

**CITY OF MADRAS  
125 SW "E" STREET  
MADRAS, OR 97741  
541-475-2344**

Planning Commission Meeting  
City Hall, Council Chambers

May 18, 2016  
7:00 p.m.

**AGENDA**

I. Call to Order

II. Consent Agenda

- A. Approval of May 18, 2016 Planning Commission Agenda
- B. Approval of September 24, 2015 Planning Commission Meeting Minutes
- C. Approval of September 24, 2015 Joint City & County Planning Commission Meeting Minutes
- D. Approval of October 7, 2015 Planning Commission Meeting Minutes
- E. Approval of October 22, 2015 Joint City & County Planning Commission Meeting Minutes
- F. Approval of November 4, 2015 Planning Commission Meeting Minutes
- G. Approval of November 18, 2015 Planning Commission Meeting Minutes
- H. Approval of December 16, 2015 Planning Commission Meeting Minutes

III. Visitor Comments

IV. Fabian Corona Conditional Use and Home Occupation (Files: CU-16-2 & HO-16-2)

(Quasi-Judicial)

- 1. Open Public Hearing\*
- 2. Planning Commission to Declare any Potential or Existing Conflicts of Interest or Ex-Parte Contact.
- 3. Planning Commission to indicate whether they will be abstaining from participation in the Public Hearing.
- 4. Those in attendance to be provided the opportunity to challenge Planning Commission impartiality.
- 5. Staff Report
- 6. Applicant Testimony
- 7. Proponent Testimony
- 8. Neutral Testimony
- 9. Opponent Testimony
- 10. Applicant Rebuttal Testimony
- 11. Close Public Hearing

## 12. Planning Commission Deliberation\*\*

*\* See page 3 for Quasi-judicial Land Use Hearing Statement*

*\*\* The Planning Commission will either approve, approve with conditions of approval, deny, or continue the Public Hearing to a date and time certain.*

V. Additional Discussion

VI. Adjourn

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 Planning Commission to consider additional subjects. Meetings are subject to cancellation without notice. This meeting is open to the public and interested citizens are invited to attend. This is an open meeting under Oregon Revised Statutes, not a community forum; audience participation is at the discretion of the City Planning Commission. **Anyone wishing to address the Commission will need to register prior to the meeting.** The meeting will be audio taped; minutes of this and all public meetings are available for review at the Madras City Hall. The meeting place is handicapped accessible; those needing assistance please contact the City of Madras Community Development prior to the meeting.

## **Statement for Quasi-judicial Land Use Hearings**

In each of the quasi-judicial agenda items listed on the agenda, the following procedure shall govern the hearings:

Planning Commission Chair, please read the following:

1. The Planning Commission will declare ex parte communications, including site visits as well as actual and potential conflicts of interests. Those in attendance will have an opportunity to challenge the disclosures.
2. A planning staff representative will outline the application and the approval criteria. This information is also outlined in the staff report which is available to the public.
3. The Planning Commission will hear testimony, receive evidence and consider the testimony, evidence and information already submitted into the record.
4. Testimony and evidence at these hearings must be directed toward the criteria set forth in the notice of the hearing and listed in the respective staff report. In addition, testimony may be directed to any other criteria in the comprehensive land use plan of the City or land use regulations which any person believes applies.
5. The applicant has the burden of proving that his or her application meets all of the applicable criteria.
6. Failure on the part of any person to raise an issue with sufficient specificity to afford the Planning Commission and parties to this proceeding an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.
7. Each hearing will be conducted in the following order: The staff will summarize the issues raised by the application and review the applicable criteria. The applicant will then have an opportunity to make a presentation and offer testimony and evidence. Other persons supporting the application will then be given an opportunity to present testimony. Next, opponents will then be given a chance to make a presentation. After both proponents and opponents have made a presentation, the applicant will be allowed to make a rebuttal presentation. The Council may offer an opportunity for opponents to respond to the applicant's rebuttal. At the conclusion of this hearing, the staff will be afforded an opportunity to make any closing comments. The Council may limit the time period for presentations.

**City of Madras  
Planning Joint Commission Work Session Meeting  
Official Minutes  
September 24, 2015**

I. **Call to Order**

The City of Madras Planning Commission work session meeting was called to order by chair Joel Hessel at 7:00 p.m. on Wednesday, September 24, 2015 in the Madras City Hall Council Chambers at 125 SW E. Street.

**Commissioners in Attendance:**

Joel Hessel  
Joe Krenowicz  
Denise Piza  
Ali Alire

**Vacancy:**

One Vacancy

**Jefferson County Commissioners and Staff in Attendance:**

Bill Adams  
Tanya Cloutier  
Commissioner Dick Dodson  
Commissioner Roy Hyder  
Commissioner Catherine Monteith  
Commissioner Evan Thomas

**Staff Members in Attendance:**

Community Development Director; Nicholas Snead, and Administrative Assistant; Michele Quinn

**Visitors in Attendance were:**

Consultant DJ Heffernan

II. **City of Madras and Jefferson County Comprehensive Plan Amendments (City File No. PA-15-1, County File No. 15-PA-04).**

Community Development Director Nick Snead hello County Commissioners first I would like to thank you for taking the time to meet with us this evening. I did want to remind Commissioners and staff and the audience please make sure the light on your microphone is on. So if you are talking and the red light is not on, what you say will not be in the minutes. Commissioner Dodson I believe you are the Chair of the County Commission if it is ok I will let Chair Joel Hessel drive the agenda this evening. It is fairly wide open so we can have the presentation and afterwards we can take public comment.

I want to start out this evening and talk about the agenda this project started from the city approximately two years ago. We heard similar comment from real estate, the development community, the business community, and also our economic development team members that the City did not have enough small sized property for industrial development. We heard this so

frequently that staff said I think this is a problem. In planning we don't make decisions related to comprehensive plans or frankly any other decision based on presumptions or hunches. We need to go out and study it and figure out how much land we need. So about a year ago the City hired Daniel Heffernan from Daniel Heffernan Company to update our Goal 9 element to our comprehensive plan. Primarily that was the economic opportunity analysis that is the fundamental analysis that indicates how much land the city needs for commercial and industrial uses. So this evening what we want to do is to go over that economic opportunity analysis. I will say this proposal does not result in an Urban Growth Boundary expansion. There are other valuable reasons for the city to update our economic opportunities analysis so we can make subsequent land use decisions based on that revised data. The majority of the evening we wanted to talk about the alternative that the city has developed to address our perceived shortage of industrial land that doesn't require an expansion of the growth boundary. Which is to rezone some land and we want to talk about that concept this evening, and the use of the word concept is very intentional. This work session this evening is about understanding the concept and getting some feedback. This is a work session so no decisions can be made this evening, so the hope is that we can get feedback from you Commissioners to staff. So that at our October 22, 2015, meeting we can revise the proposal to address any concerns from the Commission or the citizens this evening.

Like I said we thought we had a perceived shortage of industrial land I am going to go back to 2007 when the city established our Urban Reserve Area. I was just at a meeting today the City of Madras and Redmond are some of the only smaller cities in the State of Oregon that established Urban Reserve Areas. When we did that back in 2007 and adopted in 2009 we were not able to account for the Central Oregon Rail study which is a rail study for rail needs in the region, and of course the new Regional Large Lot Industrial Program. Which the County Commission has amended your Comprehensive Plan to include, and of course the City's Airport Master Plan was also updated. So there were some pretty key facility plans that we weren't able to address to guide our industrial development. So through this process we have been asking ourselves do we have enough land? I believe we will answer that question this evening and we are talking about a zone changes and regulation changes. Our plan is to in 2015-2016 however quick we move through this process is to adopt our EOA (Economic Opportunity Analysis) as part of our comprehensive plan. Our current goal 9 policy has been in place since 1990 and references a 1977 Community Economic Development plan. Its staff's opinion that circumstances have changed since 1977 it is time for a refresh on that. So we are proposing to do that as well, and in terms of implementation measures we will talk about the mixed use employment zone. We will look at the need to amend a small component of the Urban Growth Area Management Agreement which is the formal document that the City and County have adopted. That identifies how land uses will be planned in the urban growth area between the City and the County.

This is a legislative process so this is not a quasi-judicial hearing you are making policy decisions so there is no conflict of interest. There are some biased things you may need to consider in the future, but we will be using a legislative process to do this. Staff has sent notice to the Oregon Department of Land Conservation Development. We will have an advisory hearing with the joint Commission in October and later as you know when we amend our Comprehensive Plan any decision or proposal then goes to the City Council followed by the County Commission. It's the City's staff position that we would like the County Commission to decide at the end so when we make a decision it is keeping with the County's Comprehensive Plan.

DJ Heffernan thank you Nick it is a pleasure to be here with you. Just to add a couple of things to what Nick said we are in work session so nothing that is going on here tonight is regulated

under deliberations. Difference of opinion would be welcome from Nick and my standpoint. If there is a particular proposal in draft language or issue that you want to see a couple of choices about. We would like to hear that we would like to get that feedback. As Nick said an Economic Opportunity Analysis is required by state rule to implement goal 9 of the state's land use planning program. The goal requires that City's and County's provide adequate land for economic development and employment growth throughout the state. Goal 9 sets out a procedure for how you conduct that analysis. It is a safe harbor procedure meaning if you follow it your likely hood of being successfully challenged is minimized. In the legislative process you as the two Planning Commissions will be making a recommendation on the draft that will be presented to you when we open hearings with you. Each Planning Commissions will open separate hearings will probably conduct those advisory hearings jointly. So you can hear one another's concerns and at the end of that make a common recommendation to your respective legislative bodies. Then they take up the matter in formal hearings, the City first followed by the County.

The first part of that is to get this fact basis down through this economic opportunities analysis. The technical work was led by a firm called EcoNorthwest Becky Steckler helped them on studying aviation land uses related to the recent approval of UAV test area. So she looked at aviation needs and aviation regulation related to that and it came out very positive. Also working through this process during the EOA was an advisory committee. They met four times over a course of about nine months and reviewed most of the material that is in front of you tonight. They also spent a lot of time working on revisions to the goals and guidelines in the comprehensive plan. There were some differences between the 2007 EOA analysis, which I am going to call an EOA light. In 2007 we really were challenged with an Urban Growth Boundary that was too small to meet residential land needs. The industrial and employment land needs analysis was somewhat constrained by the lack of information for regional studies that were going on at the time that Nick pointed out. So we knew we were going to come back to this economic element at a later time so here we are. Unfortunately the economy didn't cooperate with us, and so what happened in that course of that time we went through a major recession. The trajectory for employment growth and the trajectory for land absorption for land needs changed.

Going back to the findings of fact we have to base the forecast of land needs on what the analysis says today. While we had better data, better mapping information, and we had more complete economic data because we had a census in 2010. The upshot of it was that the employment growth rate that is in the EOA for the future going forward the slope came down. The primary findings in the EOA for 2015 are that there is enough land in the UGB. There is enough land in the UGB that is currently designated for employment uses for the 20 year horizon. There is also enough land in the Urban Reserve Area to accommodate employment uses over the 50 year horizon at that assumed growth rate. There is also enough land in the Airport environs to satisfy needs for the UAV test site. Those are all on the positive side on the not as positive side one of the findings. The land inventory for employment in particularly for industrial uses is very concentrated. It is all up at the airport and most of the land that is left at the airport is either held in ownership by companies that are there. So they are land banking it and holding it for future expansion, or it is in very large holdings, or it has lease restrictions. The combination of those factors is what has put pressure on the availability of land for smaller lots. There is a significant shortage of small and medium size parcels over the 20 year horizon. There is not enough land in that size and you can't force people to divide and sell their property.

The other thing that it found the goals and policies in the comprehensive plan is out of date. The recommendations were to update the goal 9 element of the comprehensive plan, to expand that inventory of small and medium size lots for light industrial use. Then to specifically look at the

south end of Madras where the analysis showed there is a significant surplus of commercial land. Then alter design and development standards for the city's general industrial zone which felt to be overly restrictive. So those were the major recommendations that came out of the EOA report. What we did then we worked with the committee at three different meetings to work on updating the goals and policies in the comprehensive plan. There is a copy of the draft amendments to the comprehensive plan in your packet. The EOA document itself would be adopted as a technical element of the comprehensive plan, but the document itself does not go into the comp plan. At this point I would like to stop and ask do any of the Commissioners have any questions, comments, or observations about the proposed amendments to the goals and policy.

Community Development Director Nick Snead one thing I would add the Economic Opportunity Analysis is not a head line catcher. For those of you that have a pretty acute economic development interest in our community. I would really encourage you to look at the analysis regarding the demographics of our community and certainly the industrial profile. I read through it again last week and was really struck by how the data almost confirmed what I knew about our community. I think that is really constructive so when we go out into our community and talk about economic development recruiting different types of businesses. Read that document I think it will confirm what you already know. The other thing I will say about the EOA is in each section there is a summary of the findings and instead of reading the 200 pages you can read the first two pages of each section. I think from a policy perspective as a decision maker I think that would be helpful for you.

DJ Heffernan I want to focus on this other problem of how do we expand the inventory of small and medium sized lots that are available for light industrial, whole sale trade, business parks, warehousing that kind of stuff. That currently can only be developed up at near the airport. Having a new zone isn't the only way to do this but the conclusion that we reached was that modifying and rezoning land at the south end of Madras made the most sense. It met the following objectives the mixed use employment zone met the objective of expanding development opportunities for those industries. Over a large area with a variety of parcel sizes, it also retains existing development rights for all of the existing property owners. So we are not substituting commercial development rights for light industrial development rights. Some of those property owners might not feel that was a fair swap. All of the uses that are allowed by the existing zoning would be retained. Along with that comes the need to adopt development standards that allow uses that previously wouldn't have been allowed next door to one another. That focused our attention on a set of design and development standards. Where you can have a light industrial business next to a shopping center and they could get along just fine.

So we felt the best way to achieve this was to replace the existing zoning with a new zone called a mixed use employment zone. There is a draft in your packet it is very preliminary and we are here to get some feedback from you. This is a map that shows what the existing zone is in the area you can see it is from Fairgrounds Road south to the Urban Growth Boundary. The darker pink is the City's corridor commercial zone (C-1) the lighter pink is the County's commercial zone those are the two areas that we are talking about rezoning. The next map shows what the geography would look like under the new mixed use zone. All of the properties that are highlighted in blue on that map are the properties that would be rezoned from their existing zoning to mixed use employment. They are on both sides of the highway they go in about two to three blocks depending on where you are. Hall Road is in the middle of the district.

Community Development Director Nick Snead I did want to say I know Mr. Gary Walker is not here but he was at our two property owner meetings that we had in August and September. You will notice that his large parcel is not proposed to be rezoned to mixed use employment. His

current zoning is rural residential five. If you recall he successfully annex the property but he tried to change the zoning in approximately 2005. Was given an approval with conditions that were not satisfactory to him there were significant transportation improvements. When I submitted the proposal with Mr. Walker's property included to be rezoned to mixed use employment the Oregon Department Transportation informed staff we needed to conduct a traffic impact analysis. Staff pushed back on them because the City has received a 175,000 grant and the City is kicking in another 50,000 for a transportation system plan update that is starting right now. The concern was that if we complete a transportation impact analysis based on the existing zoning right now and compare that to our existing transportation system plan ultimately that decision on the zone change would not be consistent with likely new TSP. In our new transportation system plan we will more precisely identify how Hall Road will be extended to the west, and how connecting streets will be extended north and west. So what we have done under the guidance of DLCD and ODOT is remove that from the proposal and when the City amends its transportation system plan we include the zone change for Mr. Walker's property then. Then the City can rely upon the new planning framework of our transportation system plan.

DJ Heffernan that brings up another point that this proposal will help resolve. Madras comprehensive plan is a one map system. Your zoning map is your comprehensive plan map. You have property owners like Mr. Walker that have RR-5 that is a county zone the city doesn't even have that zone. The county commercial zone is very different from the city's commercial zone. So as a property owner with potential to sell your property what do you say to a prospective buyer if there is no development there today? It is very hard to show that if you don't have a comprehensive plan map that shows those future designations. So what we are proposing is that both the city and the county adopt a zone that has the same name. There are some differences in how that zone is applied within the county and in the city. It is our intention that we provide a clear pathway to rezone to the same zone when annexation occurs so the property owner does not have to go through a zone amendment at that time. That is one of the benefits that we see for both the city and county doing this. All of the land that is designated for employment use in the south end of town will have the same zoning designation. We went out to the property owners and asked for their input on draft proposals we had meetings in August and September, and we talked with them about the allowed uses that would be here in both of these zones, and the development standards. The development standards being pretty strong so that you can have these, light industrial uses, business parks, and warehouses next door to shopping centers.

The draft of those standards is in the handout that I gave you but I wanted to talk about a couple of them that we would like to hear your feedback on. One of them is coverage ratio how much of a particular piece of property can be developed versus how much needs to stay in open space. We set that balance at 85% as a maximum coverage ratio 15% of the site needs to remain as open space or be landscaped. That could include swales for stormwater that could be included in meeting the landscaping requirement. Our intent here is to have a pretty strong landscaping component so that the area looks nice for retail uses, service uses, as well as light industrial uses. Setbacks this was an interesting discussion 75 foot maximum setback from the primary street or primary drive isle. The intent there was to bring the buildings closer to the street and not have a big sea of parking out in front of the building. A 75 foot maximum setback would allow two isles of parking with a drive isle in-between. The balance of parking if this was a large grocery store where that only met 20% of parking requirement the balance would need to go to the side or to the rear. We asked the property owners if that was good and thought that would be nice. Parking would be regulated by the city's parking requirements. Site access there's a thought that if you have a series of 2 acre parcels three in a row different ownership. They only occupy a quarter of a block long. Do you want to have cars come out of the restaurant in lot "A"

go out onto the street make a left go down 30 feet and take another left to go back into the store that is right next to the lot they were in? That could be avoided if you require cross access easement through the properties. So we were proposing that the cross access easement be required for any property that has less than 200 feet of frontage. Loading docks would be at the rear or the side of the buildings. Trucks can't obstruct drive isles or public streets. A local circulation plan would be required for projects that are greater than 3 acres in size. Outdoor activities would need to be screened and all assembly and manufacturing activities have to take place inside. Building heights limit at 45 feet orientation at the primary street. Some requirement for making the front façade look nice, one way to do that is to say you have to put glass on 30% of the front. It doesn't have to be glass there could be other design requirements for what these building look like.

That is how the zone would work that is a preview of some of the standards. The other thing I wanted to talk about is the zones, aren't going to function the same if you are in an unincorporated area and inside the city. The differences are the uses would be the same there are a couple of things that are allowed in the county commercial zone that are not in the city. Full scale development even if you propose something that is consistent with the uses that are allowed in the zone probably require connection to city sewer. That can't happen until annexation so that leaves the owner of property that is outside the city up in the air. We are kicking around and would like to get some feedback particularly on how to regulate this. It's kind of a growth management policy issue; the city doesn't want to have development that is inconsistent with its design standards when it annexes these areas in. So the development standards should be common between the city and county. One of the thoughts that we had is to say that development in the county is allowed when the uses are consistent with the allowed uses in the zone. The project can be served by an onsite septic system. The owner agrees to connect to city sewer when it becomes available. The owner agrees to annex to the city when there they are able to annex to the city.

There is no net loss in exchange of development rights that is a benefit to this rezoning approach. The lack of rail service doesn't affect light industrial as much as it would heavy industrial. Having this separate district in another part of town creates local competition for development opportunities. Right now having all of your eggs in one basket up there in the industrial park even though it is a great facility it is not well suited to some small light industrial uses, and the parcels are huge. It removes the need for a zone change when a land owner annexes to the city.

