



CITY OF REDMOND

CITY HALL
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REDMOND, OR 97756
541.923.7710
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redmondoregon.gov

NUISANCE APPEALS BOARD July 7, 2026 Council Chambers • 411 SW 9th Street

NAB MEMBERS

Anne Graham
Member

Elizabeth Marshall
Member

Ben Schimmoller
Member

JULY 7, 2026

MEETING AGENDA

5:00 PM

- I. CALL TO ORDER / INTRODUCTIONS**
- II. ELECTION OF OFFICERS**
 - A. Chair
 - B. Vice Chair
- III. PUBLIC HEARINGS**
 - A. Dry Canyon Club Zoning Code Violation, Case No. CE #26-704
- IV. ADJOURN**

Regular Council meetings are broadcast live on COTV11 – BendBroadband Channel 11 beginning at 6:00 p.m. on the 2nd and 4th Tuesdays of each month. Rebroadcasts are scheduled for the non-meeting Tuesdays at 6:00 p.m.

The City of Redmond encourages all citizens to participate in its programs and activities. This meeting location is accessible to people with disabilities. Requests for accommodation may include sign language interpreter service, assistive listening devices, materials in an alternate format or any other accommodation. If any accommodations are needed, please contact the ADA Coordinator at 541-504-3036 or access@redmondoregon.gov. Requests should be made as soon as possible, but at least 3 business days prior to the scheduled meeting.

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



CITY OF REDMOND
Community Development Department

411 SW 9th Street
Redmond, OR 97756
541-923-7724

www.redmondoregon.gov

NUISANCE APPEALS BOARD

Council Chambers | 411 SW 9th Street Redmond, OR 97756
Tuesday, July 7, 2026 5:00 PM

Oral comments can be provided in-person or virtually. For those who plan to provide oral comments virtually during the meeting, pre-register at planredmond@redmondoregon.gov (must pre-register before 3:00 PM on July 7, 2026)

Agenda

NAB Members	
Anne Graham	I. CALL TO ORDER / INTRODUCTIONS
Elizabeth Marshall	II. ELECTION OF OFFICERS a. Chair b. Vice Chair
Ben Schimmoller	III. HEARING a. Dry Canyon Club Zoning Code Violation, Case No. CE #26-704
Alternate Vacant	<i>Citizen comments will be limited to a time limit per person set by the Chair</i>
Alternate Vacant	IV. ADJOURN
	<p>Please note that these documents are also available on the City's website www.redmondoregon.gov. You may also request a copy from City Records Office 541-923-7751 or email Kelly.morse@redmondoregon.gov</p> <p>The City of Redmond encourages all citizens to participate in its programs and activities. This meeting location is accessible to people with disabilities. Requests for accommodation may include sign language interpreter service, assistive listening devices, materials in an alternate format or any other accommodation. If any accommodations are needed, please contact the ADA Coordinator at 541-504-3036 or access@redmondoregon.gov. Requests should be made as soon as possible, but at least 3 business days prior to the scheduled meeting. The City of Redmond does not discriminate on the basis of disability status in the admission or access to, or treatment, or employment in, its programs or activities.</p>

DRY CANYON CLUB – APPEAL TO NUISANCE APPEALS BOARD

HEARING DATE: July 7, 2026 at 5:00 PM in Redmond City Hall Council Chambers and via digital conference (GoTo Meeting)

HEARINGS BODY: Nuisance Appeals Board

CASE NUMBER: CE #26-704

FILE NAME: Dry Canyon Club Zoning Code Violation

LOCATION: 1865 NW Hemlock Avenue, Redmond, OR

RESPONDENT: Mark Merrick, Rob Littleton, David Allen

PROPERTY OWNER: Globo Cobra Partners, LLC

REVIEWING STAFF: Kyle Roberts, AICP, Planning Director
Keith Leitz, City Attorney

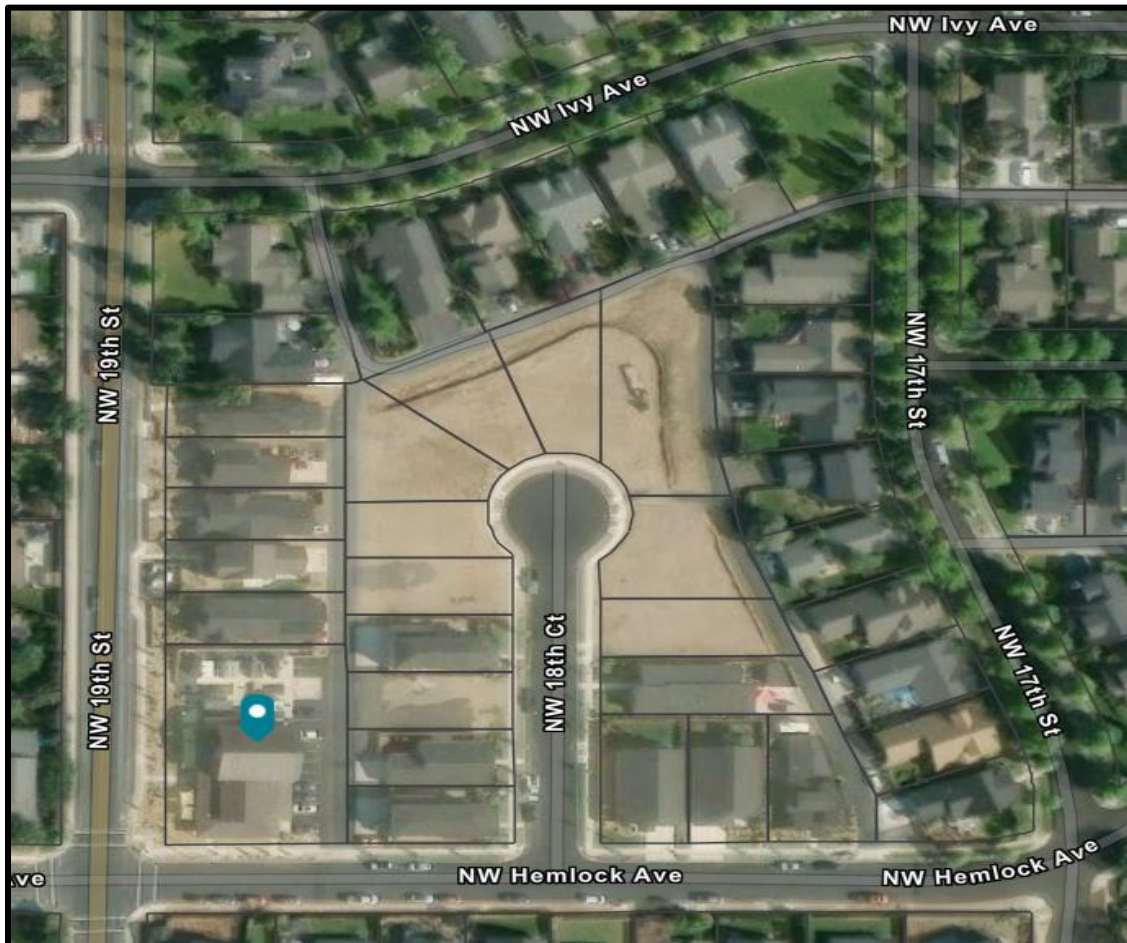


Figure 1 – Dry Canyon Club located at the corner of NW 19th St. & NW Hemlock Ave. in Canyon Rim Village neighborhood.

I. SUMMARY

The Dry Canyon Club, a taphouse and food cart venue located at the corner of NW 19th Street and NW Hemlock Avenue, began business operation in summer 2025. After receiving numerous complaints from citizens, primarily related to parking, the City issued Dry Canyon Club a notice of zoning code violation on May 19, 2026. The nature of the code violation is an unpermitted expansion of use of the Dry Canyon Club that has resulted in an under-parked business. On June 15, 2026, the respondent and owner of the Dry Canyon Club, Globo Cobra Partners, LLC, filed an appeal to the Nuisance Appeals Board, appealing the City's determination of the violation. Per Redmond Code, the Board is tasked with issuing a decision within ten days after the hearing, and the decision shall be the final action of the City.

II. BOARD COURSE OF ACTION

Redmond Code Section 2.500 tasks the Nuisance Appeals Board with issuing decisions regarding appeals under the code violations and nuisances sections of Redmond Code.

The decision the Board must make is whether the Dry Canyon Club has violated the City's zoning code by expanding its approved use without providing additional off-street parking spaces.

If the Board determines that the Dry Canyon Club has violated the City's zoning code, the Board shall also determine the amount of any administrative penalty and the start date of the daily penalty that will accrue until the violation is corrected.¹

III. BACKGROUND

Site Description:

The Dry Canyon Club (DCC) is a taphouse and food cart venue located at 1865 NW Hemlock Avenue – comprised of three lots at the corner of NW 19th Street and NW Hemlock Avenue. The subject property is located within the commercially-zoned (C-4, Limited Service Commercial Zone) phase of the Canyon Rim Village subdivision.

Land Use History:

Phase 11 of Canyon Rim Village was platted (i.e., lots created) in 2022. Owners of DCC, Globo Cobra Partners, LLC, purchased the subject property in 2023 and applied for a Site and Design land use application to construct a 5,704 square foot two-story building with food carts. The building's first floor is 3,784 square feet and includes a taphouse and associated uses (e.g., coolers, restrooms, coffee bar, cashier space). The second floor is 1,920 square feet and includes leasable office space and storage.

The land use decision, issued on October 30, 2023, approved a specific required number of off-street parking spaces commensurate with square footage of uses and in accordance with the Redmond Code off-street parking requirements.² The total required 16 off-street parking spaces were calculated based on the square footage of taphouse seating area and leasable office space.³ These are shown in the

¹ Redmond Code Section 2.501(3)(B)

² Dry Canyon Commons, Land Use File No. 711-23-000218-SP

³ At the time of land use application submittal, the Redmond Code did not contain off-street parking standards for food carts; however, the applicant explicitly stated in their burden of proof narrative that seating for food cart customers would be included within the space for taphouse seating.

applicant’s burden of proof narrative (Exhibit A), site plan (Exhibit B), and staff findings (Exhibit C).

Redmond Code Section 8.500 establishes the standards for the number of off-street parking spaces each use must provide. The land use decision identified leasable office space of 1,154 square feet and 1,390 square feet for the taphouse. Per Section 8.500, the following calculations resulted in the required off-street parking spaces. Additionally, the off-street parking calculations are based entirely on square footage of net floor area, not on number of chairs or tables.

Proposed use	Land use based on Redmond Code	Parking standard	Required off-street parking spaces
Office space (1,154 sq. ft.)	Office	1 space per 300 sq. ft. of net floor area ⁴	4 spaces
Taphouse (1,390 sq. ft.)	Eating & drinking establishment	1 space per 100 sq. ft. of net floor area ⁴	14 spaces
Bicycle parking (10 spaces)	--	Credit for 1 vehicular parking space per 5 bicycle parking spaces ⁵	(2 spaces)

TOTAL SPACES: 16

In compliance with the land use approval, DCC constructed 16 off-street parking spaces and 10 bicycle parking spaces. DCC was approved for a business license in April 2025 and opened to the public in July 2025.⁶

IV. CODE VIOLATION

In early 2026, the City received numerous complaints from citizens about the impacts that the Dry Canyon Club was having on the Canyon Rim Village neighborhood and general vicinity. Most notably, these included noise complaints, DCC customer use of the neighborhood’s private alley, and DCC customer on-street parking in and throughout the neighborhood.

Noise complaints are handled and have been addressed by the Redmond Police Department. Use of the private alley adjacent to the DCC is a private matter that falls under the jurisdiction and regulation of the Canyon Rim Village Homeowners Association. However, in May, the City’s Community Development Department found that the customer seating area at DCC had greatly expanded (Exhibit D) and determined there was a zoning code violation. The expanded seating area constitutes an expansion of use (i.e., expansion of customer capacity of the taphouse and food carts) without an increase in the number of off-street parking spaces to accommodate the added capacity of the use. The result has been an under-parked business where a number of DCC customers are having to park on-street in and around the Canyon Rim Village neighborhood.

Land Use Impacts:

The DCC is a commercial use wholly surrounded by residential uses. Although Phase 11 of Canyon Rim Village was planned to include a commercial element, it is imperative that the different land uses co-exist without any major issues.

⁴ Redmond Code Section 8.020 defines *Net Square Footage* as gross square feet of a building less common areas and interior walls. Common areas include stairwells, elevators, storage areas, computer server rooms, other shafts, lobbies, underground parking, and similar kinds of uses.

⁵ Redmond Code Section 8.510(1)(D) allows up to 10 bicycle parking spaces / two vehicular parking spaces credit.

⁶ Dry Canyon Club, Business License No. BUSN-25-140

Chapter 8 of the Redmond Code is the City’s development code that regulates development within the city. A significant portion of development is regulated through zoning. The purpose of the City’s zoning standards are, among several objectives, to protect the character and values of land and buildings and to enhance the quality of the desired environment by assuring the provision of necessary off-street parking spaces for vehicles.⁷ Moreover, the standards are intended to assure satisfactory physical relationships between districts of different use characteristics and among uses of various types and to minimize conflicts among land uses.⁸

It is clear that the under-parked DCC conflicts with the purpose and objectives of the City’s zoning code standards. It is estimated that the DCC seating area has doubled and as a result DCC is unable to provide adequate off-street parking for its customers. Presumably half of DCC customers rely on on-street parking in and around the residential neighborhood. Although, on-street parking is open to the public, it is not intended to provide the majority of parking needs for any one property.

Timeline and Procedure:

Redmond Code Section 8.805 establishes the enforcement provisions of the City’s zoning code. Section 8.805(4) states that the enlargement of use of any zoning standards or those conditions and limitations approved pursuant to the provisions of the zoning standards shall be deemed a nuisance and may be subject to abatement, removal, or other remedy provided in the City’s nuisance code under Section 5.345 et seq.

On May 19, 2026, City staff met with the owners of DCC to hand-deliver and explain the notice of zoning code violation (Exhibit E). DCC had ten days to correct the violation or provide a response specifying the basis for a protest. On May 28, 2026, the City received a protest of the City’s determination from DCC’s attorney, David Allen (Exhibit F). The City then sent, via certified mail, a final determination of zoning code violation on June 5, 2026 (Exhibit G), in which David Allen delivered a notice of appeal to the Nuisance Appeals Board on June 15, 2026 (Exhibit H).⁹

V. EXHIBITS

The following exhibits are included herein by reference and are located in the record for this matter and are on-file with the Community Development Department:

- Exhibit A – File No. 711-23-000218-SP, Burden of Proof, Page 4
- Exhibit B – File No. 711-23-000218-SP, Site Plan Excerpt
- Exhibit C – File No. 711-23-000218-SP, Approved Decision, Page 9
- Exhibit D – Photos, dated June 2026, and approximate location of expanded seating areas
- Exhibit E – Notice of Zoning Code Violation Letter, May 19, 2026
- Exhibit F – Response to Notice of Zoning Code Violation Letter, May 28, 2026
- Exhibit G – Zoning Code Violation Final Determination Letter, June 5, 2026
- Exhibit H – Notice of Appeal to Nuisance Appeals Board Letter, June 15, 2026
- Exhibit I – Written Public Comments

VI. CITY STAFF RECOMMENDATION

As presented in this staff report, City staff concludes that the Dry Canyon Club has violated its approved land use decision and is therefore considered a violation to the City’s zoning code. As such,

⁷ Redmond Code Section 8.010(1)(D)

⁸ Redmond Code Section 8.010(4)

⁹ The procedure for abating a public nuisance is outlined in Redmond Code Section 5.350(1).

