



## CITY OF REDMOND

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### CITY COUNCIL

June 28, 2022  
Council Chambers • 411 SW 9th Street

#### COUNCIL MEMBERS

George Endicott  
*Mayor*

Jay Patrick  
*Council President*

Krisanna  
Clark-Endicott  
*Councilor*

Clifford Evelyn  
*Councilor*

Ed Fitch  
*Councilor*

Shannon Wedding  
*Councilor*

Cat Zwicker  
*Councilor*

**JUNE 28, 2022**

**REGULAR MEETING AGENDA**

**6:00 PM**

**I. CALL TO ORDER / ESTABLISH A QUORUM**

**II. BLESSING - Pastor Thomas Bengel, Redmond Community Church**

**III. PLEDGE OF ALLEGIANCE**

**IV. COMMENTS FROM CITIZENS AT THE MEETING**

**V. CONSENT AGENDA**

- A. Minutes of the February 22, 2022, Council Meeting
- B. Minutes of April 26, 2022, Council Meeting
- C. Redmond Economic Development Inc. Annual Contract, Fiscal Year (FY) 2022/23: \$149,435
- D. Sigma Tactical Wellness Contract for Cardiac Screening: \$51,136
- E. Convention Visitors Bureau Tourism Fiscal Year (FY) 2022/23 Annual Contract: \$330,105
- F. Resolution #2022-20 - A resolution of the City of Redmond to make Budget Adjustments totaling \$20,000 (in Fiscal Year (FY) 2021/22 for Capital Projects Fund advance repayment).

**VI. PRESENTATIONS**

- A. Overview of land use exactions (Nollan/Dolan)

**VII. PUBLIC HEARINGS**

- A. Resolution 2022-18 - Approval of Amendment to the 2021 Community Development Block Grant 2021 Annual Action Plan which increases total expenditures for ADA investments at Hope Playground and/or other publicly used facilities (sidewalks, parks, etc.) and program administration: \$152,129.
- B. Resolution #2022-19 – A resolution adopting the Community Development Block Grant 2022 Annual Action Plan and authorizing the submission of the Annual Action Plan to the United States Department of Housing and Urban Development: \$362,814

- C. Ordinance 2022-04: An Ordinance amending various sections of the City Code to incorporate HB 2001 requirements and other administrative changes

## **VIII. ACTION ITEMS**

- A. Intergovernmental Agreement with Deschutes County and the Cities of Bend, La Pine, Redmond, and Sisters for a County-Cities Coordinated Houseless Response Office Pilot (implementation of HB 4123)
- B. Public Safety Facility (PSF) - General Obligation (GO) Bonds
  - i. Proclamation Certifying the May 17, 2022, Elections Results
  - ii. Resolution #2022-21 - Authorizing Issuance of GO Bonds

## **IX. MAYOR'S COMMENTS**

## **X. COUNCIL COMMENTS**

## **XI. CITY MANAGER COMMENTS**

## **XII. ADDITIONAL COMMENTS FROM CITIZENS AT THE MEETING**

## **XIII. EXECUTIVE SESSION**

- A. Litigation – ORS 192.660(2)(h) authorizing executive sessions “to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.”
- B. Labor Negotiations – ORS 192.660(2)(d) authorizes executive sessions “to conduct deliberations with persons designated by the governing body to carry on labor negotiations.”

**Oregon Law permits public bodies to meet in executive session to discuss specific matters which are not open to the public. Final actions or decisions on these matters will be made during regular session.**

**Under the provisions of the Oregon Public Meetings Law, the proceedings of this executive session are for background information only for media attending and not for publication or broadcast.**

## **XIV. MOTIONS AS A RESULT OF EXECUTIVE SESSION**

## **XV. ADJOURN**

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

**REGULAR CITY COUNCIL MEETING OF THE CITY OF REDMOND WAS HELD FEBRUARY 22, 2022, VIA GOTOMEETING.**

**COUNCIL MEMBERS PRESENT:** Krisanna Clark-Endicott – George Endicott – Clifford Evelyn – Ed Fitch – Jay Patrick – Shannon Wedding – Cat Zwicker

**STAFF PRESENT:** City Manager Keith Witcosky – City Attorney Keith Leitz – Airport Director Zachary Bass – Police Chief Devin Lewis – Public Works Director Bill Duerden – City Engineer Mike Caccavano – City Recorder Kelly Morse – Deputy City Manager John Roberts – IT Specialist Sheri Cleveland – Chief Financial Officer Jason Neff – Communications Director Heather Cassaro – CDD Programs Coordinator Jackie Abslag – Computer Forensics Examiner Chris Duchateau

**MEDIA PRESENT:** None

Mayor Endicott called the meeting to order at 7:00 p.m. A quorum was established.

**BLESSING**

Pastor Chuck Gustafson from Desert Song Community Church led the blessing.

**PLEDGE OF ALLEGIANCE**

Councilor Clark-Endicott led the Pledge of Allegiance.

**COMMENTS FROM CITIZENS AT THE MEETING**

**A. Pat Fisher's Written Comments**

**B. Jolene Estimo's Written Comments**

Redmond Athletic Club owner Branegan Dixon addressed the Council regarding two inhabited recreational vehicles (RV) parking outside his business for the last two weeks. He stated his customers are unhappy and he is concerned with the situation becoming similar to Hunnell Road in Bend. Police have said their hands are tied in this situation. City Manager Keith Witcosky explained current court law does not permit the towing of people's "homes" and there must be places for them to go.

Resident Lena Berry expressed her appreciation to Councilor Zwicker for suggesting the need to create stronger safety regulations for protests near schools. Ms. Berry also spoke regarding homelessness and requested the Council direct staff to hire consultants to seek grant funding for homelessness issues.

Residents Pat Fisher, Jackie Noble, Rachael Porta, and Lynn Shofner thanked Mr. Witcosky and Councilor Zwicker for reaching out to the homeowners affected by blasting in the Dry Canyon North subdivision and for shutting down blasting work in Phase 3.

**CONSENT AGENDA**

**A. Minutes of February 8, 2022, Council Meeting**

**B. Minutes of February 15, 2022, Special Council Workshop**

**Councilor Clark-Endicott moved, seconded by Councilor Evelyn, to approve Consent, motion passed. (Clark-Endicott-yes, Endicott-yes, Evelyn-yes, Fitch-yes, Patrick-yes, Wedding-yes, Zwicker-yes)**

**BID AWARDS / BID REJECTIONS**

**A. Award of contract to Jesse Rodriguez Construction LLC for North Canal Sewer Replacement in the amount of \$179,160 (Project #WW2103)**

City Engineer Mike Caccavano requested approval of a bid award to Jesse Rodriguez Construction LLC for the North Canal Sewer Replacement project. In response to a formal Invitation to Bid (ITB), one proposal was received. After staff review, Jesse Rodriguez Construction LLC was deemed to be a responsible bidder. The Engineer's estimate was \$190,675.

**Councilor Wedding moved, seconded by Councilor Fitch, to award the North Canal Sewer Replacement Project to Jesse Rodriguez Construction LLC, Inc. in the amount of \$179,160 and authorize the City Manager to sign the contract, motion passed. (Clark-Endicott-yes, Endicott-yes, Evelyn-yes, Fitch-yes, Patrick-yes, Wedding-yes, Zwicker-yes)**

**B. Award of Contract to McKenzie Cascade Heavy Excavation for Highland-Glacier Sewer Repair in the amount of \$238,747 (Project #WW2102)**

Mr. Caccavano requested approval of a bid award to McKenzie Cascade Heavy Excavation for the Highland-Glacier Sewer Repair project. In response to a formal ITB, one proposal was received. After staff review, McKenzie Cascade Heavy Excavation was deemed to be a responsible bidder. The Engineer's estimate was \$213,859

**Councilor Wedding moved, seconded by Councilor Patrick, to award the Highland-Glacier Sewer Repair Project to McKenzie Cascade Heavy Excavation in the amount of \$238,747 and authorize the City Manager to sign the contract, motion passed. (Clark-Endicott-yes, Endicott-yes, Evelyn-yes, Fitch-yes, Patrick-yes, Wedding-yes, Zwicker-yes)**

**ACTION ITEMS**

**A. Special Event Street Closure for the Wild Ride Classic Car Show on April 23, 2022.**

Deputy City Manager John Roberts presented the Council with a special event street closure for the third annual Wild Ride Classic Car Show on April 23, 2022. The event requests the closure of SW 5<sup>th</sup> Street from Black Butte Boulevard to Forest Avenue on April 23, 2022, from 7:00 a.m. through 4:00 p.m. Fees for the permit are as follows:

|                                    |                 |
|------------------------------------|-----------------|
| Permit Fee: Street Closure         | \$200.00        |
| Public Works Fee – Traffic Control | \$548.64        |
| Deposit (Refundable after event)   | \$250.00        |
| <b>Total:</b>                      | <b>\$998.64</b> |

**Councilor Evelyn moved, seconded by Councilor Clark-Endicott, to approve the Public Assembly Permit for the Wild Ride Classic Car Show, maintaining the fee schedule as shown, motion passed. (Clark-Endicott-yes, Endicott-yes, Evelyn-yes, Fitch-yes, Patrick-yes, Wedding-yes, Zwicker-yes)**

**B. Resolution #2022-06 - A resolution of the City Council of the City of Redmond, Oregon, authorizing the issuance, sale, execution and delivery of Full Faith and Credit refunding obligations, in one or more series, together or separately, from time to time, in an aggregate principal amount necessary for the purposes of prepaying all or a portion of certain outstanding obligations of the City and paying cost of issuance related thereto; authorizing the execution and delivery of a Bond Purchase Agreement or other financing agreement and related issuance and sale documents; and authorizing such other agreements, certificates and documents as may be necessary and appropriate to carry out such transaction; designating authorized representatives and delegating authority, and related matters.**

Chief Financial Officer Jason Neff requested approval of Resolution #2022-06 which refinances the 2012 Full Faith and Credit obligation resulting in a potential savings of \$0.5 million. In addition, refinancing provides the ability to pre-pay down the debt in the future. The outstanding debt for the 2012 FFCO

comes from the Golf Fund (\$3.3 million, 62 percent), Water Fund (\$1.1 million, 21 percent), Transportation Fund (\$0.5 million, 9 percent), Local Improvement District (LID) Fund (\$0.3 million, 5 percent), and Parks Fund (\$0.2 million, 3 percent). Pre-payment of the Parks Fund and LID Fund debt will result in \$55,000 in savings and refinancing the Golf, Water, and Transportation Funds will save the City \$460,000.

**Councilor Patrick moved, seconded by Councilor Zwicker, to approve Resolution #2022-06 authorizing staff to refund the 2012 Full Faith and Credit Obligation Bonds, motion passed. (Clark-Endicott-yes, Endicott-yes, Evelyn-yes, Fitch-yes, Patrick-yes, Wedding-yes, Zwicker-yes)**

**C. Resolution #2022-05 - A resolution of the City of Redmond City Council, directing the City Manager to submit to the Deschutes County Elections Office the question of issuing General Obligation bonded indebtedness in an aggregate principal amount not to exceed \$40,000,000 to finance a new Public Safety Facility and related capital costs. (Ballot Measure for May 17, 2022, Election)**

Mr. Neff requested approval of Resolution #2022-05 which directs the submission of the question regarding issuance of General Obligation (GO) bonds, for construction of the Public Safety Facility (PSF), to the Deschutes County Elections office for the May 17, 2022, election. The project is estimated at \$49 million with \$26 million in construction costs, \$9.7 million in soft costs such as furnishings, \$2.3 million in land costs, \$2.7 million in escalation costs, \$3.8 million in design contingency, and \$4.2 million in City contingency. Mr. Neff reviewed the GO bond options and next steps in the process.

The Council discussed whether a cost cap is necessary for voter confidence.

**Councilor Clark-Endicott moved, seconded by Councilor Wedding, to adopt Resolution #2022-05, motion passed. (Clark-Endicott-yes, Endicott-yes, Evelyn-no, Fitch-no, Patrick-yes, Wedding-yes, Zwicker-yes)**

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

**Mayor Endicott** announced there will not be a meeting on March 22 due to spring break.

#### **COUNCIL COMMENTS**

##### **A. Councilor Fitch's Written Comments**

**Councilor Clark-Endicott** announced there are three new members on the Urban Area Planning Commission. She spoke regarding Councilor Evelyn's Facebook posts. She opined the posts are inaccurate and false. She stated that while she believes in healthy debate and different viewpoints, she does not believe in personal attacks because of different beliefs.

**Councilor Evelyn** responded that he stands by what he said in his posts.

**Councilor Fitch** spoke to information he received regarding The Peaks development noting that Council may receive a request for support. Councilor Fitch explained he does not like voting no on the PSF bond measure and opined the Council is taking steps to detract from the viability of the ballot measure by committing all of the American Rescue Plan Act funds to the project. The homeless issue is growing, and they need assistance of places such as Oasis Village. In terms of social issues, Councilor Fitch believes the Council needs to respect each other's viewpoints as long as they remain positive. In addition, he spoke to the Council's lack of condemnation for the protesters approaching children outside Redmond High School during their protest. He opined the Council needs to earn the trust of the public by approving a cost cap on the PSF project

**Councilor Patrick** read the following statement for the record:

School Board Resolution:

"I would like to state my appreciation to the school board in their resolution to support families and protect the kids in our district. As is scene through many medical publications the effects of the masks have been detrimental to our kids in so many ways. The resolution is directed toward our families and kids. For some people to claim "the resolution is directing us to break the law" is bogus and a headline maker. In the resolution they speak's (sic) to parents and kids, NOT to staff. Staff are free to make their own decisions. This resolution is showing that the board cares about our kids and that families should have back more control of their own kids. Thank you, Redmond School Board."

Addressing Clifford (ed. Councilor Evelyn):

"The purpose of the City Council is to work for the Citizens of Redmond. We are to use common sense and direct policy so that citizens can have a safe, secure and affordable place to raise their kids as well as be proud of. That takes working as a group. It doesn't mean always agreeing, but it does mean working as a Team. It is the Council's responsibility to make policy related decisions and to establish goals and objectives for the City of Redmond. We need to be professional in the way that we relate each other. We need to be ethical as a City Councilor, not taking pot shots at one another because we disagree with another Councilor or a decision that was made. We are in charge of a large budget of millions of citizens tax dollars. Where, how and why that money is spent demands our attention. Failure to working together is like saying "it's my way or the highway". Instead of working toward middle ground to come to an agreement if possible. The following were statements I read published on Clifford Evelyn's Facebook Account last week. "The things they say get me very upset because they are weak and selfish people who only care about themselves. We can vote her, Jay and the Mayor out this year, so let's focus on doing that. I would have run for Mayor, but I need more time. Ed will do well since he's been the Mayor in the past. Please support him." "She was basically recalled in Medford for her scandalous behavior and now she's bringing that criminal behavior to Redmond. We will vote her out this year along with Jay Patrick and the Mayor." As President of Council I wish and expect we work as a Team to make the City safe, secure and livable. You can think or say whatever we want as an individual but sometimes what we say will breakdown the ability to work cohesively toward common goals in the future. It makes it hard to gain trust again. Political infighting in a non-political position needs to stop. Working toward finding great individuals to run for Council who have a goal of helping the City grow into the future in the best way possible is perfect. However, spewing nasty hateful messaging is not the way that any of us should work at this to make it happen. Following is a snippet of the council rules: Councilors shall not engage in personal attacks of the knowledge, skills, abilities, and personalities of Council members or City staff, or impugn the motives of Council members or City staff, during any Council or other City meetings. Reading the last half sentence, it states "during a meeting", I would hope that we are professional enough that the rest of that paragraph that speaks to the types of hate and nasty messaging would be held back from our social media postings. I ask that this kind of language and defamation stop. Disagreement is going to happen. It has and will long after I am gone. I am sorry there was no apology given tonight to Councilor Clark-Endicott. I now know that our Mayor has asked for us to all be professional and treat each other with respect. Now it is on Council Meeting record as to the personal attacks. We have witnessed them in tonight's meeting, with the lack of an apology. If I see it happen a 3rd time I will ask Council to approve a censure on the responsible party. My Goal is to have a Council that works as a Team and can function in Unity. Let's move Forward as that Team."

Councilor Patrick added that he is willing to vote for a cost cap on the PSF.

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**Councilor Wedding** stated she is disheartened by the lack of professionalism and personal attacks on other Councilors noting she was the target of a previous post. She stated this behavior diminishes the Council's ability to work together adding she hopes the Council can move past this.

**Councilor Zwicker** explained that while discord can lead to harmony she stated a professional more courteous way to voice each other's disagreement. Councilor Zwicker added the community expects the Council to be transparent and help and support them. She noted her appreciation for Councilor Fitch's comments on transparency regarding the PSF cost cap.

**CITY MANAGER COMMENTS**

**City Manager Keith Witcosky** provided an update on the outreach effort that has taken place with homeowners on Teak Avenue and the City's procedures going forward.

**ADDITIONAL COMMENTS FROM CITIZENS AT THE MEETING**

There were no additional comments from citizens at the meeting.

There being no further business, the meeting was adjourned at 8:51 p.m.

Reviewed by Kelly Morse, City Recorder

APPROVED by the City Council and SIGNED by the Mayor this 28<sup>th</sup> day of June 2022.

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

ATTEST:

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

**REGULAR CITY COUNCIL MEETING OF THE CITY OF REDMOND WAS HELD APRIL 26, 2022, IN COUNCIL CHAMBERS.**

**COUNCIL MEMBERS PRESENT:** Krisanna Clark-Endicott – George Endicott – Clifford Evelyn – Jay Patrick – Shannon Wedding (via GoToMeeting) – Cat Zwicker

**COUNCIL MEMBERS EXCUSED:** Ed Fitch

**STAFF PRESENT:** City Manager Keith Witcosky – City Attorney Keith Leitz – Airport Director Zachary Bass – Public Works Director Bill Duerden – City Engineer Mike Caccavano – Deputy City Manager John Roberts – IT Specialist II Christian Armatas – Chief Financial Officer Jason Neff – Accounting and Financial Reporting Director Brooks Slyter – Communications Director Heather Cassaro – Interim Planning Director Kyle Roberts – City Recorder Kelly Morse – Police Lieutenant Jesse Petersen – Billing & Collections Manager Valerie Taylor

**MEDIA PRESENT:** Tim Trainor, Redmond Spokesman

Mayor Endicott called the meeting to order at 6:00 p.m. A quorum was established.

#### **BLESSING**

Pastor Randy Folkenberg of Redmond Seventh-Day Adventist Church led the blessing.

#### **PLEDGE OF ALLEGIANCE**

Councilor Patrick led the Pledge of Allegiance.

#### **COMMENTS FROM CITIZENS AT THE MEETING**

Trevor Johnson thanked the Council for the support they have shown for the crisis in Ukraine by flying the Ukrainian flag outside City Hall.

#### **CONSENT AGENDA**

##### **A. Minutes of December 21, 2021, Council Workshop**

Councilor Clark-Endicott moved, seconded by Councilor Zwicker, to approve the Consent Agenda as presented, motion passed. (Clark-Endicott-yes, Endicott-yes, Evelyn-yes, Fitch-absent, Patrick-yes, Wedding-yes, Zwicker-yes)

#### **PROCLAMATIONS**

##### **A. Asian American Pacific Islander Heritage Month**

Councilor Zwicker moved, seconded by Councilor Clark-Endicott, to approve the Proclamation designating May 2022 as Asian American Pacific Islander Heritage Month, motion passed. (Clark-Endicott-yes, Endicott-yes, Evelyn-yes, Fitch-absent, Patrick-yes, Wedding-yes, Zwicker-yes)

Mayor Endicott read the Proclamation.

#### **PRESENTATIONS**

##### **A. Jericho Road Annual Report**

Jericho Road representative Don Senecal provided the Council with annual report of Jericho Road. Highlights from the presentation included a background on Jericho Road's services and their mission which includes operating and maintaining the following:

- Housing assistance program
- Jericho Table
- Weekend food program
- Emergency service and homeless camp outreach
- Shower program

Mr. Senecal stated that three years ago, the Council endorsed Jericho Road's proposal to conduct a homeless shelter feasibility study for the community. As a result of that study, the organization now has multiple shelters and pending facilities they assist. Bethlehem Inn, Shepherd's House, Oasis Village, Habitat for Humanity, Housing Works, Jericho Road, and others worked to create opportunities for the homeless to overcome challenges and regain their dignity and quality of life. They are providing access to low-barrier and transitional shelters, housing vouchers, rental support, or the construction of permanent homes.

#### **BID AWARDS / BID REJECTIONS**

##### **A. Award a contract of up to five-years to BMS Technologies for Billing and Collections Mailing Services: \$529,764.**

Billing & Collections Manager Valerie Taylor requested the Council award a contract for the City's billing and collections mailing services to BMS Technologies for a term of three years with two optional one-year extensions. In late February the City issued a formal Request for Proposal (RFP) and received two bids. After reviewing the proposals, BMS was selected based on several factors including the ability to support rapid growth and multiple billing platforms, their experience with municipalities of Redmond's size and larger, the proven ability to work with the current billing software provider, and the City's complex billing.

In response to questions from Councilor Patrick regarding a rate increase of only 3 percent when City growth is 7-8 percent, Ms. Taylor explained that due to electronic billing and other factors, the City is not physically billing 8 percent more accounts. The electronic mailing is handled through the City's software, not an outsourced provider. The contract cost is an estimated amount because costs will increase as the City grows.

**Councilor Wedding moved, seconded by Councilor Evelyn, to authorize the City Manager to sign a three-year contract with two optional one-year extensions for billing and collections mailing services to BMS Technologies in the estimated amount of \$529,764. Motion passed. (Clark-Endicott-yes, Endicott-yes, Evelyn-yes, Fitch-absent, Patrick-yes, Wedding-yes, Zwicker-yes)**

Ms. Taylor and her team were commended for reducing shutoffs from 30 to 50 a month pre-Covid to only 12 last month. It was noted her team does a tremendous amount of proactive outreach. Overall outstanding balances have gone down since before Covid.

#### **PUBLIC HEARINGS**

##### **A. Ordinance #2022-02 – An ordinance concerning the vacation of a portion of the alley through Block 34, Townsite of Redmond.**

City Engineer Mike Caccavano explained the public hearing is the second step in the right-of-way vacation process once the Council initiates the vacation. Ordinance #2022-02 vacates the alley located between Deschutes and Evergreen Avenues and between 7th and 8th Streets. Most of the alley runs through Centennial Park. Regarding the north end of the alley, most of it is not needed except for the north 85 feet which needs to be retained as an alley. There will be an easement retained on the alley for existing sewer line, gas, and power lines.

Staff is recommending the public hearing be opened and continued since consent has not been received from one adjacent property owner. Mayor Endicott opened the public hearing and continued it to the May 24, 2022, Council meeting.

**B. Ordinance #2022-03 – An ordinance approving a Tentative Subdivision, Modification to the Highway Area Plan, and an Amendment to the 2040 Greater Redmond Area Comprehensive Plan and Zone Map. Project Name - 121 West**

Interim Planning Director Kyle Roberts requested approval of Ordinance #2022-03 which approves three land use applications, the first being a zoning map amendment, the second being a modification to an area plan as well as a master plan, and then finally a tentative 157-lot subdivision. The project is located at 3211 North Highway 97 just east of Tom McCall Elementary and Elton Gregory Middle School and encompasses two parcels totaling 35 acres. The proposed project consists of six phases with five zoning districts, 157 lots, mixed-use employment, open space, and a multi-use trail.

The applicants are requesting a modification to the area plan which would require a quasi-judicial hearing. Mr. Roberts shared a comparison of the existing zoning versus the proposed zoning which increases the residential zoning areas and decreasing the mixed-use areas. He noted the plans align well with the 2007 Highway Area Plan. Mr. Roberts spoke to the criteria used to review zoning map amendments and emphasized the importance of the amendment conforming with the Comprehensive Plan. In addition, he described how the project adheres to the Great Neighborhood Principles.

On April 4, 2022, the Urban Area Planning Commission (UAPC) held a public hearing but did not receive any public comments or written testimony at the meeting. The UAPC voted unanimously to recommend approval. Staff recommends approval of the project, subject to the 15 conditions of approval.

Staff addressed questions throughout their presentation.

Mayor Endicott opened the public hearing.

The applicant, Margo Clinton and Chet Antonsen of SGS Development, reiterated Mr. Roberts' presentation and explained their thoughts behind the proposed project.

There being no further testimony, Mayor Endicott closed the public hearing.

**Councilor Patrick moved, seconded by Councilor Clark-Endicott, to have the first and second reading of Ordinance #2022-03 by title only. Motion passed. (Clark-Endicott-yes, Endicott-yes, Evelyn-yes, Fitch-absent, Patrick-yes, Wedding-yes, Zwicker-yes)**

City Attorney Keith Leitz read the first and second reading of Ordinance #2022-03 by title only.

**Councilor Patrick moved, seconded by Councilor Zwicker, to approve Ordinance #2022-03. Motion passed. (ROLL CALL: Clark-Endicott-yes, Endicott-yes, Evelyn-yes, Fitch-absent, Patrick-yes, Wedding-yes, Zwicker-yes)**

**ACTION ITEMS**

**A. Resolution #2022-10 - A resolution of the City of Redmond, Oregon, extending the Sewer Line D Reimbursement District.**

Mr. Caccavano requested approval of Resolution #2022-10 which extends the Sewer Line D Reimbursement District. When the reimbursement district was first initiated, 13 properties had the potential to benefit from the utilities. During the first 10 years of the reimbursement district, two properties developed and paid their assessment. Council approved a five-year extension in 2017, and during that

time three more properties paid their reimbursements. Presently there are four properties in various stages of the development process and likely to pay their assessments in the next year or two.

**Councilor Clark-Endicott moved, seconded by Councilor Evelyn, to adopt Resolution #2022-10, extending the Sewer Line D Reimbursement District through May 8, 2027. Motion passed. (Clark-Endicott-yes, Endicott-yes, Evelyn-yes, Fitch-absent, Patrick-yes, Wedding-yes, Zwicker-yes)**

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

**A. Appointment of Jennifer Palmer to the Redmond Commission for Art in Public Places, term expiring December 31, 2025.**

Mayor Endicott reported the two applicants interviewed for the Redmond Commission for Art in Public Places (RCAPP) were both very well-qualified and very impressive. Ms. Palmer's experience with performing arts helped sway his decision in addition to her background; Councilor Evelyn concurred.

**Mayor Endicott recommended the appointment of Jennifer Palmer to the Redmond Commission for Art in Public Places, term expiring December 31, 2025, recommendation passed. (Clark-Endicott-yes, Endicott-yes, Evelyn-yes, Fitch-absent, Patrick-yes, Wedding-yes, Zwicker-yes)**

**Mayor Endicott** reported that he was approached about the Mayor's National Water Conservation Challenge and Redmond is currently in second place nationwide. He encouraged everyone to visit the website and register their pledge to conserve water. Recently, there was a great deal of vandalism and graffiti in the restrooms at Sam Johnson Park, Fairhaven Park, American Legion Park, Kalama Park, and Quince Park. Due to the extensive damage, the City had to shut down the restrooms for a month or two so they can be repaired. The estimated cost is \$10,000 per restroom.

#### **COUNCIL COMMENTS**

**Councilor Zwicker** shared she was very excited to see some of the planning efforts coming forward with 121 West. She opined Ms. Palmer will be an excellent addition to RCAPP. Councilor Zwicker reported the real estate community is working hard to find ways to help with housing and asked people to email her if interested in discussing housing.

**Councilor Wedding** reported on the amount of participation at the car show this past weekend, including from surrounding communities. Mayor Endicott stated he was told it was the biggest car show ever in the history of Redmond with 450 cars.

**Councilor Patrick** reported the ballots for the May 17, 2022, election will be out Friday. He encouraged citizens to vote yes for the Public Safety Facility bond measure.

**Councilor Evelyn** stated he also attended the car show and thought it was great and vibrant. He also encouraged support of the Public Safety Facility ballot measure.

**Councilor Clark-Endicott** applauded the car show and thanked Dan Mooney, Wild Ride, and all of the other sponsors. She reported on the recent Redmond Executive Association meeting and shared information from the presentation by Oregon Water Resources Manager for Central Oregon Kyle Gorman. Councilor Clark-Endicott provided updates from the Central Oregon Area Commission on Transportation meeting and announced she was reappointed to the Citycounty Insurance Services Board of Trustees.

#### **CITY MANAGER COMMENTS**

**City Manager Keith Witcosky** announced the Central Oregon Latin Festival will take place at General Duffy's on Saturday. A number of Staff will be there to talk about recruitment opportunities, public safety, Public Safety Facility bond, Redmond Wetlands Complex, etc. In terms of the damage to the parks restrooms the Police Department will be paying extra attention and patrolling through them at least a

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couple times a day. The Airport is seeking a \$100 million grant for the terminal expansion. Mr. Witcosky provided an update on upcoming council meeting topics.

#### **ADDITIONAL COMMENTS FROM CITIZENS AT THE MEETING**

There were no additional comments from citizens at the meeting.

Mayor Endicott noted there would be no motions as a result of Executive Session. There being no further business in open session, the meeting was adjourned at 7:20 p.m.

#### **EXECUTIVE SESSION**

Mayor Endicott convened the Council into Executive Session at 7:24 p.m. in accordance with ORS 192.660(2)(d) authorizes executive sessions "to conduct deliberations with persons designated by the governing body to carry on labor negotiations."

Mayor Endicott closed the Executive Session portion of the meeting at 7:39 p.m.

Prepared by ABC Transcription Service and reviewed by Kelly Morse, City Recorder

APPROVED by the City Council and SIGNED by the Mayor this 28<sup>th</sup> day of June 2022.

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George Endicott, Mayor

ATTEST:

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Trish Pinkerton, Assist. to Recorder's Office



## CITY OF REDMOND

**CITY HALL**  
411 SW 9<sup>th</sup> STREET  
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# STAFF REPORT

**DATE:** June 28, 2022  
**TO:** Redmond City Council  
**THROUGH:**  
**FROM:** Keith Witcosky, City Manager  
**SUBJECT:** Annual Service Contract for Fiscal Year 2022-2023 with Redmond Economic Development, Inc: \$149,435.

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### Addresses Council Goal:

8. Regional Cooperation. Recognize Central Oregon as a whole is stronger than sum of its individual parts and regional relationships are critical in Redmond's planning and decision-making processes.

### Report in Brief:

This item requests City Council approve a one-year service contract, in an amount not to exceed \$149,435, between the City of Redmond and the Redmond Economic Development Inc. (REDI) for investments in economic development and traded sector job growth. Contract term is from July 1, 2022 - June 30, 2023.

### Background:

Since 1987/88, the City of Redmond has contracted with REDI to advance the REDI Strategic Action Plan and pursue economic and business development through effective marketing, recruiting, retention/expansion, in Redmond, Oregon.

### Discussion:

The service contract with REDI contains the following notable information:

- Amount: \$149,435.
- Duration: July 1, 2022 – June 30, 2023. Does not auto-renew.
- Other: REDI shall make a good faith effort to raise money from private contributions or third-party sources an amount equal to the estimated level detailed in the Budget.
- REDI shall make annual performance reports to City Council.
- Financial Audit: REDI shall perform an annual internal audit and present the results in the form of a letter to the City. Records, etc. must be made available for an audit by the City or their duly authorized representatives to assess the accomplishments of the program or to ensure compliance with any requirement of the program.

### Fiscal Impact:

This service contract directs \$149,435 in City resources to REDI for investment in economic development/traded sector related activities.

Of the \$149,435, \$137,940 is from the General Fund and \$11,495 is from Redmond Municipal Airport.

### Alternative Courses of Action:

1. Approve the service contract with REDI.
2. Request changes to the service contract.
3. Do not Approve the service contract.

### Recommendation / Suggested Motion:

"I move to approve the FY 2022/2023 service contract between the City of Redmond and Redmond Economic Development Inc. for investment in economic development related activities."





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# STAFF REPORT

**DATE:** June 28, 2022  
**TO:** Redmond City Council  
**THROUGH:** Keith Witcosky, City Manager  
**FROM:** Devin Lewis, Police Captain  
Aaron Wells, Lieutenant  
**SUBJECT:** Sigma Tactical Wellness Contract for Cardiac Screening: \$51,136

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### Addresses Council Goal:

**2. EFFECTIVE STEWARDSHIP AND EMPLOYEE INVESTMENT: Cultivate a work environment that acknowledges employees are our most valuable asset.**

- A. Foster productivity, learning and growth, and recognize employees are the foundation of success.
  - i. Promote an environment that retains and attracts a diverse, highly qualified and motivated workforce by offering training/career development, leadership opportunities and other motivating challenges.

### Report in Brief:

The item requests City Council authorize a \$51,136 contract with Sigma Tactical for the Redmond Police Department to evaluate the cardiac health of their employees through a comprehensive cardiac screening.

### Background:

The need for proactive testing and screening for cardiac problems for law enforcement professionals is demonstrated by the following statistics:

- Average life expectancy for individuals in law enforcement is approximately 57 years of age. This compares to 79 for the general public.
- Police officers generally experience heart attacks earlier than the general public (49 years vs. 65 years).
- A study from the Harvard School of Public Health and the Cambridge Health Alliance found police officers in the United States face a 30 to 70 times higher risk of sudden cardiac death when they are involved in stressful situations compared with the risks during routine or nonemergency activities.

### Situational risk statistics:

- 34 - 69 times higher during restraints or altercations;
- 32 - 51 times higher during pursuits;
- 20 - 23 times higher during physical training;
- 6 - 9 times higher during medical or rescue operations

Sigma services have been used by the following Oregon agencies: Albany PD, Independence PD, Beaverton PD, Grants Pass PD, Jefferson County SO, Deschutes County SO, Salem PD, Bend PD, Gresham PD, Oregon State Police, and Sunriver PD.

This program addresses officers' physical wellness and is the next logical step in our efforts to develop a police department culture which emphasizes mental and physical wellness.

Sigma Tactical wellness is a sole source provider. As part of the procurement process Summit Medical and St. Charles

Health Systems were contacted. Summit Medical does not currently offer a comparable program and St.Charles did not respond.

**Discussion:**

The cardiac screening will include the following components:

- Active electrocardiogram (ECG) with physician interpretation and evaluation
- Cardiometabolic stress test with expiratory gas analysis – determines contributions of fat and carbohydrate into total daily energy expenditure (indirect calorimetry)
- Advanced lipid panel including cardiac inflammatory biomarker analysis – also includes overview of hematology, liver/kidney function, thyroid, PSA (men), HbA1c (diabetes)
- Carotid Intima-media thickness ultrasound (CIMT) – performed on-site and interpreted in realtime
- Consultation with a clinician
- Consultation with exercise physiologist
- In-depth nutritional analysis based on individual results of cardiometabolic testing
- Aggregated data report prepared and delivered to command

**Fiscal Impact:**

Although not included in the FY 2022/23 budget, the \$51,136 represents under 0.5% of the Police Fund operating budget and is expected to be covered by savings relative to budget within Personnel Services and Safety Supplies. At this time, a formal budget adjustment is not expected to be needed to accommodate this expense.

The screenings are estimated to cost \$799 per participant and a total of 64 participants.

**Alternative Courses of Action:**

1. Approve the contract with Sigma Tactical.
2. Do not approve the contract.
3. Take no action and request more information.

**Recommendation / Suggested Motion:**

I move to approve the Redmond Police Department entering into a \$51,136 contract with Sigma Tactical for cardiac screening and for the City Manager to sign the contract.



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# STAFF REPORT

**DATE:** June 28, 2022  
**TO:**  
**THROUGH:**  
**FROM:** Keith Witcosky, City Manager  
**SUBJECT:** Convention Visitors Bureau Tourism Fiscal Year (FY) 2022/23 Annual Contract: \$330,105

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### Addresses Council Goal:

8. REGIONAL COOPERATION Recognize Central Oregon as a whole is stronger than the sum of its individual parts and regional relationships are critical in Redmond's planning and decision-making processes.

### Report in Brief:

This item requests City Council approve a not to exceed service contract of \$330,105 from July 1, 2022 - June 30, 2023, between the City of Redmond and the Redmond Convention Visitors Bureau (CVB) for investments in Tourism Promotion and Tourism Related Activities in accordance with Oregon Revised Statutes.

### Background:

This contract includes an automatic annual renewal clause. However, it is re-approved annually by City Council.

Oregon Revised Statutes (ORS) requires cities to invest a specific percentage of their annual lodging tax collections in tourism and tourism related activities. In 2019, the Budget Committee recommended the CVB continue to receive a set amount of tourism tax collected by the City and that the amount increase annually in accordance with the cost of living increases the City provides to non-represented staff (4.5% was included in the Adopted Budget for FY 2022/23). For FY 2022/23, the CVB contract is approximately \$330,105.

The excess between the ORS required percentage and the CVB contract will remain in the tourism related fund in the City Budget. This amount is approximately \$84,519. It is expected to increase once the FY 2021/22 TLT taxes are reconciled in fall 2022.

This approach provides the Budget Committee or the City Council with the opportunity to make independent decisions on the strategic use of Transient Lodging Tax (TLT) growth.

The CVB shall invest their resources consistent with the Strategic Plan for FY 2022/23.

### Discussion:

The service contract with CVB contains the following notable information:

- Amount: up to \$330,105.
- Duration: July 1, 2022 – June 30, 2023 (auto-renew each year).
- Financial Audits: CVB must make tourism promotion files, books, and records available for an audit by the City or their duly authorized representatives to assess the accomplishments of the tourism promotion program or to ensure compliance with any requirement of the tourism promotion program.
- Other: CVB to annually present a strategic plan to City Council as part of the upcoming year's budget process.

### Fiscal Impact:

This contract is for a not to exceed amount of \$330,105 in City collected TLT to the Redmond CVB for investment in tourism related activities.

### Alternative Courses of Action:

1. Approve the service contract with the CVB.

2. Request changes to the contract.
3. Do not approve contract.

**Recommendation / Suggested Motion:**

"I move to approve the FY 2022/23 service contract between the City of Redmond and the Redmond Convention Visitors Bureau for statutorily allowable tourism related activities and expenditures in an amount of \$330,105."



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# STAFF REPORT

**DATE:** June 28, 2022  
**TO:** Redmond City Council  
**THROUGH:** Keith Witcosky, City Manager  
**FROM:** Jason Neff, Chief Financial Officer  
**SUBJECT:** Resolution #2022-20 - A resolution of the City of Redmond to make Budget Adjustments totaling \$20,000 (in Fiscal Year (FY) 2021/22 for Capital Projects Fund advance repayment).

### Addresses Council Goal:

1. SUSTAIN OPERATIONS: Provide or enhance current levels of operations in all facets of municipal service delivery.

### Report in Brief:

The action requests City Council authorize budget adjustments totaling \$20,000 to two funds due to unplanned expenditures and revenues in the Fiscal Year (FY) 2021/22 budget.

### Background:

Supplemental budgets are permitted under Oregon Revised Statutes (ORS) 294.471. Per the ORS, a notice of the meeting to discuss a supplemental budget was published greater than or equal to five days in advance of this City Council meeting.

### Discussion:

The resolution includes budget adjustments to the following funds:

#### Advance Repayment (Capital Projects and General Fund):

The FY 2020/21 and FY 2021/22 budgets included the extension of SW 6th St. south of SW Reindeer Ave. to support industrial development. This project was paid for, in part, by the benefiting companies (Nosler and McKenzie Cascade) (\$224,325), as well as a grant (\$121,875) from the Oregon Department of Transportation (ODOT) Immediate Opportunity Fund (IOF). Although there was no cost to the City the timing of the City receiving resources from IOF and the benefiting companies required a \$20,000 advance from the General Fund at the end of FY2020/21 to keep a positive cash position in the Capital Projects Fund. With the receipt of funds from the benefiting companies the advance can be paid back. This repayment needs to be added to the FY 2021/22 budget (see adjustments below):

#### Capital Projects Fund (Other Projects Sub-Fund)

| Resources                 |           | Expenditures                 |           |
|---------------------------|-----------|------------------------------|-----------|
| Private Source            | \$ 20,000 | Transfers (to General Fund)  | \$ 20,000 |
| Total Change to Resources | \$ 20,000 | Total Change to Expenditures | \$ 20,000 |

#### General Fund (General Sub-Fund)

| Resources | Expenditures |
|-----------|--------------|
|-----------|--------------|

|                           |           |                                |           |
|---------------------------|-----------|--------------------------------|-----------|
| Interfund Loan Proceeds   | \$ 20,000 | Reserve for Future Expenditure | \$ 20,000 |
| Total Change to Resources | \$ 20,000 | Total Change to Expenditures   | \$ 20,000 |

**Fiscal Impact:**

Discussed Above.

**Alternative Courses of Action:**

1. Adopt the FY 2021/22 budget adjustment.
2. Do not adopt the budget adjustment.
3. Request more information.

**Recommendation / Suggested Motion:**

"I move to adopt Resolution #2022-20 adjusting the City's FY 2021/22 budget."

**CITY OF REDMOND  
RESOLUTION NO. 2022-20**

**A RESOLUTION OF THE CITY OF REDMOND TO MAKE BUDGET ADJUSTMENTS.**

**WHEREAS**, the City of Redmond will have unexpected and unbudgeted resources and expenditures for FY 2021/22.

**WHEREAS**, Supplemental budgets are permitted under Oregon Revised Statutes 294.471.

**NOW, THEREFORE**, be it resolved by the City Council for the City of Redmond as follows:

**SECTION ONE:** The City of Redmond City Council hereby adopts the following Budget Adjustments for FY 2021/22, in the following funds with the following changes, now on file at City Hall.

**SECTION TWO:** The amounts for the fiscal year beginning July 1, 2021, are hereby adjusted as follows:

| CAPITAL PROJECTS FUND                                         | Resources | Expenditures     |
|---------------------------------------------------------------|-----------|------------------|
| Private Source                                                | \$ 20,000 |                  |
| Transfers (to General Fund)                                   |           | \$ 20,000        |
| <b>Change to Capital Projects Fund</b>                        |           | <b>\$ 20,000</b> |
| <b>Change to Capital Projects Fund – Total Appropriations</b> |           | <b>\$ 20,000</b> |

| GENERAL FUND                                         | Resources | Expenditures     |
|------------------------------------------------------|-----------|------------------|
| Interfund Loan Proceeds                              | \$ 20,000 |                  |
| Reserve for Future Expenditure                       |           | \$ 20,000        |
| <b>Change to General Fund</b>                        |           | <b>\$ 20,000</b> |
| <b>Change to General Fund – Total Appropriations</b> |           | <b>\$ 0</b>      |

The FY 2020/21 and FY 2021/22 budgets included the extension of SW 6th St. south of SW Reindeer Ave. to support industrial development. This project was paid for, in part, by the benefiting companies (Nosler and McKenzie Cascade) (\$224,325), as well as a grant (\$121,875) from the Oregon Department of Transportation (ODOT) Immediate Opportunity Fund (IOF). Although there was no cost to the City, the timing of the City receiving resources from IOF and the benefiting companies required a \$20,000 advance from the General Fund at the end of FY 2020/21 to keep a positive cash position in the Capital Projects Fund. With the receipt of funds from the benefiting companies the advance can be paid back. This repayment needs to be added to the FY 2021/22 budget.

**SECTION THREE:** This resolution shall be effective this 28<sup>th</sup> day of June 2022

**ADOPTED** by the City Council and **SIGNED** by the Mayor this 28<sup>th</sup> day of June 2022.

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

ATTEST:

\_\_\_\_\_  
Trish Pinkerton, Asst. to City Recorder



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# STAFF REPORT

**DATE:** June 28, 2022  
**TO:** Council  
**THROUGH:** Keith Witcosky, City Manager  
**FROM:** Keith Leitz, HR Director  
**SUBJECT:** Overview of land use exactions (Nollan/Dolan)

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### Addresses Council Goal:

3. CITY INFRASTRUCTURE - Preserve and enhance the City's infrastructure to balance population growth with necessary infrastructure.

### Report in Brief:

This presentation will inform the Council about the laws and legal precedent that guide land use exactions. Earlier in the year, City Council requested a worksession on this topic.

### Background:

Land use exactions can be a complicated arena for governing bodies when it comes to planning and development, but there are two US Supreme Court cases that provide guidance (Nollan v. California Coastal Commission and Dolan v. City of Tigard).

### Discussion:

Land use exactions and permit conditions are governed by the dual Supreme Court cases of Nollan v. California Coastal Commission and Dolan v. City of Tigard. In *Nollan*, the Court weighed in on paying compensation for an easement as a condition for allowing development the government was entitled to deny. In *Dolan*, the Court added that the exaction must also be roughly proportional to the impact of the proposed development. Wendie Kellington (an esteemed Oregon land use attorney) will present to Council how to apply Nollan and Dolan to land use applications that come before Council.

### Fiscal Impact:

N/A

### Alternative Courses of Action:

N/A

### Recommendation / Suggested Motion:

N/A



# KELLINGTON LAW GROUP, PC

## Primer: Constitutional Framework for Imposing Conditions of Development Approval

**REDMOND CITY COUNCIL**  
**JUNE 28, 2022**

# Unconstitutional Takings

## Context for Unconstitutional Conditions

- 5th Amendment (Oregon Constitution is similar): “nor shall private property be taken for public use without just compensation.”
- Four types of “takings” - today we focus on just one of the four:
  1. Per se: government regulation allows physical invasion of private property ala (*Loretto Teleprompter* (requiring cable boxes in NYC apartments); *Knick v. Township of Scott* (requirement that owner allow visits to cemetery on private property) and *Cedar Point Nursery v. Hassid* (California required growers to allow union organizers onto growers’ property for up to 3 hrs day/120 days a year)
  2. Lucas style: (government regulations applied to individual applications leave little to no economically beneficial use of property).

# Unconstitutional Takings Generally

- 3. Partial Takings – application of regulations leaves some economically beneficial use (*Penn Central Station v. City of New York* – three-part test); *Murr v. Wisconsin* “balancing test” of numerous factors).
- 4. Unconstitutional Conditions (*Nollan v. California Coastal Commission* and *Dolan v. City of Tigard*).

Today’s discussion is focuses on the fourth and is a primer on “unconstitutional conditions”

# Unconstitutional Conditions Generally

“The purpose of the *Nollan/Dolan* framework is to ‘enable permitting authorities to insist that applicants bear the full costs of their proposals while still forbidding the government from engaging in ‘out-and-out \*\*\* extortion’ that would thwart the Fifth Amendment right to just compensation.’” Oregon Court of Appeals in *Hill v. Portland* (2018), citing SCOTUS’s *Koontz v. St. Johns River Water Management Dist.*

# Unconstitutional Conditions Generally

“The doctrine of unconstitutional conditions ‘provides that ‘the government may not require a person to give up a constitutional right — here the right to receive just compensation when property is taken for a public use — in exchange for a discretionary benefit conferred by the government where the benefit has little or no relationship to the property.’” Oregon Court of Appeals in *Brown v. City of Medford* quoting SCOTUS in *Lingle v. Chevron USA Inc.*

# Constitutional Concern Undergirding Unconstitutional Conditions Doctrine

- Land-use applicants are uniquely vulnerable to unconstitutional conditions, because governmental entities have broad discretion to deny their land use permits. Land use permits are often worth more than the property that unconstitutional conditions take.
- SCOTUS established civil rights template to stop such deprivations to deter what it called “out and out plan[s] of extortion.”

# Unconstitutional Conditions Have Two Basic Tests: (1) *Nollan* test (which has Two Prongs) and (2) *Dolan* Test

- (1) is there a connection between the standard driving the condition and the condition? (*Nollan v. Calif. Coastal Comm*)
  - Two prongs:
    - (a) Does City have a standard that would lead to denial in absence of condition of approval? And
    - Is there an “essential nexus” between the standard and condition that the condition “substantially advances”?
- (2) is there “rough proportionality” between the impacts of the proposed development and the condition imposed? (*Dolan v. City of Tigard*)

# Unconstitutional Conditions Doctrine – City Carries Burden of Proof

City has the burden to show city code authorizes conditions; that there is an essential nexus between condition and purpose of standard authorizing the imposition of the condition; and rough proportionality. (Court of Appeals *Art Piculell Grp. v. Clackamas Cnty.*, (1996)).

# *Nollan* Prongs: Examine the connection between City’s “legitimate governmental interest” and imposed conditions

- Nollan Pt. 1: City code must allow the condition.
- [**Beware** of the state law “codification rule.”
  - In Oregon, land use “standards and criteria” must be codified in the local code (so-called “codification rule” of ORS 215.416(8)).
  - “ORS 215.416(8)(a) generally does not permit a county to develop land use approval standards and criteria through quasi-adjudicative decision-making; the standards must be reasonably discernible from provisions of the code itself”. *Waveseer v. Deschutes County* (Court of Appeals) similar: *Nehmzow v. Deschutes County*.
  - If city imposes requirements that are not “reasonably discernable” from the City code, then there is risk that requirements not based upon a “legitimate governmental interest” (LGI).
    - **The state has constrained the expression of LGI re: land use to codified standards.]**

# *Nollan* Prongs: Are About the connection between City's “legitimate governmental interest” and imposed conditions

- *Nollan* Pt. 2: There must be an “essential nexus” between applicable city code requirement(s) / the condition of approval must “substantially advance” LGI expressed in code. Could you deny without the condition?