Community Development Director Nick Snead the city's primary intention is to enable development were not requiring any county commercial land. We understand there are barriers to development we believe this is a way to streamline development.

DJ Heffernan for the most part we believe this will be done through administrative review. Unless you get into buildings greater than 30,000 square feet then goes to a conditional use. Do you want to have a maximum building size in the zone we currently don't have a maximum.

Community Development Director Nick Snead comments questions at this point we can discuss this with staff or you can open this up to public comment.

Commissioner Joe Krenowicz I am glad that we are talking about allowing septic until we have sewer. I would encourage us to allow the business a 3 to 5 year to connect to the sewer. In regards to landscaping if it is 15% landscaping requirement if you have 3 businesses on a 200 foot frontage road and they have to share parking we need to have some leeway on that in regards to landscaping. Could they move it to 10% to 12% or share their 15% in a different

location? So you could maximize the number of parking spots that is in front of their building. It is one thing to put landscaping on a large building but when you have three businesses it is a little different in regards to maximizing your parking and space. When we talk about mixed use zone I would like to have some visuals when you talk about having to go from one driveway to another driveway.

DJ Heffernan Commissioner do you think that is just a difference in traffic volumes? Do you want to see particulars on how that is designed?

Commissioner Joe Krenowicz I think it is more on the design side.

DJ Heffernan one of the points that you made earlier about landscaping typically the perimeter is where you put your landscaping. If you have to put this gap between your property and an adjacent property there goes some of your landscaping. This might be one area we could provide some flexibility on landscape requirement because the cross access has been provided.

Commissioner Joe Krenowicz particularly when you have entrances or your first impression when you go into a development. We need some flexibility to be able to look at the whole package.

Commissioner Dick Dodson I had a similar question about those two issues 15% for landscaping seems high to me. The parking issues if it is a huge building (Walmart) the need huge amount of parking and if you limit their parking in front to two rows and make everything else in the back is that really user friendly? Making the buildings look similar and a lot of glass in the front what if one of those buildings is a distribution warehouse, and the building next door is a coffee shop? I get it with a coffee shop but a warehouse building why should they be required to have X amount of glass on their building? In the county I am glad you are allowing these industries to put in septic tanks and drain fields so at least there can be something going on there. Does the city or will the city have a septic plan for those lands should they ever be brought into the city?

Community Development Director Nick Snead we are currently in the process of updating our wastewater master plan. The layout for these areas would need to be identified.

Commissioner Dick Dodson I like the general idea of the city and the county having the same zoning on some of this stuff.

Community Development Director Nick Snead Commissioner Dodson I appreciate that comment, because one of the challenges that I have I have had several meetings asking them how roads will be extended how the sewer will be extended.

DJ Heffernan one thought about the façade treatment I would like to hear other commissioners thought on that. I agree with you a coffee shop and then a distributions center. It is unlikely that they would end up being side by side. Distributions center would probably go through discretionary review.

Commissioner Roy Hyder I support the comments and concerns and suggestions relative to the septic sewer issues. How did we arrive at the 30,000 square foot building size for the split between the administrative or conditional review? How did we arrive at the 15% of the square footage of the parcel to be landscaping is that some type of professional standard in the business?

Community Development Director Nick Snead let me address the first question about the 30,000 square foot building. Based on the current population of the city and the population of the surrounding area and cities Madras is due for an additional grocery store. There is a spectrum of grocery stores you can get your boutique market of choice which is about 15,000 square feet. Then you have your large grocery stores like WinCo they are 40,000 to 50,000 square feet pretty large. I don't believe our next grocery store is going to be a large grocery store so my thought was I want to enable that next grocery store. The impacts on the community are mostly related to transportation, yes they have sewer impacts and you need to build a road. Those are pretty straight forward it is fairly predictable. It is easier to permit those and deal with the impacts to the community. We said 20,000 maybe or 30,000 so let's enable a slightly larger grocery store but it would still be reviewed or development permits would be issued through an administrative process, as opposed to a discretionary review for the Planning Commission. So that is how we came to that number with the understanding that probably in the next 5 to 10 years we will have another grocery store, and we want to set up our code to enable that to occur in a reasonable manor. Regarding the landscaping that predates my tenor here so I don't know how that came up. Except for that is our current standard in the cities commercial zone. So the initial intent all along was let's take the existing commercial development standards and create a separate design standard for light industrial uses. I recognize that the light industrial development shouldn't be developed at the same standard as a commercial development in terms of landscaping, connective walkways, parking, architectural features is why we are talking about design standards for light industrial. The default in landscaping was to copy the current commercial standard which is 15% and apply that to light industrial. That is an entirely fair policy question as to whether 15% is the right number or not.

DJ Heffernan the other thing I would add to that is that is pretty standard out there.

Commissioner Joe Krenowicz so with the 15% I understand that swales can be considered in that percentage is sidewalks considered in that percentage. I don't want to see an comparable Pines in a commercial development. We allowed a different standard and that is a disaster I want to make sure we make sure we don't want in a light industrial.

DJ Heffernan the sidewalk wouldn't count but the buffer strip would.

Commissioner Joe Krenowicz with the 15% you might look at the whole package for example on Hall Street on the east side. You may look at that whole package and if we decide we want 15% for that whole area but we may move some of that and where would we want to put a chunk of it. For esthetics, visual, or convenience for employees to have site picnic area I would like to see that we have flexibility and that we can move it around.

Community Development Director Nick Snead our current code allows for community amenities covered awnings, places where people can gather. It emanates from a commercial development idea but if you are going to have a piece of art work or a common plaza that does count toward your landscaping. I think the challenge that we are talking about is the light industrial and I don't think we are going to have fountains or art work in light industrial. With the challenge I understand Commissioner Hyder's concern was the landscaping for the light industrial.

DJ Heffernan we can look at some other codes in communities to see if there is some other guidance that is provided.

Chair Joel Hesse ok we will open up the meeting for any public comment or question just come forward and state your name and address.

Richard Becker as pertaining to your green way on your buildings why not set aside a piece of property other than where the buildings are being built and have these companies buy in to that and put in a park. Instead of using important land for your green in the area it doesn't seem smart to use three or four dollar a square foot land for landscaping. If you have an industrial building are you going to be able to have access to the front of it? Personally I would want a coffee shop next to a 100,000 square foot facility because I would get all those customers.

DJ Heffernan Thank you Richard in terms of allowed uses if you look at the city's existing C-1 zone all of those use will be allowed.

Richard Becker I understand but on page 54 you allow multiple family dwellings over the top of businesses and yet you won't allow multiple family dwellings on the ground. I don't see the difference between having multiple family buildings over the top of the business and having them on the ground. Personally I have property that has multiple family residences on it and I want to expand but I can't because your zoning regulations will not allow me to expand. If you are going to allow multiple family residences over the top of businesses then I think you should allow them in the whole area. It is a mixed use area anybody that tells you that multiple family housing isn't a commercial business is a liar because I am in that business. That is basically the biggest thing that I came in for because I don't agree with your multiple family housing rules in that zone. I like your zone and putting in the industrial zone and mixed use I just have a problem with that one section that doesn't make it a use for multiple family dwelling.

Bob Powers 626 SE Turner Street. I haven't read your staff report and this may be in there. You have a major highway going through Madras you have four lanes coming in at the north end and four lanes going out at the south end. In between we have areas of two lanes we have had a recent road project on the south end of town that spent a lot of money and still ended up with two lanes. You are talking about a lot of development on the south end of town and I think it is a good idea. There are some restrictions on the land at the north end so open up the south end that is good. I was on the Planning Commission for a long time and I believe in my heart that a good place for Madras to grow commercially and industrially would be toward Prineville a little bit from where Gruner is. I think there should be a truck stop across the street from Gruner that is the easiest access point. Whatever you do here think about the four lane deal from north end of town to Gruner that is where you are headed. You may have to look out 50 to 75 years to do that but if you build right up to the two-lane highway you are not going to have room to widen it without a major disruption. I am sure that the argument would be made that there is no money for that four lane highway. At least set yourself up with the right of ways so it can be done in the future build that into the system.

Paul Sumner good evening I am a lawyer I practice in Madras for about 36 years, 37 years ago I was the attorney for the Planning Department and County Council over in Crook County. The thing that struck me when I went through this it is a very good idea. It shows some innovation for a long time there has been this nagging feeling that uses that don't conflict really can be together even though they are not the same. I think that this mix use employment zone addresses that and gives some opportunities to the City and the County to really make the most use of its urbanizable land in a way that can mean a better economy and more jobs. I am here on behalf of KB Management LLC, KB Management owns some property that is commercial use right now and it has an entity that wishes to rent one of its properties with the intent of putting in a marijuana dispensary. I notice on number five of the rule it mentions medical marijuana dispensary I think in view of the way the law has come about medical marijuana and recreational marijuana are going to both be something that is a reality. So with regard to number five I would ask it would either include medical marijuana and recreational dispensary, or you remove the medical and make it marijuana dispensary. With the provisions that are attached to

it that say it has to comply with law I think it would meet the needs, and that is what my client is interested in and his renter. Thank you for your time.

Chair Joel Hesse do we have anyone else that would like to comment any other Commission members that have questions or comment?

Commissioner Evan Thomas it seems like the façade choices are cement is that correct it seems like it is cement or stucco.

Community Development Director Nick Snead well our current code says have materials in keeping with the Central Oregon building material which includes brick, stucco, it really isn't restrictive.

Commissioner Evan Thomas what about wood is wood allowed?

Community Development Director Nick Snead wood is allowed

Commissioner Evan Thomas I didn't get that it seems like in a state that wood is a major product that we should allow.

Community Development Director Nick Snead we can make sure that it is prescriptively allowed.

DJ Heffernan for wood do you want that to be siding, wood panels, accent material? For a long time there was a stronger version called T1-11 and that is wood sort of.

Community Development Director Nick Snead it is interesting you bring that up I gave a presentation on Urban Renewal today talking about our extraordinary inventory of CMU brick buildings.

Commissioner Joe Krenowicz I am a little concerned about the façade as well I think we need to get two or three different options depending on where it is located. You may have a five acre lot that has four or five different buildings that may have the same type of façade. Yet across the street may have a different façade allow that to occur. I am a trusting person when someone is going to be developing a property or buying a building or leasing a building. They are not going to shortchange this thing it is expensive in the first place. They are going to build it so there is minimal amount of effort to maintain. We need to give them some perimeters but not be so restrictive that we are driving people away.

Commissioner Catherine Monteith in my opinion I think that the building standards are a bit too strict for light industrial. The primary entry needs to face the primary street for a large building that is in distribution I don't know if that makes sense. I think the 30% glazing is over kill for and industrial building. I didn't find it but there was something in there about large horizontal walls needs to be broke up with some kind of architectural feature. I think some of this criterion to make it cutesy and pleasant to drive past is potentially going to scare away somebody that is pretty gritty. There was something about access from highway 97 and I think that is another issue. Are they going to have to have some type of large intersection so trucks can get out of this industrial site and get onto 97? I just think they are too strict.

Community Development Director Nick Snead the requirement to break up the wall that is for commercial development not the light industrial development. So we are establishing two different sets of design standards for two different types of uses. We don't have the requirement

to break up the wall for the light industrial and maybe we need to clarify that. I just want to make sure that the Commission knows that we are trying to establish two different sets of design standards for the commercial and light industrial.

DJ Heffernan the challenge Commissioner comes when you have got a strip mall say you have a set of business that have common walls and tenant space and there is a restaurant and coffee shop in the zone. They could also rent the next space to a motorcycle shop. So the balancing act is if the building is going to light industrial exclusively in terms of use and it is going to be on its own lot. Then having different development standards for that works fine. What design standard do you apply to flex space building where you may have retail next to light industrial? Which set of standards are you going to apply in that instance.

Commissioner Roy Hyder I have a follow up question about the suggestion Mr. Power's gave us a little bit ago. We talked about maximum setbacks but really didn't have a minimum setback. I take it from Mr. Power's comment that he is interested in this planning to allow for future four lanes on highway 97. So if we were to follow up on his suggestion that there would be someplace in our document where we would talk about a minimum setback for properties facing Highway 97.

Bill Adams Commissioner I do believe along Highway 97 that ODOT has 96 foot of right of way so they do have the ability to expand. We will double check and get back to you before the next hearing on that particular issue.

Community Development Director Nick Snead the easiest way to do that is when the City updates its TSP; one of the things I will be advocating for is a new development standard. That requires an additional building setback for building adjacent to a street where the street is not developed to the current plan classification.

DJ Heffernan I also think that in the Transportation System Plan Update the critical streets to get down is our future collectors.

Community Development Director Nick Snead the response about access is that ODOT permits access in accordance with the access laws that they administer. So for future development I don't know and that is part of the City's challenge for our Transportation System Plan Update is to identify access concepts.

Commissioner Dick Dodson I like this zone my question is to land that is currently in the County if a person buys a chunk of land in the current county zone. Let's say it is on the very end where this interim could be an unknown time frame before City services get to it. Could all of these things rules and regulations change in the meantime and then when the city finally gets to this property owner on the end. Now he has a lot of expense to change his building design or landscaping. This interim could be 2 years or 100 years are they safe at that point?

DJ Heffernan that is a great question the calculus on the consulting side is to try and make the development standards uniform in the City and County. So that property owner doesn't face a nonconforming development problem when annexation occurs. So that means that the building would address the design criteria that are in the City code. The County code would reference the City's development guidelines. Your job as to Commissioners would be to review that development application and apply those design standards. That property owner would then have a design that conforms.



**City of Madras  
Planning Commission Work Session Meeting  
Official Minutes  
September 2, 2015**

I. **Call to Order**

The City of Madras Planning Commission Work Session meeting was called to order by Chair Joel Hessel at 5:30 p.m. on Thursday, September 24, 2015 in the Madras City Hall Council Chambers at 125 SW E. Street.

**Commissioners in Attendance:**

Chair Joel Hessel  
Joe Krenowicz  
Denise Piza  
Ali Alire

**Vacancy:**

One Vacancy

**Staff Members in Attendance:**

Community Development Director; Nicholas Snead, and Administrative Assistant; Michele Quinn

II. **Industrial Zone Text Amendments to the City of Madras Zoning Ordinance, No. 875 (file No. TA-15-3)**

Community Development Director Nick Snead for the staff report today I would like to go through the presentation. There are some policy questions I have in the presentation we can pause and see if we want to discuss those. We are going to talk about the goal of the work session I have a quick virtual tour of the industrial zone. I thought a virtual tour might illustrate some of the concerns or challenges that we are dealing with. Then we can have some discussion on some policy questions that will guide the code amendments. The goal of the work session is to obtain a better understanding of the industrial development regulations, particularly the existing development regulations. Provide an opportunity for public feedback and establish a direction for the code amendments to staff.

So what we are talking about is the industrial zone, the industrial zone is noted as the "I" or the purple area on the City of Madras Zoning map. This is the only area in our City that is zoned industrial. That area is defined as the area north of Birch Lane, east of Demers Street, west and east of Mill Street, and south of Cherry. So I would like to take a look at what we have up there. Here you see Plant 11 at the Bright Wood Corporation and you can see this large building it is at least 100 foot wide and longer than 100 feet down. This is one of their main production facilities it is a computerized facility they have forklifts coming in and out. You can see the loading bays for trucks to take the material to and from the plant. This is an example of a manufacturing building. Across the street from it you have the Bright Wood Corporations corporate offices. The distinction I want to make here you can see that the corporate office have brick veneer, they have windows, a covered entry. I'm also distinguishing the difference in the offices and the production facility. To the left of the

screen you have another one of their production plants that does not have the same architectural design standards. They have their corporate offices that is where their clients and other professional that they meet with. The architectural design of the corporate offices is of course different from the plant for those reasons. This is another substantial building of Bright Wood's obviously materials are coming to the large door on the right and then they have some mechanic bays. Here again a pretty straight forward building here not a lot of architectural features. We are now on Adler Street and we are seeing Mid-Columbia Lumber Company and there outside storage of wood. The build structural glue lams for buildings. What you see here on a day to day basis is their raw materials are stored outside. Our current code requires screening of outside storage and I think this very site illustrates the challenges with screening materials that are above 6 feet in height.

To the right of the screen you are seeing the aluminum that is the raw material that Keith Manufacturing Company is storing outside. These properties that I have just noted for the outside storage are pretty substantial in size. Keith Manufacturing does keep a "green spot" or landscaping on their property. They do recognize that they do need some landscaping. Across the street you can see their parking lot and my general understanding is that the Keith Manufacturing and Bright Wood were built before they were brought into the city. So they were permitted under the Jefferson County zoning ordinance and their standards at the time they were built. As I look at some of our challenges today with our development code maybe those standard by which Jefferson County had at that time maybe still applicable or reasonable choice for us. Next we are seeing the Central Oregon Seeds and Central Oregon Basalt offices on Mill Street. I think what you are seeing here is of interest for the Commission to look at. They have a nice selection of architectural features that are on the front of the building. They do have landscaping and that façade of the architectural features on the front obviously doesn't continue down the plant.

Madras Sanitary Service this was permitted by the City of Madras when they built that, again you are seeing a nice entry way some architectural features. These are some properties at the corner of Mill Street and Cherry Lane. These are what I would call a light industrial building where you have several tenant spaces within the building. You have landscaping along the street. The last stop here I believe is Mike's Fence company you can see their landscaping along the frontage of the property. Last stop on the tour is Albina Fuel the store the oils that are used for creating asphalt, and closer to us is Ferrell gas where they fill their trucks to distribute the fuel. With that said what I propose we do is we discuss the policy questions or you can move onto public comment.

Commissioner Joe Krenowicz I am fine to continue on could we get to the general public here in the next 15 to 20 minutes.

Community Development Director Nick Snead perhaps we will limit the discussion ask the questions identify the factors that are related and then we can go on to public comment. So the first question is what do you believe the purpose of the industrial zoning district? In general staff is proposing to revise the existing purpose statement. We don't even have a purpose statement our purpose statement. Our purpose statement is a statement of procedures or applicability of which types of developments require land use review. So it is not a purpose statement as far a purpose statements go. What I would suggest is that we evaluate the proposed Goal 9 Economic Development policy of which we will discuss at 7:00 p.m. work session, and perhaps make sure that the Comprehensive Plan Policy for Goal 9 is consistent with the purpose statement we create here. Second questions should the duplication of permitted uses be removed from section 3.6(B) permitted uses in the zoning ordinance. This is within the zoning ordinance we have a certain section of the code

that says which types of uses are allowed within the zone. There are 39 uses listed which is extremely long we had a consultant look at it, it is four times as long as any similar size city. The problem with this list is tends to be exclusionary whether that be intentional or otherwise. So if you have a use that is proposed staff reviews the 39 permitted uses and one use that may say yes but another may be unclear. I think it would be more instructive and helpful for property owners and staff to better understand the uses that the city intends to have within the industrial zone. I think the solution to that is to consolidate some of the redundant uses. Next question should the types of permitted uses be revised from section 3.6(B)? The first slide was there is 39 uses can we consolidate those so there are four or five uses related to manufacturing. This question is there uses that aren't listed today that we would want in this zoning district. The greatest focus that I would recommend the Planning Commission look at would be should the design review standards for the industrial development be revised. Current standards are pretty restrictive and from a staff perspective they don't align with the uses. We currently require pedestrian facilities when there are not a lot of people that walk around in the industrial area.

