



CITY OF REDMOND
Community Development Department

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Redmond, OR 97756

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www.ci.redmond.or.us

URBAN AREA PLANNING COMMISSION
Public Hearing – Council Chambers
777 SW Deschutes Ave
Tuesday, May 3, 2011
7:00 PM

Agenda

UAPC
Members
Eric Porter,
Chair

Will
Van Vactor,
Vice Chair

Tory
Allman

Bob
Bleile

Stan
Clark

Katie
McDonald

John
Nastari

- I. CALL TO ORDER**
- II. CITIZEN COMMENTS**
- III. PUBLIC HEARINGS**
 - a. TA 11-01, (Exhibit 1)**
Automatic Extension of Land-Use Approvals
 - b. TA 11-04 (Exhibit 2)**
Redmond Historic Landmarks Commission
- IV. WORK SHOPS**
 - a. Mixed-Use Live/Work Zone (Exhibit 3)**
 - b. Home Occupations – Definition of Retail (Presentation)**
- 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

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

DATE: May 3, 2011
TO: Redmond Urban Area Planning Commission Members
FROM: Heather Richards, Community Development Director
SUBJECT: Public Hearing, TA 11-01: Development Code Amendments, 8.1620,
Land Use Approval Time Extension

Report in Brief:

This is the continuation of a public hearing from April 19, 2011, to consider amendments to the Redmond Development Code, Article II – Land Use Procedures, that would automatically extend approved land use permits from July 1, 2011, to July 1, 2013, without requiring an application from the developer or owner. The time extension would not apply to land use permits which are regulated by a specific condition of approval that sets time frames different from the Code.

Background:

On August 9, 2009, the Redmond City Council adopted Ordinance No. 2009-08, amending the Redmond Development Code to allow an automatic land use approval extension to July 1, 2011, for those land-use applications that were due to expire. This action was taken with the knowledge that Central Oregon was experiencing a significant economic downturn and development opportunities had essentially ground to a halt due to the lack of available financing and severe market depreciation. City staff has been asked to consider a second automatic land use approval extension to expiring land use approvals to July 1, 2013, since the economic downturn has continued and has not shown any evidence of recovery in Central Oregon in the near-term.

Discussion

Typically, the City's land use approvals are valid for a period of two years from the date the approval is no longer appealable. Property owners may apply for time extensions for up to two additional years and such applications may be approved by the Community Development Director.

It is evident that the current recession has severely curtailed construction activity in Redmond and the entire Central Oregon region; however, there are several outstanding land use permits that were approved a couple of years ago when the economy was much better. An example of land use permits that could expire without this Code amendment would be the Planned Unit Development for Jim Neal on Badger Road.

One complicating factor which could affect a time extension is that some properties are in foreclosure and the City cannot determine whether the property owner/developer or the bank is in actual ownership of the property. In some cases, the ownership issue may be contested. Granting a legislative time extension for land use permits will give property owners, the banks developers and the City time to sort everything out. Generally, it appears that the long-range forecast is for the Redmond economy to turn around in late 2012 or 2013.

Attachments:

Exhibit A – Development Code Amendments
Exhibit B - Findings

At the public hearing on April 19, 2011, Planning Commissioners had some questions specific to the following:

What types of permits are represented in the following language that is part of Section 8.1610, “. . . a land use permit to which a specific condition of approval that regulates the duration and terms of approval has been attached, or any other City issued permit that is not a land use permit are hereby excluded from this automatic extension of time.”

This language was originally inserted in Ordinance No. 2009-08 in 2009 due to a couple of conditional use applications that were only valid for a specific period of time. Staff has evaluated the current list of impacted land use decisions and does not feel that this would be significant factor for this land-use extension, thereby recommending the deletion of ~~“a land use permit to which a specific condition of approval regulates the duration and terms of approval has been attached”~~. The rest of the language is specific to building permits which are not included in this extension.

An application for a time extension for an approved land use permit costs \$884.68. Forgoing the application costs will not mean a great difference in the Community Development Department's revenue picture over the next two years; however, passing this Code amendment could create some good will for developers who are currently strapped for cash. Staff recommends that this amendment, or some modified version, be adopted by the City of Redmond.

Alternative Courses of Action:

1. Recommend approval of the proposed Amendments as proposed or as modified by the Planning Commission at the public hearing to the City Council;
2. Continue the hearing for more information, time to revise the proposed amendments based on the Commission's direction provided at this public hearing and/or to allow more public input; or
3. Recommend that the City Council not approve the Amendments.

Recommendation/Suggested Motion:

Staff recommends Option 1 or Option 2 depending on the Planning Commission's consideration of the amendments, public input, and/or comments provided by the City's legal counsel.

Heather Richards,
Community Development Director

Exhibit A: Article II, Land Use Procedures – Development Code Amendments

Development Code Amendments (new text is **red**; deleted text is ~~strikethrough~~, unless otherwise stated):

LIMITATIONS ON APPROVALS

- 8.1600 Limitations on Approvals.** The following limitations on approvals are applicable.
- 8.1605 Duration of Approval.** All land use approvals shall be valid for a period of two years, unless a longer duration is granted as part of the approval. The two year period shall run from the date a land use approval is no longer appealable.
- 8.1610 Approval Extension.** Extensions beyond two (2) years may be approved by the Community Development Director or designee, or Hearings Body for periods of one (1) year, up to an aggregate of two (2) additional years provided that; no code changes which may be contrary to the original decision have occurred relative to that proposal, and there has been no new development since the original approval on any adjacent property. Such extensions shall be administrative, in writing, and not subject to appeal. (3/99)
- 8.1620 Additional Approval Time Extension.** Notwithstanding sections 8.1605 and 8.1610, all City approved land use permits, including permits that have received an extension of time, that were due to expire on or after ~~July 1, 2010~~ **July 1, 2011 per Ordinance No. 2009-08**, are hereby extended to ~~July 1, 2014~~ **July 1, 2013**. Land use permits that are approved and take effect after ~~July 1, 2009~~ **July 1, 2010**, shall comply with section 8.1605 (i.e. a two year approval) unless the applicant applies for and receives an extension of time granted in accordance with section 8.1610. Permits which have been automatically extended by this regulation may apply for an additional extension of time in accordance with section 8.1610. Sign permits, building permits, temporary permits, Measure 37 permits, Measure 49 permits, ~~a land use permit to which a specific condition of approval that regulates the duration and terms of approval has been attached~~, or any other City issued permit that is not a land use permit are hereby excluded from this automatic extension of time.

**Exhibit B
(Ordinance No. 2011-XX)**

City of Redmond

Findings for a Development Code Amendment to amend Chapter 8, Article II – Land Use Procedures, to allow an extension of time for approved land use development permits. This amendment would automatically extend the expiration date for land use permits that were effective on July 1, 2011 to July 1, 2013. This does not affect building permits, Measure 37 permits, Measure 49 permits, sign permits, land use permits to which a specific condition of approval that regulates the duration and terms of approval has been attached or other permits issued by the City that are not land use permits.

The Redmond Planning Commission voted ___ on April 19, 2011, to recommend that the City Council adopt the Time Extension regulations.

Prepared by:

Heather Richards, Community Development Director
Community Development Department

April 19, 2011

File No: TA 11-01: Development Code Text Amendment

Applicant: City of Redmond Community Development Department
716 SW Evergreen Avenue
P O Box 726
Redmond, OR 97756
Phone: (541) 923-7710
Fax: (541) 548-0706

Request: Adopt findings in support of the Development Code to amend Chapter 8, Article II – Land Use Procedures, to extend the expiration date for City approved land use permits that were effective on or approved after July 1, 2011.

Location: The amendments are not for a specific property in the City of Redmond. Rather, this would apply to land use permits that have been approved in accordance with the standards and criteria in the Redmond Development Code. Property owners would receive an automatic extension of time to July 1, 2013, if their permit would have expired on or after July 1, 2011.

The following narrative provides findings in support of the proposed amendments with respect to Redmond Development Code Section 8.0760 - Criteria for Amendments: “The applicant shall show the proposed change is:”

1. “In conformity with all applicable State statutes:”

ORS 197.610(1): “A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption . . .”

Finding:

The City provided notice to the Director of the Department of Land Conservation and Development on March 3, 2011, which is more than 45 days before the Planning Commission’s April 19, 2011 hearing regarding adoption of the proposed Ordinance.

Conclusion:

Based on the findings above, the proposed Code amendment conforms to the applicable State of Oregon statute.

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

Goal 1- Oregon’s Statewide Planning Goals: Citizen Involvement.

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding:

The City conducted public hearings before the Redmond Planning Commission on April 19, 2011, and the Redmond City Council on _____. In addition, the City provided public notices and agendas for the public hearings where the proposed amendment was discussed. All documents were available on the City’s website and copies were available for the public. Further, meeting notices were published in the local newspaper, the Redmond Spokesman. The City provided ample public review and involvement opportunities during the public hearings (both at the Planning Commission and City Council levels) for the proposed amendment. The Urban Area Planning Commission serves as the City’s citizen advisory committee and is made up of Redmond area residents.

Goal 2- Oregon's Statewide Planning Goals: Land Use Planning.

To establish 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.

Finding:

The Planning Commission and City Council received testimony from staff, property owners, and developers. Based on this input, and the Commission's own experience with the Development Code, the Commission and Council believes this change to Article II is necessary to help property owners and developers who have been affected by the downturn in the Central Oregon economy. The Commission and Council have determined that enough factual and policy basis exists to support the proposed Code amendment. The proposed amendment only affects the expiration date of land use permits which have been approved by the City and which might expire without an extension of time.

Goal 9- Oregon's Statewide Planning Goals: Economic Development.

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding:

The proposed zoning code amendment would allow land use permits to be automatically extended to July 1, 2013, without an application from a property owner or developer. This amendment may keep some land use permits from expiring and provide an opportunity for development under that permit. Some land use permits that have received an extension of time and are not eligible for further extensions of time would be extended to July 1, 2013.

