



CITY OF REDMOND
Community Development Department

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www.ci.redmond.or.us

REDMOND URBAN AREA PLANNING COMMISSION
City Hall Conference Room A 716 SW Evergreen Avenue

Monday, February 24, 2014

6:00 PM

Agenda

**UAPC
Members**

**Evan
Dickens,
Chair**

**Dean
Lanouette,
Vice-Chair**

David Allen

**Jennifer Cort
Youth Ex-Officio**

Anne Graham

Bea Leach

**Lori
McCoy**

**Eric
Porter**

I. CALL TO ORDER

II. APPROVAL OF MINUTES

- a. January 7, 2014
- b. February 3, 2014

III. CITIZEN COMMENTS

IV. WORK SESSION

- a. Development Code Amendment – Consistency with State and Federal Law – Exhibit 1
- b. Development Code Amendment – Home Occupations – Exhibit 2
- c. Development Code Amendment – Administrative Citation Process – Exhibit 3
- d. Update – Southwest Area Plan (meeting update only)

V. COUNCIL LIASON COMMENTS (if present)

VI. STAFF COMMENTS

VII. COMMISSIONER COMMENTS

VIII. ADJOURN

*Please note that these documents are also available on the City's website www.ci.redmond.or.us; click on City Government, hover on Commissions and Committees, click on Urban Area Planning Commission. You may also request a copy from City Records Office 923-7751 or email KellyM@ci.redmond.or.us

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DRAFT

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REDMOND URBAN AREA PLANNING COMMISSION

Minutes

Tuesday, January 7, 2014

Conference Room A, 716 SW Evergreen Avenue, Redmond, Oregon

Commissioners Present: Chair Evan Dickens, Vice-Chair Dean Lanouette, David Allen, Anne Graham, Bea Leach, Lori McCoy, Eric Porter

Youth Ex Officio Member Present: Jennifer Cort

City Staff: Heather Richards, *Community Development Director*; James Lewis, *Planning Manager*; Cameron Prow, *TYPE-Write II*

Visitors: Mayor George Endicott; Tory Allman, *City Councilor*

(scribe CP's note: The minutes were created from an audio record and notes taken at the meeting. The three digits after the motion title show the number of Commissioners voting in favor/against/abstaining.)

I. CALL TO ORDER

Chair Graham opened the meeting at 7 p.m. with all Commissioners present.

Mayor Endicott administered the oath of office to new ex officio member Jennifer Cort.

Ms. Cort summarized her background, goals (marine biologist or geneticist), and interest in land use planning. She is a student at Redmond Proficiency Academy.

Ms. Richards explained the role, responsibilities, and obligations of ex officio members who may participate in discussions but cannot vote. Ms. Cort's term is one year.

V. COUNCIL LIAISON COMMENTS

Mayor Endicott reported attending a meeting of the Governor's Resilience Task Force in Tigard yesterday. This task force is looking at how Oregon would cope with a Cascadia event (earthquake and tsunami). Redmond has been listed as the #1 recovery site for the state. Chapter 4.10 of the Oregon Resiliency Plan has a land use component. Conversations have been initiated and are ongoing with Deschutes County and Redmond School District for potential use of their facilities. Though the fairgrounds could handle about 20,000 people, the Red Cross has indicated that 100,000 refugees would be more likely.

Commissioner concerns included transportation, public safety, emergency management, impact of land use regulations, and outreach to businesses such as Walmart (supplies).

II. ELECTION OF CHAIR AND VICE-CHAIR

Commissioner Porter nominated Commissioner Dickens to serve as Chair for 2014. Commissioner Dickens agreed to serve.

Commissioner Graham nominated herself to continue serving as Chair for 2014.

Commissioners Allen, Dickens, Lanouette, Leach, McCoy, and Porter voted in favor of Commissioner Dickens for Chair during calendar year 2014 and Commissioner Graham voted in opposition.

Commissioner Graham nominated Commissioner Lanouette to continue serving as Vice-Chair for 2014. Commissioner Lanouette agreed to serve. Commissioners voted unanimously in favor of Commissioner Lanouette as Vice-Chair for calendar year 2014.

Commissioner Graham passed control of the meeting to new Chair Dickens.

Chair Dickens thanked Commissioner Graham for her service to the Planning Commission as Chair in 2013.