# *Nollan* by way of Example...

- *Nollan* principle is the most misunderstood.
- *Nollan*: Calif Coastal Commission approved *Nollan*'s building permit to replace 540 sq. ft. beachfront house with 2200 sq ft bh, on condition *Nollan*'s dedicate a public walking easement over the dry sand beach on their property.
- Standard (purpose served) was to protect the public's right to **view the beach from the highway**. But, CC said the replacement house served as “psychological barrier” to **public use of public beaches** to justify condition of access in front of house on dry sand beach. No connection to the ‘view of the beach from the hwy’ standard and the purpose the exaction served.

## *Nollan* setting



# SCOTUS Weighed In...

- US Supreme Court invalidated CCC condition requiring dedication of easement on dry sand beach in front of Nollan's house.
- SCOTUS said that nothing showed the demand for easement over *Nollan's* property served regulatory purpose of public seeing the beach from the highway.
- SCOTUS observed that the public that was already on the beach on either side of the Nollan's could see the beach just fine. The house did nothing to interfere with that view and the condition requiring that easement added nothing to the public's view of the beach.

# Oregon Court of Appeals Paraphrasing Second *Nollan* Prong

“the purported justification for that public easement condition was that it was imposed to advance the governmental interest in mitigating the ‘blockage of the view of the ocean’ caused by construction of a house to be built on the applicants’ property. Ultimately, while the Supreme Court recognized that ocean view preservation was a legitimate state interest, it determined that there was no nexus between view preservation and a requirement of a frontage easement to allow members of the public to traverse the applicant’s beach.”

Hallmark Inns & Resorts, Inc. v. City of Lake Oswego, (2004).

# Oregon *Nollan* Example: *Hill v. City of Medford* (Oregon Court of Appeals)

- *Brown v. City of Medford* (Court of Appeals):

Two-parcel partition. City condition required applicant to dedicate land for a half street improvement (19-feet of applicant's land) to widen undeveloped "Brady Way" that the partition did not propose to access. (A different developer had already dedicated land for the other ½ street for Brady Way).

Court decided condition violated *Nollan*.

# *Brown v. City of Medford*

- “The city has not shown the requisite nexus to any policies or code provisions that would have allowed it to deny plaintiff's partition. ”
- “There is simply nothing in the record to suggest that plaintiff's proposed partition would have any direct or indirect effect on Brady Way, or that plaintiff would be taking access in the future to Brady Way from either lot. Nor is there anything that explains how the partition would, as the city stated in its order, ‘prevent future connectivity with pedestrian traffic and interfere with other modes of transportation.’”
- HELD: the city failed to show (1) what interests would allow the city to deny plaintiff's partition without the condition, and (2) how the exaction would serve those interests.

# How Does the City Code Fare Under *Nollan*? City Code Allows Imposition of Conditions of Approval

- General: RDC 8.1025: The City may require conditions of approval to **any application** as are **necessary** to assure **compliance with applicable criteria** as provided under the Redmond Development Code and Comprehensive Plan where applicable. \*\*\*.”
- Authorization of Similar Uses and/or Waivers. RDC 8.0060: \*\*\*  
Conditions of approval may be required to **assure** the proposed use is **consistent with the purpose** of the applicable zone and comprehensive plan.

# Conditional Uses

- 8.0605 General Conditions. “\*\*\* the **Hearings Body** may impose conditions which it finds **necessary** to avoid an unacceptable impact and to otherwise protect the best interests of the surrounding area or the City. These conditions **may include the following**:

“Limiting the way the use is conducted including restricting the time an activity may take place and establish conditions or restraints that will minimize such environmental effects as noise, vibration, air pollution, glare, and odor. The City may require additional proof from the applicant that quantifies compliance with this requirement at the time of application submittal.

1. Establishing an open space or recreation area.
2. Limiting the height, size, or location of a building or other structure(s).
3. Designating the size, number, location, and nature of vehicle access points.
4. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way, including (but not limited to) lighting and landscaping improvements. **Any oversizing of public infrastructure that is required by the City that exceeds minimum City standards may be a candidate for SDC credits at the discretion of the City Engineer or designate.** [Beware rule in *Carver v. City of Salem* discussed later – even though code allows SDC credits to offset exactions, exaction must still meet *Nollan/Dolan* tests]

# City Code Authority to Impose Conditions on CUPS (Continued)

7. Designating the size, location, screening, landscaping, drainage, surfacing, or other improvement within a parking area or loading zone.
8. Limiting or otherwise designating the number, size, location, height, and lighting of signs. **[Beware First Amendment and Oregon constitutional free speech rules]**
9. Limiting the location and intensity of outdoor lighting and requiring it's shielding from any adjacent properties, or public or private streets and roads.
10. Requiring diking, screening and/or landscaping of a facility to protect adjacent or nearby property and designating standards for its installation and maintenance.
11. Designating the size, height, location, and materials for a fence.
12. Protecting and preserving existing trees, vegetation, or other significant natural resources.”

# *Nollan* Compliance: City Must Draft Findings Supported by Evidence that Condition is Justified by and Serves Applicable City Standards

## FINDINGS MUST:

- Identify the codified standard(s) that drive(s) imposition of the condition.
- Interpret the scope and meaning of the city standard, mindful of “codification rule.”
- Explain that the standard would allow the City to deny the application in the absence of the condition.
- Explain how the condition serves the interests the standard seeks to protect or further.
- Be supported by substantial evidence.



# *Dolan v. City of Tigard* Element of Unconstitutional Conditions

- Must adopt findings that conditions to be imposed - that you have decided meet *Nollan* prongs, are also “roughly proportional” to the impacts of the proposed development.
- What are the impacts of the particular development?
  - General public deficits cannot be remedied by development conditions without a showing that there is a direct impact from the proposed development that justifies making a developer pay for the remedy versus making the community as a whole remedy general deficits.
- How are the identified impacts ameliorated by the conditions?
- Impacts cannot be wholly speculative – but future estimation is permissible based upon the approved development and whether subsequent discretionary approvals are necessary.

# Citing General Public Needs Will not Suffice

- The relevant inquiry for deciding whether conditions meet Dolan test is the relationship between the impacts of development and the approval conditions, and not the extent of public's need for road or other improvements that happens to exist at time that a particular development is approved. (Court of Appeals *Art Piculell Group v. Clackamas County* (1996)).

# Developer Can Accept an Approval and Challenge Alleged Unconstitutional Conditions in Circuit Court

- This is separate from federal court actions. Here, we are talking about a developer bringing an unconstitutional conditions claim in the circuit court under ORS 197.796.
- ORS 197.796 allows developer to accept an approval, without waiving their right to challenge unconstitutional condition so long as within 180 days of the “date of the decision” they challenge condition in state circuit court. Court “shall” award prevailing party their attorney fees. Burden on City to demonstrate constitutionality. ORS 197.796(4).
  - ORS 197.796 overturned an Oregon court of appeals case to the contrary: *LA Development v. City of Sherwood*.
- To take advantage of ORS 197.796, a developer must raise issue of unconstitutional conditions locally under state law and local code:
- RDC: 8.1355(5) (Hearings Procedures): The Hearings Body shall \*\*\* State that failure of the applicant to *raise constitutional* or other issues *relating to proposed conditions of approval* with sufficient specificity to allow the local government or its designee to respond to the issue *precludes an action for damages in circuit court*.
- CAVEAT: ORS 197.796(3)(c): “An applicant is not required to raise an issue under this subsection unless the condition of approval is stated with sufficient specificity to enable the applicant to respond to the condition prior to the close of the final local hearing.”

# Mitigatable Impacts versus Speculative Impacts that May not be Conditioned

- OK - conditions the development the applicant actually applied for permission to build “taking into account its size, the number of parking spaces it has, and the types of uses to which it may be put *without further applications or development*. (Court of Appeals *Hallmark Inns v. City of Lake Oswego*)
- VERSUS –
- Not OK - conditions on a straight land divisions (or ?) where there is no specific development proposal but any subsequent development will require its own development approval. (Court of Appeals *Schultz v. City of Grants Pass*)

# Even if City Code Allows Conditions, Cannot Require Them Unless Meet *Nollan* and *Dolan* Analysis

- Mathematical precision is not required for “rough proportionality.”
- But City must perform the analysis and the conclusions must be supported by substantial evidence. *J.C. Reeves Corp v. Clackamas County* (Oregon Court of Appeals).

## Even if Code Allows Conditions, Cannot Require Them Unless Meet *Nollan* and *Dolan* Analysis

- *Hill v. City of Portland*, Or Court of Appeals – “the city cannot evade *Nollan*’s requirement that it demonstrate that the impacts of a particular proposal ‘substantially impede’ a legitimate governmental interest so as to permit the denial of a permit outright, simply by defining approval criteria that do not take into account a proposal’s impacts.”
- Local governments must undertake the “rough proportionality” analysis required by *Dolan* regardless of whether a local ordinance requires it. *Kingsley v. City of Portland* (LUBA *aff’d* by Court of Appeals).
- *Columbia Riverkeeper v. Clatsop County*, (LUBA) - where road standard requires dedication of property interest that is not “roughly proportional” to the impacts of the proposed development, County is free not to impose such requirement for road dedication and allow a developer to improve a substandard local street to less than full collector standards; *accord Dudek v. Umatilla County* (Court of Appeals).
- In other words, the fact that an approval standard requires a condition, does not mean the condition meets *Nollan* and *Dolan*.

## Caution RE: Conditions Due Solely to Development being Proposed in an Underserved Area

- *Carver v. City of Salem*, 42 Or LUBA 305, *aff'd* 184 Or App 503 (2002):  
Development proposed in area of city underserved with parks. City imposed condition that one-acre be dedicated for a park. LUBA invalidated condition.  
HELD: Rough proportionality analysis must be applied to justify the condition. It did not matter that the developer chose to develop in an underserved area.
- Developer's choice to develop in an underserved part of city does not waive developer's constitutional rights under *Dolan*.
- **BEWARE: LUBA decided that SDC credits are not adequate “just compensation”** because SDC credits (1) do not relate to fair market value of the property taken, (2) does not include any severance damages to the remainder of the parcel and (3) does not ensure the owner will ever actually receive compensation.

# It is Unlawful to Deny an Application Where Applicant Refuses to Comply with Unconstitutional Conditions

- *Koontz v. St. Johns River Water District* (SCOTUS)

# It is Risky to Attempt to Justify Conditions on Idea Developer Acquired Property After Regulation Enacted

- So-called “notice rule” likely is not a defense to unconstitutional conditions claim:
- Per *Nollan*:
  - “Nor are the Nollans’ rights altered because they acquired the land well after the Commission had begun to implement its policy. So long as the Commission could not have deprived the prior owners of the easement without compensating them, the prior owners must be understood to have transferred their full property rights in conveying the lot.”
  - “So long as the [California Coastal Commission] could not have deprived the prior owners of the easement without compensating them, the prior owners must be understood to have transferred their full property rights in conveying the lot.”

# So-Called Notice Rule also Rejected by LUBA

“The fact that petitioners may have been aware of the conditions of approval in the first case does not provide a basis for \*\*\* concluding that petitioners agreed to the imposition of exactions, or that the exactions imposed here are roughly proportional to the impact of the proposed development.”

*McClure v. City of Springfield*, 175 Or. App. 425, 429 (2001)

# Particular Conditions

- Conditions demanding payment of money are subject to unconstitutional conditions analysis. *Koontz v. St. Johns Water District*
  - SCOTUS distinguished “taxes and user fees” – which are not subject to takings analysis from demands for money exactions.
  - SCOTUS did not say how far that principle goes: “We need not decide at precisely what point a land-use permitting charge denominated by the government as a “tax” becomes “so arbitrary \*\*\* that it was not the exertion of taxation but a confiscation of property.” *Accord Rogers Machinery v. Washington County*.
- Requirements to sign waivers of remonstrance must meet *Nollan* and *Dolan*. *Hill v. City of Portland* and *Clark v. City of Albany*.

# Particular Conditions – Legislative Enactments

- *Barnes v. City of Hillsboro*, (LUBA) aff'd by Or Court of Appeals citing *Nollan* and *Dolan*, LUBA reversed a city ordinance requiring conditions of approval on all residential developments near Hillsboro airport to grant an “avigation easement” for noise, vibration, fumes, dust and fuel particle emissions.
- Reason was objective to reduce land use conflicts.
- However, LUBA held that the required condition did not reduce land use conflicts but rather simply made it more difficult for a property owner to bring a taking claim, failing both *Nollan* and *Dolan*.

# Myth – Safety Relevant but not a Categorical Exception to Unconstitutional Conditions Doctrine

- City erroneously argued: “In the present case, the city's requirements that [plaintiff] dedicate right-of-way frontage for future Brady Way are supported by an essential nexus to policies of safety and connectivity \*\*\*.”
- Court said city got it wrong.
- Safety is relevant to justify an exaction if the proposal causes some safety issue. But safety alone is not a categorical exception to the *Nollan/Dolan* analysis. (Court of Appeals *Brown v. City of Medford* (2012))

# Representative Fact Patterns and Court Outcomes

- *McClure v. City of Springfield*

“the city's findings here nevertheless are incomplete. The city explained the need for the M Street dedication, utilizing a detailed calculation to demonstrate that the exaction represented a proportional response to the increase in traffic—19 vehicle trips per day—that the proposed development was expected to generate. The city did not, however, explain how the 8th Street sidewalk and clipped corner dedication requirements were relevant or proportional to the expected impacts. Rather, the city's findings appear either to omit consideration of those exactions or to assume implicitly that they are part of the total required dedication. We have no difficulty accepting that sidewalks and clipped corners can advance a community's interest in safe streets, **but in the absence of findings explaining how the proposed exactions further that aim—and do so proportionally to the effects of the proposed partitioning—the justification required by *Dolan* is missing.** We therefore agree with LUBA that the city has not adequately justified the proposed 8th Street sidewalk and clipped corner exactions of property.”



# *Hallmark Inns & Resorts v. City of Lake Oswego* *(Second Court of Appeals' Decision)*

Court affirmed city condition requiring a pedestrian pathway as condition of constructing corporate headquarters:

Condition was “roughly proportional” to the impacts on the pedestrian and bicycle system created by the development of the property as a common campus and by the potential for more than 44 employees and customers working or doing business at the site.”

No further development applications needed for that impact to occur.

# JC Reeves v. Clackamas County

- 21-lot subdivision proposal that proposed to maintain a 1-foot “spite strip” to avoid street connectivity.
- The appropriate comparison is between the traffic and other effects of the subdivision and the subdivision frontage improvements that the county has required. *J.C. Reeves Corp. v. Clackamas Cnty.*, (1994).
- NO DISPUTE: “Here, the subdivision will necessitate the placement of a new street in proximity to the southerly property, as well as the extension of an existing street to intersect with the new one. The hearings officer's findings are amply sufficient to demonstrate the requisite proportionality between the impact of the subdivision and the condition that the strip be eliminated. The condition is an appropriate device for providing the adjacent property with the access that the proposed development would otherwise eliminate or impair.”
- Irrelevant that condition requiring removal of spite trip provided economic advantage to neighboring owner.

# *Hill v. City of Portland*

- Circuit court case – developer accepted approval and sued city in circuit court per ORS 197.796 arguing condition unconstitutional. Developer won.
- 3-lot partition. Adjacent street was substandard. City required developer dedicate right of way so it could be widened per condition of approval. But relied solely on fact that city code required abutting street to meet certain design standards.
- Did not make required analysis of what it was about the proposed development that required the dedication of ROW.

# Summary

- Does the condition further a substantial/legitimate governmental interest? (*Nollan*)
- 2. Is the particular condition related to the substantial legitimate governmental interest that is served? (*Nollan*)
- 3. Are the impacts of the development are roughly proportional to the condition imposed. (*Dolan*).

# Discussion Scenario

- Application for site plan review for a commercial center on 10 acres.
- Surrounded by three streets- access off two designated minor arterials but developed to minor collector standards. The third street (no access), is a designated parkway, but barely developed to collector standards.
- Rec condition per code: to dedicate half streets to relevant standard on all three, plus sidewalks, streetlights, and street furniture.
- Rec condition per code: to develop two streets that center will take access off of to minor arterial standards.
- There is no public sewer in area. Rec condition per code: to develop oversized sewer to property and get SDC credits for overage.
- Rec condition per code: to dedicate an acre for a park because area is underserved.

# What do you need to know before imposing conditions? What is your Rubric? Who Prepares Your Evidence?

- Discussion
- Questions



## CITY OF REDMOND

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# STAFF REPORT

**DATE:** June 28, 2022  
**TO:** Redmond City Council  
**THROUGH:** Keith Witcosky, City Manager  
John Roberts, Deputy City Manager  
**FROM:** Linda Cline, Housing Program Analyst  
**SUBJECT:** Resolution 2022-18 - Approval of Amendment to the 2021 Community Development Block Grant 2021 Annual Action Plan which increases total expenditures for ADA investments at Hope Playground and/or other publicly used facilities (sidewalks, parks, etc.) and program administration: \$152,129.

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### Addresses Council Goal:

6. Community Enhancement and Participation - Create an image and identity that generates a sense of community pride and ensures a high level of livability.

### Report in Brief:

This item requests City Council adopt the City of Redmond 2021 Community Development Block Grant (CDBG) Annual Action Plan as amended to invest \$152,129 into program administration and investments in ADA improvements at Hope Playground and/or other publicly used facilities such as parks, sidewalks, etc.

### Background:

On September 27, 2013, the City of Redmond accepted entitlement status in the federal Housing and Urban Development CDBG program. The objective of the CDBG program is to develop viable urban communities by providing decent housing, a suitable living environment, and expanding economic opportunities, principally for persons of low and moderate income.

Entitlement communities develop their own programs and set their own funding priorities in conformance with the statutory standards, program regulations and other federal regulations.

As an entitlement community, the City receives an annual financial allocation to undertake a wide range of community-based activities directed toward neighborhood revitalization, economic development, community services, facilities, and improvements. The City is required to develop 1) a Five-Year Consolidated Plan and 2) an Annual Action Plan to receive the CDBG funds. The Consolidated Plan is a 5-year strategic plan to assess, prioritize and strategize funds to address community needs and was updated and adopted by the Council in July 2019. The Annual Action Plan describes how the City will distribute their annual allocation of funds.

HUD requires funding to be utilized to primarily benefit low-moderate income residents. CDBG program income limits vary by household and cap eligibility at approximately 80% or below the Area Median Income (AMI).

**Examples of Bend/Redmond 80% AMI for 2022 based on household size** (Source: [huduser.gov/portal/datasets](https://huduser.gov/portal/datasets))

|          |          |
|----------|----------|
| 1 person | \$50,350 |
| 2 people | \$57,550 |
| 3 people | \$64,750 |
| 4 people | \$71,900 |
| 5 people | \$77,700 |
| 6 people | \$83,450 |
| 7 people | \$89,200 |
| 8 people | \$94,950 |

**Discussion:**

The City CDBG entitlement funding for Program Year 2021 was \$235,509. Combining these entitlement funds with program income (generated from the repayment of National Stabilization Program loans) and carry-over, on July 14, 2021, the City Council approved \$368,876 to fund projects for the 2021 program year.

This amendment to the 2021 Annual Action Plan directs an additional \$152,129 in program income and carry-over to the following projects:

- **City ADA Upgrades and Public Used Facilities (+ \$128,124):** Previous approved allocation of \$261,876 + additional \$128,124 = \$390,000. These funds will first be directed towards ADA improvements serving Hope Playground in Sam Johnson Park, including accessible parking and restroom improvements at Sam Johnson or other parks if the budget allows. This will require an intra-agency subrecipient agreement between the City and the Public Works Department.
- **CDBG Program Administration (+ \$24,005):** Previous approved allocation of \$47,000 + additional \$24,005 = \$71,005. HUD allows 20% of the \$235,318 in entitlement funds to be used for administration and planning, along with an additional 20% of the current year's program income.

**Fiscal Impact:**

This program is funded by a federal grant and the program income from previous grant funded activities that must be re-invested into the program. There is no direct impact on the City budget.

**Alternative Courses of Action:**

1. Approve Resolution 2022-18.
2. Do not approve Resolution 2022-18.
3. Request additional information.

**Recommendation / Suggested Motion:**

"I move to adopt Resolution 2022-18 amending the Community Development Block Grant 2021 Annual Action Plan, authorizing the submission of the Annual Action Plan to the United States Department of Housing and Urban Development, and authorizing the City Manager to execute an intra-agency subrecipient agreement between the City and the Public Works Department for ADA upgrades and other eligible publicly used facilities.

**CITY OF REDMOND  
RESOLUTION NO. 2022-18**

**A RESOLUTION ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2021 ANNUAL ACTION PLAN AMENMENT, AUTHORIZING THE SUBMISSION OF THE ANNUAL ACTION PLAN AMENDMENT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTRA-AGENCY SUBRECIPIENT AGREEMENT BETWEEN THE CITY AND THE PUBLIC WORKS DEPARTMENT FOR ADA UPGRADES AND PUBLIC FACILITY CONTINGENCIES.**

**WHEREAS**, the U.S. Department of Housing and Urban Development (“HUD”) requires local governments seeking federal assistance through the Community Development Block Grant (“CDBG”), to develop an Annual Action Plan for Housing and Community Development; and

**WHEREAS**, the City of Redmond is eligible for the Community Development Block Grant entitlement program; and

**WHEREAS**, the Housing and Community Development Committee, during their May 18, 2022 meeting considered the 2021 Annual Action Plan Amendment funding recommendations attached hereto;

**WHEREAS**, the public comment period for the proposed amendments ended on June 28, 2022, and a public hearing was conducted during a City Council meeting on June 28, 2022; and

**WHEREAS**, per HUD regulations, the City is required to execute an intra-agency subrecipient agreement with the Public Works Department for ADA upgrades and public facilities contingencies;

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

**SECTION ONE:** The City of Redmond hereby adopts the 2021 Annual Action Plan Amendment, attached in summary hereto as Exhibit A, authorizing City staff to submit the 2021 Annual Action Plan Amendment to the Department of Housing and Urban Development, when required; and authorizing the City Manager to execute an intra-agency subrecipient agreement between the City and the Public Works Department for ADA upgrades and other eligible publicly used facility.

**ADOPTED** by the City Council and **SIGNED** by the Mayor this 28<sup>th</sup> day of June 2022.

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

ATTEST:

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

# Exhibit A

## 2021 Annual Action Plan CDBG Amendment Summary

Total funding available = **\$521,005\***

2021 Allocation: \$235,509

Program Income & Carryover: \$133,467 + **\$152,129\***

Total Public Service funding available <sup>1</sup> = \$60,000

Total Public Facilities funding available = \$261,876 + **128,124\***

Administration of CDBG 2021 funds <sup>2</sup> = \$47,000 + **\$24,005\***

**\*Bold numbers represent amended items**

| Community Partner                                      | National Objective<br>Eligible Activity                                     | Funding<br>Recommendation                                                                        |
|--------------------------------------------------------|-----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| Public Service -<br>Thrive Central<br>Oregon           | Low/Mod Clientele<br>Referral and Case<br>Management<br>Services<br><br>05Z | \$30,000<br>Case management and<br>service referrals                                             |
| Public Service -<br>Senior Center<br>Meals on Wheels   | Low/Mod Clientele<br>Senior Services<br><br>05A                             | \$30,000<br>Program expansion<br>increased food insecurity<br>needs                              |
| City ADA Upgrades &<br>Public Facility<br>Improvements | Low/Mod Area<br>Benefit<br><br>O3                                           | City ADA upgrades &<br>Improvements<br>\$261,876 + <b>\$128,124*</b><br><b>(\$390,000 total)</b> |
| Program<br>Administration                              | 21A                                                                         | \$47,000 + <b>\$24,005*</b><br><b>(\$71,005 total)</b><br>Program Administration                 |

<sup>1</sup> The 2021 Public Service allocation is capped at no more than 15% of this year's annual entitlement plus 15% of last year's program income (excludes carryover).

<sup>2</sup> The 2021 Administration and Planning allocation is capped at no more than 20% of 2021's annual entitlement and 2021's program income.



# CDBG ACTION PLAN ITEMS

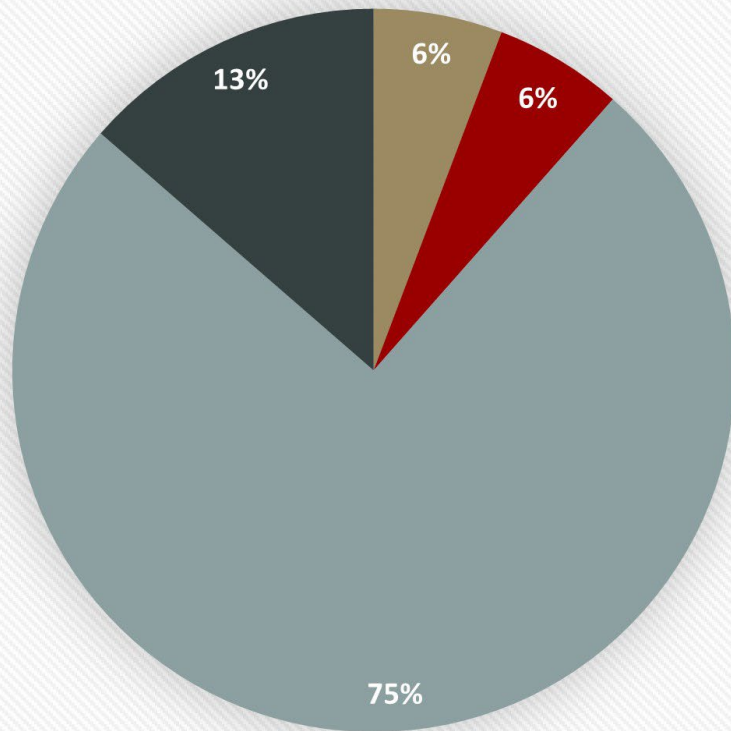
REDMOND CITY COUNCIL  
JUNE 28, 2022

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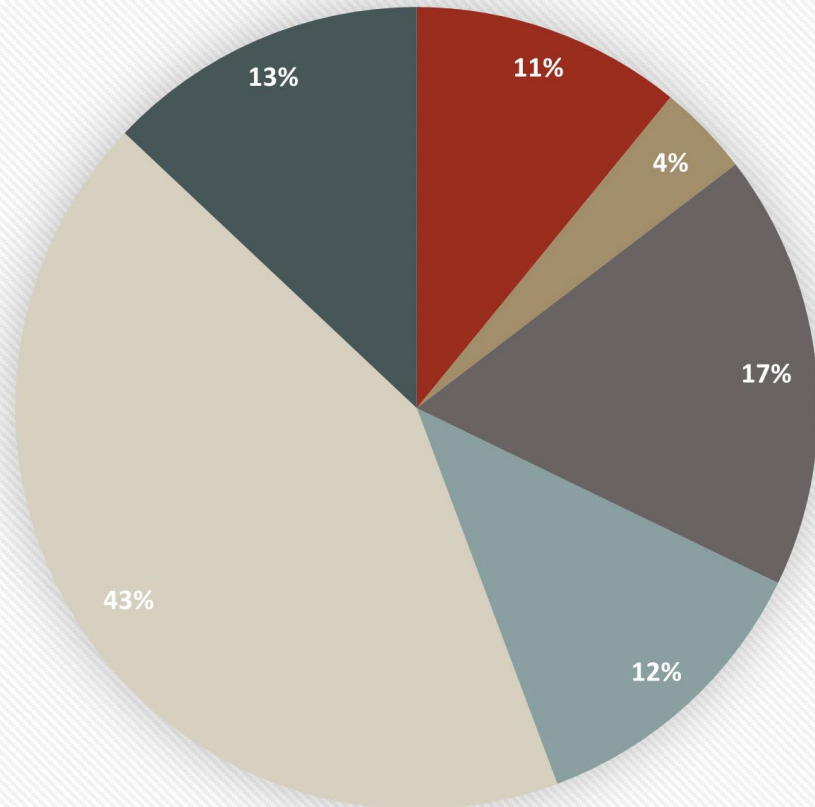
## 2021 Amended Allocations



■ Thrive Central Oregon
 ■ Meals on Wheels
 ■ ADA Upgrades and Improvements
 ■ Program Administration

| Community Partner                                                | National Objective Eligible Activity                        | Funding                                                          |
|------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|
| Thrive Central Oregon                                            | Low/Mod Clientele Referral and Case Management Services 05Z | <b>\$30,000</b><br>Case management and service referrals         |
| Redmond Senior Center Meals on Wheels                            | Low/Mod Clientele Senior Services 05A                       | <b>\$30,000</b><br>Program expansion and increased food security |
| City ADA Upgrades and Public Facilities (sidewalks, parks, etc.) | Low/Mod Area Benefit 03                                     | <b>\$390,000</b><br>(\$261,876 + \$128,124)                      |
| Program Administration                                           | 21A                                                         | <b>\$71,005</b><br>(\$47,000 + \$24,005)                         |

## CDBG 2022 Allocations



■ Shepherd's House
 ■ Thrive Central Oregon
 ■ Deschutes Country Children's Foundation
 ■ ADA Upgrades and Improvements
 ■ Affordable Housing
 ■ Program Administration

| Community Partner                             | National Objective Eligible Activity                                     | Funding                                                                     |
|-----------------------------------------------|--------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| Shepherd's House Ministries                   | Low/Mod Limited Clientele<br>03T                                         | <b>\$39,500</b><br>Direct staff costs                                       |
| Thrive Central Oregon                         | Low/Mod Limited Clientele<br>Referral and Case Management Services<br>05 | <b>\$13,500</b><br>Case management and service referrals                    |
| Deschutes Country Children's Foundation       | Low/Mod Limited Clientele<br>Child Care Center<br>03M                    | <b>\$63,750</b><br>Playground site work, construction and equipment         |
| Public Facilities ADA Upgrades & Improvements | Low/Mod Area Benefit<br>03                                               | <b>\$44,000</b><br>ADA upgrades and improvements of public facilities       |
| Low/Mod Affordable Housing Project(s)         | Low/Mod Limited Clientele<br>01                                          | <b>\$155,000</b><br>Acquisition of real property for LMI housing project(s) |
| Program Administration                        | 21A                                                                      | <b>\$47,064</b><br>Program Administration                                   |



# QUESTIONS

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## CITY OF REDMOND

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# STAFF REPORT

**DATE:** June 28, 2022  
**TO:** Redmond City Council  
**THROUGH:** Keith Witcosky, City Manager  
John Roberts, Deputy City Manager  
**FROM:** Linda Cline, Housing Program Analyst  
**SUBJECT:** Resolution #2022-19 – A resolution adopting the Community Development Block Grant 2022 Annual Action Plan and authorizing the submission of the Annual Action Plan to the United States Department of Housing and Urban Development: \$362,814

### Addresses Council Goal:

6. Community Enhancement and Participation - Create an image and identity that generates a sense of community pride and ensures a high level of livability.

### Report in Brief:

This item requests City Council approve Resolution 2022-19 adopting the Community Development Block Grant (CDBG) 2022 Annual Action Plan.

### Background:

On September 27, 2013, the City accepted entitlement status in the federal Housing and Urban Development (HUD) CDBG program. The objective of the CDBG program is “to develop viable urban communities by providing decent housing, a suitable living environment, and expanding economic opportunities, principally for persons of low and moderate income.” Entitlement communities develop their own programs and set their own funding priorities in conformance with the statutory standards, program regulations and other federal regulations.

As an entitlement community, the City receives an annual financial allocation to undertake a wide range of community-based activities directed toward neighborhood revitalization, economic development, community services, facilities, and improvements. The City is required to develop 1) a Five-Year Consolidated Plan and 2) an Annual Action Plan to receive the CDBG funds. The Consolidated Plan is a 5-year strategic plan to assess, prioritize and strategize funds to address community needs and was updated and adopted by the Council in July 2019. The Annual Action Plan describes how the City will distribute their annual allocation of funds.

HUD requires funding to be utilized to primarily benefit low-moderate income residents. CDBG program income limits vary by household and cap eligibility at approximately 80% or below the Area Median Income (AMI).

|          |          |
|----------|----------|
| 1 person | \$50,350 |
| 2 people | \$57,550 |
| 3 people | \$64,750 |
| 4 people | \$71,900 |
| 5 people | \$77,700 |
| 6 people | \$83,450 |
| 7 people | \$89,200 |
| 8 people | \$94,950 |

**Selection Process for 2022 funding priorities:** Applications for funding proposals were accepted between April 19 and May 16, 2022. A training session was held virtually on April 27 for all interested applicants and community members, in which fourteen individuals attended. Three applications were submitted and forwarded to the Housing and Community Development Committee (HCDC) along with staff funding recommendations. Committee deliberations were held in an open meeting on May 18 and the committee recommended funding priorities to be incorporated in the 2022 Annual Action Plan.

**Discussion:**

The City's CDBG entitlement funding for Program Year 2022 is \$235,318. Combining these entitlement funds with program income (generated from the repayment of past National Stabilization Program loans) and carry-over, \$362,814 will be invested in projects that meet the goals of the City's Five-Year Consolidated Plan.

Through the 2022 Annual Action Plan, HCDC recommends directing funding towards the following organizations and projects:

- **Shepherd's House Ministries, \$39,500** - Overnight winter shelter for 25-50 homeless individuals each night from November 15, 2022 through March 15, 2023. Funding will be used for personnel.
- **Thrive Central Oregon, \$13,500** - Redmond services to help families obtain and maintain affordable housing, connect to health and employment services, and access basic needs. Funding will be used for case management personnel, administrative and legal expenses.
- **Deschutes Country Children's Foundation, \$63,750** - Improvements to the playground at the Becky Johnson Center for low income Head Start preschoolers. Funding will be used for site work, construction and equipment to ensure quality, accessible play space for children of all skills and abilities.
- **City Hall ADA and other public facility improvements, \$44,000** - Accessibility improvements to restrooms in City Hall and other public facilities as allowed by CDBG guidelines.
- **Support of low/moderate income affordable housing projects, \$155,000** - Support the acquisition of real property to support low/moderate income affordable housing projects.
- **CDBG Program Administration, \$47,064** - HUD allows 20% of the current year's \$235,318 in entitlement funds to be used for administration and planning.

**Fiscal Impact:**

This program is funded by a federal grant and the program income from previous grant funded activities that must be directed back into the program. There is no impact on the City budget.

**Alternative Courses of Action:**

1. Approve Resolution 2022-19.
2. Do not approve Resolution 2022-19.
3. Request more information.

**Recommendation / Suggested Motion:**

"I move to adopt Resolution 2022-19 adopting the Community Development Block Grant 2022 Annual Action Plan and authorizing the submission of the Annual Action Plan to the United States Department of Housing and Urban Development."

**CITY OF REDMOND  
RESOLUTION NO. 2022-19**

**A RESOLUTION ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2022 ANNUAL ACTION PLAN AND AUTHORIZING THE SUBMISSION OF THE ANNUAL ACTION PLAN TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.**

**WHEREAS**, the U.S. Department of Housing and Urban Development (“HUD”) requires local governments seeking federal assistance through the Community Development Block Grant (“CDBG”), to develop an Annual Action Plan for Housing and Community Development; and

**WHEREAS**, the City of Redmond is eligible for the Community Development Block Grant entitlement program; and

**WHEREAS**, the Housing and Community Development Committee, during their May 18, 2022 meeting considered the 2022 Annual Action Plan funding recommendations attached hereto.

**WHEREAS**, the public comment period for the proposed amendments ended on June 28, 2022, and a public hearing was conducted during a City Council meeting on June 28, 2022; and

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

SECTION ONE: The City of Redmond hereby adopts the 2022 Annual Action Plan, attached in summary hereto as Exhibit A, authorizing City staff to submit the Annual Action Plan to the Department of Housing and Urban Development, when required; and

**ADOPTED** by the City Council and **SIGNED** by the Mayor this 28<sup>th</sup> day of June 2022.

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

ATTEST:

\_\_\_\_\_  
Trish Pinkerton, Asst to the City Recorder

# Exhibit A

## **CDBG 2022 Annual Action Plan Summary**

Total funding available = \$364,026

2022 Allocation: \$235,318

Program Income & Carryover: \$128,708

Total Public Service funding available <sup>1</sup> = \$53,302

Total Public Facilities funding available = \$263,660

Administration of CDBG 2021 funds <sup>2</sup> = \$47,064

| Community Partner                                                | National Objective<br>Eligible Activity                                                    | Funding<br>Recommendation                                               |
|------------------------------------------------------------------|--------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| Public Service –<br>Shepherd’s House<br>Ministries               | Low/Mod Limited<br>Clientele<br><br>Homeless Programs<br>03T                               | \$39,500<br>Direct staff costs                                          |
| Public Service – Thrive<br>Central Oregon                        | Low/Mod Limited<br>Clientele<br><br>Housing<br>Information and<br>Referral Services<br>05X | \$13,500<br>Case management,<br>administrative and legal<br>expenses    |
| Public Facilities—<br>Deschutes Country<br>Children’s Foundation | Low/Mod Limited<br>Clientele<br><br>Child Care Center<br>03M                               | \$63,750<br>Playground site work,<br>construction and equipment         |
| Public Facilities – ADA<br>Upgrades and<br>Improvements          | Low/Mod Area<br>Benefit<br><br>03Z                                                         | \$44,000<br>ADA upgrades and<br>improvements of public facilities       |
| Low/Mod Affordable<br>Housing Project(s)                         | Low/Mod Limited<br>Clientele<br><br>Acquisition of Real<br>Property<br>01                  | \$155,000<br>Acquisition of real property for<br>LMI housing project(s) |
| Program Administration                                           | 21A                                                                                        | \$47,064<br>Program Administration                                      |

<sup>1</sup> The 2022 Public Service allocation is 15% of this year's annual entitlement plus 15% of last year's program income (excluding carryover).

<sup>2</sup> The 2022 Administration and Planning allocation is 20% of this year's annual entitlement.



# CDBG ACTION PLAN ITEMS

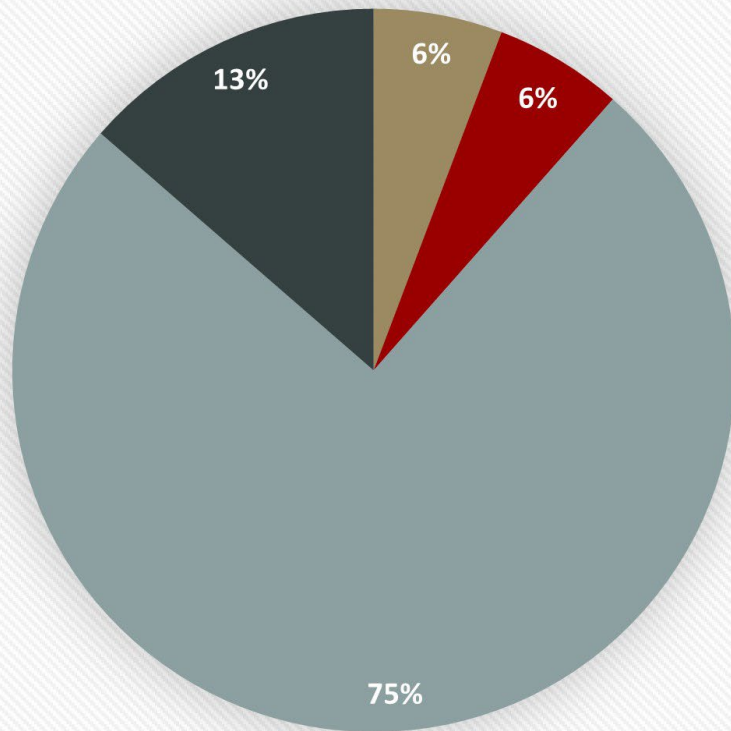
REDMOND CITY COUNCIL  
JUNE 28, 2022

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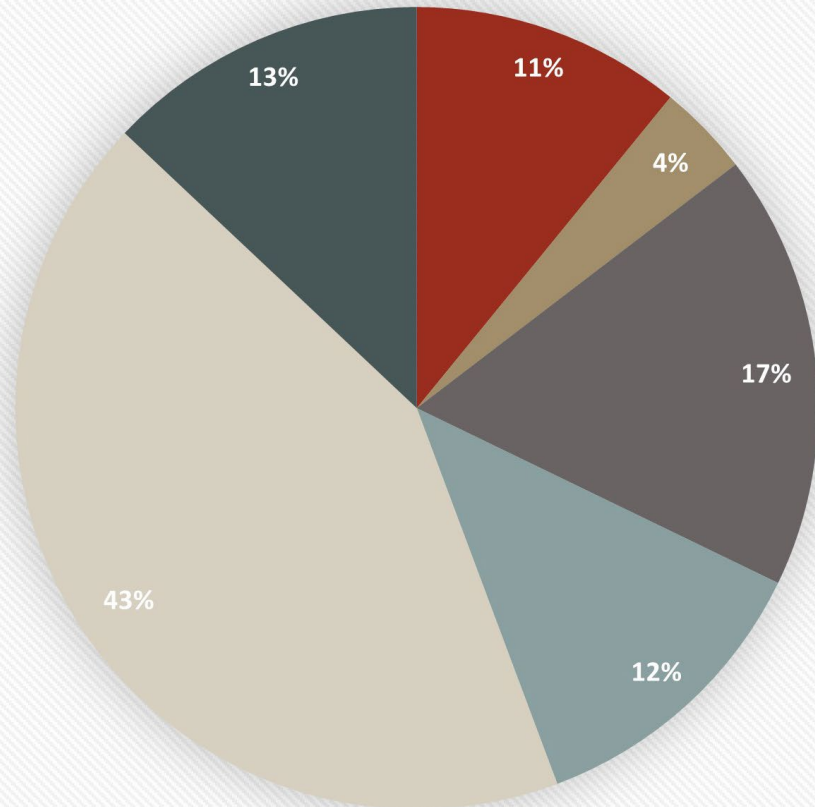
## 2021 Amended Allocations



■ Thrive Central Oregon
 ■ Meals on Wheels  
■ ADA Upgrades and Improvements
 ■ Program Administration

| Community Partner                                                | National Objective Eligible Activity                        | Funding                                                          |
|------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|
| Thrive Central Oregon                                            | Low/Mod Clientele Referral and Case Management Services 05Z | <b>\$30,000</b><br>Case management and service referrals         |
| Redmond Senior Center Meals on Wheels                            | Low/Mod Clientele Senior Services 05A                       | <b>\$30,000</b><br>Program expansion and increased food security |
| City ADA Upgrades and Public Facilities (sidewalks, parks, etc.) | Low/Mod Area Benefit 03                                     | <b>\$390,000</b><br>(\$261,876 + \$128,124)                      |
| Program Administration                                           | 21A                                                         | <b>\$71,005</b><br>(\$47,000 + \$24,005)                         |

## CDBG 2022 Allocations



■ Shepherd's House
 ■ Thrive Central Oregon
 ■ Deschutes Country Children's Foundation
 ■ ADA Upgrades and Improvements
 ■ Affordable Housing
 ■ Program Administration

| Community Partner                             | National Objective Eligible Activity                                     | Funding                                                                     |
|-----------------------------------------------|--------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| Shepherd's House Ministries                   | Low/Mod Limited Clientele<br>03T                                         | <b>\$39,500</b><br>Direct staff costs                                       |
| Thrive Central Oregon                         | Low/Mod Limited Clientele<br>Referral and Case Management Services<br>05 | <b>\$13,500</b><br>Case management and service referrals                    |
| Deschutes Country Children's Foundation       | Low/Mod Limited Clientele<br>Child Care Center<br>03M                    | <b>\$63,750</b><br>Playground site work, construction and equipment         |
| Public Facilities ADA Upgrades & Improvements | Low/Mod Area Benefit<br>03                                               | <b>\$44,000</b><br>ADA upgrades and improvements of public facilities       |
| Low/Mod Affordable Housing Project(s)         | Low/Mod Limited Clientele<br>01                                          | <b>\$155,000</b><br>Acquisition of real property for LMI housing project(s) |
| Program Administration                        | 21A                                                                      | <b>\$47,064</b><br>Program Administration                                   |



# QUESTIONS

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SLIDE / 4





## CITY OF REDMOND

**CITY HALL**  
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541.923.7710  
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# STAFF REPORT

**DATE:** June 28, 2022  
**TO:** City Council  
**THROUGH:** John Roberts, Deputy City Manager  
Keith Witcosky, City Manager  
**FROM:** Kyle Roberts, Planning Director  
**SUBJECT:** Ordinance 2022-04: An Ordinance amending various sections of the City Code to incorporate HB 2001 requirements and other administrative changes

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### Addresses Council Goal:

7. COMPREHENSIVE PLANNING: Enhance the quality of life through adoption of programs, policies, and standards that manage growth while maintaining Redmond's small-town feel.
- A. Promote quality development and great neighborhoods.
  - D. Identify housing objectives, policies, and implementation strategies to diversify the range of housing choices.
  - E. Address the effect of HB 2020/HB 2001 on Redmond neighborhoods.

### Report in Brief:

This item requests City Council conduct a public hearing and adopt Ordinance 2022-04 approving text amendments to City Code Chapters 4 (Utilities), 7 (Business) and 8 (Development Code).

### Background:

The Redmond Development Code (Chapter 8) is the primary mechanism to implement the City's Comprehensive Plan, regulate zoning, growth and development, land use activity, and other City policies related to Great Neighborhood Principles and livability. The proposed amendments focus on Oregon House Bill 2001 (HB 2001), which was passed during the 2019 Oregon Legislative Session. HB 2001 requires many Oregon communities to accommodate middle housing within single-family neighborhoods. The legislation also requires more housing diversity in cities and counties and is partly intended to create lower-cost housing through construction of units which have a lower total square footage than a standard single family home. The effects of HB 2001 are significant and will have implications regarding how Redmond develops.

HB 2001 requires all middle housing types be allowed in all residentially zoned areas (i.e., duplexes, triplexes, quadplexes, townhomes and cottage clusters):

- On every lot where single-family homes are allowed – duplexes.
- In every zone where single-family homes are allowed – all other middle-housing types.

Per ORS 197.758, if the City does not adopt code changes that comply with HB 2001 by June 30, 2022, the law requires the State Model Code be applied in areas where HB 2001 was not addressed in local codes. The Model Code is a generic concept and limits local jurisdictions' discretion on siting and design criteria.

The last update to the Redmond Development Code was adopted by the Council in November 2020 and was in sync with the adoption of the Redmond Comprehensive Plan 2040. The code amendments allowed the Development Code to account for many of HB 2001 requirements. This current update is intended to finalize the remaining HB 2001 requirements, and modernize and improve administration of the Development Code.

These proposed amendments were initiated legislatively. The attached staff report, findings and supporting materials, demonstrate that the proposed text amendments are compliant with HB 2001 and Development

## Code Section 8.0760 (Criteria for Amendments).

The City received significant assistance with the code amendments through a Planning Assistant Grant awarded by the Department of Land Conservation and Development. The grant enabled 3J Consultant and JET Planning (Elizabeth Decker) to be retained to conduct a thorough audit ("gap analysis") of the Development Code and ensure compliance with HB 2001.

### Attachments:

Attached is the staff report, written public comment, and Ordinance 2022-04 and accompanying five exhibits. The exhibits display the proposed text amendments through ~~strike-through~~ and in Red or Red Underline and include:

- Exhibit A: Amendments to Redmond Development Code Density Table.
- Exhibit B: Senate Bill 458 Amendments (middle housing expedited land divisions).
- Exhibit C: Master Development Plans & Planned Unit Development Amendments.
- Exhibit D: HB 2001 Related & Other Amendments.
- Exhibit E: Administrative Topics.

Provisions identified in yellow in Exhibits D and E and not related to or mandated by HB 2001. The amendments address other statutory requirements, topics to improve the administration of the code, or unintended consequences of implementing HB 2001.

### Planning Commission Involvement and Public Process:

The Planning Division and Redmond Urban Area Planning Commission periodically update the Redmond Development Code as part of their annual work program. In 2021, the Planning Commission held one work session and ten public hearings on the proposed amendments. In 2022, the Planning Commission conducted four work sessions on the amendments and a public hearing on June 6, 2022. Two joint meetings between the Council and Planning Commission were also held to overview and deliberate on HB 2001 specifics.

Throughout the amendment process, key stakeholders were notified and engaged. In 2022, staff also sought input from the Central Oregon Home Builders Association and other members of the development community to review and revise the amendments. The majority of the feedback and suggestions proffered from these stakeholders is embedded into the amendments.

Integrating HB 2001 requirements into the Development Code has been challenging. In light of mandated timeframe requirements, there are additional details that have been identified through the amendment process that need more time to be thoroughly vetted and discussed (e.g., reduced lot sizes, design elements, deed restrictions, applicability of certain zone districts). The planning division is committed to revisiting additional amendments and refinements needed to the Development Code.