Redmond Code Section 8.805(7)(A) states that any violation of the zoning code shall be a Class A administrative infraction with a cost of \$500.¹⁰ Staff recommends that Globo Cobra Partners, LLC be cited a Class A administrative infraction.

Furthermore, Redmond Code Section 2.501(3)(B) requires that if the Board concludes that the violation occurred, the decision shall also include the amount and starting date of the daily penalty that will accrue until the violation is corrected. Staff recommends that the Class A administrative infraction amount of \$500 be assessed daily beginning Friday, July 17, 2026, until the violation is corrected.

Correction of the violation would entail: 1) Removing all the outdoor seating and allow seating only within the 1,390 square foot footprint approved with the land use decision; or 2) Providing additional off-street parking spaces commensurate with the additional outdoor seating areas introduced.

¹⁰ City of Redmond Fee Schedule, Item #7.10.02.3.

3. All other vehicular intersections, the minimum clear vision distance shall be 15'.

RESPONSE: Clear vision areas have been established and incorporated into the design at the alley access to the site. This standard is met.

Redmond Development Code, Section 8.0310 Exceptions to Clear Vision Areas. The following are exempt from clear vision area compliance:

1. Post or column
2. Tree trunk (clear of branches or foliage)
3. Safety signage
4. Telephone or power poles

RESPONSE: This section is advisory.

8.0500-5, Off-Street Parking and Loading

Parking space requirements are based on the following standards according to the use (note: all required handicapped parking is included in the parking standards within these charts). Manufacturing, warehousing, and other industrial uses may base the number of required parking spaces on the number of employees. When the number of employees is specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season.

RESPONSE: For an eating and drinking establishment, (1) parking space per 100 net square feet of building area is required. 1160 sf is proposed for the taphouse and food cart seating, 12 parking spaces are required for this use. For an office, (1) parking space per 300 net square feet of building area is required. 1,154 sf is proposed for the office use, 4 parking spaces are required for this use. The remainder of the building floor space is to be used for storage. Additionally, 10 bicycle spaces are proposed which provides two parking space credits. The total required parking is 14 spaces. 16 parking spaces are proposed including one ADA space with a loading zone. This standard is met.

8.0505 Off-Street Parking and Loading. General provisions are as follows:

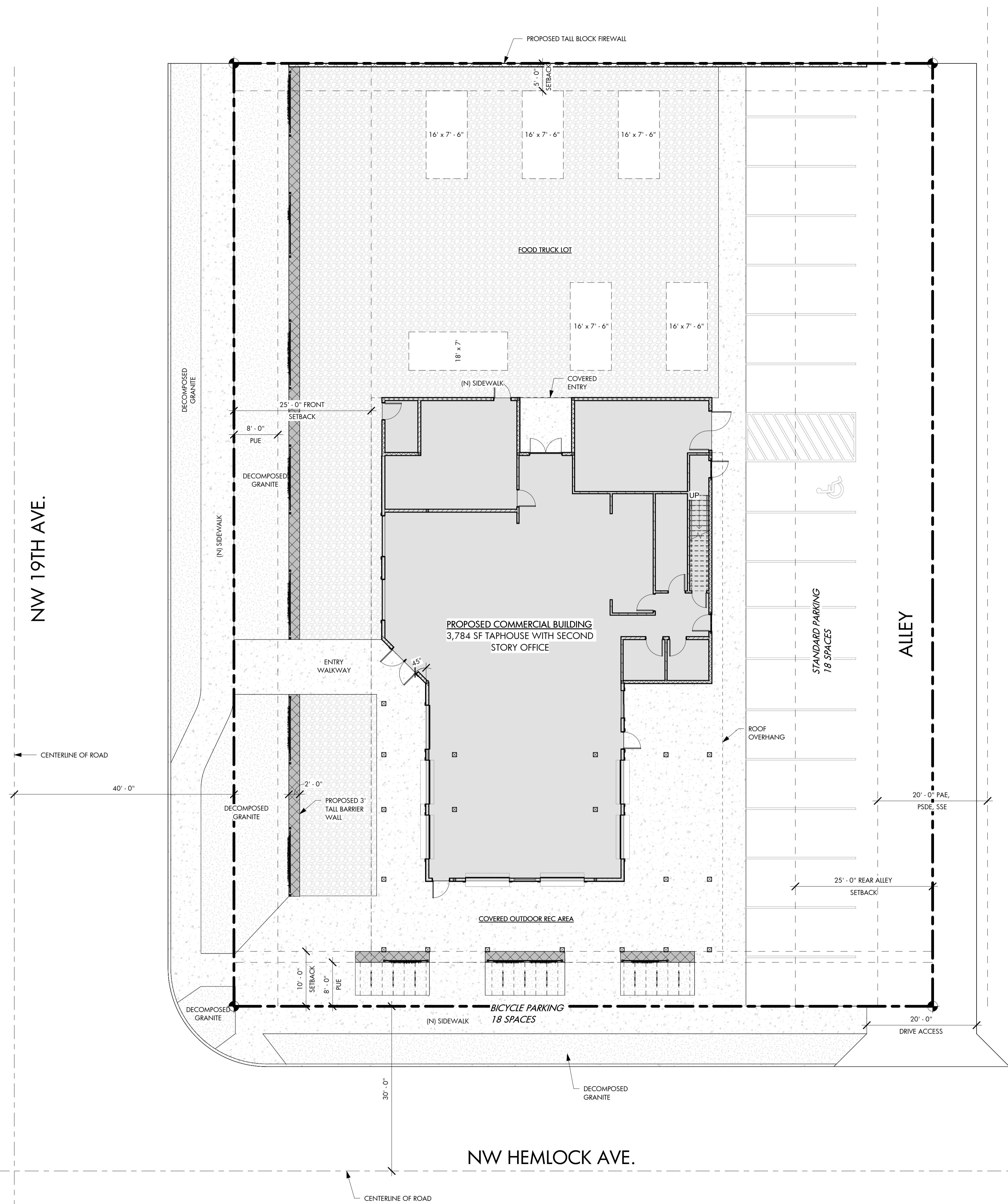
1. The provisions and maintenance of off-street parking and loading spaces is the continuing obligation of the property owner. Should the owner or occupant of any lot or building change the use to which the lot or building is sited, thereby increasing off-street parking or loading requirements, this section must then be complied with. Businesses within the Central Business District (C-2 zone) shall be exempt from this provision if there is an existing building on the subject site that prevents the addition of on-site parking. Expansions of buildings in the C-2 zone however must comply with this section.

RESPONSE: The provisions and maintenance of off-street parking and loading spaces is the continuing obligation of the property owner and the owner will maintain the off-street parking area. This standard is met.

2. Requirements for types of buildings and uses not specifically listed in these standards shall be determined by the Community Development Director or Hearings Body based upon the requirements for comparable uses listed.

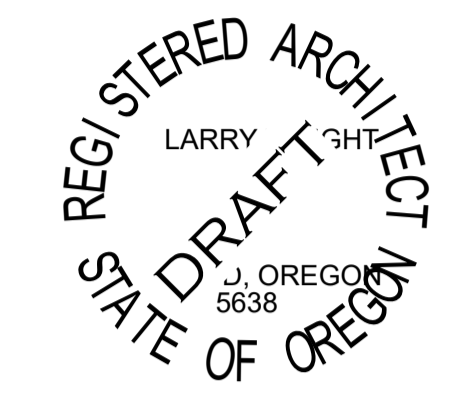
RESPONSE: The proposed food cart development is not specifically listed in the standards for eating establishments as this is a new type of development within the City. The

EXHIBIT B



SITE PLAN LEGEND

- PROPOSED STRUCTURE
- SIDEWALK PAVING
- DECOMPOSED GRANITE
- DECORATIVE CRUSHED ROCK
- PROPOSED SHORT BLOCK BARRIER WALL
- PROPERTY LINE
- SETBACK LINE
- TELEPHONE LINE
- SANITARY SEWER LINE
- GAS LINE
- WATER LINE
- OVERHEAD LINES
- POWER
- SITE FENCE 100'
- EXISTING CONTOUR 100'
- PROPOSED CONTOUR
- NEW TREE - SEE CIVIL
- NEW SHRUB - SEE CIVIL
- POWER POLE
- WATER METER
- PROPERTY CORNER MARKER
- PARKING COUNT



PROJECT #
2304

DRAWING

SITE PLAN

PROJECT

DRY CANYON CLUB
1865 NW HEMLOCK AVE.
REDMOND, OR 97756

REVISION

DATE REVISIONS

ISSUE DATE

10/6/2023

SHEET

A1.1



TEKNEEK
ARCHITECTURE
498 SE 6TH, SUITE 3
REDMOND, OR 97756
541.788.2006



GENERAL NOTES:

1. DETAIL CALLOUTS ARE TYPICAL WHERE OCCUR.
2. SEE A0.4 FOR TYPICAL BUILDING ASSEMBLIES
3. SEE A3.1 AND A3.2 FOR TYPICAL UNIT LAYOUT AND CEILING PLANS
4. DIMENSIONS ARE TO FACE OF STRUCTURAL FRAMING COMPONENT OR CENTER LINE OF DOOR/WINDOW OPENING U.N.O.
5. ALL WOOD IN CONTACT WITH CONCRETE TO BE PRESSURE TREATED.
6. ALL TUB AND SHOWER ENCLOSURES ARE TO BE GLAZED WITH SAFETY GLASS.
7. WINDOW SIZES AND ROUGH OPENINGS TO BE VERIFIED BY THE CONTRACTOR.
8. EACH BEDROOM TO HAVE A MINIMUM WINDOW OPENING OF 5.7 SQ. FT. WITH A MINIMUM WIDTH OF 20 INCHES AND A SILL LESS THAN 44 INCHES ABOVE FINISH FLOOR.
9. ALL WINDOWS WITHIN 18 INCHES OF THE FLOOR AND WITHIN 24 INCHES OF ANY DOOR ARE TO HAVE TEMPERED GLAZING.
10. SMOKE & CARBON MONOXIDE COMBO DETECTORS TO BE INTERCONNECTED AND POWERED BY PREMISE WIRING AND HAVE BATTERY BACKUP. LOCATE PER CODE. SHOWN ON PLAN FOR REFERENCE.
11. BATHROOMS AND UTILITY ROOMS ARE TO BE VENTED TO THE OUTSIDE WITH A FAN CAPABLE OF PRODUCING A MINIMUM OF AIR EXCHANGES PER HOUR. RANGE HOODS ARE ALSO TO BE VENTED TO THE OUTSIDE.
12. INSULATE PIPES IN EXTERIOR WALL AND SEAL ALL SURROUNDING GAPS IN FRAMING/STUD CAVITY.

PROJECT #

2304

DRAWING

LEGEND - WALL ASSEMBLIES

- EXTERIOR - 2x6 FRAMED WALL @ 16" O.C. (INTERMEDIATE FRAMING)
- EXTERIOR SIDING O/
- HOUSE WRAP OR WRB O/
- SHEATHING PER STRUCTURAL
- WOOD STUD FRAMING
- R-21 BATT INSULATION (THERMAL)
INTERIOR SIDE:
- 5/8" OR 1/2" GWB O/
- CLASS II VAPOR RETARDER (ORSC R318.1)
- INTERIOR FURRED - 2x6 WOOD WALL
- 1/2" GWB FINISH SIDE O/ FRAMING
- 2x6 WOOD STUD @ 24" O.C.
- INTERIOR - 2x4 WOOD PARTITION WALL
- 1/2" GWB EA. SIDE O/ FRAMING
- 2x FRAMING @ 24" O.C.

FIRST FLOOR PLAN

PROJECT

DRY CANYON CLUB
1865 NW HEMLOCK AVE.
REDMOND, OR 97756

REVISION

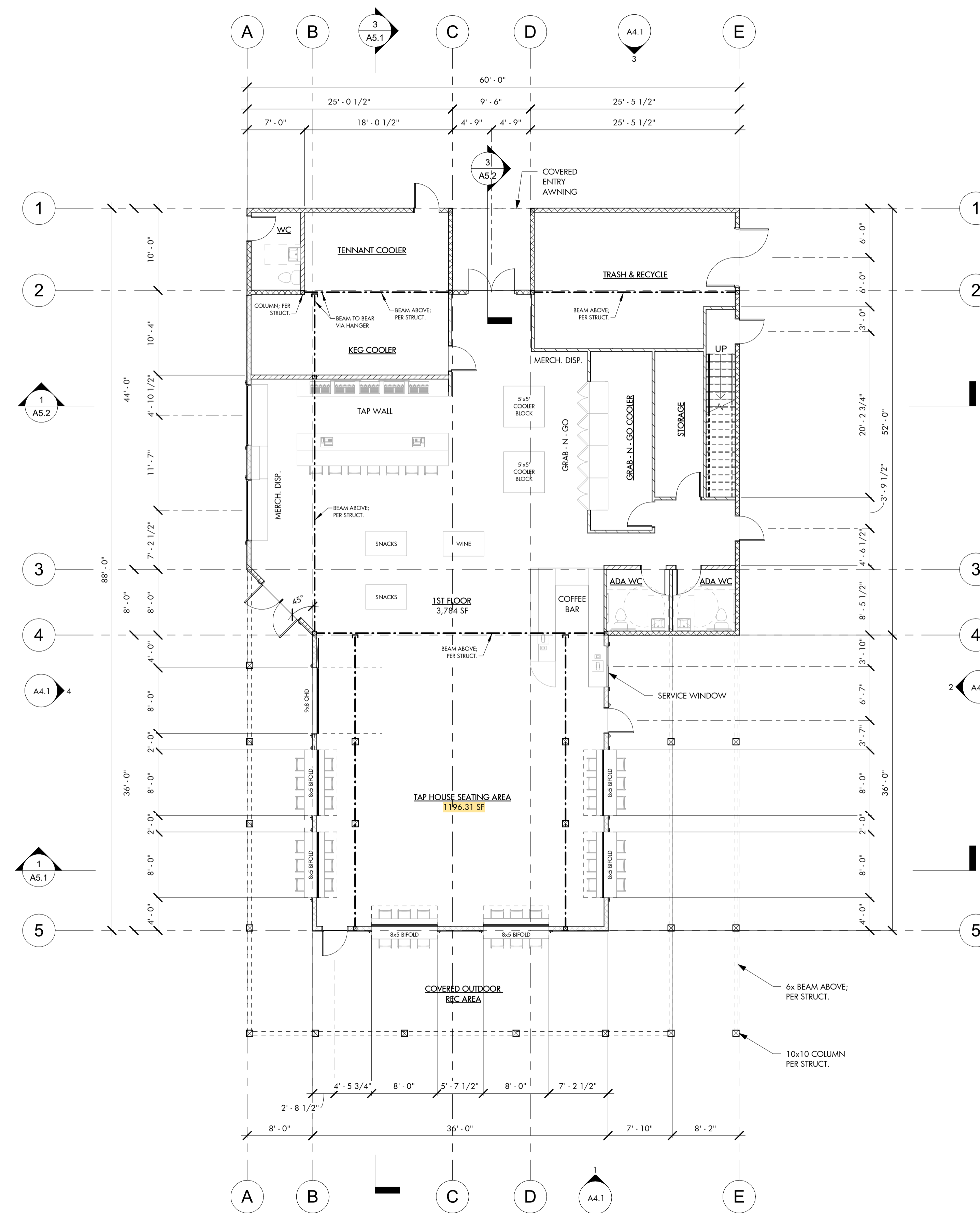
△ DATE REVISIONS

ISSUE DATE

10/4/2023

SHEET

A2.1



1 FIRST FLOOR
1/8" = 1'-0"

2. Redmond Development Code, Section 8.0305-8.0310, Establishment and Measurement of Clear Vision Areas.

In all zones, on all corners of all building sites adjacent to the intersection of two streets or of a street and an alley, within a triangle formed by the street curb of such building site (ignoring any corner radius) and a line drawn between points on such street lines at designated distances from the intersection thereof, there shall be no fence, wall, hedge, or building higher than three feet nor any obstruction to vision other than a post column or tree trunk (clear of branches or foliage) between a height of three feet and a height of eight feet above the level of the curb, or of the level of the above mentioned point of intersection if the streets are sloping.

