development.
 - (ii) Adjoining corners of adjoining developments.
 - (iii) Other monuments found or established in making the survey or required to be installed by provisions of this Development Code.
 - (f) The exact location and width of streets and easements intercepting the boundary of the tract.
 - (g) Tract, block, and lot boundary lines and street rights-of-way and centerlines, with dimensions, bearing or deflecting angles, radii, arcs, points of curvature, and tangent bearings. Normal high-water lines for any creek, bay, or other body of water. Tract boundaries and street bearings shall be shown to the nearest thirty (30) seconds with the basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.
- (2) *Streets.* The width of the streets being dedicated and the curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated together with the long chord distance and bearing.
- (3) *Easements.* Easements shall be noted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not on record, a statement of the easement

shall be given. The width of the easement, its length and bearings, and sufficient ties to locate the easement with respect to the development shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

(4) *Lot Numbers.* Lot numbers beginning with the number "1" and numbered consecutively in each block.

(5) *Block Numbers.* For subdivisions and major replats, block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the development. The numbers shall be placed so as not to obliterate any figures. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.

(6) *Public Lands.* Public lands, including strips and easements, shall be clearly marked to distinguish them from lots intended for sale.

(7) *Access Restrictions.* Limitations on rights of access to and from streets, lots/parcels, and other parcels of land shall be clearly indicated.

(8) *Area.* The area of each lot/parcel, if larger than one acre, to the nearest hundredth (1/100 or 0.01) of an acre; and the area of each lot/parcel less than one acre, to the nearest square foot.

(9) *Certificates and Signatures.* The following certificates and signatures are required and shall be combined where appropriate:

(a) A certificate signed and acknowledged by all parties having any record title interest in the land consenting to the preparation and recording of the final plat.

(b) A certificate signed and acknowledged as above, dedicating all land intended for public use, except land intended for the exclusive use of the lot owners in the development, their licensees, visitors, tenants, and servants.

(c) A certificate with the seal of and signed by the surveyor responsible for the survey and final map.

(d) A certificate for execution by the County Surveyor. Any plat prepared by the County Surveyor in his private capacity shall be approved by the County Surveyor of another county in accordance with ORS [92.100\(2\)](#) and [\(3\)](#).

(e) A certificate for execution by the County Assessor.

(f) A certificate for execution by the County Tax Collector.

(g) A certificate for execution by the irrigation district, where applicable. All plans, plats, or replats of subdivisions or partitions located within the boundaries of an irrigation district, drainage district, water control district, district improvement company, or similar service district shall be submitted to the board of directors of the district or company and its approval thereof shall be indicated thereon by the board before City approval of such plan, plat, or replat of any

subdivision or partition. Except that if the applicant is unable to obtain action or approval of any district or company within forty-five (45) days, the applicant shall notify the manager or administrator in writing and thereafter the City shall serve notice on that district or company that any objections to the plan, plat, or replat must be filed in writing with the City within twenty (20) days. Failure of the district or company to respond shall be considered an approval of such plan, plat, or replat.

- (h) The signature of the Public Works Director.
- (i) The signature of the Community Development Director.
- (j) A signature of approval by the City Council.
- (k) Other certificates required by state regulations.

18.60.190 Requirements of survey and monumentation.

Any final plat submitted shall meet the survey and monumentation requirements of ORS Chapter [92](#).

18.60.200 Supplemental information with final plat.

The following data, if applicable, shall accompany the final plat:

- (1) *Title Report*. A preliminary title report or subdivision guarantee report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises; such report shall show evidence of a clear and marketable title.
- (2) *Survey Data Sheets*. Sheets and drawings shall contain the following information:
 - (a) Traverse data including the coordinates of the boundary of the development and ties to section corners and donation land claim corners, and showing the error of closure, if any. A survey control work sheet may be substituted for this item.
 - (b) The computation of distances, angles, and courses shown on the plat.
 - (c) Ties to existing monuments, proposed monuments, adjacent developments, street corners, and state highway stationing.
- (3) *Deed Restrictions*. A copy of any deed restrictions applicable to the development.
- (4) *Homeowner's Association*. If applicable, a copy of any homeowner's association agreement proposed or required for the development.
- (5) *Dedications*. A copy of any dedication requiring separate documents with specific reference to parks, playgrounds, etc.

(6) *Taxes.* A list of all taxes and assessments on the tract which have become a lien on the land subdivided.

(7) *Improvements.* If grading, street improvements, sewer or water facilities are required as a condition of approval of the final plat, the following shall be required to be submitted with final plat:

- (a) An improvement plan in accordance with MDC [18.20.100\(3\)](#).
- (b) Plans and profiles of sanitary sewers, location of manholes, and drainage system.
- (c) Plans and profiles of the water distribution system showing pipe sizes and location of valves and fire hydrants.
- (d) Specifications for the construction of all utilities.
- (e) Grading plans and specifications as required for areas other than streets and ways.
- (f) Planting plans and specifications for street trees and other plantings in public areas.
- (g) Plans for improvements, design factors, or other provisions for fire protection or fire hazard reduction.

18.60.210 Technical review of final plat.

(1) *Compliance Check.* Upon receipt by the Community Development Department, the final plat and other data shall be reviewed by the Subdivision Committee or Community Development Director, as applicable, to determine that the development, as shown, is substantially the same as it appeared on the approved tentative plan, and for compliance with provisions of this Development Code and other applicable laws.

(2) *Field Check.* The Public Works Director, the Community Development Director, and the County Surveyor, may make such checks in the field as are desirable to verify that the plat is sufficiently correct. The applicant shall grant permission to the Public Works Director, Community Development Director, or County Surveyor to enter the property for this purpose.

18.60.220 Conditions of final plat approval.

(1) The Subdivision Committee or Community Development Director, as applicable, shall determine whether the final plat conforms with the approved tentative plan and these regulations. If the applicable review body does not approve the final plat, it shall advise the applicant of the changes or additions that must be made and shall afford them an opportunity to make corrections. If the applicable review body determines that the plat conforms to all requirements, it shall recommend approval, provided supplemental documents and provisions for required improvements are satisfactory. Approval of the final plat does not constitute or effect an acceptance by the public of the dedication of any street or other easement shown on the plat, nor does such approval bind any other jurisdiction with review authority over the plat.

(2) No final plat shall be approved unless:

(a) Streets and roads for public use are to be dedicated without any reservation or restriction.