### Discussion:

HB 2001 was passed in 2019 by the Oregon Legislature and is now Oregon law. Changes to the language of HB 2001 can only be made by the Oregon Legislature. The City must comply with HB 2001 and the other newly adopted Bills such as Senate Bill 8 (greater flexibility to develop affordable housing in commercial zones), SB 458 (allows for middle housing development to be divided into new lots) and HB 2003, which is not mandated for Redmond until 2027, but we will start the process in 2025 (Housing Production Strategy).

### Important HB 2001 Definitions

- **"Middle housing"** types include: duplexes, triplexes, quadplexes, townhouses and cottage clusters.
- **"Townhouses"**: Means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.
- **"Cottage clusters"**: Means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that includes a common courtyard.

Key areas of local determination include "siting and design" regulations, as long as those regulations do not discourage all middle-housing types through unreasonable costs or delays. Cities can regulate middle housing

based on locally identified siting or design criteria, provided that those regulations pass the following test:

- Every lot that allows a single-family home also allows a duplex.
- At least one type of middle housing is allowed in all locations that allow single-family housing.
- All middle housing types are allowed somewhere within zones that allow single-family housing.
- Middle housing types are not subject to regulations that create unreasonable costs or delay.

HB 2001 does not restrict jurisdictions from continuing to allow detached single-family structures in single-dwelling zones, but requires jurisdictions to allow middle housing types in single-family zones. In other words, every middle housing type must be allowed somewhere, and everywhere that allows single-family homes must allow some middle housing. The additional middle housing types (other than duplexes) do not have to be allowed on every lot or parcel that allows single-family homes.

HB 2001 requires the City to allow greater housing choices and other housing options on single family lots. While the new law “allows” these choices, it does not require them. For example, it is unlikely single-family homeowners will rush to add three more units to their properties. More likely, middle housing and additional density will be gradual since not all lots can accommodate new units and meet the setback requirements.

In addition, other associated code changes were needed to advance neighborhood design and manage density. The Planning Commission evaluated if it is reasonable to allow greater density when developers provide enhanced design, a full range of housing types, usable open spaces, and creative lot arrangement. Specifically, if the use of Planned Unit Developments or master plans are viable tools to manage density, flexibility and good design.

The biggest task in the code update was to fully evaluate the density and lot size calculations to ensure compliance with HB 2001. Density, reduced setbacks, and smaller lot size will impact how the community looks, feels and functions. It is believed a combination of design techniques and incentives will result in a more diverse range of housing types. The changes proposed will help to address some aspects of affordability (choice and lot size), allow for more diverse neighborhood design and increase the range of housing choices consistent with Redmond’s Great Neighborhood Planning Principles, City Council Goals, and the Redmond Comprehensive Plan.

#### Exhibit B: Senate Bill 458 Amendments (middle housing and expedited land division).

The City is mandated to adopt Exhibit B, which provides for an expedited land division process and middle housing land division process. The expedited land use process was introduced in the 1990s out of concern that some cities were taking too long, applying too many conditions, and generally making it too difficult to build housing. The intent of the expedited process is to decrease the length of review time from 120 days to 60 days, and reduce the scope of approval criteria. The expedited provisions have been in existence for a while and are rarely used.

The expedited land division process can now also be used as a vehicle to facilitate middle housing land division, through the same process. The purpose of the middle housing land division is simply to create fee-simple lots for middle housing in order to support more homeownership opportunities, rather than limiting options to rentals or condos. Middle housing land divisions are only applicable to planned middle housing projects and only allow creation of one lot per unit. They have to be tied to a specific middle housing proposal, rather than creating “blank” lots for future development.

#### Adoption

The action to approve a legislative amendment requires a public hearing to provide the opportunity to receive and consider additional public testimony. Staff concludes that all review and approval criteria have been met for this amendment request. Based on the findings of fact and other relevant information contained within this report and contained Exhibits A through E, staff recommends approval of the text amendments to the Development Code.

The consulting team of Elizabeth Decker of JET Planning and Anaïs Mathez of 3J Consulting will present at the public hearing.

#### **Fiscal Impact:**

Additional amendments to the Redmond Development Code will be needed to adapt and appropriately respond to the impacts experienced by HB 2001 mandates. There are no anticipated direct fiscal impacts. However, the HB 2001 changes will lead to increased density which will have future cost impacts on scaling infrastructure to meet the needs of more residents.

**Alternative Courses of Action:**

Conduct the public hearing and consider additional public testimony. Courses of action include:

1. Approve Ordinance 2022-04.
2. Direct staff to make additional changes and approve Ordinance 2022-04.
3. Do not approve Ordinance 2022-04.
4. Take no action and request more information for review at a continued hearing. *Note, the State Model Code will go into effect in the interim.*

**Recommendation / Suggested Motion:**

"I move to have a first and second reading of Ordinance 2022-04, by title only." (Voice vote)

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

"I move to approve Ordinance #2022-04" (Roll call vote)

**CITY OF REDMOND  
ORDINANCE NO. 2022-04**

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE REDMOND CITY CODE, CHAPTER 4 (UTILITIES), 7 (BUSINESS), AND 8 (DEVELOPMENT CODE) TO INCORPORATE HOUSE BILL 2001 REQUIREMENTS AND OTHER SUBSTANTIVE CHANGES AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City Council has an adopted set of goals that include: “Enhance the quality of life in the City through the adoption of programs, policies, and standards that manage growth while maintaining Redmond’s small-town feel” and “Promote quality development and great neighborhoods”; and

**WHEREAS**, as mandated by ORS 197.758, a city with a population greater than 25,000 must incorporate House Bill 2001 requirements into its development code no later than June 30, 2022 or shall directly apply the applicable Model Code (OAR 660-046-0040(4)); and

**WHEREAS**, the Redmond Urban Area Planning Commission held five work sessions, ten public hearings, and the first evidentiary public hearing on June 6, 2022 and, after reviewing the record and gathering public testimony, has recommended that the City Council adopt only House Bill 2001-related amendments to the Development Code; and

**WHEREAS**, the City Council held a public hearing on June 28, 2022 to consider the recommendation of the Redmond Urban Area Planning Commission, review the existing record and gather additional evidence and public testimony; and

**WHEREAS**, the City Council determines that the findings for the adoption of the amendments to the City Code and Development Code have fully addressed the City’s Comprehensive Plan, the applicable state law, the Statewide Planning Goals and the City’s standards and criteria for an amendment to the Development Code; and

**WHEREAS**, the City Council finds that the attached amendments (Exhibits A-E) are necessary to further these interests and to protect the health, safety and welfare of City residents.

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

**SECTION ONE:** The City of Redmond hereby amends City Code, Chapters 4 (Utilities), 7 (Business), and 8 (Development Code). The amendments and adopted text are attached hereto as “Exhibits A, B, C, D, and E.”

**SECTION TWO:** In support of the approval, the City of Redmond hereby adopts the findings, which are attached hereto as Exhibit F, which were prepared by City staff and demonstrate compliance with the Redmond Development Code, Section 8.0760 – Amendments, and the applicable Statewide Planning Goals.

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

**SECTION FOUR:** The City Council finds that it is in the best interest of the City of Redmond to have this Ordinance take effect immediately upon adoption and signature.

Therefore, the City Council hereby declares an emergency.

**PASSED** by the City Council and **APPROVED** by the Mayor this 28<sup>th</sup> day of June 2022.

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George Endicott, Mayor

ATTEST:

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Trish Pinkerton, Asst. to City Recorder

# EXHIBIT A – REDMOND DEVELOPMENT CODE (RDC)

## EXHIBIT A: AMENDMENTS TO RDC DENSITY TABLES: HB 2001

Proposed text amendments are shown in ~~strike-through~~ and  
**in Red or Red Underline**.

Prepared for June 28, 2022, City Council Public Hearing

### Amend the following throughout the RDC:

- Repeal and replace Section 8.0140, Table B, Minimum Standards in entirety.
- Incorrect numbering and references.
- Remove all references to “multi-family dwellings,” and replace with “triplexes, quadplexes or plexes” where appropriate.

### Chapter 8 – 8.0140

**8.0140 Table B, Minimum Standards.** The following minimum standards apply in each of the Residential Zones as follows:

| Zone:                                                                                      |                                                                  |               |                  |                |                |
|--------------------------------------------------------------------------------------------|------------------------------------------------------------------|---------------|------------------|----------------|----------------|
| Standard:                                                                                  | R-1                                                              | R-2           | R-3, <u>R-3A</u> | R-4            | R-5            |
| Minimum Lot size - Square Feet                                                             |                                                                  |               |                  |                |                |
| Single Family, <u>Duplex</u> ,<br><u>Triplex</u>                                           | 9,000                                                            | 9,000         | 7,500            | 5,500          | 5,500          |
| <u>Quadplex</u> , <u>Cottage Cluster</u>                                                   | <u>9,000</u>                                                     | <u>9,000</u>  | <u>7,500</u>     | <u>7,000</u>   | <u>7,000</u>   |
| <u>Duplex</u>                                                                              | <u>9,000</u>                                                     | <u>10,000</u> | <u>8,000</u>     | <u>7,500</u>   | <u>7,500</u>   |
| <u>Duplex Lot</u>                                                                          |                                                                  |               | <u>4,250</u>     | <u>3,750</u>   | <u>3,750</u>   |
| <u>Multifamily Dwelling</u>                                                                | <u>NA</u>                                                        | <u>NA</u>     | <u>NA</u>        | <u>F</u>       | <u>F</u>       |
| <u>Townhouse</u>                                                                           | <u>1,500</u>                                                     | <u>1,500</u>  | <u>1,500</u> E   | <u>1,500</u> E | <u>1,500</u> E |
| <u>Multi-Family Complex:</u><br><u>5+ units</u>                                            | <u>No Minimum Lot Size</u><br><u>Must Meet Density Standards</u> |               |                  |                |                |
|                                                                                            |                                                                  |               |                  |                |                |
| <u>Density - Units/Net Acre</u>                                                            |                                                                  |               |                  |                |                |
| <u>Minimum Density/Gross</u><br><u>Acre: All</u>                                           | <u>4</u>                                                         | <u>4</u>      | <u>5</u>         | <u>10-5</u>    | <u>15-8</u>    |
| <u>Maximum Density: Single</u><br><u>Family</u>                                            | <u>5</u>                                                         | <u>5</u>      | <u>5.8</u>       | <u>8</u>       | <u>8</u>       |
| <u>Maximum Density: Duplex,</u><br><u>Triplex, Quadplex, Cottage</u><br><u>Cluster</u>     | <u>No Maximum Density</u><br><u>Must Meet Minimum Lot Size</u>   |               |                  |                |                |
| <u>Maximum Density:</u><br><u>Townhouses</u>                                               | <u>20</u>                                                        | <u>20</u>     | <u>23.2</u>      | <u>25</u>      | <u>25</u>      |
| <u>Maximum Density: Multi-</u><br><u>family Complex 5+ units</u>                           | <u>N/A</u>                                                       | <u>N/A</u>    | <u>N/A</u>       | <u>14.5</u>    | <u>17.4</u>    |
|                                                                                            |                                                                  |               |                  |                |                |
| <u>Planned Unit Developments (PUDs) and Cottage Developments (COD) densities specified</u> |                                                                  |               |                  |                |                |

# EXHIBIT A

## Zone:

| Standard:                                                                                                                                                                                                                                                                                                                                                                                                                                       | R-1      | R-2      | R-3, <u>R-3A</u> | R-4            | R-5            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------|------------------|----------------|----------------|
| <u>in Section 8.0275 et seq.</u>                                                                                                                                                                                                                                                                                                                                                                                                                |          |          |                  |                |                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                 |          |          |                  |                |                |
| <b>Minimum Setback Distance – Feet</b> <small>See c., F., and H below</small>                                                                                                                                                                                                                                                                                                                                                                   |          |          |                  |                |                |
| Front Façade, excluding garage which must be 20 feet back from property line                                                                                                                                                                                                                                                                                                                                                                    | 15-10    | 15-10    | 15-10            | 10             | 10             |
| Interior Side                                                                                                                                                                                                                                                                                                                                                                                                                                   | B 5/10   | –B 5/10  | B 5 /40          | –B 5 /40       | 5              |
| <u>Interior side yards must be a minimum of 5 feet on one side and 10 feet on the other side for single family, duplex, triplex, and quadplex residences. Where alley access is provided, both interior side yards may be reduced to 5 feet. Exceptions to the 10-foot setback are allowed (1) when the residential lot was created prior to the adoption of this standard (November 9, 2006); (2) on cul-de-sac lots; or (3) on flag lots.</u> |          |          |                  |                |                |
| Street Side                                                                                                                                                                                                                                                                                                                                                                                                                                     | 15-10    | 15-10    | 15-10            | 15-10          | 15-10          |
| Rear                                                                                                                                                                                                                                                                                                                                                                                                                                            | 20       | 20       | 20               | 20 <u>15</u>   | 5              |
| Garage, <u>access from street</u>                                                                                                                                                                                                                                                                                                                                                                                                               | 20       | 20       | 20               | 20             | 20             |
| <u>Garage, access from alley</u>                                                                                                                                                                                                                                                                                                                                                                                                                | <u>5</u> | <u>5</u> | <u>5</u>         | <u>5</u>       | <u>5</u>       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                 |          |          |                  |                |                |
| <b>Setbacks</b>                                                                                                                                                                                                                                                                                                                                                                                                                                 |          |          |                  |                |                |
| <u>ADUs: Specified in Section 8.0325.</u>                                                                                                                                                                                                                                                                                                                                                                                                       |          |          |                  |                |                |
| <u>Cottage Clusters: Specified in Section 8.0143.</u>                                                                                                                                                                                                                                                                                                                                                                                           |          |          |                  |                |                |
| <u>Cottage Developments: Specified in Section 8.0285 et seq.</u>                                                                                                                                                                                                                                                                                                                                                                                |          |          |                  |                |                |
| <u>Multi-family Complexes: Specified in Section 8.3035.4.E. Table A.</u>                                                                                                                                                                                                                                                                                                                                                                        |          |          |                  |                |                |
| <u>Townhouses: Specified in Section 8.0142.</u>                                                                                                                                                                                                                                                                                                                                                                                                 |          |          |                  |                |                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                 |          |          |                  |                |                |
| <b>Maximum Building Height – Feet</b>                                                                                                                                                                                                                                                                                                                                                                                                           | 32       | 32       | 32               | 40,E <u>45</u> | 40,E <u>45</u> |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                 |          |          |                  |                |                |
| <b>Minimum Street Frontage – Feet</b>                                                                                                                                                                                                                                                                                                                                                                                                           |          |          |                  |                |                |
| Standard Street                                                                                                                                                                                                                                                                                                                                                                                                                                 | 50       | 50       | 50               | 50             | 50 <u>40</u>   |
| Cul-de-sac                                                                                                                                                                                                                                                                                                                                                                                                                                      | 30       | 30       | 30               | 30             | 30             |
| Flag Lot                                                                                                                                                                                                                                                                                                                                                                                                                                        | 20       | 20       | 20               | 20             | 20             |
| Duplex lot (non-flag or cul de sac)                                                                                                                                                                                                                                                                                                                                                                                                             | N/A      | N/A      | 25               | 25             | 25             |
| Townhouse                                                                                                                                                                                                                                                                                                                                                                                                                                       | 30-20    | 30-20    | 30-20            | 30-20          | 30-20          |
| A. Interior side yards must be a minimum of 5 feet on one side and 10 feet on the other side for single family, duplex residences. Where alley access is provided, both interior side yards may be reduced to 5'. Exceptions to the 10' setback are allowed (1) when the residential lot was created prior to the adoption of this standard; or (2) on cul de sac lots; or (3) on flag lots.                                                    |          |          |                  |                |                |
| B. Does not include solar setbacks, which are calculated separately.                                                                                                                                                                                                                                                                                                                                                                            |          |          |                  |                |                |
| D Pursuant to the Townhouse Development Standards in Chapter 8, Article IV Site and Design Review Standards, Section 8.3035.4.f.2, Table A.                                                                                                                                                                                                                                                                                                     |          |          |                  |                |                |
| E Does not apply to development standards for Multi-family Dwellings and Multi-family Complexes which are located in Chapter 8, Article IV, Site and Design Review Standards, Section 8.3035.4.E.2., Table A                                                                                                                                                                                                                                    |          |          |                  |                |                |

## EXHIBIT A

### Zone:

| Standard:                                                                                                                                                                                                                                    | R-1 | R-2 | R-3, <u>R-3A</u> | R-4 | R-5 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|------------------|-----|-----|
| F. <del>Street trees are required to be provided in accordance with Section 8.3035(5)(K)</del>                                                                                                                                               |     |     |                  |     |     |
| G. <del>ADU Rear-Yard and Other Setbacks (Zones R-1 and R-2 — no change <i>to setbacks since the lot sizes are quite large.</i>)</del>                                                                                                       |     |     |                  |     |     |
| For all other zones:                                                                                                                                                                                                                         |     |     |                  |     |     |
| 2-story ADUs — 20-foot rear yard setback;                                                                                                                                                                                                    |     |     |                  |     |     |
| 2-story ADU that abuts an alley — 10-foot rear yard setback (driveway, if proposed, must still be 20 feet deep)                                                                                                                              |     |     |                  |     |     |
| 1-story ADU — 10-foot rear yard setback                                                                                                                                                                                                      |     |     |                  |     |     |
| 1-story ADU that abuts a 20-foot-wide alley — 5-foot rear yard setback (driveway must still be 20 feet deep)                                                                                                                                 |     |     |                  |     |     |
| ADU abutting a street corner — maintain front yard setback — side may be 5 feet for either 1 or 2 stories (driveway must still be 20 feet deep) ADU cannot extend in front of the house or be built in the front yard or front yard setback. |     |     |                  |     |     |
| ADU on lot abutting a commercial/industrial property — 5-foot rear yard setback regardless of height.                                                                                                                                        |     |     |                  |     |     |
| N/A = "not allowed"                                                                                                                                                                                                                          |     |     |                  |     | -   |

## EXHIBIT B – REDMOND DEVELOPMENT CODE (RDC)

### EXHIBIT B: SB 458 AMENDMENTS

Proposed text amendments are shown in ~~strike-through~~ and are  
in Red Underline.

Prepared for June 28, 2022, City Council Public Hearing

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#### Amend the following throughout the RDC:

- Incorrect numbering and references.
- Amend the Table of Contents.
- Remove all references to “multi-family dwellings,” and replace with “triplexes and quadplexes” where appropriate.

#### ARTICLE III. LAND DIVISION STANDARDS

(\*\*\*)

##### MIDDLE HOUSING AND EXPEDITED LAND DIVISIONS

**8.2650 Purpose.** The purpose of the expedited and middle housing land division process is to implement requirements in ORS 197.360 to 197.380 for expedited land divisions in residential districts, and 2021 Oregon Laws Ch. 103 (S.B. 458) regarding middle housing land divisions, in order to create homeownership opportunities.

**8.2655 Applicability.**

- 1. Expedited Land Division Applicability.** The procedures of this chapter are applicable to partitions and subdivisions within a residential zone as provided in ORS 197.365.
- 2. Middle Housing Land Division Applicability.** The procedures of this chapter are applicable to the following middle housing projects, or proposed middle housing projects, on an existing lot within a residential zone:
  - A. A duplex.
  - B. A triplex.
  - C. A quadplex.
  - D. A townhouse project.
  - E. A cottage cluster.

**8.2660 Procedures.** An Expedited Land Division or Middle Housing Land Division is not land use procedure. Unless the applicant requests to use the procedures in Sections 8.2200-8.2515 - Partitions and Subdivisions (a land use action), the following procedure for an Expedited Land Division or Middle Housing Land Division shall be followed.

- 1. Pre-Application Meeting.** A pre-application meeting is not required.
- 2. Application Requirements.** Applications shall be submitted upon forms established by the Community Development Director. Applications will not be accepted in partial

## EXHIBIT B – REDMOND DEVELOPMENT CODE (RDC)

submittals. All of the following items must be submitted to initiate the completeness review:

- A. Application form, including required notarized signature(s) that demonstrate consent of all owners of the affected property;
- B. Deed, title report, or other proof of ownership;
- C. Information addressing the approval criteria of Section 8.2665 for Expedited Land Division or Section 8.2670 for Middle Housing Land Division in sufficient detail for review and action;
- D. Plans required for the particular type of application as noted by staff on the application checklist;
- E. Application narrative to address applicable code approval criteria and standards as noted on the application checklist; and
- F. Payment of the required fee.

**3. Completeness Review.** The Community Development Director shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 21 calendar days after the City receives the application submittal.

- A. Incompleteness shall be based solely on failure to pay required fees, failure of the applicant's narrative to address the relevant criteria or development standards, or failure to supply the required information listed in the checklist and shall not be based on differences of opinion as to quality or accuracy. Determination that an application is complete indicates only that the application contains the information necessary for a qualitative review of compliance with the Development Code standards.
- B. If the application was complete when first submitted or the applicant submits the additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were in effect at the time the application was first submitted.
- C. If an application is incomplete, the completeness notice shall list what information is missing and allow the applicant to submit the missing information. The completeness notice shall include a form, designed to be returned to the Community Development Director, or designee, by the applicant, indicating whether or not the applicant intends to amend or supplement the application.

**4. Notification.**

- A. The Community Development Director, or designee, shall provide written notice of the receipt of the completed application for a Middle Housing Land Division or Expedited Land Division to all of the following:
  - 1. The applicant and/or authorized representative;
  - 2. The owner(s) of record of the subject property;
  - 3. Any City-recognized neighborhood association whose boundaries include or are within 100 feet of the subject property;
  - 4. Owners of record within 100 feet of the perimeter of the subject property; and
  - 5. Affected City departments, governmental agency, or special district responsible for providing public facilities or services which is entitled to notice under an intergovernmental agreement with the City which includes provision for such notice or is otherwise entitled to such notice.
- B. The notice shall state:
  - 1. The street address or other easily understood geographical reference to the subject property;

## EXHIBIT B – REDMOND DEVELOPMENT CODE (RDC)

2. A time and place where copies of all evidence submitted by the applicant will be available for review;
        3. The applicable criteria for the decision;
        4. The name and telephone number of a local government contact person;
        5. A brief summary of the local decision-making process for the Middle Housing Land Division or Expedited Land Division;
        6. That issues that may provide the basis for an appeal to the hearings officer must be raised in writing prior to the expiration of the comment period;
        7. That issues must be raised with sufficient specificity to enable the local government to respond to the issue; and
        8. The place, date and time that comments are due.
      - C. For purposes of appeal to the hearings officer under ORS 197.375 (Appeal of Local Government to Referee; Court of Appeals), this requirement shall be deemed met when the Community Development Director can provide an affidavit or other certification that such notice was given.
      - D. After notification according to the procedure set out above, the Community Development Director, or designee, shall provide a 14-day period for submission of written comments prior to the decision.
  5. **Decision.** The Community Development Director, or designee, shall make a decision to approve or deny the application within 63 days of receiving a completed application, based on whether it satisfies the applicable requirements of Section 8.2650 through 8.2680 of Article III of the Redmond Development Code.
    - A. Approval may include conditions to ensure that the application meets the applicable regulations.
    - B. For Middle Housing Land Division and Expedited Land Division applications, the Community Development Director, or designee:
      1. Shall not hold a hearing on the application; and
      2. Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination.
    - C. The decision shall include a statement of the facts upon which the decision authority relied to determine whether the application satisfied or failed to satisfy each applicable approval.
    - D. Notice of the decision shall be provided to the applicant and to those who received notice under subsection (4) of this section within 63 days of the date of a completed application. The notice of decision shall include:
      1. The summary statement described in (2)(b) of this subsection; and
      2. An explanation of appeal rights under ORS 197.375 (Appeal of decision on application for expedited land division).
  6. **Appeals.** An appeal of a decision made under this section shall not be subject to Section 8.1500 through 8.1560 of Article II of the Redmond Development Code, Land Use Procedures. Any appeal of an Expedited Land Division or Middle Housing Land Division must be as provided in ORS 197.375. The Approval Authority for any appeal of an Expedited Land Division or Middle Housing Land Division is a City-appointed Hearings Officer.
  7. **Expiration.** The tentative approval of a Middle Housing Land Division or Expedited Land Division is void if a final plat is not recorded within three years of the tentative approval.

### **8.2665 Criteria of Approval – Expedited Land Division.**

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1. The Community Development Director, or designee, will approve or deny an application for Expedited Land Division based on whether it satisfies the applicable criteria of approval. The Community Development Director, or designee, may approve the land division with conditions to ensure the application meets the applicable land use regulations.
2. The land subject to the application is within the R-1, R-2, R-3, R-3A, R-4 and/or R-5 zones.
3. The land will be used solely for residential uses, including recreational or open space uses that are accessory to residential use.
4. The land division does not provide for dwellings or accessory buildings to be located within a designated Historic Resource.
5. The land division satisfies the minimum improvement requirements for development in Section 8.2240.
6. The land division satisfies the following development standards contained in the Redmond Development Code or in an applicable Master Plan:
  - A. Applicable lot dimensional standards;
  - B. Applicable standards that regulate the physical characteristics of permitted uses, such as building design standards;
  - C. Applicable standards in this code for transportation, sewer, water, drainage and other facilities or services necessary for the proposed development, including but not limited to right-of-way standards, facility dimensions and on-site and off-site improvements.
7. The land division will result in development that either:
  - A. Creates enough lots to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or
  - B. Will be sold or rented to households with incomes below 120 percent of the median family income for Bend-Redmond MSA, which the project is built.

### **8.2670 Criteria of Approval – Middle Housing Land Division.**

1. The Community Development Director, or designee, will approve a tentative plan for Middle Housing Land Division based on whether it satisfies the following criteria of approval:
2. The application provides for the development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot allowed under ORS 197.758 (5).
3. Separate utilities are provided for each dwelling unit.
4. The applicant provides for easements necessary for each dwelling unit on the plan for:
  - A. Locating, accessing, replacing and servicing all utilities;
  - B. Pedestrian access from each dwelling unit to a private or public street;
  - C. Any common use areas or shared building elements;
  - D. Any dedicated driveways or parking; and
  - E. Any dedicated common area.
5. The applicant proposes exactly one dwelling unit on each resulting lot, except for lots, parcels or tracts used as common areas.
6. The applicant demonstrates that buildings or structures on a resulting lot will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots, that structures or buildings located on the newly created lots will comply with the Oregon residential specialty code.
7. The original lot dedicated and improved the abutting street right-of-way sufficient to comply with minimum right-of-way and improvement standards of Section 8.2710 or

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dedication and/or improvements of the abutting street right-of-way are proposed that meet the subject standards.

8. The type of middle housing developed on the original lot shall not be altered by a Middle Housing Land Division. For example, cottage cluster units within a cottage cluster do not become single-family detached residential units after a Middle Housing Land Division.

**8.2675 Conditions of Approval – Expedited Land Division and Middle Housing Land Division.** The Community Development Director, or designee, may add conditions of approval of a tentative plan for a Middle Housing Land Division or Expedited Land Division as necessary to comply with the applicable criteria of approval. Conditions may include but are not limited to the following:

1. A condition to prohibit the further division of the resulting lots or parcels.
2. A condition to require that a notation appear on the final plat indicating that the approval was given under Section 2 of Senate Bill 458 (2021) as a Middle Housing Land Division.
3. A condition to require recording of easements required by the tentative plan on a form acceptable to the City, as determined by the City Attorney.

**8.2680 Final Plat for Expedited Land Division and Middle Housing Land Division.**

1. The final plat shall comply with the Middle Housing Land Division or Expedited Land Division conditions of approval.
2. The following data requirements, if applicable, shall also be shown on the final plat.
  - A. All tracts of land intended to be deeded or dedicated for public use;
  - B. Street names as approved by the Community Development Director;
  - C. Any non-access strips.
3. **Approval Criteria.** The Community Development Director, or designee, shall approve or deny the final plat for the Middle Housing Land Division or Expedited Land Division. Approval shall be based on the following criteria:
  - A. Lands to be deeded or dedicated for public use are provided for on the final plat or on separate documents.
  - B. An approved guarantee of completion is provided for required public improvements that have not been completed and accepted by the City.
  - C. An approved grading and drainage plan is provided if grading is required.
  - D. Approved construction drawings for required public improvements are provided.
  - E. All conditions of tentative plat approval have been met and the final plat substantially conforms to the provisions of the approved tentative plat.
4. A notice of middle housing land division for each middle housing lot shall be recorded with the County recorder that states:
  - A. The middle housing lot may not be further divided.
  - B. No more than one unit of middle housing may be developed on each middle housing lot.
  - C. The dwelling developed on the middle housing lot is a unit of middle housing and is not a single family detached residential unit, or any other housing type.
5. No plat shall have any force or effect and no title to any property shall pass until the final plat has been recorded; however, a final plat is not required prior to issuance of building permits for middle housing proposed with a Middle Housing Land Division.

//End//

## EXHIBIT C – REDMOND DEVELOPMENT CODE (RDC)

### EXHIBIT C: MASTER DEVELOPMENT PLANS & PLANNED UNIT DEVELOPMENTS AMENDMENTS

Proposed text amendments are shown in ~~strike-through~~ and are  
**in Red or Red Underline**.

Prepared for June 28, 2022, City Council Public Hearing

#### Amend the following throughout the RDC:

- Incorrect numbering and references; particularly references to 8.0270 and 8.0300.
- Amend the Table of Contents to accurately reflect moving Master Development Plans from Supplementary Provision Section 8.0300 to the Planned Unit Development Section.
- Remove all references to “multi-family dwellings,” and replace with “triplexes and quadplexes” where appropriate.

#### Table of Contents

#### **MASTER DEVELOPMENT PLANS & PLANNED UNIT DEVELOPMENTS**

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#### **MASTER DEVELOPMENT PLANS & PLANNED UNIT DEVELOPMENTS**

#### **8.0300**

**8.0270** **Master Development Plans.** A Master Development Plan is required to annexation as a condition of annexation, or after annexation, but prior to or concurrent with rezoning from Urban Holding-10 to other City zoning districts. The specific requirements for a Master Development Plan are as follows:

## EXHIBIT C – REDMOND DEVELOPMENT CODE (RDC)

1. Applicability. This section applies to all properties proposed for annexation and/or rezoning from Urban Holding-10 ~~on or after the date of the adoption of this ordinance.~~
2. Purpose. The purpose of Master Development Plan is to provide:
  - A. Orderly and efficient development of the City consistent with the City of Redmond Urban Framework Plans and an adopted Area Plans.
  - B. Compatibility and/or transitions with adjacent developments and the character of the area.
  - C. A complementary mix of uses and activities.
  - D. An interconnected transportation network (streets, bicycle routes, and pedestrian trails) within the master plan area and to existing and planned City streets, routes, and trails.
  - E. A range of housing choices and densities for areas planned to have residential components.
  - F. A range of open spaces and recreation facilities, as needed to facilitate the Framework Plan and an adopted Area Plan.
  - G. Public and semi-public facilities and services.
  - H. Preservation of historic buildings, scenic views, and natural resources to the greatest extent possible.
  - I. Transitions or buffers between urban development and rural areas.
  - J. Implementation of Redmond's Comprehensive Plan, including adopted Area Plans and the Great Neighborhood Planning Principles described in 3(C)(13) below.
3. Procedures for Review.
  - A. General. Master Development Plans (MDP or PMDP) shall be approved through a quasi-judicial review process. Application procedures and related fees for approval may be streamlined in order to promote timely development of urban planning for land zoned UH-10. The Community Development Director, or designee, shall inform the applicant during the mandatory pre-application stage if the proposed MDP Master Development Plan area appropriately includes the necessary all contiguous UH-10 Zoned properties in the plan area. The Community Development Director shall base the determination for the proposed plan area shall be based on utilizing the following factors:
    1. Whether there are UH-10 properties that abut or are surrounded by the plan boundary that would reasonably fit within the zoning concept for the area plan;
    2. Whether the extension of public services and infrastructure would be enhanced by the inclusion of abutting UH-10 properties;
    3. Whether the total acreage of abutting or enclave UH-10 zoned properties is less than the acreage in the proposed plan area; and
    4. There is a community interest that would be served by including additional properties in the plan area.
  - B. Review and approval criteria for Master Development Plans (MDP) or Partial Master Development Plans (PMDP).
    1. General. In the review of any application for a Master Development Plan, the Planning Commission and City Council, if required, shall consider the following:
      - a. Whether the proposed Plan is generally consistent with the Framework Plan, and is consistent with an adopted Area Plan, and

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- Comprehensive Plan in terms of land use, density, transportation systems and networks, adequacy of infrastructure and open space.
- b. Whether the proposed Plan is generally suitable for the area in which it is proposed, considering existing and planned neighborhoods, shopping and employment areas, and natural resources and hazards.
  - c. Whether the proposed Plan is functionally integrated with developed or planned areas.
  - d. The proposed pPlan meets the applicable Great Neighborhood Principles in Section 8.3050.

### C. Master Development Plan (MDP) or Partial Master Development Plan (PMDP) Submittal Requirements and Approval Process.

An application for approval shall include the submittal requirements set forth in the City's Land Use Review application form as well as the elements described below.

1. Narrative. A narrative shall set forth the goals and objectives of the plan and describe the urban characteristics of the planned area.
2. Neighborhood Meeting. Proof a neighborhood meeting was conducted to provide an opportunity for an applicant to meet with all surrounding property owners located within 250 feet of the property to discuss the proposal. Proof shall include, but is not limited to: invitation, notice, mailing, and posted signage.

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13. Great Neighborhood Principles. ~~Master Development Plans~~ MDPs shall address applicable Redmond Great Neighborhood Principles described below. In instances where the property proposed for a MDP Master Development Plan is located within the boundary of an adopted Area Plan, the MDP Master Development Plan shall also address the Great Neighborhood Principles according to the specificity provided in the Area Plan.
  - a. Transportation. Connect people and places through a complete grid street network and trail system that invites walking and bicycling and provides convenient access to parks, schools, neighborhood service centers, and possible future transit stops. Traffic calming techniques and devices may be required to slow vehicles. Curved streets are encouraged to provide interest and variety in neighborhood design. Trails shall be provided to link with other existing or planned pedestrian facilities ~~existing, or planned in the future.~~
  - b. Housing. A mix of housing unit types and densities shall be integrated into the design of new neighborhoods consistent with zone requirements, unless a variance or other planning permit is approved. Housing developments containing more than five attached units must be designed to be consistent with the Higher Density Multifamily Design Guidelines.
  - c. Open spaces, greenways, recreation. All new neighborhoods shall provide useable open spaces with recreation amenities that are

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- integrated to the larger community. Central parks and plazas shall be used to create public gathering places, where appropriate. Central Parks and Plazas should be located in or near the center of the project to the extent practicable. New neighborhoods should retain and incorporate significant geological features such as rock outcroppings, stands of clustered native trees into the design and lot layout, etc. into the design of new neighborhoods. Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in Redmond's Parks Master Plan.
- d. Integrated design elements. Streets, civic spaces, signage, and architecture shall be coordinated to establish a coherent and distinct character for the MDP Master Development Plan. MDPs Plans may integrate design themes with adjacent developed or planned areas.
  - e. Diverse mix of activities. A variety of uses are is encouraged in order to create vitality and bring many activities of daily living within walking and biking distance or a short drive of homes. Amenities including, but not limited to, trails, recreation areas, open spaces, shall be constructed before occupancy of any residential unit, unless a phasing plan is approved. Commercial service areas must be supported by a market analysis and phasing program which will be used by the City to determine construction timing.
  - f. Public art or artistic feature. Places for the installation of public art or artistic feature is required to provide focal points, preferably at the gateways to neighborhoods, and/or in and around the center of neighborhoods, or trailheads ~~to provide focal points.~~
  - g. Scenic views. Identify and preserve scenic views and corridors of the Cascade Range, Ochoco Mountains, and Smith Rock, where practicable such as in street view sheds or park areas. Streets and common or public open spaces should be located and oriented to capture and preserve scenic views for the public. Minimize visual clutter from signs and utilities within scenic corridors.
  - h. Urban-rural interface. Urban development shall interface with rural areas through landscaped open space buffers at least 100 feet wide and the length of the urban development, excluding public streets, or shall be transitioned from higher density development to lower density development at the urban-rural interface, ~~or utilize other appropriate and equivalent transitional elements.~~
  - i. Fully developed "pocket parks" or "tot lots" shall be incorporated into medium and high density zoned residential subdivisions and site plans. These areas shall be developed for every twenty-five lots/units, a minimum of 3,000 square feet and privately maintained. Examples of Park amenities shall, at a minimum, include: turf areas, benches, deciduous shade trees, irrigation, shrubs, natural or decorative features, and adequate trash receptable(s) and lighting. ~~and decorative features.~~
  - k. Canal trails. If canals or laterals are present, multi-use trails at least 10 feet wide shall be provided, subject to the Central Oregon Irrigation District's review and approval. Pedestrian amenities such as benches and trash receptacles shall be provided at appropriate

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- locations (e.g., every 500 feet, at trailheads or intersections with public streets).
- I. ~~Green Design. Environmentally friendly and Eenergy-efficient design principles, such as: passive solar, LED lighting, and xeriscaping and planting of drought-resistant trees to minimize water usage and provide shade.~~ is encouraged for public and private infrastructure, architecture and building orientation, open spaces and natural areas and transportation facilities. In addition, the planting of native, drought-resistant trees is encouraged to provide shade and to minimize water usage.
  - D. Implementation. Upon approval of a Master Development Plan, all subsequent development located within the MDP area master plan boundaries shall be consistent with the approval approved master plan.
  - E. Amendment/Modification to Master Development Plan. Any modifications to the approved MDP master development plan shall be subject to the standards and procedures in Article II, "Modifications", and subject to the review criteria contained in this section.
  - F. Expiration of Master Development Plan. An approved MDP Master Development Plan or PMDP Partial Master Development Plan shall be subject to the requirements of Section 8.1605 of this Code concerning expiration, unless a specific timeline is approved through the land use review process.

### 8.0275 Planned Unit Development (PUD)

- 1. **Purpose and Applicability.** The purpose of a PUD planned unit development is to:
  - A. Permit greater flexibility in land use regulations in all zones, thereby allowing the developer to use a more creative approach in the development of land.
  - B. Encourage creative developments.
  - C. Incentivize a variety of land uses and housing types, mixed use, the economy of shared services and facilities, public amenities and developments compatible with the surrounding area and neighborhoods.
  - D. Promote and encourage infill development, flexibility in improvements on lots, and affordable and workforce housing.
  - E. Encourage Ppreservation of natural features and enhancement of the area vegetation., variety of land uses, variety of and housing types, the economy of shared services and facilities, and a development more compatible with the surrounding area are a few of the common benefits attained from a planned unit development.
  - F. Facilitate sustainable design, energy efficiency, desirable aesthetics and efficient use of open space.

Density requirements, setbacks, land use regulations and required improvements may be adjusted to allow for a more creative, functional and desirable living environment. In return for greater flexibility in site design and development, the PUD process introduces some special requirements and standards for design approval. These conditions will be employed to maximize quality of site design.

- 2. **Approval.** PUD approval is subject to:
  - A. Land use review and approval as Conditional Use.
  - B. Zoning standards, except as modified by the PUD.
  - C. Subdivision and Partitions Standards, except as modified by the PUD.

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- D. Site and Design Review Standards, except as modified by the PUD.
- E. PUD Standards and Requirements.
- F. A public hearing with the Hearings Body following the procedure described in Land Use Administrative actions allowed under Article II.

### **3. Exceptions.** Exceptions to City standards may be allowed through the PUD approval process without a variance.

- A. Exceptions shall substantially result in improved design of the PUD. Improved design includes, but is not limited to: alleys; public or private parks, trails, recreational areas, open spaces, common or natural areas; innovative housing design; public or private activity areas; a mixture of housing types, sizes and projected prices; energy efficient design; a variety of trees and landscaping; art and other similar design features. A PUD need not include all of these design features in order to be approved.
- B. Exceptions to City standards include, but are not limited to:
  - 1. Minimum lot sizes.
  - 2. Setbacks.
  - 3. Permitted land uses.
  - 4. Grid street spacing standards.
  - 5. Connecting to public utilities, subject to acceptance by City Engineer.
  - 6. Street frontage, street and right-of-way width, sidewalk placement and standards, subject to acceptance by City Engineer.
  - 7. Landscaping.
  - 8. Fences and walls.

### **4. Standards and Requirements.** ~~Approval of a request for a PUD is dependent upon the submission of an acceptable plan and satisfactory assurance that it will be carried out. The following standards and requirements shall apply to a PUD application:~~

- A. PUDs must be a minimum of one (1) acre in size. In the Downtown Urban Renewal District, a minimum of a half (0.5) acre in size.
- B. The applicant shall submit a written narrative that addresses the applicable standards, code, and regulations.
- C. A PUD approach may be utilized in the design and development of residential, mixed use, or commercial and industrial service areas.
- D. Densities. Maximum densities are identified in Table 8.0140. Additional density (i.e., bonus density) beyond the maximum density will be considered as follows:
  - 1. Up to 20% beyond maximum densities for qualified Affordable Housing and Workforce Housing units. A bonus density request beyond 10% shall be restricted to Affordable Housing. Affordable and Workforce Housing units should be designed to be intermixed throughout the development and similar design and quality to market rate units.
  - 2. Up to 10% beyond maximum densities for including amenities that provide a community benefit or helps realize specified public policy goals. Examples include: additional protection of green space, recreational areas, open space, natural resources or view corridors. environmental improvements, trail connectivity, higher quality building design, or other additional amenities.
  - 3. As identified in respective Area Plans.

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- E. A PUD must include a usable ~~village green-style~~ open space, recreational area, common area or park recreational area designed for the use and benefit of all the units or lots in the development. ~~Lots or units shall be designed to have the front façade of homes directly access the open space or recreational area provided. Size of open area shall be at least 1,000 square feet per unit and no less than 60 feet wide.~~ The land area used shall be determined by the type of amenities added by the developer. See examples below:

(\*\*) *Pictures Inserted*

- F. Thoughtful design and architectural themes are required for all structures within any development. Design shall take into consideration themes continued on all elevations for each building, and onto the entire site including but not limited to: lighting, fencing, accessory structures, signage and trash enclosures.
- G. A a separate application or rezoning may accompany the application for approval of the PUD in which case the two items shall be considered simultaneously.
- F. ~~No PUD shall be considered by the City that proposes a use not permitted either outright or as a conditional use within the zone. However,~~
- E. ~~The PUD shall receive a density bonus of 20% when at least 10% of the total number of units are affordable at 80% Area Median Income level or less for a period of no less than 20 years. These units shall be dispersed throughout the development and built at a rate and design similar to proposed market rate units.~~
- F. ~~The minimum area shall be 3 acres.~~
- HG. The City may recommend a performance bond or other surety to assure the proposed development will be completed as approved and within the time limits agreed to in the conditions of approval.

**5. Review Procedure for all types of PUD's.** The following procedure shall be followed in requesting approval of a PUD approval. A mandatory Pre-Application Meeting is required for any PUD proposal.

A. A pre-development meeting is required prior to submittal of an application.

B.A. An applicant shall submit to the city an electronic version of the complete application, ~~plus 3 hard copies.~~ The plan shall contain and show, at an engineer's scale of no less than 1"=10', the following information:

1. The relationship of the property to the surrounding area.
2. The preliminary plan of subdivision or re-subdivision, if any, which shall include the information required by the Subdivision Ordinance.
3. Land uses, building locations, density proposed, architectural style, efficiency measures, housing market served, and number of dwelling units.
4. The arrangement of streets and pedestrian ways.
5. Proposals that include reduced yards and lot size shall be designed to be served by private alleys or drives.
6. ~~Garages must be setback from the front façade a minimum of 3 feet.~~
7. The location of off-street parking spaces, and a parking management plan if the total number of spaces required exceeds 75.
8. The location of service commercial areas, ~~public or~~ open space, recreational area common areas or park ~~open space/recreation areas.~~
9. Plans for site grading and drainage.
10. Plans for water supply and sewage disposal.
11. Plans for transfer of ownership of the property, if any, and arrangements

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- for maintenance of common areas and facilities.
12. Landscape plan including the list of species proposed and size/coverage at time of planting and at five years.
  13. Proposed project timing schedule and surety, if required by City.
- C.B.** In considering the PUD plan, the City shall determine that:
1. There are special development objectives or physical conditions which justify a request for a PUD.
  2. The PUD will contain buffers on sides of the development that abut neighboring properties.
  3. The PUD, through its design and function, will improve livability for planned residents.
  4. The PUD contains a mix of housing types choices, variety of uses or services.
  5. The PUD can be completed within 5 years or phased for later development.
  6. The PUD will not overload adjacent streets, or utilities or infrastructure.
  7. The PUD will be consistent with the objectives of Area Plans and the Redmond Comprehensive Plan.
- D.G.** The City Shall notify the applicant whether in its judgment the foregoing provisions have been satisfied and, if not, whether they can be satisfied with other alternatives or revision to of the PUD plan.

- 6. Planned Unit Development PUD Post Approval & Modifications.** Where a PUD planned unit development has been authorized pursuant to applicable zoning regulations, the plan of the subdivision shall ~~confirm~~ conform with the plan of the PUD Planned Unit Development as approved.

Minor Modifications – Minor modifications to an approved PUD will be granted when the requested change is so minor that the CDD Director, or designee, determines that it would be appropriate for an administrative decision. Examples of minor changes include, but are not limited to: (1) a reduction in the overall number of lots, (2) minor architectural changes to approved buildings, (3) changes to phases that do not impact public facilities or change the number of approved phases, (4) changes that result in a reduction of impacts (i.e. reduced traffic flows), or (5) changes that are required to protect or increase public safety.

Major Modifications – If Major modifications to an approved PUD are subject to Section 8.1400, changes to the approval are proposed, they must first be approved by the City through a land use process prior to construction or use.

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

### EXHIBIT D: HB 2001 RELATED & OTHER AMENDMENTS

Proposed text amendments are shown in ~~strike-through~~ and are  
in Red or Red Underline

Prepared for June 28, 2022, City Council Public Hearing

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#### Amend the following throughout the RDC:

- Incorrect numbering and references; particularly reference to 8.0270 and 8.0300.
- Amend the Table of Contents to accurately reflect moving Master Development Plans from Supplementary Provision Section 8.0300 to the Planned Unit Development Section.
- Remove all references to “multi-family dwellings,” and replace with “triplexes and quadplexes” where appropriate.
- Repeal in entirety Section 8.0280 Cluster Developments.
- Remove all references to “Cluster Developments” throughout RDC.
- Remove all references to “gross” density and specify the use of “net.”
- Merge definitions contained in Section 8.2020 (Land Division Standards) with Section 8.0020 (Definitions).
- Add Section 8.2840 in Table of Contents.

#### INTRODUCTORY PROVISIONS

(\*\*\*)

**8.0010 Purpose.** These standards are adopted for the purpose of promoting the livability, health, safety, peace, comfort, convenience, economic well-being and general welfare of the City of ~~Redmond~~ and not limited to, but specifically to achieve, the following designated objectives:

(\*\*\*)

9. To assure that middle housing is part of new neighborhood development consistent with the Great Neighborhood Principles and the community need to increase affordable and workforce housing.

10. To assure annexation in an orderly manner and integration of affordable and workforce housing.

(\*\*\*)

**8.0030 Definitions.** As used herein, the following words and phrases shall mean:

(\*\*\*)

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

**Affordable Housing.** Affordable housing is generally defined as housing on which the occupant is paying no more than 30 percent of gross income for housing costs, including utilities, for a family at 80 percent of the Area Median Income (AMI). AMI is based on the most recent HUD Income Limits for the Bend-Redmond Metropolitan Statistical Area.

(\*\*\*)

**Apartment.** A building or portion thereof, designated for occupancy by three ~~five~~ or more families living independently of each other. See *Dwelling, Multi-Family Dwelling and Multi-Family Complex*.

(\*\*\*)

**Buildable Area.** The portion of property that can be used to construct a building. Buildable area is the area excluding yard setbacks, easements (includes the width of easement and airspace above) and other legal or physical prohibitions to construction.

(\*\*\*)

**Child.** A child under 13 years of age or a child under 18 years of age who has special needs or disabilities, and requires a level of care that is above normal for the child's age.

**Child Care Facility.** Any Facility that provides child care to children, including a day nursery, nursery school, child care center, certified or registered family child care home or similar unit operating under any name.

**Child Care Center (commercial).** Any registered child care facility which is not a child care home.

**Child Care Home (residential).** Any registered child care facility or certified group child care home where child care is offered in the home of the provider in a residence to fewer than 13 up to 16 children, including children of the provider, regardless of full-time or part-time status consistent with State Law. (657A.440) (ORS 329A.440)

(\*\*\*)

**Cluster Development.** ~~Multiple dwellings on a single legal lot; see RDC Section 8.0275 to 8.0287, Planned Unit Developments.~~

(\*\*\*)

**Cottage Clusters.** Groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard. Cottage Cluster units may be located on a single Lot or Parcel, or on individual Lots or Parcels.