III. CITIZEN COMMENTS (None)

IV. WORK SESSION

A. Discuss Planning Commission Work Plan for Fiscal Year 2014-2015

Mr. Lewis said the City budget process for FY 2014-15 is starting earlier this year than it has in the past. He presented the 2013-14 Planning Commission Work Plan, 2013-14 Community Development Department Work Plan, 2013-14 City Council Goals, The Redmond Development Plan, adopting ordinance for the Planning Commission, and a draft 2014-15 Planning Commission Work Program. He reviewed the draft 2014-15 work program which included comprehensive (comp) plan/development code amendments, long-range planning projects, review/recommendation of planning efforts underway, and a backlog of projects to be considered if time permits.

Commissioner comments on the proposed 2014-15 work plan included semantic editing and policy review/update of the City's comp plan, impact of a comp plan update on other City projects, disposition of past Planning Commission comments about needed comp plan amendments, usefulness of the current comp plan, Redmond's identity, higher-end housing in Redmond, maps of entitled and vacant lands (Residential Buildable Lands Inventory), impact of the Southwest Area Plan, and ideas for how the Planning Commission can assist in the comp plan update process.

Ms. Richards discussed performance metrics (minimum goals) established by City Council, FY 2013-14 projects expected to be done by July 1, 2014, relationship between the Planning Commission's work plan and the Community Development Department (CDD) budget, how City resources impact Commission goals, and the comp plan update process (advantages, cost, staffing, scale, process, feasibility, timing). Redmond is at the top of the list of communities needing periodic review, but due to budget cuts the State has put a moratorium on doing this now. DLCD (Oregon Department of Land Conservation and Development) intends to discuss this issue with the Oregon Legislature this fiscal year. Council will have to decide soon whether and when to move forward with a comp plan update. Policy suggestions previously provided by Planning Commissioners that are not issue-specific are part of the record and will be addressed when the comp plan is amended. She summarized the process and timeline for approval of the FY 2014-15 CDD budget and Planning Commission's FY 2014-15 work plan. Council begins its goal-setting process on February 11.

VI. APPROVAL OF MINUTES

Motion 3 (7/0/0): Commissioner Graham moved to approve the November 19, 2013, minutes as written. Commissioner Leach seconded the motion which passed unanimously.

VII. STAFF COMMENTS

Mr. Lewis itemized topics proposed for the next meeting: more detailed tasks and timelines for FY 2014-15 projects, comp plan discussion with analysis of budget and resources, higher-end housing discussion, and a more detailed calendar of remaining projects for FY 2013-14.

Ms. Richards reported that Council held public hearings in December 2013 and approved the 465-acre rezone and the TSP (Transportation System Plan) amendment that supported it. She asked Commissioners to consider changing their meeting schedule to accommodate Council's decision to hold its meetings at 6:30 p.m. on Tuesdays. Mr. Lewis explained how staff needs for research and document preparation may impact the Planning Commission's meeting schedule.

Following discussion, Commissioners decided to move their meetings to 6 p.m. on the 1st and 3rd Mondays of each month starting in February 2014.

Councilor Allman thanked Commissioners for their willingness to accommodate Council's new meeting schedule.

VIII. COMMISSIONER COMMENTS

Chair Dickens mentioned an interesting article in *The Bulletin* about the scarcity of available housing and wondered if Central Oregon will see a renewed demand for construction of new residential housing in 2014. Following a suggestion from Commissioner Graham, Chair Dickens directed that Commissioners introduce themselves to Ms. Cort and summarize their backgrounds.

In response to Commissioner Allen's question, Ms. Richards explained the difference between the Redmond Development Commission (RDC), Redmond Economic Development, Inc., Downtown Urban Renewal Advisory Committee, and Economic Development of Central Oregon. She summarized RDC's charter, membership, and activities to date. RDC's future role is under discussion. A proposal has been made that the chairs of each City Commission serve on the RDC to help move the overall vision forward. RDC wants to move forward with orphan projects, those not being addressed by other City commissions.

Mr. Lewis said the RDC is now meeting quarterly and is the primary commission that is monitoring the South Highway 97 Corridor Plan. He pointed out that all City commissions overlap. Changes proposed to the comprehensive plan by other commissions are reviewed by the Planning Commission before being forwarded to City Council.

Chair Dickens resigned as liaison to the Dry Canyon Advisory Committee due to his new role with the Planning Commission. He invited any Commissioner interested in serving as liaison to the DCAC (meetings: 3rd Wednesday, 6-8 p.m.) to notify staff.