That aside there needs to some review of the building orientation requirements, requirements for architectural features; we require a color pallet for industrial development. Customer entrances need to have special features we specify the roof design and community amenities for industrial development. So those are some of our design review standards that I think we need to look at to see if they make sense for today and the future. The last question is what is the appropriate amount of landscaping for the industrial development? Currently the standard is 15% of the property is to be landscaped with a combination of trees, grass, and shrubs. The challenge with this standard is when you have properties that are five acres or more all of a sudden the landscaping is being put on a property and not being used for industrial development. Things we might want to consider is the location of the landscaping, the amount of landscaping required, and the type of landscaping being put in. We do require mechanical equipment and service areas to be screened. This is a difficult standard to administer; I don't know what a service area is it is not defined in our code. What sorts of mechanical equipment are we talking about? Certainly I believe the standard emanates from the commercial zoning regulations where we require HVAC equipment and things like that to be screened. When you look at businesses like Bright Wood, Keith Manufacturing, and Double Press you are going to have compressors, mechanical equipment that is serving the manufacturing processing within those buildings. Are those considered mechanical equipment and do they need to be screened? I think the screening requirements would be pretty orneriest upon those developments.

Chair Joel Hessel we can now move onto public comments who ever would like to come forward and state your name and address (no one from the public came forward) or we will move on.

Community Development Director Nick Snead that is fine this is a work session we are not making any decisions tonight. Some of the members of the audience have been at some of our other public meetings. This is an opportunity for all of us to understand the challenge here and what we are trying to accomplish. I can go back through some of these policy questions and we can spend time individually on those and move on as your comfort exists.

So if I can facilitate the discussion here again we don't have a purpose statement. So I do think we need a purpose statement that is instructive when evaluating types of development that will occur within the district. What I would suggest to the Planning Commission develop a purpose statement for the industrial zone that is consistent with the goal 9 economic

development policy for the city's comprehensive plan. Staff has proposed to over hall that statement and it will be discussed at 7:00 p.m. it is in the meeting packet. If I can quickly summarize it, we have made sure that there is a priority for family wage jobs in our community, that we are providing opportunities for existing and new or emerging industries. We have developed goals and implementation measures to achieve that. So this purpose statement would consistent with that general economic development policy. At this point where staff is at I would like to craft something for you and then review it at your October 22, 2015 meeting. We can compare the two purpose statements together that way you could make sure they were consistent with each other.

Commissioner Joe Krenowicz do we have input from any of the industrial site owners or any participation other than our current task force?

Community Development Director Nick Snead we have representative from Double Press here, I have not reached out to those industrial property owners other than I have talked with a few representatives. I did talk to Mr. Gary Harris earlier this week the previous week I did meet with the County and City economic development manager Janet Brown. We talked about the overall intent of this project. Except for the representative from Double Press and Gary Harris I have not reached out to them. Where staff is proposing these regulations go I think they will be a relaxing of the standards. Is there any concern of consolidating our list of permitted uses?

Commissioner Joe Krenowicz it is one thing to be so restrictive that we have 39 of them but if the typical industrial site has 10. I am fine with that as long as it doesn't get to the point where we are so lax that nobody can grab on to what we want or expect. I hope to never see a yellow building in our industrial site. We talked about colors that are available typically businesses that make that investment up there they are not going to put a yellow building up there. You never know there might be somebody out there that got a good deal on yellow paint.

Community Development Director Nick Snead thank you for that feedback as an example of the uses listed here we allow recycling, the concern that staff identified with the consultant that is working on this. Was is that the collection of recyclable materials or is that the processing of recyclable materials? In other words are we taking plastic and melting it down, that is a different type of use. That may be a good example of a lack of specificity there is also examples of being too specific as well.

Commissioner Joe Krenowicz we probably have a provision in there that if your business that does not meet that today. After a specific time that business can't come and reestablish its self.

Community Development Director Nick Snead not sure if I understand the question.

Commissioner Joe Krenowicz a good example we have the meat processing business up there WW Ranch. For example if we decided that meat processing or food processing is not one of our permitted uses. As long as they were in business and for whatever reason they cease to operate for a year or two. Do we continue to allow that to continue if someone comes in and buys that business do we allow them to continue?

Community Development Director Nick Snead that is a good question off the top of my head I do not know. I think what you are talking about is an amendment to this section of our code or another section. Basically as long as the use is active and being maintained it should not

be permitted anymore because the city has changed the regulation. Except for if that use or business ceases for a period of more than one year then they are required to comply with the current regulations. So we will include that in the proposal and you can look at that at a later time. We are trying to streamline our development code so it makes sense so there are not unnecessary process or development standards. We want buildings that are oriented towards the street if it is a manufacturing facility and they have a separate office then I think the office component needs to be oriented towards the street. We do want nice looking buildings in our industrial area, but we don't want to make those architectural or design requirements so elaborate so they are a barrier to development.

Commissioner Joe Krenowicz we expectations within our community of what we would like to see when people travel through our industrial site, or think about bringing their business here. There is very little business up there now that does not have landscaping in front of their facility. I think people will step up naturally and I trust businesses because they have too much money tied up not to look good for their customers and employees. We still need to give some criteria of what we would like to see.

Community Development Director Nick Snead what we are talking about is establishing the minimum standard they can exceed that if they choose. Color pallet requirement should still be in place it what I am hearing is there other thoughts or comments from the Commissioners?

Commissioner Ali Alire I agree we need to have something.

Community Development Director Nick Snead we have a pretty expansive color pallet that we allow now that applies to the commercial and industrial zones. What I am sensing is this need to remain. Moving on to customer entrances the requirement is that the customer entrances have to have a connecting walk way to the public street. The city's standard for streets in the industrial zone it does not specify a sidewalk. You will require a walkway to connect to the front door of the business but is would not connect to a sidewalk in the street. Staff's perspective is that this does not make sense, but we need guidance from the Commission on this.

Commissioner Joe Krenowicz let the business make that decision as long as we have good pavement and accessibility we will still meet the needs of expectations.

Community Development Director Nick Snead why would you want a pedestrian walkway? From my perspective I think the only thing you would need that for would be to separate traffic related to the production activity or manufacturing activity. Roof design I think the challenge here is for the larger buildings. When you start talking about architectural features on roofs that just don't exist examples are Bright Wood, Keith Manufacturing, and Double Press. I think these needs to be relaxed and dictated by the size of the building. Then the community amenities this same code provision exists in the commercial zone requirements. Right now the code reads, if a property owner provides community amenities such as a plaza, outdoor meeting space then they can reduce their landscaping requirements. I think that makes sense in a commercial area where you may have a large commercial development. Not necessarily in the industrial zone. The employees in that area are not congregating by attending a restaurant or something like that. My suggestion at this point this be removed, I think that when we look at landscaping requirements there will be some other ways to reduce the landscaping burdens from the property owners.

We will move on to the green spot requirement currently we require 15% of the site to be landscaped. What I am suggesting is that we revise that to where the landscaping is to occur on the site, and the amount. Something that I think we need to implement is the ability to install zero scape or drought tolerant plants with minimal irrigation requirements.

Commissioner Joe Krenowicz there are some businesses that would like to have what Keith's has to congregate for lunches or BBQ. I think we need to have a minimum but nothing that require them to make that investment. I am fine with zero scape and maintain our green scape for our entrances into the industrial site.

Community Development Director Nick Snead any other thoughts from the Commission?

Commissioner Denise Piza because it is an industrial area it makes sense to have a minimum so it doesn't become difficult for the business to maintain.

Chair Joel Hessel I was going to ask we have had several more people walk in does anyone have a comment or questions.

Dana St. John location of where double press is I would not encourage that to be a priority we have problem with inmates hanging around our facility. Our building was built in 1993 the trees and landscaping we currently have is a burden to take care of. Reducing that requirement would be beneficial.

Commissioner Joe Krenowicz when I spoke about the landscape within the industrial site I believe our green scape is very important for Cherry Lane going to the Airport. It is going to be a balance where we need to address that. I think Cherry Lane needs to look a little greener than the rest of the industrial site roads. That is something we need to address moving forward.

Community Development Director Nick Snead so there is a couple different approaches we will develop couple different options for you. We will revise the location amount of landscaping and type. The other options we could impose are landscaping requirements by street. From my perspective there are a couple different values in landscaping. One is it creates a nice entrance to a business, the other is it helps break up the massing of a buildings from the street. Mechanical equipment and service areas again at minimum I think we need to define what mechanical equipment we intend to screen. I think some feedback here would be appreciated.

Commissioner Joe Krenowicz we are in an industrial area and industrial areas don't look like commercial buildings I still go back to trusting private enterprising owners that they will make the appropriate amenities to make it look good. I am fine with HVAC units being on the roof or on the side of a building.

Community Development Director Nick Snead the challenge that I think we have is this flies in the face of outdoor storage. We are requiring mechanical equipment to be screened but on the other hand look at all the wood and aluminum being stored outside by Bright Wood, Mid-Columbia Lumber and Keith's.

Chair Joel Hessel I feel the general thing is we need to make our industrial site as appealing as possible yet maintain some control and some standards. Have your public entrance look nice with landscaping along the major streets. Its industrial it's going to be steal buildings and metal siding that is part of the deal. Do we need to break it up depending on lot size and



**City of Madras  
Planning Commission Meeting  
Official Minutes  
October 22, 2015**

I. **Call to Order**

The City of Madras Planning Commission public meeting was called to order by Chair Joel Hessel 7:10 p.m. on Thursday, November 4, 2015 in the Madras City Hall Council Chambers at 125 SW E. Street.

**Commissioners in Attendance:**

Chair Joel Hessel  
Commissioner Ali Alire  
Commissioner Joe Krenowicz  
Commissioner Denise Piza

**Vacancy:**

One Vacancy

**Staff Members in Attendance:**

Community Development Director; Nicholas Snead, and Administrative Assistant; Michele Quinn

**Visitors in Attendance were:**

Don Reeder

II. **Public Meeting, Industrial Zone Text Amendments to the City of Madras Zoning Ordinance, No. 875 (File No. TA-15-3)**

Chair Joel Hessel we will call the public meeting to order Industrial Zone Text Amendments to the City of Madras Zoning Ordinance, No. 875 file number TA-15-3. This is a legislative meeting, does any Council or Planning Commission member have an actual economic conflict of interest to disclose.

All Commissioners answered no.

Chair Joel Hessel ok we will move onto the staff report.

Community Development Director Nicholas Snead we do have one member of the community here that would like to provide public comments. We have taken the feedback that you gave us in September we have revised it and this is the latest draft. From a staff's perspective I don't think it is ready for a decision this evening. I think there is still some guidance that needs to be given. Chair I don't know if would be helpful to have Mr. Reeder identify his concerns now and then go through the ordinance. So that the Commission can be aware of his concerns and discuss those as we move forward. Or just go through the ordinance and discuss it and take his comment at the end.

Chair Joel Hessel I wouldn't mind having his comment and then we can work it as we go through things.

Don Reeder North Unit has board of directors that makes decisions on behalf of the district, and subject to further board approval is recognized that residential dwellings on North Unit's campus should be considered a residential use. Residential dwellings in this zone would be of conditional use. In number 18 it states that fire, police, or other government buildings would be added to the conditional use permit section. The office building at the North Unit and the other buildings support the delivery of the irrigation water should be a permitted use. We have four buildings one is used as a carpenter and welding, one is used as a mechanic shop; the third building is for trucks, equipment, and storage. The fourth building is for additional trucks and equipment facility.

My argument is that these uses are similar to Bright Wood which has an office to support manufacturing and storage and parts buildings. North Unit requests the Madras Planning Commission to make the office and buildings associated with the North Unit office with the business of delivering irrigation water to farmers as a permitted use. They request an exception to permitted uses include government offices and buildings which support production of products such as farming enterprises. I think that is the only facility on the industrial site that is governmental and it supports farming enterprises through the irrigation water. The manager of North Unit and my position is that should be a permitted use not a conditional use.

Community Development Director Nicholas Snead let me give some of the background or context of why we changed that use from permitted use to a conditional use. Public uses or public buildings tend to have significant impacts on the surrounding areas. We don't know the impacts of future public buildings up there, and so the consultant recommended that this be a conditional use. That recommendation was also considering that the industrial zone is for industrial uses. When I shared that with Mr. Reeder he also expressed his thoughts that this is an industrial use. While I don't disagree with that, that North Unit today is an industrial use. I think part of the consideration that the Planning Commission needs to look at is what are future uses up there future public uses up there. Maybe there is additional development at the airport that necessitates additional fire hall. So by placing this in the conditional use in affect you are saying you want those public buildings, but there are other things that matter. You want to make sure that they are sited properly that was the impetus behind it. I will say that the residential uses up there have been there for quite some time. There are conflicts between the uses and industry and development up there between the existing citizens and dwellings up there.

Staff is looking at this from a perspective of this is your industrial area you basically only have one industrial area except for the mix use employment zone, and however that goes. What we heard through part of our EOA update project when we updated our goal 9 component of our comprehensive plan was to stream line development standards. Make sure this area is being used for industrial uses. This is an opportunity to clarify both to the district and also everyone else in the area. Frankly those residents up there are ok for now but in the future they not need be there. So if one burns or is removed from the property they can't be added back there. Mr. Reeder also expressed the concern for going through the conditional use process when they added a new building or anything like that in the future. There was concern for predictability in that decision I reported to him that is why we have decision criteria for our conditional use. He stated out that conditional use hearing or decision can go lots of different ways. It is what they call a limited land use decision in statute or discretion. Partially a discretionary criteria it is not a policy decision where it is absolute discretion it is a limited land use decision. Where you are interrupting your own criteria and making a decision as to whether some land use action meets your criteria.

One option for the Commission is to change the public uses to a permitted use back to where they were another option is to keep them as conditional use.

Don Reeder I say there is a third and that is an exception that there should be an exception that would include all government agencies. A government office and buildings that support a commercial enterprise such as farming should not have to go through the conditional use permit. My experience is that they can get very political.

The Commission discussed the conditional use and governmental buildings in the industrial site. Also what types of governmental agencies might want to be in the industrial area in the future. Could we consider North Unit a public utility that is a permitted use?

Commissioner Joe Krenowicz I would assume that I would want to protect the North Unit Irrigation as an entity that supports another capital goods and income.

The Commission continued to discuss the North Unit Irrigation residential housing and it remaining as unconditional use. What would happen if the buildings would burn down or be removed can they be rebuilt.

Chair Joel Hessel I look at as how is the Pacific Power different that North Unit they are both providing a service. They both have similar type buildings and facility.

The Commission continued to discuss allowing North Unit as a permitted use or a conditional use. What other government entities would possibly want to locate up in the industrial area.

Commissioner Joe Krenowicz I am fine with having North Unit as a permitted use.

Chair Joel Hessel the more I look at this a lot of what they do on their property is all things we have named as permitted uses like repair garages, freight terminals. They do not have anything going on that doesn't fit.

Community Development Director Nicholas Snead if you want to allow it we will pull it back from the conditional use category and put it in the permitted use category. Then you have dealt with this effectively.

The Planning Commission agreed unanimously to make North Unit Irrigation a permitted use.

Community Development Director Nicholas Snead moving to section 3.6 is now purpose and intent and we have removed whether a use or development is required to go through a site plan review or land use approval. The new purpose and intent statement is compatible with your Goal 9 comprehensive plan policy.

Community Development Director Nicholas Snead went through the changes made to section 3.6 (b) and (c) with the Planning Commission explaining the consolidations made to the uses.

Commissioner Joe Krenowicz asked how can we protect our self from manufacturing odors and can we regulate it.

Community Development Director Nicholas Snead I think we could rely upon the state regulations of that the DEQ administers. We may want to carve out a special use in the conditional uses. That says any use that give extraordinary odors and make it a conditional use

so it comes to you and you can impose requirements as conditions of that approval, or develop regulations for that.

The Planning Commission continued to discuss how to control odors in the industrial area by conditional use or regulations. Does the Planning Commission want to deal with the odor concern through public process or public hearing, or do you want it as a regulation. There was continued discussion on creating a standard or regulation so the businesses are aware of the regulations before they file permits. The Planning Commission agreed they want the businesses to be able to fast track and also have the businesses have the predictability of their success as a business. The Planning Commission agreed that uses causing odors needs to be regulated.

Community Development Director Nicholas Snead so we are going to move on to design review we have changed some minor revisions here. Under section F subsection 3 and 4 we have added some clarifying comments. Under section F subsection 5 under pedestrian walkways I think we need to take a look at this section. In this section we have changed the word from shall to should there is a really important distinction here.

Community Development Director Nicholas Snead explained to the Planning Commission why the change from shall to should was made.

Community Development Director Nicholas Snead on page 8 under exterior building design says, exterior wall that can be viewed from public streets. Which are greater than 50 feet in horizontal length shall be constructed using a combination of architectural features. Rather than specifying the number of features that they need to have we said let the developer come up with that. So there is flexibility given to the developer but still the burden of requirement for him to provide that architectural features.

The Planning Commission discussed the requirements of architectural features and what would be the minimum that would be required. There was continued discussion on buildings having covered entry. The Planning Commission discussed what is considered an architectural feature and how to regulate either by percentage or number of features.

The Planning Commission covered some other text changes to roof design and customer entrances. There was a discussion on exterior colors on buildings.

The Planning Commission covered the changes on page 11 section G exceptions for storage of large and bulky products. There was a concern from the Planning Commission regarding building materials asking for clarification. There was a discussion of the minimum height of a fence that will be used to screen outdoor storage.

Community Development Director Nicholas Snead section P on page 12 landscaping plan shall be submitted for all developments requiring site design review. The City encourages use of water wise plants and landscaping materials as described in the guide for xeriscaping the high desert. All unused portions of the property should be maintained with landscaping consisting of ground cover, trees, shrubs, flowerbeds, bark dust, stone, or hardscape features.

The Planning Commission discussed the landscaping requirements and the possibility of the businesses not keeping up with the landscaping.

Community Development Director Nicholas Snead subsection 3 we changed it from 15% to 10% so there is a 5% give on the landscaping. There were clarifications made to the parking spaces.



**City of Madras  
Planning Commission Meeting  
Official Minutes  
November 18, 2015**

I. **Call to Order**

The City of Madras Planning Commission public meeting was called to order by Chair Joel Hessel 5:36 p.m. on Thursday, November 18, 2015 in the Madras City Hall Council Chambers at 125 SW E. Street.

**Commissioners in Attendance:**

Joel Hessel  
Joe Krenowicz  
Ali Alire  
Denise Piza

**Vacancy:**

One Vacancy

**Staff Members in Attendance:**

Community Development Director; Nicholas Snead  
Administrative Assistant; Michele Quinn

**Visitors in Attendance were:**

Don Reeder  
Kirk Holcomb  
Janet Brown

II. **Public Meeting, Industrial Zone Text Amendments to the City of Madras Zoning Ordinance, No. 875 (File No. TA-15-3)**

Chair Joel Hessel public meeting Industrial Zone Text Amendments to the City of Madras Zoning Ordinance No. 875 File No. TA-15-3. This is a legislative matter does any Council or Planning Commission members have an actual economic conflict of interest to disclose?

The Planning Commission members all answered no.

Chair Joel Hessel we will now move on to the staff report.

Community Development Director Nicholas Snead Thank you Chair and Commissioners for coming and Janet, Don and Kirk thank you for coming this evening. My staff report is going to be somewhat brief before we get into the details. I do know we have certain areas of the code that we need to report back on and staff is prepared to do that. I also wanted to make sure that Don and North Unit Irrigation knew that we have proposed to change in response to the last work session. Changing the public uses to a permitted use instead of a conditional use.