(b) Streets and roads held for private use as indicated on the tentative plan for such development have been approved by the City Public Works Director.

(c) The plat or map contains provisions for dedication to the public of all public improvements, including, but not limited to, streets, roads, parks, and sewage disposal and water supply systems, if made a condition of the approval of the tentative plan.

(d) Explanations of all public improvements required as conditions of approval of the tentative plan shall be recorded and referenced on the final plat or map.

(3) No plat shall be approved unless the developer has either constructed, and had accepted by the City Public Works Director, the required public improvements, or the developer has executed an improvement agreement acceptable to the City. If the developer chooses to construct the improvements, the developer shall also file with the City a warranty bond executed by a surety company to cover the one-year warranty period following acceptance by the City. Said bond shall be in the amount of ten percent (10%) of the value of the improvements as determined by the Public Works Director.

18.60.230 Final signatures.

After the final plat has been checked and approved as provided in this chapter, and all signatures have been obtained, except for those of the Community Development Director and any signatures required from county officials, the Community Development Director shall certify the final plat and submit it to the county for final signatures.

18.60.240 Recording of final plat.

(1) No plat shall have any force or effect until the same has been duly executed and recorded. No title to any property described in any offer of dedication shall pass until the final plat has been recorded.

(2) No plat shall be recorded unless all ad valorem taxes and all special assessment fees or other charges required by law to be placed upon the tax roll, which have become a lien upon the development or which will become a lien during the calendar year, have been paid.

(3) The applicant shall provide exact copies of the recorded plat to the Community Development Director.

18.60.250 Errors in the final plat.

If an error in the final plat is discovered after the plat has been filed with the County Clerk, the error shall be corrected by filing a correction plat, which shall be submitted in the same manner as a final plat.

18.60.260 Property line adjustments.

(1) *General.* A property line adjustment is the movement or elimination of a common boundary line between two units of land.

(a) No more than one common boundary line can be relocated at one time. Additional property line adjustments each require a separate application.

(b) Deeds describing the new boundary lines for the affected units of land shall be recorded with the County Clerk's office before another property line adjustment application involving one of the affected units of land can be submitted.

(c) Property line adjustments are a land use decision and shall follow the noticing requirements of Chapter [18.80](#) MDC.

(2) *Review Criteria.* The property line adjustment may be approved only if the reviewing authority shall find that it satisfies the following criteria:

(a) The proposed property line adjustment is in conformance with applicable provisions of ORS Chapter [92](#).

(b) The proposed property line adjustment will not conflict with legally established easements or access within or adjacent to the proposed property line adjustment.

(c) The resulting lots comply with applicable regulations of the zoning district in which they are located. A property line adjustment for a nonconforming lot may be approved; provided, that the property line adjustment does not exacerbate the nonconformity.

(d) A property line adjustment shall not cause existing structures to straddle the new line or otherwise violate applicable setbacks.

(e) For lot consolidations, the applicant agrees to remove excess utility connections such that the consolidated lot will only have a single service for water and sewer and will otherwise comply with service requirements from other utility providers.

(3) The property line adjustment application shall meet the following requirements:

(a) Drawn to scale (example: one inch to 100 feet);

(b) Show the existing boundary line as a solid line and the proposed movement of the boundary line as a dashed line;

(c) Show sizes of the units of land involved (current and after adjustment);

(d) Show location of existing structures, access, and utilities; and

(e) Show the township, range, section, and tax lot numbers of the two tax lots involved.

(4) The applicant shall contact the County Surveyor for surveying requirements once the property line adjustment has been approved by the Community Development Director.

(5) Appeals of a property line adjustment decision shall follow MDC [18.80.240](#).

18.60.270 Flag lots.

(1) *Eligibility for Flag Lots.* Flag lots may only be created if the Public Works Director determines that it is impractical to extend a street (including, without limitation, a cul-de-sac) to the flag portion of a proposed flag lot development.

(2) *Development Standards.* In addition to meeting all other applicable criteria, flag lots must comply with the following standards:

(a) The minimum lot frontage and minimum width for the pole of a flag lot is 15 feet. The minimum frontage and minimum width for the front lot is the otherwise applicable minimum less 10 feet. Any pole exceeding 150 feet will have to meet all applicable fire code requirements.

(b) When a shared driveway serves two or more properties, the shared driveway width must be a minimum of 20 feet. A shared driveway must be employed if the parent parcel has less than 100 feet of street frontage (or less than 80 feet of frontage if on a cul-de-sac) or for any proposed flag lot on a collector or arterial. The maximum number of properties utilizing a shared driveway is four. Any shared driveway must have a reciprocal access and maintenance easement acceptable to City recorded for all properties utilizing the shared driveway prior to or current with platting.

(c) Except for the minimum requirements for the pole stated above, minimum lot widths and depths, if any, are measured on the flag portion of a flag lot.

(d) The flag portion of a flag lot must meet the applicable minimum lot sizes without considering the area of the pole portion of the flag lot.

(e) The front setback does not apply to the flag portion of the flag lot. The lot lines in the flag portion of a flag lot are side lot lines except for the rear lot line, which is a rear lot line.

(f) Except as otherwise provided in this subsection, the front lot must meet all applicable requirements for creation of a lot in the applicable zone.

(g) Flag lots and front lots are not eligible for any variances from dimensional requirements.

CITY OF MADRAS
Request for Council Action

Date Submitted: October 5, 2021

Meeting Date: October 12, 2021

To: Mayor and City Council Members

From: Nicholas Snead, Community Development Director

Through: Gus Burrell, City Administrator

Subject: **DLCD TECHNICAL ASSISTANCE GRANT REQUEST**
Letter of Support
Housing Needs Analysis Update

TYPE OF ACTION REQUESTED:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Public Hearing (Enter Type) |
| <input type="checkbox"/> Ordinance | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Consent Agenda | <input type="checkbox"/> No Action - Report Only |

MOTION FOR COUNCIL CONSIDERATION:

That the City Council authorize Mayor Ladeby to sign the Letter of Support for the City's DLCD Technical Assistance grant application.

OVERVIEW:

The Community Development Department has submitted a Technical Assistance grant application to the Oregon Department of Land Conservation and Development (DLCD) to update the Housing Needs Analysis in the City's Comprehensive Plan and related Zoning Map and Development Code changes to implement the Analysis. A requirement of the grant application is to submit a letter of support from the participating jurisdiction. Staff has prepared a letter of support for the Council to consider authorizing the Mayor to sign. At the October 12, 2021 Council meeting staff will request that the Council authorize Mayor Ladeby to sign the Letter of Support for the City's DLCD Technical Assistance grant application.