Goal 10- Oregon's Statewide Planning Goals: Housing.

To provide for the housing needs of citizens of the state.

Finding:

The proposed amendment, if approved, would apply to residential developments that may expire under the timelines of the original approval. Approval of the proposed time extension code amendment would allow some residential developments to continue to be active without requiring any action from the property owner/developer.

Conclusion:

Based on the findings addressing the Code amendment criteria, the Urban Area Planning Commission, and City Council conclude that the proposed Code amendment conforms to applicable statewide planning goals and statutes.

3. “In conformity with the Redmond Comprehensive Plan, land use requirements and policies; and”

Chapter 1 – Redmond Comprehensive Plan: Citizen Involvement.

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding:

The City conducted public hearings on April 19, 2011, and _____, and the Planning Commission and City Council accepted testimony and evidence regarding this proposed action. In addition, the City provided public notices and agendas for the public hearings. All documents were available on the City’s website, and copies were available for the public. Further, meeting notices were published in the local newspaper, the Redmond Spokesman. The City provided ample public review and involvement opportunities during the public hearings (both at the Planning Commission and City Council levels) for the proposed amendment. The Urban Area Planning Commission serves as the City’s citizen advisory committee and is made up of Redmond area residents.

The proposed amendments serve the following policies of Chapter 1 of the Redmond Comprehensive Plan.

1. The City shall establish a citizen involvement program to provide for widespread citizen involvement.
2. The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process.
3. The City shall assign the Redmond Urban Area Planning Commission as its officially recognized committee for citizen involvement (CCI).
4. The City shall establish mechanisms to assure two-way communications between citizens and elected and appointed officials.
5. The City shall provide the opportunity for citizens to be involved in all phases of the planning process.
6. The City shall assure that technical information is available to citizens in an understandable form.
7. The City shall assure that recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response from policy-makers.

Chapter 2 – Redmond Comprehensive Plan: Land Use Planning.

To establish 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.

Finding:

The Planning Commission and City Council received testimony from staff, property owners and developers. Based on this input, and the Commission’s own experience with the Development Code, the Commission found that the amendment to the Code is necessary to implement the City’s Comprehensive Plan and Zone Code.

The proposed amendment serves the following policies of Chapter 2 of the Redmond Comprehensive Plan.

1. All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents.
2. The plan shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governments.
3. All land use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan.
4. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revisions of plans and implementing ordinances

Chapter 3 – Redmond Comprehensive Plan: Agricultural Land.

To preserve and maintain agricultural lands.

Finding:

Not applicable.

Chapter 4 – Redmond Comprehensive Plan: Forest Land.

Finding:

Not Applicable.

Chapter 5 – Redmond Comprehensive Plan: Open Spaces, Scenic and Historic Areas, and Natural Resources.

To preserve and retain historic structures, areas, sites and cultural resources throughout the city.

Finding:

Not Applicable.

Chapter 6 – Redmond Comprehensive Plan: Air, Water and Land Resource Quality.

To maintain and improve the quality of the air, water and land resources of the City.

Finding:

Not Applicable.

Chapter 7 – Redmond Comprehensive Plan: Natural Hazards.

To protect life and property from natural disasters and hazards.

Finding:

Not Applicable.

Chapter 8 – Redmond Comprehensive Plan: Recreational Needs.

Providing quality green spaces, natural areas, and recreation sites for passive and active recreation through public and private park land throughout the community.

Finding:

Not Applicable.

Chapter 9 – Redmond Comprehensive Plan: Economic Development.

Finding:

Not Applicable.

Chapter 10 – Redmond Comprehensive Plan: Housing.

Goal 6. Provide for higher densities in proximity to schools, services, parks, shopping, employment centers, and public transit.

Finding:

Not Applicable.

Chapter 11 – Redmond Comprehensive Plan: Public Facilities and Services.

Finding:

Not Applicable.

Chapter 12 – Redmond Comprehensive Plan: Transportation

Finding:

Not Applicable.

Chapter 13 – Redmond Comprehensive Plan: Energy.

Finding:

Not Applicable.

Chapter 14 – Redmond Comprehensive Plan: Urbanization Element.

Finding:

Not Applicable.

Conclusion:

Based on the findings above, the proposed amendments conform to the Redmond Comprehensive Plan where the Plan's policies and objectives are found to be applicable.

4. “That there is a change of circumstances or further studies justifying the amendment or mistake in the original zoning.”

Finding:

There has been a significant change of circumstances in the state and national economy that affects the way land is developed. The current national recession has limited the amount and availability of money that is available to develop property. The intent of the new zone code amendment is to grant an additional amount of time to enable developers to seek funding for their already approved residential, commercial and industrial land use projects. The goal is to extend all land use permits that were approved and in effect on June 30, 2011, to be extended to July 1, 2013. This is based on changing needs and demands of the Central Oregon economy which has adversely affected land use development in the City of Redmond.

Conclusion:

The above findings demonstrate that the proposed code amendment to extend the expiration date for City approved land use permits meets RDC section 8.0760 - Criteria for Amendments to the Development Code. Additionally, the proposed amendment is compliant with the applicable Statewide Planning Goals and state law. The time extension code amendment should be approved.



Land-Use Decisions Impacted by Land-Use Approval Extension

Please note that this should not be viewed as an exclusive list.

File #	Description of Decision
PLANNED UNIT DEVELOPMENTS	
PUD 06-3	The Greens - 19 Townhome Lots
PUD 06-5	Badger – 107 Lots
PUD07-1	St. Thomas Parish, Mixed Use - Restaurant Theater, Special Events
PUD 07-2	Elm Park – 30 Lots
PUD08-1	Woodhill Crossing
SUBDIVISIONS	
SUB05-14	Summit Crest – 207 Lots
SUB06-17	High Ridge – 36 Lots
SUB06-27	Topaz Business Park – 38 Lots
SUB06-29	Timber Wood – 7 Lots
SUB06-30	Hastings Park – 5 Lots
SUB06-32	Sunset Ridge – 16 Lots
SUB07-1	Kinyon Estates – 27 Lots
SUB07-2	King Way – 9 Lots
SUB07-4	Clarkes Common – 4 Lots
SUB07-5	Autumn Glen – 16 Lots
SUB07-6	Industrial – 18 Lots
SUB07-7	Orchard Knoll – 8 Lots
SITE PLANS	
SP06-46	Multi-Family Dwelling
SP06-47	Multi-Family Dwelling
SP06-49	Tuscan Village – 5 Commercial Buildings
SP06-52	St Thomas Catholic Church – Parish Hall Addition
SP06-54	Industrial Building
SP06-55	RV Storage Building
SP06-64	Badger – 125 Lot PUD
SP07-13	3 Story Office Building
SP07-14	15,477 SF Office Building
SP07-18	21,000 SF Addition
SP07-19	13,672 SF Warehouse and Office
SP07-26	Tenant Flex Space
SP07-34	17,000 SF Commercial Space

SP07-40	Commercial Retail Building
SP07-42	27,500 SF Warehouse
SP07-45	Bank Building
SP07-47	Multifamily Housing / Retail
SP07-51	New Commercial Building
SP07-53	Assisted Living – 108 Units
SP08-1	14,000 SF Church Addition
SP08-4	10,558 SF Church
SP08-6	Car Wash
SP08-9	Industrial Condos
SP08-21	10,898 SF Building
SP08-24	518 SF Drive Thru Mini Mart
SP08-29	Mixed Retail Shopping Center
SP09-1	7,200 SF Industrial Building
SP09-5	Multifamily – 234 units
SP09-8	43,750 SF Industrial Building
SP10-1	Residential Conversion

March 14, 2011

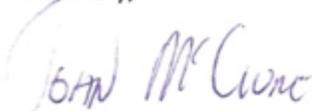
Sean Cook
Senior Planner
City of Redmond
716 SW Evergreen Ave.
Redmond, Oregon 97756

Dear Sean,

I am writing with regard to the proposed automatic extension for Tentative Plat Maps in the City of Redmond to be heard April 5, 2011. Our firm is the land owner of the Summit Crest Tentative Plat Maps phases 2 thru 5 and we are in support of the extension of the maps. A great deal of time, effort, and money have been put forth to accomplish approvals of the Tentative Maps however moving forward with improvements at this time given the current economic environment and residential real estate market is not feasible therefore we are very much in support of the time extension.

Thank you for your consideration of this matter and we look forward to learning of the action taken by the City of Redmond at the hearing.

Sincerely,



John McClure
Senior Vice President
Hillwood Capital
1100 Glendon Suite 1700
Los Angeles, CA 90024



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EXHIBIT 2

DATE: May 3, 2011
TO: Urban Area Planning Commissioners
FROM: Heather Richards, Community Development Director
SUBJECT: Public Hearing, TA 11-04 – Development Code Amendments: Section 8.0820 – 8.0880, Preservation of Historic Resources

Report in Brief:

This is the continuation of a public hearing from April 19, 2011, to consider an amendment to the Redmond Development Code, Section 8.0820 – 8.0880, Preservation of Historic Resources in support of establishing a Redmond Historic Landmarks Commission that will serve as the local land-use advisory body for the preservation of historic resources in the City of Redmond. Currently that work is performed by the Deschutes County Landmarks Commission.

Background:

Goal 5 of Oregon's state-wide land use goals focuses on the conservation of open spaces, historic, cultural and natural resources. The most common methodology of achieving this goal as it pertains to historic and cultural resources is to adopt a local landmarks program that identifies and preserves buildings, structures, objects, sites and/or districts in the community that are of historic and cultural significance for present and future generations. Currently Redmond manages this program in partnership with the Redmond Historical Commission, Deschutes County Landmarks Commission and Redmond Development Code, 8.0820 – 8.0880. With the dissolution of the Redmond Historical Commission, now is a great opportunity to develop a local Historic Landmarks Commission that is specific to Redmond and supports and promotes an active historic preservation program in Redmond that is successful and well-received.