Ms. Cort asked if it would be a good idea to get high school students involved in the Dry Canyon or other advisory committees. Ms. Richards responded that her facilitating student feedback during the comprehensive plan update process would be welcome.

IX. ADJOURN

The next meeting is scheduled for Monday, February 3, 2014, 6 p.m.

With no further business, Chair Dickens adjourned the meeting at 8:37 p.m.

APPROVED by the Redmond Urban Area Planning Commission and SIGNED by me this _____ day
of _____, 2014.

ATTEST:

Evan Dickens, Chair



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REDMOND URBAN AREA PLANNING COMMISSION
Minutes

Tuesday, February 3, 2014

City Hall Conference Room A, 716 SW Evergreen Avenue, Redmond, Oregon

Commissioners Present: Chair Evan Dickens, Vice-Chair Dean Lanouette, David Allen, Anne Graham, Bea Leach, Eric Porter (absent: *Lori McCoy*)

Youth Ex Officio Member Present: Jennifer Cort

City Staff: James Lewis, *Planning Manager*; Cameron Prow, *TYPE-Write II*

Visitors: Tory Allman, *City Councilor*; Leslie Pugmire Hole, *Redmond Spokesman*

(scribe CP's note: The minutes were created from an audio record and notes taken at the meeting. The three digits after the motion title show the number of Commissioners voting in favor/against/abstaining.)

I. CALL TO ORDER

Chair Dickens opened the meeting at 6 p.m. Six commissioners introduced themselves, establishing a quorum.

II. APPROVAL OF MINUTES

Motion 1: Commissioner Graham moved to approve the October 15 and December 17, 2013, minutes. Commissioner seconded the motion which passed with Commissioners Allen, Graham, Lanouette, Leach, and Porter voting in favor of the October 15 minutes and Commissioner Dickens abstaining due to his absence from that meeting and Commissioners voting unanimously in favor of the December 17 minutes.

III. CITIZEN COMMENTS (None)

IV. WORK SESSION

A. Development Code Amendment: Consistency with Comprehensive Plan and State/Federal Law

Mr. Lewis said the purpose of the amendment was to add new language to the City of Redmond Development Code, referencing applicability of the Redmond Urban Area Comprehensive Plan to the Redmond Development Code and compliance with state and federal law. City Council requested this amendment to assure that no land use violates state or federal law.

Commissioner concerns included defining "proponent," potential consequences, vagueness of reference to state and federal laws that must be complied with, City Attorney review, and adding a new burden to applicants.

Following discussion, Commissioners agreed by consensus to move the following language forward to a Planning Commission public hearing on March 3, 2014: "Section 8.0026.

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

Commissioners requested a second work session on February 24, 2014, to continue discussion on the balance of the proposed new text, starting with Sentence 3.

B. Discuss Planning Commission Work Plan for Fiscal Year 2014-2015
Mr. Lewis presented the revised draft work plan for FY 2014-15.

Following discussion, Commissioners agreed by consensus that the proposed FY 2014-15 work plan was acceptable.

C. Comprehensive Plan Update Process

Mr. Lewis presented his staff report, summarizing the results of research into Commissioners’ request at their January 7 meeting that the City consider updating the entire comp plan as soon as possible. He outlined the resources needed (staffing, financing) and processes required to assure compliance with Oregon Statewide Planning Goal 2 (public involvement). He said that Community Development Director Heather Richards took Planning Commission’s proposal to the City’s management team. The management team did not support beginning the comp plan update in FY 2014-15 because resources needed to do this project would come from the General Fund. He reviewed how Lake Oswego conducted its comp plan update.

Commissioners discussed why the City should do this now when the state isn’t requiring it and can’t allocate funding, access to public input on the Lake Oswego comp plan update process, impact to the City of not resolving inconsistencies, and advantages/disadvantages to piecemeal updates vs. updating the vision and the entire plan.

V. COUNCIL LIAISON COMMENTS (None)

VI. STAFF COMMENTS

Mr. Lewis reported that Portland State University declined Redmond’s request for assistance with the neighborhood revitalization project.

VII. COMMISSIONER COMMENTS

Commissioner Allen said Council’s consideration of what to do with the Old Redmond Schoolhouse was a good example of how local government should work.