A clear vision area shall consist of a triangular area two sides of which are lines measured from the corner intersection of the street curb lines for a distance specified in this regulation, or, where the curb lines have rounded corners, the lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides. The following measurements shall establish clear vision areas within the city:

- (1) At an intersection of two streets, the minimum distance shall be 25 feet.
- (2) At all other intersections, including street to alley and street to private driveway intersections, the minimum distance shall be 15 feet.

FINDING: Maintenance of the clear vision areas is a standard condition of approval. The applicant can meet this standard by complying with condition of approval 8.

3. Redmond Development Code, Chapter 8, Article I, Section 8.0500

8.0500 Off-Street Parking. Parking space requirements are based on the following standards according to the use (note: all required handicapped parking is included in the calculation derived parking standards within these charts). Manufacturing, warehousing, and other industrial uses may base the number of required parking spaces on the number of employees. When the number of employees is specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season.

The applicant provided the following concerning parking:

1,390 SF for the Taphouse
1,154 SF for the office
Credit for 2 spaces based on 10 bike parking spaces.

OFFICE	1154 SF = 4 spaces
TAPHOUSE	1390 SF=14 spaces
BIKE CREDIT	+2 spaces
<hr/>	
TOTAL REQ'D	16 spaces
TOTAL PROPOSED	16 spaces

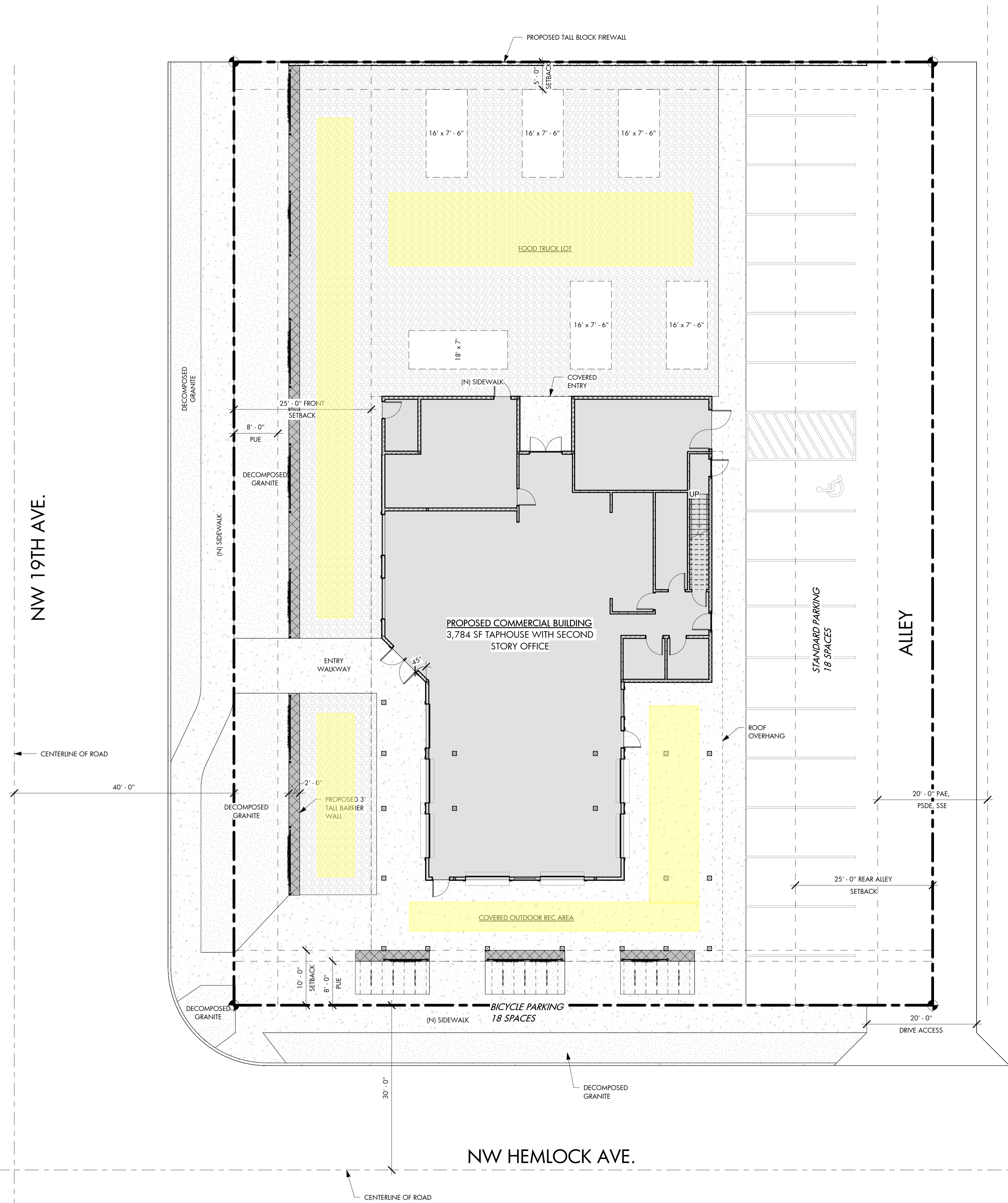
FINDING: Based on the above information, these standards are met.

8.0505 Off-Street Parking and Loading. General provisions are as follows:

- 1. The provisions and maintenance of off-street parking and loading spaces is the continuing obligation of the property owner. Should the owner or occupant of any lot or building change the use to which the lot or building is sited, thereby increasing off-street parking, or loading

EXHIBIT D

Approximate locations of expanded seating areas denoted in yellow.



SITE PLAN LEGEND

- PROPOSED STRUCTURE
- SIDEWALK PAVING
- DECOMPOSED GRANITE
- DECORATIVE CRUSHED ROCK
- PROPOSED SHORT BLOCK BARRIER WALL
- PROPERTY LINE
- SETBACK LINE
- TELEPHONE LINE
- SANITARY SEWER LINE
- GAS LINE
- WATER LINE
- OVERHEAD LINES
- POWER
- SITE FENCE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- NEW TREE - SEE CIVIL
- NEW SHRUB - SEE CIVIL
- POWER POLE
- WATER METER
- PROPERTY CORNER MARKER
- PARKING COUNT



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PROJECT #

2304

DRAWING

SITE PLAN

PROJECT

DRY CANYON CLUB
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REVISION

△ DATE REVISIONS

ISSUE DATE

10/6/2023

SHEET

A1.1

DESIGN DEV.





THE BATH ROOM
RAMP



WELLS FARGO
2024







CITY OF REDMOND
Community Development Department

411 SW 9th Street
Redmond, OR 97756
(541) 923-7721
Fax: (541) 548-0706
www.redmondoregon.gov

May 19, 2026

Globo Cobra Partners, LLC
ATTN: Mark Merrick & Rob Littleton
330 Riverside Blvd. #1
Bend, OR 97703

RE: Notice of Zoning Code Violation

The purpose of this letter is to notify you that the operation of the Dry Canyon Club at 1865 NW Hemlock Avenue is in violation of the City's zoning code. The facility has expanded its seating capacity beyond what was approved in your land use approvals.

The land use decision (File No. 711-23-000218-SP) for the Dry Canyon Club approved seating within the 1,160 square foot taphouse seating area. As such, the required off-street parking calculation was based off the 1,160 square foot seating area, resulting in 16 off-street parking spaces.

The expansion of the seating area beyond the 1,160 square feet area requires additional off-street parking.

Among the possible remedies could be:

- 1) Secure additional off-street parking commensurate with the seating you added. Planning staff will provide details; OR
- 2) Remove all seating which exceeds your approved capacity.

Per Redmond Code Section 5.350, this letter serves as the 10-day notice that the owner or person in charge of the property shall correct the violation. If not corrected within 10 days, you may be subject to an administrative infraction and up to revocation of your business license.

Sincerely,

A handwritten signature in black ink that reads 'Keith Witcosky'.

Keith Witcosky
City Manager

Six Enclosures:

1. Redmond City Code Section 5.350 – Abatement
2. Redmond City Code Section 7.032 – Revocation of License
3. Redmond City Code Section 8.805 – Enforcement
4. File No. 711-23-000218-SP, Burden of Proof, Page 4
5. File No. 711-23-000218-SP, Site Plan Excerpt
6. File No. 711-23-000218-SP, Approved Decision, Page 9

Sec. 5.350. Abatement.

1. *Abatement by the Owner or Person in Charge of Property.*
 - A. Within ten days after posting and mailing the notice, as provided in this Code, the owner or person in charge of the property shall remove the nuisance, present a plan to remove the nuisance or show that no nuisance exists.
 - B. A person in charge of the property, disputing the declaration of nuisance shall file within ten days with the City Manager a written statement which shall specify the basis for the protest.
 - C. If after review of the statements, the City Manager again determines that a nuisance in fact exists, the person responsible shall abate the nuisance within ten days after the City Manager's final determination.
 - D. If the person in charge of the property disagrees with the final determination of the City Manager, that person may appeal that determination to the Nuisance Appeals Board by filing a written statement within ten days of the City Manager's final determination specifying the basis for the appeal.
 - E. The Nuisance Appeals Board shall either affirm, overturn or modify the City Manager's decision. The decision of the Nuisance Appeals Board shall be the final action of the City.
2. *Abatement by the City - Without Warrant.* If the violation for which a Notice of Abatement has been issued in not corrected within the specified timeframe (within ten days of the posting and/or mailing of the Notice of Abatement, or within ten days of the City Manager's final determination of a dispute, or within ten days of the decision of the Nuisance Appeals Board), and is considered a public health and safety hazard, the City Manager may cause the nuisance to be abated without a warrant.
3. *Abatement by the City - Nuisance Abatement Warrant Authorized.* The Deschutes County Justice Court shall have the authority to issue warrants authorizing any City official authorized by the City Manager to enforce provisions of the Redmond City Code to make searches and seizures reasonably necessary to enforce any provision of the Redmond City Code pertaining to nuisances.
 - A. Every warrant authorized by this section shall be supported by affidavit or sworn testimony establishing probable cause to believe that a nuisance violation has occurred, describing:
 1. The applicant's status in applying for the warrant;
 2. The ordinance or regulation requiring or authorizing the removal and abatement;
 3. The building or property to be entered; the basis upon which cause exists to remove or abate the violation;
 4. A statement of the violation to be removed or abated; and
 5. A statement that consent to enter onto the property to abate the violation has been sought and refused or the facts and circumstances that reasonably justify the failure to seek or inability to obtain such consent.
 - B. Cause shall be deemed to exist if there is reasonable belief that a code violation exists with respect to the designated property, and that the property owner and person in charge of the property have been given notice and an opportunity to abate the violation and has not responded in a timely fashion.
 - C. The court may, before issuing an abatement warrant, examine the applicant and any other witness under oath and shall be satisfied of the existence of grounds for granting such application. If the court is satisfied that cause for the removal and abatement of the violation(s) exists and that the other

requirements for granting the application are satisfied, the court shall issue the abatement warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered, and a statement of the general types and estimated quantity of the items to be removed or conditions abated.

- D. In issuing an abatement warrant, the court may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and to assist in any way necessary to enter the property and, remove and abate the violation.
- E. *Execution of Abatement Warrants.*
 - 1. *Occupied Property.* In executing an abatement warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request. A copy of the warrant shall be left with the occupant or the person in possession. The warrant is not required to be read aloud.
 - 2. *Unoccupied Property.* In executing an abatement warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person. In such case a copy of the abatement warrant shall be conspicuously posted on the property.
 - 3. *Return.* An abatement warrant must be executed within 14 working days of its issue and returned to the court by whom it was issued within 14 working days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant, unless executed, is void.
 - 4. If an abatement warrant to secure entry onto the property subject to the notice of violation has been obtained, no property owner, occupier, or other person in charge of the property, shall refuse, fail or neglect, after proper request, to promptly permit entry by authorized persons to abate the violation(s). It shall be unlawful for any property owner, occupier, or other person in charge of the property to refuse to permit entry by authorized persons to abate the violations for which an abatement warrant has been obtained. Violation of this subsection is a Class B Violation.
 - 4. The City Manager shall have the final authority to decide whether or not to enter onto property to abate a violation in each particular case.
 - 5. *Joint Responsibility.* If more than one person is a person in charge of the property, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the City in abating the nuisance.

(Ord. No. 93-26, 11-16-1993; Ord. No. 93-26, 11-16-1993; Ord. No. 98-34, 7-14-1998; Ord. No. 2010-09, 10-12-2010)

Sec. 7.032. Revocation of License.

If the City Manager determines that a licensed business is violating this code, city ordinances, or state or federal law, he or she shall notify the licensee in writing that the license is to be revoked. The notice shall be given at least 30 days before the revocation. If the violation ends within the 30 days, the City Manager may discontinue the revocation proceedings. A notice of revocation shall state the reason for the revocation and inform the licensee of the provisions Section 7.036 for appeal.