The Deschutes County Landmarks Commission is comprised of one Redmond representative. This commission seat has remained vacant for approximately four months this year. After many meetings with representatives of the Deschutes County Landmarks Commission and past Redmond representatives who served on the Deschutes County Landmarks Commission, it was agreed that a historic preservation program specific to Redmond's needs and values should be pursued.

Historic preservation means many different things to many different stakeholder groups and to many different communities. And sometimes for a historic preservation program to be effective and productive, it needs to be governed and managed by the local community. That is the case with the City of Redmond. The City of Redmond's historic preservation program has been stagnant for many years. With little interest, limited advocacy and the lack of a targeted program, very few historic and cultural resources have been identified in recent years for preservation. The most recent effort was an

Attachments:

Exhibit A: Development Code Amendments: Section 8.0820 – 8.0880

Exhibit B: Findings

Intensive Level Survey conducted by Michael Hall in 2009, with recommendations for landmark designation that could be promoted by a local Historic Landmarks Commission.

Although, a historic preservation program in Redmond has not been overly active in recent years, several opportunities exist to preserve Redmond's historic and cultural resources as a community and economic development tool.

A good historic preservation program can positively serve the community in many ways: 1) Raising awareness of local history and how the built environment reflects that history; 2) Defining the community as a unique place; 3) Promoting economic development through adaptive reuse of landmark structures and participating in historic tax credit programs for redevelopment; 4) Encouraging sustainability through the adaptive reuse of existing structures in areas already served with public infrastructure; and 5) Serving as a foundation for a tourism program, etc.

In 1997, 466 historic resources were surveyed for inclusion into the Statewide Inventory of Historic Resources. Thirty-two (32) of those resources were identified as having the potential to be individually listed on the National Register of Historic Places, a federal historic preservation program. An additional two hundred (200) resources could be listed on the National Register of Historic Places as part of historic district or multiple property nomination.

Redmond has the opportunity to utilize the Centennial as a springboard for developing a more effective historic preservation program that achieves many of the results outlined above.

On February 22, 2011, the Redmond City Council adopted Ordinance No. 2011 – 01, establishing the Redmond Historic Landmarks Commission, Redmond City Code, Section 2.590 – 2.596.

Discussion:

At the public hearing on April 19, 2011, Planning Commissioners expressed some concern with the language in Section 8.0825(3), concerned that it empowered the Redmond Historic Landmarks Commission to serve as a hearings body for all land-use decisions for the City and not specific to Historic Resources. The language has been amended specific to Historic Resources as defined in Section 8.0830(11) and that the powers of the Redmond Historic Landmarks Commission as a hearings body are limited to those provisions outlined in Section 8.0820 – 8.0880 of the Redmond City Code.

*The Commission shall serve as a land use decision making body on **all Historic Resource (as defined by Section 8.0830(11)) applications required by Section 8.0820 – 8.0880 of the Redmond City Code**, ~~this ordinance~~ and as an advisory body to the City Council on city policy, ordinances, decisions, and on city projects that could affect the historic resources and their settings that are protected by this code.*

In addition, Planning Commissioners requested that the Code be amended to require property owner's permission for designation. Section 8.0832 was added for that purpose

8.0832 Property Owner Permission Required for Designation. The property owner's permission will be required at all times for the consideration of a designation of Historic Building, Structure, Object, Site or District as outlined in Section 8.0835, 8.0840 and 8.0845 of the Redmond Development Code.

Additionally, "tree" has been added to Section 8.0830(11)(D) as requested.

The next step after amending the Redmond City Code to enable the establishment of a Redmond Historic Landmarks Commission is to work with the Deschutes County Landmarks Commission to

Attachments:

Exhibit A: Development Code Amendments: Section 8.0820 – 8.0880

Exhibit B: Findings

remove the Redmond Representative, and to amend the Redmond Development Code, Section 8.0820 – 8.0880, directing all land-use decisions as they pertain to historic and cultural resources in the City of Redmond to be administered and evaluated by the Redmond Historic Landmarks Commission.

Alternative Courses of Action:

1. Recommend approval of the proposed Amendments as proposed or as modified by the Planning Commission at the public hearing to the City Council;
2. Continue the hearing for more information, time to revise the proposed amendments based on the Commission's direction provided at this public hearing and/or to allow more public input; or
3. Recommend that the City Council not approve the Amendments.

Recommendation/Suggested Motion:

Staff recommends Option 1 or Option 2 depending on the Planning Commission's consideration of the amendments, public input, and/or comments provided by the City's legal counsel.

Heather Richards
Community Development Director

Attachments:

Exhibit A: Development Code Amendments: Section 8.0820 – 8.0880

Exhibit B: Findings

Exhibit A: Article I, Zoning Standards – Development Code Amendments

Development Code Amendments (new text is **red**; deleted text is ~~strikethrough~~, unless otherwise stated):

PRESERVATION OF HISTORIC RESOURCES BUILDINGS AND SITES

8.0820 Purpose. Districts, buildings, and sites in the City of Redmond having special historic and prehistoric association or significance should be preserved as a part of the heritage of the citizens of the city and for the education, enjoyment, and pride of the citizens, as well as the beautification of the City and enhancement of the value of such property. To that end, **a program for the identification, evaluation, and designation of historic resources as landmarks, and land use regulations regarding the alteration, moving or demolition of designated landmarks and historic resources are necessary.** ~~regulatory controls and administrative procedures are necessary.~~

8.0825 Administration.

1. This code shall be administered by the **Redmond Historic Landmarks Commission** ~~Deschutes County Historical Landmarks Commission (Landmarks Commission), as defined by Redmond City Code, Section 2.590 – 2.596.~~ The ~~Landmarks Commission~~ is composed of nine voting and unnumbered non-voting ex-officio members who have demonstrated expertise in historic preservation related disciplines. ~~The mayor of Bend with the advice and consent of City Council shall appoint four Commissioners to represent the City of Bend; the Mayor of Redmond shall appoint one Commissioner to represent the City of Redmond; the mayor of Sisters shall appoint one Commissioner to represent the City of Sisters; and the Board of County Commissioners shall appoint one Commissioner to represent the unincorporated portion of the county. The president of the Deschutes County Historical Society shall recommend one Commissioner to represent the Historical Society and the Deschutes County Pioneer Association President shall recommend one Commissioner to represent the Pioneer Association. The Board of County Commissioners shall appoint the Commissioners who represent the Historical Society and the Deschutes County Pioneer Association. The ex-officio members shall be appointed by the Deschutes County Board of Commissioners. Landmarks Commissioners shall be qualified as defined in the National Park Service's Certified Local Government Program requirements. (Appendix D Section 2). Appendix D, by this reference, is incorporated herein.~~
2. ~~Landmarks Commissioners serve four-year terms. Commissioners shall serve without compensation. Any vacancy occurring in a position for any reason other than expiration of a term shall be filled by appointment for the remainder of the term.~~
3. The Commission shall serve as a land use decision making body on **all Historic Resource (as defined by Section 8.0830(11)) applications required by Section 8.0820 – 8.0880 of the Redmond City Code,** ~~this ordinance~~ and as an advisory body to the City Council on city policy, ordinances, decisions, and on city projects that could affect the historic resources and their settings that are protected by this code.

8.0830 Definitions. The following terms are defined as indicated:

1. Alteration: ~~An addition, removal, or reconfiguration which significantly changes the character of a historic resource, including new construction in historic districts. The word "alternative" shall mean the addition to, removal of or from, or physical modification of any exterior part or portion of a structure and/or building or structure and/or building in a designated historic district. A minor alteration is one which does not affect the historical and architectural significance of the structure or building.~~
2. Architectural Significance: The term "architectural significance" shall mean that the structure and/or building or district;
 - A. portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;
 - B. embodies those distinguishing characteristics of an architectural type;
 - C. is the work of an architect or master builder whose individual work has influenced the development of the city; or
 - D. contains elements of architectural design, detail, materials, or craftsmanship which represent a significant innovation.
3. Demolish: The word "demolish" shall mean to raze, destroy, dismantle, deface or, in any other manner, cause partial or total ruin of a designated landmark or structure and/or building or a designated landmark or structure and/or building in a historic district.
4. Exterior: The word "exterior" shall mean any portion of the outside of a designated historic structure and/or building or a structure and/or building in a designated historic district or any addition thereto.
5. Historic Artifacts: Three-dimensional objects in furnishings, art objects, architectural elements, building materials and items of personal property which have historic significance. "Historic artifacts" does not include photographs, paper, electronic media or other media that are classified as public records.
6. Historic Contributing: A building, structure, site or object that retains or exhibits sufficient integrity (materials, design and setting) to convey a sense of history. These resources strengthen the historic character of the City of Redmond.
7. Historic Integrity: The quality of all of the components of the resource, including historic location, design, setting, materials, workmanship, feeling, and/or association of a resource, as opposed to its physical condition.
8. Historic Landmark: A property officially recognized by the City of Redmond as important in its history. All designated historic buildings, structures or objects on the Redmond Historic Landmarks Inventory are considered landmarks. A landmark is either a historic contributing building, site, structure or object.
9. Historic Landmarks Inventory: The list of, and record of information about, properties officially recognized by the City of Redmond as historic landmarks, including those resources designated by the State and the National Register of Historic Places.
10. Historic Non-Contributing: A building, structure, site or object that retains but does not exhibit sufficient historic features to convey a sense of history.
11. Historic Resource: A historic or cultural site, building, structure, object, historic district, and their significant settings or any combination of these resources that are either listed or deemed eligible for listing on the National Register of Historic Places, or are within a historic district that is either listed or deemed eligible for listing on the National Register of Historic Places, and/or are designated by the Redmond City Council on the City's Goal 5 Local Landmarks List of Historic and Cultural Resources.
 - A. Building – A construction made for purposes of shelter or habitation, e.g. house, barn, store, theater, train station, garage, school, etc.
 - B. Structure – A construction made for functions other than shelter or habitation, e.g. bridge, windmill, dam, highway, boat, kiln, etc.