SUMMARY:

A. General Coordination:

Department Review	Reviewed By	Date	Not Required
City Administrator	Gus Burrell	10/6/21	
City Attorney	Garrett Chrostek		X
City Recorder	Lysa Vattimo	10/6/21	
Finance	Kristal Hughes		X
Police	Tanner Stanfill		X
Public Works	Jeff Hurd		X
Human Resources	Charo Miller		X

B. Fiscal Impact:

Total project cost \$108,434.

C. Funding Source:

- \$98,00 grant from DLCD
- \$5,000 cash from CDD, Materials & Service, Professional Services
- \$5,434 in-kind contribution from CDD, Personnel Services (budgeted staff time to assist)

D. Explanation of Impact:

City Council approval will authorize Mayor Ladeby to sign the letter of support on behalf of the City. Submission of the letter of support will allow the City's Technical Assistance grant application to be complete.

E. Relationship to City Council Annual Strategic Implementation Plan:

Yes No

Discussion: Submitting a letter of support for the City's Technical Assistance grant application does not in and of itself fulfill any specific goals or objectives in the City's current or past Annual Strategic Plans or Housing Action Plan. However, it does allow the City to leverage \$98,000 of state grant funding for a needed update to the City's Comprehensive Plan that it would otherwise need to fund with City resources.

F. Supporting Documentation:

- Draft Letter of Support
- DLCD Technical Assistance Grant Application.

STAFF RECOMMENDATION:

That the City Council authorize Mayor Ladeby to sign the Letter of Support for the City's DLCD Technical Assistance grant application.

MOTION FOR COUNCIL ACTION:

That the City Council authorize Mayor Ladeby to sign the Letter of Support for the City's DLCD Technical Assistance grant application.



October 12, 2021

Gordon Howard
Community Services Division Manager
Department of Land Conservation and Development
635 Capitol Street NE Suite 150
Salem, OR 97301

Subject: Madras Technical Assistance Grant Letter of Support.

Dear Mr. Howard:

The Madras City Council would like to submit this letter of support for the City's Technical Assistance Grant application to update the City's Housing Needs Analysis. This grant request is of particular importance to the City as we have made many significant changes to plans, policies, and regulations to address local housing challenges. Additionally, the City of Madras has taken local housing problems very seriously and instituted aggressive measures to address our housing problems. Updating the City's Housing Needs Analysis and the related implementation work will allow the City to comprehensively address local housing challenges. With this in mind, the requested grant funding is very important to the City.

Thank you for your diligent consideration.

Sincerely,

Mayor Richard Ladeby
541-475-2344
rladeby@cityofmadras.us



Department of Land Conservation and Development

2021-23 TECHNICAL ASSISTANCE GRANT APPLICATION

Please complete each section in the form below. Type or write requested information in the spaces provided. **Submit completed applications by October 1, 2021.**

Date of Application: 10-1-21

Applicant: City of Madras

(If council of governments, please also include the recipient jurisdiction name if applicable)

Street Address: 125 SW E Street

City: Madras

Zip: 97741

Contact name and title: Nicholas Snead, Community Development Director

Contact e-mail address: nsnead@cityofmadras.us

Contact phone number: 541-475-2344

Grant request amount (in whole dollars): \$98,000

Local Contribution (recommended but not required): \$10,434

Project Title:

Madras Housing Needs Analysis Update

Project summary: (Summarize the project and products in 50 words or fewer)

Update the City's 2007 Housing Needs Analysis and accordingly, the City's Comprehensive Plan and Development Code. The project will also consider rezoning land to accommodate needed housing within the existing UGB. If appropriate, the project would rezone lands within the existing UGB.

Project Description & Work Program

Please describe the proposed project, addressing each of the following in an attachment.

See Attachment A.

A. Goals and Objectives. State the goals or overall purpose of the project. Describe particular objective(s) the community hopes to accomplish. Please indicate whether this is a stand-alone project or is part of a longer multi-year program. If it is the latter, describe any previous work completed, subsequent phases and expected results, and how work beyond this project will be funded.

The purpose of the project is to:

Department of Land Conservation and Development

2021-2023 DLCD Technical Assistance Grant Application (revised 9/2/2021)

1. Update the City's 2007 Housing Needs Analysis (HNA).
2. Identify measures to accommodate Needed Housing.
3. Update the City's Comprehensive Plan Goal 10 element.
4. Amend the City's Development Code to accommodate Needed Housing.
5. Identify potential lands to rezone to accommodate Needed Housing and utilize existing infrastructure and minimize the need for UGB expansions.
6. Adopt the necessary Comprehensive Plan, Development Code, and Zoning Map amendments.

The City of Madras has made significant efforts to address local housing needs that include: 1) Establishing a Housing Action Plan (2018); 2) Reducing SDCs for housing development (2019); 3) Establish a urban renewal district direct tax increment to housing developers to reduce construction and infrastructure cost (2020); 3) Development Code changes to: A) accommodate additional housing types (2019); B) add Missing Middle Housing types as permitted uses (to be completed in Feb. 2022); and C) bring the Code into compliance with ORS 197.303 (2022). These three efforts, in part, have caused a significant

B. Products and Outcomes. Clearly describe the product(s) and outcome(s) expected from the proposed project. Briefly describe any anticipated significant effect the project would have on development, livability, regulatory streamlining, and compliance with federal requirements, socioeconomic gains, and other relevant factors.

See Attachment A.

C. Equity and Inclusion Considerations. Using the [TA Grant Equity Guidance](#), identify priority populations in the project planning area. Describe the anticipated impact of your proposed project on priority populations. Describe a preliminary outreach and engagement plan with specific goals and outcomes for participation of priority populations in the project. Include specific tasks and products related to the outreach and engagement plan in sections D and E.

See Attachment A.