Nicholas Snead explained the changes made to the document to the Commission and Visitors.

Community Development Director Nicholas Snead we have got four or five or more questions that I would like to pose to the Commission and have some dialog and get some guidance. Janet Brown is also here this evening to give some guidance. I would like to give our visitors an opportunity to provide feedback before we dive in. So you know all the concerns from the public before you start to discussing and perhaps making changes.

Chair Joel Hessel we are going to move to public comments who would like to go first?

Janet Brown for the record Janet Brown with EDCO 2028 NW Berg Drive. What I wanted to visit with you about tonight is on page 3 number 21. You were talking about whether to allow people to live in an industrial airport land. The reason and please "no" and I have several reasons why, the first we had it in there to begin with because at the time our airport manager had a trailer house next to the old office that was at the airport. So we allowed them to live there and then it spread from there we have Double EE meats, we have Paul Jensen living up there. The intent was always to when the Mobley trailer house moved from up there that we would not allow residential any more. Also FAA will not allow residential anyway and those are FAA allotted lands and FAA restricted lands. It was deeded back to the City from the Federal Government and so they will not allow residential either. So there are several reasons why that needs to end it was old place holder put in a long time ago.

Commissioner Joe Krenowicz so you agree with it being marked out?

Janet Brown it is highlighted in the version I had and you were talking, yes or no.

Don Reeder that put the North Unit housing as a conditional use is that correct?

Community Development Director Nicholas Snead no from my understanding at the last meeting was that you had agreed that the existing housing was not compatible with the existing industrial nature and surrounding area. So what I did under page five section E uses not permitted subsection three I included residential as a use not permitted.

Don Reeder Kirk to make it clear to you if it is not permitted it doesn't necessarily mean you have to get rid of it. It is grandfathered in until something happens like it burns down.

Kirk Holcomb so does that mean we can replace it if it burns down?

Community Development Director Nicholas Snead if it burns within one year and you replace it then yes.

The Commission discussed the scenarios that would allow North Unit Irrigation to rebuild the residence if something happened to them. There was also continued discussion on the time frame allowed to rebuild.

Janet Brown if we are done with that I have one more on the last page. You were talking about the design standards for landscaping and the percentage thank you for reducing it from 15% to 10%, because we want that land up there to be productive land. Please include all the other landscaping whether it is parking or landscaping on the property it needs to be counted towards that 10%. Is it 10% of the building or is it 10% of the entire land?

Community Development Director Nicholas Snead good question on page 13 section P subsection 1 a minimum of 10% of the portion of the property that does have, buildings, off street parking, and is not being used for storage and materials.

Janet Brown we just had a meeting with one of our land owners that has quite a bit of land and they will be doing some building if it is 10% of their property that is a lot of landscaping.

The Commission discussed what will be considered landscaping walkways, and swales, there was continued discussion on what the developed area is.

Commissioner Joe Krenowicz asked if paved parking is considered in the developed area.

The Commission discussed that the parking areas are included as developed area.

Commissioner Joe Krenowicz asked about encouraging paving to raise the bar but not impact the growth.

Community Development Director Nicholas Snead we do not require pavement.

The Commission discussed requiring paved parking and how that requirement would impact growth. They also discussed the other applications that are currently being used in parking lots. We do not have requirements for making designated parking areas businesses can use pavement, gravel, or dirt. They continued to discuss that the designated parking areas are included in the developed area. There was a discussion about only having landscaping in the front of the building facing the road. There was a discussion to change the landscaping requirements to the size of the building but increase the landscaping requirements.

Community Development Director Nicholas Snead suggested to the Commission that we use several of businesses that have landscaping in the industrial area as an example. That might help the Commission to figure out how much of a percentage of landscaping to require.

The Commission continued to discuss how much landscaping to require and not cause an impact to growth. There was also continued discussion on where to require the landscaping and what if a business adds buildings later are they required to add additional landscaping.

Janet Brown I would like to see you keep it to the building foot print it makes it much cleaner and easier. If you had a 50,000 building you would have 5,000 feet of landscaping that is quite a bit of landscape. Especially in an industrial zone this isn't a commercial retail this is an industrial zone you have to remember that. I think 10% of the building foot print is reasonable. If they add another building then you add another 10% of that building.

The Commission discussed several of the different businesses in the industrial area and compared their building foot print and parking to the landscaping it would require.

Joe Krenowicz voiced his concern on having the businesses raise the bar and have the industrial site have the appearance that we are striving for.

The Commission discussed the requirements for designated parking areas and at least requires some kind of rock down and not have a dirt parking area.

Community Development Director Nicholas Snead informed the Commission that we can address any dust issue through the nuisance ordinance.

The Commission discussed setting surface requirements for designated parking areas. The Commission agreed that 10% of the building would be the landscaping requirement.

Community Development Director Nicholas Snead moving on to page 4 use number 34 recycling plants we talked about changing that to conditional use, because it was actually the smelting or repurposing of the material that is being recycled. Contractor yards were added to number 32. Last time we had a good discussion on building design let's see if I have come close to what the intent of the discussion was. Looking at building design I have revised the first section here it says. This section applies only to buildings in the industrial zone and corporate offices that are visible from the primary public street serving the development. That sentence is clarifying which sides of the buildings needs to follow these standards. Subsection A exterior design what I want to call the attention of the Commission to is affectively subsection one and two have been consolidated. It says "exterior walls of buildings which can be viewed from the primary public streets which are greater than 50 feet in horizontal length shall be constructed with at least two windows per 50 feet of exterior wall length, and two of the following architectural features including, but are not limited to recesses, projections, wall insets, etc."

Subsection 4 we revised that so that the predominate building materials should be characteristic to Central Oregon such as brick, wood, native stone, tinted/textured concrete, masonry units, tilt up concrete panels, prefabricated steal panels, or glass products. No changes to roof design; I want to leave the covered customer entrances. So what this means is to have a customer entrance clearly defined with canopies, porticos, arches, etc.

The Commission talked about businesses wanting to paint the buildings their trademark colors.

Community Development Director Nicholas Snead back to landscaping this was primarily my question. So the provisions before this question that is highlighted the policy question for landscaping standards. It says areas of the lot abutting a public street or residential zone that are used for vehicle maneuvering, parking, loading, or storage shall be landscaping according to this section and can be credited toward the 10% site landscaping requirement. That is the addition that I had and it was not included in there. So the discussion is does the forgoing standard that requires specific landscaping for parking lots does that count toward the 10% or do you want to require more landscaping. As the way the ordinance is currently required it was not clear and certainly applied that the landscaping area that was required in this section related to parking areas was separate or in addition to the minimum required 15% landscaping.

The Commission had a discussion about the landscaping requirements for parking and could the size of the parking outweigh the size of the building. Can part of the 10% of the required landscape be used on the parking area?

Community Development Director Nicholas Snead proposed to the Commission that 7% of the parking area needs to be landscaped and it counts toward the 10%.

The Commission discussed where the landscaping is required in relation to the building and parking. There was a continued discussion on the amount of landscaping in relation to the size of the parking or the building.

Janet Brown asked about the building design saying that they she received some concern about the building design on the exterior wall and having windows every 50 feet. Janet used the Shielding International building as an example and where there windows are in relation to the predominant road. There windows are on the opposite side of the building giving a view of the



**JOINT HEARING BETWEEN THE  
JEFFERSON COUNTY PLANNING COMMISSION  
AND CITY OF MADRAS PLANNING COMMISSION  
OFFICIAL MEETING MINUTES OF DECEMBER 16, 2015**

**I. CALL TO ORDER**

**Jefferson County PC Chair Dodson** called the meeting to order at 5:30 pm.

**II. DETERMINATION OF QUORUM**

Jefferson County Planning Commission members present were Evan Thomas, Catherine Monteith, Roy Hyder and Dick Dodson. No County Commission members were absent. Jefferson County Staff members present were Bill Adams – Planning Director and Tanya Cloutier – Recorder/Secretary.

City of Madras Planning Commission members present were Joel Hessel, Ali Alire, Denise Piza and Joe Krenowicz. City of Madras Staff members present were Nick Snead – Planning Director and DJ Heffernan – Consultant.

**III. ADOPTION OF MINUTES**

None

**IV. AGENDA AMENDMENTS**

None

**VI. PUBLIC HEARING**

**CASEFILE 15-PA-04 – CONTINUATION OF THE JOINT CITY/COUNTY PLANNING COMMISSION HEARING REGARDING A COMPREHENSIVE PLAN AMENDMENT IN RESPONSE TO THE MADRAS 2015 ECONOMIC OPPORTUNITIES ANALYSIS AND THE POSSIBLE ADOPTION OF THE MIXED USE EMPLOYMENT (MUE) ZONE. NICK SNEAD (CITY OF MADRAS PLANNER), BILL ADAMS (JEFFERSON COUNTY PLANNER) AND DJ HEFFERNAN (CONSULTANT)**

**Jefferson County PC Chair Dodson** opened the public hearing.

**Bill Adams** stated that this is a legislative hearing and the commissioners can take additional testimony if needed. After the hearing the Planning Commissions will deliberate separately and make recommendations to their respective boards. He reviewed the issues that were raised at the last hearing regarding multi-family housing as a conditional use, concerns regarding the building

setbacks and landscaping standards, marijuana establishments. These have all been addressed in the updated document dated December 9, 2015 that was presented for this hearing. Multi-family housing is proposed to be allowed as a Conditional Use, there is a variable building setback now, adjustments to the landscaping standards and removed the marijuana establishments from the allowed use table. This issue will need to be addressed at a later time. There were owners that requested to opt out of the zone and Bill stated that this is not a favorable option due to the spot zoning issues. Regarding Exhibit 6 of the 12/9/15 document, this is the county version of the MUE zone, Page 3 (B)(2) of that Exhibit should be deleted as it is not relevant to the MUE zone and replace with other language about interim development standards.

**Commissioner Monteith** mentioned some changes that she felt needed to be corrected. In Exhibit 6, Table 310.1, there needs to be a statement as to what P, C and A stand for. There is a typo on Section 310, last sentence, change “no-site septic system” to “on-site septic system”. Pg 2, Exhibit 6, Line 5, remainder of sentence needs to be completed. Pg. 3, Line 2 regarding communication facility references Section 3.6.1, what is this section and where is it found.

**Nick Snead** and **DJ Heffernan** spoke regarding the application and the hopes that this will be the last hearing on this application and tried to be responsive to the concerns and questions previously raised. DJ discussed the non-conforming use questions that were raised as well as the questions that came from the audience members regarding taxing changes. This may have an indirect effect on taxes but not automatic with the zone change. Nick and DJ discussed the changes that were made to the proposal since the last hearing. He review the options for this hearing in regards to adoption, recommending that both bodies adopt the EOA, update the text of the Comprehensive Plan and adopt the updated goals and policies.

Public Testimony:

**Lee Baggett** – 1007 NE Lancaster Dr, Madras, OR – Wanted to know how long an owner, who currently is on a septic system has to connect to the city sewer if it is available. Nick noted that they owner would not be required to hook up to the sewer until their existing septic system fails.

**Janet Brown** – EDCO Manager – 2028 NE Berg Dr, Madras, OR – Janet read from her letter that was presented at the hearing. She urged the commissions to pass the Comprehensive Plan changes and the MUE zone.

**Nick and DJ** – Nick answered questions that were raised earlier. Regarding septic systems as it relates to the county MUE language on Section B(2)(b). It was discussed to remove the currently language and replace with “when a current development requires a new septic system or the enlargement of an existing septic system, the system must be located on the same parcel as the development, unless approve by the county engineer via an easement on an adjacent lot or parcel.” Also, possibly adding a paragraph C that spoke to the criteria and procedure of allowing developments that will be utilizing a septic system to secure the permits from the county sanitarian for that system and agree to future annexation into the city if needed.

**Commissioner Dodson** strongly suggested that the city staff now and in the future be flexible and work with the property owners and developers regarding the design standards. These people do not always have deep pockets and need flexibility in their building designs.

**Commissioner Alire** asked for discussion on residential uses in the zone. After discussion, consensus was reached between both Planning Commissions that residential uses be removed from the zone.

The public hearing was closed for deliberations.

**COMMISSIONER THOMAS MADE A MOTION RECOMMENDING THAT THE BOARD OF COMMISSIONERS ADD A COUNTY MIXED USE EMPLOYMENT (MUE) ZONE TO THE ZONING ORDINANCE, AMEND SECTION B(2)(b) OF THE ZONE TO ADDRESS THE USE OF SEPTIC SYSTEMS, REMOVE MULTIPLE HOUSING AS A CONDITIONAL USE IN THE MUE ZONE, AND ADD WOOD TO THE EXTERIOR SIDING AS AN ALLOWED BUILDING MATERIAL, AMEND THE COUNTY ZONING MAP TO APPLY THE MUE ZONE AS SHOWN IN OPTION A, AND ADOPT THE 2015 ECONOMIC OPPORTUNITY ANALYSIS AS A TECHNICAL ELEMENT OF THE COMPREHENSIVE PLAN. The motion was seconded by Commissioner Hyder.**

**ROLL CALL VOTE:**

<b>Commissioner Hyder</b>	<b>Aye</b>
<b>Commissioner Monteith</b>	<b>Aye</b>
<b>Commissioner Gayheart</b>	<b>Aye</b>
<b>Commissioner Thomas</b>	<b>Aye</b>
<b>Commissioner Dodson</b>	<b>Aye</b>
<b>Motion passed</b>	<b>5-0</b>

**COMMISSIONER PIZA MADE A MOTION RECOMMENDING THE MADRAS CITY COUNCIL ADOPT AND ADD THE MIXED USE EMPLOYMENT (MUE) ZONE TO THE ZONING ORDINANCE, REMOVE MULTIPLE FAMILY HOUSING AS A CONDITIONAL USE IN THE ZONE, ADD WOOD TO THE EXTERIOR SIDING AS AN ALLOWED BUILDING MATERIAL, AMEND THE CITY ZONING MAP TO APPLY THE MUE ZONE AS SHOWN IN OPTION A, AND ADOPT THE 2015 ECONOMIC OPPORTUNITY ANALYSIS AS A TECHNICAL ELEMENT OF THE COMPREHENSIVE PLAN, AND ADOPT THE REVISED GOAL 9 ECONOMIC DEVELOPMENT NARRATIVE, GOALS AND POLICIES INTO THE COMPREHENSIVE PLAN. THE COMPREHENSIVE PLAN SHOULD ALSO INCLUDE AN ANNEXATION POLICY THAT ENTITLES PROPERTIES ZONED MUE TO AUTOMATICALLY BE REZONED TO CITY MUE UPON ANNEXATION. The motion was seconded by Commissioner Hessel.**

**ROLL CALL VOTE:**

<b>Commissioner Hessel</b>	<b>Aye</b>
<b>Commissioner Krenowicz</b>	<b>Aye</b>

Commissioner Piza           Aye  
Commissioner Alire         Aye  
      Motion passed   4-0

The joint City/County Planning Commission hearing was closed at 7:50 PM

**VI.    WORKSHOP**

None.

**VII.   OTHER BUSINESS**

Welcome to Cole Gayheart as this is his first meeting and said goodbye to Evan Thomas as he retires.

**VIII.  ADJOURN**

**MOTION WAS MADE TO ADJOURN BY COMMISSIONER HYDER.  
COMMISSIONER THOMAS SECONDED THE MOTION.  MOTION PASSED  
UNANIMOUSLY BY VOICE VOTE.**

The meeting adjourned at 8:00 p.m. to meet again on January 14, 2016 (tentative) at 5:30 p.m. The next meeting will be held at the Jefferson County Administrative Office, 66 SE "D" St., Madras, OR.

**JOINT HEARING BETWEEN THE  
JEFFERSON COUNTY PLANNING COMMISSION  
AND CITY OF MADRAS PLANNING COMMISSION  
OFFICIAL MEETING MINUTES OF OCTOBER 22, 2015**

**I. CALL TO ORDER**

**Jefferson County PC Chair Dodson** called the meeting to order at 7:08 pm.

**II. DETERMINATION OF QUORUM**

Jefferson County Planning Commission members present were Evan Thomas, Catherine Monteith, Roy Hyder and Dick Dodson. No County Commission members were absent. Jefferson County Staff members present were Bill Adams – Planning Director and Tanya Cloutier – Recorder/Secretary.

City of Madras Planning Commission members present were Joel Hessel, Ali Alire and Joe Krenowicz. City of Madras Staff members present were Nick Snead – Planning Director, Michele Quinn – Staff and DJ Heffernan – Consultant.

**III. ADOPTION OF MINUTES**

None

**IV. AGENDA AMENDMENTS**

None

**VI. PUBLIC HEARING**

**CASEFILE 15-PA-04 – JOINT CITY/COUNTY PLANNING COMMISSION HEARING REGARDING A COMPREHENSIVE PLAN AMENDMENT IN RESPONSE TO THE MADRAS 2015 ECONOMIC OPPORTUNITIES ANALYSIS AND THE POSSIBLE ADOPTION OF THE MIXED USE EMPLOYMENT (MUE) ZONE. NICK SNEAD (CITY OF MADRAS PLANNER), BILL ADAMS (JEFFERSON COUNTY PLANNER) AND DJ HEFFERNAN (CONSULTANT)**

**Jefferson County PC Chair Dodson** opened the public hearing and read the hearing disclosure statement. There was no economic conflict disclosed by any Planning Commission member present.

**Nick Snead** summarized the 9/24/15 Joint PC workshop held at the City Hall and conducted an overview of the 2015 Economic Opportunities Analysis (EOA). This application will update the Madras City EOA and adopt the Mixed Use Employment (MUE) Zone.

**Bill Adams** stated that the county role is to approve the updated EOA for the city, adopt the MUE zone, amend the Zoning Map to include the MUE zone, update the UGAMA to accommodate the MUE zone, then adopt finding of compliance to show the proposed changes meet the County zoning ordinance criteria and state rules. Recommended the Planning Commission hear the testimony and deliberate on whether to continue the hearing or make specific recommendation to the Board of Commissioners.

**DJ Heffernan** is the consultant hired to work with the city on this application. He reviewed the MUE zone and its purpose. It will expand the City of Madras inventory of light industrial lands that also includes other uses.

Public Testimony:

**Paul Sumner** – PO Box 16, Madras, OR – Paul addressed the MUE zone uses, specifically Item 3.15.1(6) discusses Medical Marijuana Dispensary is allowed subject to conditions in Section 3-14. He asked that the word “medical” be removed from that statement. He likes the MUE zone and feels that the dispensaries are a good use within that zone but would like the recreational marijuana sales to also be allowed if it is passed by the voters. Do not limit to just Medical Marijuana Dispensaries.

**Charlene Grant** – 1928 SW Grant St, Madras, OR – Her property is within the UGB, outside the city limits. Concerned that she has always paid commercial/light industrial taxes and does not see how this change would benefit her, only to add another layer of taxes, fees and more regulations that would not allow her to do with her property as she pleases.

**Bob McDonald** – Ira Sales and Service – 181 SW Merritt Ln, Madras, OR – He would like to opt out of this if it is approved. He is not supportive of the concept.

**Doug Lofting** – 58 NE Bean Dr, Madras, OR – He owns multiple commercial properties now in the county. He is in favor of this for the opportunities that it brings. It will bring more flexibility and continuity for development between city and county. He is not in favor of having residential use within the MUE zone. The development standards should be the same between the city and county, he favors the 15% landscape requirement. He also felt that reducing the landscaping requirements due to the water shortage makes sense but using low water plants.

**Brett Abby** – 307 SW Merritt Ln, Madras, OR – He did not understand the application or the benefits. He wants to opt out of the zone if possible.