- C. Object – A construction which is primarily artistic or commemorative in nature and not normally movable or part of a building or structure, e.g. statue, fountain, milepost, monument, sign, etc.
 - D. Site – The location of a significant event, use, or occupation which may include associated standing, e.g. battlefield, shipwreck, campsite, cemetery, natural feature, tree, garden, food-gathering area, etc.
 - E. District – A geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites which are unified historically by plan or physical development, e.g. downtown, residential neighborhood, military reservation, ranch complex, etc.
12. Historical Significance: The term "historical significance" shall mean that the structure and/or building or district;
- A. has character, interest, or value as part of the development, heritage, or cultural characteristics for the city, county, state, or nation;
 - B. is the site of a historic event with an effect upon society;
 - C. is identified with a person or group of persons who had some influence on society, or
 - D. exemplifies the cultural, political, economic, social, or historic heritage of the community.
13. Landmarks Commission: This term shall mean the ~~Deschutes County Historical~~ **Redmond Historic** Landmarks Commission.
14. National Register of Historic Places: The nation's official list of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology, and culture.
15. Period of Significance: The span of time when a property or district attained its historic significance.
16. State Historic Preservation Office: Each state has a designated State Historic Preservation Office (SHPO) to help the Federal government administer provisions of the National Historic Preservation Act. The SHPO is aided by a professional staff and review board.

8.0832 Property Owner Permission Required for Designation. The property owner's permission will be required at all times for the consideration of a designation of Historic Building, Structure, Object, Site or District as outlined in Section 8.0835, 8.0840 and 8.0845 of the Redmond Development Code.

8.0835 Designation of Historic Building, Structure, Object or Site, . The designation of historic landmarks allows the City to formally recognize, rate and protect its historic and architectural resources. Properties listed on the National Register of Historic Places are eligible for automatic listing on the Redmond Historic Landmarks Inventory. The Redmond Historic Landmarks Inventory identifies buildings, sites, structures, objects and districts of historical importance or architectural significance that are considered exemplary of their time and style. The regulation of designated and rated historic landmarks provides a means to review proposed changes and encourage the preservation of historical or architectural values. Periodically it may be necessary to re-rate or remove the designation of a historic landmark to reflect changing conditions, community values or needs.

1. Upon receipt of a request by the Landmarks Commission to designate a particular building or site within the city limits of Redmond as a historical building or site, or upon direction by the Redmond City Council on its own motion, the City Planning Department shall advise the owner of such building or site and shall fix a date and time for a public hearing before the City Council thereon.

2. **The City Planning Department** shall transmit a copy of the request to the Landmarks Commission unless such a request has come from the Landmarks Commission.
3. The Landmarks Commission shall submit its recommendation to the Redmond City Council at least 10 days prior to the public hearing.
4. At such public hearing, the owner of the property involved, a representative of the Landmarks Commission, and all other interested parties shall be entitled to be heard by the City Council.
5. Any request for historic designation must be filed with the City Planning Department before the date of application for any building, conditional use, or any other application or permit which might be affected by such historic designation.
6. If the City Council determines that a building inside the city limits proposed for designation as a historical building has architectural significance or is of historical importance based upon past or present use, the council may designate such building as a historical building.
7. If the council finds that a particular site had a prior use involving the establishment, growth, or particular incidents relating to the history of the City, the council may designate the same as a historical site.
8. If any historical building has been demolished or destroyed, the city, on its own motion or upon recommendation of the Landmarks Commission, may remove the historical building designation therefrom.
9. If the designation is proposed to be removed from any historical building or site for any other reason than set forth in the preceding sentence, then similar notices, recommendations, and hearings shall be held as upon the designation of a building or site as historical building designation of a building or site as historical in the first instance.
10. A historical or architecturally significant interior space or other portion of a building may be designated as a historic building in the same manner as provided in this section; provisions of this code relating to historical buildings shall be applicable to such designated interior space or other portion of a building.
11. The City Council may make a recommendation regarding any request to designate a particular building or site within the urban growth area as a historical building or site. As used in this section, "urban growth area" is that area outside the City limits but within the urban growth boundary.
12. At the time of annexation to the city, all designated historical sites within the annexation area shall automatically revert to within city jurisdiction unless a public hearing is held to remove the site from the historical designation.

8.0840 Designation of a Building, Structure, Object or Site of Historical Interest.

1. If the City Council finds that a particular site is of historical interest but does not meet the criteria for designation as a historical building or site, the council may designate said building or site as a building or site of historical interest.
2. Buildings or sites designated as being of historical interest shall not be required to comply with the requirements of this code except in the event of demolition or of major alteration. In this instance, the owner must notify the City within at least ten (10) days prior to said demolition or major alteration and permit the City to take photographs of the site or building.
3. The City and/or Landmarks Commission may also make recommendations to the owner regarding alternatives to demolition or major alteration which would be detrimental to the building or site designation as being of historical interest.

8.0845 Designation of Historical District.

1. Upon receipt of a request by the Landmarks Commission to designate an area as a historical district or upon direction by the City Council, the Planning Department shall fix a date and time for a public hearing before the City Council thereon.
2. The Planning Department shall notify owners within the proposed historical district, the Redmond Urban Area Planning Commission, and shall transmit a copy of the request to the Landmark Commission unless such request has been made by the Landmark Commission.
3. At such public hearing, the owner of the property involved, a representative of the Landmarks Commission and all other interested parties shall be entitled to be heard by the City Council.
4. If the City Council determines that an area proposed to be designated as a historical district has architectural significance or is of historical importance based upon past or present use, the council may designate such area as a historic district.
5. If the city Council determines that an area outside the city limits but inside the adopted urban growth boundary is proposed to be designated as a historical district for the same reasons, the council may recommend to the Board of County Commissioners that such area be designated as a historical district.
6. All sites or buildings within a district need not be of historical or architectural significance, provided the district as a whole is of such importance or significance.
7. If the primary or significant buildings within a historical district have been demolished or destroyed, the City Council, on its own motion, may remove the historical district designation.
8. If the designation is proposed to be removed from any historical district for any other reason than set forth in the preceding sentence, then similar notices, recommendations, and hearing shall be held as upon the designation of the historical district in the first sentence.
9. Any request for a historic district designation must be filed with the Landmark Commission before the date of application for any building, conditional use, or any other application or permit which might be affected by such historical designation.
10. If a designated historical district is within an area of annexation at the time of annexation of the City, that historical district shall automatically revert to within city jurisdiction unless a public hearing is held to remove the historic district designation.

8.0850 Designation Not a Recommendation for Federal Action. Nothing in this code nor the designation of a historical district under Section 6 shall be interpreted as a recommendation by the City Council supporting designation of any building or structure as a "Certified Historic Structure" for purposes of Section 191 (d), (1), (b), or (c) of the Federal Tax Reform Act of 1976. No such recommendation or certification shall be made without notice to affected parties and an additional hearing thereof.

8.0855 Exterior Alteration and New Construction.

1. Except as provided pursuant to Section H, no person may alter any structure in a historic district, designated historic building, or any landmark in such a manner as to affect its exterior appearance, nor may any new structure and/or building be constructed unless a certificate of approval has been issued by the Landmarks Commission and the planning director.
2. Application for such a certificate shall be made to the Planning Department and shall be referred to the Landmarks Commission for review or hearing.

- A. Minor alterations may be acted upon by the planning director or his/her designee by administrative review.
- 3. All applications must be accompanied by appropriate plans and/or specifications.
- 4. Any request for a certificate of approval must be filed prior to or in conjunction with an application for any building or land use permit.
- 5. For exterior alterations of structures and/or buildings in a historic district or a designated historic structure and/or building, the criteria to be used by the Landmarks Commission in reaching its decision on the certificate of approval shall include the following:
 - A. Provisions of the Redmond Urban Area Comprehensive Plan.
 - B. The reasonableness of the proposed alteration and the relationship to public interest in the structure's and/or building's preservation or renovation.
 - C. The value and significance of the structure and/or building.
 - D. The physical condition of the structure and/or building.
 - E. The general compatibility of exterior design, arrangement, proportion, detail, scale, color, texture, and materials proposed to be used with an existing structure and/or building.
 - F. Other pertinent aesthetic factors as appropriate.
- 6. For construction of new structures and/or buildings in a designated historic district, the criteria to be used in the issuance of a certificate of approval shall include the following:
 - A. The purpose as set forth in Section 1.
 - B. The provisions of the Redmond Urban Area Comprehensive Plan.
 - C. The economic effect of the new structure and/or building on the historical value of the district.
 - D. The effect of the proposed new structure and/or building on the character of the district.
 - E. The general compatibility of the exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used in the construction of the new structure and/or building.
 - F. Economic, social, environmental and energy consequences.
- 7. All decisions on certificates of approval shall be in writing.
- 8. Nothing in this code shall be constructed to prevent the ordinary maintenance or repair (i.e., painting) of exterior architectural features which does not involve a change in design or type of materials unless the building official can certify the repair is required for the public safety because it is an unsafe or dangerous condition.
- 9. All decisions concerning the certificate of approval are subject to appeal to the City Council as set forth in Section 12.

NOTE: Design Review Guidelines for Alterations and Additions and Design Review Guidelines for New Construction are hereby made a part of this code as appendices B and C pursuant to Section 7.

8.0860 Demolition - Building Condemnation.

- 1. If an application is made for the demolition of any designated historic structure and/or building or a structure and/or building within a historic district or landmark, the application shall be transmitted, before action is taken, to the Landmarks Commission within seven (7) days of the application.
- 2. The Landmarks Commission shall hold a public hearing within thirty (30) days on the acceptance of the application.