**Cottage Cluster Project.** A development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

**Cottage Development.** See Section 8.0285.

(\*\*\*)

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**Day Care (commercial).** See *Child Care Center*.

**Day Care (residential; family).** See *Child Care Home*.

**Day Nursery.** See *Child Care Facility*. ~~*Home; Child Care Center*~~

(\*\*\*)

**Deck.** A covered or uncovered flat-floored, area adjoining a dwelling or other building and adapted especially to outdoor use.

(\*\*\*)

**Density(ies).** A measurement of the number of dwelling units in relationship to a specified unit amount of land; density calculations are based upon net acreage, which generally excludes land devoted to ~~street~~ right-of-way. The net acreage is determined by subtracting from the total acreage of the lot or parcel that which is deemed necessary for street dedication and that area used for private streets and common driveways, if any.

(\*\*\*)

**Developer.** Any person, corporation, partnership, agent of the developer, or other legal entity that ~~who~~ creates, or proposes to create, a land development, subdivision, partitioning, or other development including residential, commercial or industrial developments.

**Development.** Any human-caused change to improved or unimproved real estate that requires a permit or approval from any agency of the city, county or state, including but not limited to: buildings or other structures, mining, filling, grading, paving of infrastructure, excavation or drilling operations, landscaping, and storage of materials. Development but ~~excludes~~ grading prior to site development for overhead and underground utility improvements where the real property will be returned to essentially the same condition following completion of improvements.

(\*\*\*)

**Duplex lot.** A lawfully created lot of record containing one dwelling unit of a duplex dwelling structure. ~~See illustration below.~~

Delete accompanying duplex lot diagram.

**Dwelling.** As follows:

Accessory Dwelling Unit (ADUs). A secondary living unit, attached or detached, ~~or separate cottage,~~ accessory to a single-family detached dwelling on a single-family lot in a residential zone containing cooking facilities; and ~~meeting~~ meeting the dimensional standards and other requirements of the zone ~~ing~~ district in which it is located.

Duplex. Two attached or detached dwelling units on a Lot or Parcel when neither is an accessory dwelling.

(\*\*\*)

**Manufactured Dwelling. Means:**

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Residential Trailer. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

Manufactured dwelling does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code or any unit identified as a recreational vehicle by the manufacturer.

Multi-Family Dwelling. A building on a single lot containing a total of three or four dwelling units.

Multi-Family Complex. A building or group of buildings on a single lot containing a total of five or more dwelling units.

Quadplex. Four attached or detached dwelling units on a Lot or Parcel.

Single Family Detached Dwelling. A detached building containing one dwelling unit and designed for occupancy by one family, including manufactured homes only, excluding a mobile home.

Triplex. Any configuration of three attached or detached dwelling units on one Lot or Parcel.

(\*\*\*)

**Easement.** A grant of the right to use a parcel of land for specific purposes, but in which ownership of the land is not transferred. Easement includes use of property and air above the easement. Easement encroachment prohibitions shall consist of, but are not limited to, permanent structures, buildings including porches and roof eaves or components thereof, or any other horizontal and vertical encroachment, obstruction, excavation or alternation of the easement.

(\*\*\*)

**Family.** An individual or two or more persons related by blood or marriage or a group of not more than five persons who need not be related by blood or marriage living together in a dwelling unit. One or more persons, related or unrelated, living together in a single dwelling unit.

(\*\*\*)

**Food Cart.** A mobile vehicle, such as a food truck, trailer or car, from which service or food or beverages is provided to walk-up customers. Food carts shall be mobile at all times and must be on wheels that are functional and appropriate for the type of unit at all times.

**Food Cart Pod.** A site containing more than one food cart and associated amenities on private property.

(\*\*\*)

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~~**Home Occupation.** Any business carried on by a resident of a dwelling as an accessory use within the same dwelling, or in an accessory structure on the same property.~~

**Home Occupation.** Any business activity carried on by a resident, or resident family, of a dwelling as an accessory use within the same dwelling, or in an accessory structure on the same property. The business activity shall not be detrimental to the overall character of the neighborhood.

(\*\*\*)

**Land Division.** The subdividing or partitioning of land for any purpose into lots or parcels, or the creation of lots or parcels for the purpose of sale or lease.

**Land Division, Expedited.** A division of land as defined in ORS 197.360.

**Land Division, Middle Housing.** A partition or subdivision of a lot or parcel on which the development of middle housing is allowed.

(\*\*\*)

**Manufactured Dwelling Park.** Any place where four or more manufactured dwellings or prefabricated structures, as defined in ORS 455.010, that are relocatable and more than eight and one-half feet wide, are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

~~**Manufactured Home.** A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, and that is being used for residential purposes. It does not include any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 or any unit identified as a recreational vehicle by the manufacturer.~~

~~**Manufactured Home Park.** Any place where two or more manufactured homes are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.~~

~~**Manufactured Home Subdivision.** A subdivision intended to be occupied exclusively by manufactured homes.~~

(\*\*\*)

**Middle Housing.** Means Duplexes, Triplexes, Quadplexes (fourplexes), Cottage Clusters, and Townhouses.

(\*\*\*)

**Modification of Application.** Means the applicant's submittal of new information after an application has been deemed complete and prior to the close of the record on a pending application that would modify a development proposal by changing one or more of the following previously described components: proposed uses, operating characteristics, intensity, scale,

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site lay out (including but not limited to changes in setbacks, access points, building design, size or orientation, parking, traffic or pedestrian circulation plans), or landscaping in a manner that requires the application of new criteria to the proposal or that would require the findings of fact to be changed. It does not mean an applicant's submission of new evidence that merely clarifies or supports the pending application.

(\*\*\*)

**Modular Home.** ~~See Prefabricated House.~~

(\*\*\*)

**Public Recreation Facility.** A facility that is owned and operated by a public entity primarily for recreational uses. Accessory uses such as art studios, meeting/classrooms, day child care, offices, and related commercial uses including food vendors and retail are allowed.

(\*\*\*)

**Needed Housing.** As defined in ORS 197.303, as amended.

(\*\*\*)

**Recreational Area.** Areas (other than village green) that are designed, constructed, designated, or used for recreational activities. Examples include: open space containing a park; landscaped or undisturbed natural areas; landscaped trails where a 10 foot wide paved trail is in a 20 foot easement and is not a public sidewalk; pavilion areas at least 600 square feet in area; pool; splash pad; play court for racket sports and basketball; clubhouse; community room; art and seated viewing area; community garden; and plaza(s) at least 600 square feet in area.

(\*\*\*)

**Structure.** Any combination of materials forming any construction, which requires a foundation and is intended to support or shelter any use or occupancy. Also see definition of Accessory Structure.

~~Any combination of materials forming any construction the use of which requires a foundation. The word structure shall be construed as though followed by the words "or part thereof." A railroad car or shipping container is not a structure. A patio that does not extend into the yard setbacks is not a structure. A patio cover that does not extend into the setbacks is not a structure, may be permitted as long as no portion of the cover is closer than 3 feet to any property line, and is no larger than 24 x 24 sq. ft. A patio cover will not be allowed if it directs drainage onto other properties. See patio (covered) for more detail.~~

**Townhouse.** A single-family dwelling unit, dwelling unit that is part of a row of two or more attached dwelling units, where each dwelling unit is located on an individual Lot or Parcel and shares at least one common wall with an adjacent unit. ~~with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light, and ventilation.~~

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**Townhouse Project.** One or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the Townhouse property lines and the any commonly owned property.

(\*\*\*)

**Urban – Rural Interface.** The area where urban development interfaces with Deschutes County zoned rural areas.

(\*\*\*)

**Workforce Housing.** Housing that is affordable to households earning 80 to 120 percent of the Area Median Income (AMI). AMI is based on the most recent HUD Income Limits for the Bend-Redmond Metropolitan Statistical Area.

(\*\*\*)

**Yard.** An open space on a lot which is unobstructed from the ground up, except as otherwise provided in these standards. Yards provide light, ventilation, privacy, and room for drainage, landscaping, and emergency access.

(\*\*\*)

**8.0065 Establishment of Zones and Districts.** (Identifies allowable zones and definitions for them):

**R-1 Limited Residential Zone.** To provide lower density residential neighborhoods for single family detached residences, middle housing, and a mix of other housing types.

**R-2 Limited Residential Zone.** To provide low density residential neighborhoods for primarily single family detached residences, middle housing, and a mix of other housing types.

**R-3 Limited Residential Zone.** To provide medium density residential neighborhoods with a mix of single-family detached residences, middle housing, duplexes and a mix of other housing types. some conditionally permitted multi-family residential development.

**R-3A Limited Residential Zone.** To provide medium density residential neighborhoods with a mix of single-family detached residences, middle housing, mix of other housing types, and allow for some limited commercial use on a conditional use basis. Examples of These limited commercial uses may include a restaurant, theater, art gallery, office space and limited retail.

**R-4 General Residential Zone.** To provide high medium density residential neighborhoods with a mix of single-family detached residences, middle housing, duplexes and a mix of other housing types including multi-family residential development. conditionally permitted multi-family residential development. Limited commercial uses such as offices are also conditionally permitted where compatible with surrounding development.

**R-5 High Density Residential Zone.** To provide high density residential neighborhoods with an emphasis on multi-family development, middle housing and smaller lot single family and duplex developments. Limited commercial uses such as offices are also conditionally permitted where compatible with surrounding development.

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**M-1.5 General Industrial Zone.** To provide for general industrial uses such as manufacturing, research, and contractor uses using less than 35% of the property for outdoor storage of raw or assembled materials. Such storage must be sufficiently screened by fences or landscaping.

(\*\*\*)

**FG Fairgrounds Zone.** To allow for development or enhancement of the Deschutes County Fairgrounds to support services, facilities or events to serve the region (e.g., related to training, sporting, recreational, medical, conference, public safety or emergency coordination). Such, ~~sports facilities, and related facilities.~~

(\*\*\*)

**LLI Large Lot Industrial Zone.** That area within the City identified to attract and retain traded-sector industries that require an adequate supply of large, developable parcels of industrial land.

(\*\*\*)

**PF Public Facilities Zone.** To provide for public facility and other uses such as: wastewater treatment facilities, water storage reservoirs, well sites, public schools, public or private daycare/child care facilities, transportation/mobility, libraries, museums, pavilions, public plazas, public safety or emergency services, emergency training and coordination facilities, and Public Works Administration facilities.

(\*\*\*)

**8.0070 Location of Zones.** The boundaries of the zones listed in these standards shall be as indicated on the most recent City of Redmond Zone ing Map, as amended, of 1980 which is hereby adopted by reference. The boundaries shall be modified in accordance with Section 8.0750 et seq (Amendments) zoning map amendments pursuant to this section and shall be adopted by reference.

(\*\*\*)

### RESIDENTIAL USE ZONE

(\*\*\*)

**8.0135 Table A, Residential Zones, Uses Permitted.** The following uses are allowed outright or conditionally in each of the Residential zones as follows:

"O" means Permitted Outright  
"C" means Permitted Conditionally  
"N" means Not Allowed

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| LAND USE:                                                                                                                                                                                                                            | ZONE:     |           |           |           |           | RESTRICTIONS AND REQUIREMENTS:                                                                                                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|-----------|-----------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Residential Uses:</b>                                                                                                                                                                                                             | R-1       | R-2       | R-3       | R-4       | R-5       |                                                                                                                                                                                                                              |
| Accessory Building:<br><u>Detached</u> Sheds, shops, <u>and</u> garages. Excluding railroad cars not in railroad right of way, and movable shipping containers or similar storage containers that are not classified as structures.* | O         | O         | O         | O         | O         | Detached; includes greenhouse, workshops, potting sheds, and the like <u>M</u> ust be located within the property and not in the yard setback areas.<br><br><u>Movable shipping containers, or similar, are not allowed.</u> |
| (***)                                                                                                                                                                                                                                |           |           |           |           |           |                                                                                                                                                                                                                              |
| Cluster Development                                                                                                                                                                                                                  | O         | O         | O         | O         | O         |                                                                                                                                                                                                                              |
| Cottage Development                                                                                                                                                                                                                  | O         | O         | O         | O         | O         |                                                                                                                                                                                                                              |
| Condominium                                                                                                                                                                                                                          | O         | O         | O         | O         | O         | Condo plats are State regulated                                                                                                                                                                                              |
| Duplex                                                                                                                                                                                                                               | O         | O         | O         | O         | O         |                                                                                                                                                                                                                              |
| Duplex Lot                                                                                                                                                                                                                           | O         | O         | O         | O         | O         |                                                                                                                                                                                                                              |
| Manufactured Home                                                                                                                                                                                                                    | O         | O         | O         | O         | O         | See Single Family <u>Detached</u> Dwelling                                                                                                                                                                                   |
| Manufactured Home Park                                                                                                                                                                                                               | N         | N         | <u>GN</u> | <u>GO</u> | <u>GO</u> | <u>See Section 8.0375</u>                                                                                                                                                                                                    |
| Manufactured Home Subdivision                                                                                                                                                                                                        | N         | N         | O         | O         | O         | Subject to compliance w/ applicable ORS                                                                                                                                                                                      |
| Multi Family Complex (5 + units)                                                                                                                                                                                                     | C         | C         | C         | O         | O         |                                                                                                                                                                                                                              |
| Multi Family Dwelling (3 & 4 plex)                                                                                                                                                                                                   | O         | O         | O         | O         | O         |                                                                                                                                                                                                                              |
| <u>Single Family Detached Dwelling, Duplex, Triplex, Quadplex, Townhouse, Cottage Cluster</u>                                                                                                                                        | <u>O</u>  | <u>O</u>  | <u>O</u>  | <u>O</u>  | <u>O</u>  |                                                                                                                                                                                                                              |
| Nursing, Convalescent, and Assisted Living Facility                                                                                                                                                                                  | N         | N         | C         | C         | C         | More than 15 people                                                                                                                                                                                                          |
| Planned Unit Development                                                                                                                                                                                                             | <u>NC</u> | <u>NC</u> | C         | C         | C         |                                                                                                                                                                                                                              |
| (***)                                                                                                                                                                                                                                |           |           |           |           |           |                                                                                                                                                                                                                              |
| Single Family Dwelling                                                                                                                                                                                                               | O         | O         | O         | O         | O         |                                                                                                                                                                                                                              |
| Townhouse                                                                                                                                                                                                                            | O         | O         | O         | O         | O         |                                                                                                                                                                                                                              |
| (***)                                                                                                                                                                                                                                |           |           |           |           |           |                                                                                                                                                                                                                              |
| <b>Non Residential Uses:</b>                                                                                                                                                                                                         |           |           |           |           |           |                                                                                                                                                                                                                              |
| <u>Child Care Facility:</u>                                                                                                                                                                                                          |           |           |           |           |           |                                                                                                                                                                                                                              |
| <u>Child Care Center</u>                                                                                                                                                                                                             | <u>C</u>  | <u>C</u>  | <u>C</u>  | <u>C</u>  | <u>C</u>  |                                                                                                                                                                                                                              |
| <u>Child Care Home</u>                                                                                                                                                                                                               | <u>O</u>  | <u>O</u>  | <u>O</u>  | <u>O</u>  | <u>O</u>  |                                                                                                                                                                                                                              |
| (***)                                                                                                                                                                                                                                |           |           |           |           |           |                                                                                                                                                                                                                              |
| Mini Storage                                                                                                                                                                                                                         | N         | N         | N         | <u>ON</u> | N         | 2 ac. min., must front major arterial and subject to Site Design review.                                                                                                                                                     |
| (***)                                                                                                                                                                                                                                |           |           |           |           |           |                                                                                                                                                                                                                              |
| Office                                                                                                                                                                                                                               | N         | N         | C         | C         | C         | Only when previously established in R-3 as 'office' <u>Conditional in conjunction with a master plan or PUD.</u>                                                                                                             |

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

| LAND USE:                                               | ZONE:    |          |          |           |           | RESTRICTIONS AND REQUIREMENTS:                                                                                    |
|---------------------------------------------------------|----------|----------|----------|-----------|-----------|-------------------------------------------------------------------------------------------------------------------|
| <i>Residential Uses:</i>                                | R-1      | R-2      | R-3      | R-4       | R-5       |                                                                                                                   |
| Retail                                                  | N        | N        | C        | <u>NC</u> | <u>NC</u> | Only when previously established in R-3 as 'retail'. <u>Conditional in conjunction with a master plan or PUD.</u> |
| (***)                                                   |          |          |          |           |           |                                                                                                                   |
| <u>Public Facility or Emergency Management Services</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u>  | <u>C</u>  |                                                                                                                   |
| City Owned Utility Facility                             | O        | O        | O        | O         | O         |                                                                                                                   |

All "R" zones are subject to density transfer provisions. See 8.0020, "Definitions", *Density Transfer*, and 8.0367, "OSPR / 'R' Zone Density Transfer Provisions.

\*All or portions of shipping containers, subject to staff's determination of appropriate architectural designs, may be used subject to building permit approval.

**8.0137 Table for R-3A Zones, Uses Permitted.** The following uses are allowed outright or conditionally in the Residential Zone R-3A as follows:

| LAND USE:                                                                                                                                                                                                        | ZONE:             | RESTRICTIONS AND REQUIREMENTS:                                                                                                                                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Residential Uses:</i>                                                                                                                                                                                         | <i>R-3A</i>       |                                                                                                                                                                                                                                          |
| Accessory Building: <u>Detached sheds</u> , Sheds, shops, garages, , excluding railroad cars not in railroad right of way, movable shipping containers, and similar storage containers that are not structures.* | O                 | <u>Must be located within the property and not in the yard setback areas. Movable shipping containers, or similar, are not allowed. Potting sheds, or similar must be located within the property and not in the yard setback areas.</u> |
| Guest House <u>or</u> Accessory Dwelling Unit                                                                                                                                                                    | O                 | Detached; includes greenhouse, workshops<br>No kitchen; uses main houses' <u>Connected to primary residential unit utilities; includes kitchen.</u> sewer & water<br>Uses main houses' sewer & water; has kitchen                        |
| Accessory Use                                                                                                                                                                                                    | O                 | Includes Home Occupations, potting sheds, and the like must be located within the property and not in the yard setback areas.                                                                                                            |
| <u>Multi-family Complex</u> Apartment                                                                                                                                                                            | O                 |                                                                                                                                                                                                                                          |
| Bed and Breakfast                                                                                                                                                                                                | C                 |                                                                                                                                                                                                                                          |
| Condominium (Commercial-Only)                                                                                                                                                                                    | C                 |                                                                                                                                                                                                                                          |
| <u>Single Family Detached Dwelling</u> , Duplex, <u>Triplex, Quadplex, Townhouse, Cottage Cluster</u>                                                                                                            | O                 | Duplexes in the R-3A zone are permitted on corner lots of 10,000 s.f. or more/with conditional use approval.                                                                                                                             |
| Residential Care Home                                                                                                                                                                                            | <u>C</u> <u>O</u> | Defined in and regulated by ORS                                                                                                                                                                                                          |
| Single Family Dwelling                                                                                                                                                                                           | O                 |                                                                                                                                                                                                                                          |
| Non-Residential Uses:                                                                                                                                                                                            |                   |                                                                                                                                                                                                                                          |
| <u>Child Care Facility:</u>                                                                                                                                                                                      |                   |                                                                                                                                                                                                                                          |
| <u>Child Care Center</u>                                                                                                                                                                                         | <u>C</u>          |                                                                                                                                                                                                                                          |

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

|                 |   |  |
|-----------------|---|--|
| Child Care Home | O |  |
| (***)           |   |  |

C = conditional uses.

\*All or portions of shipping containers, subject to staff's determination of appropriate architectural designs, may be used subject to building permit approval.

(\*\*\*)

### COMMERCIAL USE AND INDUSTRIAL USE ZONE

(\*\*\*)

**8.0180** Light Industrial M-1, and M-1.5 Zones.

**8.0185** Heavy Industrial M-2 Zone.

**8.0186** Large Lot Industrial LLI Zone.

(\*\*\*)

**8.0190 Table C, Uses Permitted.** The following uses are allowed outright or conditionally in each of the Commercial and Industrial zones as follows:

"O" means Permitted Outright  
 "C" means Permitted Conditionally  
 "N" means Not Allowed

| <b>Residential:</b><br><b>Commercial/Industrial:</b> | C-1       | C-2       | C-3       | C-4       | C-4A      | C-5       | M-1       | M-1.5    | M-2       | DOD       | Restrictions and Requirements:                                                               |
|------------------------------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|----------|-----------|-----------|----------------------------------------------------------------------------------------------|
| Apartments                                           | N         | N         | N         | N         | N         | N         | N         |          | N         | N         | See Multi-family dwellings and complexes                                                     |
| Assisted Living Facility                             | O         | O         | O         | O         | O         | O         | N         | <u>N</u> | N         | C         |                                                                                              |
| Bed and Breakfast                                    | C         | C         | C         | C         | N         | N         | N         | <u>N</u> | N         | C         |                                                                                              |
| Boarding House                                       | O         | O         | O         | O         | C         | C         | N         | <u>N</u> | N         | O         |                                                                                              |
| Caretaker / Watchman                                 | C         | N         | N         | C         | N         | C         | C         | <u>C</u> | O         | N         | Must live on site                                                                            |
| Condominium                                          | N         | N         | N         | O         | N         | N         | N         | <u>N</u> | N         | O         | State regulated                                                                              |
| Dairy                                                | N         | N         | N         | N         | N         | N         | N         | <u>N</u> | N         | O         |                                                                                              |
| Homeless Shelter                                     | O         | C         | C         | C         | N         | N         | O         | <u>C</u> | N         | N         |                                                                                              |
| Manufactured Home Park                               | C         | N         | N         | C         | N         | N         | N         | <u>N</u> | N         | N         |                                                                                              |
| Multi Family Complex                                 | O         | O         | O         | O         | O         | O         | N         | <u>N</u> | N         | O*        | * Residential Use on ground floor restricted to < 25% and shall not be in front of building. |
| Multi Family Dwelling                                | C         | O         | O         | O         | N         | N         | N         |          | N         | O         |                                                                                              |
| Planned Unit Development                             | <u>CN</u> | <u>CN</u> | <u>CN</u> | <u>CN</u> | <u>CN</u> | <u>CN</u> | <u>CN</u> | <u>C</u> | <u>CN</u> | <u>CN</u> |                                                                                              |
| Residential Use above ground floor                   | O         | O         | O         | O         | N         | N         | N         | <u>N</u> | N         | O         |                                                                                              |
| Residential Use on ground floor <25%                 | N         | O         | O         | O         | N         | N         | N         | <u>O</u> | N         | O         | Not in front of building Bldg., or as non-watchman                                           |
| Residential Use on ground floor > 25%                | <u>N</u>  | <u>N</u>  | <u>N</u>  | <u>N</u>  | <u>N</u>  | <u>N</u>  | <u>N</u>  | <u>N</u> | <u>N</u>  | <u>N</u>  |                                                                                              |
| Residential care facility                            | O         | C         | O         | C         | N         | N         | N         | <u>N</u> | N         | C         |                                                                                              |
| Residential care home                                | O         | O         | O         | O         | N         | N         | N         | <u>N</u> | N         | O         |                                                                                              |

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

| <b>Residential:<br/>Commercial/Industrial:</b>                                         | <b>C-1</b> | <b>C-2</b> | <b>C-3</b> | <b>C-4</b> | <b>C-4A</b> | <b>C-5</b> | <b>M-1</b> | <b>M-1.5</b> | <b>M-2</b> | <b>DOD</b> | <b>Restrictions and Requirements:</b>                                                                                                    |
|----------------------------------------------------------------------------------------|------------|------------|------------|------------|-------------|------------|------------|--------------|------------|------------|------------------------------------------------------------------------------------------------------------------------------------------|
| Single Family <u>Detached Dwelling</u> (including ADU's) and Duplex on ground floor    | C          | O*         | C          | N          | N           | N          | N          | <u>N</u>     | N          | O*         | *Only permitted for those uses pre-dating the adoption of the C-2 Zone Amendments and Downtown Overlay District on August 12, 2008       |
| Attached Single Family and <u>triplex and quadplex</u> Multi-family above ground floor | O          | O          | O          | O          | O           | O          | N          | <u>N</u>     | N          | O          |                                                                                                                                          |
| Resumption of a residential use                                                        | O          | O          | O          | O          | O           | O          | N          | <u>N</u>     | N          | C          | Only as previously established residential use                                                                                           |
| <b>Eating and Drinking</b>                                                             | <b>C-1</b> | <b>C-2</b> | <b>C-3</b> | <b>C-4</b> | <b>C-4A</b> | <b>C-5</b> | <b>M-1</b> | <b>M-1.5</b> | <b>M-2</b> | <b>DOD</b> | <b>Restrictions and Requirements:</b>                                                                                                    |
| Bakery (retail / sit down)                                                             | O          | O          | O          | O          | O*          | O          | O          | <u>O</u>     | O          | O          |                                                                                                                                          |
| Bar, Lounge, Tavern, Nightclub,                                                        | O          | O          | C          | O          | O*          | O          | O          | <u>O</u>     | O          | O          |                                                                                                                                          |
| Café, Restaurant (sit-down),<br>Diner, Brew Pub                                        | O          | O          | O          | O          | O*          | O          | O          | <u>O</u>     | O          | O          | Delis are listed under "retail uses"                                                                                                     |
| Café, Restaurant, Espresso (Drive-through)                                             | O          | O          | O          | O          | O*          | O          | O          | <u>O</u>     | O          | O          | Delis are listed under "retail uses"                                                                                                     |
| <b>Entertainment</b>                                                                   | <b>C-1</b> | <b>C-2</b> | <b>C-3</b> | <b>C-4</b> | <b>C-4A</b> | <b>C-5</b> | <b>M-1</b> | <b>M-1.5</b> | <b>M-2</b> | <b>DOD</b> | <b>Restrictions and Requirements</b>                                                                                                     |
| Amusement Park                                                                         | C          | N          | N          | N          | O           | O          | N          | <u>N</u>     | N          | N          |                                                                                                                                          |
| Arena for Indoor Sport Events                                                          | O          | C          | N          | C          | O           | O          | N          | <u>N</u>     | N          | C          | Larger than indoor commercial recreational use                                                                                           |
| Driving Range                                                                          | O          | N          | N          | N          | N           | O          | N          | <u>N</u>     | N          | N          |                                                                                                                                          |
| Golf Course                                                                            | N          | N          | N          | N          | N           | O          | N          | <u>N</u>     | N          | N          |                                                                                                                                          |
| Indoor Commercial Recreation                                                           | O          | O          | O          | O          | O           | O          | C          | <u>C</u>     | C          | O          |                                                                                                                                          |
| Miniature Golf, "Pitch & Putt"                                                         | O          | N          | N          | N          | N           | O          | N          | <u>N</u>     | N          | N          |                                                                                                                                          |
| Outdoor Commercial Recreation                                                          | C          | C          | N          | C          | O           | C          | N          | <u>N</u>     | N          | C          |                                                                                                                                          |
| Walk-in Movie Theater                                                                  | O          | O          | O          | O          | O           | O          | N          | <u>N</u>     | N          | O          |                                                                                                                                          |
| <b>Automobile, Trucks, RV's:</b>                                                       | <b>C-1</b> | <b>C-2</b> | <b>C-3</b> | <b>C-4</b> | <b>C-4A</b> | <b>C-5</b> | <b>M-1</b> | <b>M-1.5</b> | <b>M-2</b> | <b>DOD</b> | <b>Restrictions and Requirements</b>                                                                                                     |
| Auto Detailing                                                                         | O          | C          | N          | O          | O*          | N          | O          | <u>O</u>     | N          | C**        | No auto body work permitted as "detailing".<br>** Grandfathered as a Conditional Use for existing businesses prior to August 12, 2008    |
| Auto Painting, Auto Body Work                                                          | O          | N          | N          | N          | O*          | N          | O          | <u>O</u>     | O          | N          |                                                                                                                                          |
| Auto Repair                                                                            | O          | C          | N          | C          | O*          | N          | O          | <u>O</u>     | O          | C**        | Defined in part by some on-site auto storage.<br>** Grandfathered as a Conditional Use for existing businesses prior to August 12, 2008  |
| Auto Sales (new and used);<br>Auto Rentals                                             | C          | C          | N          | O          | N           | N          | N          | <u>N</u>     | N          | C**        | ** Grandfathered as a Conditional Use for existing businesses prior to August 12, 2008                                                   |
| Auto Service                                                                           | O          | C          | N          | O          | O*          | N          | N          | <u>N</u>     | O          | C**        | Includes auto lube shops ('same day' service).<br>** Grandfathered as a Conditional Use for existing businesses prior to August 12, 2008 |
| <u>Recreational Vehicle or Boat or RV Sales and Service</u>                            | C          | N          | N          | <u>CO</u>  | <u>CO</u>   | N          | <u>CN</u>  | <u>C</u>     | N          | N          | Includes motorcycles, ATVs, other recreational vehicles                                                                                  |

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

| <b>Residential:</b><br><b>Commercial/Industrial:</b>                   | C-1 | C-2 | C-3 | C-4 | C-4A | C-5 | M-1      | M-1.5    | M-2      | DOD | Restrictions and Requirements:                                                                                                                                                                                                     |
|------------------------------------------------------------------------|-----|-----|-----|-----|------|-----|----------|----------|----------|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Car Wash                                                               | O   | O   | O   | O   | O    | O   | O        | <u>O</u> | O        | C** | Steam cleaning permitted in the industrial zones. ** Grandfathered as a Conditional Use for existing businesses prior to August 12, 2008<br>** Grandfathered as a Conditional Use for existing businesses prior to August 12, 2008 |
| Gas Stations <del>Incl</del> <u>Including</u><br>Card Lock             | O   | O   | N   | O   | O    | O   | O        | <u>O</u> | O        | C** |                                                                                                                                                                                                                                    |
| Tire Sales and Service                                                 | O   | O   | N   | O   | O    | N   | N        | <u>N</u> | N        | N   |                                                                                                                                                                                                                                    |
| Truck Stop                                                             | O   | N   | N   | N   | O    | N   | O        | <u>O</u> | O        | N   |                                                                                                                                                                                                                                    |
| Truck Terminal                                                         | N   | N   | N   | N   | N    | N   | O        | <u>O</u> | O        | N   | Includes impound yards, auto fleets                                                                                                                                                                                                |
| <u>Automobile and Recreational</u><br>Vehicle Storage / Towing<br>Yard | N   | N   | N   | N   | N    | N   | <u>C</u> | <u>C</u> | <u>C</u> | N   |                                                                                                                                                                                                                                    |
|                                                                        |     |     |     |     |      |     |          |          |          |     |                                                                                                                                                                                                                                    |
| <b>Industrially Related Uses</b>                                       | C-1 | C-2 | C-3 | C-4 | C-4A | C-5 | M-1      | M-1.5    | M-2      | DOD | Restrictions and Requirements:                                                                                                                                                                                                     |
| Aircraft/Airport Service, Parking Lot, Maintenance                     | N   | N   | N   | N   | N    | N   | O        | <u>N</u> | O        | N   |                                                                                                                                                                                                                                    |
| Auto Wrecking, Recycling                                               | N   | N   | N   | N   | N    | N   | C        | <u>N</u> | O        | N   |                                                                                                                                                                                                                                    |
| Bakery, Wholesale Distribution                                         | C   | N   | N   | N   | N    | N   | O        | <u>N</u> | O        | N   |                                                                                                                                                                                                                                    |
| Batch Plants (Asphalt / Concrete)                                      | N   | N   | N   | N   | N    | N   | N        | <u>O</u> | O        | N   | Must be fully enclosed in "C" zones that permit this use                                                                                                                                                                           |
| Commercial Manufacturing (Retail Support, Craftsmen)                   | O   | O   | O   | O   | O    | O   | O        | <u>O</u> | O        | O   |                                                                                                                                                                                                                                    |
| Concrete & Conc. Products, Stone-cutting                               | N   | N   | N   | N   | N    | N   | C        | <u>C</u> | O        | N   |                                                                                                                                                                                                                                    |
| Distribution Center                                                    | N   | N   | N   | N   | O    | N   | O        | <u>O</u> | O        | N   | Up to 50% retail allowed in Industrial zones<br>'Auto Wrecking Yard' is a separate category                                                                                                                                        |
| Dump, Landfill                                                         | N   | N   | N   | N   | N    | N   | N        | <u>N</u> | C        | N   |                                                                                                                                                                                                                                    |
| Enclosed Warehousing and Manufacturing                                 | N   | N   | N   | N   | N    | N   | O        | <u>O</u> | O        | N   |                                                                                                                                                                                                                                    |
| Junkyard                                                               | N   | N   | N   | N   | N    | N   | N        | <u>N</u> | O        | N   | Outdoor storage of bulk landscaping material                                                                                                                                                                                       |
| Landscaping Supply (Bulk)                                              | N   | N   | N   | N   | N    | N   | O        | <u>O</u> | O        | N   |                                                                                                                                                                                                                                    |
| Lumber Mill                                                            | N   | N   | N   | N   | N    | N   | N        | <u>N</u> | O        | N   |                                                                                                                                                                                                                                    |
| Manufacturing (Heavy Industrial)                                       | N   | N   | N   | N   | N    | N   | N        | <u>N</u> | O        | N   | Subject to DEQ requirements and neighborhood compatibility<br>Excludes research using biohazardous materials<br>Must be fully enclosed in the "C" zones that permit this use                                                       |
| Manufacturing (Light Industrial)                                       | N   | N   | N   | N   | N    | N   | O        | <u>O</u> | O        | N   |                                                                                                                                                                                                                                    |
| Medical Research Facility                                              | O   | O   | O   | O   | O    | O   | O        | <u>O</u> | O        | O   |                                                                                                                                                                                                                                    |
| Precision Machine Shop                                                 | C   | N   | N   | C   | N    | N   | O        | <u>O</u> | O        | N   | Must be less than 50% of the gross floor area                                                                                                                                                                                      |
| Retail Uses in support of primary Industrial Use                       | N   | N   | N   | N   | N    | N   | O        | <u>O</u> | O        | N   |                                                                                                                                                                                                                                    |
| Rock Crushing / Recycling                                              | N   | N   | N   | N   | N    | N   | C        | <u>C</u> | O        | N   |                                                                                                                                                                                                                                    |
| Slaughterhouse                                                         | N   | N   | N   | N   | N    | N   | N        | <u>N</u> | O        | N   |                                                                                                                                                                                                                                    |
| Tanning, Curing, Storing of Hides                                      | N   | N   | N   | N   | N    | N   | N        | <u>N</u> | O        | N   |                                                                                                                                                                                                                                    |
| Wholesale Printing and Distribution                                    | N   | N   | N   | N   | N    | N   | O        | <u>O</u> | O        | N   |                                                                                                                                                                                                                                    |
| Wood Product Mfg and Assembly                                          | N   | N   | N   | N   | N    | N   | O        | <u>O</u> | O        | N   |                                                                                                                                                                                                                                    |
|                                                                        |     |     |     |     |      |     |          |          |          |     |                                                                                                                                                                                                                                    |
| <b>Offices and Office Products</b>                                     | C-1 | C-2 | C-3 | C-4 | C-4A | C-5 | M-1      | M-1.5    | M-2      | DOD | Restrictions and Requirements:                                                                                                                                                                                                     |

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

| <b>Residential:<br/>Commercial/Industrial:</b>              | <b>C-1</b> | <b>C-2</b> | <b>C-3</b> | <b>C-4</b> | <b>C-4A</b> | <b>C-5</b> | <b>M-1</b> | <b>M-1.5</b> | <b>M-2</b> | <b>DOD</b> | <b>Restrictions and Requirements:</b>                                                     |
|-------------------------------------------------------------|------------|------------|------------|------------|-------------|------------|------------|--------------|------------|------------|-------------------------------------------------------------------------------------------|
| Office                                                      | O          | O          | O          | O          | O           | O          | C          | <u>C</u>     | N          | O          |                                                                                           |
| Office Service and Supplies                                 | O          | O          | O          | O          | O*          | O          | N          | <u>N</u>     | N          | O          |                                                                                           |
| Offices related to Industrial Use                           | N          | N          | N          | N          | N           | N          | O          | <u>O</u>     | O          | N          |                                                                                           |
| Printing, Publishing                                        | O          | O          | O          | O          | O           | O          | O          | <u>O</u>     | N          | O          |                                                                                           |
| Telemarketing, Call Center                                  | O          | O          | O          | O          | O           | O          | C          | <u>C</u>     | N          | N          |                                                                                           |
| <b>Public and Semi Public Uses</b>                          | <b>C-1</b> | <b>C-2</b> | <b>C-3</b> | <b>C-4</b> | <b>C-4A</b> | <b>C-5</b> | <b>M-1</b> | <b>M-1.5</b> | <b>M-2</b> | <b>DOD</b> | <b>Restrictions and Requirements:</b>                                                     |
| Agricultural Uses                                           | N          | N          | N          | N          | N           | N          | N          | <u>N</u>     | N          | N          |                                                                                           |
| Churches, Religious Institutions                            | C          | C          | C          | C          | C           | C          | C          | <u>C</u>     | N          | C          |                                                                                           |
| Convention Center                                           | O          | O          | N          | O          | N           | O          | N          | <u>N</u>     | N          | O          |                                                                                           |
| Hospital                                                    | N          | N          | O          | N          | N           | N          | N          | <u>N</u>     | N          | N          |                                                                                           |
| Lodge, Club, non-profit / frat. Org.                        | C          | C          | C          | C          | C           | C          | C          | <u>C</u>     | N          | C          |                                                                                           |
| Park, Public or Private                                     | O          | O          | O          | O          | O           | O          | O          | <u>O</u>     | O          | O          |                                                                                           |
| Parking Garage, Public or Private                           | O          | O          | O          | O          | O           | O          | O          | <u>O</u>     | O          | O          |                                                                                           |
| Public Transportation Station                               | O          | O          | O          | O          | O           | O          | O          | <u>O</u>     | O          | O          |                                                                                           |
| RV Park, Public or Private                                  | N          | N          | N          | N          | N           | N          | N          | <u>N</u>     | N          | N          | ORS 197.490 prohibits RV parks in Comm. Or Industrial zones                               |
| Police or Fire Station; Public Safety or Emergency Services | <u>O</u>   | <u>O</u>   | <u>O</u>   | <u>O</u>   | <u>O</u>    | <u>O</u>   | <u>O</u>   | <u>C</u>     | <u>C</u>   | <u>C</u>   |                                                                                           |
| Schools, Public or Private                                  | C          | C          | C          | C          | C           | C          | C          | <u>C</u>     | N          | C          |                                                                                           |
| City Owned Utility or Public Facility                       | O          | O          | O          | O          | O           | O          | O          | <u>O</u>     | O          | O          |                                                                                           |
| <b>Retail Uses</b>                                          | <b>C-1</b> | <b>C-2</b> | <b>C-3</b> | <b>C-4</b> | <b>C-4A</b> | <b>C-5</b> | <b>M-1</b> | <b>M-1.5</b> | <b>M-2</b> | <b>DOD</b> | <b>Restrictions and Requirements</b>                                                      |
| Bicycle Sales and Service                                   | O          | O          | N          | O          | O*          | O          | N          | <u>O</u>     | N          | O          | Excludes Equipment and Heavy Equipment<br>Also called Building Supplies (non-landscaping) |
| Bulky Retail (including furniture)                          | O          | O          | N          | O          | O           | O          | N          | <u>O</u>     | N          | O          |                                                                                           |
| Contractor Supplies (enclosed)                              | O          | O          | N          | O          | O           | N          | O          | <u>O</u>     | O          | O          |                                                                                           |
| Contractor Supplies (outdoors)                              | O          | C          | N          | C          | O           | N          | N          | <u>O</u>     | N          | C          |                                                                                           |
| Delicatessen                                                | O          | O          | O          | O          | O*          | O          | C          | <u>C</u>     | N          | O          |                                                                                           |
| Drug Store, Pharmacy                                        | O          | O          | O          | O          | O*          | O          | N          | <u>O</u>     | N          | O          |                                                                                           |
| Equipment Sales, Service & Rental                           | O          | O          | N          | O          | O           | N          | N          | <u>O</u>     | N          | C          | Excludes Heavy Equipment Sales and Service                                                |
| Florist                                                     | O          | O          | O          | O          | O*          | O          | N          | <u>O</u>     | N          | O          |                                                                                           |
| Gallery, Studio                                             | O          | O          | N          | O          | O           | O          | N          | <u>O</u>     | N          | O          |                                                                                           |
| General Retail                                              | O          | O          | N          | O          | O*          | O          | N          | <u>N</u>     | N          | O          |                                                                                           |
| Gift / Card Shop                                            | O          | O          | O          | O          | O*          | O          | N          | <u>N</u>     | N          | O          |                                                                                           |
| Grocery Store, Market                                       | O          | O          | N          | O          | O**         | O          | N          | <u>N</u>     | N          | O          |                                                                                           |
| Hardware Store                                              | O          | O          | N          | O          | O*          | O          | N          | <u>O</u>     | N          | O          | Only permitted w/primary service use in M zones                                           |
| Heavy Equipment Sales                                       | O          | N          | N          | N          | N           | N          | O          | <u>C</u>     | O          | N          |                                                                                           |
| Heavy Equipment Service                                     | O          | N          | N          | N          | N           | N          | O          | <u>C</u>     | O          | N          |                                                                                           |
| Heavy Equipment Storage (outdoor)                           | N          | N          | N          | N          | N           | N          | N          | <u>C</u>     | O          | N          |                                                                                           |
| Medical Supplies (Retail)                                   | O          | O          | O          | O          | O           | N          | N          | <u>O</u>     | N          | O          |                                                                                           |
| Mobile / Mfr'd Home Sales & Service                         | O          | N          | N          | C          | N           | N          | N          | <u>N</u>     | N          | N          |                                                                                           |

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

| <b>Residential:<br/>Commercial/Industrial:</b>   | <b>C-1</b> | <b>C-2</b> | <b>C-3</b> | <b>C-4</b> | <b>C-4A</b> | <b>C-5</b> | <b>M-1</b> | <b>M-1.5</b> | <b>M-2</b> | <b>DOD</b> | <b>Restrictions and Requirements:</b>                                                                                                                                                                                                                                                         |
|--------------------------------------------------|------------|------------|------------|------------|-------------|------------|------------|--------------|------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Novelty, Specialty, Variety Store                | O          | O          | C          | O          | O*          | O          | N          | <u>N</u>     | N          | O          | Incl. music, art supply, electronic equipment, sporting goods<br>Non storage-related; for retail sales                                                                                                                                                                                        |
| Outdoor Merchandise Display, Other               | O          | C          | N          | O          | O           | N          | N          | <u>N</u>     | N          | C          |                                                                                                                                                                                                                                                                                               |
| Pet Shop                                         | O          | O          | N          | O          | O           | O          | N          | <u>N</u>     | N          | O          |                                                                                                                                                                                                                                                                                               |
| Plant Nursery                                    | O          | N          | N          | O          | O           | O          | N          | <u>C</u>     | N          | N          |                                                                                                                                                                                                                                                                                               |
| Thrift Store — <sup>4</sup>                      | O          | O          | O          | O          | N           | O          | N          | <u>N</u>     | N          | O          |                                                                                                                                                                                                                                                                                               |
|                                                  |            |            |            |            |             |            |            |              |            |            |                                                                                                                                                                                                                                                                                               |
| <b>Service Commercial Uses</b>                   | <b>C-1</b> | <b>C-2</b> | <b>C-3</b> | <b>C-4</b> | <b>C-4A</b> | <b>C-5</b> | <b>M-1</b> | <b>M-1.5</b> | <b>M-2</b> | <b>DOD</b> |                                                                                                                                                                                                                                                                                               |
| Appliance and Computer Repair                    | O          | O          | N          | O          | O*          | N          | N          | <u>N</u>     | N          | O          | Includes stereos, electronic equipment, residential appliances                                                                                                                                                                                                                                |
| Bank, Financial Institution                      | O          | O          | N          | O          | O           | C          | N          | <u>N</u>     | N          | O          |                                                                                                                                                                                                                                                                                               |
| Beauty & Barber Shops and Salons (includes spas) | O          | O          | O          | O          | O*          | O          | N          | <u>N</u>     | N          | O          |                                                                                                                                                                                                                                                                                               |
| Contractor Service                               | O          | N          | N          | O          | O           | N          | O          | <u>O</u>     | O          | N          | Enclosed within a building (except in M2 zone); includes equipment rentals and sale<br>Incl. outdoor storage of equipment and building supplies<br><u>If a facility is part of an industrial development and within the manufacturing structure, a conditional use permit is not required</u> |
| Contractor's Yard                                | C          | N          | N          | N          | N           | N          | O          | <u>O</u>     | O          | N          |                                                                                                                                                                                                                                                                                               |
| Child Care <u>Facility</u>                       | O          | O          | O          | O          | O           | O          | C          | <u>C</u>     | N          | O          |                                                                                                                                                                                                                                                                                               |
| Dry Cleaner (drop off only)                      | O          | O          | N          | O          | O*          | O          | N          | <u>C</u>     | N          | O          |                                                                                                                                                                                                                                                                                               |
| Dry Cleaner (full service)                       | O          | C          | N          | C          | O*          | N          | N          | <u>C</u>     | N          | C          |                                                                                                                                                                                                                                                                                               |
| Kennel                                           | C          | N          | N          | C          | N           | N          | O          | <u>C</u>     | O          | N          |                                                                                                                                                                                                                                                                                               |
| Laundromat                                       | O          | O          | N          | O          | O           | O          | N          | <u>C</u>     | N          | O          |                                                                                                                                                                                                                                                                                               |
| Mini Storage                                     | Θ <u>C</u> | N          | N          | Θ <u>C</u> | N           | N          | Θ <u>C</u> | <u>C</u>     | N          | N          | <u>See Section: 8.0615(17)</u>                                                                                                                                                                                                                                                                |
| Mortuary, Funeral Home                           | O          | O          | O          | N          | N           | O          | N          | <u>C</u>     | N          | O          |                                                                                                                                                                                                                                                                                               |
| Motel, Hotel                                     | O          | O          | C          | O          | O           | O          | C          | <u>N</u>     | N          | O          |                                                                                                                                                                                                                                                                                               |
| Printing and Copying Store                       | O          | O          | N          | O          | O*          | O          | N          | <u>C</u>     | N          | O          |                                                                                                                                                                                                                                                                                               |
| Veterinarian Services                            | O          | O          | O          | O          | O           | O          | O          | <u>C</u>     | O          | C          | Fully enclosed in C zones; no outdoor kennels                                                                                                                                                                                                                                                 |

O\* Maximum size = 10,000 square feet

O\*\* Maximum size = 20,000 square feet

**8.0195 Table D, Minimum Standards.** The following minimum standards are required in each of the Commercial and Industrial zones as follows (all distances are measured in feet):

|                              | <b>C-1</b> | <b>C-2</b> | <b>C-3</b> | <b>C-4</b> | <b>C-4A</b> | <b>C-5</b> | <b>M-1 &amp; M-1.5</b> | <b>M-2</b> | <b>LLI</b> | <b>(***)</b> |
|------------------------------|------------|------------|------------|------------|-------------|------------|------------------------|------------|------------|--------------|
| <b>Minimum Yard Setbacks</b> |            |            |            |            |             |            |                        |            |            |              |
| Front (***)                  |            |            |            |            |             |            |                        |            |            |              |
| (***)                        |            |            |            |            |             |            |                        |            |            |              |

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

### OTHER ZONES

- 8.0200 Fairgrounds FG Zone.**  
**8.0205 Park Reserve Open Space (OSPR) Zone.**  
**8.0210 Public Facility PF Zone.**  
**8.0215 Park Zone.**

**8.0220 Table E, Permitted Uses.** The following land uses are permitted outright or conditionally in each respective zone:

"O" means Permitted Outright  
 "C" means Permitted Conditionally  
 "N" means Not Allowed

| Land Use:                                                               | Zone       |          |          |          |          | Comments                                                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------------|------------|----------|----------|----------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Residential                                                             | FG         | OSPR     | PF       | Park     | Airport  |                                                                                                                                                                                                                                                                                     |
| Homeless Shelter                                                        | N <u>O</u> | O*       | C        | N        | N        |                                                                                                                                                                                                                                                                                     |
| Single Family Dwelling                                                  | O          | C        | N        | N        | N        | In conjunction with a use permitted by this section, or a caretaker residences or in OSPR with approved density transfer.                                                                                                                                                           |
| (***)                                                                   |            |          |          |          |          |                                                                                                                                                                                                                                                                                     |
|                                                                         |            |          |          |          |          |                                                                                                                                                                                                                                                                                     |
| <b>Non-Residential Uses:</b>                                            |            |          |          |          |          |                                                                                                                                                                                                                                                                                     |
| (***)                                                                   |            |          |          |          |          |                                                                                                                                                                                                                                                                                     |
|                                                                         |            |          |          |          |          |                                                                                                                                                                                                                                                                                     |
| Public Safety, Emergency Services, Training and Coordination Facilities | <u>O</u>   | <u>C</u> | <u>O</u> | <u>C</u> | <u>C</u> |                                                                                                                                                                                                                                                                                     |
| (***)                                                                   |            |          |          |          |          |                                                                                                                                                                                                                                                                                     |
|                                                                         |            |          |          |          |          |                                                                                                                                                                                                                                                                                     |
| Commercial use; accessory to permitted use                              | O          | O        | O        | O        | O        | In the Public Facility Zone, commercial uses are limited to no more than 50% of the total floor area, building footprint or lot area, whichever is most restrictive. Commercial use subject to <u>a Temporary Use Permit</u> special use permit review, requirements and standards. |
| (***)                                                                   |            |          |          |          |          |                                                                                                                                                                                                                                                                                     |

(\*\*\*)

### MIXED-USE ZONES

(\*\*\*)

**8.0260 Table G, Uses Permitted.** The following land uses are permitted outright or conditionally in each respective Zone as follows:

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

“O” means Permitted Outright  
 “C” means Permitted Conditionally  
 “N” means Not Allowed

| LAND USE:                          | ZONE:    |          |          | REFERENCE / STANDARDS:                                                                                                                                     |
|------------------------------------|----------|----------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                    | MUN      | MUE      | MULW     |                                                                                                                                                            |
| <b><u>Residential Uses:</u></b> ** |          |          |          | All stand-alone residential uses listed in Table G may not occupy more than 20% of the net land area <u>on the subject property zoned</u> in the MUN zone. |
| (***)                              |          |          |          |                                                                                                                                                            |
| <b><u>Commercial Uses:</u></b>     |          |          |          |                                                                                                                                                            |
| <b>Child Care Facilities</b>       | <b>C</b> | <b>C</b> |          |                                                                                                                                                            |
| (***)                              |          |          |          |                                                                                                                                                            |
| <b><u>Commercial Uses:</u></b>     |          |          |          |                                                                                                                                                            |
| <b>Child Care Facilities</b>       |          |          | <b>C</b> |                                                                                                                                                            |
| (***)                              |          |          |          |                                                                                                                                                            |

**\*\* Any residential use is prohibited within 1 mile of the Redmond Airport Runway Protection Zone.**

**\*\*\* In the MUE zone, commercial uses must be of a type and scale that is designed to support surrounding industrial and employment uses and may not be used for commercial development that serves a primarily regional retail function.**

(\*\*\*)

### SUPPLEMENTARY PROVISIONS

(\*\*\*)

**8.0325 Accessory Dwelling Units and Guest Houses.** Accessory Dwelling Units (ADU's) and Guest Houses, when allowed in the underlying zone, are permitted subject to the following. The terms “accessory dwelling unit” and “guest house” are used synonymously herein except for the size limitations and are listed as separate and distinct uses in Table A; guest houses shall not contain kitchens.