**Janet Brown** – EDCO Manager – 2028 NE Berg Dr, Madras, OR - Janet read from her proposal which she made part of the record. She supports the MUE zone and the design standards being identical within the UGB. She recommended adoption to the respective Board of Commissioners and City Council.

**Rick Allen** – 860 NE B St, Madras, OR – Overall the MUE zone is a good thing. This will add many more options to the area for uses. Having the codes the same between the City and County UGB makes sense. Raise the standards and development will happen. Not sure that multi-family housing is a bad thing in the zone.

**Paul Sumner** – Clarified that his testimony was on behalf of KB Management, LLC.

**DJ Heffernan** asked the commissioners what direction they want to give to staff in regards to modifications to the proposed language or are they willing to accept what has been presented at this meeting or making a recommendation to their respective boards or third; move forward to the board(s) with no specific language changes.

Discussion on topics:

Residential Uses: Joe Krenowicz is not in favor of allowing until built out and still available space for that use. Roy Hyder and Evan Thomas are in favor of having them be a Conditional Use if allowed. Possible language to include is that any multi-family must be adjacent to residential lands.

Marijuana: Joe Krenowicz stated that he is fine not addressing it due to the future changes in the language of the laws. DJ will work on alternative language on this section.

Landscaping: Joe Krenowicz likes the 15% with flexibility to lower it if appropriate. Catherine Monteith would like to see the landscaping consistent with the lot size.

Building Orientation and Parking: Evan Thomas liked the side entrance option and not requiring the front door face the road. Keep 10ft. minimum setback, no maximum to let the development dictate the setback.

Cross Access Easements – address in the TSP updates

Roy Hyder asked about competitive venues and prohibited uses within the zone. Can an owner opt out? He wanted some understanding about what an action means regarding medical marijuana/recreational marijuana dispensary as a whole and whether it should be left in or taken out of the document.

All Planning Commissioners were in agreeance to continue the hearing to a later date.

**A MOTION WAS MADE BY COMMISSIONER HYDER TO CONTINUE THE PUBLIC HEARING TO DECEMBER 16, 2015 AT 5:30 PM AT THE JEFFERSON COUNTY ANNEX BUILDING. The motion was seconded by Commissioner Thomas.**

**ROLL CALL VOTE:**

**Commissioner Dodson      Aye**  
**Commissioner Monteith    Aye**

**Commissioner Thomas     Aye**  
**Commissioner Hyder       Aye**  
**Commissioner Hessell     Aye**  
**Commissioner Krenowicz   Aye**  
**Commissioner Alire        Aye**  
**Motion passed     7-0**

The joint City/County Planning Commission hearing was closed at 9:03 PM

**City of Madras  
Planning Commission Meeting  
Official Minutes  
October 7, 2015**

I. **Call to Order**

The City of Madras Planning Commission public meeting was called to order by Chair Joel Hessel 7:03 p.m. on Wednesday, October 7, 2015 in the Madras City Hall Council Chambers at 125 SW E. Street.

**Commissioners in Attendance:**

Chair Joel Hessel  
Commissioner Ali Alire  
Commissioner Denise Piza

**Vacancy:**

One Vacancy

**Staff Members in Attendance:**

Community Development Director; Nicholas Snead, City Administrator; Gus Burrell, and Administrative Assistant; Michele Quinn

**Visitors in Attendance were:**

Garrett Chrostek, City Attorney

II. **Visitors Comments**

There were no visitor comments.

III. **Sign Ordinance, No. 697 Text Amendment (File No. TA-15-4)**

Community Development Director Nicholas Snead this evening we have Garrett Chrostek he is our Associate Land Use Attorney from the City's Attorney's office. He and I have been working on this sign code for quite some time. This evening I want to talk about what we are going to do, and goals and objectives. I do want to hit some high points on why we are changing the ordinance, Garrett is going to brief us on sign regulation basics. Then we will go into some of the high points of the proposed amendment. So the goal this evening is to familiarize ourselves with the proposed changes to the ordinance. We are going to do that a couple different ways to understand the legal principles that are guiding the sign regulations. We want to get an understanding for the proposed amendments and a process discussion.

We are amending this code because Staff has been aware of several legal problems with the ordinance. Staff is not aware of any reason to change the standards other than addressing the legal issues. This isn't a proposal to change the policy (i.e. how much signage we want in a particular zoning district, or do we want to allow a certain type of sign in another zoning district) this is really starting from the perspective of what are the legal issues let's resolve those and update the code. So with that I am going to have Garrett talk about the sign basics.

Garrett Chrostek hello Chair Hessel and members of the Commission I work at the same firm as Jeremy Green the City's Attorney. I primarily do land use and nuisance stuff also other things in Nick's field. So as you may have heard cities have what is called home rule authority. This essentially says they can manage anything in the realms of health, safety and welfare, as long as it hasn't already been controlled by some higher authority of law. Whether that is State Statute, State Constitution, or the US Constitution. So signs are regulated by both US Constitution and the State Constitution under the First Amendment. Which protects free speech and signs are a form of speech. In the First Amendment in both the Federal and the State level is some of the most ambiguous law that has ever been created. We have very conflicting values that are both protected and regulated in; when, where, and how can you speak. In the context of signs for the longest times courts have basically said as long as you are not regulating what is in the sign (the message) that was ok.

Then they started differentiated between commercial and noncommercial speech because we like to regulate the signs that appear on businesses, to protect the aesthetics and the safety of drivers and those sorts of things. So they started drawing distinctions and now they are coming back and saying. You can't regulate the actual message, you can't treat different speakers differently. By speakers I mean a business verses somebody on their private property advertising political or garage sale signs. The City puts up signs it speaks through signage it is subject to some regulation. The existing ordinance has lots of "content based regulations" that are impermissible should they ever be challenged. You will see stuff that calls out specifically signs for political messages; you will see signs that call out for construction franchise. What the courts are telling us know is that you have to be much more careful about treating those different speakers and types of communications differently. They are telling us you need to move closer to just treating them basically by time, place, and manner restrictions. That has some origination from free speech; it started with adult book stores and has moved on since then.

That is what the primary focus of the amendments that are before you tonight. To address those blatantly content based regulations and those blatantly impermissible distinctions. The ordinance has between different types of signs and who is the speaker. Then the other big set of amendments that we are proposing are process and procedural type things. As Nick, has dealt with these various permits over the years. Situations arise where the code doesn't address the situation or he is not sure how to proceed, because the code has not been good at identifying when a permit is required. What are the standards for different types of signs based on some of the regulations that are already in there? That is what we were primarily after we are not trying to get into substantive changes, but we can't help but address some of those things when we are clarifying an ordinance. What we're looking for is to make sure these make sense giving the parameters that I discussed about the law of signs. They meet what you understand and what you would want to see out of the sign ordinance.

Community Development Director Nicholas Snead I want to point out we did hand out two things for you this evening. We handed out a new attachment A, and in attachment A that was handed out this evening, we put in the page numbers that weren't identified in the attachment A that was included in the packet. If we operate from that this evening that will primarily be the basis for the discussion this evening. We have also handed out the proposed amendments to the sign code. With that Garrett do you want to hit the high points and talk about some of the larger issues? When Garrett and I discussed the meeting this evening I thought it would be better not to discuss the definitions first. Why we changed each one, because it really goes back to the regulations. I would rather start in the regulations and skip section one where the definitions are at and go onto some of the other amendments.

Garrett Chrostek I won't do definitions but I will start in section one and that will be in the interpretation section. Some of the national organizations of cities have come up with a model sign ordinance based on the changing atmosphere of sign regulations. It is not quite up to date because some more stuff has come after it, but a lot of the amendments that we are proposing have some basis in that model ordinance. That these national groups have come up with, just to keep cities compliant with the ever changing law of the first amendment as it pertains to signs. So what we did is stick in some of their recommended language that says we are trying to avoid content based regulation, and to assist in interpreting, we erred on the side of not regulating speech, and to interpret it as compliant as we can.

A big issue with the existing ordinance was it didn't do a great job of identifying signs that are permitted verses not permitted. It drew some interesting on premises off premises distinctions that aren't always functional. The way properties are configured and the way a business mall might be set up. It wasn't as inclusive as it could be so we did a number of clarifications, and it also helps identify what signs are subject to these types of regulations and those that are not.

Community Development Director Nicholas Snead so I would like to focus on the portable signs next, Garrett if you could talk about that. These are generally speaking the sandwich boards that you see along the highway or the downtown. I will say this is not an easy area for the city to regulate. We can get in trouble in two ways not from a legal perspective but if we say we don't want any sandwich boards. Then the business community doesn't like that because they do need to have some flexibility. If we just out right allow them then we will have them everywhere and then you have problems with pedestrian access, clear vision, being able to see pedestrians and bicyclist.

Garrett Chrostek we didn't change the permissibility of it what we largely changed is the legal side. The way it had been set up starts to draw those distinctions between speakers. Businesses get those kinds of signs; residents get these kinds of signs, even though they might both fit the definition. You can move a lawn sign (real estate sign) just like you can move a sandwich board sign. So we clarified that and brought it more in line with what the courts are currently saying. Don't draw huge distinctions between those types of speakers. So we kept the right to have to have those types of signs the same, but we made the rules similar across speakers. Then made it clear based on the zoning, the types, and the sizes, and those types of distinctions.

The courts are saying don't generalize on the speakers don't say business owners get these types of signs, but you can say the location. To fixate on that we added a lot of clarity to what our residential zones, and what are not residential zones. What are permitted in those residential zones in terms of size, shape, number those types of things. Verses the other types of zones and that way we are making the focus on location. Which is permissible opposed to type of speaker which the courts are saying be careful going down that lane.

Community Development Director Nicholas Snead so I think you are seeing some very subtle changes but from a legal perspective it is a big change. When I read section 2.4 signs in residential zones you are not seeing a lot of policy change there. Where we allow 100 square feet of signage, but they have to be flush mounted or wall signs. They get one free standing sign that is 100 square feet. This is pretty much what our current ordinance already allows just a slight modification.

Garrett Chrostek I think the subtenant difference is that previously we had some regulations say political signs could only be displayed in this manner, and garage sale signs can only be displayed in this manner. That was the type of distinction that the courts are saying you are

getting into content. Regulating content you are treating them differently impermissibly treating them differently. So, following that direction we tried to standardize those regulations for similar types of signs without drawing distinctions based on content. That also plays out in the nonresidential signs in section 2.5 of the ordinance. Beyond doing those things from the legal side I think we clarified a lot of stuff about how signs for business complexes, how they are addressed. In some instances it wasn't particularly clear when you have a lot of business on the same property, treating those tenants similarly and collectively so that the signage doesn't triple what a similar size property with one business.

Community Development Director Nicholas Snead the other big change there is the franchise signs and this is I think of the unattended larger policy changes that we are proposing. I think this is one of the larger ones. In our current code if a franchise business is required to have a sign that would not otherwise comply with the city's regulations. For example height or size perhaps even location or type. Then they could obtain a letter from their national franchise headquarter stating that the signage that they requested was a requirement of that franchise, and therefore we would out right allow that. What we are changing now is just because you are a franchise doesn't mean you get a hall pass. So what we are saying is if you are a franchise and you would like to have a sign that wouldn't otherwise conform to the ordinance. You will now need to go through the sign variance process.

What Garrett and I have purposely clarified in the ordinance is the procedures for that variance particularly the hearings and notices and things like that, again due process. So when you are going to make a discretionary decision that the Planning Commission will make, you need to give notice. So we wanted to clarify how that hearing was to occur. Recognizing that we want a balance for the variance process so all the notices to the newspaper and notices to the property owners and staff reports. How could we simplify it a little bit but still allow the discretionary decision be given to the Planning Commission. So I think that is a really important change so franchises don't get the hall pass, and if you want that variance to our standards you need to obtain a variance from our Planning Commission on that.

Garrett Chrostek right and the franchise sign is a blatant content based regulation you are basically saying just because you are a franchise you get more rights than someone who is not a franchise. That is exactly the type of distinction that is not permitted. That said, how we are expecting that process to work is if they submit their letter. That shows cause for granting a variance, and we think that is more appropriate than just giving the hall pass.

Community Development Director Nicholas Snead the other thing I did want to point out section 2.5 signs in nonresidential zones this is the meat and potatoes of your ordinance. When someone asks me about a sign for their business or property this is usually where I am going. So what is important to note is section B the table free standing signs. We have not altered the zone, type allowed, allowed number, maximum area, or maximum height of the signs currently specified in the ordinance. I think that demonstrates that we are keeping our regulations the same. We have altered subsections D and E a little bit. In particular Garrett provided some amendments for the business complex signs under two acres, and then for business complex over two acres. This fundamentally was poorly written from a grammatical perspective so we tuned this up some.

Garrett Chrostek I was just going to say that the two acres those are kind of place holders that we are looking for feedback from the Commission. Is two acres appropriate or should it be one acre should it be five acres? That is what we are looking for. Kind of the bases for some of these amendments is that we thought it was about making the signage proportionate to what is

on the property. So properties look similar you don't see one property that looks standard and another property has a lot of signs because they have a lot of businesses.

Community Development Director Nicholas Snead does anyone have any questions or comments?

Commissioner Ali Alire I guess I wonder where did you come up with the two acres why two why not four?

Garrett Chrostek like I said it was just kind of a place holder there is no statistical basis I didn't say that is the average size property in Madras. At some point you want to say that property is so large that it can handle more signage without creating that cluttering affect that you might have on a smaller property. What the code use to identify and what we are clarifying is there is some distinction on the size of the property relative to the amount of signage that can occur on there. What we are hoping for is we put in two acres because we thought that was about right but we are open to changing it.

Commissioner Ali Alire do you have any examples of businesses that are two plus acres?

Community Development Director Nicholas Snead so usually your industrial businesses tend not to get permits for signs and they don't have a huge sign need. I think two concrete commercial examples one would be the Harriman Building so you have a three story commercial office building I think that is a little over and acre. What we are saying is that small geographical area they will have a limited ability to put up signage. Now if you go to Jefferson Square where the Madras Cinema 5 is and Kentucky Fried Chicken is that over two acres they may have more signage there based on the area. This is where you get into wordsmithing or trying to figure out the details. I think what would be helpful this evening is if you have a general concern or you can give us some guidance. We can think about that and come back to you with some alternatives to this. I think those are two examples for where this provision would apply and not apply.

Commissioner Denise Piza so with the franchise signs that has already been given that hall pass. After the ordinance is approved would they be required to go through the variance or is it just going from when it is approved on?

Garrett Chrostek If the ordinance is adopted and formally approved then you have an effective date these amendments only apply going forward. You can't retroactively go back and make someone that has been through the permit process do it over. Until they change those signs, which happens people update them to make them look newer or because they get damaged. Later on in the amendments we have some of those clarifying provisions about when you need to come back in.

Community Development Director Nicholas Snead so what I hear in the community is I am grandfathered in. From my perspective it would be generally classified as a legal nonconforming sign. Meaning they were lawfully permitted at one time under the city's code so they are legal, but under the current code they are nonconforming to the current regulations.

Garrett Chrostek the real estate signs as I mentioned is kind of like franchise signs you are getting to close to content. It is better to regulate them by shape, and location.

Community Development Director Nicholas Snead So I want to make sure I understand that are we whole cloth removing that section from the ordinance?

Garrett Chrostek we have greatly beefed up the temporary sign section which appears later in the ordinance in article three. Those sorts of construction signs, real estate signs, garage sale signs, and sandwich boards instead of making them content distinctions are coming under the umbrella of temporary signs. We have some general regulations that apply to all temporary signs they can't be electrified, they can't flash, those sorts of things. Instead of creating special regulations for each type of sign they are more or less treated the same as far as duration, how long can they be displayed, there general dimensions. In residential zones you will have more constraint on the number you can display and the location, where as in the commercial zone there is a little more room for temporary signs in those zones. That was the general approach to all of those types of signs that only display at intermittent event or intermittent message something that is not perpetual.

Community Development Director Nicholas Snead you may want to look at the clean version of this we are looking at page 11 of 17. I think this is an area of focus for the Commission and eventually the Council. We have removed all the special categories of signs or special regulations for certain types of signs. Now we are regulating through the temporary sign article and so what is important to note here is subsection F of 3.1 no temporary signs shall be allowed in public right of way or on public property except for those listed in this section. So basically signs for government, streets, clear vision area, signs for public body, signs on the sidewalk and adjacent to commercial uses in the C1, C2, and C3 zoning district. The sandwich boards we are specifically allowing them to be in the right of way in these particular zoning districts. They have to comply with the following standards one: displayed only during the business hours of the responsible business. Two: any temporary sign placed elsewhere than directly adjacent to the business sign shall be placed only with written consent of the property owner of the adjacent property. No more than one temporary sign shall be placed in the public right of way adjacent to any property frontage on a single street. I think that second one might be a little problematic I don't know if we are going to have to deal with that for the business complex signs or properties where you have multiple businesses.

Garrett Chrostek I think what that one is getting at is say down town if you are in the middle of the block. What it is saying you can't go put your sign on the corner without getting the property owners permission. In a business type complex if there is one owner for the whole property as long as the one owner is good where you put your signs then you shouldn't have an issue.

Commissioner Ali Alire so am I missing it in here, so take like the Harriman Building does it put a limit on how many signs can be out there. If there are ten businesses in there can there be ten sandwich signs out front?

Community Development Director Nicholas Snead technically I believe as it is purposed there is no limitation on that other than there is one sign per business.

Commissioner Ali Alire that seems like that could potentially be an issue if people wanted to read into the ordinance.

Community Development Director Nicholas Snead Do you agree with that Garrett?

Garrett Chrostek I think it actually is the other way I think it reads one per property as opposed to one per business.

Community Development Director Nicholas Snead we are reading on page 12 of 17 on the clean version that was handed out this evening on subsections 1 and 2 at the top of the page.

Garrett Chrostek yes 1 and 2 and the last part no more than one temporary sign shall be placed in the public right of way adjacent to any property frontage on a single street. So that is another issue to identify or get some feedback on. I think the old one had that same idea that it was really one per building. With the multi-tenanted buildings it might make sense to set some sort of higher standard. The number I would be open to suggestions.

Commissioner Ali Alire I guess I am also thinking when I drive down and you are seeing the new Plantae and they have two signs and you have the nail sign. It just feels like how quickly we could get the whole sidewalk lined up with sandwich boards. It looks not very appealing for our city when you are driving through.

Community Development Director Nicholas Snead so that is the aesthetic consideration for the sandwich boards that I generally refer to which is a policy based decision of which you and Council will determine to be appropriate. I think there is a challenge for the City quite honestly when we allow these sandwich boards in the right of way for these businesses. They don't require a permit and they are only allowed to be out during business hours. The signs in practice aren't being removed at the close of business and some cases they are in the clear vision area. In some cases they are not on the sidewalk they are in drainage swales on the side of the street. It becomes a difficult enforcement issue for the City there it is certainly in the scope of all of our ordinances that we are enforcing. We are definitely going to pick the big ones that truly create a threat to public safety, health, and welfare. So if a sign is blocking the view of a pedestrian we are going to get involved in that. If it is a sign that is in the middle of a drainage swale that isn't near a driveway or sidewalk and it has been out 24 hours a day. So be it we are going to wait until the complaint comes in. I think that helps you understand the analysis or the way we approach prioritizing some of these enforcement issues.

Commissioner Ali Alire it is in here that just one per business though there is a limitation for the temporary signs?