Chair Dickens summarized changes made to the Planning Commission agenda and meeting schedule to improve efficiency. For the next three months, public hearings will be held at 7 p.m. on the 1st Monday in Council chambers. Work sessions will be at 6 p.m. in Conference Room A.

Commissioner Leach reported she will be absent from the March 3 meeting due to a prior personal commitment.

Ms. Cort requested clarification about her role in publicizing Planning Commission activities with the student leadership team at Redmond Proficiency Academy (RPA), where she is a student. Chair Dickens explained the value of student feedback on community issues. Mr. Lewis offered to attend the RPA leadership meetings to summarize Commission activities and how students can become involved.

VIII. ADJOURN

The next meeting is scheduled for 6 p.m. on Tuesday, February 24.

With no further business, Chair Dickens adjourned the meeting at 7:46 p.m.

APPROVED by the Redmond Urban Area Planning Commission and SIGNED by me this _____ day of _____, 2014.

ATTEST:

Evan Dickens, Chair



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EXHIBIT 1

STAFF REPORT

DATE: February 24, 2014
TO: Redmond Urban Area Planning Commission
THROUGH: Heather Richards, Community Development Director
FROM: James Lewis, Planning Manager
SUBJECT: Development Code Amendment – Violation of Federal Law – Work Session

Commissioners:

Proposal

Attached to this memorandum is draft text to amend the City of Redmond Development Code to add new text regarding land use actions initiated under the Development Code must be in conformance with all state and federal laws and regulations (Attachment A).

Background

This issue was initially discussed with the Planning Commission in a work session on February 3rd. At that meeting, the proposed amendment included text referring to the City of Redmond Comprehensive Plan, stating that it is the guiding land use planning document for the City and that land use applications do not need to specifically address the Comprehensive Plan unless specifically stated in the Code – but that if Comprehensive Plan policies are raised during the context of a land use review, the applicant may have to address those. There was much discussion by the Planning Commission about the applicability and overall need for the references to the Comprehensive Plan as included in the previous draft. The Planning Commission recommended that a portion of the text be omitted, and staff suggested that the remaining references be omitted as well. The references to the Comprehensive Plan have now been omitted from the draft in Attachment A, and the proposal now only includes general text referring to any and all applicable state and federal laws and regulations as they may affect any proposed land use authorized under the Development Code.

The text is proposed as an entirely new Section to the Development Code – Section 8.0026. In context, these standards will follow Section 8.0025 which establishes the legal requirement for land uses to comply with the Development Code, and precede Section 8.0030 which discusses the need for permits necessary to ensure compliance with the Development Code. Attachment A includes the existing Section 8.0025, the proposed Section 8.0026 (shown in red font), and the existing Section 8.0030, for ease in referencing how the proposed text assimilates into the Development Code.

Discussion

By adding the proposed text to the Development Code, the City will have the legal ability to regulate land uses on the basis that they may violate state or federal law. Without such text, the City could be

subject to legal challenges that uses which may violate state or federal laws must be permitted in the City under the existing Development Code. Conversely, if the City were to allow uses that violate state or federal laws, the City could be subject to legal action from state and/or federal authorities, depending on the nature of the violation. Thus, in order to eliminate the potential legal actions against the City (by either public or private entities), the attached text is proposed.

Recommendation

Staff recommends that the Planning Commission consider the proposed Development Code Amendment during the work session, suggest further changes or modifications to the proposed text resulting from the work session, and hold a public hearing at the March 3rd meeting.

Action

No formal motion or action is necessary at this time. Rather, all that is necessary is an acknowledgement as to whether or not the proposal will be forwarded to the public hearing on March 3rd.

James Lewis, Planning Manager

Attachment A

Proposed Development Code Amendment – Consistency with Comprehensive Plan and Violation of State or Federal Law

8.0025 Compliance with Zoning Provisions.

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

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

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



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EXHIBIT 2

DATE: February 24, 2014
TO: Redmond Urban Area Planning Commission
THROUGH: Heather Richards, Community Development Director
THROUGH: James Lewis, Planning Manager
FROM: Scott Woodford, Associate Planner
SUBJECT: Work Session on Proposed Text Amendments to Chapter 8,
Home Occupation Standards

Report in Brief:

This report outlines the proposed text amendments to the Redmond Development Code to amend the existing Home Occupation Standards, which has been determined to not accommodate current home occupation trends in Redmond and does not address adequately all the possible impacts to the neighborhood.