(\*\*\*)

- An accessory dwelling unit must be able to function as a separate dwelling unit. This includes the following:

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

- A. The accessory dwelling unit must be separately accessible from the exterior. An interior entrance to the primary residence may be approved, pursuant to review and acceptance by the Community Development Director or designee designate;
- B. The accessory dwelling unit must have separately accessible utilities, unless served by the primary residence.
- C. The accessory dwelling unit shall contain a kitchen.
- D. The accessory dwelling unit shall contain a bathroom.
- E. The accessory dwelling unit shall not be a Recreational Vehicle (RV) or portion thereof.

(\*\*\*)

- 5. An accessory dwelling unit shall be located within the dimensional requirements of the zone district in which the property is located and cannot be located in front of the forward-most facade of the primary dwelling.

(\*\*\*)

### 8.0335 Development Standards Along the Perimeter of the Canyon.

- 1. The following rules apply to any development within 100 feet of the canyon rim:
  - A. Any dwelling or accessory structure shall be less than twenty-four (24) feet in height and setback at least twenty-five feet from the Ccanyon rim;
  - B. No existing trees within 25 feet of the canyon rim, over 3" caliper measured 3 feet above ground level shall be ~~are~~ removed from the site or, if removed, are replaced by an equal number of tree(s) that are at least 2" caliper measured 3' above ground level;
  - C. Development shall maintain the natural appearance of the canyon rim; no alteration of the rock formation portion of the canyon rim is permitted;
  - D. No fence is constructed within ten (10) feet of the Ccanyon rim;
  - E. All lots fronting on the Ccanyon rim shall be a minimum of 9,000 square feet;
  - F. No deck, patio or structure requiring a building permit may be constructed within ten (10) feet of the Ccanyon rim;
  - G. Lighting shall be met subject to 8.0330, "Exterior Lighting".
- 2. A Conditional Use Permit ~~Site and Design Review~~ is required for the following Development along Redmond Dry Canyon:
  - A. Any structure exceeding 24' height, or is located within 25' of the Ccanyon rim;
  - B. Any structure not governed by section (A)(1) located in a side or rear yard area adjacent to the Ccanyon rim.
  - C. Decks or patios shall be setback from the Ccanyon rim the same number of feet as the height of the deck or patio from the ground.

(\*\*\*)

### ~~8.0370 Building Setbacks for the Protection of Solar Access.~~

Repeal in entirety.

(\*\*\*)

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

### ~~8.0375 – Manufactured Home Placement Standards.~~

- ~~1. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.~~
- ~~2. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.~~
- ~~3. The manufactured home shall have a pitched roof, except that no standard shall require a slope of less than three feet in height for each 12 feet in width.~~
- ~~4. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.~~
- ~~5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.~~
- ~~6. The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.~~
- ~~7. In addition to the provisions in paragraphs (1) to (6) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.~~

**Delete the above Section (8.0375) in entirety and replace with Manufactured Home Park Standards (below).**

**8.0375 Manufactured Home Park Standards.** Manufactured Home Park. A manufactured home park shall be built to site standards in effect at the time of construction and shall comply with the following additional provisions:

1. Evidence shall be provided that the park will be connected to City sewer and water services.
2. The space provided for each manufactured home shall be provided with City water and electrical and sewerage connections.
3. The number of manufactured homes shall not exceed the maximum density permitted in the underlying zone.
4. A manufactured home shall occupy not more than 40 percent the contiguous space provided for the exclusive use of the occupants of the manufactured homes and exclusive of space provided for the common use of tenants, such as roadway, general use structures, parking spaces, walkways, and areas for recreation and landscaping.
5. No manufactured home in the park shall be located closer than 15 feet from another manufactured home or from a general use building in the park. No manufactured home accessory building shall be closer than 10 feet from a manufactured home space or other building or structure. No manufactured home or other building or structure shall be within 25 feet of a public street property boundary or 10 feet of another property boundary.
6. A manufactured home permitted in the park shall meet the following standards as determined by an inspection by the Building Official:

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

- A. It shall have a State insignia indicating compliance with Oregon State Manufactured Home Construction Standards in effect at the time of manufacture and including compliance for reconstruction or equipment installation made after manufacture.
- B. Notwithstanding deterioration which may have occurred due to misuse, neglect, accident, or other cause, the manufactured home shall meet the State standards for manufactured home construction evidenced by the insigne.
- C. It shall contain not less than 225 square feet of space as determined by measurement of the unit exclusive of any trailer hitch device.
- D. It shall contain a water closet, lavatory, shower or tub, and a sink in a kitchen or other food preparation space.
- E. A manufactured home permitted in the park shall be provided with a continuous skirting.
- 7. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park.
- 8. The land which is used for park purposes shall be surrounded, except at entry and exit places, by a sight obscuring fence or hedge not less than six feet in height. The fence or hedge shall be maintained in a neat appearance.
- 9. If the park provides space for 50 or more manufactured home units, each vehicular way in the park shall be named and marked with signs which are similar in appearance to those used to identify public streets. A map of the named vehicular ways shall be provided to the fire department.
- 10. If a manufactured home space or permanent structure in a park is more than 500 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants and hydrants shall be provided within 500 feet of such space or structure. Each hydrant within the park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the City.
- 11. Open Space. A minimum of at least 2,500 square feet plus 150 square feet per manufactured home space shall be provided for a recreational play area, group or community activity. The Hearings Body may require this area to be physically separated from streets, or parking area by a fence or the equivalent, that conforms to fence regulations, but at least 30 inches in height where allowed by fence standards. Unless otherwise approved, no required open space area shall contain less than 2,500 square feet. Recreation areas shall be improved with grass, plantings, surfacing, or buildings suitable for recreational use. No recreation facility created within a manufactured home park wholly to satisfy the requirements of this section shall be open to, or offered in itself, to the general public.
- 12. Parking Space Requirement. Two parking spaces shall be provided for each manufactured home space on the site. In addition, guest parking spaces shall also be provided in every manufactured home park within 200 feet of the manufactured home spaces served and at a ratio of one parking space for each two manufactured home spaces. Parking spaces shall have durable and dustless surfaces adequately maintained for all-weather use and shall be properly drained.
- 13. All manufactured home parks over 10 acres in size shall be located to have access on a street designated as a collector street unless otherwise approved by the Community Development Director or designee.
- 14. All manufactured home parks containing a total site area of 20 acres or more shall provide a secondary access to the mobile home park. Such secondary access shall enter the public street system at least 150 feet from the primary access.

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

15. Lighting shall be installed along the access ways of the manufactured home park and the recreation area with lights of 100 watts or better or not over 100 feet apart. Wires for service to light poles and trailer spaces shall be underground.
16. Roadways within the park shall be paved and shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 24 feet in width if parking is not permitted on the edge of the roadway and an adequate designated area is provided and improved for guest parking and tenant recreational vehicles (such area shall be designed and improved to provide not less than one parking space per each two unit spaces in the park).
17. No manufactured home park shall be created on a site of less than one acre.
18. Sidewalks or other approved surfaced pedestrian walkways shall be provided.

### OFF-STREET PARKING & LOADING REQUIREMENTS

**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.

| Land Use                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <del>Standard: Unless Transportation Analysis supports other methods as approved by City Engineer</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><i>Residential</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| All residential uses within the Downtown Overlay District                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 1 space per Dwelling Unit ( <u>DU</u> ).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Apartments<br>Bed and Breakfast<br>Boarding House<br>Caretaker, Watchman living on-site<br>Cottage <u>Clusters and Cottage</u><br>Developments<br>Guest Houses / <del>Access</del> Dwellings<br>Homeless Shelter<br>Multi Family Complex (over 4 D.U.s)<br>Multi Family Dwelling (incl. 3 & 4 plex)<br><u>Triplex and Quadplex</u><br>Res. Use other than Ground Floor<br>Res. Use, Ground Floor < 25%<br>Res. Care Facility (6 or more residents)<br>Res. Care Home (5 or less residents)<br>Single Family <u>Detached</u> Dwelling<br><u>Duplex</u><br>Townhouse<br>—*Dwelling Unit<br>(***) | 2 space / <u>DU</u> D.U.*; 1 space / Mgr, 1 space / 10 <u>DU</u> D.U.'s*<br>1 space per bedroom<br>1 space per bedroom<br>2 spaces per dwelling unit<br><u>1</u> 2 spaces per cottage<br>1 space per <u>Guest House</u> dwelling-unit<br>1 space per room; or 1 space per employee<br>2 sp / <u>DU</u> D.U.*; 1 sp / Mgr, 1 sp / 10 <u>DU</u> D.U.'s*<br><u>1</u> 2 space per sp / <u>DU</u> D.U.*<br>2 spaces per dwelling-unit <u>DU</u><br>2 spaces per dwelling-unit <u>DU</u><br>1 space per each 2 rooms<br>2 spaces<br>2 spaces per dwelling-unit <u>DU</u><br><u>1 space per DU</u><br><u>1</u> 2 spaces per dwelling-unit <u>DU</u> |

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

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

(\*\*\*)

11. ~~On Street Parking Credits. The minimum requirement off-street parking spaces may be reduced by the number of on-street parking spaces that are allowed and constructed along the street frontage of the proposed development subject to approval by the City Engineer. On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.~~
112. Common Parking Areas shall conform to city standards and shall be located within 220 feet of the land use.

### 8.0510 Design and Improvement Standards for Parking Lots. The design and improvement standards for parking lots are:

(\*\*\*)

2. Except for parking in connection with single family detached dwellings or middle housing or duplex dwellings, parking and loading areas adjacent to or within a residential zone or adjacent to any dwelling shall be screened with a sight-obscuring fence or planted screen of not less than three feet in height.

(\*\*\*)

6. ~~Except for dwellings not required to undergo land use review, G~~groups of more than two parking spaces shall be so located and served by a driveway so that their use will require no backing movements or other maneuvering within a street right-of-way, other than an alley, unless approved by the City Engineer. Single family detached dwelling and middle housing type are exempt from this standard.

(\*\*\*)

### 8.0565 Exception to Building Height Limitations. Except for the FAA aviation requirements set forth in Federal law Section 8.0230, the following types of structures or structural parts are not subject to the building height limitations prescribed in Sections 8.0100-8.0295:

(\*\*\*)

### 8.0575 Special Exceptions to Lot Size Requirements.

1. Any parcel of land or portion thereof, which is required to dedicate ~~to be dedicated to a public or semi-public entity for a road, canal, railroad, utility or other public use,~~ shall be exempt from the minimum lot size requirements set forth by these standards, unless part of a proposed subdivision.

(\*\*\*)

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

### CONDITIONAL USES

(\*\*\*)

**8.0615 Standards Governing Conditional Uses.** A conditional use shall comply with the standards and criteria of the zone in which it is located and with the standards and criteria set forth in this section and in sections 8.0600 and 8.0605.

(\*\*\*)

3. Bed and Breakfasts: A bed and breakfast shall comply with the following provisions:
- A. All new construction or conversions of existing structures to a Bed and Breakfast require Site and Design Review.
  - B. All such uses are in conformance with applicable the Article V, City Sign Standards ~~as is applicable~~.
  - C. All such uses shall have a maximum of 5 guest suites.
  - D. All such uses shall provide one parking space per guest suite in addition to the residential use requirement of two spaces.
  - E. All such uses provide parking areas to be screened as per design review standards.

(\*\*\*)

10. Hotels in the M-1 Light Industrial Zone: Hotels may be permitted in the Light Industrial Zone only if the Hotel is a minimum of 50 rooms. :
- A. ~~A minimum of 50 rooms, and~~
  - B. ~~Adjacent to and accessed from a designated arterial street~~

(\*\*\*)

13. ~~Multi-Family Dwelling and Multi-Family Dwelling Complex:~~ A multi-family dwelling and a multi-family complex shall comply with the following provisions:
- A. ~~If such a dwelling or complex or any unit thereof is more than 500 feet from a public fire hydrant or as otherwise required by the uniform fire code, then a new hydrant or hydrants shall be provided at appropriate locations as determined by the Fire Marshal. Such hydrants shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the City.~~
  - B. All such complexes with more than 20 dwelling units shall be located to have access on a street designated as a collector unless otherwise approved by the Hearings Body.
  - C. Sidewalks or other approved surfaced pedestrian walkways shall be provided.

(\*\*\*)

16. Child Care Facilities ~~Nursery Schools:~~ Nursery schools Child Care Facilities shall provide and maintain at least 75 ~~100~~-square feet of outdoor play area per child. A sight obscuring fence at least four feet but not more than six feet high shall separate the play area from the abutting lots.

(\*\*\*)

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

**8.0625 Public Hearing on a Conditional Use.** A public hearing may be required at the discretion of the Community Development Director, or designee, for any conditionally permitted use. If required, the hearing shall ~~following~~ follow the procedure described in Land Use Administrative actions allowed under Article II.

(\*\*\*)

### VARIANCES

(\*\*\*)

**8.0710 Standards Required to Grant Minor Variances to On-Site Requirements.** A minor variance under this section shall be no greater than 25% of the requirement from which the variance is sought. The Community Development Director, or designee, may consider a variance from these standards relating to on site requirements.

1. In the case of a yard setback variance, the applicant shall show the approval will result in:
  - A. More efficient use of the site.
  - B. Preservation of natural features where appropriate.
  - C. Adequate provisions of light, air, and privacy to adjoining properties.
  - D. Adequate access.

(\*\*\*)

### ARTICLE III. LAND DIVISION STANDARDS

(\*\*\*)

**8.2020 Definitions.** As used in these standards, the following words and phrases shall mean:

Merge definitions contained in Section 8.2020 (Land Division Standards) with Section 8.0020 (Definitions).

(\*\*\*)

~~**Planned Unit Development.** "Planned Unit Development" means a complex of uses designed and developed as a single development unit, built by a single owner or group of owners and maintained by an association. The phrase Planned Unit Development may be abbreviated "PUD".~~

(\*\*\*)

### GENERAL REQUIREMENTS

(\*\*\*)

**8.2110 Minimum Standards.** No proposed subdivision or partition shall be approved unless it complies with the density and underground utility requirements of the Redmond Comprehensive Plan for Redmond, the applicable Zoning Standards, ~~these~~ standards below, and ORS Chapter 92.

(\*\*\*)

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

**8.2215 Informational Requirements.** The following information shall be shown on the tentative plat or provided in accompanying materials. No tentative plat shall be considered complete unless all such information is provided:

(\*\*\*)

**8.2236 Subdivisions may be created following two tracks: Track 1 (General Criteria) and Track 2 (Clear and Objective Standards)**

1. **Track 1 – General Criteria. Subdivision, Tentative Plans (~~N~~o ~~H~~ousing').**

(\*\*\*)

E. Show General conformance compliance with the Great Neighborhood Principles, including a description of the range of housing unit types proposed.

(\*\*\*)

M. Fully developed “pocket parks” or “tot lots” shall be incorporated into medium and high density zoned residential subdivisions and site plans. These areas shall be developed for every twenty-five lots/units, a minimum of 3,000 square feet and privately maintained. Examples of Park amenities shall, at a minimum, include: turf areas for at least 50% of the lot, benches, deciduous shade trees, irrigation, shrubs, natural or decorative features, and other landscape features, and acceptable trash receptable(s) and lighting.

(\*\*\*)

2. **Track 2 – Subdivision, Tentative Plan Approval Criteria (~~H~~ousing' & **Clear and Objective Standards**).** General: The planning division shall approve, approve with conditions, or deny a proposed subdivision. Approval, or approval with conditions, shall be based on compliance with the following criteria:

- A. The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.
- B. The proposed land uses and densities are consistent with ~~the land use designation(s) shown on the comprehensive plan, in this code, and as refined in any applicable area plan, master plan, or framework plan.~~

(\*\*\*)

F. On any Residential R-4 zoned property, if the subdivision results in a lot greater than twice the minimum lot size in the underlying zone, ~~than 13,500 square feet in size~~ the application shall indicate the location of lot lines and other details of layout that show future division of the lot may be made without violating the requirements of this development code and without interfering with the orderly extension of adjacent streets, bicycle paths, and accessways.

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

- G. Lot side lines shall run at right angles to the street upon which the lots face, except that on curved streets they shall be radial to the curve.
- H. There shall be no proposed grading on portions of the development site that meet or exceed 15% slope.
- I. The ~~proposal~~ proposed subdivision complies with the Traffic Impact Analysis Review provisions.
- J. The proposed subdivision street layout ~~of the proposed subdivision~~ shall disperse motor vehicle traffic onto more than one public local street unless approved by the City Engineer.
- K. Urban development shall interface with rural areas (rural areas are those that lie within areas outside of the UGB or UAR) through landscaped open space buffers at least 100 feet wide and the length of the urban development, excluding public streets, or shall be transitioned from higher density development to lower density development at the urban-rural interface, or utilize other appropriate and equivalent transitional elements.
- L. Fully developed “pocket parks” or “tot lots” shall be incorporated into medium and high density zoned residential subdivisions and site plans. These areas shall be developed for every twenty-five lots/units, a minimum of 3,000 square feet and privately maintained. Examples of Park amenities shall, at a minimum include: turf areas for at least 50% of the lot, benches, trees, shrubs, and other landscape features. turf areas, benches, deciduous shade trees, irrigation, shrubs, natural or or decorative features, and adequate trash receptable(s) and lighting.
- M. No site grading of the site shall occur until the City has approved the subdivision application.
- O. The proposed subdivision does not contain any Through/Double Frontage lots or parcels.

(\*\*\*)

### DESIGN STANDARDS AND IMPROVEMENTS

(\*\*\*)

#### 8.2705 Blocks, Lots and Parcels.

(\*\*\*)

- 3. Frontage. Each newly created lot and parcel shall abut upon a public street other than an alley for at least 50 feet (at least 25 feet in Mixed Use zones); except 40 foot frontage in R-5. ~~except for~~ Lots fronting on the bulb of a cul-de-sac, ~~then the minimum frontage shall be 30 feet.~~ Flag lots shall have no less than 20' feet of street frontage measured at the property line. Townhouse frontage shall be at least 20 feet. ~~Lots created as part of a Planned Unit Development shall meet the same frontage requirements listed herein, except such frontage may be allowed along private streets. Vehicular access shall be provided as specified in Section 8.2820, Access Management Standards, of this Chapter, or as specified in Section 8.2705(6) below, for residential lots and parcels abutting collector and arterial streets. All lot and parcels shall be addressed from the primary public street frontage, not including alleys.~~

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## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

5. Through/Double Frontage Lots and Parcels. Through lots or parcels, and lots or parcels with double frontage shall be avoided whenever possible, including lots or parcels created adjacent to Collector and Arterial Streets, but not including alley frontage as described in Section 8.2705(6) below, except when they are necessary due to an irregular parent lot or parcel configuration, or are necessitated by topography or other unique circumstance. A Conditional Use Permit is required when a tract is proposed as a remedy for Through/Double Frontage Lots and Parcels.

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12. Flag Lots. A flag lot shall be considered as a “flag lot” if the pole of the flag lot is less than half the width of the average lot width. For flag lots, the following shall be required:
- A. Flag poles shall be no less than 20’ wide. Flag lot frontage can be reduced by approval from Redmond Fire & Rescue and City Engineer.
  - B. Flag lot development, if allowed by the zone, is limited to one duplex or single-family dwelling per lot. All zone regulations apply, including the minimum required lot size and setbacks unless setback reductions are allowed as described in (E).

(\*\*\*)

- F. No flag lot shall be partitioned or further divided, except as provide for by middle housing.
- G. The “pole” of the flag lot shall be no longer than 150’ measured from the street intersection to the beginning of the base of the flag.
- H. The “pole” of the flag shall not be included in the minimum lot size calculation.
- I. Flag lots shall be exempt from street tree requirements unless the street frontage portion of the flag lot is 30’ or greater.
- J. Flag lots are prohibited along or abutting the Dry Canyon Rim.
- K. Two off-street parking spaces shall be provided for single family detached dwellings each dwelling unit on a flag lot; and one space per unit for middle housing on a flag lot.

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### 8.2715 Fundamental Design Elements

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4. Underground Utilities. All permanent utility service, cell service, and minor power transmission lines that are within or immediately adjacent to lots in a subdivision or parcels in a partition shall be provided from underground facilities unless otherwise approved by the CDD Director, or designee, or Hearings Body. The subdivider, or partitioner or developer shall be responsible for complying with requirements of this section and shall:

(\*\*\*)

9. Fully developed “pocket parks” or “tot lots” shall be incorporated into medium and high density zoned residential subdivisions and site plans. These areas shall be developed for every twenty-five lots/units, a minimum of 3,000 square feet and privately maintained. Park amenities shall, at a minimum, include: one half of the park dedicated to turf areas,

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

benches, trees, shrubs, ground cover, irrigation, other landscape or decorative features, and acceptable trash receptable(s) and lighting.

(\*\*\*)

**8.2840 CC&Rs Middle Housing.** CC&Rs developed on or after January 1, 2021, shall not restrict middle housing per ORS 93.277 as amended.

### ARTICLE IV – SITE AND DESIGN REVIEW STANDARDS

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**8.3025 Plans Required.** The Applicant shall submit to the Community Development Department the following documents with the required fee.

(\*\*\*)

2. Site Plan. Site plans containing the following.

- A. A drawing showing the floor plans for each building and a description of each internal “use.”
- B. A written summary showing the following:
  - 1. For commercial and industrial development:
    - a. The square footage of the “project area”, and a clearly defined outline of this area.
    - b. The percentage of the lot covered by structures.
    - c. The total number of parking spaces.
    - d. The total square feet to be landscaped and location of existing trees.
    - e. The total square feet within the project area to be left natural, gravel, or other surface not required by this provision.
  - 2. For residential developments.
    - a. The total square footage of all floors of the structures.
    - b. The number of dwelling units in the development (include the units by the number of bedrooms in each unit, e.g., ten (10) one (1) bedroom, 25 two-bedroom, etc.)
    - c. Percentage of lot coverage by:
      - i. Structures.
      - ii. Recreation areas
      - iii. Landscaping and location of existing trees.
      - iv. Parking and paved areas.

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**8.3035 Design Review, Landscaping and Site Improvement Criteria.** Prior to issuance of a building permit, the following applicable criteria shall be met.

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4. Architectural Requirements.

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## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

### D. Commercial and Industrial buildings.

(\*\*\*)

3. Commercial Drive-up windows and drive-throughs should be oriented away from the principle principal street.

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### E. Multi-Family Dwellings and Complexes. This section establishes a process for the review of ~~multi-family dwelling~~ and multi-family complexes development proposals in order to promote functional, safe, innovative and attractive development that is compatible with the natural and man-made environment. The intent is to promote compatible development, foster the attractiveness and functional utility of multi-family development, protect public and private investments in the area, and, raise the level of community expectations for the quality of its environment.

1. ~~Density Standards.~~ The following residential densities shall apply to multi-family dwellings and complexes:
  - a. ~~General Residential (R4) Zone~~ — A minimum of 4.0 units per acre and a maximum of 14.5 units per acre.
  - b. ~~High density residential (R5) Zone~~ — A minimum of 8.0 units per acre and a maximum of 17.4 units per acre.
2. Table A. Minimum Standards. The following minimum standards apply in each of the Residential zones: ~~as follows.~~

| <b>Multi-Family Complex Standards:</b>                                                                                                                                                                                        | <b>R-4</b>                          | <b>R-5</b>                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| <b>Minimum Setback Distance (A)</b>                                                                                                                                                                                           |                                     |                                     |
| Front                                                                                                                                                                                                                         | 15                                  | 15                                  |
| Side                                                                                                                                                                                                                          | 15                                  | 15                                  |
| Rear                                                                                                                                                                                                                          | 20                                  | 15                                  |
| Garage                                                                                                                                                                                                                        | 20                                  | 20                                  |
| Multi-family dwellings and multi-family complexes are exempt from the solar setback requirements of Section 8.0370, except when the abutting property to the north is developed with a single-family dwelling.                |                                     |                                     |
| <b>Maximum Building Height</b>                                                                                                                                                                                                | 45                                  | 45                                  |
| <b>Off Street Parking</b>                                                                                                                                                                                                     |                                     |                                     |
| Multi-Family Dwelling (3 & 4 D.U.'s)                                                                                                                                                                                          | 2 sp. / D.U.                        | 2 sp. / D.U.                        |
| Multi-Family Complex over 4 D.U.'s)                                                                                                                                                                                           | 2 sp. / D.U. +<br>1 sp. / 10 D.U.'s | 2 sp. / D.U. +<br>1 sp. / 10 D.U.'s |
| <i>Alternatives to the number of parking spaces required will be considered on a case-by-case basis and only with a Transportation Engineers analysis as approved by the City Engineer.</i>                                   |                                     |                                     |
| (A) <del>Multi-family dwellings and multi-family complexes are exempt from the solar setback requirements of Section 8.0370, except when the abutting property to the north is developed with a single-family dwelling.</del> |                                     |                                     |

3. Building Orientation. All buildings facing a public street right of way shall

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

have a functional primary entrance oriented to each public street frontage, except for buildings fronting along and facing a Major Arterial street as designated on the City of Redmond Transportation System Plan. Additional primary entrances, if provided, or, in cases where buildings are internal to the development and do not front on the public street right of way, shall be oriented to a private common area (common areas include private streets, courtyards, or open spaces). A hard-surfaced pedestrian sidewalk or pathway connecting the building entrances to the public streets right of way shall be provided.

4. Building Form. ~~The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings (including buildings with multiple dwelling units) shall not exceed 90 lineal feet, unless part of a Master Plan development which may permit a maximum length of 120 feet.~~ In order to preclude large expanses of uninterrupted building surfaces, each floor of the building shall include at least three of the following features within every 30 lineal feet or portion thereof along all elevations of the structure:
  - a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet;
  - b. Extension (e.g. floor area, deck, patio, entrance or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
  - c. Offsets or breaks in roof elevations of two feet or greater in height.
  - d. Offset or breaks in building façade elevations of 2 feet or greater in relief.
5. Detailed Architectural Features. All buildings shall provide detailed design along all elevations (e.g., front, rear and sides). Detailed design requires use of at least five of the following architectural features on all front and exterior side (corner lot) elevations and at least three of the following architectural features on all interior and rear yard elevations, at a minimum of every 30 lineal feet of horizontal wall. Architectural features shall be varied on the different building elevations. The standard applies to each full and partial building story.
  - a. Dormers
  - b. Gables
  - c. Recessed and covered porch entries of at least 4 feet in depth
  - d. ~~Covered porch entries~~
  - e. ~~Cupolas or towers,~~ at least 2, minimum 2-foot elevation change to roof ridge
  - f. ~~Pillars or posts~~
  - g. Eaves (minimum 12 6-inch projection)
  - h. Off-sets in building face or roof (minimum 16 inches)
  - i. Window trim on all windows ers on the façade
  - k. Bay or oriel windows
  - k. Balconies
  - l. Decorative patterns on exterior finishes (e.g., ~~dramatic~~ paint scheme, scales/shingles, wainscoting, ornamentation, and similar features)
  - m. ~~Decorative cornices and roof lines (e.g., for flat roofs)~~

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

- n. An alternative feature providing visual relief and detail, similar to option a-j above, may be approved through the development review process.

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- 8. Trash Receptacles. A common trash enclosure shall be required and is subject to the following standards.
  - a. Trash enclosures shall be oriented away from adjacent residences and shall be screened by use of brick or stone walls.
  - b. Trash enclosures shall be accessible to trash pick-up vehicles and shall provide an unobstructed, straight on approach a minimum of 40 feet in length.
  - c. Trash enclosures, a minimum of six-feet in height, shall be constructed of masonry solid, durable and attractive walls, with solid screen doors and shall be visually consistent with project architecture. Gate opening shall be a minimum of 10 feet wide and shall not include a center pole or other obstruction preventing access to the enclosure. Gates must swing open 180 degrees and shall include a gate stop to hold it open.

(\*\*\*)

- 9. Mechanical Equipment. External mechanical equipment, such as heating or cooling equipment, pumps or generators, that is located on the ground or on the roof of buildings, must be entirely screened from view at ground level by sight obscuring walls, fences, parapet or other similar means consistent with the overall architecture of the development. Landscaping is not an acceptable alternative for such screening as specified herein. Screening shall be compliant with all applicable codes. No heating or cooling equipment shall be placed on exterior walls unless completely screened from view.
- 10. Common Open Space. Common open space(s) shall be incorporated into the site plan for multi-family complexes as a primary design feature. A minimum of 15 percent of site area (inclusive of required setbacks but exclusive of dedicated street rights-of-way and land dedicated to other public uses like parks and schools), shall be provided as common open space and be suitable for a recreational play area, or group or community activities. However, in no case shall less than 3,000 square feet of common open space be provided. Such area shall be improved with turf grass, plantings, surfacing, equipment, structures or buildings suitable for recreational use. The Hearings Body may require this area to be protected from streets, parking areas, or the like, by a fence or the equivalent. Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements. ~~(Note: Relocated and rewritten from Section 8.3035(4)(E)(13))~~

In conjunction with the open space requirements, all multi-family complexes with 20 or more units shall provide two or more amenities for

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

the residents as listed below. Such amenities shall be centrally located for a majority of the residents.

- a. Tot lot/play structure
- b. Community garden
- c. Picnic tables/barbecue areas
- d. Swimming pool, splash pad, or other water feature
- e. Indoor recreation facility
- f. Sports courts (i.e. basketball, tennis, volleyball)
- g. Other active or passive recreation area that meets the intent of this standard as approved through the development review process.

11. Private Open Space. Private open space accessible from interior shall be required for all multi-family dwellings and complexes based on the following standards:

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16. ~~Upper Floors.~~ ~~Third and fourth floors of multifamily dwellings and complexes constructed in residential zones along the perimeter of the side development shall occupy no more than 80% of the building footprint area (ground floor) when abutting a residential lot less than 20,000 square feet in area or any residential lot developed with a single family or duplex residential dwelling.~~

### F. ~~Townhouse Design and Development Standards.~~

Repeal and replace in entirety. See Section 8.0142

(\*\*\*)

- G. Exterior Mechanical Equipment. These shall be screened so as not to be visible from public streets or residences and not placed on exterior walls unless fully screened.

- H. Surfacing. Gravel is prohibited as a surfacing material in the commercial or mixed use zones. Areas that are not part of the required landscaped areas shall be surfaced with asphalt or concrete unless natural, undisturbed open areas.

(\*\*\*) *Check and fix appropriate numbering references to account for surfacing provision.*

### 5. Landscaping

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- G. Parking lot landscaping. In addition to meeting all other landscape requirements, at least ten (10%) percent of the paved parking ~~total required landscaping for the site shall~~ include planting beds at least 5 feet wide ~~be planted within or immediately adjacent to the parking lot(s), plus a ratio of one tree per ten parking spaces shall be planted. This parking lot landscaping may be considered as meeting a portion of the underlying zone's minimum landscape percentage~~

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

~~requirements. Parking lots exceeding 20 spaces shall incorporate a portion of this required landscaping in interior islands not less than three feet in width.~~

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### 7. General Site Criteria.

#### A. Grading and Drainage.

1. Grading - Grading of on-site private land shall be managed to ensure that there are no adverse conditions created for neighboring lands or public right-of-way. A stormwater grading plan shall be developed that satisfies the following criteria:
  - i. On-site maintainability.
  - ii. Professional civil engineering practices.
  - iii. Identify responsibility for the management of the stormwater.
2. Drainage & Stormwater - Per direction of the City Engineer, and specified in the City of Redmond Standards and Specifications, drainage shall be managed on-site or as determined reasonable for shared responsibility for both conveyance and disposal of private and public right-of-way stormwater.

The storm event shall be for the 50-year 24-hour storm event, and require the total of public and private runoff to be contained within development boundaries. At a minimum, a drainage plan shall include engineering calculations of storm volume development, original and new topography of the site, drainage pathways and flow direction, location of retainage, and/or disposal of the stormwater.

- ~~1. Grading on the site shall take place so there is no adverse affect on neighboring properties or public right-of-way. A grading plan may be required to assure that all drainage is retained on site.~~
- ~~2. All drainage shall be retained on site at all times. A drainage plan may be required that shows slope, method of drainage retention and disbursement of water on site at the discretion of the City Engineer.~~
3. **Blasting - A permit for explosive blasting shall be obtained from Redmond Fire & Rescue and City Engineer prior to blasting.**

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**8.3040 Downtown Overlay District Design Review Criteria.** In addition to the standards in Section 8.3035, prior to the issuance of a building permit, all properties and structures in the Downtown Overlay District, unless exempt under Section 8.3040(2) below, shall comply with the Downtown Design Standards. If a conflict exists between the Sections 8.3035, 8.3040, and 8.3045, then Section 8.3040 shall take precedence.

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2. Exempt Development. These Design Standards shall apply to any development in the Downtown Overlay District except for the following exempt uses:
  - A. Minor Modifications.
  - B. Landscaping or landscape alterations.

## EXHIBIT D – REDMOND DEVELOPMENT CODE (RDC)

- C. Repair or maintenance of public or private buildings, structures and landscaping that present a risk to public safety.
- D. Maintenance of the exterior of an existing structure such as re-roofing, or re-siding where similar materials and colors are used.
- E. Interior remodeling.
- F. Temporary structures and uses which are for relief of victims of disaster or an emergency.
- G. Single family detached dwellings s and middle housing ~~units and duplex dwelling units.~~
- H. Child care facilities ~~Daycare centers~~ that operate in existing residential structures.

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//End//

# EXHIBIT E – REDMOND DEVELOPMENT CODE (RDC)

## EXHIBIT E: AMENDMENTS TO RDC - ADMINISTRATIVE TOPICS

Proposed text amendments are shown in ~~strike through~~  
and in Red or Red Underline.

Prepared for June 28, 2022, City Council Public Hearing

### Amend the following throughout the RDC:

- Revise provisions to provide gender-inclusive language. For example, he or she. Including but not limited to sections: 8.1305.1; 8.2300.2.B; 8.2320.3; 8.2330.1; 8.2800; 8.2825.3.B; 8.3020.1; 8.4060.3; 8.4400.2.E; 8.4455.5.
- Incorrect numbering and references.
- Remove all references to “multi-family dwellings,” and replace with “triplexes and quadplexes” where appropriate.
- Repeal in entirety Section 8.0142 Higher Density Multifamily Design Guidelines.
- Repeal in entirety Section 8.0370 Building Setbacks for Protection of Solar Access.
- Insert Chapter 8 Table of Contents Other Zones Section “Table H, Minimum Standards” (Section 8.0265).
- Consistently reference approvals are at the discretion of the Community Development Director, or designee.
- Fix typos, syntax and grammatical errors.

### Chapter 4. Utilities – Water and Sewer Connection and Responsibilities

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#### 4.050 Property Owner Responsibility.

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11. The point of service connection with the public sewer or water system shall be as determined by the City. Building sewers are not allowed to enter the public sewer at manholes unless authorized by the City.
- ~~12. There shall be no more than one sewer and water connection to each 50' x 100' lot.~~  
12. Irrigation only water services subject to approval by City Engineer or Public Works Director.
13. Old building sewers may be used in connection with new buildings only if the City determines that they meet all requirements of this chapter and are in acceptable condition.

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### Chapter 7 – Business

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#### Short Term Rentals (STRs)

## EXHIBIT E

**7.132 Purpose.** The Short-Term Rental Permit is in recognition of people choosing to rent their property on a short-term basis (i.e., 30 days or less). The following standards and procedures are in addition to federal and state laws, and City ordinances and regulations.

**7.134 Definition.** For the purpose of this Section, a Short-Term Rental (STR) shall mean a dwelling unit, or any portion, thereof that is available or advertised, or listed by an agent, for use, rent, or occupancy for a period of less than 30 consecutive days. ~~A STR is not permissible in a multi-family dwelling or multi-family complex and is not a home occupation.~~

[Section 7.134 added by Ord. #2020-04 passed August 25, 2020]

**7.136 Zones.** STRs are permitted in residential zones, Mixed Use Neighborhood zone, C2 zoned property, including within the Downtown Overlay District (DOD), granted applicable standards and requirements are complied with. STRs shall not unreasonably interfere with other uses permitted in the zone in which the property is located.

In residential zones, On properties containing both a residential dwelling and an accessory residential dwelling, only one residential structure unit may be rented out as an STR, but not both. A STR is not permissible in triplex, quadplex, cottage clusters or cottage development, multi-family complex and is not a home occupation. A STR is permissible in a duplex unit if the other unit is owner occupied or a long-term rental.

Within C2 zoned property and DOD, no more than 25% of the dwelling units in an Apartment or Multi-Family Complex may be permitted as STRs.

**7.138 STR Standards and Requirements.** A permit for a STR shall be issued when the following standards and requirements are met:

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5. Number of Occupants. The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom. The maximum occupancy, along with the "Good Neighbor Guidelines", shall remain posted inside the STR. It is the owner's responsibility to ensure the renters are ~~award~~ aware of these limitations.

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### Chapter 8 – Table of Contents:

#### ARTICLE I - ZONING STANDARDS

(\*\*\*)

#### RESIDENTIAL USE ZONES

|                                   |        |
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## EXHIBIT E

|                                                                                                    |                   |
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### ARTICLE IV - SITE AND DESIGN REVIEW STANDARDS

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| Partial Master Development Plans .....                                     | 8.3050             |

#### Chapter 8 – Article I – Zoning Standards – Introductory Provisions

##### 8.0020 Definitions

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**Alley.** A public or private way permanently reserved as a secondary means of access to the back or side of a property and not intended for transporting through traffic. Alternate use of an alley is permissible when determined to be in the public interest.

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**Lot.** A lawfully created unit of land that is created by a subdivision of land. See also *Lot of Record*.

**Corner Lot.** A lot abutting upon two or more streets other than alleys, at their intersection, or upon two parts of the same street, such streets or parts of same street forming an interior angle of less than 135 degrees within the lot line.

**Cul-de-sac Lot.** A lot fronting the bulb of a cul-de-sac that has a frontage of less than 50 feet.

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## EXHIBIT E

### 8.0030 **Authority and Land Use or Zoning Approval** ~~Zoning Permit.~~

1. **Authority.** Whenever necessary to enforce the provisions of the Development Code, the Director, or designee, shall have the authority in addition to other remedies provided by law, to issue compliance notices and orders, assess penalties, record violations and liens with the City Clerk, issue citations, to institute injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin or abate a violation.
2. **Approval.** The Director, or designee or other Approving Authority shall not give land use or zoning approval on any development or use of land that is not in full compliance with all applicable provision of the Development Code, regardless of whether the applicant(s) or current owner(s) created the violation.

Prior to the construction, alteration or change of use of any structure or lot for which land use approval or a zoning permit, but not a building permit, is required, a zoning permit approval for such construction, reconstruction, alteration, or change of use of any structure or lot shall be obtained from the Planning Department. Approval may be authorized if:

- A. It results in the property coming into full compliance with all applicable provisions of the Redmond Development Code or City Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreements.
- B. It is necessary to protect public safety and welfare.
- C. It is for work related to and within a valid easement over, on or under an affected property.

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## Chapter 8 – Article I – Zoning Standards – Residential Use Zones

**8.0130 Urban Holding UH-10 Zone.** The City shall administer the provisions of Title 20 Redmond Urban Area Zoning Ordinance of the Deschutes County Code for this County zoning district. In a UH-10 zone the following regulations shall apply:

1. ~~Uses Permitted Outright. In an UH-10 Zone, the following uses are permitted outright:~~
  - A. ~~Single family dwelling, manufactured home, and Temporary RV Parks.~~
  - B. ~~Accessory uses and structures, including up to two accessory dwelling units.~~
  - C. ~~Home occupation subject to 8.0345~~
  - D. ~~Farm use as defined in 8.0020~~
  - E. ~~Operation, maintenance and piping of existing irrigation systems operated by an Irrigation District~~
  - F. ~~Municipal utility facilities~~
  - G. ~~Accessory buildings customarily provided in conjunction with farm use~~
  - H. ~~Alteration, restoration or replacement of a lawfully established dwelling~~
2. ~~Conditional Uses Permitted. In an UH-10 Zone, the following uses are permitted when authorized in accordance with the provisions of Sections 8.0600-8.0645:~~
  - A. ~~Commercial horse stable~~
  - B. ~~Non-municipal utilities constituting radio, television and wireless tower, non-municipal utility station or substation~~
  - C. ~~Kennel or animal hospital~~
  - D. ~~Commercial activities that are in conjunction with farm use~~
  - E. ~~Farm stands~~
  - F. ~~Bed and breakfast inn~~

## EXHIBIT E

- G. ~~A manufactured home to be used for a medical hardship.~~
1. ~~The manufactured home shall be temporarily sited on the lot or parcel only for the term of a hardship suffered by the existing resident or relative of the resident.~~
  2. ~~The manufactured dwelling shall be removed or demolished within three months of the date the hardship no longer exists.~~
  3. ~~The existence of a medical hardship is verified by a written doctor's statement, which shall accompany the conditional use permit application.~~
  4. ~~Permits granted under DCC 20.12.030(D) shall be required to meet any applicable Oregon Department of Environmental Quality review and removal requirements as a condition of approval.~~
3. ~~Accessory Uses. In an UH-10 Zone, there shall be the following limitations on accessory uses:~~
- A. ~~Must meet the requirements set forth in the Supplementary Provisions, Section 8.0300.~~
4. ~~Lot Size. In an UH-10 Zone, the minimum lot size shall be as follows:~~
- A. ~~Lot area shall be a minimum of 10 acres. Such lots shall have a minimum average width of 300 feet and minimum depth of 330 feet.~~
5. ~~Yards. In an UH-10 Zone, the minimum yard requirements shall be as follows:~~
- A. ~~The front yard shall be a minimum of 50 feet from the existing street right of way line or the ultimate street right of way as adopted on the Comprehensive Plan or official Map, except that any lot of record less than one acre in size and lawfully created prior to the effective date of the City's UH-10 zone shall have a minimum front yard of 30 feet. Permanent structures located along future collector and arterial streets shall comply with Section 8.0350 to preserve future right of ways.~~
- B. ~~A side yard shall be a minimum of ten feet from the foundation to the property line.~~
- C. ~~A rear yard shall be a minimum of 50 feet from the foundation to the property line.~~
- D. ~~The setback from the northern lot line shall meet the solar setback requirements in Section 8.0370.~~
6. ~~Height of Buildings. In a UH-10 Zone, no building shall exceed a height of 30 feet.~~
7. ~~Off-Street Parking and Loading. In an UH-10 Zone, off-street parking shall be provided in accordance with the provisions of Section 8.0500 of these standards.~~
8. ~~Signs. In an UH-10 Zone, the sign limitations shall be as follows:~~
- A. ~~One non-illuminated nameplate or home occupation sign not exceeding one and one-half square feet in area for each dwelling unit; or~~
- B. ~~One non-illuminated temporary sign not exceeding six square feet in area; or~~
- C. ~~One non-illuminated sign not exceeding 25 square feet in area said sign shall be set back at least 10 feet from a property line.~~
9. ~~Special Provisions. In a UH-10 Zone, there shall be the following special provisions:~~
- A. ~~All public improvements required in conjunction with any land use development permitted under Redmond Code Section 8.0130 shall conform to the adopted City of Redmond's Public Works Standards & Specifications, dated September 1995, and amended thereafter, as set forth in Section 8.0367.~~
10. ~~Master Development Plans. The development and approval of an Urban Area Master Plan subject to the provisions of RDC 8.0300~~<sup>270</sup> ~~is required as a condition of annexation or for UH-10 land already in the City, prior to or concurrent with rezoning from UH-10 to other City zoning districts.~~

(\*\*\*)

## EXHIBIT E

### RESIDENTIAL USE ZONES

#### 8.0141 ~~Architectural Design Standards for Single Family~~ Detached Dwellings and Plexes Development and Design Standards. ~~Duplexes, Tri-plexes, and Four-plexes~~

1. Purpose. The purpose of these Architectural Development and Design Standards is to promote and sustain:
  - A. ~~High~~ Quality development throughout a variety of housing choices;
  - B. ~~A diversity of individual styles that incorporate positive design characteristics throughout the City; and,~~
  - C. Excellence in a Architectural design that:
    1. Enhances the visual environment and character of the community;
    2. Preserves and protects property values, as well as public and private infrastructure investment;
    3. Conveys a sense of balance, ~~integrity~~ and character among all neighborhoods throughout Redmond the City; and
    4. Elevates the attractiveness and quality of life in Redmond; ~~and~~
2. Intent. The intent of the Architectural Development and Design Standards is to:
  - A. Maintain flexibility for a variety of architectural style to be developed throughout the City;
  - B. ~~Establish a basis for architectural character for each dwelling, regardless of architectural style;~~
  - C. Continue to allow innovations in design that recognize newer technologies such as solar and wind power, telecommunications, and environmentally conscious construction methods; and,
  - D. Promote quality design characteristics that will enhance the long-term desirability of the dwelling, neighborhood and community ~~as an attractive place to live.~~
3. Procedure. New single-family detached dwellings and plexes, ~~duplexes, tri-plexes, and four-plexes~~ shall be reviewed for conformance with the requirements listed in this Section, subject to the procedures outlined below:
  - A. Track 1. Clear and Objective Process. Conformance with Section 8.0141(5), below. An application demonstrating conformance with this Section 8.0141(5) shall be submitted to the City. Conformance with the objective standards included in Section 8.0141(5) shall be shown on the architectural plans submitted with the building permit application and administered as part of the plan review process. These applications are reviewed administratively by the City.

~~Fast-track process: If an Architectural Master Plan application is submitted and approved, all requirements of this section must be met prior to occupancy.~~

- B. Track 2. Discretionary Process. As an alternative to the Track 1 procedure ~~above~~, an application may be submitted to the City which demonstrates conformance with the Purpose and Intent of this Section as listed in Sections 8.0141(1) and (2), above. These applications are reviewed administratively by the City unless it is determined that a public hearing is necessary, in which case the application will be reviewed by the appropriate Hearings Body. The City may also approve other architectural designs or design elements not listed in this section, approve exceptions or uniquely identifiable house styles provided they comply with the intent of this section.