Garrett Chrostek it says one per property frontage we can make it clearer. If you are into changing that up I might purpose that you do that based on frontage purposed to business. I think that is a more neutral way to go about it, and it better addresses what you are interested in is that clutter. If they have 500 feet of frontage maybe it makes sense to have multiple, but if they only have 20 feet that is not where you want to see 10 signs.

Community Development Director Nicholas Snead so could you have a regulation that allowed the number of temporary signs based on the number of businesses front the street. I am trying to be flexible or dynamic with the situation as opposed to picking a number. I also see in subsection G that the Community Development Director can allow a deviation up to 100% in the numerical standards applicable to temporary signs. So with that I am wondering if we just want to establish perhaps a lower standard to address the aesthetical concerns addressed by Commissioner Alire. So if we set a limit to three temporary signs for any property that has more than 3 business based on subsection G I can allow six.

Garrett Chrostek well the 100% comes in if essentially they would have qualified for a variance. If you go that route on a frontage requirement what I think you are saying is if you get into a multi-tenanted space you have to recognize you might need to share a sign if your frontage is limited.

Commissioner Ali Alire I know like the Harriman Building their lease does not allow you to have more than the one board that they have to share. It seems there has to be some sort of limit at least some kind of cap.

Community Development Director Nicholas Snead so we are talking about under subsection G if there is a property or business on a property that would meet the requirements for a variance to the sign code. The Community Development Director could administratively authorize that variance without approval from the Planning Commission and authorize up to 100% deviation to that standard. Is that how that reads?

Chair Joel Hessel then on the other end of the spectrum like downtown by apex where you have a bunch of little 10 and 12 foot frontages.

Garrett Chrostek you can set a floor everyone is guaranteed one and you can get an additional sign for X number of feet of frontage so you can scale it. Is that what you guys think you would like to see? Would you like to see basically that floor and more if more if they have a larger lot type of scaling? Or is that not where you guys are headed?

Chair Joel Hessel I can see on a business that has a large frontage having two or three signs wouldn't be an issue. Also if you have a smaller space that has five businesses in it but it is only a 50 foot frontage and we have signs every five feet down the sidewalk.

Community Development Director Nicholas Snead I think where the Commission is going to end up is you are going to have to approach this from the 90/10 perspective. Perhaps a way to think about this is do you want to allow more temporary signs or fewer temporary signs and start from there. Under subsection G we could allow more but they need to demonstrate that they have met the criteria for a variance. The way I am seeing this is it seems reasonable that we want to regulate the aesthetics of our community for temporary signs. It seems if we want to address the aesthetic or insure that we have a high aesthetical appearance in our community in terms of signage for temporary signs. Establish a lower standard and deal that with through the administrative variance process.

Garrett Chrostek where we started from is what is currently allowed and basically keep that, but I think what has come up is the multi-tenant buildings. How do we deal with that do we want to force them into the Harriman self-imposed approach? Where you have to work it out amongst yourselves because you get that one, or is it that where you would like to see more opportunity for those multi-tenant businesses to get more than one per property?

Chair Joel Hessel I think, like Nick was saying maybe we should do the one per property, and when the issue arises for a multi-tenanted we could deal with a variance on a case by case basis.

Commissioner Ali Alire it is not in here anyway I am not seeing one per property? It is not necessarily worded that way?

Community Development Director Nicholas Snead I think what we need to do is perhaps tune this up a little bit for business complex signs we can do that and clarify.

Chair Joel Hessel so if you have one per property or per frontage so if it was a corner property you could have one on each street.

Commissioner Ali Alire when we get into per property we get into if there are three businesses on the property, so trying to figure out the correct verbiage.

Chair Joel Hessel if you have 12 businesses on a 50 foot frontage like the Harriman Building if it was full of tenants we would line the sidewalk with sandwich boards.

Commissioner Ali Alire can you use per square foot could you say one per business or no more than 3 per 100 square footage of frontage something that has limits. It seems that there needs to be a subsection to multi-business properties. There are businesses that own that lot, and then there are the ones that have numerous businesses on the property. Those are the ones that I feel concerned about.

Community Development Director Nicholas Snead I think staff has a general understanding of the issue and the concern. I think in the interest of time let us think about this and we will bring back an alternative to what is written here.

Garrett Chrostek we can do that and the two acre thing we will put a number in there and you can tell us how far off we are.

Community Development Director Nicholas Snead I would like us to move on to section 3.3 Garrett can you confirm that this is not a large change. All though I am seeing that temporary signs not exceeding 20 square feet or six feet in height shall be permitted for a period of 120 days. Help us understand the rational here.

Garrett Chrostek the old regulations did not set up very good parameters on the size of these sorts of temporary signs. Thinking of the extreme somebody could put up something massive as long as it is temporary and sort of duck some of the regulations otherwise would apply. So we had to come up with some numbers of what we are looking for. In doing so we saw that maybe there should be a distinction between the run of the mill signs that the City is not going to have much hand in regulating verses something that might require a sign permit. That is what we are getting at. We drew a line between those that are regulated and not require permits, and those that might require permits. We did that based on size and time of how long they will be displayed.

Community Development Director Nicholas Snead gave the Commission an example of a temporary sign.

Garrett Chrostek That is not to say those type of signs be permitted in the future what we have helped determine is you need to come talk to the City before you put those up.

Community Development Director Nicholas Snead then I would like to move onto article 4 the exemptions. This section of the code I think is substantially changed in the current code you notice that we exempt public organizations. That is no longer the case, what that has done is we have affectively created a class of a sign that is subject to the ordinance. In a class that is for signs that are not subject to the ordinance. In other words that is content based regulation so what we are saying now is we are going to have to do away with that. Particularly signs placed by City, County, State, or Federal Governments we have clarified that to be traffic or pedestrian control signs. We have also said signs erected or maintained by public bodies, and we have also defined a public body, the outright exemptions for Emergency Services such as Fire, Police or Hospital Facilities. So one thing you will probably see fairly soon is we have a governmental entity the School District, is wanting to place signs that ordinarily wouldn't be permitted by our new ordinance should it be adopted.

What we are saying is you are going to have to get a permit from the City to place your signs and you are going to be subject to our general regulations. I think there has been some challenge with that from a staff perspective particularly the best example I can think of is St. Charles Hospital. We have two signs on the corner of 12<sup>th</sup> and A, and 12<sup>th</sup> and Oak that are very substantial signs over 12 feet in height that are located in the clear vision area. Because they were exempted from the code the argument was I don't need to follow that. Now dealing with the expansion of the hospital and putting in sidewalks and bulb outs that we normally we would keep clear of signs and landscaping. Now we have these signs there and so I think this is one example why you do want to permit under some restrictions these signs. Yes it is nice to afford them the ability to place signage that is reasonable for their operations or function. On the other hand we can't allow that to create a public safety issue such as a violation of clear vision.

Garrett Chrostek so I think the procedural aspects of the code is how signs are permitted, how extensions are granted, how variances are approved. What we were aiming for is to have a little more flexibility for small deviations to go through an administrative process where as to make it easier for people to get signs. In some ways the old ordinance prevented some road blocks for not adhering strictly to the ordinance. Mostly small stuff you can authorize and additional 30 days for a temporary sign something along those lines. The repair and maintenance section got a decent overhaul mostly because those two principals were scattered. There were some different requirements for some signs and not for other signs. For most of those for clarity purposes we brought those sections together and treated all signs the same. There is some distinction for existing pole signs in the downtown zone.

Community Development Director Nicholas Snead is the Commission familiar with the concern for the pole signs? When I came to the City in 2008 the current sign ordinance at that time restricted outright pole signs in the downtown. We knew that we already had existing pole signs in the downtown. So in affect they were legal nonconforming signs. At that time we had a provision in the code that said any maintenance to any sign required the sign to be brought into compliance. One of my first challenges that I dealt with was the Busy Bee they had damage to the sign and lights that were out. So reading the ordinance it said sorry Mr. Property owner you need to take down your pole sign. What the City did in response was create this provision that you are seeing in Section 6.1, subsection C. Is to allow pole signs to remain so long as the use of the business did not change.

Garrett Chrostek the last two major sections are the enforcement and the variance procedures. What we have been finding as some of these existing ordinances is being exercised. Is that we have created different procedures for the same process in five or six different ordinances. That is particularly true in enforcement it just creates a headache administratively because in one ordinance you have to do steps xyz, and in the other ordinance you have to do just x and y. What we attempting to do not with just the sign ordinance, but with a lot of our ordinances, is moving all enforcement to a single set of procedures and similarly the variance. We already have good variance procedures in our zoning ordinance we are sticking with one set of procedures for simplicity sake.

Community Development Director Nicholas Snead prior to last year I would have had some concerns for reliance on the variance provisions in the zoning ordinance. The reason was we only allowed one type of variance it was whole cloth as long as you meet these standards you could deviate as much as needed and the Planning Commission would allow. That was problematic because to meet the criteria for that variance was really high. You basically had to show that your circumstances were totally different for you than everyone else that has the same zoning. So what we did in affect is created a minor and a major variance where we can

administratively approve the minor variances. So when we refer to the variance in to the sign ordinance will be processed based on the variance provisions in the zoning ordinance. Please understand there are two different types of classifications of variances. Hopefully that will give you a little better feel on how these will be reviewed. I think as a general idea we are trying to make it simple but also provide some flexibility.

Chair Joel Hessel I don't think we have any further questions and there are no visitors for public comment.

Community Development Director Nicholas Snead I do want to make sure we give Commissioner Krenowicz the opportunity to review the sign ordinance. This is a great opportunity for him to provide representation as he is the Executive Director of the Chamber.

IV. **Planning Commission Assignments to the Transportation System Plan, Project Advisory Committee**

Community Development Director Nicholas Snead the City is updating our Transportation System Plan we have received a grant from ODOT for this project. This is a really important document for planning and development in your community. There is a Public Advisory Committee this advisory committee will be composed of no more than 15 people but really intended to be a general review body for interim work products. We are going to have several meetings. Work will be completed by the consultant before we come to a meeting for the Planning Commission to ask for you to review and approve or have a discussion. To ensure that the proposal for the Transportation Plan generally meets the needs of the community we would like to have a representative body of our community. That would provide guidance to staff and the consultant team when we are developing the plan. We are calling that a Public Advisory Committee so this evening I am asking for the Planning Commission to appoint two members to the Public Advisory Committee. In similarly I will ask the City Council to appoint two members of the City Council.

Commissioner Ali Alire how many meetings go into that?

Community Development Director Nick Snead I cannot answer that question?

Chair Joel Hessel how often will they meet?

Community Development Director Nick Snead once a month at the most so if I had to guess I could give you a range between 5 and 10 meetings.

**A MOTION WAS MADE BY DENISE PIZA TO APPOINT ALI ALIRE AND JOEL HESSEL TO THE PUBLIC ADVISORY COMMITTEE FOR THE TRANSPORTATION SYSTEM PLAN UPDATE. THE MOTION WAS SECONDED BY CHAIR JOEL HESSEL. THE MOTION PASSED UNANIMOUSLY.**

V. **Additional Discussion**

Community Development Director Nicholas Snead I just want to give you a heads up we are planning to meet October 22, 2015 on Thursday at 5:30 at the County Annex. When we met on September 24, 2015 we had a work session and then we met with the County Commission. We will have that same scenario at the County Annex. Michele, can we look into a meal option for the Commission preferably a sack lunch.



**CITY OF MADRAS**  
**Request for Planning Commission Action**

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**Date Submitted:** May 12, 2016  
**Agenda Date Requested:** May 18, 2016  
**To:** Madras Planning Commission  
**From:** Nicholas Snead, Community Development Director  
**Files:** CU-16-2 (Conditional Use)  
HO-16-2 (Home Occupation)  
**Subject:** **Fabian Corona Conditional Use and Home Occupation request for a landscape maintenance in the R-1 zone.**  
**Recommended Decision:** Approve with Conditions of Approval.

**TYPE OF ACTION REQUESTED: (Check One)**

**Formal Action/Motion**                       **No Action - Report Only**  
 **Other**

**OVERVIEW:**

The Fabian Corona (applicant) has requested Conditional Use and Home Occupation approval for a landscape maintenance business that is proposed to be operated out of the residence where the applicant resides (Home Occupation) of which is located in the Single Family Residential Zone (R-1). The subject property is located in the R-1 zone which classifies Home Occupations as a Conditional Use and requires approval from the Madras Planning Commission.

**STAFF ANALYSIS:**

**120-Day Clock**

Quasi-judicial land use decisions are to be made with 120 days from the date the application was deemed complete. The applicant submitted a Conditional Use application on April 11, 2016 and deemed the application completed on April 11, 2016. On May 18, 2106, the land use proposal will be on day 38 of the 120 clock.

**Notice:**

On April 18, 2016 the Community Development Department (Department) notified all property owners within 250 feet of the subject property of the proposed Conditional Use and Home Occupation proposal. On April 18, 2016 the Department provided notice to the Development Team (i.e. agencies) requesting comments. The Department also published a Public Hearing Notice in the April 20, 2016 Madras Pioneer newspaper. Both the adjacent property owner notice and the Public

Hearing notice published in the Madras Pioneer are consistent with the requirements for Public Hearings in Article 9 of the City of Madras Zoning Ordinance, No. 864.

### **Issues**

No comments were formally submitted to the Community Development Department from the public as of May 12, 2016. However, prior to May 12, 2016 a resident of the neighborhood did express concern to the Community Development Director for the location of where the Home Occupation's vehicles and trailers would be parked. Specifically, the resident did express concern for the Home Occupation's vehicles and trailers being parked on the street in front of his residence. In response staff has recommended that the Planning Commission issue a condition of approval that restricts parking vehicles, trailers, and related equipment of the Home Occupation to the subject property or on 9<sup>th</sup> Street directly adjacent to the subject property.

### **Applicable Criteria**

The applicable approval criteria to the proposed land use action are identified in the Recommended Findings and Decision (Attachment 1). These are the basis for the decision that the Planning Commission must legally base its decision for the land use proposal. The proposed Conditional Use is a quasi-judicial land use decision for which the Fabian Corona (applicant) has the burden of proof to demonstrate compliance with the approval criteria. In addition, such land use decisions are to be based on fact. According, the Planning Commission must determine the facts and base its decision on the proposed Conditional Use accordingly. Staff has reviewed the proposed Conditional Use and Home Occupation applications and has made findings of compliance that demonstrate the proposal is consistent with the approval criteria for Conditional Uses and Home Occupations.

Staff notes that Home Occupation permits are administrative land use decisions that the Community Development Department reviews and approves. However because the property is zoned R-1 of which lists Home Occupations as a Conditional Use, Planning Commission approval is required. As such, staff has forwarded the Conditional Use and Home Occupation proposal to the Planning Commission to approve both land use action is one land use decision. This will allow the Planning Commission to review both land use proposals and review the two land use proposals simultaneously. Therefore, any action of the Planning Commission will affect both the Conditional Use and Home Occupation proposals.

### **SUPPORTING DOCUMENTATION:**

Attachment 1: Planning Commission Recommended Findings and Decision  
Attachment 2: Conditional Use applications

### **STAFF RECOMMENDATION:**

The Planning Commission approves Files # CU-16-2 and HO-16-2, based on the Planning Commission Recommended Findings and Decision.

**fCity of Madras  
Community Development Department  
125 SW "E" Street Madras, OR, 97741  
541-475-2344**

**PLANNING COMMISSION RECOMMENDED FINDINGS & DECISION**

**FILES:** HO-16-2 & CU-16-2

**DATE APPLICATION SUBMITTED:** April 11, 2016

**HEARING DATE:** May 18, 2016

**APPLICANT:** Fabian Corona  
491 SE 9<sup>th</sup> Street  
Madras, OR 97741

**PROPERTY OWNER:** Sylvia Verduzco  
491 SE 9<sup>th</sup> Street  
Madras, OR 97741

**PROPERTY OWNER AGENT:** Mario Corona  
491 SE 9<sup>th</sup> Street  
Madras, OR 97741

**LOCATION:** The subject property addressed as 491 SE Ninth Street and is identified as tax lot 8403 on Jefferson County Assessor's Map # 11-13-12BC.

**REQUEST:** The applicant has requested Home Occupation and Conditional Use approval for landscaping maintenance company that will be operated by one of the residents of the dwelling on the subject property.

**ZONING:** Single Family Residential (R-1).

**STAFF REVIEWER:** Nicholas Snead,  
Community Development Director  
541-475-2344, [nsnead@ci.madras.or.us](mailto:nsnead@ci.madras.or.us)

**APPLICABLE ORDINANCE PROVISIONS AND CITY POLICIES**

Note: The City of Madras when issuing a Findings and Decision for a development attempts to list all applicable City ordinances and requirements. However, should the City inadvertently not specify a particular ordinance, policy or standard, that oversight does not relieve the applicant from meeting the requirements from that ordinance, policy or standard, or remove the City's obligation and authority to enforce that ordinance, policy or standard.

1. Chapter 8-12 of the Madras Development Code, Zoning:
  - Article 3 – Land Use Zones
    - Section - 3.1-Single Family Residential (R-1)
    - Section – 3.1.2-Home Occupation
  - Article 4 – Supplementary Provisions
    - Section – 4.10—Illegal Occupancy
    - Section – 4.12—Vision Clearance
  - Article 6 – Conditional Uses
  - Article 9 – Administrative Provisions

**EXHIBITS**

The following exhibits make up the record in this matter and are on file with the Community Development Department and are herein by reference incorporated into this land use decision as approval criteria and findings that support all findings of compliance with the applicable review criteria and conditions of approval.

1. Conditional Use application and supporting information submitted by the applicant on April 11, 2016 and thereafter.
2. April 18, 2016 Adjacent Property Owner Notice.
3. April 18, 2016 Development Team Notice.
4. April 20, 2016 Public Hearing Notice published in the Madras Pioneer newspaper.
5. Comments submitted to the City of Madras Community Development Department regarding the matter as a result of the Adjacent Property Owner and Development Team Notices.

**FINDINGS**

1. **PROPERTY LOCATION:**  
The subject property addressed as 491 SE Ninth Street and is identified as tax lot 8403 on Jefferson County Assessor's Map # 11-13-12BC.
2. **ZONING AND COMPREHENSIVE PLAN DESIGNATION:**  
The subject property is designated and zoned Single Family Residential (R-1) on the City of Madras Urban Area Comprehensive Plan and Zoning Map as shown

in Figure 1 below.

3. **SITE DESCRIPTION:**

The subject property is identified as Lot 5, Block 3, in Subdivision “D” of the Tact Palmain. The property is developed with a single-family detached dwelling. Ninth Street is classified as a Local street in the City of Madras Transportation System Plan. Ninth Street is not improved to City standard, although it is paved and has curbs, it does not have sidewalks or landscaping strip in accordance with City’s Local street standard as specified in the City of Madras Transportation System Plan.

Figure 1. Subject Property and Zoning.

Figure 2. Aerial Photograph of Subject Property.

4. **SURROUNDING LAND USES:**

Table 1 below summaries the surrounding zoning and existing development based on the City of Madras Zoning Map.

Table 1. Surrounding Zoning and Existing Development.

<b>Direction from Subject Property</b>	<b>Existing Zoning</b>	<b>Use/Existing Development</b>
North	R-1	Residential/Single family detached dwelling
South	R-1	Residential/Single family detached dwelling
East	R-1	Residential/Single family detached dwelling
West	R-1	Residential/Single family detached dwelling

5. **PROPOSAL:**

The applicant has requested Home Occupation and Conditional Use approval for a landscaping maintenance business.

6. **APPLICATION ACCEPTANCE DATE:**

The application was submitted on April 11, 2016 and deemed complete on April 11, 2016. These land use decisions were rendered by the Madras Planning Commission on May \_\_, 2016 which is day 35 of the 120 clock.