Background:

A recent Redmond business survey conducted in 2013 illustrated that a large proportion of Redmond businesses are home occupations.

In response to several recent home occupation inquiries that staff was forced to deny because of the existing standards, City Council directed staff to draft amendments to the Code that would broaden the types of home occupations allowed to operate to help the success of small businesses, yet maintain the quality of life for the residential neighborhoods in which the home occupations are located.

As technology continues to evolve and more Americans continue to recover from the Great Recession, more and more people are working from home. There are many benefits of home based businesses: they help small business to grow by eliminating the need to rent commercial space, save commuting time and childcare costs, and reduce traffic congestion, energy consumption and air pollution. In addition, home occupations can provide people who might be unable to work outside the home (including single parents, the elderly, and the disabled) an opportunity to earn a living.

On the flipside, there is a continued need to protect our residential neighborhoods from the potential negative impacts that home occupations can create. The proposed amendments provide standards that adequately mitigate or prohibit those home occupation uses that are in conflict with the right of people to enjoy a quality of life in Redmond's residential neighborhoods.

In crafting the amendments, staff reviewed what other comparable communities are doing around Oregon to see where our standards are in relation and to see what the trends are in regulating home

*Attachment: Attachment A – Draft Text Amendments to the Home Occupation Section
Attachment B – Comparison of Home Occupation Standards from Other Communities*

occupation uses. Attachment A is the proposed Draft Text Amendments to the Home Occupation Standards. Attachment B is a chart comparing the different communities' standards.

Discussion:

The philosophy for how staff approached the changes to the standards was to concern ourselves less with the operational characteristics going on inside the home and instead concentrate on eliminating or mitigating the impacts that might be created on the outside of the home, specifically to immediate neighbors and the neighborhood as a whole. When crafting a home occupation business, the overriding consideration is the potential impacts of traffic, noise, odor, safety, parking, hours of operation, and outdoor storage of equipment/material. The goal is to allow the widest variety of home occupations, but condition it such that the outward impacts to the neighborhood are not significantly greater than what is typically experienced in a residential community. If those impacts can be avoided or adequately mitigated, then what goes on inside the home is less important and the home occupation can coexist peacefully with its surroundings.

To meet those goals, the primary features of the amendments are:

1. Allowing retail sales where such sales are not currently allowed. Typically, home occupation ordinances around the country preclude retail sales unless they are clearly incidental to the home occupation use (i.e., music books for music teachers or beauty products from a home salon). The concern has been that retail would generate too much traffic to the home. Instead of focusing on the type of business, staff approached the issue from the standpoint of limiting the external impacts. Written into the standards is a requirement that all customer/client/employee parking must occur on-site (not in the street), all client/customer visits to the home must occur between the hours of 7AM-7PM, and the total number of one-way trips made by employees, customers, and clients cannot exceed 24 in one day (this does not include the trips made by residents of the home that are unrelated to the home occupation).
2. The 24 trips number is an approximate number that may fluctuate somewhat where on one day it may exceed the number to accommodate operations, but is offset by days where it is well below that number. The text of the amendment includes a general provision that says the traffic may not be in contradiction to the purpose and intent of the home occupation standards, which will provide the Code Enforcement Officer additional leeway to enforce a situation.
3. There will be no restrictions on the number of employees or clients and customers who can visit the site, as long as they can all park on-site (and in a designated, hard surfaced parking area-not on the lawn), visit during the day (although an employee can remain later if work is being done inside), and comply with the trip limitations. The trip limitations will be difficult to enforce by the City, but will compel home business owners to regulate themselves and to arrange visits from clients/customers by appointment to ensure they stay under the requirements. In our experience, though, the vast majority of home occupations are small in scale and do not come close to exceeding 24 trips per day. If staff does get complaints from neighbors, we will have a specific threshold with which to investigate the complaints to see if they are exceeding their allowance and to work with them to bring them into compliance.
4. Allows an owner to make structural modifications to the home to accommodate the home occupation. Currently, that is not permitted. If someone wishes to construct an addition to add a commercial kitchen, or other such feature, to their home staff feels that should be allowed as long as it complies with the building code, zoning standards (i.e. setbacks, heights, etc.), and does not change the residential character of the home.