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- C. Design Review for Manufactured and Mobile Homes not within approved mobile home parks: Some manufactured homes and mobile homes may not be able to fully comply with the requirements below. In those cases the following features are required as part of a Track 2 process.
1. At least one covered porch;
  2. One ~~Two~~ exterior types of wall siding material on ~~3~~4 sides;
  3. Band courses on ~~3~~ sides; and
  4. ~~One additional tree.~~
4. Application and Approval Process. The applications for either a Track 1 or ~~Track 2~~ review as specified in Sections 8.0141(3)(A) and (B) above, shall be submitted prior to or in conjunction with an application for a building permit.
5. Architectural Design Standards. Although specific architectural styles are not mandated, single family detached dwellings and plexes, ~~duplexes, triplexes, and fourplexes~~ shall conform with the following ~~objective~~ standards:
- A. Screening of Mechanical Equipment. All exterior ground mounted mechanical equipment located forward from the line of the front façade (living space and garage) of the building shall be screened from the street at the ground/eye level line of sight by use of landscaping materials such as shrubs and trees or fencing at least three (3) feet in height at installation. Solar power, wind power, and satellite dishes necessitating placement on walls or roofs for normal operation are exempt from this provision.
- B. Building Design. The standards of this section apply per residential structure, rather than per dwelling unit contained in the residential structure.
1. Architectural Design. Duplicate or repetitive exterior home designs must be separated by at least one (1) lot/attached building of non-repetitive exterior design on either side of the home and not be directly across the ~~street~~ from one another. Home designs will not be considered repetitious if three ~~out of five~~ following differentiating criteria are used as listed in ~~2 through 7~~ below:
    - a. Process. Builders of multiple dwelling units or residential structures homes on the same street, with the exception of multiple dwelling units that are part of a single plex development, shall submit a plat showing the house plan names, and elevation designations or pictures ("A", "1", etc.) for adjacent homes. ~~No photographs will be required. Homes by other builders may be denoted as "Home by Others".~~
    - b. ~~Process. Builders constructing individual units shall submit photos showing front elevations for units located on either side of the home directly across the street.~~  
b. Attached plexes are exempt.
  2. Roof Design. Required Roof Design Elements:
    - a. Pitched or sloping roof elements ~~greater than 4:12~~;
    - b. Eave of at least 12 inches.;
  3. Front Façade Wall Design. Ten (10) façade elements listed below shall be used on the front elevation. Use of T-111 exceeding 20% of all facades, combined, is not allowed.
    - a. 25~~40~~% fenestration of the first story front façade.
    - b. Window trim ~~or surround (casting)~~ at least 3.5 inches wide that completely surrounds the window;
    - c. Band course, band molding, bellyband, belt course that runs the entire width of the front façade of relatively slight projection; or and at the break of the second floor (if one exists) or and at the line

## EXHIBIT E

- made by the lower roofline at the gable end ~~except when single wall panel systems are used;~~
- d. Variation in wall siding, wall surface pattern or decorative materials. ~~if~~ an area above the highest band course exists, it must contain a different siding material than the area below the band ~~on the walls that front onto public spaces;~~
  - e. Recessed or covered front entry at least 20 square feet, with a minimum 4-foot depth measured from the front door. If columns are used, they must not be exposed dimensional lumber less than 6" x 6".
  - f. Windows with multi-paned sashes, operable sashes, or windows that are elliptical, round, arched, bay, semi-circular or similar design;
  - g. ~~Shutters, as a matched pair for windows, either decorative, fixed or movable;~~
  - h. Balconies.
  - i. ~~Garage doors, with or without windows, including patterning relief over the door surface;~~
  - j. Optional enhancements and substitutions:
    - 1. Enclosed soffits;
    - 2. 1 ½" caliper tree in front of landscape area, in addition to required street trees;
    - 3. ~~1 ½" caliper tree in rear or side landscape area;~~
    - 4. ~~Covered entry feature over secondary doors, separate from eave;~~
    - 5. Covered rear patio or porch;
    - 6. Eave greater than 12 inches in depth, including extended soffit details;
    - 7. Where gable ends are proposed, at least three (3) gable end elements such as windows, decorative vent cover, decorated verge boards, trusses, false beams, corbels, brackets, molding, rake, fascia, cornice return treatments, or other decorative elements in gable ends shall be used; and
    - 8. Masonry accents;
    - 9. Paint color schemes, with a minimum of 2 colors used ~~(example: Trim & Exterior Wall colors).~~
    - 10. Other elements or substitutions as approved by the Community Development Director or designee.
- 4. Side Elevations facing public streets. Side elevations facing streets must include either window trim at least 3.5" in width, or full-lap siding. Façade facing streets are required to have at least 10 square feet of windows or doors.
  - 5. Front Door. A front door that is visible from the public street frontage (front yard) and pedestrian connection between the front door and the public sidewalk is required. ~~Front porches, including covered front porches, are highly encouraged.~~
  - 6. Driveways and Garages.
    - a. A garage is required for each newly constructed residential structure dwelling unit, and shall be of adequate size to accommodate a minimum of one vehicle, and shall at a minimum meet the design requirements in Section 8.0500 through 8.0515

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(Off Street Parking and Loading Requirements) of the RDC City of Redmond Development Code.

- i. Manufactured homes may meet this standard by substituting a garage with covered parking or carport.
    - ii. Triplexes and quadplexes ~~four-plexes~~ may meet this standard by substituting garage or covered parking with uncovered, paved parking spot(s) per the design requirements in Section 8.0500 through 8.0515.
  - ~~b. Driveway access to any street less than 28 feet wide shall be in conformance with Section 8.2710(3)(Table 1), of Article 3, the City of Redmond Land Division Code.~~
  - c. Driveways, whether accessed from a public or private street or alley, shall be of adequate size to accommodate a minimum of one vehicle, and shall at a minimum meet the design requirements in Section 8.0515 (Parking Table and Diagram) of the RDC City of Redmond Development Code.
    - i. For a plex project with frontage on two local streets, access may be permitted on both streets.
    - ii. More than one driveway may be permitted for a plex project on a lot accessed from either a collector or local street as long as there is at least 20 feet of lot frontage separating each driveway approach.
  - d. ~~If a garage as required by subsection 8.0141(5)(B)(6)(a) above is converted to living or other space permissible by this Code, two off-street parking spaces shall be provided pursuant to Section 8.0500 through 8.0515 (Off Street Parking and Loading Requirements) of the City of Redmond Development Code. A~~ single-family detached home that adds an ADU shall continue to meet the minimum parking spaces requirement for the primary home.
  - e. Notwithstanding the applicable provisions of Sections 8.0500 through 8.0515 (Off Street Parking and Loading Requirements) of the City of Redmond Development Code, all required off street parking areas and driveways constructed in conjunction with single family detached dwellings or ~~and~~ duplexes may have alternative surfaces to concrete or asphalt and may include permeable surfaces to the extent they provide an all-weather surface sufficient for vehicular travel. Loose gravel, aggregate and similar surface treatments are not permitted for required parking spaces.
7. Landscaping. See Section 8.3035(5). ~~All lots on which new dwellings or duplexes are constructed which abut a public or private street, not including an alley, shall be landscaped between the corresponding façade of the structure and the edge of the street, for the entire length of the street frontage(s). A master template shall be used to denote the required interior or corner lot landscaping.~~
8. Fences. See Section 8.0340. ~~Fences constructed in conjunction with any dwelling (including fences constructed by the developer of a subdivision as perimeter fences) shall be in accordance with the applicable provisions of Section 8.0340 of the City of Redmond Development Code.~~
9. Conversion of an existing single-family detached dwelling to a duplex, triplex or quadplex is allowed, provided that the conversion does not

## EXHIBIT E

increase non-conformance with applicable standards of the underlying zone and this Section.

### **~~8.0142 Architectural Design Standards for Multi-Family Structures with 5 or more attached units.~~**

Delete the above Section (8.0142) in entirety, including Subsection (4) Higher Density Multifamily Design Guidelines, and replace with Townhouse Development and Design Standards (below). Multi-family Complexes have development standards in the site and design review section (Article IV).

### **8.0142 Townhouse Development and Design Standards.**

1. Procedure. New townhouses shall be reviewed for conformance with the requirements listed in this Section.
2. Table A: Minimum Standards.

| <b><u>Standard:</u></b>                                  | <b><u>R-1</u></b> | <b><u>R-2</u></b> | <b><u>R-3, R-3A</u></b> | <b><u>R-4</u></b> | <b><u>R-5</u></b> |
|----------------------------------------------------------|-------------------|-------------------|-------------------------|-------------------|-------------------|
| <b><u>Maximum Density (Units/Net Acre)</u></b>           | <u>20</u>         | <u>20</u>         | <u>23.2</u>             | <u>25</u>         | <u>25</u>         |
| <b><u>Minimum Lot Size (Square Feet)</u></b>             | <u>1,500</u>      | <u>1,500</u>      | <u>1,500</u>            | <u>1,500</u>      | <u>1,500</u>      |
| <b><u>Maximum Building Height (Feet)</u></b>             | <u>35</u>         | <u>35</u>         | <u>35</u>               | <u>45</u>         | <u>45</u>         |
| <b><u>Minimum Street Frontage (Feet)</u></b>             | <u>20</u>         | <u>20</u>         | <u>20</u>               | <u>20</u>         | <u>20</u>         |
|                                                          |                   |                   |                         |                   |                   |
| <b><u>Minimum Setback Distance (Feet)</u></b>            |                   |                   |                         |                   |                   |
| <u>Front with alley or other rear access</u>             | <u>10</u>         | <u>10</u>         | <u>10</u>               | <u>10</u>         | <u>5</u>          |
| <u>Front without alley or other rear access</u>          | <u>10</u>         | <u>10</u>         | <u>10</u>               | <u>10</u>         | <u>10</u>         |
| <u>Front garage setback from street</u>                  | <u>20</u>         | <u>20</u>         | <u>20</u>               | <u>20</u>         | <u>20</u>         |
| <u>Non-street side:</u>                                  |                   |                   |                         |                   |                   |
| <u>Common wall lot line where units are attached:</u>    | <u>0</u>          | <u>0</u>          | <u>0</u>                | <u>0</u>          | <u>0</u>          |
| <u>Exterior wall at the end of a townhouse structure</u> | <u>5</u>          | <u>5</u>          | <u>5</u>                | <u>5</u>          | <u>5</u>          |
| <u>Street side</u>                                       | <u>10</u>         | <u>10</u>         | <u>10</u>               | <u>10</u>         | <u>10</u>         |
| <u>Rear with garage and alley access</u>                 | <u>0</u>          | <u>0</u>          | <u>0</u>                | <u>0</u>          | <u>0</u>          |
| <u>Rear without garage</u>                               | <u>10</u>         | <u>10</u>         | <u>10</u>               | <u>10</u>         | <u>10</u>         |

3. Off-Street Parking. Townhouses shall meet the off-street parking requirements of Section 8.0500.
4. Areas Owned in Common. For townhouse projects, common areas must be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants,

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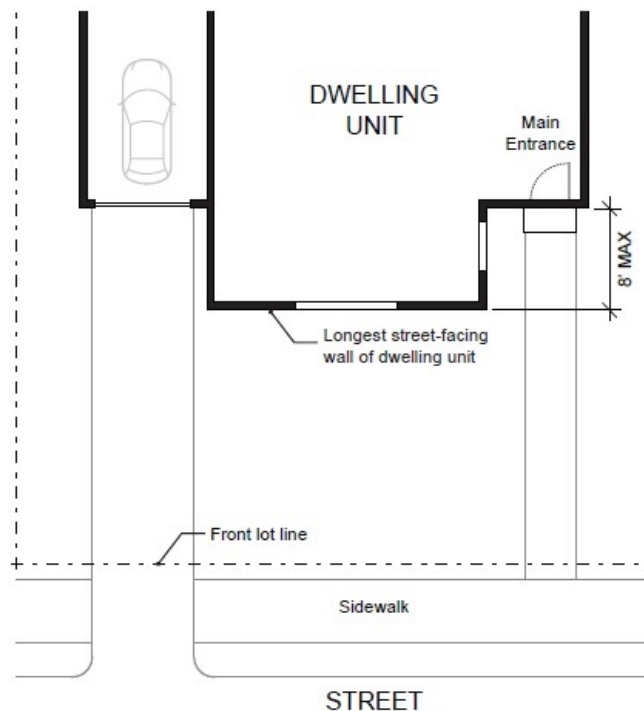
restrictions and conditions must be recorded and provided to the City prior to issuance of a building permit.

5. Design Standards. New townhouses shall meet the design standards in subsections A through F of this section.

A. Entry Orientation. The main entrance of each townhouse must:

- a. Be within 8 feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and
- b. Either:
  - i. Face the street (see Figure 1);
  - ii. Be at an angle of up to 45 degrees from the street (see Figure 2);
  - iii. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides; or
  - iv. Open onto a porch (see Figure 3). The porch must:
    - (A) Be at least 25 square feet in area; and
    - (B) Have at least one entrance facing the street or have a roof.

*Figure 1. Main Entrance Facing the Street*



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Figure 2. Main Entrance at 45° Angle from the Street

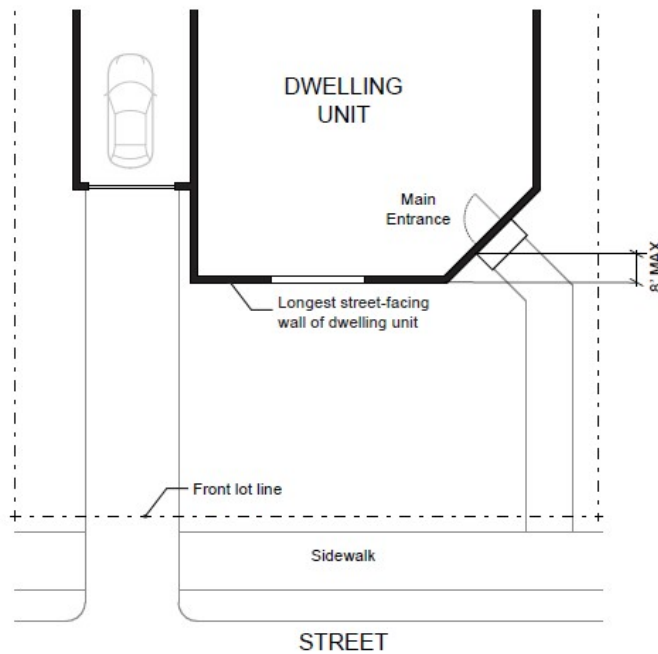
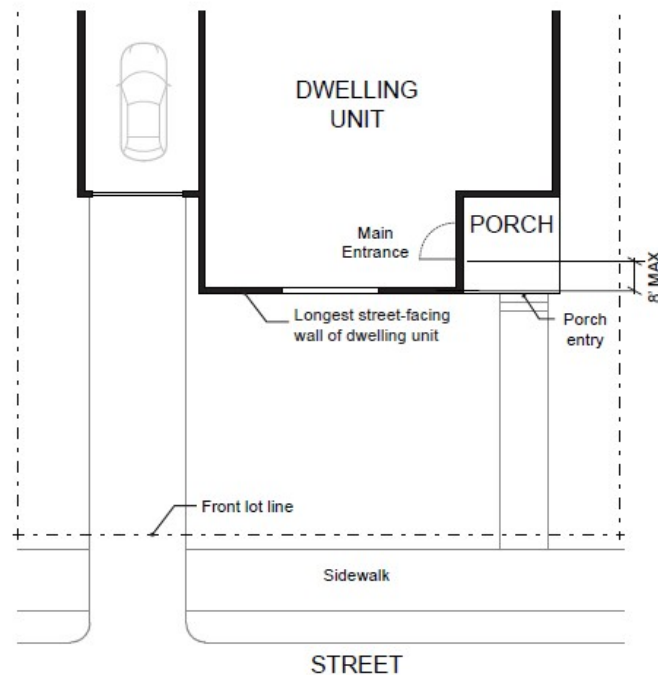


Figure 3. Main Entrance Opening onto a Porch



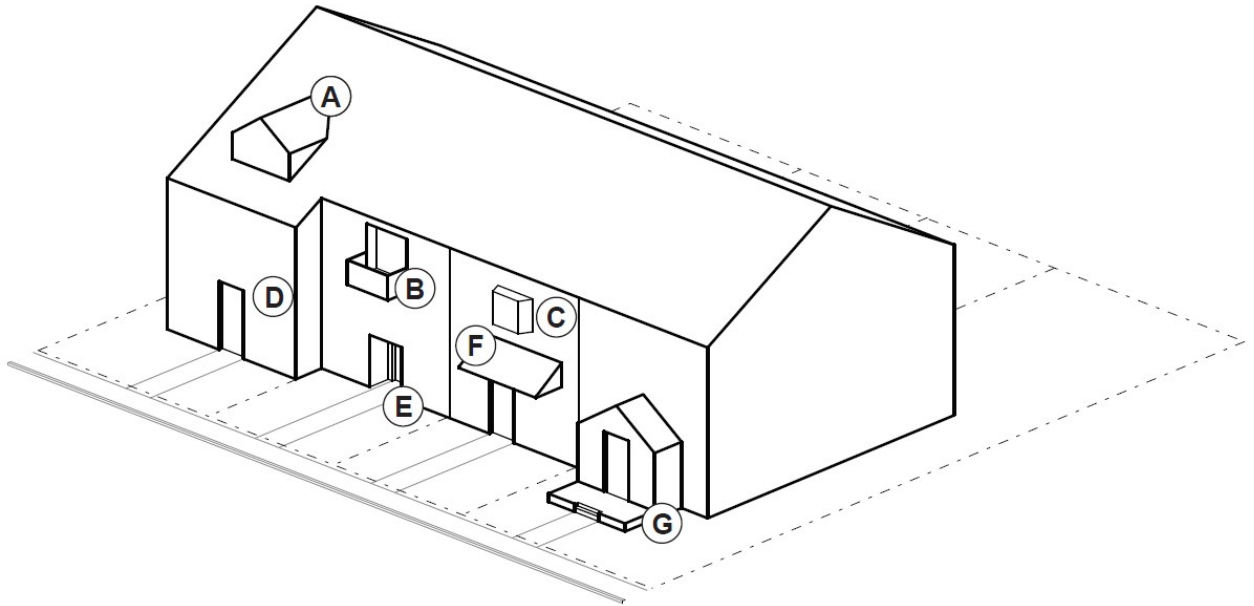
B. Unit definition. Each townhouse must include at least one of the following on at least one street-facing façade (see Figure 4):

- a. A roof dormer a minimum of 4 feet in width, or
- b. A balcony a minimum of 2 feet in depth and 4 feet in width and accessible from an interior room, or
- c. A bay window that extends from the facade a minimum of 2 feet, or

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- d. An offset of the facade of a minimum of 2 feet in depth, either from the neighboring townhouse or within the façade of a single townhouse, or
- e. An entryway that is recessed a minimum of 3 feet, or
- f. A covered entryway with a minimum depth of 4 feet, or
- g. A porch meeting the standards of subsection (A)(b)(iv) of this section. Balconies and bay windows may encroach into a required setback area.

*Figure 4. Townhouse Unit Definition*



- A. Roof dormer, minimum of 4 feet wide
  - B. Balcony, minimum 2 feet deep and 4 feet wide. Accessible from interior room.
  - C. Bay window extending minimum of 2 feet from façade.
  - D. Façade offset, minimum of 2 feet deep.
  - E. Recessed entryway, minimum 3 feet deep.
  - F. Covered entryway, minimum of 4 feet deep.
  - G. Porch, meets standards of subsection (A)(b)(iv) of this section.
- C. Windows. A minimum of 15 percent of the area of all street-facing facades on each individual unit must include windows or entrance doors. Half of the window area in the door of an attached garage may count toward meeting this standard. See Figure 5.

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*Figure 5. Window Coverage*

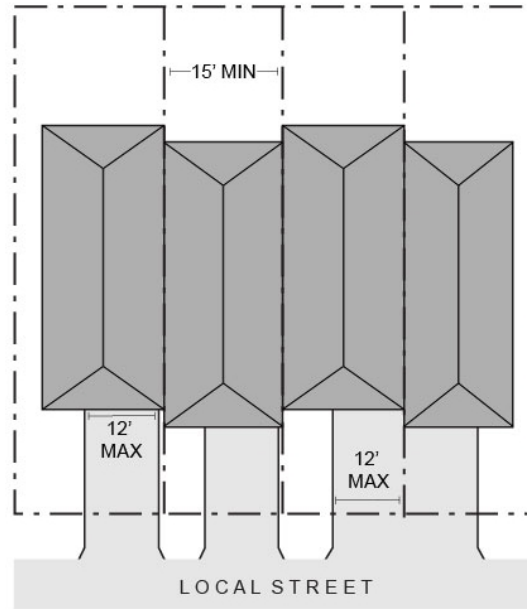


D. Driveway Access and Parking. Townhouses with frontage on a public street shall meet the following standards:

- a. Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are allowed if they meet the following standards (see Figure 6).
  - i. Each townhouse lot has a street frontage of at least 15 feet on a local street.
  - ii. A maximum of one (1) driveway approach is allowed for every townhouse. Driveway approaches and/or driveways may be shared.
  - iii. Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.
  - iv. The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.

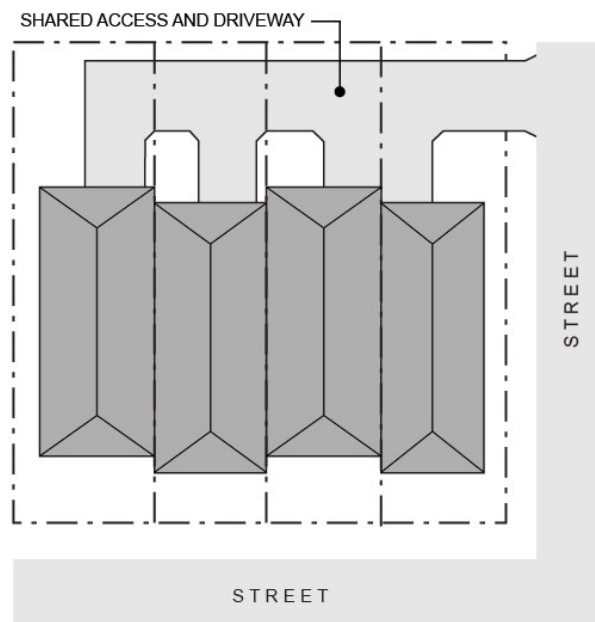
*Figure 6. Townhouses with Parking in Front Yard*

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- b. The following standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsection (a).
- Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard of a townhouse.
  - A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 7.

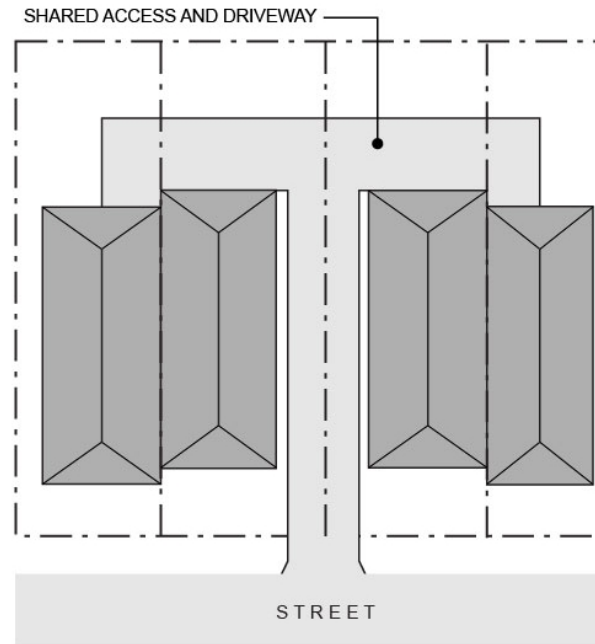
*Figure 7. Townhouses on Corner Lot with Shared Access*



- Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the area directly between the front façade and front lot line of any of the townhouses. See Figure 8.

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Figure 8. Townhouses with Consolidated Access



- iv. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access.
- c. Townhouse projects in which all units take exclusive access from a rear alley are exempt from compliance with subsection (b).

E. Landscaping. See Section 8.3035(5).

F. Fences. See Section 8.0340.

### 8.0143 Cottage Cluster Development and Design Standards.

- 1. Procedure. New cottage clusters shall be reviewed for conformance with the requirements listed in this Section.
- 2. Table A: Minimum Standards.

| <b>Standard:</b>                               | <b><u>R-1</u></b> | <b><u>R-2</u></b> | <b><u>R-3, R-3A</u></b> | <b><u>R-4</u></b> | <b><u>R-5</u></b> |
|------------------------------------------------|-------------------|-------------------|-------------------------|-------------------|-------------------|
| <b><u>Maximum Density (Units/Net Acre)</u></b> | <u>N/A</u>        | <u>N/A</u>        | <u>N/A</u>              | <u>N/A</u>        | <u>N/A</u>        |
| <b><u>Minimum Lot Size (Square Feet)</u></b>   | <u>9,000</u>      | <u>9,000</u>      | <u>7,500</u>            | <u>7,000</u>      | <u>7,000</u>      |
| <b><u>Maximum Building Height</u></b>          | <u>25 feet</u>    |                   |                         |                   |                   |
| <b><u>Minimum Setback Distance (Feet)</u></b>  |                   |                   |                         |                   |                   |
| Front                                          | <u>10</u>         | <u>10</u>         | <u>10</u>               | <u>10</u>         | <u>10</u>         |
| Side                                           | <u>5</u>          | <u>5</u>          | <u>5</u>                | <u>5</u>          | <u>5</u>          |
| Rear                                           | <u>10</u>         | <u>10</u>         | <u>10</u>               | <u>10</u>         | <u>10</u>         |

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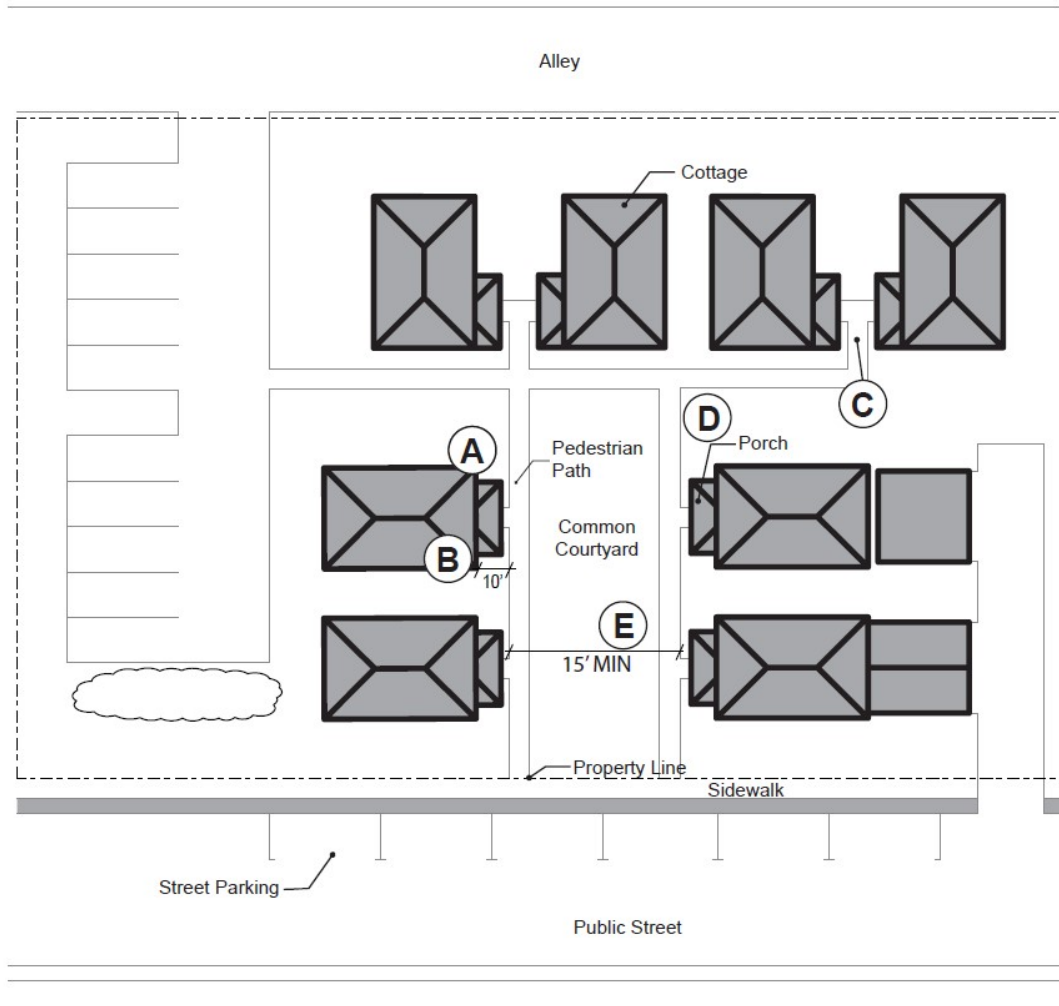
3. Building Separation. Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.
4. Unit Size.
  - a. The maximum building footprint for a cottage is 900 square feet.
  - b. The maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit. Community buildings shall be included in the average floor area calculation for a cottage cluster.
5. Cluster Size.
  - a. Cottage clusters must include a minimum of four units per cluster.
  - b. A cottage cluster may include up to a maximum of 12 cottages per common courtyard. More than one cottage cluster may be permitted on a site.
6. Off-Street Parking. Cottages shall meet the off-street parking requirements of Section 8.0500.
7. Design Standards. New cottage clusters shall meet the design standards in subsections A through H of this section.
  - A. Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 1):
    1. Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
    2. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:
      - i. Have a main entrance facing the common courtyard;
      - ii. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
      - iii. Be connected to the common courtyard by a pedestrian path.
    3. Cottages within 20 feet of a street property line may have their entrances facing the street.
    4. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.
  - B. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 1):
    1. The common courtyard must be a single, contiguous piece.
    2. Cottages must abut the common courtyard on at least two sides of the courtyard.
    3. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in subsection A of this section 6).
    4. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
    5. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also

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include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.

6. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

*Figure 1. Cottage Cluster Orientation and Common Courtyard Standards*



- A** A minimum of 50% of cottages must be oriented to the common courtyard.
- B** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- C** Cottages must be connected to the common courtyard by a pedestrian path.
- D** Cottages must abut the courtyard on at least two sides of the courtyard.
- E** The common courtyard must be at least 15 feet wide at its narrowest width.

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- C. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
1. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to section 4.
  2. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.
- D. Pedestrian Access.
1. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
    - i. The common courtyard;
    - ii. Shared parking areas;
    - iii. Community buildings; and
    - iv. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
  2. The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.
- E. Facades. Cottages within 20 feet of a street property line must meet the architectural design standards for single-family detached dwellings in Section 8.0141(5)(B).
- F. Parking Design (see Figure 2).
1. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
    - i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.
    - ii. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.
    - iii. Clustered parking areas may be covered.
  2. Parking location and access.
    - i. Off-street parking spaces and vehicle maneuvering areas shall not be located:
      - Within of 20 feet from any street property line, except alley property lines;
      - Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
    - ii. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
  3. Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
  4. Garages and carports.

## EXHIBIT E

- i. Garages and carports (whether shared or individual) must not abut common courtyards.
- ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
- iii. Individual detached garages must not exceed 400 square feet in floor area.
- iii. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

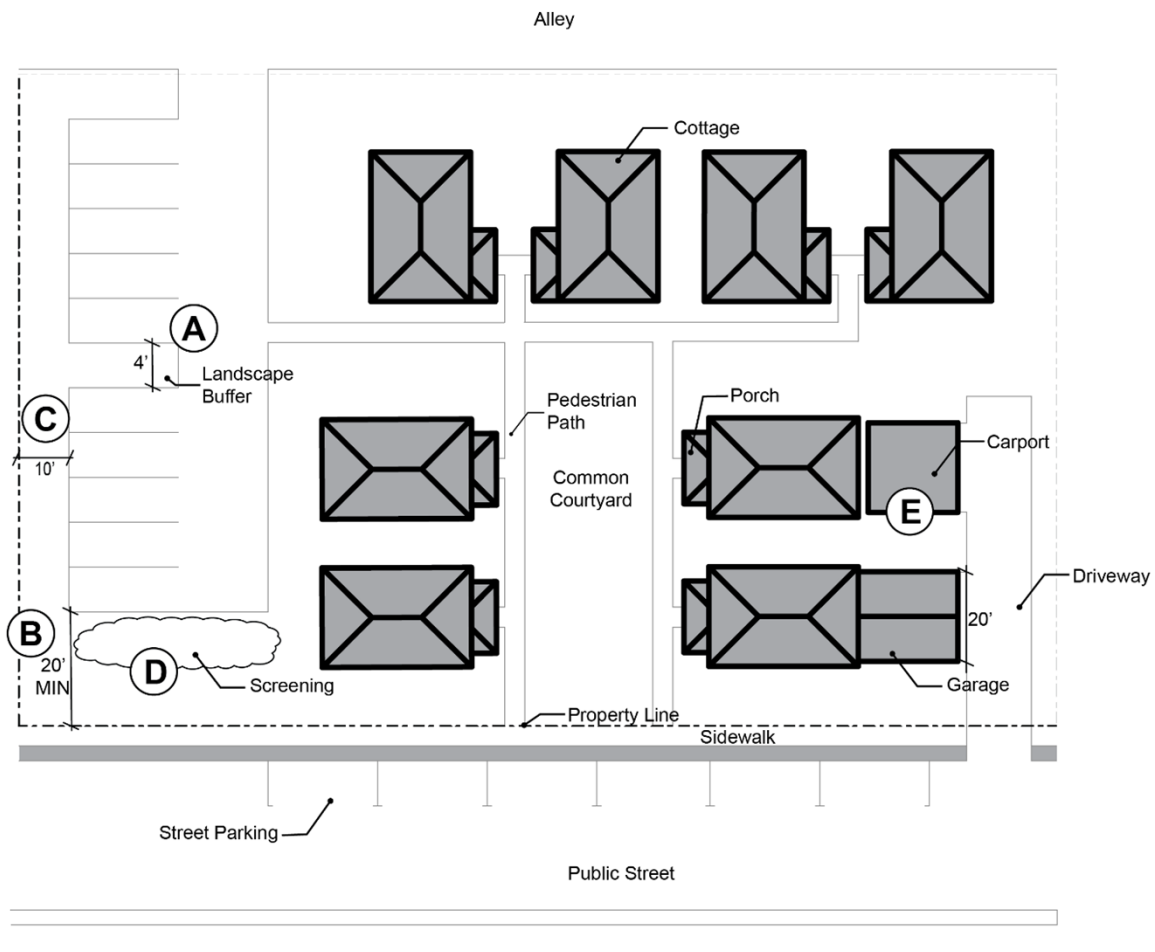
G. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.

H. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing single-family detached dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:

1. The existing dwelling may be non-conforming with respect to the requirements of this code.
2. The existing dwelling may be expanded up to a maximum height of 25 feet or the maximum building footprint of 900 square feet; however, existing dwellings that exceed the maximum height and/or footprint of this code may not be expanded.
3. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.
4. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection (6)(A).

## EXHIBIT E

*Figure 2. Cottage Cluster Parking Design Standards*



- (A) Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B) No parking or vehicle area within 20 feet from street property line (except alley).
- (C) No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D) Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E) Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

I. Areas Owned in Common. For cottage cluster projects, common areas must be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the City prior to issuance of a building permit.

## EXHIBIT E

### Commercial Use and Industrial Use Zones

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**8.0175 Downtown Design Overlay Zone.** In the Downtown Overlay District, the following regulations shall apply:

(\*\*\*)

7. Off-Street Parking. In addition to the standards of 8.0505 – 8.0515, the following standards shall apply for off-street parking in the Downtown Overlay District:

A. Off-Street Parking Requirements (Number of Spaces):

1. Residential: Per State Condominium Code
2. Non-Residential: 1 parking space per 500 net square feet
3. For buildings over 75 feet in height: 1 parking space per 1000 net square feet.

B. ~~Fee-In-Lieu of Parking: Payment made to the City of Redmond in-lieu of providing the required off-street parking spaces for a project in the Downtown Overlay District may be provided as follows:~~

- ~~1. By payment to the City of Redmond in an amount equal to the value of the required parking on a per parking place basis. From time to time the City Council shall establish by resolution the value of off-street parking facilities on a per parking place basis. Funds collected by the City of Redmond from such payment shall be deposited in a special fund and used only by the city to acquire and/or develop on-street or off-street parking and related facilities which are determined by City Council to alleviate the need for parking spaces in the Downtown Overlay District.~~
- ~~2. For development requesting to pay an in-lieu fee for 5 or more spaces of the total requirement of spaces, the Community Development Director or designee shall make a finding that allowing fees in lieu of on-site parking will not unduly negatively impact neighboring properties.~~
- ~~3. All in-lieu of parking fees shall be paid prior to the issuance of certificate of occupancy. In the case of a multi-tenant building, the fees shall be calculated based on and paid prior to the issuance of certificate of occupancy for each individual tenant spaces.~~
- ~~4. Funds paid to the City of Redmond for in-lieu of parking shall not be refundable except as otherwise provided by State law.~~

**B. Fee-In-Lieu of Parking: The purpose of these provisions is to allow development in the Downtown Overlay District to reduce the number of on-site parking spaces through payment of a fee in order to meet the parking requirements set forth in this Code. These provisions may be utilized for parking required for new construction or for an increase in required parking resulting from the change of use of an existing building.**

Payment made to the City in-lieu of supplying the required off-street parking spaces for a project in the Downtown Overlay District may be provided as follows:

1. By the one-time payment of a non-refundable parking improvement fee to the City in the amount established in the City's Fee Schedule, paid prior to the issuance of Certificate of Occupancy.

## EXHIBIT E

2. From time to time the City shall establish the value of off-street parking facilities on a per parking space basis. Fees collected by the City from such payment shall be deposited in a parking fund and used only by the City to acquire or develop on-street or off-street parking and related facilities, which are determined to alleviate the need for parking spaces in the Downtown Overlay District.
3. The City Engineering shall evaluate development proposals requesting to pay an in-lieu fee through conducting a Traffic Impact Analysis or parking study.
4. Any such request for parking in-lieu may be denied or reduced by the Community Development Director or designee. The Director, or designee, shall determine:
  - a. Whether there is sufficient alternative parking within a two to four-block radius of the project location.
  - b. Whether approval of the request would have an adverse effect on surrounding neighborhoods.
  - c. Whether the request meets the Purpose and Intent of the Downtown Overlay District Zone.
  - d. Complies with the Redmond Comprehensive Plan 2040 and support plans, as amended.

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### SUPPLEMENTAL PROVISIONS

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**8.0345 Home Occupation.** The purpose of a home occupation is to allow residents the opportunity to engage in a home-based business. Home occupations shall have characteristics that are indistinguishable from the residential use of a dwelling, or property, and do not infringe upon the rights of nearby residents. Meeting the criteria below shall be considered and permitted as uses accessory to the residential use of a dwelling. When permitted as an accessory use the following limitations shall apply to home occupations:

1. The home occupation is to be secondary to the main use of the property as a residence. The home occupation can occur in the primary dwelling or in an accessory structure on the same property.
2. No structural alterations shall be allowed to accommodate the home occupation except when otherwise required by law, and then only after the plans for such alterations have been reviewed and approved by the City. Such structural alterations shall not detract from the outward appearance of the building as a residence.
3. The home occupation must be conducted wholly within lawfully built enclosed structures and in such a manner as not to give an outward appearance of a business.
4. Outdoor Storage, including but not limited to inventory, supplies or equipment, must be completely screened behind a sight-obscuring fence or within an enclosed structure; stored products, equipment or materials shall not be visible from the public right-of-way or adjacent properties or common area.
53. ~~No materials or mechanical equipment shall be used which will be detrimental to or inconsistent with the residential use of the property or adjoining residences because of~~

## EXHIBIT E

vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors. A home occupation is prohibited which is inconsistent with the residential use of the property or creates adverse impacts such as: noise, vibration, smoke, dust, odor, generation of additional traffic or other factors.

64. No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or a trailer or the parking of customer's vehicles in a manner or frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking.
5. ~~No exterior storage or display shall be permitted.~~
76. Exterior signs shall be limited to those permitted in the zone in which the home occupation is located. There shall be no other exterior indication of the home occupation.
8. Allows on-site one (1) business related vehicle or truck not exceeding 15,000 pounds gross vehicle weight and one (1) other non-motorized wheeled trailer, which shall not exceed 10,000 pounds gross vehicle weight. No commercial vehicle as defined in ORS 801.208, as amended, is permitted as part of a home occupation.
97. There shall be no retail sales from the premises.
8. ~~A home occupation which creates a nuisance because of noise, smoke, dust, gas or the generation of excessive vehicle traffic is prohibited.~~
10. Home Occupation licenses are subject to City Code Section 5.335 et seq governing nuisances and noise.

**8.0340 Fences.** All fences constructed ~~after the time of the adoption of this ordinance (Ord #2014-14, 07/22/2014)~~ shall comply with the following standards. For the purpose of these standards, fences refers to fences, lattice work, screens or walls (other than a retaining wall). The intent of these standards is to ensure that fencing contributes positively to the appearance of the community and neighborhoods, and that the scale, location, and aesthetics appearance of fencing does not adversely affect surrounding properties ~~adjacent or nearby properties~~ or public safety.

1. On all properties one (1) acre or less in size, in all Residential Zones (including residential uses in the C-2 Zone and in the Downtown Overlay District) and the Urban Holding Zone, all fences shall be developed to the following standards:
  - A. Fences abutting a local public street shall comply with the following:

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5. Fences shall be constructed of wood, vinyl, ~~chain-link~~ or wrought iron. Chain link fences are not permitted. Other types of fences material, powder coating and construction may be approved by ~~and at the discretion of~~ the Community Development Director, or designee, subject to conforming with ~~compliance with~~ the intent statement above.

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### **8.0380 Temporary Use Permit (TUP)**

1. Purpose. The purpose of this section is to establish regulations for uses that are temporary in nature.
2. Intent. The intent of this section is to ensure that the temporary uses do not adversely impact the long-term uses of the same or neighboring sites or impact the general health, safety, and welfare of persons residing within the community.

## EXHIBIT E

3. Applicability. Temporary uses are characterized by their short-term or seasonal nature and by the fact that permanent changes are not made to the site. These provisions place restrictions on the duration of the temporary use, its location, and other development standards.
4. Approval. Approval may be granted for structures or uses which are temporary or seasonal in nature, such as: temporary real estate offices, construction trailers and construction offices, provided such uses comply with other provisions of this Code, or other required City, County or State permits.
5. Application and Fee. An application for a temporary use shall be filed with the City and accompanied by the fee as specified in the City fee schedule.
6. Permit Approval. A TUP may be authorized by the Community Development Director, or designee, provided that the applicant submits a narrative and detailed site plan that demonstrates that the proposed use:
  - A. Generally conforms to the standards of the zone in which it is located.
  - B. The proposed use will not adversely affect adjacent structures and uses of the surrounding neighborhood.
  - C. The proposed use will not adversely affect the circulation and flow of vehicular and pedestrian traffic in the immediate area.
  - D. The proposed use will not create a demand for additional parking which cannot be met safely and efficiently in existing parking areas.
  - E. The proposed use will not conflict with the terms or intent of any other use permit, of any type, currently in effect on the property.
  - F. The proposed use will comply with applicable noise, odor, nuisance, fire code and other provisions of this Code and not be detrimental to the public welfare of the community.
  - G. Meets all applicable Building Code requirements.
7. Time Limits. Temporary uses may be issued a permit for up to one year to accommodate the duration of the proposed use. The temporary use or structure shall be removed upon expiration of the TUP.
8. Conditions. Reasonable, clear and objective conditions may be imposed in connection with the TUP as necessary to meet the purposes and intent of this section. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to:
  - A. Special setbacks and spaces.
  - B. Fences and walls.
  - C. Control of points of vehicular ingress and egress.
  - D. Special provisions for signs.
  - E. Maintenance of landscaping, weeds, litter, debris, and dust.
  - F. Control of noise, vibration and odors.
  - G. Limitation of operational hours for certain activities.
  - H. A time period within which the proposed use shall be developed.
  - I. A time limit on total duration of temporary use.
9. Revocation. Any departure from approved plans not authorized shall be cause for revocation. Furthermore, if in the Community Development Director's or designee determination, a condition or conditions of TUP approval are not or cannot be satisfied, the TUP approval, or building and occupancy permits, shall be revoked.
10. Extension. Not less than ten days before expiration, a request for a one-time extension of a temporary use for an additional period may be considered.

### Chapter 8 – Article I – Zoning Standards – Amendments

## EXHIBIT E

### AMENDMENTS

**8.0750 Authorization to Initiate Amendments.** An amendment to the text of these standards, or to the City Comprehensive Plan Map may be initiated by either City Council, or the Planning Commission, or Community Development Director. A property owner may initiate a request for a map or text amendment by filing an application with the Community Development Department.

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#### Chapter 8 – Article I – Zoning Standards – Preservation of Historic Resources

**8.0825 Administration.** This code shall be administered by the ~~Redmond Historic Landmarks Commission (Landmarks Commission)~~ the Historic Preservation Officer.

**8.0855 Local Landmark Register.** The Commission may designate historic resources to the Local Landmark Register as a means of providing recognition of their significance and providing incentive and guidelines for their preservation. The Local Landmark Register is maintained by the Historic Preservation Officer and shall be available to the public.

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3. Nomination Procedure. Any person, group, or government agency may nominate a property for listing in the Local Landmark Register. The nomination procedures are as follows:

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- H. Historic Resources designated as Landmarks shall be noted as such in the ~~Redmond Comprehensive Plan~~ City of Redmond Historic Preservation Plan. The designation shall apply to the entirety of the recognized Landmark as described in the Record of Designation regardless of future property division or ownership.

(\*\*\*)

**8.0865 Alterations, Demolitions, and Relocations of Historic Resources listed in the Local Landmark Register.** The Landmarks Commission shall use the provisions of this Section to preserve the exterior character-defining features of Local Landmarks, listed either individually or within a locally designated historic district; and exteriors and interior public spaces of city-owned Landmarks. The portion of this section relating to alterations does not apply to properties listed solely in the National Register of Historic Places and that have not been designated as Local Landmarks.

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- D. In addition to meeting the applicable guidelines in 3(a) through 3(j) of this Section, in order to approve an application for the alteration of a Landmark the Commission must find that the proposal meets the following design standards as applicable:

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12. ~~Design guidelines in Appendix A~~ The City of Redmond Historic Resources Best Practices Manual.

## EXHIBIT E

### Chapter 8 – Article II (Development Action)

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#### 8.1210 Decision.

1. Development action applications acted upon without notice or hearing should be approved or denied by the Community Development Director<sup>1</sup> or designee<sup>1</sup> within 30 days of acceptance of the a complete application ~~by the Community Development Director or designee.~~
2. Notice of a decision shall be provided to the applicant or the applicant's representative and to the Planning Commission ~~and the City Council.~~
3. The decision may be appealed in accordance with Sections 8.1500 through 8.1530 herein.
4. A development action decision becomes final when no further local appeal under this title is possible.

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### Land Use Action

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**8.1320 Application and Supporting Documents.** Except as provided for in Section 8.1370 herein, all documents or evidence relied upon by an applicant for a land use approval shall be submitted to the Planning Division as part of the application and be made available to the public at the time notice is provided under Section 8.1335 herein.

#### Modification of Application

1. An applicant may modify an application at any time during the approval process up until the close of the record.
2. The Hearings Body shall not consider any evidence submitted by or on behalf of an applicant that would constitute modification of an application (as defined) unless the applicant submits an application for a modification, pays all required modification fees and agrees in writing to restart the 120-day review requirement as of the date the modification is submitted. The shot clock for an application, as modified, may be restarted as many times as there are modifications.
3. The Hearings Body may require that the application be re-noticed and additional hearings be held.
4. Up until the day a hearing is opened for receipt of oral testimony, the Community Development Director or designee shall have sole authority to determine whether an applicant's submittal constitutes a modification. After such time, the Hearings Body shall make such determinations. The Hearings Body's determination on whether a submittal constitutes a modification shall be appealable only to LUBA and shall be appealable only after a final decision is entered on an application.

### Chapter 8 – Article III – Land Division Standards – Introductory Provisions

**8.2020 Definitions.** As used in these standards, the following words and phrases shall mean:

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## EXHIBIT E

**Subdivider.** Any person who causes land to be subdivided into a subdivision for himself or for others, or who undertakes to develop a subdivision, but does not include a public agency or officer authorized by law to make subdivisions.

### Chapter 8 – Article III – Land Division Standards – Land Partitioning

#### 8.2410 Requirements for Tentative Partition Approval.

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2. Access Management proposals comply with the standards set forth in Section 8.2820 8.2460–2499.

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### Chapter 8 – Article III – Land Division Standards – Final Subdivision Plat

#### FINAL SUBDIVISION PLAT

**8.2335 Final Plat Approval.** ~~After the final plat has been checked and approved as provided in this article, and when all signatures appear thereon, except those of the Community Development Director, County Clerk and Board of County Commissioners, the Community Development Director shall certify the final plat and submit it to the Board of County Commissioners for final approval.~~

After the final plat has been reviewed and approved by the City, and when all signatures as required by the Deschutes County Surveyor other than the Development Services Director, County Clerk and County Commissioner appear on the mylar, the City Engineer and Planning Director shall sign the final plat mylar and return it to the applicant to file with Deschutes County.