D. Work Program, Timeline & Payment.

1. **Tasks and Products:** List and describe the major tasks and subtasks, with:

Task 1: Project Kick-Off and Public Engagement Plan

Develop an outreach and public engagement plan, which will identify opportunities for broad public engagement and focus on increasing involvement of impacted priority populations.¹ The priority populations in Madras may include any of the populations listed in the State of Oregon Equity Framework in COVID-19 Response and Recovery. In Madras, these populations primarily

¹ The document *Guidance for Technical Assistance Grant Applicants Regarding Diversity, Equity, and Inclusion* from the Department of Land Conservation and Development describes requirements for developing an outreach and community participation plan. The document can be accessed from the following location:

https://www.oregon.gov/lcd/CPU/Documents/TA_Grant_Equity_Guidance.pdf

include BIPOC populations,² community members with limited English proficiency, people with disabilities, people experiencing homelessness, and extremely low income households. The outreach and public engagement plan will include specific goals for participation from people in the priority populations. Establish an advisory committee to provide input and guidance for the analysis and recommendations of this project. The advisory committee will include people from the priority populations in Madras and will be a part of the outreach and public engagement plan. The advisory committee will make a recommendation to the Madras Planning Commission about the products of the project.

Final Products:

- Proposed Project schedule
- Outreach and public engagement plan

Task 2: Buildable Lands Inventory (BLI)

Prepare a draft inventory of buildable land consistent with OAR chapter 660, division 8. The BLI will be used to determine the City's residential land need in Task 4. The BLI will be developed based on discussion with the advisory committee at one or more committee meetings. The inventory will provide a comprehensive inventory of buildable residential and mixed-use lands within the Madras UGB. The inventory must identify the current status of land, in categories such as vacant, undevelopable, partially vacant, developed, potentially redevelopable, and public. For land that is vacant and partially vacant, the inventory must identify constraints that fully or partially prohibit future development, resulting in an inventory of buildable residential and mixed-use land. The products of the BLI will be: a chapter in the HNA report, summary of buildable lands in tabular form, and maps that show the location of vacant and partially vacant unconstrained land.

Final Products:

- Draft BLI narrative and methodology, as part of the housing needs analysis report, including summary tables and maps
- Advisory Committee meeting #1: Presentation materials to explain preliminary analyses and findings to the advisory committee, with a beginning discussion of housing policy.

Task 3: Housing Needs Analysis

The purpose of this task is to develop a housing needs analysis that is compliant with the requirements of Goal 10 and OAR 660-010, as described in the Project Approach. The approach used to complete the Housing Needs Analysis should be consistent with the approach described in Task 2 of the *Planning for Residential Growth* workbook to develop the housing needs analysis for the Madras UGB. The specific steps in the housing needs analysis are:

1. Project number of new housing units needed in the next 20 years.
2. Identify relevant national, state, and local demographic and economic trends and factors that may affect the 20-year projection of structure type mix.
3. Describe the demographic characteristics of the population and, if possible, housing trends that relate to demand for different types of housing.

² BIPOC is Black, Indigenous, and People of Color.

4. Determine the types of housing that are likely to be affordable to the projected households based on household income.
5. Estimate the number of additional needed units by structure type.
6. Determine the needed density ranges for each plan designation and the average needed net density for all structure types.

Develop the key assumptions necessary for the housing needs analysis. Where possible and appropriate, consider use of “safe harbor” assumptions described in OAR 660-024. City will schedule one public workshop or open house to present draft housing needs and buildable lands data and findings about the residential lands analysis. City will solicit input from the public on the draft deliverables. The outreach and public engagement plan will include approaches to involving priority populations in this meeting.

Development of the HNA will include the following sub-tasks:

Task 3.A Housing Needs Projection

Prepare a draft housing needs projection consistent with OAR chapter 660, division 8. The housing needs projection will be used to determine the City’s residential land need in Task 3.B. The housing needs projection will provide information available about priority populations in Madras (as data is available), including BIPOC populations, community members with limited English proficiency, people with disabilities, people experiencing homelessness, extremely low income households, seniors, and farmworkers. The analysis will provide information about disproportionate housing needs experienced by priority populations.

Task 3.B Residential Land Needs Analysis

Based on the outcomes of Task 3.A and Task 2, prepare a draft residential land analysis that addresses how much land and what zoning the City needs to accommodate its Housing Need, comparing the demand and supply provided in the deliverables produced in Task 3.A and Task 2. If the analysis shows that the Housing Need cannot be accommodated by the City’s existing comprehensive plan, the draft residential land analysis will be developed concurrently with Task 4 in order to consider accommodating Housing Needs through changes to the comprehensive plan and land use regulations as required by OAR chapter 660, division 8 and 24.

Final Products:

- Draft housing needs projection and residential land needs analysis, as part of the housing needs analysis report
- Advisory Committee meeting #2, including presentation materials to explain preliminary analyses and findings to the advisory committee
- One public workshop or open house, including materials for the workshop

Task 4: Measures to Accommodate Needed Housing

Based on the findings of the Residential Land Needs Analysis (Task 3.b), identify options for changes to the Madras Comprehensive Plan and Development Code to address housing and residential land needs determined in previous tasks. Develop code concepts that align with the identified housing need in Task 3, which will identify barriers and opportunities to address the barriers to the code.

Develop a memorandum describing these changes, which include: revisions to existing comprehensive plan policies, proposals for new comprehensive plan policies, revisions to the development code or other land use ordinances, and recommendations to rezone land to meet identified land needs. The memorandum may also include suggestions for future changes to Madras' affordable housing policies, for inclusion in a future revision of *Madras Housing Action Plan* or implementation by the City outside of this project.

Discuss the proposed changes with the advisory committee at two meetings to solicit feedback and input into the recommended changes and will incorporate this feedback into the recommendations for changes to the City's housing policies.

City will schedule one public workshop or open house to present proposed changes to the Madras Comprehensive Plan and Development Code. City will solicit input from the public on the draft deliverables. The outreach and public engagement plan will include approaches to involving priority populations in this meeting.

The Consultant will participate in the following meetings with decisionmakers to present findings the HNA and get input in proposed policy changes: (1) the Madras Planning Commission, (2) the Madras Urban Renewal Board, and (3) the Madras City Council. The Consultant will revise the memorandum with recommendations for changes to City's comprehensive plan and land use regulations to address housing and residential land needs based on the feedback above. The memorandum will include consideration of anticipated impacts and outcomes of the proposed changes, especially as they impact priority populations.