(Ord. No. 2013-01, 1-8-2013)

Sec. 8.805. Enforcement.

1. *Administration.* It shall be the duty of the City Manager or an authorized representative to enforce the provisions of these standards pertaining to land use and to the construction, erection, location, or enlargement of any structure located within the City of Redmond under the jurisdiction of these standards.
2. *Building Permits.* No permit shall be issued by the building official for the construction, erection, location, or enlargement or change of use of a building, structure or lot that does not conform to the requirements of these standards or any other ordinance, regulation, permit, or land use approval adopted or issued by the City of Redmond.
3. *Authority.* Whenever necessary to enforce the provisions of these standards, the City Manager or an authorized representative shall have recourse to every remedy provided by law.
4. *Violation of These Standards is a Nuisance.* The construction, erection, location, enlargement of use, change in use or use(s) of any structure or property in violation of these standards or those conditions and limitations approved pursuant to the provisions of these standards shall be deemed a nuisance and may be subject to abatement, removal, or other remedy provided in the City of Redmond's nuisance code under Section 5.345.
5. *Revocation for False Statement.* The City Manager, or designee, may revoke any permit granted pursuant to the provisions of these standards, if it is determined the permit was issued on account of material false statements contained in the application form or material false representations made at a public hearing. A decision to revoke a permit shall be subject to the procedures established for a Development Action, with the corresponding right of appeal.
6. *Revocation for Non-conformance.* The City Manager, or designee, may revoke any permit granted pursuant to the provisions to these standards for failure to comply with those conditions and limitations placed upon the exercise of the permit. A decision to revoke a permit shall be subject to the procedures established for a Development Action, with the corresponding right of appeal. Failure to comply with applicable conditions and limitations may also be subject to abatement, removal, penalty, or other remedy provided in the City of Redmond nuisance code.
7. *Penalties of Violation.*
 - A. A violation of any provision of these standards shall be a Class A civil infraction and/or Class A administrative infraction.
 - B. Violations shall be enforced under the procedures established in Sections 2.750 through 2.799.
 - C. Each day that a nuisance continues to exist constitutes a separate violation, and a separate penalty may be assessed for each day the violation continues.

(Ord. No. 2013-06, 4-9-2013; Ord. No. 2014-05, 4-8-2014; Ord. No. 2020-15, 11-10-2020)

3. All other vehicular intersections, the minimum clear vision distance shall be 15'.

RESPONSE: Clear vision areas have been established and incorporated into the design at the alley access to the site. This standard is met.

Redmond Development Code, Section 8.0310 Exceptions to Clear Vision Areas. The following are exempt from clear vision area compliance:

1. Post or column
2. Tree trunk (clear of branches or foliage)
3. Safety signage
4. Telephone or power poles

RESPONSE: This section is advisory.

8.0500-5, Off-Street Parking and Loading

Parking space requirements are based on the following standards according to the use (note: all required handicapped parking is included in the parking standards within these charts). Manufacturing, warehousing, and other industrial uses may base the number of required parking spaces on the number of employees. When the number of employees is specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season.

RESPONSE: For an eating and drinking establishment, (1) parking space per 100 net square feet of building area is required. 1160 sf is proposed for the taphouse and food cart seating, 12 parking spaces are required for this use. For an office, (1) parking space per 300 net square feet of building area is required. 1,154 sf is proposed for the office use, 4 parking spaces are required for this use. The remainder of the building floor space is to be used for storage. Additionally, 10 bicycle spaces are proposed which provides two parking space credits. The total required parking is 14 spaces. 16 parking spaces are proposed including one ADA space with a loading zone. This standard is met.

8.0505 Off-Street Parking and Loading. General provisions are as follows:

1. The provisions and maintenance of off-street parking and loading spaces is the continuing obligation of the property owner. Should the owner or occupant of any lot or building change the use to which the lot or building is sited, thereby increasing off-street parking or loading requirements, this section must then be complied with. Businesses within the Central Business District (C-2 zone) shall be exempt from this provision if there is an existing building on the subject site that prevents the addition of on-site parking. Expansions of buildings in the C-2 zone however must comply with this section.

RESPONSE: The provisions and maintenance of off-street parking and loading spaces is the continuing obligation of the property owner and the owner will maintain the off-street parking area. This standard is met.

2. Requirements for types of buildings and uses not specifically listed in these standards shall be determined by the Community Development Director or Hearings Body based upon the requirements for comparable uses listed.

RESPONSE: The proposed food cart development is not specifically listed in the standards for eating establishments as this is a new type of development within the City. The



TEKNEEK
ARCHITECTURE
498 SE 6TH, SUITE 3
REDMOND, OR 97756
541.788.2006



PROJECT #

2304

DRAWING

SITE PLAN

PROJECT

DRY CANYON CLUB
1865 NW HEMLOCK AVE.
REDMOND, OR 97756

REVISION

△ DATE REVISIONS

ISSUE DATE

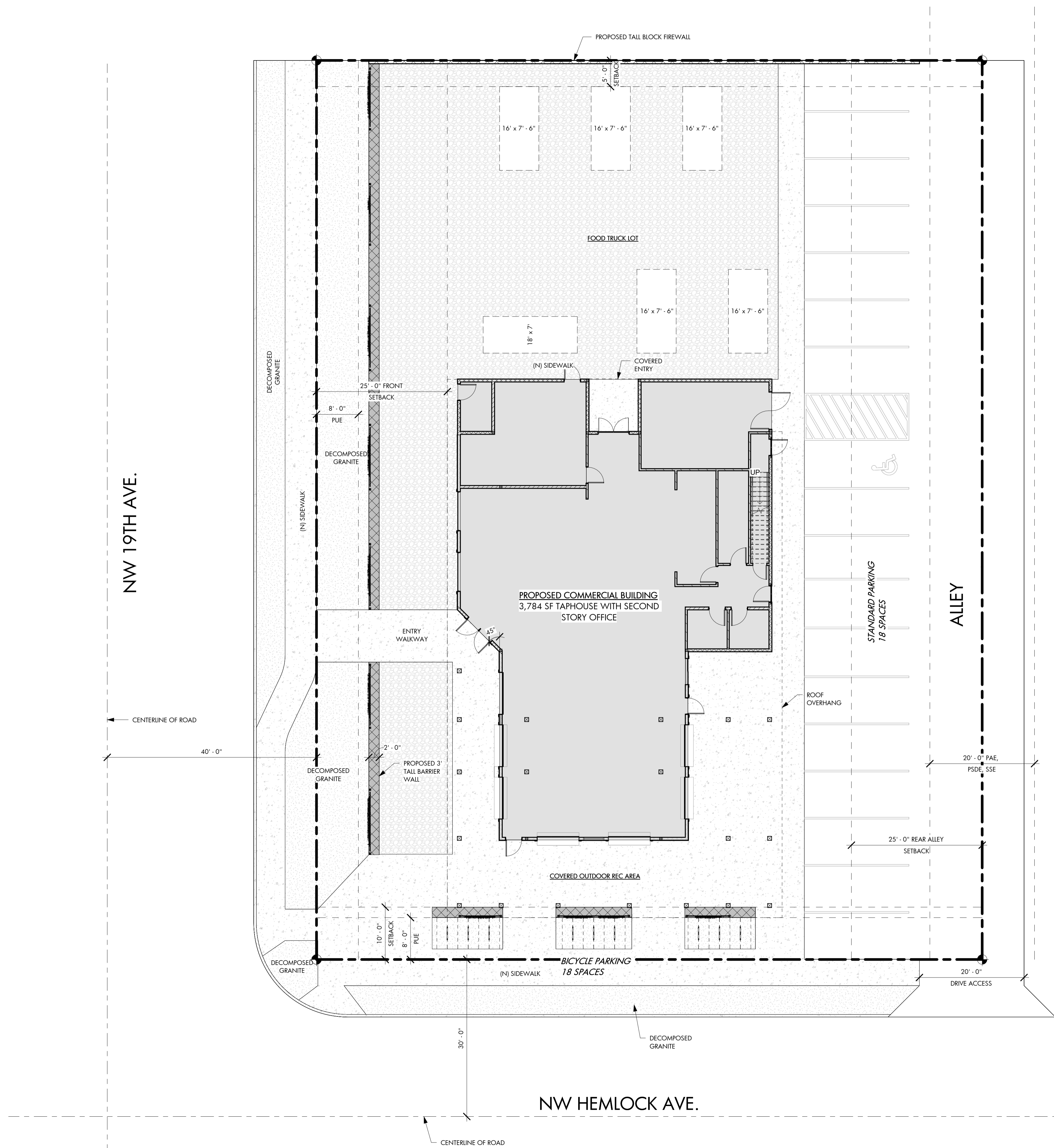
10/6/2023

SHEET

A1.1

SITE PLAN LEGEND

- PROPOSED STRUCTURE
- SIDEWALK PAVING
- DECOMPOSED GRANITE
- DECORATIVE CRUSHED ROCK
- PROPOSED SHORT BLOCK BARRIER WALL
- PROPERTY LINE
- SETBACK LINE
- TELEPHONE LINE
- SANITARY SEWER LINE
- GAS LINE
- WATER LINE
- OVERHEAD LINES
- POWER
- SITE FENCE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- NEW TREE - SEE CIVIL
- NEW SHRUB - SEE CIVIL
- POWER POLE
- WATER METER
- PROPERTY CORNER MARKER
- PARKING COUNT



1 SITE PLAN
1" = 10'-0"

10/6/2023 2:59:20 PM



TEKNEEK
ARCHITECTURE
498 SE 6TH, SUITE 3
REDMOND, OR 97756
541.788.2006



GENERAL NOTES:

1. DETAIL CALLOUTS ARE TYPICAL WHERE OCCUR.
2. SEE A0.4 FOR TYPICAL BUILDING ASSEMBLIES
3. SEE A3.1 AND A3.2 FOR TYPICAL UNIT LAYOUT AND CEILING PLANS
4. DIMENSIONS ARE TO FACE OF STRUCTURAL FRAMING COMPONENT OR CENTER LINE OF DOOR/WINDOW OPENING U.N.O.
5. ALL WOOD IN CONTACT WITH CONCRETE TO BE PRESSURE TREATED.
6. ALL TUB AND SHOWER ENCLOSURES ARE TO BE GLAZED WITH SAFETY GLASS.
7. WINDOW SIZES AND ROUGH OPENINGS TO BE VERIFIED BY THE CONTRACTOR.
8. EACH BEDROOM TO HAVE A MINIMUM WINDOW OPENING OF 5.7 SQ. FT. WITH A MINIMUM WIDTH OF 20 INCHES AND A SILL LESS THAN 44 INCHES ABOVE FINISH FLOOR.
9. ALL WINDOWS WITHIN 18 INCHES OF THE FLOOR AND WITHIN 24 INCHES OF ANY DOOR ARE TO HAVE TEMPERED GLAZING.
10. SMOKE & CARBON MONOXIDE COMBO DETECTORS TO BE INTERCONNECTED AND POWERED BY PREMISE WIRING AND HAVE BATTERY BACKUP. LOCATE PER CODE. SHOWN ON PLAN FOR REFERENCE.
11. BATHROOMS AND UTILITY ROOMS ARE TO BE VENTED TO THE OUTSIDE WITH A FAN CAPABLE OF PRODUCING A MINIMUM OF AIR EXCHANGES PER HOUR. RANGE HOODS ARE ALSO TO BE VENTED TO THE OUTSIDE.
12. INSULATE PIPES IN EXTERIOR WALL AND SEAL ALL SURROUNDING GAPS IN FRAMING/STUD CAVITY.

PROJECT #

2304

DRAWING

LEGEND - WALL ASSEMBLIES

- EXTERIOR - 2x6 FRAMED WALL @ 16" O.C. (INTERMEDIATE FRAMING)
- EXTERIOR SIDING O/
- HOUSE WRAP OR WRB O/
- SHEATHING PER STRUCTURAL
- WOOD STUD FRAMING
- R-21 BATT INSULATION (THERMAL)
INTERIOR SIDE:
- 5/8" OR 1/2" GWB O/
- CLASS II VAPOR RETARDER (ORSC R318.1)
- INTERIOR FURRED - 2x6 WOOD WALL
- 1/2" GWB FINISH SIDE O/ FRAMING
- 2x6 WOOD STUD @ 24" O.C.
- INTERIOR - 2x4 WOOD PARTITION WALL
- 1/2" GWB EA. SIDE O/ FRAMING
- 2x FRAMING @ 24" O.C.