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#### FINAL PARTITION PLAT

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**8.2520 Final Plat Approval.** After the final plat has been reviewed and approved by the City, and when all signatures as required by the Deschutes County Surveyor other than the Development Services Director, County Clerk and County Commissioner appear on the mylar, the City Engineer and Planning Director shall sign the final plat mylar and return it to the applicant to file with Deschutes County.

#### Lot Line Adjustments

**8.2615 Approval Criteria.** The Community Development Director or designee shall approve or deny a request for a boundary line adjustment in writing based on findings that all of the following criteria are satisfied:

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## EXHIBIT E

3. All lots and parcels comply with the requirements of Section 8.2705 ~~8.2700 to 8.2720~~ of this Chapter.

### BOUNDARY LINE ADJUSTMENTS

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**8.2625 Final Plat Approval.** After the final plat has been reviewed and approved by the City, and when all signatures as required by the Deschutes County Surveyor other than the Development Services Director, County Clerk and County Commissioner appear on the mylar, the City Engineer and Planning Director shall sign the final plat mylar and return it to the applicant to file with Deschutes County.

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### Chapter 8 – Article III – Land Division Standards – Supplementary Provisions

### SUPPLEMENTARY PROVISIONS

### Chapter 8 – Article IV – Site And Design Review Standards – Introductory Provisions

#### 8.3005 Applicability of Site Design and Review.

Major Site and Design Review shall be required for any new development or use containing a structure~~(s)~~ equal to or over 3,500 square feet in size (includes multiple structures) ~~in aggregate.~~

~~Minor Site and Design Review shall be required for any new development or use containing a structure under 3,500 square feet in size (includes multiple structures).~~

(\*\*\*)

#### 8.3010 Exemptions. The following are exempt from Site Design and Review:

1. Normal maintenance and repair.
2. Hangar development entirely on and interior to airport property.
3. Single family detached dwellings s and middle housing, duplexes, tri-plexes, and four-plexes unless located on a lot within 100 feet of the canyon and/or located within a zero lot-line subdivision.
4. Manufactured home in an approved manufactured home park.
5. Additions to an existing building of less than 25% of the total building square footage, not to exceed 1,000 square feet.
6. Any development that does not include the construction or alteration of a building which will have a negligible impact on the land as determined by the Community Development Director, or designee.
7. Overhead electrical power transmission lines and poles greater than 12.5 kv.
8. Daycare Child care facility ~~centers~~ in residential neighborhoods that utilize existing structures.

**8.3020 Site Improvement Agreement.** Where public improvements are required as a condition of approval, the applicant may be required to execute and record an Improvement Agreement subject to the following.

## EXHIBIT E

1. The developer may, in lieu of completion of the required improvements, request the Community Development Director, or designee, to approve an agreement ~~between himself and the City~~ specifying the schedule by which the required improvements and repairs shall be completed. Provided, however, any schedule of improvements agreed to other than sidewalks shall not exceed two (2) years from the date of land use approval. The agreement shall also provide the following information:

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**8.3025 Plans Required.** The Applicant shall submit to the Community Development Department the following documents with the required fee.

(\*\*\*)

3. A Landscape Plan. A landscape plan is required for all multi-family complex, commercial or industrial development. The landscape plan shall include the following:

- A. Area Required. Each property developed shall show at least the following percentage of the total site or project area to be developed in landscaping.

| ZONES                                                                                |                                 |
|--------------------------------------------------------------------------------------|---------------------------------|
| R-1 to R-5<br><del>With the exception of single family or duplex construction.</del> | 15%                             |
| C-1 <u>to C-5</u>                                                                    | 15%                             |
| <del>G-2</del>                                                                       | <del>15%</del>                  |
| <del>G-3</del>                                                                       | <del>15%</del>                  |
| <del>G-4</del>                                                                       | <del>15%</del>                  |
| <del>G-5</del>                                                                       | <del>15%</del>                  |
| Downtown Overlay District                                                            | 0%                              |
| M-1, <u>M-1.5, M-2, LLI</u>                                                          | 15%                             |
| <del>M-2</del>                                                                       | <del>15%</del>                  |
| <i>Airport</i>                                                                       | <u>Per section 8.3035 only.</u> |
| Park, <u>OSPR, PF</u>                                                                | 15%                             |
| <del>OSPR</del>                                                                      | <del>15%</del>                  |
| <del>PF</del>                                                                        | <del>15%</del>                  |
| <del>FG</del>                                                                        | <del>Not Applicable</del>       |
| <u>MUN &amp; MUE</u>                                                                 | <u>15%</u>                      |
| <u>MULW and MULW-SD</u>                                                              | <u>10%</u>                      |

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## EXHIBIT E

**8.3035 Design Review Criteria.** Prior to issuance of a building permit, the following applicable criteria shall be met.

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3. Neighborhood Compatibility. This standard shall not apply to any development that requires a conditional use permit. Subsections B. and D. do not apply to needed housing (ORS 197.307).
  - A. The proposal will be consistent with applicable zoning standards.
  - B. The location, size, design, and physical characteristics of the proposal (such as setbacks, height, position of structure on the site) will have minimal adverse impact on the livability or value of abutting properties.
  - C. The project will not exceed the operational capacity of public facilities and which are required to serve the development unless the City Engineer determines that sufficient capacity can be provided. The capacity of public facilities and services shall be based primarily on the City's Water and Wastewater Master Plan and the Transportation System Plan.
  - D. The proposal is consistent with the applicable Great Neighborhood Planning Principles described in Section 8.0300(3)(C)(13) and adopted Area Plans.

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**8.0510 Design and Improvement Standards for Parking Lots.** The design and improvement standards for parking lots are:

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5. Access aisles shall be paved and of sufficient width to permit easy turning and maneuvering. In no case shall access aisles be less than 20' in width. Any access aisle less than 24' in width shall provide "no parking / fire lane" striping or signage, or curbs painted red for "no parking". Further, any access aisle being used as backup room for parking spaces shall be no less than 24' wide.

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### Design Standards and Improvements

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#### 8.2710 Streets

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13. Alignment. Staggered street alignment shall whenever possible leave a minimum of 200 feet distance between the center line of the streets, but in no case be less than as permitted by Standards and Specifications.
14. Narrow Streets. Local residential grid streets designed at widths less than 36 feet as described in Section 8.2710(3)(Table 1), shall be permitted when the subdivision design is found to be in compliance with the following:
  - A. Narrow streets may only be permitted for continuous full length blocks internal to a Subdivision or Planned Unit Development with street connections at both ends.
  - B. Lots adjoining the narrow streets shall be a minimum of 5000 square feet and have a street minimum 50 feet of frontage.

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- C. ~~Sidewalks shall be separated from the curb by a landscape strip with street trees conforming with Public Works Standards and Specifications.~~
- D. Curb cuts along the narrow street shall not be less than the minimum width required within the adopted City of Redmond Public Works Standards and Specifications.

//End//

## FINDINGS FOR TEXT AMENDMENTS TO THE REDMOND CITY CODE, CHAPTERS 4 (UTILITIES), 7 (BUSINESS), AND 8 (DEVELOPMENT CODE)

**HEARING DATE:** June 28, 2022, 6:00 PM, Redmond City Hall Council Chambers and via digital conference (GoTo Meeting)

**HEARINGS BODY:** Redmond City Council

**FILE NUMBER:** 711-21-000084-TA

**FILE NAME:** Redmond Development Code Text Amendment

**REQUEST:** A Legislative Amendment to the Redmond City Code, Chapters 4 (Utilities), 7 (Business), and 8 (Development Code) to Incorporate House Bill 2001 Requirements and Other Substantive Changes

**APPLICANT:** City of Redmond

**REVIEWING STAFF:** Kyle Roberts, AICP, Interim Planning Director  
Through John Roberts, AICP, Deputy City Manager

### I. BACKGROUND

#### Summary:

The last update to the Redmond Development Code (RDC) was adopted by City Council in November 2020 and was in sync with the adoption of the Redmond Comprehensive Plan 2040. The code amendments allowed the RDC to account for many of House Bill 2001 (HB 2001) requirements. This current update is intended to finalize the remaining HB 2001 requirements, modernize, and improve administration of the RDC. These include changes to create a more diverse mix of housing and better implementing the Great Neighborhood Principles. In 2021, the Planning Commission held one work session and ten public hearings on the proposed amendments. In 2022, the Commission has conducted four work sessions on the amendments and held two joint workshops with City Council. Lastly, the Planning Commission held the first evidentiary public hearing for the proposed amendments on June 6<sup>th</sup>.

The proposed amendments to the RDC were initiated legislatively by the City. The findings and supporting materials, demonstrate the proposed text amendments are consistent with the Statewide Planning Goals, the Comprehensive Plan, and RDC Section 8.0760. The four criteria set forth in Section 8.0760 are addressed herein, as well as applicable state laws and requirements.

#### Proposal:

The request is for a legislative amendment to update multiple sections of the RDC. The majority of changes are made to comply with HB 2001, removing barriers for the development of middle housing. This includes permitting by right middle housing in all residential zones as well as revising siting and design standards. Definitions of duplexes, triplexes, and quadplexes have changed to allow for detached units. Additionally, new provisions have been added to allow for middle housing land divisions as required by Senate Bill 458.

Other changes have been made as part of the update. Of note, some of these include changes to minimum lot sizes and densities in residential zones. The changes have been made to bring them in greater alignment with the Comprehensive Plan and Housing Needs Analysis. Major revisions have been made to the Development Code's Planned Unit Development provisions to allow for greater flexibility in design and incentivize use. Changes have been made to definitions to better align with State requirements, and to streamline permitting processes. A new zone, M-1.5 (General Industrial), is being introduced, although no property is being rezoned at this time. The purpose and intent of M-1.5 is to

provide for general industrial uses that require less than 35% of property for outdoor storage of raw or assembled materials.

Amendments to address administrative procedures have also been made throughout the RDC, which included repeal of select sections of code. These changes are intended to eliminate redundancy, provide clarity, and improve overall application of the RDC.

#### **Exhibits:**

The proposed Redmond Development Code amendment package is comprised of five exhibits (A-E) as shown below and attached hereto:

Exhibit A – Section 8.0140 (“Density Table”)

Exhibit B – Senate Bill 458 (Middle Housing and Expedited Land Division)

Exhibit C – Master Development Plans & Planned Unit Developments

Exhibit D – House Bill 2001 & Other Amendments

Exhibit E – Administrative Topics

#### **Noticing:**

Per ORS 197.610, a notice of proposed change to an implementing regulation was submitted to the Department of Land Conservation and Development (DLCD) on April 28, 2022. Per Section 8.1110 of the RDC, a public hearing notice for the June 6<sup>th</sup> Planning Commission hearing was published in the *Bend Bulletin* on May 27, 2022, and a public hearing notice for the June 28<sup>th</sup> City Council hearing was published in the *Redmond Spokesman* on June 14, 2022.

#### **Applicable Criteria:**

The following are the applicable sections from the Oregon Revised Statutes, Oregon Administrative Rules, and the Redmond Development Code:

- Oregon Revised Statutes (ORS) – 197.610 and 197.797
- Oregon Administrative Rules (OAR), Chapter 660:
  - Division 15, Statewide Planning Goals and Guidelines
  - Division 46, Middle Housing in Medium and Large Cities
- City of Redmond Development Code:
  - Article I – Zoning Standards
    - Section 8.0760: Criteria for Amendments

## **II. FINDINGS & CONCLUSIONS**

#### **Findings:**

Redmond Development Code, Article I – Zoning Standards: Amendments: Sections 8.0750 through 8.0770 set forth the procedure and standards for an amendment to the text of the RDC. Specifically, Section 8.0760 sets forth the four review criteria that must be met when evaluating an amendment request. Findings for each criterion are presented below.

**8.0760 Criteria for Amendments.** The burden of proof is upon the applicant. The applicant shall show the proposed change is:

1. In conformity with all applicable State statutes;

**FINDING:** The following State statutes apply directly to this application:

ORS 197.610, *Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development*;  
ORS 197.758, *Development of middle housing; local regulations*  
ORS 197.797, *Local quasi-judicial land use hearings; notice requirements; hearing procedures*.

ORS 197.610 requires local jurisdictions to submit proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development (DLCD). Notice of the proposed implementing amendments to the RDC was provided to DLCD more than 35 days in advance of the first evidentiary hearing concerning the amendments.

ORS 197.758 requires local regulations comply with HB 2001. The Oregon State Legislature passed HB 2001 in June 2019 with the intent to provide more opportunities for a variety of housing types in traditionally single-family neighborhoods, and to increase the overall housing supply with a focus on increasing options for smaller housing types that could be less expensive. HB 2001 (codified as ORS 197.758), sets middle housing requirements for both Medium Cities and Large Cities, with “Large Cities” defined to include all Oregon cities with a population of more than 25,000, unincorporated areas within the Portland Metro boundary that are served by sufficient urban services, and all cities within the Portland Metro boundary with a population of more than 1,000.

According to the U.S. Census Bureau, the population of Redmond is 33,274 as of the 2020 decennial census. As a Large City, Redmond is required by ORS 197.758 to allow the development of:

- A Duplex “on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings,” and
- Triplexes, quadplexes, cottage clusters, and townhouses “in areas zoned for residential use that allow for the development of detached single-family dwellings.”

ORS 197.758 and its implementing regulations allow local governments to regulate siting and design of middle housing, provided that the regulations do not, individually or cumulatively, discourage middle housing development through unreasonable costs or delay. When regulating siting and design of middle housing, Large Cities should balance concerns about neighborhood compatibility and other factors against the need to address Oregon’s housing shortage by removing barriers to development and should ensure that any siting and design regulations do not, individually or cumulatively, discourage the development of middle housing through unreasonable costs or delay.

Throughout 2020, DLCD led three rulemaking efforts to help cities comply with the requirements of ORS 197.758/HB 2001. This work included the creation of model codes, establishment of compliance standards, and identification of processes and criteria for the evaluation of city plans to address infrastructure needs. On December 9, 2020, the Land Conservation and Development Commission (LCDC) adopted a set of Oregon Administrative Rules (OAR’s) that outline the “minimum compliance standards” Large Cities must meet for middle housing to comply with HB 2001. They also adopted a Large Cities Middle Housing Model Code to guide the development of all middle housing types in Large Cities. Large Cities may choose to regulate middle housing using the Large Cities Middle Housing Model Code, the minimum compliance standards, or a combination of the two.

A city may also adopt alternative siting or design standards other than those authorized by the Oregon Administrative Rules, under certain conditions (OAR 660-046-0235). Redmond is

proposing standards that meet a combination of the minimum compliance standards and Model Code standards and is not proposing any alternative siting or design standards.

Under HB 2001, Large Cities must adopt land use regulations and/or amend the comprehensive plan to implement the middle housing requirements in ORS 197.758 by June 30, 2022.

ORS 197.797 sets forth noticing requirements. The applicable RDC standards that address amendment and legislative procedures and noticing requirements (i.e., Sections 8.0750-8.0770 and 8.1100-8.1125) were developed in compliance with the applicable State statute regarding noticing and public hearings. The relevant findings, incorporated by reference herein, show compliance with the aforementioned statutes.

Notice of the proposed text amendment has been advertised in the local newspaper (public notice) as required by the RDC and State statute. Regarding statutory public hearing requirements, this proposal is legislative and not quasi-judicial. Sections 8.1100 through 8.1125 of the RDC implement the quasi-judicial statutory requirements in similar fashion and have been met. The Redmond Urban Area Planning Commission and City Council's public hearing and review processes meet the statutory requirements for the purpose of the review.

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

**FINDING:** The following State-wide planning goals have been determined to apply directly to this application:

Goal 1 – Citizen Involvement – calls for the opportunity for citizens to be involved in all phases of the planning process. The Redmond Urban Area Planning Commission serves as the City's formal citizen advisory commission to fulfill Goal 1 and is made up of Redmond area residents. The City has conducted numerous public meetings and work sessions with the Planning Commission over the past 14 months regarding these proposed amendments.

Public notices and agendas for Planning Commission meetings where and when the proposed amendments were discussed were provided in accordance with law. All documents were available for public review. Further, public notice advertising the June 6<sup>th</sup> public hearing was published in the *Bend Bulletin*. The City continually provided public review and involvement opportunities during public meetings and work sessions conducted by both the Planning Commission and City Council.

Goal 2 – Land Use Planning – requires establishing a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. Through the course of review of the text amendments to the RDC, input was received from City staff, Planning Commission, Central Oregon Builders Association, developers, and residents of the community. The proposed amendments will bring to the RDC into compliance with HB 2001; better implement policies of the Comprehensive Plan; and provide clearer regulations and policies for City staff to administer.

Goal 10 – Housing – provides for the housing needs of citizens of the state. A major portion of the proposed amendments are to bring the RDC into compliance with HB 2001, removing barriers to permitting middle housing.

The City of Redmond adopted a Housing Needs Analysis (HNA) in 2019. This document serves as the City's compliance document under Goal 10, OAR Chapter 660 Division 008, and ORS 197.296(3). This report concludes that Redmond should plan to accommodate development of 6,963 new dwelling units over the next 20 years in order to house the projected population growth. New housing in Redmond is forecast to be 60% single-family detached, 15% single-family attached, and 25% multi-family to meet the diverse needs of the projected Redmond population. The HNA also identified a deficit of land for single-family and multi-family to accommodate the needed housing units, and the need to designate additional land for housing and/or increase the development capacity of existing land. Permitting middle housing throughout all residential designations is one strategy that will help to partially address this deficit, by adding additional development capacity particularly in the Limited and General Residential designations (implemented by the R-1, R-2 zones and R-3, R-4 zones respectively).

ORS 197.296(6)(b), as amended by HB 2001, allows jurisdictions to assume up to a 3% increase in zoned capacity, unless they demonstrate a quantifiable validation that the anticipated capacity will be greater.

The 2019 HNA calculated zoned capacity of undeveloped areas across the City and UGB, which can be used as the basis for estimating additional housing units that may be produced due to middle housing allowances. The focus is on Limited and General Residential designations (implemented by R-1, R-2 and R-3, R-4 zones respectively). While middle housing is proposed to be permitted in the High-Density Designation (R-5 zone), expected middle housing densities in those zones are not likely to exceed densities of multifamily development also permitted in that zone and thus would not result in additional development capacity.

| Plan Designation                          | Capacity   |
|-------------------------------------------|------------|
| Limited Residential                       | 1,464      |
| General Residential                       | 2,363      |
| Total                                     | 3,827      |
| <i>Additional 3% development capacity</i> | <i>115</i> |
| Revised Total                             | 3,942      |

*Source: 2019 HNA Exhibit 76, Estimate of residential capacity on areas WITH and WITHOUT Master Plans, Redmond UGB, 2019.*

The City could expect up to an additional 115 dwelling units as middle housing to be produced as a result of the proposed middle housing code amendments, in addition to the portion of the total 6,817 new dwelling units for the next 20 years already forecasted to be middle housing types. The additional middle housing capacity helps the City to partially meet its identified housing demand for the 2019-2039 period, in compliance with Goal 10. The City will continue working outside of this project to identify additional measures to correct the capacity deficit for needed housing.

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

**FINDING:** The Redmond Comprehensive Plan is the official land use policy statement of the Redmond City Council. The City frequently reviews and updates the RDC to try and ensure it is aligned with the Comprehensive Plan. Updates to the RDC in this context helps ensure the RDC remains modern and tailored to meet the changing needs of the community. As such, the proposed amendments touch on and implement policy statements contained in every chapter of the Redmond Comprehensive Plan.

Chapter 2 of the Redmond Comprehensive Plan identifies goals and policies that pertain to land use planning and procedures. Goal 1 of the chapter states the following:

*Ensure that Redmond's Comprehensive Plan, implementation tools, and administration procedures build on the community's vision for the future and align with regional, state, and federal plans and regulations.*

The RDC serves as the major implementation mechanism of the Comprehensive Plan. These amendments to the RDC create alignment with recent State-directed policy as well as contribute to advancing the community's vision for the future.

Chapter 9 of the Redmond Comprehensive Plan identifies goals and policies that address economic development in Redmond. Policy 9-1-2 calls for the need to provide adequate short-term supply of suitable commercial and industrial land to respond to economic development opportunities as they arise. In working closely with the City's economic development partnering agency, REDI (Redmond Economic Development Inc.), a need was identified to create a new industrial zoning district to respond to the city's challenge of having a constrained inventory of smaller lots of M-2 (heavy industrial). To help remedy the issue, a new zone, M-1.5 (general industrial) is being proposed with similar standards to M-1 (light industrial) but will allow for a limited amount of outdoor storage of product as allowed for in M-2.

Chapter 10 of the Redmond Comprehensive Plan identifies goals and policies related to housing in Redmond. Staff have found that new single-family master plans and subdivisions have experienced challenges meeting the RDC's current minimum density requirement in R-4 and R-5. As part of these amendments, and per Policy 10-1-6(c), staff has lowered the minimum density requirement in R-4 and R-5 for single-family. Moreover, in doing so, staff evaluated the current density requirements for the other residential zones and are proposing adjustments to bring the densities in better alignment with Policies 10-1-4(a)-(e).

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

**FINDING:** Under HB 2001, Large Cities must adopt land use regulations and/or amend the comprehensive plan to implement the middle housing requirements in ORS 197.758 by June 30, 2022. This mandate was the primary driver for the proposed code amendments. As mentioned previously, the code amendment process began over a year ago and as part of the process, staff and stakeholders identified areas throughout the code unrelated to HB 2001 that were in need of revision to modernize the code to meet the changing needs of the community.

### III. RECOMMENDATION

As required through the legislative amendment process, the Urban Area Planning Commission held the first evidentiary public hearing on June 6<sup>th</sup>. After review, public testimony, and deliberation, the Commission voted 4-2 to approve the amendments and only consider HB 2001-related amendments for adoption.

Staff has worked closely with the Planning Commission and stakeholders on the proposed code amendments for over a year and a half. Although a portion of the amendments are not tied directly to HB 2001, most are interrelated and were reviewed by Planning Commission in 2021. Staff requests that Council consider the entire code amendment package (Exhibits A-E) for adoption.



# REDMOND DEVELOPMENT CODE AND HB 2001 AMENDMENTS

## #711-21-000084-PLNG (TA)

CITY COUNCIL PUBLIC HEARING  
JUNE 28, 2022

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SLIDE / 1

# PROCESS & TIMELINES



Planning Commission:  
1 Work Session, 10 Public  
Hearings & 1 Joint Meeting.

**2021**

Planning Commission:  
5 Work Sessions  
& 1 Joint Meeting.

**2022**

Public Hearing to  
Adopt Regulations.

**JUNE 28, 2022**

**NOV. / DEC. 2020**

Significant Amendments /  
Updates to Development Code  
& Comp. Plan 2040 – Adopted.

**EARLY 2022**

Gap Analysis / Code  
Audit.

**JUNE 6, 2022**

Planning Commission  
Public Hearing.

SLIDE / 2

**STAKEHOLDER ENGAGEMENT**



# DEVELOPMENT CODE

## 'EXHIBITS'



SLIDE / 3

A

**DENSITY TABLE & SPECIFICATION STANDARDS**  
MINIMUM LOT SIZE, SETBACKS, FRONTAGE, ETC.

B

**SB 458: EXPEDITED LAND DIVISIONS**  
NEW LAND DIVISION PROVISION FOR MIDDLE HOUSING

C

**MASTER PLANS & PUDS**  
PLANNED UNIT DEVELOPMENTS (PUDS) INCREASE FLEXIBILITY

D

**HB 2001 & OTHER**  
MIDDLE HOUSING RELATED CHANGES & ADDITIONS

E

**ADMINISTRATIVE TOPICS**  
IMPROVE ADMINISTRATION; REMOVE/FIX ERRORS, OMISSIONS, ETC.



# EXHIBIT A: DENSITY TABLE

## ALIGNMENT WITH COMPREHENSIVE PLAN 2040 & COUNCIL FEEDBACK

| Standard:                                                         | R-1                                                | R-2          | R-3, <u>R-3A</u> | R-4             | R-5             |
|-------------------------------------------------------------------|----------------------------------------------------|--------------|------------------|-----------------|-----------------|
| Minimum Lot size - Square Feet                                    |                                                    |              |                  |                 |                 |
| Single Family, <u>Duplex</u> ,<br><u>Triplex</u>                  | 9,000                                              | 9,000        | 7,500            | 5,500           | 5,500           |
| <u>Quadplex</u> , <u>Cottage Cluster</u>                          | <u>9,000</u>                                       | <u>9,000</u> | <u>7,500</u>     | <u>7,000</u>    | <u>7,000</u>    |
| Duplex                                                            | <del>9,000</del>                                   | 10,000       | 8,000            | 7,500           | 7,500           |
| Duplex Lot                                                        |                                                    |              | 4,250            | 3,750           | 3,750           |
| Multifamily Dwelling                                              | NA                                                 | NA           | NA               | F               | F               |
| Townhouse                                                         | <u>1,500</u>                                       | <u>1,500</u> | <u>1,500</u> E   | <u>1,500</u> E  | <u>1,500</u> E  |
| Multi-Family Complex:<br>5+ units                                 | No Minimum Lot Size<br>Must Meet Density Standards |              |                  |                 |                 |
|                                                                   |                                                    |              |                  |                 |                 |
| Density - Units/Net Acre                                          |                                                    |              |                  |                 |                 |
| Minimum Density/ <del>Gross</del><br><del>Acre</del> : All        | 4                                                  | 4            | 5                | <del>10</del> 5 | <del>15</del> 8 |
| Maximum Density: Single<br>Family                                 | 5                                                  | 5            | 5.8              | 8               | 8               |
| Maximum Density: Duplex,<br>Triplex, Quadplex, Cottage<br>Cluster | No Maximum Density<br>Must Meet Minimum Lot Size   |              |                  |                 |                 |
| Maximum Density:<br>Townhouses                                    | 20                                                 | 20           | 23.2             | 25              | 25              |
| Maximum Density: Multi-<br>family Complex 5+ units                | N/A                                                | N/A          | N/A              | 14.5            | 17.4            |



# EXHIBIT A: DENSITY TABLE

## ALIGNMENT WITH COMPREHENSIVE PLAN 2040 & COUNCIL FEEDBACK

SLIDE / 5

| Minimum Setback Distance – Feet <small>See c, F, and H below</small>                                                                                                                                                                                                                                                                                                                                                                            |        |         |         |          |         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|---------|---------|----------|---------|
| Front Façade, excluding garage which must be 20 feet back from property line                                                                                                                                                                                                                                                                                                                                                                    | 15-10  | 15-10   | 15-10   | 10       | 10      |
| Interior Side                                                                                                                                                                                                                                                                                                                                                                                                                                   | B 5/10 | –B 5/10 | B 5 /10 | –B 5 /10 | 5       |
| <u>Interior side yards must be a minimum of 5 feet on one side and 10 feet on the other side for single family, duplex, triplex, and quadplex residences. Where alley access is provided, both interior side yards may be reduced to 5 feet. Exceptions to the 10-foot setback are allowed (1) when the residential lot was created prior to the adoption of this standard (November 9, 2006); (2) on cul-de-sac lots; or (3) on flag lots.</u> |        |         |         |          |         |
| Street Side                                                                                                                                                                                                                                                                                                                                                                                                                                     | 15-10  | 15-10   | 15-10   | 15-10    | 15-10   |
| Rear                                                                                                                                                                                                                                                                                                                                                                                                                                            | 20     | 20      | 20      | 20 15    | 5       |
| Garage, <u>access from street</u>                                                                                                                                                                                                                                                                                                                                                                                                               | 20     | 20      | 20      | 20       | 20      |
| <u>Garage, access from alley</u>                                                                                                                                                                                                                                                                                                                                                                                                                | 5      | 5       | 5       | 5        | 5       |
| Setbacks                                                                                                                                                                                                                                                                                                                                                                                                                                        |        |         |         |          |         |
| <u>ADUs: Specified in Section 8.0325.</u>                                                                                                                                                                                                                                                                                                                                                                                                       |        |         |         |          |         |
| <u>Cottage Clusters: Specified in Section 8.0143.</u>                                                                                                                                                                                                                                                                                                                                                                                           |        |         |         |          |         |
| <u>Cottage Developments: Specified in Section 8.0285 et seq.</u>                                                                                                                                                                                                                                                                                                                                                                                |        |         |         |          |         |
| <u>Multi-family Complexes: Specified in Section 8.3035.4.E. Table A.</u>                                                                                                                                                                                                                                                                                                                                                                        |        |         |         |          |         |
| <u>Townhouses: Specified in Section 8.0142.</u>                                                                                                                                                                                                                                                                                                                                                                                                 |        |         |         |          |         |
| Maximum Building Height – Feet                                                                                                                                                                                                                                                                                                                                                                                                                  |        |         |         |          |         |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 32     | 32      | 32      | 40,E 45  | 40,E 45 |
| Minimum Street Frontage – Feet                                                                                                                                                                                                                                                                                                                                                                                                                  |        |         |         |          |         |
| Standard Street                                                                                                                                                                                                                                                                                                                                                                                                                                 | 50     | 50      | 50      | 50       | 50 40   |
| Cul-de-sac                                                                                                                                                                                                                                                                                                                                                                                                                                      | 30     | 30      | 30      | 30       | 30      |
| Flag Lot                                                                                                                                                                                                                                                                                                                                                                                                                                        | 20     | 20      | 20      | 20       | 20      |
| Duplex lot (non-flag or cul de sac)                                                                                                                                                                                                                                                                                                                                                                                                             | N/A    | N/A     | 25      | 25       | 25      |
| Townhouse                                                                                                                                                                                                                                                                                                                                                                                                                                       | 30-20  | 30-20   | 30-20   | 30-20    | 30-20   |

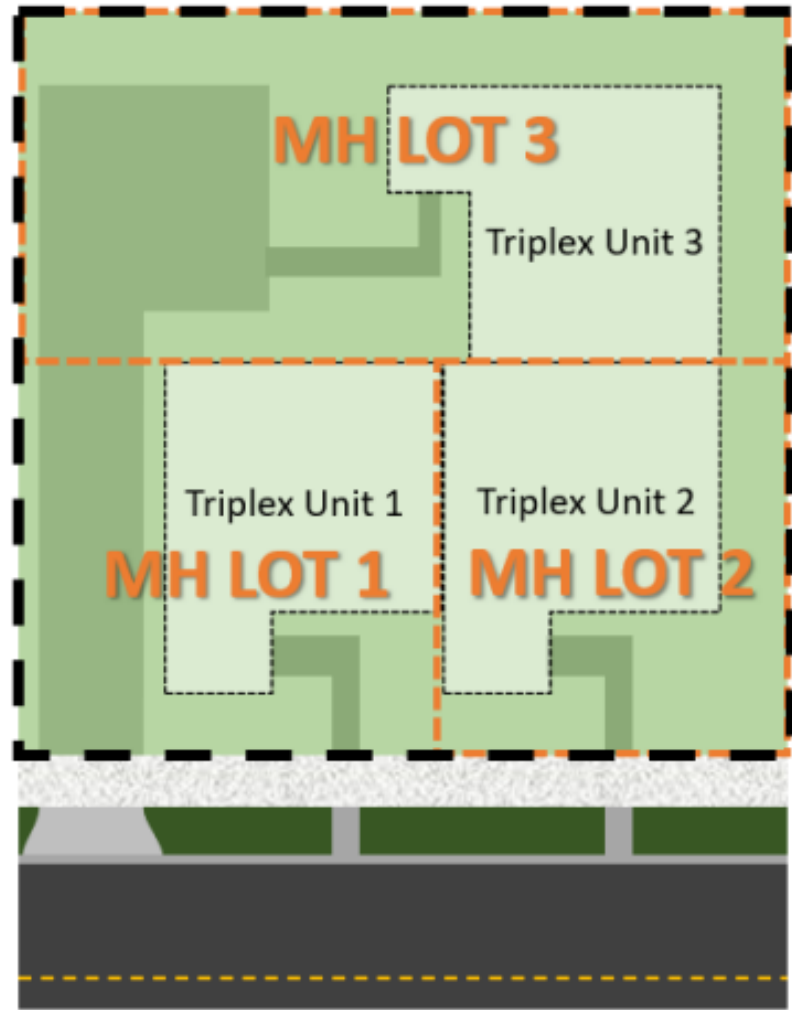


# EXHIBIT B:

## MH & EXPEDITED LAND DIVISION

SENATE BILL 458:  
CODIFIED AS  
ORS 197.360-380

SPECIAL LAND DIVISION  
PROCESS TO HELP CREATE  
HOMEOWNERSHIP  
OPPORTUNITIES



TRIPLEX PARENT LOT:  
Three Dwellings on a Lot.  
Parent lot must meet  
triplex lot standards.

3 MIDDLE HOUSING LOTS:  
One for each unit. Allows  
division to support  
ownership, does not grant  
additional development  
rights. Each Dwelling Unit still  
considered one unit of a  
triplex.

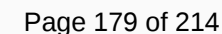
Source: City of Eugene, OR



# MDPs: NEIGHBORHOOD MEETING PRIOR TO APPLICATION

## PUDs: GREATER FLEXIBILITY

SLIDE / 7





# EXHIBIT D: HB 2001 CHANGES

REQ'D & CODIFIED AS  
ORS 197.758

UPDATED DEFINITIONS

ALLOW FOR DETACHED  
PLEXES

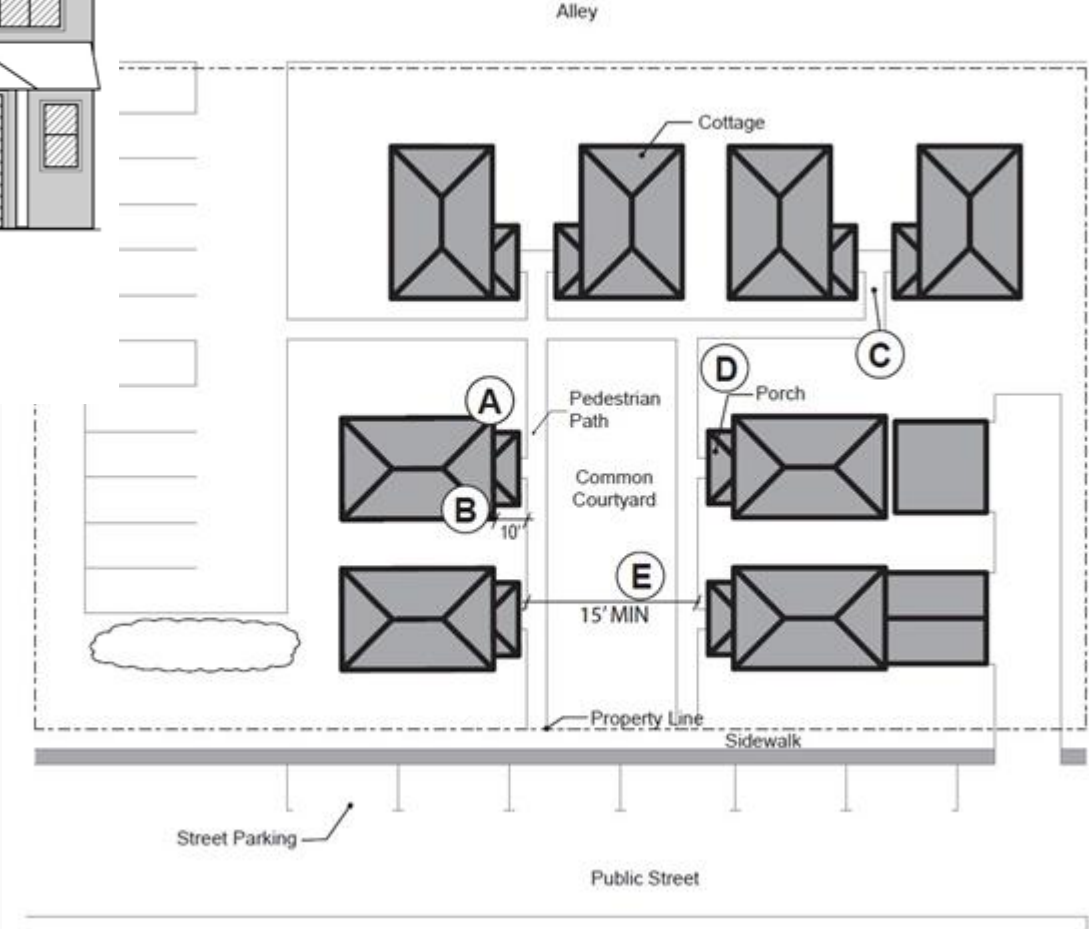
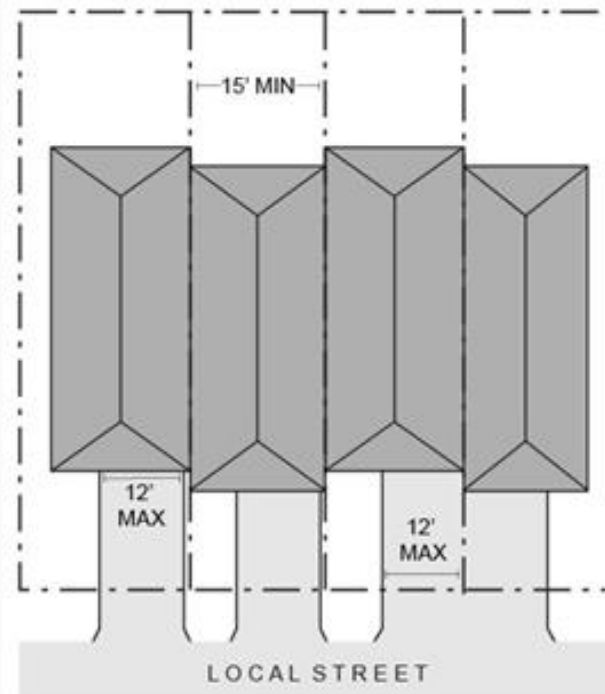
REVISED DEVELOPMENT &  
DESIGN STANDARDS

SLIDE / 8



STREET-FACING FACADE

- Area subject to 15% window & entrance door coverage requirement
- Qualifying window coverage
- Qualifying entrance door coverage





# **EXHIBIT E:** **ADMINISTRATIVE & OTHER**

**FIX TO TYPOS, SYNTAX, &  
GRAMMATICAL ERRORS**

**NON-HB 2001  
SUBSTANTIVE CHANGES**



**CHILD CARE**



**MODIFICATION OF APPLICATION**



**UH-10 ZONE & TEMPORARY USE**



**M-1.5**



**PLAT SIGNATURES**



# QUESTIONS



June 21, 2022

**Via E-mail**

Mayor George Endicott  
Redmond City Council  
Redmond City Hall  
411 SW 9<sup>th</sup>  
Redmond, Oregon 97756

**Re: Redmond Development Code Text Amendment(711-21-000084-TA), Legislative Amendment to Incorporate HB 2001 Requirements and Other Substantive Changes; Letter on Behalf of Pahlisch Homes, Inc("Pahlisch Homes")**

Dear Mayor Endicott and Redmond City Council(the "City Council")Members;

I am the Director of Government and Legal Affairs for Pahlisch Homes. I am writing to ask that the City Council approve the Redmond Planning Department(the "Planning Department")amendment packet with all five exhibits(**Exhibits A-E**)and not just the amendments required by HB 2001 and SB 458 at its public hearing on June 28, 2022. I appeared before the Redmond Urban Area Planning Commission(the "Planning Commission")at its initial evidentiary hearing on June 6, 2022 on behalf of Pahlisch Home along with others asking the Planning Commission to recommend that the City Council adopt the entire packet. The Planning Commission voted 4-2(Commissioners DeWolf and Zampko opposed) to recommend the adoption of only the amendments required by HB 2001 and SB 458. I have attached my June 2, 2022 letter to the Planning Commission.

Pahlisch Homes appreciates the Planning Commission's position but the City Council should adopt the entire Planning Department amendment packet for the following reasons. **First**, as staff told the Planning Commission on June 6, 2022 and the City Council on June 7, 2022, there was not enough time for staff to separate the required amendments from the other amendments and still allow the City to meet the July 1, 2022 adoption deadline for HB 2001 and SB 458. Deputy City Manager John Roberts told the City Council on June 7, 2022 that making the changes to accommodate the Planning Commission recommendation would be difficult to do. **Second**, the staff work has already been done and the required legal notices have already been provided for the Planning Department amendment packet and there is no reason not to take advantage of this work. Not adopting the Planning Department amendment packet will require the staff, the Planning Commission and the City Council to repeat the amendment process after July 1, a process that will easily take a minimum of six months when considering the required notices and two public hearings. **Third**, the Planning Department amendment packet includes **Exhibit C** which changes the Planned Unit Development("PUD")approval criteria in Redmond Development Code("RDC")8.0275. The current PUD standards are so prescriptive that they make the PUD process unusable. The proposed amendments will provide more flexibility for a PUD application while retaining the Planning Commission's approval authority for PUD applications. The sooner these recommended amendments are adopted, the sooner that the PUD process can be used to provide additional housing types and price points in the City.

Thank you for considering Pahlisch's request that you approve the Planning Department amendment packet including all five exhibits. I will be present at the City Council public hearing to answer any questions that you may have about this request.

Mayor George Endicott

June 21, 2022

Page 2

Very truly yours,



Michael C Robinson

Director of Government and Legal Affairs for Pahlisch Homes, Inc. Enclosure

CC: Mr. Keith Witcosky (via email) (w/ encl.)

Mr. John Roberts (via email) (w/ encl.)

Mr. Kyle Roberts (via email) (w/ encl.)

Mr. Jerry Jones (via email) (w/ encl.)

Mr. Joey Shearer (via email) (w/ encl.)

Ms. Deb Flagan (via email) (w/ encl.)

Ms. Karna Gustafson (via email) (w/ encl.)

Ms. Morgan Greenwood (via email) (w/ encl.)



June 2, 2022

**Via E-mail**

Ms. Teri Jansen, Chair  
Redmond Urban Area Planning Commission  
Redmond City Hall  
411 SW 9<sup>th</sup> Street  
Redmond, Or 97756

**Re: Redmond Development Code Text Amendment(711-21-000084-TA), Legislative Amendment to Incorporate HB 2001 Requirements and Other Substantive Changes; Letter by Pahlisch Homes, Inc.**

Dear Chair Jansen and Redmond Urban Area Planning Commission (the "Planning Commission") Members,

I am the Senior Director of Land Development for Pahlisch Homes, Inc ("Pahlisch"). I am writing to comment on the proposed amendments as they relate to amendments to the Planned Unit Development ("PUD") approval criteria in Redmond Development Code 8.0275 (*Staff Report, Exhibit C, Pages 5-8*). Pahlisch is a developer of several Redmond residential subdivisions and is interested in improvements to the PUD application standards.

Pahlisch appreciates the time and work that staff and the Planning Commission have spent on the proposed amendments. The changes to the PUD approval criteria will be especially beneficial to the City.

I have reviewed the staff report and the proposed amendments to the PUD approval criteria and agree with both. The Staff Report at Page 1 explains that the amendments to the PUD approval criteria "to allow for greater flexibility in design and incentivize use." The proposed PUD amendments will encourage the use of the PUD process to develop more creative residential developments by providing flexibility to the RDC standards in Proposed RDC 8.0275.3.B. through the PUD application process. A PUD application utilizing flexibility must satisfy the approval criteria in Proposed RDC 8.0275.3.A. and the Planning Commission must review and approve the PUD application through a public hearing process. This approval process, including the conditional use approval standards, assures that the benefits of a PUD development are provided when approving a PUD that provides for flexibility to certain RDC standards.

The proposed PUD amendments retain the requirement for open space, recreation area, common area or park as part of a PUD and the size of the area is based on the type of amenities added by the applicant. (Proposed RDC 8.0275.4.D.3). The current PUD ordinance does not provide for flexibility in RDC standards unless a large ("at least 1000 square feet per unit") "village open-style open space or recreation area" in a specific style is included. (Current RDC 8.0275.2.C). While this might work in a few PUDs, the current standard is so prescriptive that it discourages the use of the PUD approach to development since not all residential subdivisions require large common areas and providing large common areas increases the cost of housing because homeowners must make regular payments for perpetual maintenance of the common area. Further, a small open space area with desirable amenities is often preferable to a larger area without such amenities. PUD applications can take different approaches to design and still provide flexible and creative design. The current PUD approval criteria do not allow this flexibility and mandates a single way to provide open space.

Finally, I understand that the City initiated the proposed amendments in order to satisfy the requirement that it implement HB 2001. Including other amendments, such as the proposed PUD amendments, avoids the need to initiate a second amendment process.

Ms. Teri Jansen, Chair

June 2, 2022

Page 2

The staff has done all of the work necessary to proceed with the proposed PUD amendments, the proposed amendments have been fully advertised to the public, the Planning Commission has conducted a public workshop on the proposed PUD amendments and there is no reason not to recommend their approval because they are an improvement over the current PUD approval standards and will benefit the City.

I appreciate this opportunity to testify in support of the proposed PUD amendments. Pahlisch respectfully requests that the Planning Commission recommend approval of the proposed PUD amendments to the Redmond City Council because they will encourage the use of the PUD application process while assuring that the benefits of the PUD approach to development are provided.

Very Truly Yours,



Jerry Jones,

Senior Director of Land Development for Pahlisch Homes, Inc.

CC: Mr. John Roberts (via email)

Mr. Kyle Roberts (via email)

Mr. Joey Shearer (via email)

Ms. Deb Flagan (via email)

Mr. Hayes McCoy (via email)

Ms. Karna Gustafson (via email)

Mr. Michael C Robinson (via email)

June 27, 2022

To: Mayor Endicott and City Council

RE: HB2001 Code Amendments

I felt it necessary for the Redmond Urban Area Planning Commission to be heard before the very important vote on HB 2001 takes place.

When we had our joint meeting with Council, on April 5<sup>th</sup>, 2022, it was determined that the best direction for the Planning Commission to take, was not to change the Density table numbers and to only make the code amendments required by the State to meet HB2001/SB458 requirements. That is exactly what the Planning Commission recommended at our hearing on June 6<sup>th</sup>, 2022. In a 4 to 2 vote, the Planning Commission voted to approve only the changes necessary in Exhibit A and Exhibit B to be put in place. Of the 2 no votes one works for Hayden Homes and should have recused themselves, and the other is a new Commissioner who later stated he didn't understand what was being asked.

The Planning Commission has been working on the code changes, only for HB2001 for the last year and a half. The Planning Commission had some brief discussion on housekeeping changes, but no evaluation or vetting of any of the other code changes being asked for in this packet. The Planning Commission believes that there are major implications on the future of Redmond development if these changes are not thoroughly evaluated by the Planning Commission and presented to City Council. We represent the largest Stakeholders in all of this, which is the City of Redmond citizens.

After a phone conversation today, June 27<sup>th</sup>, with Gordon Howard of DLCD the City would have to offer the Model Code if our HB2001 code is not in place by July 1<sup>st</sup>. With the importance of that timeline, only voting on the required changes makes sense. Going back and undoing the requested changes will be far more difficult if in place.

Redmond needs to hold true to it's Greater Neighborhood Principles, with developments of mixed housing types and meeting the amount of housing needed, as stated, in the 2020 Housing Needs Analysis. The Planning Commission needs time to evaluate whether the Staff recommended code changes, not related to HB2001, may have implications that may not be beneficial to the future development of Redmond.

I will be in attendance at the City Council meeting if there are questions, otherwise consider this the Planning Commission testimony for the hearing.

Thank you for your time and attention to this matter.

Respectfully,

Teri Jansen  
Chair  
Redmond Urban Area Planning Commission

June 28, 2022

Redmond City Council  
Submitted by email to [PublicTestimony@RedmondOregon.gov](mailto:PublicTestimony@RedmondOregon.gov)  
411 SW 9th Street  
Redmond, OR 97756

RE: Ordinance 2022-04: An Ordinance amending various sections of the City Code to incorporate HB 2001 requirements and other administrative changes – **Support of Staff Recommended Approval**

Dear Mayor Endicott and Councilors,

As a community member living in Redmond since 1996 and serving as a past and present planning commissioner, builder, developer, real estate broker, business owner and volunteer committee member I am writing **in full support of staff recommendations.**

I have done my very best to understand the statutes and rules being forced upon us by the State of Oregon, known as HB 2001 and SB 458 and after nearly 2 years' worth of hard work by staff, community members, consultants, and legal counsel the changes are before you tonight for your approval. Respectfully, I am recommending to Council that the required and revised items recommended by staff including the code clean-up be approved this evening.

Additionally, there has been feedback from the public regarding other areas of concern, I recommend that we as planning commissioners take the additional and appropriate time needed to work with all parties to investigate these sections and bring before council at a later date.