3. The applicant, the owner of the property, and any interested parties shall be entitled to be heard.
4. In determining the appropriateness for the demolition as proposed in the application, the Landmarks Commission shall consider the following:
 - A. All plans, drawings, and photographs as may be submitted by the applicant.
 - B. Information presented at a public hearing held concerning the proposed work.
 - C. The Redmond Urban Area Comprehensive Plan.
 - D. The purpose of this code as set forth in Section 1.
 - E. The criteria used in the original designation of the landmark or district in which the property owner under consideration is situated.
 - F. The historical and architectural style, the general design, arrangement, materials of the structure and/or building in question or its appurtenant fixtures, and the relationship of such features to similar features of other buildings within the city and the position of the structure and/or building in relationship to public rights-of-way and to other buildings and structures in the area.
 - G. The effects of the proposed work upon the protection, enhancement, perpetuation, and use of the structure and/or building which cause it to possess a special character, special historical or aesthetic interest, or value.
 - H. Whether delay of the permit will involve substantial hardship to the applicant and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this code.
 - I. Economic, social, environmental, and energy consequences.
5. The Landmarks Commission may approve the demolition request after considering the criteria contained in Section D.
2. If not appeal is filed, the building official shall issue the permit in compliance with other codes and ordinances of the city.
3. The Landmarks Commission may suspend the application for a demolition permit if it is determined that, in the interest of preserving historical values, the structure and/or building or landmark should not be demolished and, in that event, issuance of the permit shall be suspended for a period fixed by the commission as follows: The Landmarks Commission may invoke a stay of demolition for a period not exceeding thirty (30) days from the date of public hearing. The commission may invoke an extension of the suspension period if it determines that there is a program or project under way which could result in public or private acquisition or relocation of such structure and/or building or site and that there is reasonable ground to building or site and that is reasonable ground to believe that such program or project may be successful; then the commission, at its discretion, may extend the suspension period in thirty (30) day increments for an additional period not exceeding ninety (90) days, to a total of not more than one hundred twenty (120) days from the date of acceptance of the demolition permit. During such period of suspension of permit application, no permit shall be issued for such demolition nor shall any person demolish the structure and/or building. If all such programs or projects are demonstrated to the commission to be unsuccessful and the applicant has not withdrawn his application for a demolition permit, the building official shall issue such permit if the permit application otherwise complies with the codes and ordinances of the city.
4. Action by the Landmarks Commission suspending issuance of a permit for demolition may be appealed to the City Council by the applicant for permit by filing a notice of appeal in the same manner as provided for in Section 13 for appeals.
5. Before any action is taken to condemn a structure and/or building designated as a historical building or site or any structure and/or building within a designated historic district, the Landmarks Commission shall review the report of the City Building

Department and any other city departments relating to the condition of the building and the premises and the extent of its danger, deterioration, or decay. The Landmarks Commission shall report on its review and make a recommendation concerning city action to the City Council before official action of condemnation is instituted.

6. The Landmarks Commission may identify specific structures and/or buildings within a designated historical district which will be exempt from the provisions of this section governing review of a permit for demolition.
7. The same procedure as stated in this section shall apply to building extraction.

8.0865 Record of Demolished Historical Building/Artifacts.

1. If a designated historical building is to be demolished, insofar as practicable and as funds are available, the Landmarks Commission shall keep a pictorial and graphic history of the historical building or historical site with additional data as it may obtain.
2. To the extent funds are available of the Landmarks Commission may obtain donations thereof, the Landmarks Commission shall obtain artifacts from the building or site which it deems worthy of preservation, such as carvings or other materials it deems of artistic or historical importance.

8.0870 Signs/Plaques. The owner of a designated historical building or site or the occupant thereof, with the consent of the owner, may install an identification plaque or sign indicating the name, date architect, or other appropriate information upon the property, provided that the size, material, design, location, and text of such plaque or sign is approved by the Deschutes County Historical Society.

8.0875 Redevelopment and Neighboring Improvement Projects.

1. In any redevelopment project or neighboring improvement project administered by a department of the city or submitted to the City Council for its review and recommendation, the proposed action relating to a designated historical district, building, or site shall be submitted to the Landmarks Commission for its review and recommendation.
2. A report thereon by the Landmarks Commission shall be filed by the City Council and a copy shall be sent to the appropriate city department.

8.0880 Appeals. Appeals from actions of the Landmarks Commission shall be to the Redmond City Council and may be filed by the applicant, the owner, occupant of the site or district concerned, or by any other person who participated in the initial hearing. Appeals must be filed within fifteen (15) days from the date of action by the Landmarks Commission, shall be filed on a form provided by the Planning Department, and shall be accompanied by a fee set for appeals by the Redmond City Council may be appealed to the Land Use Board of Appeals in accordance with rules and procedures established by state law and that board.

Redmond Historic Preservation Code

Appendix "A", Appendix "B", and Appendix "C"

PRESERVATION OF HISTORIC BUILDINGS AND SITES

**APPENDIX "A"
RATING SHEET**

RATING

BUILDING/STRUCTURE

LOCATION

TOWN/VICINITY

EVALUATOR

DATE

Scoring on Scale of 1-5

- 5 - Excellent
- 4 - Very Good
- 3 - Good
- 2 - Fair
- 1 - Poor
- 0 - Non-existent

DESCHUTES COUNTY REDMOND HISTORIC LANDMARKS COMMISSION RATING SHEET

Factors	Relative Importance	Weighted Rating
1. Interpretive Potential: Property is associated with historic or famous events, is related to the broad cultural history of the nation, state or community, is included on the National Register of Historic Places.	3.0 x	
2. Rarity of type and/or Style: Property represents a period of history or prehistory or style of architecture or method of construction of extraordinary or unusual design, detail, materials, or craftsmanship; or is identified as the work of an architect, designer or master builder whose work has influenced development in the nation, state or community.	2.0 x	
3. Identification: Property is identified with a person or persons who have significantly contributed to the history of the City or County.	1.5 x	
4. Symbolic Value: Property represents an aesthetic or educational feature of the community, or has contributed to the cultural or economic history of the area.	1.5 x	
5. Chronology: Property was developed early in the relative scale of	1.0 x	

local history or was an early expression of a type or style of structure or development.		
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APPENDIX "B"

DESIGN REVIEW GUIDELINES

ALTERATIONS / ADDITIONS

A. SITING

1. In addition to the zoning requirements, the relationship of new additions to the street and to the open space between buildings shall be compatible with adjacent historic buildings and with the historic character of the surrounding area.
2. New additions shall be sited so that the impact to the primary facades(s) is kept to a minimum. Additions shall generally be located at the rear portions of the property or in such locations where they have the least visual impact from public ways.

B. LANDSCAPE

1. Traditional landscape elements evident in the district - grass, trees, shrubs, picket fences, etc. - should be preserved and are encouraged in site redevelopment.
2. Inappropriate landscape treatments, such as berms and extensive ground cover, are discouraged.

C. BUILDING HEIGHT

1. In addition to the zoning requirements, the height of new additions shall not exceed the height of the historic building, or of historic buildings in the surrounding area.

D. BUILDING BULK

1. New additions smaller than the historic building or the historic buildings in the surrounding area are encouraged.
 - (a) Where new additions must be larger, the new addition shall be articulated in such a manner that no single element is visually larger than the historic building or larger than the surrounding historic buildings.

E. PROPORTION AND SCALE

1. The relationship of height to width of new additions and their sub-elements, such as windows and doors and of alterations, shall be compatible with related elements of the historic building and with the historic character of the surrounding area.
2. The relationship of solids to voids (wall to window) shall be compatible with related elements on the historic building and with the historic character of the surrounding area.

F. EXTERIOR FEATURES

1. General

(a) To the extent practicable, original historic architectural elements and materials shall be preserved.

(b) Architectural elements and materials for new additions shall be compatible with related elements of the historic building and with the historic character of the surrounding area.

(c) The preservation, cleaning, repair, and other treatment of original materials shall be in accord with the Secretary of Interior's Standards of Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

2. Foundations:

(a) Concrete or masonry foundations to replace deteriorated wood foundations are encouraged. Such new foundations shall be covered with board skirting or similar treatment to match the original appearance and extend to within six to eight inches (6" - 8") of the ground level.

(b) Concrete or masonry foundations for new additions need not be covered with material that stimulates earlier construction.

(c) New foundations shall not significantly alter the historic elevation of the building.

3. Roofs:

(a) Roofs on new additions shall be of forms (gabled, hipped, etc.) that are compatible with the historic building and the historic character of the district.

MASONRY

(Adobe, Brick, Stone, Terra Cotta, Concrete, Stucco, Mortar)

RECOMMENDED*

Retaining original masonry and mortar, whenever possible, without the application of any surface treatment.

Repointing only those mortar joints where there is evidence of moisture problems or when sufficient mortar is missing to allow water to stand in the mortar joint.

Duplicating old mortar in composition, color, and texture.

Duplicating old mortar in joint size, method of application, and joint profile.

Repairing stucco with a stucco mixture that duplicates the original as closely as possible in appearance and texture.

Cleaning masonry only when necessary to halt deterioration or to remove graffiti and stains, and always with the gentlest method possible, such as low pressure water and soft, natural bristle brushes.

Repairing or replacing, where necessary, deteriorated material with new material that duplicates the old as closely as possible.

Replacing missing significant architectural features, such as cornices, brackets, railings, and shutters.

Retaining the original or early color and texture of masonry surfaces, including early signage wherever possible. Brick or stone surfaces may have been painted or whitewashed for practical and aesthetic reasons.

NOT RECOMMENDED

Applying waterproofing or water repellent coating or surface consolidation treatments unless required to solve a specific technical problem that has been studied and identified. Coatings are frequently unnecessary, expensive, and can accelerate deterioration of the masonry.