FIRST FLOOR PLAN

PROJECT

DRY CANYON CLUB
1865 NW HEMLOCK AVE.
REDMOND, OR 97756

REVISION

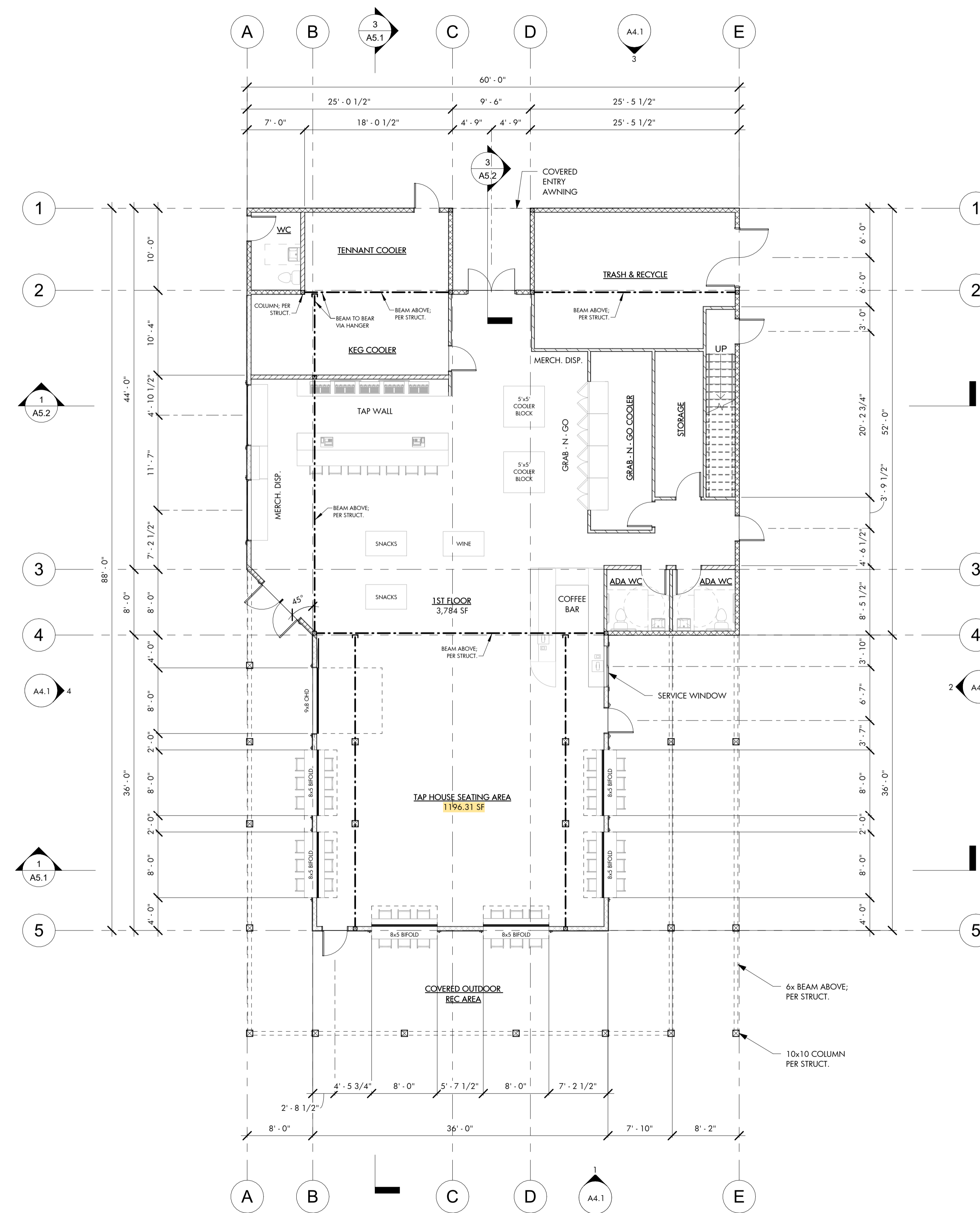
△ DATE REVISIONS

ISSUE DATE

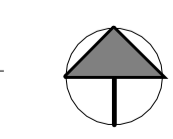
10/4/2023

SHEET

A2.1



1 FIRST FLOOR
1/8" = 1'-0"



2. Redmond Development Code, Section 8.0305-8.0310, Establishment and Measurement of Clear Vision Areas.

In all zones, on all corners of all building sites adjacent to the intersection of two streets or of a street and an alley, within a triangle formed by the street curb of such building site (ignoring any corner radius) and a line drawn between points on such street lines at designated distances from the intersection thereof, there shall be no fence, wall, hedge, or building higher than three feet nor any obstruction to vision other than a post column or tree trunk (clear of branches or foliage) between a height of three feet and a height of eight feet above the level of the curb, or of the level of the above mentioned point of intersection if the streets are sloping.

A clear vision area shall consist of a triangular area two sides of which are lines measured from the corner intersection of the street curb lines for a distance specified in this regulation, or, where the curb lines have rounded corners, the lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides. The following measurements shall establish clear vision areas within the city:

- (1) At an intersection of two streets, the minimum distance shall be 25 feet.
- (2) At all other intersections, including street to alley and street to private driveway intersections, the minimum distance shall be 15 feet.

FINDING: Maintenance of the clear vision areas is a standard condition of approval. The applicant can meet this standard by complying with condition of approval 8.

3. Redmond Development Code, Chapter 8, Article I, Section 8.0500

8.0500 Off-Street Parking. Parking space requirements are based on the following standards according to the use (note: all required handicapped parking is included in the calculation derived parking standards within these charts). Manufacturing, warehousing, and other industrial uses may base the number of required parking spaces on the number of employees. When the number of employees is specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season.

The applicant provided the following concerning parking:

1,390 SF for the Taphouse
1,154 SF for the office
Credit for 2 spaces based on 10 bike parking spaces.

OFFICE	1154 SF = 4 spaces
TAPHOUSE	1390 SF=14 spaces
BIKE CREDIT	+2 spaces
<hr/>	
TOTAL REQ'D	16 spaces
TOTAL PROPOSED	16 spaces

FINDING: Based on the above information, these standards are met.

8.0505 Off-Street Parking and Loading. General provisions are as follows:

- 1. The provisions and maintenance of off-street parking and loading spaces is the continuing obligation of the property owner. Should the owner or occupant of any lot or building change the use to which the lot or building is sited, thereby increasing off-street parking, or loading

DAVID C. ALLEN
ATTORNEY AT LAW
THE HARRIMAN BUILDING
212 S.W. 4TH STREET, SUITE 304
P.O. Box 577
MADRAS, OREGON 97741
(541) 610-9171
dallen@dalawco.com

May 28, 2026

City of Redmond
Attn: Keith Witcosky
City Manager
411 SW 9th Street
Redmond, OR 97756

HAND DELIVERED, SENT VIA FIRST CLASS MAIL AND
EMAIL to admin@redmondoregon.gov

RE: Notice of Zoning Code Violation
Location: Dry Canyon Club, 1865 NW Hemlock Ave., Redmond, OR
My Client: Globo Cobra Partners, LLC

Dear Keith:

Long time no see. I hope this message finds you in good health and spirits. I am writing on behalf of my client, Globo Cobra Partners, LLC who own and operate the Dry Canyon Club located at 1865 NW Hemlock Avenue, Redmond, Oregon 97756. This letter is in response to your May 19, 2026 correspondence RE: Notice of Zoning Code Violation (the "Notice"). Please know, my client desires to reach an acceptable resolution of this matter by working with City staff, however, because strict time limitations are involved, this letter shall serve as my client's formal protest of the Notice pursuant to Redmond Code Sec. 5.345(5)(F) and Sec. 5.350(B).

PROTEST REGARDING DEFECTS IN THE NOTICE

Respectfully, your Notice of Violation is defective in the following respects:

1. The Notice incorrectly cites to Redmond Code Section 5.350 as the basis for the Notice. Redmond Code Section 5.345 sets forth the requirements for such a notice. This is not a minor technicality as is explained more fully below.
2. Redmond Code Section 5.345 establishes exacting requirements for effective Notice. The following requirements were not satisfied in the Notice:

a. Only the Chief of Police or their designee is authorized to post a Notice of Abatement. It is unclear whether the Chief of Police has designated you or your office with the authority to post such notices. Accordingly, the Notice posted by Keith _____ may be defective. Further, to the extent your office handles the initial ruling on a protest filed by a citizen, it is inappropriate for your office to also be the issuing party of such a notice.

b. In addition to being posted on the premises, all such Notices of Abatement shall be forwarded by registered or certified mail. My client received no such mailing and it does not appear such a mailing was ever completed. Accordingly, service of the Notice is ineffective.

c. Section 5.345 governs service of a “Notice of Abatement”. It is unclear whether a “Notice of Zoning Code Violation” is the same thing as a Notice of Abatement. It appears the Notice relates to some undefined enforcement process for zoning code violations, however, the Notice does not ever use the word “abatement” or “nuisance” and therefore also fails.

d. The section requires a direction to “abate the nuisance within ten days”. Section 5.345 (5)(B). The Notice in this case demands only that my client “correct the violation”.

e. The section requires a statement that “*unless the nuisance is removed, the City may abate the nuisance and the full cost of abatement including administrative charges will be charged to the person responsible and shall become a lien on the property.*” Section 5.345(5)(D). No such statement is contained in the Notice and it is therefore defective.

f. The section requires a statement that “failure to abate a nuisance may warrant imposition of a fine or administrative penalty”. The Notice contains no such warning but does impermissibly threaten to revoke my client’s business license.

g. A notice under Section 5.345(5)(F) requires the Notice to include a statement that the “person may protest the order to abate by giving written notice to the City Manager or designee within ten days from the date of the notice, together with a written statement as to why a nuisance should not be declared.” The Notice in this case makes absolutely no mention of my client’s right to protest. To the extent a copy of Section 5.350 may have been attached to the Notice, the Notice makes no reference to the attachment and does not draw the reader’s attention to the right to protest, particularly when the notice itself demands only that my client “correct the violation” within the ten day period.

For all of the above-stated reasons, the Notice in this matter is materially defective. Any process which relies on the Notice is also thereby defective. My client hereby protests the Notice and reserves the right to contest it’s lawfulness and effectiveness before a trier of fact.

NO “NUISANCE” IS IDENTIFIED

Section 5.345 requires a “description of the nuisance”. Again, there is no mention of a “nuisance” in the Notice. The Notice, by its own reference line, is a Notice of Violation of Zoning Code. A violation of the zoning code, if one exists, is not an enumerated “nuisance” under Redmond Code Section 5.335 and does not meet the definition of a “General Nuisance” under Section 5.330 because there is no imminent danger to human life or property.

The City may attempt to rely upon Redmond Code Section 5.340 “Unenumerated Nuisances” but such reliance is misplaced. To begin, the Notice makes no such claim that an Unenumerated Nuisance exists. But even if it did, the current status of my client’s property is not “injurious or detrimental to the public health, safety or welfare of the City” and therefore not a nuisance as that term is defined in the Redmond Code and Oregon law.

Without a specific description of the “nuisance” to be abated, my client cannot meaningfully attempt to comply with any proposed abatement.

The City will likely argue that while the Notice does not use the term “nuisance”, the general nature of the complaint is evident. While such a general nature does not meet the notice requirements as discussed above, even the general statement in the Notice is confusing and misleading.

THE “NOTICE OF ZONING VIOLATION” IS VAGUE AND AMBIGUOUS

Ignoring, for the sake of argument, all of the procedural difficulties discussed above, the Notice is impermissibly vague as to the actual alleged violation. The Notice is silent as to what particular Redmond Code provision or condition of approval has allegedly been violated. The Notice attaches a copy of page 9 of the 34 page land use approval’s Conclusory Findings in Casefile #711-23-0000218(SP) (which relates to the requirement in RDC 8.0500 for Off-Street Parking) and page 4 of some unknown document which discusses RDC 8.0500-5 and 8.0505 (regarding Off-Street parking and Loading general conditions). It is unclear which, if any, of these code provisions are alleged to have been violated.

At one point the Notice states” *“The facility has expanded its seating capacity beyond what was approved in your land use approvals”*. In another portion the Notice states *“the expansion of the seating area beyond the 1,160 square feet area requires additional off-street parking”*. It is unclear... is the alleged violation the seating capacity

or the amount of parking ? This is not just a minor issue, particularly when my client is attempting to come up with potential solutions to the problem.

More to the point, there was no “seating capacity” established by the land use decision in this matter. While it may be true the parking required by the binding land use decision was based upon the square footage of the interior of the building, there is no “seating capacity” limit in the approval or its conditions. Seating capacity, as that term is generally understood, is a fire safety determination by the Fire Marshall, not a condition of approval for a proposed land use. Redmond’s Development Code is silent as to any maximum allowed seating capacity.

If the alleged violation is the amount of parking my client has provided, there is no such violation because my client has provided all of the parking required by the land use decision. The City’s attempt to impose additional parking requirements long after the land use decision became final is impermissible. In effect, the City is attempting to “move the goalposts” after the decision became final. The page 4 attachment to the Notice admits “*the proposed food cart development is not specifically listed in the standards for eating establishments as this is a new type of development within the City*”. Perhaps the City did not fully consider or have the experience necessary when developing the conditions of approval for this permitted use, however, this does not now give the City the authority to impose new conditions after the decision became final. Indeed, the approval’s condition of approval No. 10 states “*any changes to the on-site vehicular parking spaces (lots), drive aisles, bicycle parking spaces, and sidewalks shall require a new plan to be submitted, reviewed and approved by the City of Redmond*”.

The City’s own code anticipates a situation where an approved “use” has changed. Section 8.0505, noting that provisions and maintenance of off-street parking are continuing obligations, states if the *use is changed, thereby increasing off-street parking or loading requirements, this section must then be complied with.*” In this case, the “use” has not changed. The approved and continuing use is as a tap house with seating for food carts.

RECREATIONAL USES ARE ALLOWED

The approved site plan in this case makes abundantly clear there is a substantial covered patio area listed as “Recreational Use”. ORS 105.672(5) definition of “recreational use” includes “picknicking”. The outdoor seating provided by my client are literally “picknick” tables. The land use approval is silent on any “seating capacity” or required elements for the designated recreation area. City Planner Sean Cook did require, as a condition of approval, that the recreation area be concrete surfaced instead of the crushed gravel originally applied for. This requirement further illustrates the City knew

or should have known there would be outdoor seating at this venue. Accordingly, my client should be allowed to continue to provide this recreational opportunity without an unjustified requirement for additional parking.

OUTDOOR SEATING HAS NOT HISTORICALLY BEEN CONSIDERED

Historically, the City of Redmond has not considered outdoor seating in their determination for required parking. In fact, the City just recently amended their code (after the approval in this case) to more specifically address outdoor seating and food cart developments. It is important to remember the traffic study submitted in support of this project very clearly considered all covered outdoor areas as part of a more than 3,000 square foot ground floor for purposes of calculating trip generation counts. That is, the analyzed traffic impacts of this development were clearly based on outdoor seating space. The City received and reviewed this traffic impact analysis and either knew or should have known outdoor seating was anticipated as part of this project. Again, the nuisance abatement procedures of the Redmond Code cannot be used to remedy the City's failure to condition approval or limit seating at the land use application stage.

CONCLUSION

My client welcomes the opportunity to work with City Staff to address the City's concerns. They are exploring the possibility of obtaining additional off-street parking, however, current CC&Rs of the neighborhood make such a potential purchase problematic and potentially time consuming. Please know, however, my client's willingness to potentially work with City staff and/or arrive at some proposed solutions should not in any manner be construed as an admission of fault or agreement with the Notice's alleged violations. These settlement attempts are made for settlement purposes only under Oregon Evidence Code 408 and are not subject to being introduced or used as evidence in any official proceeding.

For all of the reasons detailed above, my client does hereby protest the alleged violations contained in the Notice. My client requests the City consider re-issuing the Notice to cure the defects noted. If no amended notice is going to be served, my client request this matter be reviewed by the City Manager for a final determination and hereby reserves their rights to appeal to the Nuisance Appeals Board.

Sincerely,

/s David C. Allen (digital signature for email copy only)
David C. Allen
Attorney at Law



CITY OF REDMOND
Community Development Department

411 SW 9th Street
Redmond, OR 97756
(541) 923-7721
Fax: (541) 548-0706
www.redmondoregon.gov

June 5, 2026

Globo Cobra Partners, LLC
ATTN: Mark Merrick & Rob Littleton
330 Riverside Blvd. #1
Bend, OR 97703

RE: Zoning Code Violation, Final Determination (CE #26-704)
Dry Canyon Club, 1865 NW Hemlock Avenue

This is to confirm that the City received correspondence dated May 28, 2026, from your attorney, David Allen. The letter was in response to the City's original notice of zoning code violation letter, dated May 19, 2026.

After reviewing Mr. Allen's letter and reviewing Redmond Code Section 5.350(1)(C) we maintain that your business is operating in a manner which violates the City's zoning code.

The remedies to the violation include the following:

- 1) Secure additional off-street parking commensurate with the seating you added. Planning Division staff will provide details; or
- 2) Remove all seating which exceeds your approved capacity; or
- 3) Appeal this final determination to the Nuisance Appeals Board by filing a written statement specifying the basis for the appeal within 10 days of the date of this letter.