Final Products:

- Memorandum with recommendations for changes to City's comprehensive plan and land use regulations to address housing and residential land needs
- Advisory Committee #3 and #4, including presentation materials for two meetings with the advisory committee
- One public workshop or open house, including materials for the workshop
- Presentation to the Madras Planning Commission
- Presentation to the Madras Urban Renewal Board
- Presentation to the Madras City Council
- Revised memorandum with recommendations for changes to City's comprehensive plan and land use regulations to address housing and residential land needs
- Draft HNA report

Task 5: Updates to the Madras Comprehensive Plan

Identify changes necessary to the Madras Comprehensive Plan, with the intention of repealing the outdated factual basis and revision to the existing housing policies. The City expects to adopt the HNA as an attachment to the Comprehensive Plan. The portions of the Comprehensive Plan that may require revision will focus on changes related to the HNA and include:

- Section II: Population, Socioeconomic Trends, and Housing. The existing text in these sections will be repealed and replaced with a very brief summary of the findings in the HNA about each of these topics, with reference to expanded discussions in the HNA report.
- Section III: Goal 10 policies. The Consultant will review and recommend changes to the existing policies and implementation measures.

- Section IV: General Discussion and Background for Land Use Category Decisions. The Consultant will review and recommend changes to these sections, as needed.

Prepare red-line changes to these Comprehensive Plan sections, based on the analysis in the HNA and recommendations from Task 4. The Consultant will lead development of a staff report for public hearings (a deliverable in Task 8) about the proposed changes to the Madras Comprehensive Plan.

Final Products:

- Draft and revised red-line changes to the Madras Comprehensive Plan
- Findings in the staff report (a deliverable in Task 8) for these changes.

Task 6: Changes to the Madras Development Code

Identify changes necessary to the Madras Development code to meet the identified housing need in the HNA and implement the proposed changes in the Comprehensive Plan. The changes to the zoning code may include: revisions to existing densities and/or lot size standards, revisions to lot development standards, addition of a higher-density multifamily zone to meet identified housing needs, and other necessary changes to the zoning code. The Consultant may also recommend changes to the City’s land division regulations to be consistent with the proposed changes to densities and/or lot size standards.

Final Products:

- Draft and revised red-line changes to the Madras Development Code and land division regulations
- Findings in the staff report (a deliverable in Task 8) for these changes.

Task 7: Changes to the Madras Comprehensive Plan and Zoning Map

Madras is a one-map city, where the Comprehensive Plan and Zoning maps are identical. The changes to the Madras Comprehensive Plan and Development Code may require addition of a higher-density multifamily zone to meet the housing needs identified in the HNA. Task 6 will propose development standards for this potential new zone. In this task, the Consultant will work with staff and the advisory committee to identify criteria to select land to rezone to the new higher density multifamily zone (if such a zone is necessary). Among other things, these criteria will consider the anticipated impacts and outcomes of the proposed changes, especially as they impact priority populations.

Based on these criteria, identify land to rezone to this new zoning district based on these criteria. Incorporate input from the advisory committee into areas to rezone. Revise the proposed changes to the Comprehensive Plan and Zoning map to show proposed changes to zoning.

Final Products:

- Draft and revised changes to the Madras Comprehensive Plan and Zoning map
- Findings and the criteria for changes to the zoning map in the staff report (a deliverable in Task 8) for these changes.
- Advisory Committee Meetings #5 and #6, including presentation materials for two meetings with the advisory committee

Task 8: DEI/Priority Population Engagement

The City will identify Community Concierges within the Latinx and Indigenous Native American communities to seek guidance on engagement for purpose of preparing the public engagement plan in Task 1. The Community Concierges will also assist the City in engaging the priority populations by identifying the date, time, of location key community gatherings that community members can be engaged, attending engagement meetings in the communities, assisting with the conversion of meeting materials into formats appropriate to the respective community preferences, provide interpretation services as needed.

Final Products:

- Engagement with priority populations as specified in the public engagement plan.
- Engagement with priority populations.
- Improve understanding of housing needs from priority populations and how the City Comprehensive Plan policies and Development Code can be responsive to those needs.

Task 9: Hearings

Provide support for adoption hearings with the Madras Planning Commission and City Council. The City expects to adopt the housing needs analysis, revised Comprehensive Plan text, proposed changes to the development code, and proposed changes to the Madras Comprehensive Plan and Zoning map. The Consultant will develop the draft staff report for each meeting, in support of adoption. The City will provide an outline for the staff report, including the format and requirements for the staff report.

Final Products:

- Draft and revised staff report with findings in support of adoption of: the housing needs analysis, revised Comprehensive Plan text, proposed changes to the development code, and proposed changes to the Madras Comprehensive Plan and Zoning map.
- Present and participate in one hearing with the Madras Planning Commission
- Present and participate in one hearing with the Madras City Council

Proposed Meetings with the Advisory Committee:

The scope above includes meetings with the advisory committee. For all advisory committee meetings, City will schedule and provide notice and an agenda. The Consultant will provide all materials to the City for specific meetings with priority populations. The City will coordinate with The Consultant will coordinate with City on meeting arrangements and facilitate the advisory committee meeting.

The following are the proposed meetings and discussions with the advisory committee:

- **Meeting 1: Kick-off and Buildable Lands Inventory Findings.** The committee kick-off meeting will be more than an overview of the work program and the state process. The Consultant will actively engage the committee in issue identification and desired outcomes. It will solicit input into the draft outreach and public engagement plan. At this meeting, the Consultant will present the results of the residential buildable lands analysis and request feedback on the draft map with vacant and partially vacant buildable residential land.

- **Meeting 2: Housing Needs Findings.** This meeting will focus on the housing needs analysis and the key implications of the analysis, including disproportionate housing needs of priority populations. The Consultant will present the findings of the housing needs projections and facilitate a discussion with the committee about the implications of the analysis for Maupin’s housing policies.
 - **Meeting 3: Options for Changes to Madras Housing Policies.** The meeting will focus on initial proposals for changes to Madras housing policies to address the unmet housing needs in identified in Task 2 and 3. These changes may include: revisions to existing comprehensive plan policies, proposals for new comprehensive plan policies, revisions to the development code or other land use ordinances, and recommendations to rezone land to meet identified land needs. The Consultant will solicit input and feedback on the proposed changes.
 - **Meeting 4: Recommendations for Changes to Madras Housing Policies.** The meeting will present revised changes to Madras housing policies to address the unmet housing needs in identified in Task 2 and 3. The Consultant will solicit additional input and feedback on the proposed changes.
 - **Meeting 5: Changes to Madras Housing Policies.** The meeting will present the red-line revisions with changes to the Comprehensive Plan and Development Code. The advisory committee will discuss recommendations for criteria to select land to rezone to the new higher density multifamily zone, if development of such a zone is necessary.
 - **Meeting 6: Finalize Recommendations for Changes to Madras Housing Policies.** The meeting will focus on the final recommendations for change to Madras’ housing policies, including identification of proposed changes to the Madras zoning map. The advisory committee will make a recommendation to the Planning Commission about the HNA and proposed changes to the Comprehensive Plan, Development Code, and Zoning map.
- 2. Timeline:** List all dates for the project including tentative start date after the contract is signed, task completion dates, and project completion date. If the project is part of a multi-year program, provide an overview of the expected timelines in sequence of expected start dates and completion date for each phase and describe subsequent phases to be completed.