7. **SITE PLAN REVIEW COMMITTEE COMMENTS:**

On April 18, 2016 the Community Development Department sent notice electronically via email to affected agencies (a.k.a the Development Team) that were provided electronic copies of the materials submitted by the applicant for

review and were asked to provide comments to the Community Development Department by May 28, 2016. Below are the comments that were received.

**City of Madras Public Works:**

The public works department has no comment.

**Jefferson County Fire District, Fire Marshall Requirements:**

No comments received.

**Jefferson County Building Official:**

No comments received.

**Oregon Department of Transportation, William Hilton and Michael Duncan:**

ODOT Planning and ODOT District 10 has no comment.

**Bureau of Reclamation, Nancy Coleman:**

No comments from the Bureau of Reclamation.

**8. PUBLIC COMMENTS RECEIVED:**

No comments were formally submitted to the Community Development Department from the public as of May 12, 2016. However, prior to May 12, 2016 a resident of the neighborhood did express concern to the Community Development Director for the location of where the Home Occupation's vehicles and trailers would be parked. Specifically, the resident did express concern for the Home Occupation's vehicles and trailers being parked on the street in front of his residence.

**CHAPTER 8-9, GENERAL ORDINANCES OF THE CITY OF MADRAS: REGULATING THE PLACEMENT OF SIGNS.**

**ARTICLE 2: BASIC PROVISIONS**

**Section 2.1 Sign Erection, Repair, Etc.:**

**It is unlawful for any person to erect, repair, alter or relocate or maintain within this city, any sign or other graphic except as provided in this ordinance.**

**FINDING:** The applicant's proposal does not include provisions for signs. As such, the applicant shall be required to submit a Sign Permit application for the proposed signage to the Community Development Department prior to installation of any signage on the subject property. The Planning Commission notes that Section 2.6 of the Ordinance No. 693 regulates signage for residentially zoned properties. Planning Commission finds the above stated criterion is satisfied.

**CHAPTER 8-12, GENERAL ORDINANCES OF THE CITY OF MADRAS:  
ESTABLISHING LAND USE ZONES TO REGULATE THE LOCATION OF BUILDING  
STRUCTURES AND THE USE OF LAND WITHIN THE CITY OF MADRAS, OREGON.**

**Section 8-12.2.2. Zoning Application.** Prior to the construction, alteration or change of use for a structure or lot a zoning application may be required from the City Community Development Department.

**FINDING:** The applicant has requested Conditional Use and Home Occupation approval for a landscape maintenance home occupation on the subject property. Such proposal requires a submittal of a Conditional Use and Home Occupation application to the City of Madras Community Development Department for approval. The Planning Commission finds the applicant has submitted the correct applications requesting approval for the proposed development prior to the use occurring.

**Section 8-12.2.3 Time Limit on a Zoning Application.** Authorization of a zoning application shall be void after one (1) year unless a building permit has been obtained and substantial construction has taken place. However, the Community Development Director may extend authorization for an additional period not to exceed one (1) year upon request by the applicant or property owner.

**FINDING:** Given the applicant's ability to meet the imposed conditions of approval, the Planning Commission finds the proposed Home Occupation and Conditional Use will satisfy the stated criteria herein. Such approvals will be void after one-year of the land use decision becoming final if the applicant has not taken the necessary actions to perfect the approvals. If the applicant wishes to extend the land use approval, the applicant shall submit a formal letter to the Community Development Department Director requesting an approval extension in accordance with Section 9.27 of the City of Madras Zoning Ordinance NO. 864.

**SECTION 3.1.2 HOME OCCUPATION. Purpose: To conduct a lawful occupation by the resident(s) of the dwelling.**

**A. Requirements:**

- 1. Home occupation must be operated in the primary dwelling or accessory structure on the same lot by the resident(s) of the dwelling.**

**FINDING:** Section 1.3 of the City of Madras Zoning Ordinance (No. 864) defines a Home Occupation as, "*The lawful occupation conducted in the dwelling or accessory structure by the property owner(s) or person(s) residing in the dwelling.*" Based on the

materials submitted by the applicant, the Planning Commission finds the applicant resides on the subject property and therefore satisfies the definition of a Home Occupation and thereby the above stated standard.

**B. Criteria:**

- 1. Will the operation of the home occupation be conducted in the dwelling or an accessory structure on the lot?**

**FINDING:** Based on the materials submitted by the applicant, the Home Occupation will provide landscape maintenance services off-site from the subject property. Additionally, only administrative functions and storage of vehicles and equipment of the business will be conducted from the subject property and thereby satisfy the above stated standards.

- 2. Will the operation of the home occupation be conducted by a resident(s) of the dwelling?**

**FINDING:** Based on the materials submitted by the applicant, the Home Occupation will be operated by the applicant who is one of the residents of the dwelling on the subject property.

- 3. Will there be employees? Part-time or full-time.**

**FINDING:** Based on the materials submitted by the applicant, the Home Occupation will have one full-time employee, the applicant.

- 4. Will the residential character of the neighborhood change because of the “commercial” nature of the proposal? State how this will not change the residential character.**

**FINDING:** The Community Development Department has provided notice to all property owners within 250 feet of the subject property April 18, 2016. Additionally, a public notice was published in the April 20, 2016 Madras Pioneer newspaper. As of May 12, 2016 no comments from the public have been submitted to the Community Development Department identifying concern for how the proposed Home Occupation will negatively impact adjacent properties (i.e. neighborhood character). However, a resident of the neighborhood did express concern for the location of where the Home Occupation’s vehicles and trailers would be parked. Specifically, the resident did express concern for the Home Occupation’s vehicles and trailers being parked on the street in front of his residence. To address the resident’s concern the Planning Commission recommends that the location vehicles, trailers, and any other related to equipment of the Home Occupation be limited to the subject property or on 9<sup>th</sup> Street directly adjacent to the subject property.

**CONDITION OF APPROVAL:** The location vehicles, trailers, and any other related to equipment of the Home Occupation shall be limited to the subject property or on 9<sup>th</sup> Street directly adjacent to the subject property.

**5. Will traffic increase because of the proposal? State how it will not increase traffic in the residential neighborhood.**

**FINDING:** The Planning Commission finds that the proposed Home Occupation will marginally increase vehicle traffic on 9<sup>th</sup> Street and the surrounding streets that connect to 9<sup>th</sup> Street. This finding is based on the fact that there will only be one (1) employee of the Home Occupation who resides on the property. Therefore, the traffic related to the Home Occupation may increase but it will be very similar to the amount of traffic generated by a single family dwelling. Furthermore, the increased traffic will not affect the capacity of 9<sup>th</sup> Street or the surrounding streets and will not negatively affect the vehicular, bicycle, or pedestrian mobility on 9<sup>th</sup> Street or the surrounding streets.

**6. Will the hours of operation be consistent with the residential character of the neighborhood?**

**FINDING:** Based on the materials submitted by the applicant, the Home Occupation will conduct business between the hours of 8:00 AM to 4:00 PM, Monday through Sunday. To ensure the proposed Home Occupation does not negatively affect the residential character of the neighborhood, the Home Occupation shall have limit the hours of operation to 8:00 AM to 4:00 PM, Monday through Sunday. Based on the applicant's ability to comply with the condition of approval, the Planning Commission finds the proposed Home Occupation has satisfied the above stated standard.

**CONDITION OF APPROVAL:** The Home Occupation shall limit business hours to 8:00 AM to 4:00 PM, Monday through Sunday.

**7. Will not unreasonably interfere with other uses permitted in the residential zone in which the property is located.**

**FINDING:** Based on the materials submitted by the applicant and public comments submitted to the Community Development Department and during the May 18, 2016 Public Hearing, the Planning Commission finds the services provided by the Home Occupation will not interfere with the existing residential uses (i.e. dwellings) in the neighborhood.

**8. The proposal will be consistent with the City of Madras Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies of the city.**

**FINDING:** The Planning Commission finds the proposed Home Occupation is consistent with the City of Madras Comprehensive Plan. The Palmain Subdivision is zoned on the City of Madras Urban Area Comprehensive Plan and Zone Map as Single Family Residential (R-1). Furthermore the City's Comprehensive Plan is implemented by the City's Zoning Ordinance (No. 864) and therefore the proposed Conditional Use and Home Occupation ability to comply with the Zoning Ordinance equates to compliance with the Comprehensive Plan. Based on the applicant's ability to comply with the approve

criteria identified in this land use decision, the proposed Conditional Use and Home Occupation will satisfy the above stated standard.

9. **Taking into account the location, size, design, and operation characteristics of the proposal, the home occupation will not impose any adverse impact on the livability, value, and/or development of abutting properties and the surrounding area.**

**FINDING:** The Planning Commission finds primary use of the property is a single family residence. Based on the materials provided by the applicant, the services provided by the proposed Home Occupation will be provided off-site from the subject property. Furthermore the Planning Commission has imposed a condition of Conditional Use and Home Occupation approval limiting the location of vehicles, trailers, and equipment associated with the Home Occupation, which addresses the concerns of the resident who shared their concern about parking with the Community Development Director. Accordingly, the Planning Commission finds the proposed Home Occupation will not impose any adverse impact on the livability, value, and/or development of abutting properties and the surrounding area.

10. **The proposal will preserve assets of particular interest to the community.**

**FINDING:** The materials submitted by the applicant do not directly address this criterion. As such, the Planning Commission finds that the applicant has satisfied the approval criteria for a Conditional Use and Home Occupation which establishes that the proposed use will not negatively affect the residential character of the neighborhood for which the proposed use is locate. Furthermore the Planning Commission finds that Home Occupations can provide numerous benefits for both home-based workers and the town. Home-based businesses provide useful services and encourage business growth by eliminating the initial need for some small businesses to rent commercial space, an important factor to someone who is just starting a new venture. Working at home also saves commuting and childcare costs and reduces traffic congestion. Home occupations can also provide many people who might be unable to work outside the home (including single parents, the elderly, and the disabled) an opportunity to earn a living. And by creating activity in residential neighborhoods that might otherwise be deserted during the day, home occupations help to reduce crime. Based on these findings the Planning Commission finds the above stated standard to be satisfied.

**Section 8-12.4.10. Illegal Occupancy. Any use of premises or a building, which deviates from, or violates any of the provisions of this ordinance, shall be termed an illegal occupancy and the persons responsible shall be subject to the penalties herein provided.**

**FINDING:** Planning Commission finds the applicant is required to receive Home Occupation approval for the proposed land use. The applicant shall be required to meet

all applicable requirements of the City of Madras' Ordinances relating to the development of the subject property. It shall be a condition of approval that any use of premises or a building, which deviates from, or violates any of the provisions of this ordinance or this land use decision, shall be termed an illegal occupancy and the persons responsible shall be subject to enforcement and penalties of the City of Madras Zoning Ordinance.

**CONDITION OF APPROVAL:** Any use of the premises or building which deviates from, or violates any of the provisions of this ordinance or this land use decision, shall be termed an illegal occupancy and the persons responsible shall be subject to enforcement and penalties of the City of Madras Zoning Ordinance (No. 864).

**Section 8-12.4.11 Vision Clearance.**

**FINDING:** Based on the materials submitted by the applicant, the Planning Commission finds the applicant has not propose any construction or alterations the subject property or dwelling on the subject property. As such, the Planning Commission finds the above stated standard to be satisfied.

**Section 8-12.4.13 Signs. Sign placement and size shall be regulated according to the City's sign.**

**FINDING:** As previously discussed, the applicant does not plan to install signage for the proposed Home Occupation. As such, the Planning Commission finds the above stated standard to be not applicable to the land use action.

**SECTION 3.1 SINGLE FAMILY RESIDENTIAL (R-1).**

**B. CONDITIONAL USES. (Subject to Site Plan Review)**

**1. Home Occupations (see Section 3.1.2) (Planning Commission Review)**

**FINDING:** The Planning Commission finds the applicant has proposed a Home Occupation on a property that is zoned R-1. As stated above, Home Occupations in the R-1 zone are Conditional Use which required Conditional Use approval from the Madras Planning Commission. The Planning Commission finds the applicant has filed a Conditional Use and Home Occupation applications which are the required for the proposed Home Occupation located in the R-1 zone.

**ARTICLE 6: CONDITIONAL USES**

**SECTION 6.1 AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES.**

**A. Conditional Uses listed, or otherwise described in the Zoning Ordinance may be permitted, enlarged or otherwise altered, upon authorization by the Planning Commission in accordance with the standards and conditions in this Article the Planning Commission may elect to forward any request to the**

**City Council for determination. In permitting a Conditional Use or the modification of a Conditional Use, the Planning Commission may impose any additional conditions necessary to protect the best interests of the surrounding property or the City as a whole.**

**B. Standards for granting Conditional Uses are:**

**1. The proposal will be consistent with the Comprehensive Plan.**

**FINDING:** The Planning Commission finds that the City's Comprehensive Plan is implemented by the City's Zoning Ordinance (No. 864) and therefore the proposed Conditional Use and Home Occupation ability to comply with the Zoning Ordinance equates to compliance with the Comprehensive Plan. Based on the applicant's ability to comply with the approve criteria identified in this land use decision, the proposed Conditional Use and Home Occupation will satisfy the above stated standard. As such, the Planning Commission finds the above stated criterion is satisfied.

**2. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use or structure, considering building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations.**

**3. Taking into account location, size, design, and operating characteristics, the proposal, including any proposed conditions of approval, is compatible with and will have a minimal adverse impact on abutting properties and the surrounding area in terms of:**

- a. livability,**
- b. property values, and**
- c. development opportunities**

**FINDING:** The Planning Commission herein by reference incorporates the findings for Home Occupations under criterion 3.1.2(B)(9) on page 9 of this land use decision. Based on these findings and the applicant's ability to comply with the conditions of approval set forth in this land use decision, the Planning Commission finds the proposed Conditional Use and Home Occupation complies with the above stated standard.

**4. The proposal will preserve assets of particular interest to the community.**

**FINDING:** The materials submitted by the applicant do not directly address this criterion. As such, the Planning Commission finds that the applicant has satisfied the approval criteria for a Conditional Use and Home Occupation which establishes that the proposed use will not negatively affect the residential character of the neighborhood for which the proposed use is locate. Furthermore the Planning Commission finds that Home

Occupations can provide numerous benefits for both home-based workers and the town. Home-based businesses provide useful services and encourage business growth by eliminating the initial need for some small businesses to rent commercial space, an important factor to someone who is just starting a new venture. Working at home also saves commuting and childcare costs and reduces traffic congestion. Home occupations can also provide many people who might be unable to work outside the home (including single parents, the elderly, and the disabled) an opportunity to earn a living. And by creating activity in residential neighborhoods that might otherwise be deserted during the day, home occupations help to reduce crime. Based on these findings the Planning Commission finds the above stated standard to be satisfied.

- 5. The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal and is not motivated solely by such purposes as the alteration of property values for speculative purposes.**

**FINDING:** Based on the materials submitted by the applicant, the Planning Commission finds no reason or justification to question the intent or ability of the applicant to open a Home Occupation and comply with the provisions of this land use decision. The Planning Commission finds the applicant will have the capability to use the subject property in a manner that is consistent with the City of Madras Zoning Ordinance, No. 864 and in doing so will satisfy the above stated standard.

- 6. The proposal will not place an excessive burden on sewage, water supply, parks, schools, or other public facilities including traffic flows in the area.**

**FINDING:** The Planning Commission relies upon the City of Madras Public Works Director for determining the impacts of the proposed Home Occupation on the City's sewer, domestic water, transportation, parks and stormwater facilities. The Planning Commission finds the Public Works Director has stated, "The public works department has no comment" and therefore finds there are no impacts to the City's infrastructure that need to be mitigated by the applicant as a result of the proposed use.

- C. In permitting a new Conditional Use the Planning Commission may impose (in addition to those standards and requirements expressly specified by this ordinance) additional conditions, which the Planning Commission considers necessary to protect the best interests of the surrounding area or the city as a whole. These conditions may include, but are not limited to the following:**

- 1. Increasing the required lot size or yard dimension.**
- 2. Limiting the height, size, or location of buildings.**
- 3. Controlling the location and number of vehicle access points.**
- 4. Increasing the street width.**
- 5. Increasing the number of required off-street parking spaces.**

6. **Limiting the number, size, location, and lighting of signs.**
7. **Required diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.**
8. **Designating sites for open space.**

**FINDING:** As previously discussed, a resident has expressed concern for the location where vehicles, trailers, and related equipment will be parked associated with the Home Occupation. To ensure customer parking does not negatively affect the livability and property values of the neighborhood, a condition of approval has been imposed to restrict customer parking to either the subject property or on 9<sup>th</sup> Street directly adjacent to the subject property. Based on the applicant's ability to comply with the imposed conditions of approval, the comments submitted by the Development Team (i.e. agency comments) there is not a need to impose additional conditions of approval related to Section 6.1(C)(1)-(8) for the proposed Conditional Use and Home Occupation. However, the Community Development Director has determined that the applicant has not filed Business License application with the City of Madras as required by the City's Business License Ordinance No. 849. As such, the Planning Commission finds it necessary to impose a condition of approval to require the applicant to obtain a Business License from the City of Madras in accordance with Ordinance No. 849. Based on the applicant's ability to comply with the imposed condition of approval, the Planning Commission finds the above stated criteria are satisfied.

**CONDITION OF APPROVAL:** The applicant to obtain a Business License from the City of Madras in accordance with Ordinance No. 849.

- D. **In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a Conditional Use, any change in the use or in lot area, or an alteration of structure shall conform with the requirements for Conditional Use.**

**FINDING:** Planning Commission has determined that the proposed Conditional Use and Home Occupation did not exist prior to the effective date of the City of Madras Zoning Ordinance No. 874. As such, the Planning Commission finds the proposed Conditional Use and Home Occupation is not required to demonstrate compliance with Section 5.1—Non-Conforming Uses.

**SECTION 6.2 PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE.** The procedure for taking action on a Conditional Use application shall be as follows:

- A. **A property owner may initiate a request for a Conditional Use by filing an application with the City Community Development Department.**

**FINDING:** The Planning Commission finds the applicant has submitted the required Conditional Use and Home Occupation applications, materials, and application fee to the City of Madras Community Development Department and thereby satisfied the above

stated standard.

**B. Before the Planning Commission may act on a Conditional Use application a public hearing shall be held pursuant to Sections 9.3, 9.5 to 9.17.**

**FINDING:** The Planning Commission finds a public hearing for the Planning Commission was held on May 18, 2016 at 7:00 PM at City Hall in the Council Chambers. The Community Development Department has published a Public Notice of the public hearing in the April 20, 2016 Madras Pioneer newspaper at least 21 days in advance of the public hearing. Additionally, Community Development Department has mailed a public hearing notice to all property owners within 250 feet of the subject property on April 18, 2016. As such, the Planning Commission will hold a public hearing for the proposed Home Occupation in a manner that is consistent with Sections 9.3, 9.5 through 9.17 in Article 9 of the City of Madras Zoning Ordinance (Ordinance No. 864) and thereby satisfies the above stated standard.

**C. The decision of the Planning Commission shall be final unless appealed under Section 9.21. An appeal of a Planning Commission decision shall follow the appeals process as outlined in Sections 9.22 and 9.23.**

- 1. The City Council shall review the decision of the Planning Commission on the record without hearing further evidence. The Council shall affirm the decision of the Planning Commission or may modify any conditions of approval made by the Planning Commission.**
- 2. The City Council decision on the Planning Commission action shall be appealed to the Land Use Board of Appeals (LUBA) within twenty one (21) days of the date the City Council decision is mailed.**

**FINDING:** The Planning Commission finds the above stated requirements to be applicable to the proposed Home Occupation.