If no action is taken within 10 days of your receipt of this letter – which is being sent via both certified mail and electronic mail, you may be subject to an administrative infraction and up to revocation of your business license.

Sincerely,

A handwritten signature in black ink that reads "Keith Witcosky".

Keith Witcosky
City Manager

CC: David C. Allen, PO Box 577, Madras, OR 97741

One Enclosure:

1. Redmond City Code Section 5.350 – Abatement

Sec. 5.350. Abatement.

1. *Abatement by the Owner or Person in Charge of Property.*
 - A. Within ten days after posting and mailing the notice, as provided in this Code, the owner or person in charge of the property shall remove the nuisance, present a plan to remove the nuisance or show that no nuisance exists.
 - B. A person in charge of the property, disputing the declaration of nuisance shall file within ten days with the City Manager a written statement which shall specify the basis for the protest.
 - C. If after review of the statements, the City Manager again determines that a nuisance in fact exists, the person responsible shall abate the nuisance within tendays after the City Manager's final determination.
 - D. If the person in charge of the property disagrees with the final determination of the City Manager, that person may appeal that determination to the Nuisance Appeals Board by filing a written statement within ten days of the City Manager's final determination specifying the basis for the appeal.
 - E. The Nuisance Appeals Board shall either affirm, overturn or modify the City Manager's decision. The decision of the Nuisance Appeals Board shall be the final action of the City.
2. *Abatement by the City - Without Warrant.* If the violation for which a Notice of Abatement has been issued in not corrected within the specified timeframe (within ten days of the posting and/or mailing of the Notice of Abatement, or within ten days of the City Manager's final determination of a dispute, or within ten days of the decision of the Nuisance Appeals Board), and is considered a public health and safety hazard, the City Manager may cause the nuisance to be abated without a warrant.
3. *Abatement by the City - Nuisance Abatement Warrant Authorized.* The Deschutes County Justice Court shall have the authority to issue warrants authorizing any City official authorized by the City Manager to enforce provisions of the Redmond City Code to make searches and seizures reasonably necessary to enforce any provision of the Redmond City Code pertaining to nuisances.
 - A. Every warrant authorized by this section shall be supported by affidavit or sworn testimony establishing probable cause to believe that a nuisance violation has occurred, describing:
 1. The applicant's status in applying for the warrant;
 2. The ordinance or regulation requiring or authorizing the removal and abatement;
 3. The building or property to be entered; the basis upon which cause exists to remove or abate the violation;
 4. A statement of the violation to be removed or abated; and
 5. A statement that consent to enter onto the property to abate the violation has been sought and refused or the facts and circumstances that reasonably justify the failure to seek or inability to obtain such consent.
 - B. Cause shall be deemed to exist if there is reasonable belief that a code violation exists with respect to the designated property, and that the property owner and person in charge of the property have been given notice and an opportunity to abate the violation and has not responded in a timely fashion.
 - C. The court may, before issuing an abatement warrant, examine the applicant and any other witness under oath and shall be satisfied of the existence of grounds for granting such application. If the court is satisfied that cause for the removal and abatement of the violation(s) exists and that the other

requirements for granting the application are satisfied, the court shall issue the abatement warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered, and a statement of the general types and estimated quantity of the items to be removed or conditions abated.

- D. In issuing an abatement warrant, the court may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and to assist in any way necessary to enter the property and, remove and abate the violation.
- E. *Execution of Abatement Warrants.*
 - 1. *Occupied Property.* In executing an abatement warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request. A copy of the warrant shall be left with the occupant or the person in possession. The warrant is not required to be read aloud.
 - 2. *Unoccupied Property.* In executing an abatement warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person. In such case a copy of the abatement warrant shall be conspicuously posted on the property.
 - 3. *Return.* An abatement warrant must be executed within 14 working days of its issue and returned to the court by whom it was issued within 14 working days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant, unless executed, is void.
 - 4. If an abatement warrant to secure entry onto the property subject to the notice of violation has been obtained, no property owner, occupier, or other person in charge of the property, shall refuse, fail or neglect, after proper request, to promptly permit entry by authorized persons to abate the violation(s). It shall be unlawful for any property owner, occupier, or other person in charge of the property to refuse to permit entry by authorized persons to abate the violations for which an abatement warrant has been obtained. Violation of this subsection is a Class B Violation.
 - 4. The City Manager shall have the final authority to decide whether or not to enter onto property to abate a violation in each particular case.
 - 5. *Joint Responsibility.* If more than one person is a person in charge of the property, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the City in abating the nuisance.

(Ord. No. 93-26, 11-16-1993; Ord. No. 93-26, 11-16-1993; Ord. No. 98-34, 7-14-1998; Ord. No. 2010-09, 10-12-2010)

DAVID C. ALLEN
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THE HARRIMAN BUILDING
212 S.W. 4TH STREET, SUITE 304
P.O. Box 577
MADRAS, OREGON 97741
(541) 610-9171
dallen@dalawco.com

June 15, 2026

City of Redmond
Attn: Keith Witcosky
City Manager
411 SW 9th Street
Redmond, OR 97756

✓ HAND DELIVERED
and SENT VIA FIRST CLASS MAIL

RE: Case No. CE #26-704
Notice of Appeal to Nuisance Appeals Board
Location: Dry Canyon Club, 1865 NW Hemlock Ave., Redmond, OR
My Client: Globo Cobra Partners, LLC


Dear Keith:

Enclosed, please find my client's Notice of Appeal to the Nuisance Appeals Board in response to your June 5, 2026 correspondence.

Please have City staff contact me to coordinate scheduling a date for the appeals hearing as my client intends to have witnesses present to testify at the hearing.

Based on my review of the Redmond Code, I have not located any adopted policies or procedures for the conduct of hearings before the board of appeals. There does appear to be some detail for appeals of a reporting party when they do not agree with the decision of the code enforcement officer, however, it does not appear those procedures apply specifically to an appeal such as this. Please provide or direct me to any and all adopted policies and procedures for hearings before the board.

Sincerely,



David C. Allen
Attorney at Law

Encl.

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2
3 **BEFORE THE NUISANCE BOARD OF APPEALS**
4 **CITY OF REDMOND, STATE OF OREGON**

5
6 **CITY OF REDMOND, a political**
7 **subdivision of the State of Oregon,**

8 **Petitioner,**

9 **and**

10 **GLOBO COBRA PARTNERS, LLC, an**
11 **Oregon limited liability company, dba The**
12 **Dry Canyon Club**

13 **Respondent.**

) **Case No.: CE #26-704**

) **NOTICE OF APPEAL**

) **Hearing Requested**
) **Estimated Time: 2 hours**

14 Comes now Globo Cobra Partners, LLC, an Oregon limited liability company
15 (hereinafter the "Respondent") and, pursuant to Redmond Code ("RC") Section 5.350 (1)(D),
16 hereby provides notice of appeal of the June 5, 2026 final determination of the Redmond City
17 Manager (the "Final Determination") in the above-referenced matter. A copy of the Final
18 Determination is attached hereto as Exhibit A.

19 Respondent requests a hearing be scheduled in accordance with the provisions of the
20 Redmond Code.

21 **BASIS FOR APPEAL**

22 Respondent disagrees and opposes the Final Determination for the reasons stated
23 below. This appeal arises under the nuisance abatement procedures of Redmond Code
24 Sections 5.325 – 5.351 and 5.360 - 5.370. Petitioner has not alleged a "Habitual Nuisance
25 Property" under RC 5.355 – 5.357 nor does this case involve a reporting party appeal of code
26

1 enforcement interpretation under RC 5.359. Accordingly, RC 5.355 – 5.357 and 5.359 do not
2 apply to this proceeding.

3 **1. DEFECTS IN THE ORIGINAL NOTICE OF VIOLATION**

4 On or about May 19, 2026 Petitioner's representative, Kyle Roberts, hand delivered a
5 Notice of Zoning Code Violation (the "Original Notice"). A copy of the Original Notice is
6 attached hereto as Exhibit B. The Original Notice was defective in the following respects:

7 A. The Original Notice incorrectly cites to Redmond Code Section 5.350 as the
8 basis for the Notice. Redmond Code Section 5.345 sets forth the requirements for such a
9 notice. This is not a minor technicality as is explained more fully below.

10 B. The Original Notice violated Redmond Code Section 5.345 in that:

11 i. Only the Chief of Police or their designee is authorized to post a Notice
12 of Abatement.

13 ii. In addition to being posted on the premises, all notices of abatement
14 must be forwarded by registered or certified mail. Respondent received no such mailing and it
15 does not appear such a mailing was ever completed.

16 iii. Section 5.345 governs service of a "Notice of Abatement". It is unclear
17 whether a "Notice of Zoning Code Violation" is the same thing as a Notice of Abatement.

18 More importantly, the Original Notice fails to describe any alleged "nuisance". The Original
19 Notice, by its own reference line, is a Notice of Violation of Zoning Code. **In fact, the word**
20 **"nuisance" does not appear anywhere in the Original Notice.**

21 iv. The section requires a statement that "*unless the nuisance is removed,*
22 *the City may abate the nuisance and the full cost of abatement including administrative*
23 *charges will be charged to the person responsible and shall become a lien on the property.*"
24 Section 5.345(5)(D). No such statement is contained in the Original Notice and it is therefore
25 defective.

1 vi. The section requires a statement that “*failure to abate a nuisance may*
2 *warrant imposition of a fine or administrative penalty*”. The Original Notice contains no such
3 warning but does threaten an “administrative infraction” and to impermissibly revoke
4 Respondent’s business license.

5 For all of the above-stated reasons, the Original Notice in this matter is materially
6 defective. Any process which relies on the Original Notice is also thereby defective as “fruit of
7 the poisonous tree”. These defects are not mere technicalities. They all relate to the ultimate
8 problem with this prosecution, *i.e.* the City has not alleged a defined nuisance with the
9 specificity that would allow Respondent to adequately respond to the allegation. *See below.*

10 **2. NO “NUISANCE” IS IDENTIFIED**

11 The Final Determination suffers from the Original Notice’s same fatal defect in that it
12 does not identify the “nuisance”. Again, there is no mention of the word “nuisance” in the
13 Final Determination. It appears the City has inappropriately attempted to “shoe horn” in an
14 alleged zoning violation as a “nuisance” without so stating.

15 A violation of the zoning code, if one exists, is not an enumerated “nuisance” under
16 Redmond Code Section 5.335 and does not meet the definition of a “General Nuisance” under
17 Section 5.330 because there is no imminent danger to human life or property.

18 The City may attempt to rely upon Redmond Code Section 5.340 “Unenumerated
19 Nuisances” but such reliance is misplaced. The Original Notice and Final Determination do
20 not allege an Unenumerated Nuisance. But even if they did, the current status of Respondent’s
21 property is not “injurious or detrimental to the public health, safety or welfare of the City” and
22 therefore not a nuisance as that term is defined in the Redmond Code and Oregon law.

23 Without a specific description of the “nuisance”, my client cannot meaningfully attempt
24 to comply with any proposed abatement nor effectively defend such vague allegations before
25 this Board.

1 **3. THE ALLEGED “ZONING VIOLATION” IS VAGUE AND AMBIGUOUS**

2 Ignoring, for the sake of argument, all of the procedural difficulties discussed above,
3 the Original Notice and Final Determination are impermissibly vague as to the actual alleged
4 zoning violation. They are silent as to what particular Redmond Code provision or condition
5 of approval has allegedly been violated. The Original Notice attached a copy of page 9 of the
6 34 page land use approval’s Conclusory Findings in Casefile #711-23-0000218(SP) (which
7 relates to the requirement in RDC 8.0500 for Off-Street Parking) and page 4 of some unknown
8 document which discusses RDC 8.0500-5 and 8.0505 (regarding Off-Street parking and
9 Loading general conditions). It is unclear which, if any, of these code provisions are alleged to
10 have been violated.

11 The Original Notice states: *“The facility has expanded its seating capacity beyond what*
12 *was approved in your land use approvals”*. In another section, the Original Notice states *“the*
13 *expansion of the seating area beyond the 1,160 square feet area requires additional off-street*
14 *parking”*. The Final Determination is even more vague as it only lists potential remedies for
15 some unidentified “violation”. The “remedies” listed are: **1) secure additional parking**
16 **commensurate with the seating you added. Planning Division staff will provide details; 2)**
17 **remove all seating which exceeds your approved capacity; or 3) appeal to this Board.**

18 It is unclear... is the alleged violation the seating capacity or the amount of parking ?
19 This is not just a minor issue, particularly when Respondent is attempting to come up with
20 potential solutions to the problem only to be told planning division will “provide details” at
21 some unidentified time and manner. The City’s misconceived circular reasoning appears to be:
22 parking spaces were calculated under the existing Redmond Development Code by considering
23 the square footage of the taphouse (ignoring the “Recreation Area” clearly listed on the
24 approved site plan which is addressed below), then some undefined seating capacity was
25 exceeded which now requires more parking or some unknown reduction of seating below a
26 non-existent “capacity”. As is discussed below, nothing in the Redmond Development Code in

1 effect at the time of approval limited the seating capacity or allowed the City to consider
2 alleged additional seating when determining parking requirements.

3 **4. THERE IS NO "SEATING CAPACITY"**

4 It is important to note, there was no "seating capacity" established by the land use
5 decision in this matter. While it may be true the parking required by the binding land use
6 decision was based upon the square footage of the interior of the building, there is no "seating
7 capacity" limit in the approval or its conditions. Seating capacity, as that term is generally
8 understood, is a fire safety determination by the Fire Marshall, not a condition of approval for a
9 proposed land use. Redmond's Development Code is silent as to any maximum allowed seating
10 capacity in any zone. In fact, the City never states and has never informed Respondent what the
11 "seating capacity" actually is. Correspondingly, Respondent has no way to determine which
12 seating must be "*removed which exceeds your approved capacity*".

13 The Original Notice alleges the land use decision "*approved seating within the 1,160*
14 *square foot taphouse seating area*". This is simply untrue. Nowhere does the land use decision
15 limit seating to the taphouse seating area and no such "area" is defined in the decision. There
16 has not been any "*expansion of the seating area*" or "*added seating*" as both of these terms
17 assume there was an established cap on seating. No such cap was ever imposed.

18 It is misleading for the City to suggest there was, currently is, or could ever have been
19 any established "seating capacity".

20 **5. EXISTING PARKING MEETS THE REQUIREMENTS OF THE REDMOND** 21 **DEVELOPMENT CODE AND APPROVED LAND USE**

22 If the alleged violation is the amount of parking provided by Respondent, there is no
23 such violation. Respondent has provided all of the parking required by the land use decision
24 and the Redmond Development Code in effect A. The City's attempt to impose additional
25 parking requirements long after the land use decision became final is impermissible. In effect,
26 the City is attempting to "move the goalposts" after the decision became final. The page 4

1 attachment to the Original Notice admits *“the proposed food cart development is not*
2 *specifically listed in the standards for eating establishments as this is a new type of*
3 *development within the City”*. Perhaps the City did not have the experience or development
4 code necessary when it determined the conditions of approval for this now permitted use,
5 however, those shortcomings do not now authorize the City to impose new conditions after the
6 decision became final. Indeed, the land use decision’s condition of approval No. 10 states *“any*
7 *changes to the on-site vehicular parking spaces (lots), drive aisles, bicycle parking spaces, and*
8 *sidewalks shall require a new plan to be submitted, reviewed and approved by the City of*
9 *Redmond”*.