Attachment: Attachment A – Draft Text Amendments to the Home Occupation Section

Attachment B – Comparison of Home Occupation Standards from Other Communities

5. A small sign will be allowed identifying the business. Staff asserts that a small sign will help the neighborhood by helping clients/customers to quickly identify the location of the home occupation and eliminate the possibility of them pulling into the wrong driveway or bothering neighbors for directions. No advertising will be permitted (i.e. "special today").
6. Safeguards neighborhoods by not permitting any activity that creates noise, smoke or odors above and beyond what is normally associated with the residential use and limits the outdoor storage of materials to inside a structure or in areas that are completely screened from a public street or neighboring property.
7. Requires business owners to secure a home occupation permit from the City and to obtain a business license and other necessary permits (i.e., food permit, etc.). Staff is proposing a tiered review process whereby those with very low impact businesses with little or no employees/customers/clients and deliveries who would need to submit limited information for the staff to review. If the business is determined to be of a higher impact, staff would be able to ask for site plans that demonstrate there is sufficient off-street parking space to accommodate the expected amount of visitors. Staff may also be able to inquire more about the business operations so that they have a better understanding of the potential impacts. Both reviews would be done administratively and could be processed fairly quickly. Yet another tier is where someone cannot comply with the standards, but feels they can operate a home business that complies with the purpose and intent of the ordinance. In that case, more information will be necessary to review the proposal and make a decision based on whether the request complied with the purpose and intent of the ordinance. This is a land use decision for which public notice will be sent.
8. The proposed text amendment also allows the City to visit and inspect the property with advanced notice to ensure that the business is operating per the standards. As per other situations, this would typically only occur when a complaint has been received from a neighbor or there is another reason to suspect that the business is out of compliance. In this instance, the City would investigate and determine whether a violation is occurring or not. If there is one, the City would likely provide the owner the opportunity to rectify the violation without penalty, but if the violation continued, the City would have the ability to revoke the home occupation permit and/or cite the owner.

Alternative Courses of Action:

1. Provide comments on the draft text for staff to incorporate into a revised draft and schedule it for a future adoption hearing in front of the Planning Commission (which is tentatively scheduled for April 7, 2014).
2. Provide comments on the draft text for staff to incorporate into a revised draft and bring it back in front of the Planning Commission at a future work session.

Recommendation/Suggested Motion:

Not applicable at this time.

*Attachment: Attachment A – Draft Text Amendments to the Home Occupation Section
Attachment B – Comparison of Home Occupation Standards from Other Communities*

Home Occupation - Proposed Development Code Amendment

Development Code Amendments: Existing code language is in black, proposed new code language is in red and the proposed deleted language is noted with ~~strikethrough~~.

CHAPTER 8 - DEVELOPMENT REGULATIONS

8.0020 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

8.0345 Home Occupation. 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.~~
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. ~~No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.~~
4. ~~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.~~
6. ~~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.~~
7. ~~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.~~

1. The purpose and intent of the Home Occupation section is to:
 - A. Allow residents to use their residences to engage in small scale business activities.
 - B. Ensure that home occupations are conducted subordinate to the residential use of the property, in a manner neither detrimental nor disruptive, in terms of appearance and operation, to neighboring properties and residents.

Attachment A

2. When permitted as an accessory use the following limitations shall apply to home occupations:
 - A. Appearance of Residence:
 1. The residence shall not be altered in a manner that will change its primary residential appearance or use. A home occupation shall not change the dwelling unit classification as a dwelling unit in the Uniform Building Code.
 - B. Storage of Material and Equipment:
 1. All materials and equipment associated with the home occupation shall be stored inside an enclosed structure or may be stored outside if it is not visible from adjacent properties or a public right of way.
 2. No storage of hazardous materials shall be allowed beyond what is normally incidental to a residential use.
 - C. Employees:
 1. The home occupation must be owned and operated by a resident living at the home occupation site.
 2. There shall be no limits on the number of employees of a home occupation, but all of the on-site employees must park on hard surfaced areas completely on the home occupation premises.
 - D. Hours of Operation:
 1. There shall be no limit on the hours of operation if the home occupation occurs entirely inside the home, but shall be limited from 7 a.m. to 7 p.m. if the home occupation includes outside activities.
 2. Clients and customers of the home occupation and deliveries to the home occupation are only permitted from 7 a.m. to 7 p.m.
 - E. Noise, Smoke and Odors:
 1. Noise, smoke, and odors associated with the home occupation may not exceed those created by a normal residential use.
 - F. Parking, Vehicle Trips and Deliveries:
 1. All of the parking associated with the home occupation (customers, clients, and employees) must occur completely on the premises of the home occupation and only on hard surfaced areas, such as pavement or concrete.
 2. The maximum number of one-way vehicle trips for customers/clients/employees of the home occupation shall be limited to approximately twenty-four (24) per day so as to not be contradictory to the purpose and intent of this section. There shall be no limit on the number of trips attributable to the residential use of the home.
 3. There shall be no more than two (2) commercial deliveries per day by vehicles no larger than 11,000 GVW (*typical size of UPS deliver truck*).