Task #	Task Description	Est. Start Date	Est. Completion Date
1	Project Kick-off	1-1-22	1-30-22
2	Buildable Lands Inventory	1-30-22	2-28-22
3	Housing Needs Analysis	2-28-22	5-31-22
4	Measures to Accommodate Needed Housing	5-31-22	6-30-22
5	Comp. Plan Updates	5-31-22	7-31-22
6	Development Code Changes	6-30-21	9-31-22
7	Rezone Land	6-30-22	10-31-21
8	DEI/Priority Population Engagement	1-1-22	12-31-22
9	Public Hearings	10-31-22	12-31-22

- 3. Payment Schedule:** Develop a requested payment schedule showing amount of interim and final payments. Include the products that will be provided with each payment request. The

payment schedule should generally include no more than two payments – an interim and final payment.

Interim Payment Request: Completion of Task 3: 5-31-22
Final Payment Request: Completion of Task 9: 12-31-22

E. Evaluation Criteria. Include a statement in the narrative that addresses the program priorities and evaluation criteria presented in the application instructions (“Eligible Projects and Evaluation Criteria”).

The Madras Housing Needs Analysis Update is a project that will enable affordable and workforce housing to be constructed by ensure the City has the appropriate Comprehensive Plan factual basis and policies, Development Code regulations, and land zoned appropriately to allow affordable and workforce housing to be constructed at a lower cost than otherwise. Accordingly, this project is consistent with the program’s highest priority: Promote the provision of affordable and workforce housing.

F. Project Partners. List any other public or private entities that will participate in the project, including federal and state agencies, council of governments, city and county governments, and special districts. Briefly describe the role of each (*e.g.*, will perform work under the grant; will advise; will contribute information or services, etc.).

City of Madras:

City staff will provide project management. A limited number of City Council will be asked to participate in Advisory Committee. The City Council will be asked to take formal action to approve the proposed amendments.

Madras Redevelopment Commission:

A limited number of Commissioners will be asked to participate in Advisory Committee. The Commission will be asked to take formal action to make a recommendation to the City Council.

Housing Works:

Staff will be asked to participate on the Advisory Committee and represent the perspectives and interests of a housing authority.

Best Care Treatment Services:

Staff will be asked to participate on the Advisory Committee to represent their client’s needs and interests who are often placed in affordable housing.

Madras Faith-Based Network:

Volunteers from the organization will be asked to participate on the Advisory Committee to represent housing needs from the perspective of a shelter providers prospective.

Fair Housing Council of Oregon:

Staff will be asked to participate on the Advisory Committee to ensure the proposed amendments are consistent with the Needed Housing statutes (197.303) and other Fair Housing considerations.

Central Oregon Realtors Association:

Association staff and members will be asked to participate on the Advisory Committee, and they will be asked to represent real estate interests and perspectives.

- G. Advisory Committees.** List any advisory committee or other committees that will participate in the project to satisfy the local citizen involvement program. Include specific goals for participation by priority populations in advisory committees.

The project will establish an Advisory Committee that will be comprised of housing developers, realtors, affordable housing, shelter provider. The Committee will also include representatives from the City Council, Madras Redevelopment Commission, and Planning Commission. The Committee will be comprised of residents and business owners. The Advisory Committee will also ensure members from priority populations have a position on the Committee.

Priority Population Participation Goals:

- Engage members of the priority populations in a time, place, and manner that they feel is appropriate.
- Improve understanding of housing needs from priority populations and how the City Comprehensive Plan policies and Development Code can be responsive to those needs.

- I. Cost-Sharing and Local Contribution.** DLCDC funds are only a part of overall project costs; please identify sources and amounts of other funds or services that will contribute to the project’s success. Cost-sharing (match) is not required but could be a contributing factor to the success of the application.

The City will contribute staff time towards the project which is estimated to be \$5,434. The City will also be funding efforts to establish and support Community Concierges to improve priority population participation up to \$5,000 (cash contribution). The total contribution by the City will be 10,434 towards the project which is approximately 9.6% of the total project cost.

Will a consultant be retained to assist in completing grant products? Yes No

For cities with populations under 10,000 that are requesting a comprehensive plan update, do you have interest in using a DLCDC-provided consultant to complete your project? Yes No

Does the applicant intend to seek technical assistance from DLCDC’s equity and inclusion consultant? Yes No ([See TA Grant Equity Guidance](#))

Local Official Support

The application **must include a resolution or letter from the governing body** of the city, county, district, or tribe demonstrating support for the project. If the applicant is a council of governments on behalf of a city, a letter or resolution from the city council supporting the application must be included. *The application will not be complete if it does not include this item.* The letter of support may be received by DLCDC after the application submittal deadline, but it must be received before a grant is awarded.

A letter of support will be provided from the Madras City Council to DLCDC staff on October 13, 2021.