10 The City’s own code anticipates a situation where an approved “use” has changed. RC
11 Section 8.0505 (noting that provisions and maintenance of off-street parking are continuing
12 obligations) states if the use is changed, thereby increasing off-street parking or loading
13 requirements, this section must then be complied with.” In this case, the “use” has not
14 changed. The approved and continuing use is as a tap house with seating for food carts.

15 **6. RECREATIONAL USES ARE ALLOWED**

16 The approved site plan in this case makes abundantly clear there is a substantial
17 covered patio area listed as “Recreational Use”. A copy of the approved site plan is attached as
18 Exhibit C. ORS 105.672(5) defines “recreational use” to include “picknicking”. The outdoor
19 seating provided by Respondent are literally “picnic” tables. As such, they are allowed
20 recreational uses. The City may have neglected or could not consider potential parking
21 impacts of a “recreational area”, but the City’s lack of foresight cannot now be thrust upon
22 Respondent as some imagined “nuisance”.

23 As discussed above, the land use decision is silent on any “seating capacity” or
24 prohibited elements for the designated Recreation Area. City Planner Sean Cook did require,
25 as a condition of approval, that the recreation area be concrete surfaced instead of the crushed
26 gravel originally applied for. This requirement further illustrates the City knew or should have

1 known there would be outdoor seating at this venue. Accordingly, Respondent is entitled to
2 continue providing this recreational opportunity without an unjustified requirement for
3 additional parking.

4 **7. OUTDOOR SEATING HAD NOT HISTORICALLY BEEN CONSIDERED**

5 Historically, the City of Redmond had not considered outdoor seating in their
6 determination for required parking. In fact, the City just recently amended their code (after the
7 approval in this case) to more specifically address outdoor seating and food cart developments,
8 however, such provisions do not apply to Respondent's approved use. It is important to
9 remember the traffic impact study submitted in support of this project very clearly considered
10 all covered outdoor areas as part of a more than 3,000 square foot ground floor for purposes of
11 calculating trip generation counts. That is, the analyzed traffic impacts of this development
12 were clearly based on outdoor seating space. The City received and reviewed this traffic
13 impact analysis and either knew or should have known outdoor seating was anticipated as part
14 of this project. Again, the nuisance abatement procedures of the Redmond Code cannot be
15 used to remedy the City's failure to condition approval or limit seating at the land use
16 application stage.

17 18 **CONCLUSION**

19 For all of the reasons detailed above, Respondent does hereby protest the alleged
20 violations contained in the Original Notice and appeals the Final Determination to this Board,
21 to be heard *de novo*. Respondent requests this Board overturn and reverse the Final
22 Determination with findings the subject property and current use do not constitute a nuisance.

23
24 Respondent further requests additional findings that the subject property and current
25 use fully comply with the conditions of approval in the land use decision so as to avoid any
26

1 further allegations of zoning violations as alleged in the Original Notice and Final
2 Determination.

3 Dated this 15th day of June, 2026.

4
5 s/ David C. Allen
6 David C. Allen, OSB #920095
7 P.O. Box 577
8 Madras, OR 97741
9 (541) 610-9171
10 dallen@dalawco.com
11 *Of Attorneys for Respondent Globo Cobra*
12 *Partners, LLC dba Dry Canyon Club*
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CITY OF REDMOND
Community Development Department

411 SW 9th Street
Redmond, OR 97756
(541) 923-7721
Fax: (541) 548-0706
www.redmondoregon.gov

May 19, 2026

Globo Cobra Partners, LLC
ATTN: Mark Merrick & Rob Littleton
330 Riverside Blvd. #1
Bend, OR 97703

RE: Notice of Zoning Code Violation

The purpose of this letter is to notify you that the operation of the Dry Canyon Club at 1865 NW Hemlock Avenue is in violation of the City's zoning code. The facility has expanded its seating capacity beyond what was approved in your land use approvals.

The land use decision (File No. 711-23-000218-SP) for the Dry Canyon Club approved seating within the 1,160 square foot taphouse seating area. As such, the required off-street parking calculation was based off the 1,160 square foot seating area, resulting in 16 off-street parking spaces.

The expansion of the seating area beyond the 1,160 square feet area requires additional off-street parking.

Among the possible remedies could be:

- b*
- 1) Secure additional off-street parking commensurate with the seating you added. Planning staff will provide details; OR
 - 2) Remove all seating which exceeds your approved capacity.

Per Redmond Code Section 5.350, this letter serves as the 10-day notice that the owner or person in charge of the property shall correct the violation. If not corrected within 10 days, you may be subject to an administrative infraction and up to revocation of your business license.

Sincerely,

Keith Witcosky
City Manager

2. Redmond Development Code, Section 8.0305-8.0310, Establishment and Measurement of Clear Vision Areas.

In all zones, on all corners of all building sites adjacent to the intersection of two streets or of a street and an alley, within a triangle formed by the street curb of such building site (ignoring any corner radius) and a line drawn between points on such street lines at designated distances from the intersection thereof, there shall be no fence, wall, hedge, or building higher than three feet nor any obstruction to vision other than a post column or tree trunk (clear of branches or foliage) between a height of three feet and a height of eight feet above the level of the curb, or of the level of the above mentioned point of intersection if the streets are sloping.

A clear vision area shall consist of a triangular area two sides of which are lines measured from the corner intersection of the street curb lines for a distance specified in this regulation, or, where the curb lines have rounded corners, the lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides. The following measurements shall establish clear vision areas within the city:

- (1) At an intersection of two streets, the minimum distance shall be 25 feet.
- (2) At all other intersections, including street to alley and street to private driveway intersections, the minimum distance shall be 15 feet.

FINDING: Maintenance of the clear vision areas is a standard condition of approval. The applicant can meet this standard by complying with condition of approval 8.

3. Redmond Development Code, Chapter 8, Article I, Section 8.0500

8.0500 Off-Street Parking. Parking space requirements are based on the following standards according to the use (note: all required handicapped parking is included in the calculation derived parking standards within these charts). Manufacturing, warehousing, and other industrial uses may base the number of required parking spaces on the number of employees. When the number of employees is specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season.

The applicant provided the following concerning parking:

1,390 SF for the Taphouse
1,154 SF for the office
Credit for 2 spaces based on 10 bike parking spaces.

OFFICE	1154 SF = 4 spaces
TAPHOUSE	1390 SF=14 spaces
<u>BIKE CREDIT</u>	<u>+2 spaces</u>

TOTAL REQ'D	16 spaces
TOTAL PROPOSED	16 spaces

FINDING: Based on the above information, these standards are met.

8.0505 Off-Street Parking and Loading. General provisions are as follows:

- 1. The provisions and maintenance of off-street parking and loading spaces is the continuing obligation of the property owner. Should the owner or occupant of any lot or building change the use to which the lot or building is sited, thereby increasing off-street parking, or loading

3. All other vehicular intersections, the minimum clear vision distance shall be 15'.

RESPONSE: Clear vision areas have been established and incorporated into the design at the alley access to the site. This standard is met.

Redmond Development Code, Section 8.0310 Exceptions to Clear Vision Areas. The following are exempt from clear vision area compliance:

1. Post or column
2. Tree trunk (clear of branches or foliage)
3. Safety signage
4. Telephone or power poles

RESPONSE: This section is advisory.

8.0500-5, Off-Street Parking and Loading

Parking space requirements are based on the following standards according to the use (note: all required handicapped parking is included in the parking standards within these charts). Manufacturing, warehousing, and other industrial uses may base the number of required parking spaces on the number of employees. When the number of employees is specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season.

RESPONSE: For an eating and drinking establishment, (1) parking space per 100 net square feet of building area is required. 1160 sf is proposed for the taphouse and food cart seating, 12 parking spaces are required for this use. For an office, (1) parking space per 300 net square feet of building area is required. 1,154 sf is proposed for the office use, 4 parking spaces are required for this use. The remainder of the building floor space is to be used for storage. Additionally, 10 bicycle spaces are proposed which provides two parking space credits. The total required parking is 14 spaces. 16 parking spaces are proposed including one ADA space with a loading zone. This standard is met.

8.0505 Off-Street Parking and Loading. General provisions are as follows:

1. The provisions and maintenance of off-street parking and loading spaces is the continuing obligation of the property owner. Should the owner or occupant of any lot or building change the use to which the lot or building is sited, thereby increasing off-street parking or loading requirements, this section must then be complied with. Businesses within the Central Business District (C-2 zone) shall be exempt from this provision if there is an existing building on the subject site that prevents the addition of on-site parking. Expansions of buildings in the C-2 zone however must comply with this section.

RESPONSE: The provisions and maintenance of off-street parking and loading spaces is the continuing obligation of the property owner and the owner will maintain the off-street parking area. This standard is met.

2. Requirements for types of buildings and uses not specifically listed in these standards shall be determined by the Community Development Director or Hearings Body based upon the requirements for comparable uses listed.

RESPONSE: The proposed food cart development is not specifically listed in the standards for eating establishments as this is a new type of development within the City. The

Six Enclosures:

1. Redmond City Code Section 5.350 – Abatement
2. Redmond City Code Section 7.032 – Revocation of License
3. Redmond City Code Section 8.805 – Enforcement
4. File No. 711-23-000218-SP, Burden of Proof, Page 4
5. File No. 711-23-000218-SP, Site Plan Excerpt
6. File No. 711-23-000218-SP, Approved Decision, Page 9

Sec. 5.350. Abatement.

1. *Abatement by the Owner or Person in Charge of Property.*
 - A. Within ten days after posting and mailing the notice, as provided in this Code, the owner or person in charge of the property shall remove the nuisance, present a plan to remove the nuisance or show that no nuisance exists.
 - B. A person in charge of the property, disputing the declaration of nuisance shall file within ten days with the City Manager a written statement which shall specify the basis for the protest.
 - C. If after review of the statements, the City Manager again determines that a nuisance in fact exists, the person responsible shall abate the nuisance within ten days after the City Manager's final determination.
 - D. If the person in charge of the property disagrees with the final determination of the City Manager, that person may appeal that determination to the Nuisance Appeals Board by filing a written statement within ten days of the City Manager's final determination specifying the basis for the appeal.
 - E. The Nuisance Appeals Board shall either affirm, overturn or modify the City Manager's decision. The decision of the Nuisance Appeals Board shall be the final action of the City.
2. *Abatement by the City - Without Warrant.* If the violation for which a Notice of Abatement has been issued in not corrected within the specified timeframe (within ten days of the posting and/or mailing of the Notice of Abatement, or within ten days of the City Manager's final determination of a dispute, or within ten days of the decision of the Nuisance Appeals Board), and is considered a public health and safety hazard, the City Manager may cause the nuisance to be abated without a warrant.
3. *Abatement by the City - Nuisance Abatement Warrant Authorized.* The Deschutes County Justice Court shall have the authority to issue warrants authorizing any City official authorized by the City Manager to enforce provisions of the Redmond City Code to make searches and seizures reasonably necessary to enforce any provision of the Redmond City Code pertaining to nuisances.
 - A. Every warrant authorized by this section shall be supported by affidavit or sworn testimony establishing probable cause to believe that a nuisance violation has occurred, describing:
 1. The applicant's status in applying for the warrant;
 2. The ordinance or regulation requiring or authorizing the removal and abatement;
 3. The building or property to be entered; the basis upon which cause exists to remove or abate the violation;
 4. A statement of the violation to be removed or abated; and
 5. A statement that consent to enter onto the property to abate the violation has been sought and refused or the facts and circumstances that reasonably justify the failure to seek or inability to obtain such consent.
 - B. Cause shall be deemed to exist if there is reasonable belief that a code violation exists with respect to the designated property, and that the property owner and person in charge of the property have been given notice and an opportunity to abate the violation and has not responded in a timely fashion.
 - C. The court may, before issuing an abatement warrant, examine the applicant and any other witness under oath and shall be satisfied of the existence of grounds for granting such application. If the court is satisfied that cause for the removal and abatement of the violation(s) exists and that the other

requirements for granting the application are satisfied, the court shall issue the abatement warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered, and a statement of the general types and estimated quantity of the items to be removed or conditions abated.

- D. In issuing an abatement warrant, the court may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and to assist in any way necessary to enter the property and, remove and abate the violation.
- E. *Execution of Abatement Warrants.*
1. *Occupied Property.* In executing an abatement warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request. A copy of the warrant shall be left with the occupant or the person in possession. The warrant is not required to be read aloud.
 2. *Unoccupied Property.* In executing an abatement warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person. In such case a copy of the abatement warrant shall be conspicuously posted on the property.
 3. *Return.* An abatement warrant must be executed within 14 working days of its issue and returned to the court by whom it was issued within 14 working days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant, unless executed, is void.
 4. If an abatement warrant to secure entry onto the property subject to the notice of violation has been obtained, no property owner, occupier, or other person in charge of the property, shall refuse, fail or neglect, after proper request, to promptly permit entry by authorized persons to abate the violation(s). It shall be unlawful for any property owner, occupier, or other person in charge of the property to refuse to permit entry by authorized persons to abate the violations for which an abatement warrant has been obtained. Violation of this subsection is a Class B Violation.
 4. The City Manager shall have the final authority to decide whether or not to enter onto property to abate a violation in each particular case.
 5. *Joint Responsibility.* If more than one person is a person in charge of the property, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the City in abating the nuisance.

(Ord. No. 93-26, 11-16-1993; Ord. No. 93-26, 11-16-1993; Ord. No. 98-34, 7-14-1998; Ord. No. 2010-09, 10-12-2010)

Sec. 7.032. Revocation of License.

If the City Manager determines that a licensed business is violating this code, city ordinances, or state or federal law, he or she shall notify the licensee in writing that the license is to be revoked. The notice shall be given at least 30 days before the revocation. If the violation ends within the 30 days, the City Manager may discontinue the revocation proceedings. A notice of revocation shall state the reason for the revocation and inform the licensee of the provisions Section 7.036 for appeal.

(Ord. No. 2013-01, 1-8-2013)

Sec. 8.805. Enforcement.

