



**CITY OF REDMOND**  
**Community Development Department**

716 SW Evergreen Ave.  
Redmond, OR 97756

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**REDMOND URBAN AREA PLANNING COMMISSION**  
**Council Chambers**  
**777 SW Deschutes Avenue**

**Tuesday, March 3, 2014**  
**7:00 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. CITIZEN COMMENTS**

**III. PUBLIC HEARINGS**

**a. Development Code Amendment / Violation of State and Federal Law - Exhibit 1**

**b. Development Code Amendment / Administrative Citation Process – Exhibit 2**

**c. Comprehensive Plan Amendment / Transit Supportive Land Use Policies – Exhibit 3**

**IV. COUNCIL LIASON COMMENTS (if present)**

**VII. STAFF COMMENTS**

**VIII. COMMISSIONER COMMENTS**

**IX. ADJOURN**

\*Please note that these documents are also available on the City's website [www.ci.redmond.or.us](http://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](mailto:KellyM@ci.redmond.or.us)

Anyone needing accommodation to participate in the meeting must notify Mike Viegas, ADA Coordinator, at least 48 hours in advance of the meeting at (541) 504-3032, or through the Telecommunications Relay Service (TRS) which enables people who have difficulty hearing or speaking in the telephone to communicate to standard voice telephone users. If anyone needs Telecommunications Device for the Deaf (TDD) or Speech To Speech (STS) assistance, please use one of the following TRS numbers: 1-800-735-2900 (voice or text), 1-877-735-7525 (STS English) or 1-800-735-3896 (STS Spanish). 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.



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## **EXHIBIT 1**

# **STAFF REPORT**

**DATE:** March 3, 2014  
**TO:** Redmond Urban Area Planning Commission  
**THROUGH:** Heather Richards, Community Development Director  
**FROM:** James Lewis, Planning Manager  
**SUBJECT:** Public Hearing -Development Code Amendment – Violation of State and Federal Law (City File #TA-14-1)

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### **Background**

This issue was initially discussed with the Planning Commission in work sessions on February 3<sup>rd</sup> and 24<sup>th</sup>. The text was modified slightly at those work sessions and is now proposed as provided in Attachment A. 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.

### **Fiscal Impact:**

There is no fiscal impact for this amendment to the Development Code.

### **Alternative Courses of Action:**

1. Close the Public Hearing and recommend approval of the proposed amendment as described herein (see Attachment A) or as further modified by the Planning Commission to the City Council;
2. Continue the public hearing, or leave the written record open, for further testimony and public comment; or,
3. Close the public hearing and recommend that the City Council not approve the proposed amendments.

**Recommendation/Suggested Motion:**

I move to recommend approval of TA-14-1, an amendment to the City of Redmond Development Code, to the Redmond City Council.

James Lewis, Planning Manager

## Attachment A

### Proposed Development Code Amendment – 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:** March 3, 2014  
**TO:** Redmond Urban Area Planning Commission  
**THROUGH:** Heather Richards, Community Development Director  
**THROUGH:** James Lewis, Planning Manager  
**FROM:** Scott Woodford, Associate Planner  
**SUBJECT:** Public Hearing on Proposed Text Amendments (City File TA 14-2) to Chapter 8, Development Regulations to add an Administrative Citation Section

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### **Report in Brief:**

This report addresses the public hearing on proposed text amendments to Chapter 8, Development Regulations to add the option of an administrative citation to the possible code enforcement methods.

### **Background:**

The proposed amendments are changes the Code Enforcement Officer felt necessary in carrying out his duties to make the enforcement process more efficient. Currently, when there is a code complaint, the City investigates and, if there is found to be a violation, a citation can be issued. If the complainant wishes to dispute the citation, the civil infraction procedure is followed, which involves a court trial. While not common in Redmond, this 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. There will continue to be need for the civil infraction procedure when the nature of the infraction necessitates court involvement, but often it does not and 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. Approve the public hearing draft as proposed by Staff
2. Approve the public hearing draft as modified by the Planning Commission
3. Continue to work with Staff to revise the draft text through subsequent work sessions.

*Attachment: Attachment A – Public Hearing Draft of Text Amendments to Add Administrative Citations*

**Recommendation/Suggested Motion:**

I move to recommend that the Redmond City Council approve text amendments (City File #TA 14-2) to the City of Redmond Development Code to add an administrative citation process.