Repointing mortar joints that do not need repointing. Using electric saws and hammers to remove mortar can seriously damage the adjacent brick.

Repointing with mortar of high Portland cement content can often create a bond that is stronger than the building material. This can cause deterioration as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar.

Repointing with mortar joints of a differing size or joint profile, texture, or color.

Sandblasting, including dry and wet grit and other abrasives, brick, or stone surfaces; this method of cleaning erodes the surface of the material and accelerates deterioration. Using chemical reaction with the masonry materials, i.e., acid on limestone or marble.

Applying new material which is inappropriate or was unavailable when the building was constructed, such as artificial brick siding, artificial cast stone, or brick veneer.

Removing architectural features such as cornices, brackets, railings, shutters, window architraves, and doorway pediments.

Removing paint from masonry surfaces indiscriminately. This may subject the building to damage and change its appearance.

WOOD

(Clapboard, Weatherboard, Shingles, and Other Wooden Siding)

RECOMMENDED

Retaining and preserving significant architectural features wherever possible.

Repairing or replacing, where necessary, deteriorated material that duplicates in size, shape, and texture, the old as closely as possible.

NOT RECOMMENDED

Removing architectural features such as siding, cornices, brackets, window architraves, and doorway pediments. These are, in most cases, an essential part of a building's character and appearance that illustrate the continuity of growth and change.

Resurfacing frame buildings with new material that is inappropriate or was unavailable when the building was constructed, such as artificial stone, brick, veneer, asbestos, or asphalt shingles and plastic or aluminum siding. Such material can also contribute to the deterioration of the structure from moisture and insects.

ARCHITECTURAL METALS

(Cast Iron, Steel, Pressed Tin, Aluminum, and Zinc)

RECOMMENDED

Retaining original material, whenever possible.

Cleaning when necessary with the appropriate method. Metals should be cleaned by methods that do not abrade the surface.

NOT RECOMMENDED

Removing architectural features that are an essential part of a building's character and appearance, illustrating the continuity of growth and change.

Exposing metals which were intended to be protected from the environment. Do not use cleaning methods which alter the color, texture, and tone of the metal.

ROOFS AND ROOFING

RECOMMENDED

Preserving the original roof shape.

Retaining the original material, whenever possible.

Providing adequate roof drainage and ensuring that the roofing materials provide a weathertight covering for the structure.

Preserving or replacing, where necessary, all architectural features that give the roof its essential character, such as dormer windows, cupolas, cornices, brackets, chimneys, cresting, and weather vanes.

NOT RECOMMENDED

Changing the essential character of the roof by adding inappropriate features such as dormer windows, vents, or skylights.

Applying new roofing material that is inappropriate to the style and period of the building and neighborhood.

Stripping the roof of architectural features important to its character.

WINDOWS AND DOORS

RECOMMENDED**

Retaining and repairing window and door openings, frames, sash, glass, doors, lintels, sills, pediments, architraves, hardware, awnings, and shutters where they contribute to the architectural and historic character of the building.

Improving the thermal performance of existing windows and doors through adding or replacing weatherstripping and adding storm windows and doors which are compatible with the character of the building and which do not damage window or door frames.

Replacing missing or irreparable windows on significant facades with new windows that match the original in material, size, general muntin and mullion proportion and configuration, and reflective qualities of the glass.

Replacing missing or irreparable windows on significant facades with new windows that match the original in material, size, general muntin and mullion proportion and configuration, and reflective qualities of the glass.

NOT RECOMMENDED

Introducing or changing the location or size of windows, doors, and other openings that alter the architectural and historic character of the building.

Replacing window and door features on significant facades with historically and architecturally incompatible materials such as anodized aluminum, mirrored or tinted glass.

Removing window and door features that can be repaired where such features contribute to the historic and architectural character of the building.

Installing on significant facades shutters, screens, blinds, security grills, and awnings which are historically inappropriate and which detract from the character of the building.

Installing new exterior storm windows and doors which are inappropriate in size or color, or which are inoperable, or which require removal of original windows and doors.

Installing interior storm windows that allow moisture to accumulate and damage the window.

Replacing sash which contribute to the character of the building with those that are incompatible in size, configuration, and reflective qualities or which alter the setback relationship between window and wall.

Replacing sash which contribute to the character of the building with those that are incompatible in size, configuration, and reflective qualities or which alter the setback relationship between window and wall.

Installing heating / air conditioning units in the window frames when the sash and frames may be damaged. Window installations should be considered only when all other viable heating / cooling systems would result in significant damage to historic material.

STOREFRONTS

RECOMMENDED

Retaining and repairing existing storefronts, including windows, sash, doors, transoms, signage, and decorative features where such features contribute to the architectural and historic character of the building.

Where original or early storefronts no longer exist or are too deteriorated to save, retaining the commercial character of the building through (1) contemporary design which is compatible with the scale, design, materials, color, and texture of the historic buildings, or (2) an accurate restoration of the storefront based on historical research and physical evidence.

NOT RECOMMENDED

Introducing a storefront or new design element on the ground floor, such as an arcade, which alters the architectural and historic character of the building and its relationship with the street or its setting or which causes destruction of significant historic fabric.

Using materials which detract from the historic or architectural character of the building, such as mirrored glass.

Altering the entrance through a significant storefront.

ENTRANCES, PORCHES, AND STEPS

RECOMMENDED

Retaining porches and steps that are appropriate to the building and its development. Porches or additions reflecting later architectural styles are often important to the building's historical integrity and, wherever possible, should be retained.

Repairing or replacing, where necessary, deteriorated architectural features of wood, iron, cast iron, terra cotta, tile, and brick.

NOT RECOMMENDED

Removing or altering porches and steps that are appropriate to the building's development and style.

Stripping porches and steps of original material and architectural features, such as hand rails, balusters, columns, brackets, and roof decoration of wood, iron, cast iron, terra cotta, tile, and brick.

Enclosing porches and steps in a manner that destroys their intended appearance.

* For more information, consult Preservation Briefs:

- 1) "The Cleaning and Waterproofing of Masonry Buildings"
- 2) "Repointing Mortar Joints in Historic Brick Buildings" (Washington, D.C.; Heritage Conservation and Recreation Service, 1975 and 1976). Both are available from the Government Printing Office or State Historic Preservation Officers.

** For more information, consult Preservation Briefs:

- 3) "Conserving Energy in Historic Buildings" (Washington, D.C.; Heritage Conservation and Recreation Service, 1978). It is available from the Government Printing Office or State Historic Preservation Office.

APPENDIX "C"

DESIGN REVIEW GUIDELINES

NEW CONSTRUCTION

A. GENERAL

1. New construction shall be compatible in size, form, scale, materials, and texture with adjacent historic buildings and with dominant architectural character of the district.
2. Contemporary designs expressing the elements described in 1. above are encouraged.
3. Imitating in detail an earlier style of architecture is discouraged.

B. SITING

1. In addition to the zoning requirements, the relationship of new construction to the street and to the open space between buildings shall be compatible with surrounding historic buildings and with the historic character of the district.

C. LANDSCAPE

1. Traditional landscape elements evident in the district--grass, trees, shrubs--are encouraged in new development.
2. Inappropriate landscape treatment such as berms and extensive ground cover areas are discouraged.

D. BUILDING HEIGHT

1. In addition to the zoning requirements, the height of new construction shall not exceed the height of the tallest historic building of similar type in the district.

E. BUILDING BULK

1. The apparent size of primary elements of new construction shall not exceed that of the largest historic building in the district.

F. PROPORTION AND SCALE

1. The relationship of height to width of primary and secondary elements of new construction shall be compatible with the dominant historic character of the district, such as the typical historic windows which have an approximate proportion of 2 vertical to 1 horizontal.
2. The relationship of solid to void (wall to window) shall be compatible with the dominant historic character of the district.

G. EXTERIOR FEATURES

1. General:

(a) Exterior features such as bays, porches, balconies, and other architectural elements that establish the district's historic character are encouraged in new construction.

2. Materials:

(a) New construction should employ materials traditional to the district--wood, stone, and brick. Such materials should be employed in their traditional configuration, e.g., drop siding, common brick, standard shingles.

(b) Inappropriate materials such as plywood, plastic and metal sidings, imitation brick and stone, and raw aluminum window frames are discouraged.

3. Roof Form:

(a) Primary roofs shall be gabled with pitches in the range of 12/12 to 12/8 to reflect the dominant roof pitches of the district's primary historic buildings.

4. Garages/Carports:

(a) When feasible, garages and carports should be located on the site where they have the minimum visual impact from public ways.

(b) Where garages must face the street front, they should be designed to minimize their bulk and visual impact. Single-car garage doors should be employed.

5. Signs:

(a) In addition to the sign code regulations, the size, placement, type, design, and materials of signs shall be compatible with the historic building and the historic character of the district.

(b) Standard back-lighted metal framed plastic signs are discouraged.