Sincerely,



Heather Dewolf  
915 SW Rimrock Way Suite 201-131  
Redmond, OR 97756



## CITY OF REDMOND

**CITY HALL**  
411 SW 9<sup>th</sup> STREET  
REDMOND, OR 97756  
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# STAFF REPORT

**DATE:** June 28, 2022  
**TO:** Redmond City Council  
**THROUGH:**  
**FROM:** Keith Witcosky, City Manager  
**SUBJECT:** Intergovernmental Agreement with Deschutes County and the Cities of Bend, La Pine, Redmond, and Sisters for a County-Cities Coordinated Houseless Response Office Pilot (implementation of HB 4123)

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### Addresses Council Goal:

7. COMPREHENSIVE PLANNING: Enhance the quality of life through adoption of programs, policies, and standards that manage growth while maintaining Redmond's small town feel. D.ii: Work with Deschutes County and appropriate neighboring communities to reduce homelessness and participate in community conversations to advance this topic.

### Report in Brief:

This item requests City Council authorize entering into an Intergovernmental Agreement with Deschutes County and the Cities of Bend, La Pine, Redmond, and Sisters for a County-Cities Coordinated Houseless Response Office Pilot.

### Background:

In the 2022 Oregon Legislative Session, House Bill 4123 (HB 4123) was approved.

HB 4123 establishes locally led, regional housing coordination through eight homeless response pilot projects across the state. Each pilot will receive \$1 million in state funding over two years to operationalize coordinated offices to strengthen their communities' homeless response.

Deschutes County was selected as one of the eight pilot projects.

The pilots are intended to:

- Provide high-level coordination, centralized communication, and strategic visioning;
- Identify opportunities to more effectively leverage existing funds and access new resources; and
- Create a more equitable, accessible and responsive system for their residents experiencing homelessness.

HB 4123 sets out minimum standards for each pilot, including:

- Sign an IGA with regional partners to manage and facilitate the coordinated homeless response office;
- Establish an oversight board, consisting of members from each participating local government;
- Develop a 5-year strategic plan to identify gaps in their community's homeless services, in coordination with community partners and existing efforts;
- Commit to continued, sustained funding beyond the first 2 years of state funding; and
- Report back to the legislature and OHCS on local progress, opportunities, and challenges to inform future state homeless funding and policy decisions

These standards provide a basic structure for accountability and the reasonable use of funds while giving communities the flexibility to model local best practices and create efficiencies in their regional homeless response systems, all in the name of improving access to resources and services for Oregonians experiencing homelessness. The required coordination with existing community partners, culturally specific organizations, and state and federal systems intends to build on Oregon's developing homeless response strategy, including critical connections to permanent affordable housing.

The full list of eight pilot communities is below:

- Benton County/City of Corvallis
- Coos County/City of Coos Bay/City of North Bend

- Deschutes County/City of Bend/City of Redmond/City of Sisters/City of La Pine
- Hood River County/Wasco County/Sherman County/City of The Dalles/City of Hood River/Mid-Columbia Community Action Council
- Lincoln County/Lincoln City/City of Newport/City of Toledo
- Polk County/Falls City/City of Monmouth/City of Independence/City of Willamina/City of Dallas/Confederated Tribes of Grand Ronde/Mid-Willamette Valley Community Action Agency
- Tillamook County/City of Tillamook/Bay City/City of Garibaldi/City of Rockaway Beach/City of Wheeler/City of Manzanita/Community Action Resource Enterprises Inc. (CARE)
- Umatilla County/City of Hermiston/City of Stanfield/City of Echo/City of Umatilla

#### **Discussion:**

A Governing Board has been created and held its initial meeting, Friday, June 17, 2022.

The Governing Board is comprised of one elected from each participating municipality in Deschutes County:

Redmond: Mayor George Endicott

Deschutes County: County Chair Patti Adair

City of Bend: Councilor Megan Perkins

City of LaPine: Council Colleen Scott

City of Sisters: Councilor Andrea Blum

The Office of Homelessness will be structurally part of the Deschutes County and the Executive Director (to be hired this summer) will report to County Administrator Nick Lelack.

The action requests City Council authorize entering into the IGA which has already been approved by Deschutes County and other cities. As a party to the IGA the City of Redmond commits to participating in the initiative with both an elected official as well as a staff liaison. While part of the responsibility for each of the pilot projects is to identify long term funding, the IGA does not place a funding responsibility, nor commit the City of Redmond to funding.

Identifying funding for the pilot beyond the two years provided by the State of Oregon will be a task for the Governing Board.

#### **Fiscal Impact:**

Aside from the investment of time from an elected official and staff, there is no direct financial requirement associated with this item.

#### **Alternative Courses of Action:**

1. Approve entering into the IGA
2. Do not approve entering into the IGA
3. Take no Action and Request more information

#### **Recommendation / Suggested Motion:**

I move to approve the City of Redmond entering into the Inter-Governmental Agreement for the Coordinated Houseless Response Office Pilot initiative.

**INTERGOVERNMENTAL AGREEMENT**  
**COORDINATED OFFICE ON HOUSELESSNESS**

**\*\*DRAFT: 6-15-22 \*\***

**PARTIES**

- Deschutes County, a political subdivision of the State of Oregon, (“County”)
- City of Bend, an Oregon Municipal Corporation, (“Bend”)
- City of La Pine, an Oregon Municipal Corporation, (“La Pine”)
- City of Sisters, an Oregon Municipal Corporation, (“Sisters”)
- City of Redmond, an Oregon Municipal Corporation, (“Redmond”)

**RECITALS**

A. ORS 190.010 authorizes units of local government to enter into Intergovernmental Agreements (“IGA”) for the performance of any or all functions which a Party to the IGA has the authority to perform.

B. The Parties to this IGA agree to support a joint effort to implement [HB 4123](#) and establish a countywide County-City Coordinated Houseless Response Office Pilot (“Office”).

C. The Office will operate under the general direction of the Deschutes County Administrator (“CA”) and subject to oversight and policy direction by the Oversight Board of Directors (“Board”).

D. The Board will be comprised of one (1) elected official from each Party to this IGA. Initial Board members have the opportunity to make important, foundational decisions at inception including ensuring sound governance and input to the County Administrator on the hiring of the Executive Director (“ED”). The Board will approve the Office Strategic Plan and will provide policy direction to the Office.

E. The Deschutes County Counsel office will act as legal advisor to the Executive Director, the CA, and the Board for matters related to the Office or the purpose of this IGA. Nothing in this IGA is intended to abrogate, waive, or diminish the attorney-client privilege or other confidentiality provisions applicable between City elected officials and City employees and legal counsel for their respective cities.

F. Parties to this IGA shall appoint a staff liaison to attend Board meetings and work/coordinate with the Office.

G. Board members shall serve as a liaison between their elected body and the Office.

H. As an entity authorized by statute and formed by an IGA with the authority to make decision on policy and administration, the Board is considered a public body for the purposes of the public meetings law, will hold noticed meetings open to the public, and otherwise act in accordance with Oregon Public Meetings Law.

I. The Office will include an Advisory Panel ("Panel") comprised of houselessness experts drawn from the community, to include representatives with knowledge and experience in the areas of youth services, lived experiences, DEI, accessibility, housing, houselessness, land use, public education, health, education, philanthropy.

J. The Office will coordinate with and develop partnerships with local and regional stakeholders as specified in House Bill 4123.

K. The Office will be managed by an ED who will report to and be supervised by the CA or designee. The ED will be charged with general operation of the Office as more fully described in the Job Description attached hereto as Exhibit 1.

L. For the first two fiscal years, the Office will be funded with pilot funding of \$1,000,000 provided by the State of Oregon.

## **TERMS OF AGREEMENT**

- 1. Effective Date/Duration.** This IGA shall be effective when signed by two or more Parties. Unless extended or earlier terminated in a writing signed by a majority of the Parties, this IGA terminates on June 30, 2027.
- 2. Commitment to Support.** Parties to this IGA commit to support the Office for a total of not less than five fiscal years. The Parties understand that this IGA will need to be amended as the funding and commitments for years 3-5 are further defined and clarified by the Parties.
- 3. Strategic Plan.** Within one year of receiving the funding from the State of Oregon, the Board will adopt a five-year strategic plan that identifies and sets goals as set forth in HB 4123.
- 4. Member Obligations.**
  - a. County will provide direct supervision to the Office and to all employees of the Office, including but not limited to the Executive Director. County will retain oversight of fiscal matters of the Office and will be responsible for all associated salary/wages, tax withholding, benefits, insurance, etc. No employment or contractual relationship of any kind exists or will exist between the Parties to this IGA (other than the County) and the Office/employees in the Office. The Office and the Board will be covered under the Deschutes County insurance.
  - b. Bend will provide staff liaison and for two years, office facility for the Executive Director and support staff.

- c. La Pine will provide a staff liaison.
- d. Sisters will provide a staff liaison.
- e. Redmond will provide a staff liaison.

## **5. General Terms.**

- a. Assignment. This IGA, and each Party's rights and responsibilities associated with this IGA may not be assigned.
- b. Entire Agreement. This IGA sets forth the entire agreement of the parties with respect to the subject matter of the IGA and supersedes any and all prior negotiations, discussions, agreements and understandings of the parties.
- c. Recitals. The Recitals are incorporated into and made part of this IGA.
- d. Board Meetings. Meetings of the Board shall establish a meeting schedule [that meets quarterly or monthly].
- e. Panel Meetings. Meetings of the Panel shall occur monthly on the date established by the ED.
- f. Dispute Resolution. The Parties agree to attempt to resolve any disputes related to this IGA first by meeting between the City Managers and County Administrator. In the event dispute resolution is unsuccessful, this IGA will be construed, applied and enforced in accordance with the laws of the State of Oregon. Any action or proceedings arising out of this IGA will be initiated in the Circuit Court of Deschutes County, Oregon.
- g. Severability. If any provision of this IGA is held illegal or unenforceable in any respect, the remaining provisions remain in full force and effect to the extent possible.
- h. Access to Records. All parties to the IGA shall maintain fiscal records and all other records pertinent to this IGA.
  - 1. All fiscal records shall be maintained pursuant to generally accepted accounting standards, and other records shall be maintained to the extent necessary to clearly reflect actions taken.
  - 2. All records shall be retained and kept accessible for at least three years, or as otherwise required to be retained by Oregon law.
  - 3. If an audit, litigation or other action involving this IGA is started before the end of the three-year period, the records shall be retained until all issues arising out of the action are resolved or until the end of the three-year period, whichever is later.
  - 4. All Parties to this IGA and their authorized representatives shall have the right to direct access to all associated books, documents, and papers.

and records related to this IGA for the purpose of conducting audits and examinations and making copies, excerpts and transcripts.

5. In the event of a public records request, the Office is considered the custodian of the public records of the Board. To the extent more than one public body is the custodian of a given public record, when a city or county receives a request it has received from another public body, it may consult with the originating body to determine whether the records may be exempt from disclosure.
- i. Amendment/Extension. This IGA may be amended or extended by mutual written agreement of the Parties.
- j. Indemnification. Subject to the limits of the Oregon Tort Claims Act and the Oregon Constitution, each Party shall defend, indemnify, and hold each other Party, and its officers, agents, employees and volunteers, harmless against all liability, claims, losses, demands, suits, fees and judgments (collectively referred to as "claims") that may be based on, or arise out of, damage or injury (including death) to persons or property caused by or resulting from any act or omission of the Party in connection with the performance of this IGA or by conditions created thereby or based upon violation of any statute, ordinance or regulation. This indemnification shall not apply to claims caused by the sole negligence or willful misconduct of the other Party, its officers, agents, employees and volunteers. The Parties agree that they are not agents of each other and are not entitled to indemnification and defense under ORS 30.285 and ORS 30.287.
- k. Each Party has reviewed this IGA with its own legal counsel.
- l. The persons signing below acknowledge they have read and understood this agreement and certify that they have authorization from their governing bodies to execute this IGA and be bound by its terms.

CITY OF BEND

DESCHUTES COUNTY

\_\_\_\_\_  
By: \_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
Nick Lelack, County Administrator  
Date: \_\_\_\_\_

CITY OF LA PINE

By: \_\_\_\_\_  
Date: \_\_\_\_\_

CITY OF SISTERS

By: \_\_\_\_\_  
Date: \_\_\_\_\_

CITY OF REDMOND

By: \_\_\_\_\_  
Date: \_\_\_\_\_



## CITY OF REDMOND

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# STAFF REPORT

**DATE:** June 28, 2022  
**TO:** Redmond City Council  
**THROUGH:** Keith Witcosky, City Manager  
Jason Neff, Chief Financial Officer  
**FROM:** Kelly Morse, City Recorder  
**SUBJECT:** Proclamation Certifying the May 17, 2022, Elections Results

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### Addresses Council Goal:

1(A)(i)(d) - Advance initiative for a new Police Station through land acquisition and appropriate needs analysis and financial strategies. Target new facility opening by 2024/2025.

### Report in Brief:

Per Oregon Revised Statutes Chapter 254 - "Conduct of Elections", requires the City Elections Official to determine election results based on the Abstract of Votes received from the Deschutes County Clerk. The votes have been canvassed and a proclamation has been prepared declaring the results.

### Background:

At the Primary Election held on May 17, 2022, qualified voters of the City of Redmond considered Ballot Measure 9-145 which put forth the question of whether or not the City should issue bonds to construct a new Public Safety Facility. A canvass of votes has determined that Ballot Measure 9-145 passed.

### Discussion:

N/A

### Fiscal Impact:

N/A

### Alternative Courses of Action:

1. Approve the proclamation.
2. Do not approve the proclamation.
3. Request more information.

### Recommendation / Suggested Motion:

"I move to accept the proclamation declaring the results of the May 17, 2022, Primary Election."

# City of Redmond PROCLAMATION

## **A PROCLAMATION OF THE CITY OF REDMOND DECLARING THE RESULTS OF THE MAY 17, 2022, PRIMARY ELECTION.**

**WHEREAS**, on February 22, 2022, the Redmond City Council adopted Resolution No. 2022-05, which directed the question of issuing General Obligation bonded indebtedness in an aggregate principal amount not to exceed \$40 million to finance a new Public Safety Facility, to be filed with the Deschutes County Elections Office and referred to a vote of the people at the May 17, 2022, election; and

**WHEREAS**, Resolution No. 2022-05 also approved the final ballot title and explanatory statement; and

**WHEREAS**, on February 25, 2022, a Notice of Redmond Ballot Title was duly published in a newspaper of general circulation; and

**WHEREAS**, on March 7, 2022, the City Elections Official filed the measure with the Deschutes County Clerk for the May 17, 2022, election; and

**WHEREAS**, on June 13, 2022, the City Elections Official received the Official Final Results of the election, attached as Exhibit A and by this reference incorporated herein; and

**WHEREAS**, the City Elections Official, being the proper official to do so, has canvassed the votes for said election and finds that they are as follows:

### **BALLOT MEASURE 9-145**

|             |       |
|-------------|-------|
| Yes         | 4,576 |
| No          | 3,642 |
| Over Votes  | 2     |
| Under Votes | 346   |

**Total Votes Cast: 8,566**

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REDMOND, OREGON, AS FOLLOWS:**

**SECTION ONE:** Measure 9-145, which posed the question to voters at the May 17, 2022, election, "Shall the City issue bonds to construct a new Public Safety Facility to modernize and enhance delivery of safety services?", is declared to have passed.

**APPROVED** by the City Council and **SIGNED** by the Mayor this 28<sup>th</sup> day of June 2022.

The City of Redmond, Oregon

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George Endicott, Mayor

ATTEST:

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Trish Pinkerton, Assist. to Recorder's Office

Official Final Results  
Statement of Ballots Cast

Page: 1 of 1  
June 13, 2022

Deschutes County, May 17, 2022 Primary Election

All Precincts, All Districts, All Counter Groups, All ScanStations, 9-145, City of Redmond, All Boxes

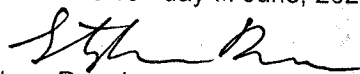
Total Ballots Cast: 8566, Registered Voters: 152180, Overall Turnout: 5.63%

**9-145, City of Redmond (Vote for 1)**

| Precinct    | Ballots<br>Cast | Reg.<br>Voters | Total<br>Votes | Yes  |        | No   |        | Over<br>Votes | Under<br>Votes |
|-------------|-----------------|----------------|----------------|------|--------|------|--------|---------------|----------------|
| Precinct 17 | 1495            | 5289           | 1427           | 758  | 53.12% | 669  | 46.88% | 0             | 68             |
| Precinct 28 | 1438            | 4002           | 1364           | 810  | 59.38% | 554  | 40.62% | 0             | 74             |
| Precinct 29 | 2083            | 5606           | 2006           | 1135 | 56.58% | 871  | 43.42% | 0             | 77             |
| Precinct 36 | 3550            | 9607           | 3421           | 1873 | 54.75% | 1548 | 45.25% | 2             | 127            |
| Total       | 8566            | 24504          | 8218           | 4576 | 55.68% | 3642 | 44.32% | 2             | 346            |

I, Steve Dennison, Deschutes County Clerk, do hereby certify that the votes recorded on this report correctly summarize the tally of votes cast at the May 17, 2022 Primary Election.

Dated this 13<sup>th</sup> day of June, 2022.

  
Steve Dennison  
Deschutes County Clerk

SEAL



## CITY OF REDMOND

**CITY HALL**  
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# STAFF REPORT

**DATE:** June 28, 2022  
**TO:** City Council  
**THROUGH:** Keith Witcosky, City Manager  
**FROM:** Jason Neff, Chief Financial Officer  
**SUBJECT:** Resolution #2022-21 - Authorizing Issuance of GO Bonds

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### Addresses Council Goal:

1.A.i.d. Advance initiative for a new Police Station through land acquisition and appropriate needs analysis, and financial strategies. Target new facility opening by 2024/2025.

### Report in Brief:

This item requests City Council approval of Resolution #2022-21 authorizing staff to issue up to \$40 million in General Obligation (GO) bonds to finance a new Public Safety Facility, which was passed by Redmond voters on May 17, 2022.

### Background:

The existing police station was built in 1998. Since 2000, the population of Redmond has increased 262% and police calls for service has increased by 214%. A new Public Safety Facility (PSF) is being prioritized because the existing police station requires extensive repairs to replace failing sewer and HVAC systems and does not meet current and future needs of the City as a result of community growth.

### Project Funding

#### *General Obligation (GO) Bond:*

The primary resource to finance the PSF is through a General Obligation (GO) Bond. Redmond voters approved the GO through ballot measure 9-145 in the May 17, 2022 election.

The certified results according to the Deschutes County Election office was:

Yes 55.68% 4,756 votes  
No 44.32% 3,642 votes

The GO Bond gives the City authority to levy an additional property tax that is sufficient to pay the bond. On February 22, 2022 Council directed staff to prepare a \$40 million GO Bond Resolution and ballot measure for consideration.

### *Additional Project Funding:*

City Council has committed \$9 million for the new PSF through the following actions:

- Action #1: The 2021/22 and 2022/23 adopted budgets include \$3.1 million of General Fund resources for the project.
- Action #2: In September 2021, via the City's American Rescue Plan Act (ARPA) funds, the Council approved \$2.9 million towards the PSF.
- Action #3: In February 2022, via the City's American Rescue Plan Act (ARPA) funds, the Council approved \$2.9 million towards the PSF.

### Project Cost

From October 2021 - February 2022, the City worked with FFA Architects to conduct a needs analysis for the PSF, create a conceptual design and produce a cost estimate for the project. The completion of the conceptual design increased the construction cost confidence level from Low to Moderate.

Land Acquisition \$ 2.3 million (actual - purchased in October 2021)

|                                                          |                                                                                   |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|
| Direct Construction Costs                                | \$ 32.5 million (includes a 15% contingency + 9% escalation to 2023 construction) |
| Soft Costs (incl. Design, Owner's Rep., FF&E, etc.)      | \$ 9.7 million (assumed 30% of direct construction costs)                         |
| <b>TOTAL PROJECT COST ESTIMATE (Moderate Confidence)</b> | <b>\$ 44.5 million</b>                                                            |
| City Contingency (10%)                                   | \$ 4.2 million                                                                    |
| <b>TOTAL PROJECT COST ESTIMATE W/ CITY CONTINGENCY</b>   | <b>\$ 48.7 million</b>                                                            |

On February 22, 2022, City Council set a \$49 million cap for the project.

#### **Discussion:**

Staff is seeking final City Council authorization to issue the GO bond via the attached resolution (#2022-21). Approval allows staff to take all the necessary steps to issue \$40 million of GO Bonds to fund the new PSF. This includes (among other items) selecting an underwriter to sell the bonds, paying cost of issuance (i.e. underwriter, financial advisor, bond counsel fees), settling terms associated with sale of the bonds (i.e. interest rates, etc.) and sign all documents/financing agreements.

Despite a recent increase in interest rates, current estimates (as of June 16) indicate \$40 million can be issued at or below the advertised rate per \$1,000 of Assessed Value of \$0.73.

With Council authorization on June 28, the following next steps are planned:

| Item                                    | Date           |
|-----------------------------------------|----------------|
| Review / Select Underwriter             | July 1         |
| Rating Agency Review<br>(Credit Rating) | July 18        |
| Pricing (Sale Date)                     | August 3 or 11 |
| Closing (Funding in Hand)               | August 25      |

#### **Project Next Steps:**

In June/July 2022, staff will be issuing an RFQ for an Owner's Representative to help shepherd and manage the PSF. It is anticipated that an Owner's Representative contract will be brought to City Council for approval in August or early September 2022.

#### **Fiscal Impact:**

The General Obligation (GO) Bond will be repaid by an annual property tax. The approved ballot measure is estimated to cost property owners an average of \$0.73 per \$1,000 of assessed value each year of the repayment period. The property tax rate is applied to the assessed value of a property, which is often lower than the market value of a property. Redmond's city-wide average residential assessed value is \$203,000, and a home with that assessed value would pay approximately \$148 per year or \$12 per month. Actual levy rate may differ due to final interest rates and future changes in assessed value. The interest rate for the GO Bond is anticipated to be known in August 2022.

#### **Alternative Courses of Action:**

1. Approve Resolution #2022-21 as presented
2. Amend and Approve Resolution #2022-21
3. Do not approve Resolution #2022-21

#### **Recommendation / Suggested Motion:**

I move to approve Resolution #2022-21.

**CITY OF REDMOND  
RESOLUTION NO. 2022-21**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDMOND, OREGON, AUTHORIZING THE ISSUANCE, SALE, EXECUTION AND DELIVERY OF GENERAL OBLIGATION BONDS IN ONE OR MORE SERIES AND FROM TIME TO TIME IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$40,000,000 TO FINANCE A NEW PUBLIC SAFETY FACILITY FOR THE REDMOND POLICE DEPARTMENT; CLASSIFYING THE AD VALOREM TAX LEVY AS TAXES TO PAY PRINCIPAL AND INTEREST ON GENERAL OBLIGATION INDEBTEDNESS EVIDENCED BY THE BONDS AND PROVIDING FOR NOTICE OF ADOPTION OF THIS RESOLUTION; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND DECLARATION OR OTHER FINANCING AGREEMENT AND RELATED ISSUANCE AND SALE DOCUMENTS; AND AUTHORIZING SUCH OTHER AGREEMENTS, CERTIFICATES AND DOCUMENTS AS MAY BE NECESSARY AND APPROPRIATE TO CARRY OUT SUCH TRANSACTION; DESIGNATING AN AUTHORIZED REPRESENTATIVE; DELEGATING RESPONSIBILITIES; AND RELATED MATTERS.**

**WHEREAS**, the City of Redmond, Oregon (the "City"), is authorized pursuant to the Constitution and Statutes of the State of Oregon, including Oregon Revised Statutes ("ORS") Chapter 287A, to issue general obligation bonds to finance capital construction and improvements; and

**WHEREAS**, on February 22, 2022, the City Council (the "City Council") of the City adopted Resolution No. 2022-05 authorizing submission to the voters of the City at a measure election on a new public safety facility (the "Election"), the question of contracting general obligation bonded indebtedness in an aggregate principal amount not to exceed \$40,000,000 to finance a new Public Safety Facility for the Redmond Police Department (the "Project"); and

**WHEREAS**, the Election was duly and legally held on May 17, 2022, and the election's officer of Deschutes County, Oregon, has notified the City that the measure election was approved by a majority vote; and

**WHEREAS** pursuant to the ballot title and the provisions of Oregon law, including ORS Chapter 287A, the City is authorized to issue general obligation bonds to finance the Project and to pay bond issuance costs including, without limitation, the funding of any required reserves and payment of costs in connection with obtaining a Credit Enhancement Device (a "Credit Enhancement Device" as defined in ORS chapter 287A) for such bonds, if beneficial to the City; and

**WHEREAS** the City may incur expenditures in connection with the Project (the "Expenditures") and wishes to declare its official intent to reimburse itself with the proceeds of the Bonds (as defined below) for Expenditures in conformity with the requirements of United States Treasury Regulations Section 1.150-2; and

**WHEREAS** it is financially feasible and in the best interest of the City to issue general obligation bonds (the “Bonds”) to (i) finance a portion of the Project, and (ii) pay costs of issuance of the Bonds; and

**WHEREAS** it is in the best interest of the City to authorize the execution and delivery of a bond declaration (the “Bond Declaration”), establishing the terms and conditions of the purchase and sale of the Bonds in a method to be determined by the authorized representative of the City as provided herein, and such other agreements, certificates and documents as may be necessary to provide for the financing of the Project, and the terms and conditions for the purchase, sale, issuance, execution, delivery and administration of the Bonds (collectively, the “Financing Documents”); and

**WHEREAS** the City adopts this Resolution (i) to provide the terms under which the Bonds will be sold, executed and delivered; (ii) to designate an authorized representative of the City and delegate responsibilities; and (iii) to classify the ad valorem taxes levied to pay debt service on the Bonds as not being subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REDMOND AS FOLLOWS:**

**SECTION ONE. General Obligation Bonds Authorized.** The City authorizes the issuance, sale, execution and delivery of Bonds, in one or more series, from time to time, in an aggregate principal amount not to exceed \$40,000,000 to finance the costs of the Project and to pay costs of issuance of the Bonds. The Bonds may be issued such that interest on the Bonds is tax-exempt, as designated by the Authorized Representative (defined below). The true interest cost of the Bonds shall not exceed 6.00% per annum. The terms and conditions for the purchase, sale, issuance, execution, delivery and administration of the Bonds shall be established consistent with the authorization of this Resolution.

**SECTION TWO. Designation of Authorized Representative.** The City Council authorizes and directs the City Manager, the Chief Financial Officer or their respective designees (each an “Authorized Representative”), each acting individually, to act on behalf of the City and to execute and deliver the Financing Documents related to the sale, execution and delivery of the Bonds and to determine the remaining terms of the Bonds to be established and to take such other actions as set forth in Section 9 herein.

**SECTION THREE. Security.** The Bonds are general obligations of the City. The full faith and credit and taxing powers of the City are pledged to the successive owners of each of the Bonds (“Owners” or “Bondowners”) for the punctual payment of such obligations when due. The City covenants with the Bondowners to levy annually a direct ad valorem tax upon all of the taxable property within the City without limitation as to rate or amount, and outside of the limitations of sections 11 and 11b, Article XI of the Oregon Constitution, after taking into consideration discounts taken and delinquencies

that may occur in the payment of such taxes, to pay interest accruing and the principal maturing on the Bonds promptly when and as they become due.

**SECTION FOUR. Form of Bonds.** The Bonds shall be prepared in book-entry only form by Bond Counsel in substantially the form approved by the Authorized Representative and shall be attached to the Bond Declaration.

**SECTION FIVE. Execution of Bonds.** The Bonds shall be executed on behalf of the City with the manual or facsimile signature of the City Manager and attested to by the manual or facsimile signature of an Authorized Representative of the City.

**SECTION SIX. Book-Entry System.** The Bonds shall be initially issued in the form of a single fully registered certificate, one for each maturity of the Bonds, held in a book-entry only system through The Depository Trust Company, New York, New York ("DTC"). The Bonds shall be registered in the name of Cede & Co., as nominee for DTC. The City has entered into a Blanket Issuer Letter of Representations representing that it will comply with the requirements stated in DTC's Operational Arrangements as they may be amended from time to time. All other provisions with respect to DTC shall be set forth in the Bond Declaration.

**SECTION SEVEN. Redemption and Notice of Redemption of Bonds.** The Bonds may be subject to optional redemption and mandatory redemption prior to maturity as determined by the Authorized Representative pursuant to this Resolution and as set forth in the Bond Declaration, including provisions with respect to the form, content and delivery of notices of redemption.

**SECTION EIGHT Tax-Exempt Status of Bonds.** The City covenants to use the proceeds of the Bonds and the facilities financed or refinanced with the Bonds, and to otherwise comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), so that interest paid on any Bonds will not be includable in gross income of the Bondowners for federal income tax purposes. The City specifically covenants:

- (a) to comply with the "arbitrage" provisions of Section 148 of the Code, and to pay any rebates to the United States on the gross proceeds of the Bonds;
- (b) to operate the facilities financed with the proceeds of the Bonds so that the Bonds are not "private activity bonds" under Section 141 of the Code; and
- (c) comply with all reporting requirements.

The Authorized Representative may enter into covenants on behalf of the City to maintain the tax-exempt status of the Bonds

**SECTION NINE. Delegation for Establishment of Terms and Sale of the Bonds.** In connection with the issuance of Bonds, from time to time, the Authorized Representative is hereby authorized, on behalf of the City and without further action of the City Council, to:

- (a) negotiate, execute and deliver a Bond Declaration that among other things, sets forth the final terms, covenants, representations and agreements determined by the Authorized Representative to be necessary and appropriate in connection with the issuance, sale, execution and delivery of the Bonds and consistent with the intents and purposes set out in this Resolution;
- (b) establish the dated date, principal and interest payment dates, principal amounts, optional and mandatory redemption provisions, if any, interest rates, and denominations, defeasance provisions, and all other terms for the Bonds;
- (c) appoint a paying agent and Bond Registrar for the Bonds;
- (d) establish funds and accounts under the Bond Declaration into which the proceeds of the Bonds shall be deposited, which funds and accounts shall be continually maintained, except as otherwise provided, so long as the Bonds remain unpaid;
- (e) approve the form of the Bonds and take such actions as are necessary to qualify the Bonds for the Book-Entry System of DTC;
- (f) obtain one or more ratings on the Bonds if determined by the Authorized Representative to be in the best interest of the City, and expend Bond proceeds to pay the costs of obtaining such rating;
- (g) authorize the publication of a Notice of Adoption of Resolution Classifying Taxes pursuant to Section 10;
- (h) enter into covenants regarding the use of the proceeds of the Bonds and the Project financed and refinanced with the proceeds of such Bonds, to maintain the tax-exempt status of the Bonds;
- (i) evaluate any proposals from providers of Credit Enhancement Devices for the Bonds, obtain a Credit Enhancement Device for the Bonds and execute and deliver agreements related to such Credit Enhancement Device and/or include representations, agreements and covenants in the Bonds or the Financing Documents with respect to such Credit Enhancement Device;
- (j) approve of and authorize the distribution of preliminary and final official statements for the Bonds;
- (k) approve, execute and deliver a Continuing Disclosure Certificate pursuant to SEC Rule 15c2-12, as amended;
- (l) establish the level of original issue premium/discount with respect to the issuance of the Bonds;
- (m) approve, execute and deliver closing documents and certificates in connection with the issuance of the Bonds; and

(n) designate one or more series of the Bonds as green bonds, social impact bonds or another similar designation, and engage a third-party verification firm in connection with such designation;

(o) approve the final form of and cause a notice of bond sale for a competitive sale, substantially in the form approved by the Authorized Representative to be published electronically or otherwise, and award the successful bid or reject the bids for the Bonds, consistent with the provisions of this Resolution; or if determined by the Authorized Representative to be in the best interest of the City, negotiate the terms of the Bonds with an underwriter selected by the Authorized Representative and enter into a bond purchase agreement for the sale of the Bonds; and

(p) execute and deliver a certificate specifying the action taken by the Authorized Representative pursuant to this Section 9 and any other certificates, documents or agreements that the Authorized Representative determines are desirable to issue, sell, deliver and administer the Bonds in accordance with this Resolution.

**SECTION TEN. Resolution Classifying Taxes.** The City hereby classifies the taxes levied to pay principal and interest on the Bonds as not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution. This Resolution constitutes a resolution authorizing issuance of bonded indebtedness in the form of the Bonds that includes a classification of bonded indebtedness, in the form of the Bonds, as not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution for purposes of ORS 305.583 and ORS 310.145. The Authorized Representative is hereby authorized to cause to be published a notice in a newspaper of general circulation in the City of the City's adoption of this Resolution, and classification of taxes levied to pay principal and interest on the Bonds as not being subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution in substantially the form of the notice as shown on Exhibit A attached hereto, within 15 days after passage of this Resolution and which meets the requirements of ORS 305.583.

**SECTION ELEVEN. Declaration of Official Intent.** The City hereby declares its official intent to reimburse itself with proceeds of the Bonds for Expenditures paid by it prior to the issuance of the Bonds.

**SECTION TWELVE. Appointment Of Bond Counsel and Financial Advisor.** The City appoints Orrick, Herrington & Sutcliffe LLP as Bond Counsel to the City with respect to the Bonds and appoints Piper Sandler & Co., as Financial Advisor to the City with respect to the Bonds.

**SECTION THIRTEEN. Resolution to Constitute Contract.** In consideration of the purchase and acceptance of any or all of the Bonds by the Owners, the provisions of this Resolution shall be part of the contract of the City with the Owners and shall be deemed to be and shall constitute a contract between the City and the Owners. The covenants, pledges, representations and agreements contained in this Resolution or in the closing documents executed in connection with the Bonds, including without limitation the City's covenants and pledges contained in Section 3, and the other

covenants and agreements set forth in this Resolution to be performed by or on behalf of the City shall be contracts for the equal benefit, protection and security of the Owners, all of which shall be of equal rank without preference, priority or distinction of any of such Bonds over any other thereof, except as expressly provided in or pursuant to this Resolution.

**SECTION FOURTEEN. Effective Date of Resolution.** This Resolution shall take effect immediately upon adoption by the City Council

**ADOPTED** by the City Council and **SIGNED** by the Mayor this 28<sup>th</sup> day of June 2022.

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George Endicott, Mayor

ATTEST:

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Trish Pinkerton, Asst. to City Recorder

## **EXHIBIT A**

### **NOTICE OF ADOPTION OF RESOLUTION CLASSIFYING TAXES AND SPECIFYING THE AUTHORIZED USES OF BOND PROCEEDS**

The City of Redmond, Oregon (the "City"), hereby gives notice that on June 28, 2022, the City Council of the City adopted its Resolution No. 2022-21 (the "Resolution"). The Resolution classifies the ad valorem taxes to be levied upon all of the taxable property within the City for the purpose of paying principal and interest on the City's general obligation bonded indebtedness in an aggregate principal amount not to exceed \$40,000,000 to be issued in one or more series, from time to time, approved by the legal voters of the City at the election held May 17, 2022, as not being subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution. Complete copies of the Resolution may be obtained by contacting Ms. Kelly Morse, City Recorder, City of Redmond, Oregon, 411 SW 9<sup>th</sup> St., Redmond, Oregon 97756, Telephone: (541) 923-7710. Judicial review of the City's classification of such taxes and specification of authorized uses may be sought within 60 days of the date of the Resolution pursuant to ORS 305.583.

This Notice is published pursuant to ORS 305.583 and ORS 310.145.

#### **CITY OF REDMOND, OREGON**

Published: [\_\_\_\_], 2022, in *The Redmond Spokesman*.



# PUBLIC SAFETY FACILITY

## GENERAL OBLIGATION (GO) BOND AUTHORIZING RESOLUTION

CITY COUNCIL  
JUNE 28, 2022



# COUNCIL ACTION NEEDED

01

**CERTIFY ELECTION RESULTS**

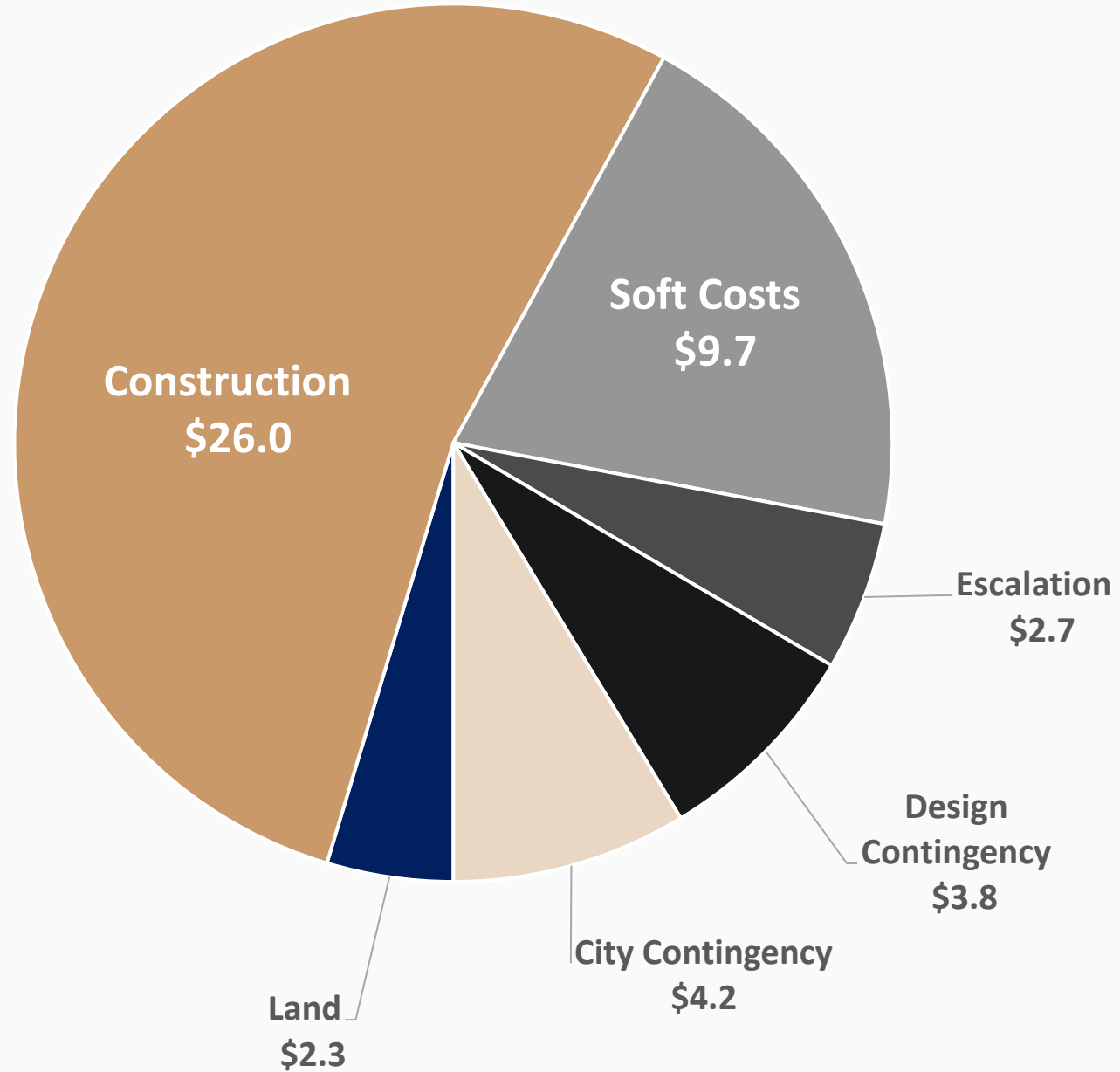
02

**GO BOND AUTHORIZING RESOLUTION**

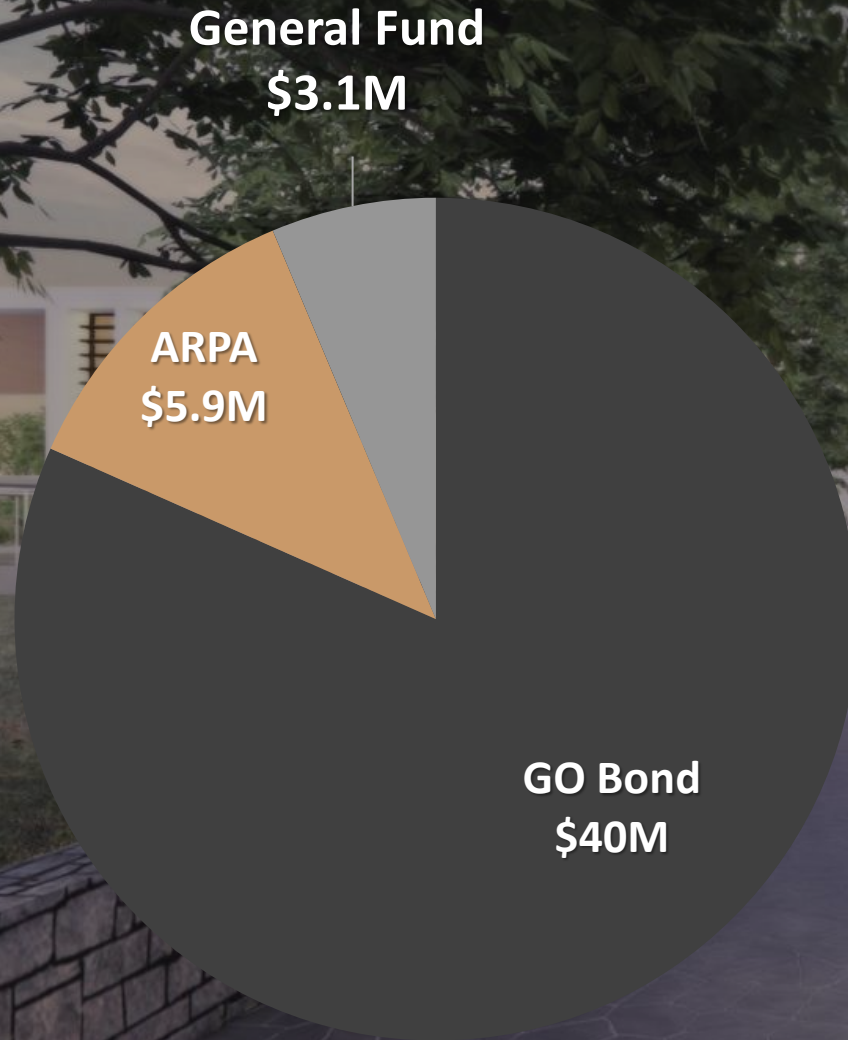


# PROJECT COST

# \$49 MILLION



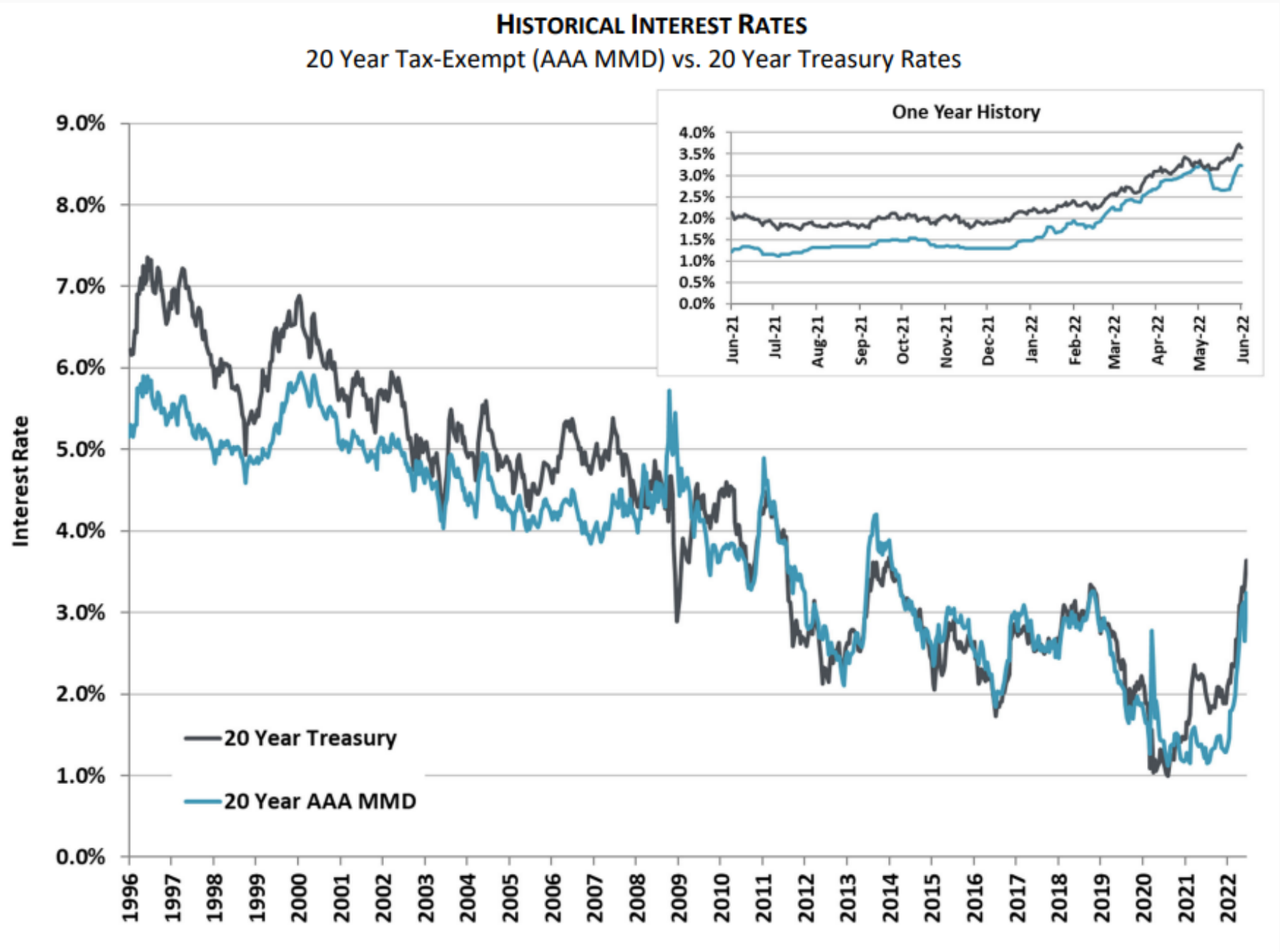
# NEW PUBLIC SAFETY FACILITY



**\$49** MILLION  
CAP



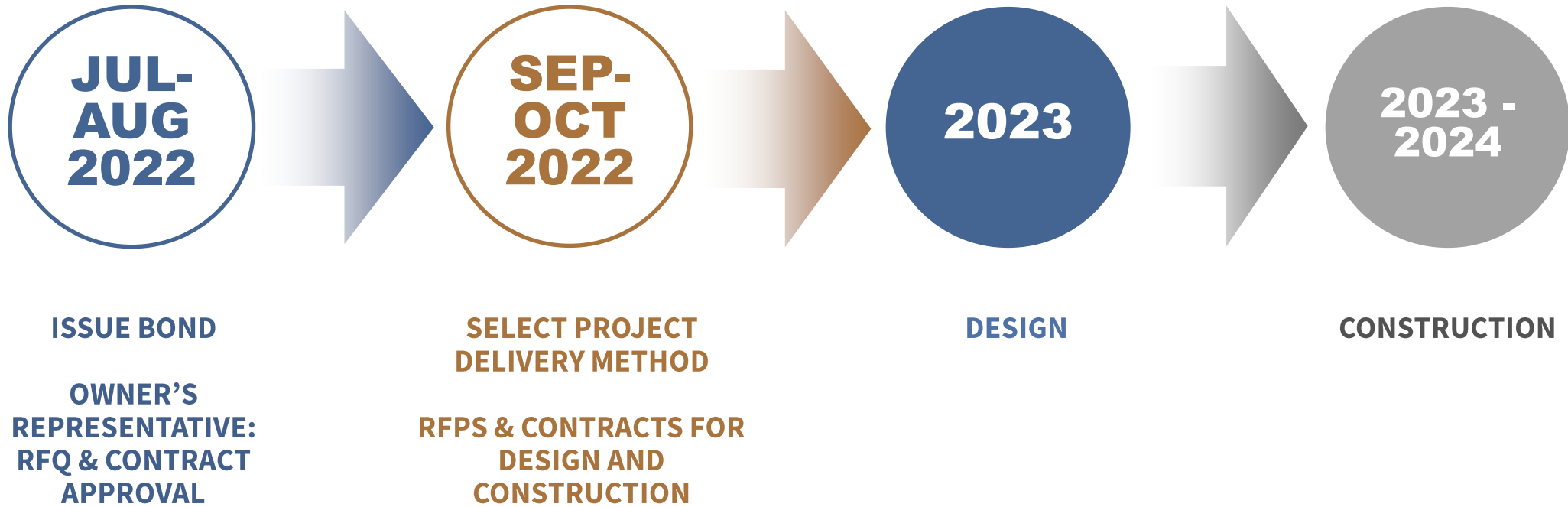
# INTEREST RATES





# NEXT STEPS

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# DISCUSSION