1. *Administration.* It shall be the duty of the City Manager or an authorized representative to enforce the provisions of these standards pertaining to land use and to the construction, erection, location, or enlargement of any structure located within the City of Redmond under the jurisdiction of these standards.
2. *Building Permits.* No permit shall be issued by the building official for the construction, erection, location, or enlargement or change of use of a building, structure or lot that does not conform to the requirements of these standards or any other ordinance, regulation, permit, or land use approval adopted or issued by the City of Redmond.
3. *Authority.* Whenever necessary to enforce the provisions of these standards, the City Manager or an authorized representative shall have recourse to every remedy provided by law.
4. *Violation of These Standards is a Nuisance.* The construction, erection, location, enlargement of use, change in use or use(s) of any structure or property in violation of these standards or those conditions and limitations approved pursuant to the provisions of these standards shall be deemed a nuisance and may be subject to abatement, removal, or other remedy provided in the City of Redmond's nuisance code under Section 5.345.
5. *Revocation for False Statement.* The City Manager, or designee, may revoke any permit granted pursuant to the provisions of these standards, if it is determined the permit was issued on account of material false statements contained in the application form or material false representations made at a public hearing. A decision to revoke a permit shall be subject to the procedures established for a Development Action, with the corresponding right of appeal.
6. *Revocation for Non-conformance.* The City Manager, or designee, may revoke any permit granted pursuant to the provisions of these standards for failure to comply with those conditions and limitations placed upon the exercise of the permit. A decision to revoke a permit shall be subject to the procedures established for a Development Action, with the corresponding right of appeal. Failure to comply with applicable conditions and limitations may also be subject to abatement, removal, penalty, or other remedy provided in the City of Redmond nuisance code.
7. *Penalties of Violation.*
 - A. A violation of any provision of these standards shall be a Class A civil infraction and/or Class A administrative infraction.
 - B. Violations shall be enforced under the procedures established in Sections 2.750 through 2.799.
 - C. Each day that a nuisance continues to exist constitutes a separate violation, and a separate penalty may be assessed for each day the violation continues.

(Ord. No. 2013-06, 4-9-2013; Ord. No. 2014-05, 4-8-2014; Ord. No. 2020-15, 11-10-2020)



CITY OF REDMOND
Community Development Department

411 SW 9th Street
Redmond, OR 97756
(541) 923-7721
Fax: (541) 548-0706
www.redmondoregon.gov

June 5, 2026

Globo Cobra Partners, LLC
ATTN: Mark Merrick & Rob Littleton
330 Riverside Blvd. #1
Bend, OR 97703

RE: Zoning Code Violation, Final Determination (CE #26-704)
Dry Canyon Club, 1865 NW Hemlock Avenue

This is to confirm that the City received correspondence dated May 28, 2026, from your attorney, David Allen. The letter was in response to the City's original notice of zoning code violation letter, dated May 19, 2026.

After reviewing Mr. Allen's letter and reviewing Redmond Code Section 5.350(1)(C) we maintain that your business is operating in a manner which violates the City's zoning code.

The remedies to the violation include the following:

- 1) Secure additional off-street parking commensurate with the seating you added. Planning Division staff will provide details; or
- 2) Remove all seating which exceeds your approved capacity; or
- 3) Appeal this final determination to the Nuisance Appeals Board by filing a written statement specifying the basis for the appeal within 10 days of the date of this letter.

If no action is taken within 10 days of your receipt of this letter – which is being sent via both certified mail and electronic mail, you may be subject to an administrative infraction and up to revocation of your business license.

Sincerely,

Keith Witcosky
City Manager

CC: David C. Allen, PO Box 577, Madras, OR 97741

One Enclosure:

1. Redmond City Code Section 5.350 – Abatement

Sec. 5.350. Abatement.

1. *Abatement by the Owner or Person in Charge of Property.*
 - A. Within ten days after posting and mailing the notice, as provided in this Code, the owner or person in charge of the property shall remove the nuisance, present a plan to remove the nuisance or show that no nuisance exists.
 - B. A person in charge of the property, disputing the declaration of nuisance shall file within ten days with the City Manager a written statement which shall specify the basis for the protest.
 - C. If after review of the statements, the City Manager again determines that a nuisance in fact exists, the person responsible shall abate the nuisance within ten days after the City Manager's final determination.
 - D. If the person in charge of the property disagrees with the final determination of the City Manager, that person may appeal that determination to the Nuisance Appeals Board by filing a written statement within ten days of the City Manager's final determination specifying the basis for the appeal.
 - E. The Nuisance Appeals Board shall either affirm, overturn or modify the City Manager's decision. The decision of the Nuisance Appeals Board shall be the final action of the City.
2. *Abatement by the City - Without Warrant.* If the violation for which a Notice of Abatement has been issued is not corrected within the specified timeframe (within ten days of the posting and/or mailing of the Notice of Abatement, or within ten days of the City Manager's final determination of a dispute, or within ten days of the decision of the Nuisance Appeals Board), and is considered a public health and safety hazard, the City Manager may cause the nuisance to be abated without a warrant.
3. *Abatement by the City - Nuisance Abatement Warrant Authorized.* The Deschutes County Justice Court shall have the authority to issue warrants authorizing any City official authorized by the City Manager to enforce provisions of the Redmond City Code to make searches and seizures reasonably necessary to enforce any provision of the Redmond City Code pertaining to nuisances.
 - A. Every warrant authorized by this section shall be supported by affidavit or sworn testimony establishing probable cause to believe that a nuisance violation has occurred, describing:
 1. The applicant's status in applying for the warrant;
 2. The ordinance or regulation requiring or authorizing the removal and abatement;
 3. The building or property to be entered; the basis upon which cause exists to remove or abate the violation;
 4. A statement of the violation to be removed or abated; and
 5. A statement that consent to enter onto the property to abate the violation has been sought and refused or the facts and circumstances that reasonably justify the failure to seek or inability to obtain such consent.
 - B. Cause shall be deemed to exist if there is reasonable belief that a code violation exists with respect to the designated property, and that the property owner and person in charge of the property have been given notice and an opportunity to abate the violation and has not responded in a timely fashion.
 - C. The court may, before issuing an abatement warrant, examine the applicant and any other witness under oath and shall be satisfied of the existence of grounds for granting such application. If the court is satisfied that cause for the removal and abatement of the violation(s) exists and that the other

requirements for granting the application are satisfied, the court shall issue the abatement warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered, and a statement of the general types and estimated quantity of the items to be removed or conditions abated.

D. In issuing an abatement warrant, the court may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and to assist in any way necessary to enter the property and, remove and abate the violation.

E. *Execution of Abatement Warrants.*

1. *Occupied Property.* In executing an abatement warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request. A copy of the warrant shall be left with the occupant or the person in possession. The warrant is not required to be read aloud.
2. *Unoccupied Property.* In executing an abatement warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person. In such case a copy of the abatement warrant shall be conspicuously posted on the property.
3. *Return.* An abatement warrant must be executed within 14 working days of its issue and returned to the court by whom it was issued within 14 working days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant, unless executed, is void.
4. If an abatement warrant to secure entry onto the property subject to the notice of violation has been obtained, no property owner, occupier, or other person in charge of the property, shall refuse, fail or neglect, after proper request, to promptly permit entry by authorized persons to abate the violation(s). It shall be unlawful for any property owner, occupier, or other person in charge of the property to refuse to permit entry by authorized persons to abate the violations for which an abatement warrant has been obtained. Violation of this subsection is a Class B Violation.
4. The City Manager shall have the final authority to decide whether or not to enter onto property to abate a violation in each particular case.
5. *Joint Responsibility.* If more than one person is a person in charge of the property, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the City in abating the nuisance.

(Ord. No. 93-26, 11-16-1993; Ord. No. 93-26, 11-16-1993; Ord. No. 98-34, 7-14-1998; Ord. No. 2010-09, 10-12-2010)



Fw: Parking Issue

From Keith Witcosky <Keith.Witcosky@redmondoregon.gov>

Date Sun 6/28/2026 17:35

To Steve Ashworth <steve.ashworth@redmondoregon.gov>; Keith Leitz <Keith.Leitz@redmondoregon.gov>; Kyle Roberts <kyle.roberts@redmondoregon.gov>

FYI

Keith Witcosky
City Manager
Redmond, Oregon
503-318-8761

From: Shaun Larson <slarson5892@gmail.com>

Sent: Sunday, 28 June 2026 16:32:05

To: drycanyonclub@gmail.com <drylicanyonclub@gmail.com>

Cc: Keith Witcosky <Keith.Witcosky@redmondoregon.gov>

Subject: Parking Issue

[EXTERNAL]: This email originated from outside of the City. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dry Canyon Club,

I think back to the first day of your operation when I met the owner. He stated that he did not care where people parked, it was not his problem. Then we had several months of cars parking all over the vacant lots behind our house, causing a dust and litter problem. Once those were closed off we have had cars lining the streets.

Last Friday at 9PM there were well over 125 patrons in your establishment. I am sure it was the busiest place in town. This is just wrong for a neighborhood establishment!!

I applaud the city issuing a code violation! I also hope the HOA enforces the fact that the 6 food carts should not be parked in lot 253 per CCR's. This is per the HOA's attorney's input.

In your appeal letter to the code violation you say you will work to alleviate the problem. I have seen no effort in the year you have been open to lessen the impact on the neighborhood. You have doubled your seating capacity, enclosed your porch to boost winter capacity and have not cared about your patrons and suppliers driving down our private alley.

As far as I can tell DCC has duped the city and only cares about the almighty dollar.

Best,
Shaun Larson

June 27, 2026

City of Redmond
Attn: Keith Witcosky, City Manager
411 SW 9th Street
Redmond, OR 97756
Via email: admin@redmondoregon.gov

RE: Public input on the Dry Canyon Club appeal of the Zone Code Violation (CE #26-704)

Mr. Witcosky,

I want to thank the City of Redmond for issuing a Zone Code Violation to the Dry Canyon Club for expanding its seating capacity beyond what was approved in land use decision 711-23-000218-SP. It is my understanding that the DCC has appealed your decision to require removal of all seating which exceeds the approved capacity or secure additional off-street parking commensurate with the added seating.

It is also my understanding that your decision has been appealed to a Nuisance Appeals Board and that this appeal hearing will be held on 07/07/2026 at 5:00PM at Redmond City Hall. I am not aware of whether or not this is a public hearing or if an opportunity exists for public testimony. Regrettably I will be unable to attend the hearing at that time. As such, and if public testimony is allowed to be submitted for this hearing, I respectfully request that you submit this letter into the record.

I reside in Canyon Rim Village, Phase 1. As you are aware by public complaint and observation, the DCC is severely underparked for the amount of activity that is taking place, such that the provided 16 spaces are grossly inadequate. When patrons pull into the minimal parking at DCC and find the 16 provided spaces occupied they speed down the private residential alleys to double back to Hemlock Avenue and other public streets for street parking. They endanger the residents along the private alleys and then they overrun the street parking in the residential areas.

The DCC land use application was approved for 1,160 sf of seating area. The DCC has expanded its seating area to include more than double the amount of seating area in space not disclosed as seating area in their land use application, nor considered in their traffic Transportation Impact Analysis for the development. It is also worth noting that the additional seating area (approximately 1,500 sf) not disclosed in the land use application is fully walled, heated and illuminated and completely internal through the mid-fall, winter, and early spring seasons. When not fully enclosed space, I would also not characterize this as outdoor seating, as it is covered and heated.

I have been provided the DCC appeal letter dated June 15, 2026 from Attorney David C. Allen. The attorney provides several statements and arguments in the appeal letter that invite challenge and correction.

Covered Outdoor Rec Area

In the section entitled: Recreational Uses Area Allowed the attorney is arguing that the covered patio area listed as “Recreational Use” provides for allowance of picnic tables by citing a definition of “recreational use” in ORS 105.672(5).

In his argument, the attorney has both misquoted the language on the Site Plan as well as the ORS, as neither reference the quoted term “Recreational Use” Regardless, ORS 105.672 is a portion of state law pertaining exclusively to recreational immunity and has no bearing as a definition pertaining to what DCC was attempting to describe in the space labeled “Covered Outdoor Rec Area” on their site plan.

The attorney is attempting to place blame on the City by noting a “lack of foresight” by the City in not anticipating additional seating in the area labeled, “Covered Outdoor Rec Area”, yet in the DCC’s own burden of proof, it was the developer, not the City, who proposed 1,160 sf of seating area relative to the parking calculation. As the parking calculation was based ultimately on what the developer proposed, it is difficult to believe that they were not aware that the addition of more seating area (substantially more at that) would necessitate more parking.

Of course, had they simply indicated that the space would be used for additional seating, the City would have been able to fully evaluate the parking requirement, but more importantly, the public would have also been able to review and comment upon a land use in the neighborhood whose seating footprint and traffic impact now exceeds the size of an Applebees restaurant.

Transportation Impact Analysis

The attorney makes the claim that the Transportation Impact Analysis submitted for DCC “...very clearly considered all covered outdoor areas as a part of the more than 3,000 square foot ground floor...” **This statement by the attorney is 100% false.**

The traffic study used the then proposed 3,850 sf ground floor footprint of the DCC, to calculate the trip generation of the site per the methodology of the 11th Edition of the ITE Trip Generation Manual. The 3,850 sf building footprint does not include the additional 1,500+/- sf of covered outdoor area.

In fact, the analysis narrative notes that “...the food cart pod does not have any indoor space. It relies on the indoor seating and beverage service of the “restaurant”.”

All this aside, the traffic forecast (within the traffic study) and parking calculation (within City Code) are mutually exclusive. The developer only proposed 1,160 sf of the 3,700+ sf footprint of the building for the seating area to meet the parking requirement prescribed by City Code.

The City is correct in restricting the DCC to a seating area no greater than that which the developer certified as meeting the City's standard in the DCC site plan. Inclusion of the 1,500+/- sf of additional seating area would require 15 additional parking spaces.

Additional Compliance Issues:

In his conclusion, the attorney requests that the City provide findings that the subject property and current use fully comply with the conditions of approval in the land use decision. I ask that the City does not provide these findings and conversely and respectfully submit additional Code Violation items as follows:

1. The DCC is utilizing significant interior space for commercial sales, including gifts, merchandise, food items, and retail alcohol sales for off-site consumption. None of this commercial activity was disclosed in the DCC's burden of proof narrative or parking calculation for the site.
2. As previously noted, the DCC has installed roll-up walls to provide for the entirety of the Covered Outdoor Rec Area to become interior space. In addition to the primary issue related to the addition of seating and lack of parking, I presume an enclosure of this nature, when utilized approximately half the calendar year, may violate numerous other code provisions, including fire code (exit routes, ADA, etc).
3. DCC patrons are utilizing the private Phase 1 alleys in Canyon Rim Village. The DCC does not have a reciprocal access easement or beneficiary status to use the Phase 1 alleys dedicated exclusively for Phase 1 use on the Canyon Rim Village, Phase 1 plat.

Again, I appreciate that the City is taking this action. The adjacent residents rely upon the City to enforce its code to restore safety and quiet enjoyment of our property. As currently configured and operated, the DCC has jeopardized both.

Respectfully,

Chris Doty
Canyon Rim Village Resident
christopher.g.doty@gmail.com