Product Request Summary

Product	Grant Request	Local Contribution	Total Budget
1-Project Kick-off	\$ <u>6,000</u>	\$ <u>221</u>	\$ <u>6,221</u>
2-Buildable Lands Inventory	\$ <u>10,000</u>	\$ <u>682</u>	\$ <u>10,682</u>
3- Housing Needs Analysis	\$ <u>15,000</u>	\$ <u>332</u>	\$ <u>15,332</u>
4-Measures to Accommodate Needed Housing	\$ <u>18,000</u>	\$ <u>442</u>	\$ <u>18,442</u>
5-Comp. Plan Updates	\$ <u>6,000</u>	\$ <u>221</u>	\$ <u>6,221</u>
6-Development Code Changes	\$ <u>20,000</u>	\$ <u>442</u>	\$ <u>20,442</u>
7-Rezone Land	\$ <u>15,000</u>	\$ <u>2,052</u>	\$ <u>17,042</u>
9-DEI/Priority Population Engagement	\$ <u>0</u>	\$ <u>5,000</u>	\$ <u>5,000</u>
8-Public Hearings	\$ <u>8,000</u>	\$ <u>1,042</u>	\$ <u>9,042</u>
TOTAL	\$ <u>98,000</u>	\$ <u>10,434</u>	\$ <u>108,424</u>

Submit your application with all supplemental information to:

Gordon Howard, Community Services Division Manager

E-mail (preferred): DLCD.GFGrant@dlcd.oregon.gov

Mail: Department of Land Conservation and Development
635 Capitol Street N.E., Suite 150
Salem, OR 97301

Phone: 503-503-856-6935

APPLICATION DEADLINE: October 1, 2021

Attachment A: Madras Housing Needs Analysis Update
DLCD TA Grant Application

A. Goals and Objectives.

Project Goals:

1. Update a factual basis for the City's 20 year residential land supply.
2. Improve implementation of the City's Comprehensive Plan in the City's Development Code.
3. Align the City's Comprehensive Plan with the City's Housing Action Plan.

Project Objectives:

1. Update the 2007 Housing Needs Analysis (HNA).
2. Identify measures to accommodate Needed Housing.
3. Update the Comprehensive Plan Goal 10 element.
4. Amend the City's Development Code to accommodate Needed Housing.
5. Identify potential lands to rezone to accommodate Needed to improve the efficiency of lands within the UGB.
6. Adopt the necessary Comprehensive Plan, Development Code, and Zoning Map amendments.

B. Products and Outcomes. Clearly describe the product(s) and outcome(s) expected from the proposed project. Briefly describe any anticipated significant effect the project would have on development, livability, regulatory streamlining, and compliance with federal requirements, socioeconomic gains, and other relevant factors.

The City of Madras has experienced a housing shortage that is very similar to other small and rural communities that are located in a larger region. Specifically, on average the City had less than 10 homes constructed between 2008 and 2018 and there was no new multifamily construction other than subsidized housing developments. This caused the City in 2017 to start very significant efforts to address local housing that included:

1. Establishing a Housing Action Plan (2018)
2. Reducing SDCs for housing development (2019)
3. Establish an urban renewal district direct tax increment to housing developers to reduce construction and infrastructure cost (2020)
4. Development Code changes to:
 - a. Accommodate additional housing types (2019)
 - b. Add Missing Middle Housing types as permitted uses (in progress)
 - c. Bring the Code into compliance with ORS 197.303 (2021).

The City intentionally created a non-regulatory Housing Action Plan and then prioritized efforts thereafter to address the cost of housing construction with SDC reductions, creating an urban renewal district, and Code changes to streamline the land use process for housing developments. This approach did not include prioritize updating the City's Comprehensive Plan Goal 10 Housing Needs Analysis, policies, and implementing Code changes. Housing stakeholders have lauded the City for making necessary changes to reduce the cost of housing

Attachment A: Madras Housing Needs Analysis Update
 DLCD TA Grant Application

construction. However, the City still needs to update it’s Goal 10 element in the Comprehensive Plan and identify how the City can utilize existing lands in the existing UGB more efficiently through Code changes and potentially rezoning land. It is for this reason the City seeks substantial funding from DLCD to update the City’s Housing Needs Analysis and properly implement the analysis to achieve the City and State’s desired housing outcomes.

Table 1. Madras HNA Update Tasks, Products, and Outcomes.

Task #	Task Description	Product	Outcome
1	Project Kick-off	<ol style="list-style-type: none"> 1. Project schedule. 2. Outreach and public engagement plan. 	<ul style="list-style-type: none"> • Confirm the objectives of the project and refine the project schedule. • Develop an outreach and public engagement plan. • Broad public engagement and focus on increasing involvement of impacted priority populations. • Establish specific goals for participation priority populations.
2	Buildable Lands Inventory	<ol style="list-style-type: none"> 1. Draft BLI narrative and methodology. 2. Hold Advisory Committee meeting #1. 	<ul style="list-style-type: none"> • Draft inventory of buildable land consistent with OAR chapter 660, division 8. • Advisory Committee feedback on draft BLI.
3	Housing Needs Analysis	<ol style="list-style-type: none"> 1. Draft housing needs projection and residential land needs analysis. 2. Hold Advisory Committee meeting #2. 3. Hold public Workshop/Open House. 	<ul style="list-style-type: none"> • Draft housing needs projection consistent with OAR chapter 660, division 8. • Residential land analysis that addresses how much land and what zoning the City needs to accommodate its Housing Need, comparing the demand and supply.

Attachment A: Madras Housing Needs Analysis Update
 DLCDC TA Grant Application

Table 1 Cont. Madras HNA Update Tasks, Products, and Outcomes.

Task #	Task Description	Product	Outcome
4	Measures to Accommodate Needed Housing	<ol style="list-style-type: none"> 1. Memorandum with recommendations for changes to City’s comprehensive plan and land use regulations to address housing and residential land needs. 2. Advisory Committee meetings #3 and #4. 3. One public workshop or open house, including materials for the workshop. 4. Presentation to the Madras Planning Commission. 	<ul style="list-style-type: none"> • Identify options for changes to the Madras Comprehensive Plan and Development Code to address housing and residential land needs determined in previous tasks. • Discuss proposed changes with Advisory Committee at two meetings, solicit feedback and input into the recommended changes, incorporate feedback into recommended for changes to the City’s housing policies. • Public workshop/open house to present proposed changes to the Madras Comprehensive Plan and Development Code.
5	Comp. Plan Updates	<ol style="list-style-type: none"> 1. Draft and revised changes to the Madras Comprehensive Plan. 2. Draft Findings for staff report for proposed Comprehensive Plan & Code changes. 	<ul style="list-style-type: none"> • Identify changes necessary to the Madras Comprehensive Plan, with the intention of repealing the outdated factual basis and revision to the existing housing policies. • Draft staff report for Comprehensive Plan changes.

Attachment A: Madras Housing Needs Analysis Update
 DLCDC TA Grant Application

Table 1 Cont. Madras HNA Update Tasks, Products, and Outcomes.