G. Signage:

1. One sign identifying the home occupation is allowed, but may be no larger than three (3) square feet, non-illuminated and may be wall or ground mounted. If it is ground-mounted, it shall be not exceed 4' in height.

H. Retail:

1. The retailing of goods out of the home occupation is permissible, as long as it is done in compliance with all the other provisions of this section.

I. Prohibited Uses: The following uses are prohibited as home occupations:

1. Auto and other vehicle repair, including boats or large equipment
2. Storage of motorized vehicles, boats, recreational vehicles or large equipment on site.
3. Any other use with objectionable impacts due to excessive automobile traffic, noise, glare, odor, dust, smoke or vibration.

J. Procedure: No person shall conduct a home occupation without first obtaining a Home Occupation Permit from the City in accordance with the procedures outlined below:

1. Track 1 – These are situations where staff determines that the impacts of the proposed home occupation to the surrounding neighborhood are minimal or non-existent. The review of Track 1 applications is reviewed by the Community Development Director, or designee.
2. Track 2- These are situations where staff determines there are potential impacts of the proposed home occupation to the surrounding neighborhood, but the impacts are in conformance with the standards above. The review of Track 2 applications is reviewed by the Community Development Director, or designee, but additional information about the proposed home occupation and its site may be required to help staff determine its conformance with the standards above, such as a site plan and/or information about the operations of the business.
3. Track 3 – These are situations where the potential impacts to the surrounding neighborhood exceed the standards above, but the applicant believes the proposed home occupation still meets the intent and purpose of the home occupation section. The review of Track 3 applications is reviewed by the Community Development Director, or designee, unless the Community Development Director determines that a public hearing is necessary, in which case the application will be reviewed by the Hearings Body.
4. The applicant for a home occupation must also obtain a City of Redmond business license and other necessary permits required by other agencies for the home occupation.

K. Visits to the Site by City Staff:

1. City staff may visit or inspect the site of a home occupation permitted by the City to ensure compliance with all regulations and conditions to which the permit is subject, during normal business hours, and with reasonable notice.

Attachment 1

Home Occupation Standards-Comparison with Other Oregon Communities

	Redmond (current)	Redmond (proposed)	Tualatin	Ashland	Corvallis	Bend	Grants Pass	Albany
Allow Employees (not owner)?	Does not address	Yes-no limits (if can park on-site)	Yes-1 on-site	Yes-1 on-site	Yes-1 in addition to owners	Type I - 1 Type II – 3	No-only family residing there	Yes-1 additional (20 hrs./week)
Allow Retail?	No	Yes-no limits	Yes-if incidental to H.O.	Yes-if incidental to H.O.	Less intensive than commercial	Yes-if incidental to H.O.	Yes-if incidental to H.O.	Does not specifically address
Allow Delivery Vehicles?	Yes-but no commercial or trailer	Yes-limited to 2X/day and UPS size truck	Does not address	Yes-but no more than 3/day	Yes	Yes-not from 6pm-7am & UPS size only	Yes-but no weekly deliveries	"No excessive generation of traffic"
Restrict Vehicle Trips?	Yes-no excessive trips	Yes-max 24 one way trips/day	Yes-max 20 one way trips/day	Yes, less than 1 client/time & 8/day	Not specifically	Does not specifically address	No	"No excessive generation of traffic"
Restrict Parking?	Yes-must be on-site	Yes-must be on-site	Yes-may not block access	Yes-not in right of way	Not specifically	Yes-all HO parking shall be on-site	Yes-1 biz related car allowed	Does not specifically address
Outdoor Storage?	No	Yes-as long as screened	No	Yes, as long as screened	No	Yes-as long as screened	No	Yes, as long as screened
Allow Signage?	Yes	Yes-but small in size	Yes-one sign	No	Yes	Does not address	No	Yes-12" x 18"
Prohibit Specific Uses?	No	Yes-auto repair, etc.	No-states the kinds of uses permitted	Yes-auto repair, vet, gun sales, etc	No	Yes-auto repair, vet, etc.	No	Yes-auto repair, salvage, etc.
Restrict Hours of Operation?	No	7AM-7PM for customers/clients	Yes-from 10PM-7AM	7AM-7PM for customers/clients	No	8-6 M-F for clients/customers	No	Does not specifically address
Allow Structural Changes?	No-not for the home occupation	Yes-but must look like residence	Yes- but must look like residence	Yes-but must look like residence	Yes	Yes-but can't change primary use	Yes	Does not specifically address
Permit Required?	Yes	Yes	Yes	Yes	No	Two types- Type I & II	Yes-Minor or Major	No