APPENDIX "D"

THE FEDERAL REQUIREMENTS OF THE CERTIFIED LOCAL GOVERNMENT

~~1. Enforce Appropriate State or Local Legislation for the Designation and Protection of Historic Properties. Federal regulations are found in 36 CFR 61.6. For the purpose of the CLG Program, the Act defines:~~

- ~~a. "Designation" as "the identification and registration of properties for protection that meet criteria established by the State or the locality for significant historic and prehistoric resources within the jurisdiction of a local government." Designation includes the identification and registration of resources according to State or local criteria which must be consistent with the Secretary of the Interior's Standards for Identification and Registration. Adoption of the National Register criteria is encouraged.~~
- ~~b. "Protection" as "a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic properties designated pursuant to" a local government becoming a Certified Local Government. The CLG's local protection review process of the Act applies only to properties designated pursuant to State or local laws and procedures. This would not include properties listed on or determined eligible for the National Register of Historic Places unless such properties also were designated under the appropriate State or local process.~~
- ~~c. In its CLG procedures, each State must define what constitutes appropriate State or local legislation for the designation and protection of historic properties and its enforcement. NPS does not require State or local legislation regarding designation and/or protection as a prerequisite for certification. However, if State and/or local legislation is required in the State's certification procedures, that legislation must be consistent with the Act and with the definitions above (for designation and/or protection).~~

~~2. Establish an Adequate and Qualified Historic Preservation Review Commission by State or Local Legislation. "Historic preservation review commission" means a board, council, commission, or other similar collegial body established by State or local legislation. The members must be appointed, unless otherwise provided by State or local legislation, by the chief elected official of the jurisdiction. Members must be drawn from professionals in architecture, history, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines to the extent such professionals are available in the community concerned, and such other persons as have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines. NPS regulations regarding commissions are found in 36 CFR 61.6.~~

- ~~a. If no State law exists that allows the establishment of local commissions, the State will require the local government to establish a commission by law or ordinance, or other official action.~~

~~b. The State may define "adequate and qualified" within the limits of 36 CFR 61.6, but the requirements set shall not be more stringent or comprehensive than the State's requirements for the State Review Board.~~

~~c. A State may specify in its State CLG procedures or incorporate by reference in State CLG procedures, the minimum number and type of professional members that the local government shall appoint to the commission, and indicate how additional expertise may be obtained. A local government may be certified without the minimum number or types of disciplines if it can provide written documentation to the SHPO that it has made a reasonable effort to fill those positions. However, if the SHPO has delegated State Review Board responsibilities to the Certified Local Government for that jurisdiction, the local commission must meet all applicable Review Board requirements, and perform all Review Board responsibilities.~~

~~d. When a professional discipline is not represented in the commission membership, the commission shall seek expertise in this area from persons meeting the Secretary of the Interior's Professional Qualification Standards, as appropriate.~~

~~3. Maintain a System for the Survey and Inventory of Properties that furthers the Purposes of the Act.~~

~~a. The State shall promulgate guidelines for local survey and inventory systems that ensure that such systems and the data produced can be readily integrated into SHPO inventories, the statewide comprehensive historic preservation plan, and other appropriate State and local planning processes. CLG survey data shall be in a format consistent with SHPO inventory requirements and shall not be inconsistent with the Secretary of the Interior's "Standards for Identification and Evaluation." This policy does not apply to survey data produced by local governments before the effective date of CLG certification.~~

~~4. Provide for Adequate Public Participation in the Local Historic Preservation Program.~~

~~a. The State shall define in writing minimum requirements for public participation in the conduct of overall CLG activities. These minimum requirements must include provision for open meetings (which must include public participation in the National Register Nomination process), minutes that are publicly available, and the publication and dissemination of commission procedures, as well as compliance with local, State, and Federal public participation regulations.~~

~~5. Satisfactorily Perform the Responsibilities Delegated to it Under the Act. Each local government must have the legal authority to fulfill the minimum requirements specified by the SHPO in its NPS-approved CLG procedures.~~

**Exhibit B
(Development Code Amendment –
Article I, Zoning Standards),
Redmond Historic Landmarks Commission**

Findings for Development Code Amendments to amend the Chapter 8, Article I – Zoning Standards, of the Redmond Development Code to appoint the Redmond Historic Landmarks Commission as the land-use authority for reviewing land-use applications of historic resources.

Prepared by Heather Richards,
Community Development Director
City of Redmond

April, 2011

File No: TA 11-04: Development Code Amendments

Applicant: City of Redmond Community Development Department
716 SW Evergreen Avenue
P O Box 726
Redmond, OR 97756
Phone: (541) 923-7721
Fax: (541) 548-0706

Request: Adopt findings in support of amendments to the Redmond Development Code, Chapter 8, Article I – Zoning Standards, Section 8.0820 – 8.0880 to appoint the Redmond Historic Landmarks Commission as the land-use authority for reviewing land-use applications of historic resources.

Location: Redmond City Limits

The following narrative provides findings in support of the proposed amendments with respect to Redmond Development Code, Section 8.0760 Criteria for Amendments: “The applicant shall show the proposed change is:”

1. “In conformity with all applicable State statutes;”

ORS 197.610(1): “A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption . . .”

Finding:

The City provided notice to the Director of the Department of Land Conservation and Development a minimum of 45 days before the first hearing on adoption.

Conclusion:

Based on the findings above, the proposed Code amendments conform to all applicable State of Oregon statutes.

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

Goal 1- Oregon’s Statewide Planning Goals: Citizen Involvement.

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding:

The City conducted a public workshop with the Urban Area Planning Commission on the proposed language amendments. All documents were available on the City’s website, and copies were available for the public. Further, meeting notices were published in the local newspaper, the Redmond Spokesman. In addition, the City provided public review and involvement opportunities during the public hearings (both at the Planning Commission and City Council levels) for the proposed amendments. The Urban Area Planning Commission serves as the City’s citizen advisory committee and is made up of Redmond area residents.

Goal 2- Oregon’s Statewide Planning Goals: Land Use Planning.

To establish 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.

Finding:

The Planning Commission has received input from staff, property owners and residents. Based on this input, and the Commission's own experience with the Development Code, the Commission believes the changes to the Code are necessary. The Commission has determined that enough factual and policy basis exists to support the proposed Code amendments. Such amendments meet Goal 2.

Conclusion:

Based on the findings above, the proposed Code amendments conform to applicable Statewide planning goals and statutes.

3. "In conformity with the Redmond Comprehensive Plan, land use requirements and policies; and"

Chapter 1 – Redmond Comprehensive Plan: Citizen Involvement.

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding:

The City conducted a public workshop with the Urban Area Planning Commission on the proposed language amendments. All documents were available on the City's website, and copies were available for the public. Further, meeting notices were published in the local newspaper, the Redmond Spokesman. In addition, the City provided public review and involvement opportunities during the public hearings (both at the Planning Commission and City Council levels) for the proposed amendments. The Urban Area Planning Commission serves as the City's citizen advisory committee and is made up of Redmond area residents.

The proposed amendments serve the following policies of Chapter 1 of the Redmond Comprehensive Plan.

1. The City shall establish a citizen involvement program to provide for widespread citizen involvement.
2. The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process.
3. The City shall assign the Redmond Urban Area Planning Commission as its officially recognized committee for citizen involvement (CCI).
4. The City shall establish mechanisms to assure two-way communications between citizens and elected and appointed officials.
5. The City shall provide the opportunity for citizens to be involved in all phases of

the planning process.

6. The City shall assure that technical information is available to citizens in an understandable form.
7. The City shall assure that recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response from policy-makers.
8. The City shall allocate adequate human, financial and informational resources for the citizen involvement program.

Chapter 2 – Redmond Comprehensive Plan: Land Use Planning.

To establish 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.

Finding:

The Planning Commission has received input from staff, property owners and residents. Based on this input, and the Commission’s own experience with the Development Code, the Commission believes the changes to the Code are necessary. The Commission has determined that enough factual and policy basis exists to support the proposed Code amendments. Such amendments meet Goal 2.

Conclusion:

Based on the findings above, the proposed amendments conform to the Redmond Comprehensive Plan where applicable.

4. **“That there is a change of circumstances or further studies justifying the amendment or mistake in the original zoning.”**

Finding:

Previously land-use applications for historic resources have been reviewed by the Deschutes County Landmarks Commission. On February 23, 2011, the Redmond City Council established the Redmond Historic Landmarks Commission in an effort to develop a local historic preservation program.

Conclusion:

The above findings demonstrate that the proposed amendments meet the section 8.0760 Criteria for Amendments to the Development Code.



CITY OF REDMOND
Community Development Department

EXHIBIT 3
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Redmond, OR 97756
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Fax: (541) 548-0706
www.ci.redmond.or.us

STAFF REPORT

DATE: May 3, 2011
TO: Redmond Urban Area Planning Commission
FROM: James Lewis, Senior Planner – Long Range Planning
SUBJECT: Work Session - MULW Zone – Consideration of Modified Text

Report in Brief:

Since the Planning Commission's last work session on the draft Development Code text for the Mixed Use Live Work (MULW) zone, internal staff review has identified two areas where the proposed text raises additional questions concerning the following: 1.) The type/size of development that can occur within the "live/work units"; and, 2.) Parking requirements for live/work units. The questions raised are regarding the thought the existing text may result in unintended consequences during implementation of the Code and future development. The attached Exhibit A shows the **proposed text highlighted in yellow**, text to be **eliminated in red strikethrough**, and **re-located text in underline blue italic**.

Live/Work Units - According to the initial draft text, there is no restriction on the types of businesses that could be combined with a residential use under the live/work unit definition. Additionally, the size (square feet) of the portion of the structure used for business purposes within a live/work unit was unlimited. These two factors contradict other elements of this zone whereby a specific list of uses was contemplated and deemed appropriate for the zone (either as outright or conditional uses), and the size limitations were associated with various commercial/retail uses. These two factors could impact the development pattern in the zone by potentially allowing: incompatible uses to be developed; development of retail/service commercial uses of unlimited size; and, traffic impacts that far exceed those that could be generated by uses in the existing M-1, M-2 and R-4 zones (conflicting with State Transportation Planning Rule).

Parking Requirements – The initial draft text requires live/work units to have two parking spaces regardless of the size of the unit and associated business. Because of the unrestricted nature of the size of some of the businesses that could be developed as part of a live/work unit, this parking requirement may not be adequate – even with on-street parking taken into consideration.

Background:

Over the past year the Planning Commission worked with Staff to develop the draft text for the MULW zone. At the March 15, 2011 meeting, the Planning Commission made final adjustments to the draft text per Staff's previous fine tuning as directed by the Planning Commission – a working public review/hearing draft was subsequently developed. A neighborhood information meeting is scheduled for May 19, 2011 and a formal public hearing is scheduled for June 7, 2011. Public notices will be sent out in accordance with all requirements. Since the Planning Commission's direction at the March 15th meeting, staff has been preparing the necessary findings and developing support information for both the approval of the text, and the implementation of the zone to a specific area (and to make necessary changes to the Redmond Comprehensive Plan and Zoning Maps). During the internal review, data collection and analysis phase, Staff identified the issues raised above. These are being presented for Planning Commission review.