**SECTION 6.3 TIME LIMIT.** Authorization of a Conditional Use shall be void after one (1) year unless a building permit has been obtained and remains valid. However, a written request to extend the time limit for an additional period not to exceed one (1) year may be submitted to the Community Development Department for scheduling before the Planning Commission for their determination.

**SECTION 6.4 LIMITATION ON REAPPLICATIONS.** No application of a property owner for a Conditional Use shall be considered by the Planning Commission within a one (1) year period immediately following a previous denial of such request.

**FINDING:** The Planning Commission finds the above stated standard to apply to the proposed Home Occupation.

**8-12.9: ARTICLE 9: ADMINISTRATIVE PROVISIONS.**

**Section 8-12.9.2. Land Use Permit:** The words **Land Use Permit**, as used in this Article, means any permitted use of land, other than a building, sign, sanitation or utility connection permit.

**FINDING:** The applicant has requested Home Occupation and Conditional Use approval which is considered to be a Land Use Permit under the definitions of the City of Madras Zoning Ordinance No. 864 and therefore all applicable provisions of the City of Madras development codes applicable to Land Use Permits shall govern development on the subject property.

### **DECISION**

Based on the "Findings" described above, and when the conditions set forth in each "Finding" are met, it has been determined that the proposed Conditional Use and Home Occupation will meet the applicable criteria set forth in the General Ordinances of the City of Madras as herein. Therefore, the City of Madras Community Development Department hereby grants **approval** of CU-16-2 and HO-16-2 (Fabian Corona), subject to the following conditions being satisfied as specified herein. This land use approval is based on the applicant meeting all conditions identified in the section entitled "Findings". Approval is based on the application and materials submitted on April 11, 2016 by the applicant and thereafter, and all items listed under "Exhibits." Any alteration to the approved plans, except modified by the following conditions of approval, may require a modification or a new application.

### **CONDITIONS OF APPROVAL**

1. Any use of the premises or building which deviates from or violates any of the provisions of this ordinance, shall be termed an illegal occupancy and the persons responsible shall be subject to the penalties provided in the City of Madras Zoning Ordinance (No. 864).
2. The Home Occupation shall limit business hours to 8:00 AM to 4:00 PM, Monday through Sunday.
3. The location vehicles, trailers, and any other related to equipment of the Home Occupation shall be limited to the subject property or on 9th Street directly adjacent to the subject property.
4. Customers of the Home Occupation shall either park on Cedar or Beverly Street directly adjacent to the subject property or on the subject property.
5. The applicant to obtain a Business License from the City of Madras in accordance with Ordinance No. 849.

**END OF CONDITIONS OF APPROVAL**

**THIS DECISION BECOMES FINAL FIFTEEN (15) DAYS FROM DATE MAILED UNLESS A WRITTEN APPEAL IS SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT WITH A PAYMENT OF A THE APPEAL FEE AS SPECIFIED IN THE CURRENT CITY OF MADRAS FEE RESOLUTION. FOR MORE INFORMATION ON APPEALS, PLEASE CALL (541) 323-2916.**

**In accordance with Madras Land Development Ordinance (MLDO) Section 9.26, all land use approvals shall be valid for a period of one (1) year unless extended in compliance with Section 9.27 of the MLDO. Such extensions shall be administrative, in writing, and not subject to appeal. Any change or modification will require a new application and approval by the City of Madras Community Development Department.**

\_\_\_\_\_  
**Joel Hessel, Chair  
Madras Planning Commission**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Mailed by  
Nicholas Snead  
Community Development Director**

\_\_\_\_\_  
**Date**

cc: Development Team, Parties of the Record, Files CU-16-2 and HO-16-2.

# CITY OF MADRAS COMMUNITY DEVELOPMENT DEPARTMENT

## CONDITIONAL USE APPLICATION

(To be accompanied by a Site Plan Map and Letter of Authorization, if applicable.)

OFFICE USE ONLY	
FILE #	<u>C4-16-2</u> <u>HO-16-2</u> FEE \$ <u>885.00</u>
ZONING DISTRICT	_____
RECEIPT #	<u>16533981</u>
DATE RECEIVED	<u>4/11/16</u>

The Burden of Proof for Approval of an Application rests with the applicant. You must provide documentation regarding the property and application criteria in sufficient detail and accuracy to enable the department to find that your application complies with the approval criteria.

Please answer the questions as completely as possible.

Legal Description of the Subject Property:

Township 11 Range 13 Section 12BC Tax Lot 8403

Property street address 491 SE 9th Street, Madras, OR

"I have examined all statements and information contained herein, and all attached exhibits, and to the best of my knowledge and belief, they are true and correct. I authorize the City of Madras staff, Hearing's Officers and Planning Commissioners to enter property for inspection of the site in conjunction with this land use application."

### APPLICANT:

Printed Name Fabian Corona

Signature: Fabian Corona Date 4-6-2016

Address: 491 SE 9th St. City/State/Zip: Madras OR - 97741

Phone: 541 419-3973 Email \_\_\_\_\_

### PROPERTY OWNER (if different from Applicant):

Printed Name: Maria

Signature: Maria Corona Date: 4-6-2016

Address: 491 SE 9th St City/State/Zip: Madras OR 97741

Phone: 541 - 475 - 2112 Email \_\_\_\_\_

1. **Proposal** (purpose of this conditional use application 0 be specific and detailed):

Landscape / Handy man business

2. **List all existing structures on the parcel and their use:**

House / attached garage Fenced back yard  
Length-101 Ft. width 50 Ft. Height 19 Ft.

3. **Current Use of Adjoining parcels?**

Residence

4. **Street Access for subject parcel:**

Driveway

5. **Character of Land Including vegetations and topography:**

Residential development + landscape slight slope to back yard

**In Order to Approve a Conditional Use Application, All Required Findings Must Be Met. It Is the Applicants Responsibility to Document Compliance with These Findings.**

6. To Comply with Article 6 of the Madras Land Development Ordinance the following findings must be made: (Please provide sufficient detail when addressing all the issues identified in each listed criteria. Use additional pages as necessary.)

A. The proposed use will be consistent with the goals and policies of the City of Madras Comprehensive Plan (a copy of the Comprehensive Plan is available for review at City of Madras Community Development Department.)

B. The proposed use will be in compliance with other required findings, if any which may be listed in the zone? Residential and business address

C. Please describe why the location, size, design and operating characteristics of the proposed use will have minimal and insignificant adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area.

To provide adequate findings for the criteria, the courts have held that the applicant must identify the characteristics, which create livability in this area. The applicant must then show how the proposal will have a minimal adverse effect on each of these characteristics.

Existing residence to be used as business mailing address

- D. The location of the proposed structure and its use will be as attractive as the nature of the use and its setting warrants. Please Explain:

Existing residence will not be altered in any way

- E. The proposal will preserve assets of particular interest to the community.

No alterations are required neighborhood character will not change

- F. The applicant has a bonafide intent and capability to develop and use the land as proposed and has an appropriate purpose for submitting the proposal and is not solely motivated by the alteration of property values for speculative purposes.

Yes applicant and property owner is capable of obtaining all necessary permits and is able to operate the proposed home occupation. No development required

- G. The proposal will not place an excessive burden on sewer, water, parks, schools or other public facilities including traffic flows in the area.

Business address use only as I carry tools in and work out of my truck

**Return Application To:**

City of Madras  
Community Development Department  
125 SW 'E' Street  
Madras, Oregon 97741

Phone: 541-475-3388

Fax: 541-475-3959

## MAP INSTRUCTIONS AND CHECKLIST

The following checklist identifies the specific information which should be included.

Note: additional information may be required depending on the actual project.

- Provide a Title Report verifying ownership.
- Provide a vicinity map "to scale" on 8 ½ x 11 or 8 ½ x 14 inch white paper.
- Township, Range, Section and Tax Lot number of the subject property (ies) shall be included.
- North arrow, date, and map scale in one inch intervals (1" = 20') shall be noted.
- Illustrate all existing buildings and their sizes.
- The site plan shall be drawn to scale and shall indicate the following:
  - a. Location, size, and height of all existing or proposed structures.
  - b. Location, size, and dimension of existing and proposed setbacks, and all spaces between buildings.
  - c. Adjoining street and right-of-ways.
  - d. Points of access and circulation patterns, loading and maneuvering spaces.
  - e. Off-street parking; showing location of parking areas, number of parking spaces including handicap parking, and type of surface.
  - f. Sidewalks, patios, courtyards, and decks.
  - g. Storm drainage system, including but not limited to, draining and grading plan, existing topography, and elevations.
  - h. Fences, screens, and retaining walls, including heights and materials.
  - i. Existing utilities (i.e. electric, gas, power lines).
  - j. Exterior lighting (show location and general nature).
  - k. Sanitary sewer system or location of septic tank and drainfield (if still using and not connected to city sewer), and the distance the lot is from the nearest sewer connection.
  - l. Water supply (showing size of main, water flow and size of water line).
  - m. Location of existing and, if any, proposed fire hydrants with size and flow data.
  - n. Identify any existing or proposed easements.
  - o. Proposed public improvements.
  - p. Sign (if existing, location and size). Any new or sign alteration will require a sign application to be submitted to the Community Development Department for approval.
  - q. Give intended type of occupancy for the structure (i.e. assembly, educational, manufacturing, processing, storage and type of contents).
  - r. List all existing or proposed conditions that could be hazardous to life and property from fire or explosion (i.e. storage of: liquefied petroleum gas, flammable or combustible liquids, explosives and blasting agents).
- Provide Building Elevations; five full sized copies of each and one reduced (8.5x11 or 11x17) copy of each. → or pictures of property from the street
- Provide a Landscaping Irrigation Plan where a minimum of fifteen percent (15%) of the total lot area shall be landscaped and of the 15:
  - a. At least seven percent (7%) of the parking lot area shall be landscaped. Trees shall be planted at a ratio of one tree per ten (10) parking spaces to achieve a canopy effect over fifty percent (50%) of the lot area.
  - b. Landscape buffers are required between parking areas and streets and shall have a minimum width of three (3') feet.
  - c. Landscape buffers between parking abutting a property line shall have a minimum width of three (3') feet.
  - d. Front or exterior yard landscaping may not be submitted for the interior landscaping required for interior parking stalls.
  - e. There shall be a minimum distance of five feet (5') between parking areas and adjacent residential lots.
  - f. Landscape buffers shall consist of evergreens, ground cover and shrubs mixed with a variety of flowering and deciduous plant species of trees and shrubs.
  - g. Landscaping in a parking or loading area shall have a width of not less than five feet (5'). Landscaping in a parking lot or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
  - h. Landscaping shall be continuously maintained and replaced as necessary.
- Provide three copies of the floor plan for each building, plus one reduced (8.5 x 11 or 11x17). Include the class of construction.
- Identify the location and direction of all water courses and drainage ways, as well as the location of the 100-year floodplain, if applicable.
- Illustrate all proposed new construction with dashed lines (include dimensions).
- Provide a Trip Generation statement prepared by a professional transportation planner or equivalent. Note if more than 200 ADT result (or at the discretion of the City Engineer), a Traffic Impact Study may be required.
- Illustrate the existing or proposed location, height, and material of all fences and walls.
- Illustrate existing or proposed trash and garbage container locations, including screening.
- Illustrate drainage plans. Surface drainage shall be contained on-site.

CITY OF MADRAS  
COMMUNITY DEVELOPMENT DEPARTMENT

HOME OCCUPATION  
APPLICATION

(To be accompanied by a Plot Plan Map,  
and Letter of Authorization, if applicable.)

OFFICE USE ONLY	
FILE # _____	FEE \$ <u>0</u>
RECEIPT # _____	RECEIVED By _____
ZONING _____	DATE RECEIVED _____

Legal Description of the Subject Property:

Township	Range	Section	Tax Lot
<u>11</u>	<u>13</u>	<u>128C</u>	<u>8402</u>

Property address: 491 S.E. 9<sup>th</sup> Street, Madras, OR

I have examined all statements and information contained herein, and all attached exhibits, and to the best of my knowledge and belief, they are true and correct. I authorize the City of Madras staff, Hearing's Officers and Planning Commissioners to enter property for inspection of the site in conjunction with this land use application.

APPLICANT:

Printed Name: Fabian Corona

Signature: Fabian Corona Date: 4-6-2016

Address: 491 S.E. 9<sup>th</sup> St. Phone: 541-419-3973

City/State/Zip: Madras OR 97741 Fax: \_\_\_\_\_

PROPERTY OWNER (if different from Applicant)

Printed Name: Mario

Signature: Mario Corona Date: 4-6-2016

Address: 491 S-E - 9<sup>th</sup> St Phone: 541-475-2112

City/State/Zip: Madras OR 97741 Fax: \_\_\_\_\_

\*\*\*\*\*  
 DEFINITION OF HOME OCCUPATION  
 \*\*\*\*\*

A home occupation is a lawful occupation carried on by a resident of a dwelling as an accessory use within the same dwelling, provided: (a) there is no person employed other than the resident of the dwelling, and (b) the occupation is carried on in such a manner as not to impart the outward appearance of a business in an ordinary meaning of the term, or cause or lead to unreasonable increase of the flow of traffic in the neighborhood or production of noise or other forms of environmental pollution.

\*\*\*\*\*  
 REQUIRED INFORMATION  
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1. Describe in detail the type of business proposed and who will be operating the home occupation.  
Various landscape and other manual labor for customers.  
To be operated by Fabian Corona 7 days per week.
2. Days of the week the Home Occupation will operate 7 days per week.
3. Hours of the day, the Home Occupation will operate 8 am to 4 pm  
 Projected number of customers: Per Day 0 Per Week 0  
 Number of shipments/deliveries: Per Day 0 Per Week 0  
 By what method will shipments/deliveries be arriving/sent: no deliveries - not applicable.
4. Will any vehicles or equipment used in the business be parked on the property overnight or when not in use? Yes If yes, indicate the type and number of vehicles and/or equipment: One pickup truck occasionally
5. Will any vehicles or equipment used in the business be parked in the Street/ No
6. If a sign is proposed, a separate application must be submitted and shall comply with City of Madras Sign Ordinance. Will signage be installed on the property for the Home Occupation? No  
 If yes, how many and what are the dimensions of each sign? \_\_\_\_\_
7. How many parking spaces will be provided for customers of the Home Occupation? None - Not applicable
8. Will the Home Occupation be operated in such a manner as not to impart the outward appearance of a business in an ordinary meaning of the term, or cause or lead to unreasonable increase of the flow of traffic in the neighborhood or production of noise or other forms of environmental pollution?

Explain how your proposal will comply with this standard:

Yes, business address only. No customers or equipment will be on property.

9. Will the home occupation will not interfere with existing uses on nearby land or with uses permitted in the zone in which the property is located? If yes, explain how will not interfere

Describe the uses on the adjacent lands to the: Residential

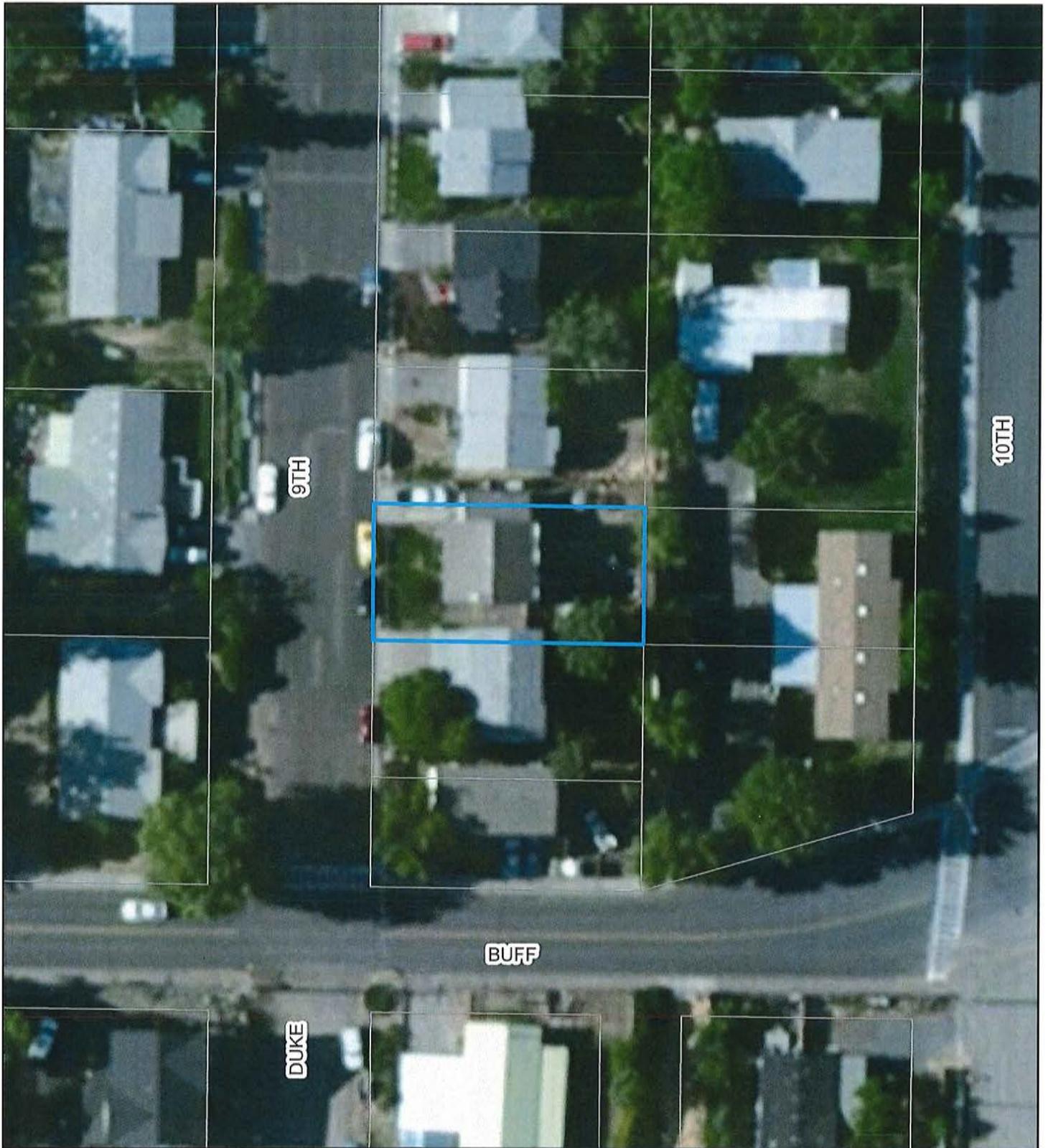
North: residence  
South: residence  
East: residence  
West: street / residence

10. The applicant must show that the location, size, design, and operating characteristics of the proposed home occupation will have minimal adverse impact on the livability, value, or appropriate development of abutting properties or the surrounding area.  
*Existing structure with no changes*
11. The use must be operated in the lawfully established dwelling and in the zone in which the property is located. Construction of any structure that would not otherwise be allowed in the zone or that is inconsistent with the home occupation standards is not authorized.

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Return Application To:  
City of Madras  
Community Development Department  
125 SW 'E' Street  
Madras, Oregon 97741  
Phone: 541-475-3388  
Fax: 541-475-3959

# 491 S.E. 9th Street, 11-13-12BC-8403



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 = 50 feet

N.Snead, City of Madras, 4/6/2016