## Code Enforcement Add Administrative Citation Process - Proposed Development Code Amendment (#TA 14-2)

**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.



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## **EXHIBIT 3**

# **STAFF REPORT**

**DATE:** March 3, 2014  
**TO:** Redmond Urban Area Planning Commission  
**THROUGH:** Heather Richards, Community Development Director  
**FROM:** James Lewis, Planning Manager  
**SUBJECT:** Comprehensive Plan Text Amendment / Transit Supportive Policies – Public Hearing (City File #PA-14-1)

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### **Report in Brief:**

This is a public hearing to consider adding new policies to Chapter 12, Transportation, of the City of Redmond Comprehensive Plan. The new policies direct future land use regulations to be implemented which include transit supportive land use patterns to be created and transit amenities to be constructed when new development occurs. The proposal does not include any direction toward transit operations.

### **Background:**

In late 2013, the Planning Commission held three work sessions to study transit related issues within the City of Redmond. This included review of a draft Transit Master Plan prepared for Redmond by consultants working for the Central Oregon Intergovernmental Council, and the legal requirements for transit planning as directed by Oregon laws (Oregon Administrative Rules). Also, the Planning Commission considered adding transit supportive policies, irrespective of the draft Transit Master Plan and the requirements of the OAR's, to the City of Redmond Comprehensive Plan. Ultimately, after a thorough discussion of all these issues, the Planning Commission directed staff to move forward with the proposal to add the transit supportive policies to the Comprehensive Plan. Further, the Planning Commission did not recommend moving toward adoption of the draft Transit Master Plan since it is not a legal requirement, and understood that the transit planning requirements included in the OAR's would occur during a scheduled update to the City of Redmond Transportation System Plan (TSP) in the next fiscal year (as confirmed by Department of Land Conservation and Development – DLCD – staff as the proper process for such compliance).

Summary - Notwithstanding the request for further input and research on both the suggested policies and OAR requirement issues, the Planning Commission indicated that: 1.) Adding policies to the Comprehensive Plan which directed transit supportive land use development patterns was appropriate and would set the stage for new land use regulations to be developed in this regard if transit service were expanded in Redmond in the future; and, 2.) That it would be premature to adopt any changes to the TSP until such time as the type and degree of transit service that will be provided in Redmond is better known (with an acknowledgment to future funding decisions that have yet to be determined).

### **Discussion:**

Suggested Policies – As discussed at the work sessions with the Planning Commission, neither the Comprehensive Plan nor the TSP contain any policy language that addresses how land use (i.e. density patterns, pedestrian connectivity to transit stops, etc.) impacts the viability of transit. However,

the TSP does list specific strategies and action items that could further support and facilitate expansion of transit system operations – these operational policies though are separate from transit supportive policies regarding land use patterns and regulations for new development. Also, the policies suggested by staff for inclusion in the Comprehensive Plan go beyond the requirements of the OAR’s (OAR 660-12-0020 (2)(c)(C)) inasmuch as they exceed the basic requirements of the actual transit system needs (i.e. transit routes, transit stops, park and ride stations), and include additional factors such as adjoining land use densities, multi-modal connectivity and design, and development regulations requiring that transit service needs be taken into consideration during the design phase of subdivisions and commercial development. Thus, when taking into consideration the Planning Commission comments on the suggested policies at the work sessions, staff believes that the Comprehensive Plan policies need to be amended in the following manner (~~red text~~ is new/proposed; ~~strikethrough~~ to be deleted):

*Comprehensive Plan – Chapter 12, Transportation*

*Inter-City Transit:*

48. ~~The City shall cooperate with the County, the City of Bend, and City and County jurisdictions in the tri-county region, ODOT, COIC/CET, and any other transit service providers to complete an inter-City transit feasibility study.~~
49. Existing or planned transit shall be protected by identifying potential transit corridors and encouraging transit-compatible land uses and site planning.
50. The City will consider transit needs in the design and operation of street infrastructure.
51. The City will support transit service operations through the creation of development regulations that consider transit needs in subdivision and site design, with regard to streetscape and pedestrian connectivity.
52. The City will work with local transit provider(s) to consider improvements to existing bike and pedestrian access, including ADA access and other transit supportive amenities, along designated transit corridors.
53. The City will encourage connectivity between different travel modes and ensure transit facilities are pedestrian and cyclist accessible.
54. The City will consider increases in residential densities along transit corridors to encourage increased use and ridership.

**Fiscal Impact:**

There is no fiscal impact for this amendment to the Comprehensive Plan.

**Alternative Courses of Action:**

1. Close the Public Hearing and recommend approval of the proposed amendment as described herein or as further modified by the Planning Commission to the City Council;
2. Continue the public hearing, or leave the written record open, for further testimony and public comment; or,
3. Close the public hearing and recommend that the City Council not approve the proposed amendments.

**Recommendation/Suggested Motion:**

I move to recommend approval of PA-14-1, an amendment to the City of Redmond Development Code, to the Redmond City Council.

James Lewis  
Planning Manager