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EXHIBIT 3

DATE: February 24, 2014
TO: Redmond Urban Area Planning Commission
THROUGH: Heather Richards, Community Development Director
THROUGH: James Lewis, Planning Manager
FROM: Scott Woodford, Associate Planner
SUBJECT: Work Session on Proposed Text Amendments to Chapter 8, Development Regulations to Add an Administrative Enforcement Section

Report in Brief:

This report outlines text amendments to the Development Code to add an Administrative Citation provision to the existing civil enforcement option.

Background:

The proposed amendments are changes the Code Compliance Officer felt would be beneficial to make the enforcement process more efficient. Currently, one of the remedies for code compliance is to issue a citation to the offender. If the complainant wishes to dispute the citation, the civil infraction procedure is followed, which involves a court trial. This current process removes the City and the Code Enforcement Officer from the situation and places it into the realm of the court system. Often, the City is not made aware of the outcomes of the court decision and it is more difficult for the City to monitor the situation. An administrative process would be more efficient where the Code Enforcement Officer can monitor the situation, drop the citation if the complaint is addressed, and a Hearings Officer designated by the City can provide a ruling in short order.

Discussion:

The majority of the text amendment impacts other parts of the Municipal Code, which City Council will review. Those are not attached. Planning Commission will only review the portion concerning Chapter 8 Development Regulations, which is included in Attachment A. The proposed code language was modified from code language in Clackamas and Lane counties in Oregon and is more standard with other, larger communities.

Alternative Courses of Action:

1. Provide comments on the draft text for staff to incorporate into a revised draft and schedule it for a future adoption hearing in front of the Planning Commission.
2. Provide comments on the draft text for staff to incorporate into a revised draft and bring it back in front of the Planning Commission at a future work session.

Recommendation/Suggested Motion:

Not applicable at this time.

Attachment: Attachment A – Draft Text Amendments to Add Administrative Code Enforcement Section

Code Enforcement Add Administrative Citation Process - Proposed Development Code Amendment

Development Code Amendments: Existing code language is in black, proposed new code language is in **red** and the proposed deleted language is noted with ~~strikethrough~~.

CHAPTER 8 DEVELOPMENT REGULATIONS (GENERAL PROVISIONS)

8.0805 Enforcement.

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

CHAPTER 8 DEVELOPMENT REGULATIONS (DECLARATORY RULING)

8.1725 Enforcement.

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

CHAPTER 8 DEVELOPMENT REGULATIONS (ARTICLE III, LAND DIVISION STANDARDS, GENERAL PROVISIONS)

8.2130 Enforcement.

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

CHAPTER 8 DEVELOPMENT REGULATIONS (ARTICLE IV, SITE AND DESIGN REVIEW STANDARD, SITE AND DESIGN REVIEW FOR LIVE/WORK UNITS)

8.3180 Enforcement.

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

CHAPTER 8 DEVELOPMENT REGULATIONS (ARTICLE V, SIGN STANDARDS, SPECIAL PROVISIONS)

- 8.4710 Penalties.** A violation of any provision of these standards shall be a Class A **Civil** Infraction **and/or a Class A administrative infraction**, with the exception of a violation to the temporary sign provisions (RDC 8.4105) which shall be a Class B **Civil** Infraction **and/or a Class B administrative infraction**. Each day shall be a separate violation.

Attachment A

Violations will be enforced through the ~~Redmond Civil Infraction Procedure~~ procedures established in sections 2.750 to 2.812.