Discussion:

Live/Work Units

Use – As conveyed by the Planning Commission, the intent of the MULW zone and inclusion of the live/work units was to provide flexibility in the type and arrangement of the development pattern, while initiating re-development and new development in an underutilized portion of the city. However, the initial draft text permits any type of business use allowed in any zone in the City of Redmond to be developed as part of a live/work unit. With the original intent in mind, Staff has concerns that as written, the flexibility within the zone may have unintended consequences regarding compatibility of adjacent/nearby uses and potential traffic impacts (see traffic impacts below). Staff believes that by refining the text regarding the business uses included within live/work units and allowing only those permitted elsewhere in the MULW zone, the identified concerns will be alleviated, and the original intent of the Planning Commission will still be retained. Notwithstanding the refinements regarding business uses, a new provision to allow offices developed as part of live/work units is also proposed. However, the proposal includes a 2,500 square foot limit on the size of the office portion of the unit – this limit is intended to allow flexibility in the type and nature of the development, but to limit the potential impacts there from.

Size - Under the initial draft text, any type of business use could be developed under the definition of live/work unit, with no size restrictions as is the case with some uses if they were developed as stand alone. Thus, a live/work unit could be developed with an associated retail or service commercial use (such as a convenience store) of any size just by virtue of that business being part of a live work unit. Conversely, if developed as a stand-alone business, service commercial uses would be limited to 2,500 square feet in area and a retail use would be limited to an accessory use to another use permitted in the zone. Thus, the “loophole” would permit any size retail/service commercial use to be developed within the MULW zone just by having an attached residential component (per live/work unit definition) that meets the minimum size requirement of 600 square feet. By allowing retail/service commercial uses of any size to be developed as part of a live/work unit, the traffic reducing effect of the 2,500 square foot limitation for specific uses would be nullified. Further, development of large scale retail/service commercial uses could create incompatible uses to be constructed within the zone and the overall intended development pattern of the area to not come to fruition.

Traffic Impacts – By not restricting the types and sizes of business uses developed as part of live/work units in the same manner as those already included in the zone, the traffic impacts associated with the new zone could exceed those possible under the historic zoning. Under this scenario, compliance with the State Transportation Planning Rule (TPR) could require mitigation that would be substantial enough to prevent applying and implementing the zone within the intended area at this time. By including the additional text as suggested within the MULW zone, TPR requirements that could prevent implementation of the zone would be avoided.

Parking – Live/Work Units

The parking requirement for a live/work unit requires a minimum of two (2) off-street parking spaces. As written though, the maximum number of spaces that could be required for each live/work unit, regardless of the size of the unit that is built (meaning both the business and residential portions individually or combined) is also two (2). There are no provisions for requiring or determining if, or how many additional parking spaces may be necessary to accommodate the actual parking need. Thus, if a live/work unit of 2,000 total square feet (1,000 square feet residential and 1,000 square feet business) were constructed, only two spaces would/could be required. Notwithstanding, if a live/work unit of 5,000 total square feet (1,000 square feet residential and 4,000 square feet business) were constructed, still only two spaces would/could be required. While in the former circumstance two spaces may be appropriate, it could be expected that the latter instance would most likely require more than two spaces (on the basis that one permanent space would be needed for the residential component, leaving only one space for the 4,000 square feet of business space). Typically, 4,000 square feet of business space includes multiple employees and customers travelling to/from the site. Even with on-street parking being available, it could be expected that live/work units of the latter scenario would place undue burden on the public infrastructure system and have adverse impacts on surrounding development.

For the reasons identified above, Staff is proposing to add new text to the draft Code that requires additional parking to be developed for the business portion of the live work unit as the square footage of that component gets larger (see attached Exhibit A). Staff is proposing that two (2) additional parking spaces be required for each additional 500 square feet of non-residential floor area over and above the initial 1,000 square feet of non-residential floor area. The text proposed for the MULW zone is based on the existing Development Code parking requirements for the Mixed Use Neighborhood (MUN) and Mixed Use Employment (MUE) zones. Thus, rationale which is similar in intent and is based on the overall development/design requirements for these mixed use areas has been employed in the text suggested herein by Staff.

As applied to the two development scenarios offered above, the proposed parking requirements would be as follows (note: it is only the additional "business" square footage that requires additional parking):

- 2,000 sq.ft. live/work unit (1,000 sq.ft. residential and 1,000 sq.ft. business) – two (2) spaces
- 5,000 sq.ft. live/work unit (1,000 sq.ft. residential and 4,000 sq.ft. business) – eight (8) spaces

For comparative purposes, a 4,000 sq. ft. stand-alone retail or office use in a commercial zone would require twenty (20) and fourteen (14) parking spaces respectively (absent any parking for residential use).

By adding the proposed text, Staff believes that unintended parking impacts will be avoided and impacts to public infrastructure and properties in the area can be minimized.

Alternative Courses of Action:

1. Approve the suggested additions/modifications to the draft text of the MULW zone as proposed by Staff, and direct staff to include the additional/modified text in the draft presented for public hearing on June 7, 2011.
2. Further modify the proposed text (at the discretion of the Planning Commission) and then direct staff to include the additional/modified text in the draft presented for public hearing on June 7, 2011.
3. Direct Staff to take no action and not modify the current text.

Recommendation/Suggested Motion:

Staff recommends that the Planning Commission direct staff to include the proposed text and make changes to the draft that will be presented at the June 7, 2011 public hearing. A motion by the Planning Commission to add the text as discussed and proposed herein, and vote of approval, would direct Staff to make such changes.

James J. Lewis
Senior Planner, Long Range Planning

EXHIBIT A

PROPOSED MODIFICATIONS TO MIXED USE LIVE WORK (MULW) ZONE TEXT

I. Proposed Modifications to Uses Permitted in the MULW Zone

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

USE:	ZONE:	REFERENCE/STANDARDS:
	MULW	
<u>Residential Uses:</u>		
Existing Single Family Residential Use prior to May 2011	O	
<u>Live/Work Uses:</u>		
Live/ Work Units	O	The business components are limited to those uses and corresponding design standards and limitations as listed in this Section.
Live/Work Unit with Office	O	Office Use is Limited to 2,500 square feet in size
<u>Eating and Drinking</u>		
Bakery (retail/sit-down)	O	
Bar, tavern	C	
Café, sit-down restaurant, diner, brew pub	O	
Convenience Store	O	Limited to 2,500-square foot in size.
<u>Entertainment</u>		
Indoor commercial recreation	C	
<u>Automotive Uses:</u>		
Auto service and repair	C	
Gas Stations	C	

<u>Industrial Uses:</u>		
Light Industrial Uses including manufacturing, fabrication, and assembly	O	
Office in support of <u>as an accessory use to</u> a primary industrial use	O	
Distribution center	O	
Wholesaler	O	
Precision machine shop	O	

Research and development facility	O	
Contractor Service and Supply	O	Retail associated with this use is limited to 2,500-square feet.
Shop or studio (including woodworking and other artisans)	O	
Warehousing and Manufacturing	O	
<u>Office-Type Uses:</u>		
Office service and supplies	O	
Printing and publishing	O	
Telemarketing, call center, back office	O	
<u>Public and Semi Public Uses:</u>		
Churches, religious institutions	C	
Lodge, club, non-profit/fraternal organization	C	
Park (public or private)	O	
Public transportation station	O	
Recreation Facility (public or private)	C	
Schools (public or private)	C	
Utility facility	C	

<u>Commercial Uses:</u>		
Retail Uses	O	In the MULW zone, retail use shall be only allowed as a part of <u>an accessory use to</u> an outright permitted or conditional use and shall be limited to 2,500-square feet per use. This land use category pertains to uses not already permitted in the zone.
Service Commercial Uses	O	In the MULW zone, service commercial uses shall support the neighborhood (such as beauty and barber shops, day care, dry cleaners) and shall be limited to 2,500-square feet per use. This land use category pertains to uses not already permitted in the zone.
<u>Convenience Store</u>	<u>O</u>	<u>Limited to 2,500 square feet in size</u>
New Drive through / up facilities as part of an approved use (facilities must include an inside use component such as seating or a service area, except for voting drop offs and postal drop boxes):	C	Drive through or drive up facilities shall not be located within 600 feet of any arterial or collector intersection with a state highway, within 400 feet of a local street intersection with a state highway, and not adjacent to or have access to a state highway. Otherwise, drive through or drive up facilities may be located within 100 feet of a collector or

		arterial street intersection, and shall be separated from other drive through and drive up facilities by a minimum of 300 feet.
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II. Proposed Modifications to Parking Requirements for Live Work Units

8.3170 Site and Design Review Criteria. Prior to issuance of a building permit, the following applicable criteria shall be met.

2. Outside Requirements – New Live Work Units.

a.) Parking. Each unit shall have a minimum of 2 off-street parking spaces. One additional off-street parking space shall be required for each 500 square feet (or portion thereof) of non-residential floor area beyond the first 1,000 square feet of non-residential floor area. The applicant may propose approved materials for parking that are porous and yet strong enough to support vehicles. The Community Development Director or designee shall be the final authority for acceptable alternatives to pavement.

5. Modifications to Existing Residential Structures.

b.) Outside Requirements.

b1.) Parking. Each unit shall have a minimum of 2 off-street parking spaces. One additional off-street parking space shall be required for each 500 square feet (or portion thereof) of non-residential floor area beyond the first 1,000 square feet of non-residential floor area. The applicant may propose approved materials for parking that are porous and yet strong enough to support vehicles. The Community Development Director or designee shall be the final authority for acceptable alternatives to pavement.