Task #	Task Description	Product	Outcome
6	Development Code Changes	<ol style="list-style-type: none"> 1. Draft changes to the Madras Development Code. 2. Prepare Findings for Code changes. 	<ul style="list-style-type: none"> • Identify changes necessary Development Code to meet identified housing need in the HNA and implement the proposed changes in the Comprehensive Plan. • Prepare staff report for public hearings for the proposed Development Code changes.
7	Rezone Land	<ol style="list-style-type: none"> 1. Draft changes to the Madras Comprehensive Plan and Zoning map. 2. Identify criteria to select land to rezone to the new higher density multifamily zone (if such a zone is necessary). 3. Prepare Findings and the criteria for changes to the zoning map in the staff report for these changes (if such a zone is necessary). 4. Advisory Committee Meetings #5 and #6. 	<ul style="list-style-type: none"> • Consideration of anticipated impacts and outcomes of the proposed changes, especially the impacts to priority populations. • Determine if a higher-density residential zone is needed.

Attachment A: Madras Housing Needs Analysis Update
 DLCDC TA Grant Application

Table 1 Cont. Madras HNA Update Tasks, Products, and Outcomes.

Task #	Task Description	Product	Outcome
8	DEI/Priority Population Engagement	<ol style="list-style-type: none"> 1. Identify Latinx and Native American community concierges to assist with developing an effective outreach plan to engage member of these communities. 2. Identify community specific engagement strategies (language, format, location, events, etc.). 3. Meetings/engagements with priority populations in a manner consistent with the related engagement goals. 	<ul style="list-style-type: none"> • Engagement with priority populations as specified in the public engagement plan. • Engagement with priority populations. • Improve understanding of housing needs from priority populations and how the City Comprehensive Plan policies and Development Code can be responsive to those needs.
9	Public Hearings	<ol style="list-style-type: none"> 1. Draft and revised staff report with findings in support of adoption of: the housing needs analysis, revised Comprehensive Plan text, proposed changes to the development code, and proposed changes to the Madras Comprehensive Plan and Zoning map. 2. Present and participate in one hearing with the Madras Planning Commission 3. Present and participate in one hearing with the Madras City Council 	<ul style="list-style-type: none"> • Public hearings conducted in a manner consistent with local and state regulations. • Facilitate necessary discussions with Planning Commission and City Council on the proposed amendments. • Planning Commission and City Council formal action to approve the proposed amendments.

C. Equity and Inclusion Considerations. Using the [TA Grant Equity Guidance](#), identify priority populations in the project planning area. Describe the anticipated impact of your proposed project on priority populations. Describe a preliminary outreach and engagement plan with specific goals and outcomes for participation of priority populations in the project. Include specific tasks and products related to the outreach and engagement plan in sections D and E.

Priority Populations:

Latinx and Indigenous Native Americans

Project Impact on Priority Populations:

Based on 2000 and 2010 Census data for Madras, the identified Priority Populations tend to have a lower socioeconomic status and thereby would tend to have a great difficulty finding housing that consumes 30% or less of their income. This project seeks define needed housing for Madras residents, including the priority populations, for which the City's Comprehensive Plan and Development regulations play a significant role in allowing the efficient use of land and establishing reasonable land use approval criteria. Inefficient use of land and land use regulations that place an unreasonable land use regulations increase development costs and thereby the cost (purchase price or rent) is increased and creates barriers for priority populations to obtain housing.

Outreach and Engagement Plan:

Goals:

- Engage members of the priority populations in a time, place, and manner that they feel is appropriate.
- Improve understanding of housing needs from priority populations and how the City Comprehensive Plan policies and Development Code can be responsive to those needs.

Outcomes:

- Creation and execution of a public involvement plan that will effectively engage priority populations.
- Priority population housing needs will be identified.
- Comprehensive Plan and Development Code amendments will be responsive to the housing needs of priority populations.

CITY OF MADRAS
Request for Council Action

Date Submitted: October 5, 2021
Meeting Date: October 12, 2021
To: Mayor and City Council Members
From: Lysa Vattimo, City Recorder
Through: Gus Burrell, City Administrator
Subject: **APPOINTMENT OF COUNCIL PRESIDENT**
To Fill Vacancy November 6, 2021 through December 31, 2022

TYPE OF ACTION REQUESTED:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Public Hearing (Enter Type) |
| <input type="checkbox"/> Ordinance | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Consent Agenda | <input type="checkbox"/> No Action - Report Only |

MOTION FOR COUNCIL CONSIDERATION:

That the Council appoint Councilor [Name] as Council President to serve November 6, 2021 through December 31, 2022.

OVERVIEW:

With the resignation of Chair Brick effective November 5, 2021, the Council needs to appoint a new Council President to complete Council President Brick's term ending December 2022. Whoever the Council appoints as Council President will serve as Mayor if/when the Mayor is not available.

STAFF ANALYSIS:

Appointing a Council President to fill the vacancy being left by Council President Brick's departure fulfills the requirements of the City Charter .

SUPPORTING DOCUMENTATION:

- None

RECOMMENDATION:

That the Council appoint Councilor [Name] as Council President to serve November 6, 2021 through December 31, 2022.

**ADDITIONAL
PACKET
INFORMATION**

A Letter to our Community

We are tired of Covid-19 and its restrictions. How about you? Wearing face masks is a reasonable and practical public health measure that promotes general welfare. We do not get to choose which laws we obey based on our personal choices. Masking is not an infringement on personal liberties. It is a simple measure that can help us out of this pandemic. Refusing to take reasonable health precautions simply helps prolong the pandemic.

Covid-19 is killing our friends and families. Already 46 of us are dead, 3081 infected. Covid continues to affect Jefferson County, impacting education & public services.

61+% (18 +) of us in Jefferson County are fully vaccinated or in progress. Improved, but not high enough.

Many of our elected leaders are using intimidation/fear (refusing to enforce guidelines in public; threatening to release prisoners; threatening to quit jobs) regarding enforcement of safety procedures and have failed to be transparent, truthful, equal, inclusive, respectful.

We do have choices. The truth remains, we cannot choose which City Hall or which County Office to visit for necessary transactions. Public buildings are public spaces. By ignoring basic, lawful mandates our leaders continue to further the spread of this virus which we all want to end. Simply put, public service is nothing if it does not serve the public.

We respectfully ask our community to come together and follow the basic, easy, safe mandates put before us. By doing that we will move closer to a world without restrictions.

Paid for by donations from local residents



**END OF
PACKET**