

Title 20. REDMOND URBAN AREA ZONING ORDINANCE

| | |
|-----------------------|---|
| Chapter 20.04. | INTRODUCTORY PROVISIONS |
| Chapter 20.08. | ESTABLISHMENT OF ZONES AND DISTRICTS |
| Chapter 20.12. | <u>URBAN HOLDING ZONE</u> |
| Chapter 20.16. | SUPPLEMENTARY PROVISIONS |
| Chapter 20.20. | EXCEPTIONS |
| Chapter 20.24. | CONDITIONAL USES |
| Chapter 20.28. | NONCONFORMING USES |
| Chapter 20.32. | VARIANCES |
| Chapter 20.36. | AMENDMENTS |
| Chapter 20.40. | GENERAL PROVISIONS |

Chapter 20.04. INTRODUCTORY PROVISIONS

- 20.04.010. Title.**
- 20.04.020. Findings and declaration.**
- 20.04.030. Purpose.**
- 20.04.040. Administrative terminology and construction.**
- 20.04.050. Definitions.**
- 20.04.060. Compliance with provisions of this title.**
- 20.04.070. Zoning permit.**
- 20.04.080. Abrogation and greater restrictions.**
- 20.04.090. Interpretation.**
- 20.04.100. Repeal of ordinances as affecting existing liabilities.**
- 20.04.110. Existing agreement and zoning permits.**
- 20.04.120. Authorization of similar uses.**

20.04.010. Title.
 This title shall be known as DCC Title 20 the Redmond Urban Area Zoning Ordinance. (Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.04.020. Findings and declaration.
 It is hereby found and declared that each use of land has its own particular influence on other land uses and on the city of which it is a part and indirectly on areas outside of the city; that this influence can be detrimental when land uses are uncontrolled, improperly placed, unduly concentrated or prematurely developed; that zoning is one of the tools available for putting the "Redmond Urban Area Comprehensive Plan" into effect in an orderly manner and for assuring the optimum relationships between the various land uses, between the groups of uses or zones herein created or between private uses and the public interest; that DCC Title 20 has been created after full consideration of the character of the urban area and of the various areas within it and the suitability of various districts for particular uses and patterns of development; and that the regulations contained in DCC Title 20 are necessary to accomplish the purposes set forth below. (Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.04.030. Purpose.
 DCC Title 20 is adopted for the purpose of promoting the health, safety, peace, comfort, convenience, economic well-being and general welfare of the Redmond Urban Area and not limited to, but specifically to achieve the following designated objectives.

- A. To protect the present and existing character and values of land and buildings in the UH-10 zone until such land is ready to be developed for urban uses and is annexed into the City of Redmond:
 1. Preventing the intrusion of inharmonious uses or uses that may impede the conversion of land to urban use.
 2. Preventing the encroachment on desirable open space and natural features.
 3. Providing and planning for the safe and efficient movement of existing and future traffic.
 4. Assuring the planning for and provision of necessary public facilities prior to conversion to urban uses.
- B. To provide for additional growth and development in a manner appropriate to the character of the Redmond Urban Area and which will contribute to the economic stability of said area and strengthen the basis of its private and governmental economy.
- C. To assure that future development occurs in an orderly manner to provide for economy and efficiency in public services and utilities and to protect the public from costs which may be incurred when unsuitable, scattered or premature development occurs.
- D. To minimize traffic hazards, traffic congestion and the conflict between land uses and the movement of traffic.
- E. To regulate the placement, height and bulk of buildings. (Ord. 94-013 § 1, 1994; Ord. 83-040 § 1, 1983; Ord. 80-201, 1980)

20.04.040. Administrative terminology and construction.
 A. Terminology. As used in this title the word "building" includes the word "structure." The term "building site" includes the word

"lot" and the word "plot." The word "used" also includes "designated, intended or arranged to be used." The word "erected" also includes "constructed," "reconstructed," "altered," "placed" or "moved." The term "land use" also includes "building use" and "use of building." The term "Comprehensive Plan" shall mean the Redmond Urban Area Comprehensive Plan.

The word "City" shall mean the City of Redmond, Oregon. The word "County" shall mean Deschutes County, Oregon. The word "Board" shall mean the Board of County Commissioners of Deschutes County. The words "Planning Commission" and "Commission" shall mean the Redmond Urban Area Planning Commission. The words "Planning Director," "County Clerk," "Hearings Officer," and "Assessor" shall mean the Planning Director, County Clerk, Hearings Officer, and Assessor of Deschutes County, Oregon. The words "Hearings Body" means the Planning Director, Planning Commission or Board of County Commissioners.

- B. Construction. Words used in the present tense include the future tense. Words used in the singular include the plural and words used in the plural include the singular. The word "shall" is mandatory and the word "may" is permissive. The masculine shall include the feminine and the neuter.
(Ord. 94-013 § 1, 1994; Ord. 80-228 § 1, 1980; Ord. 80-201, 1980)

20.04.050. Definitions.

For the purposes of DCC Title 20, unless otherwise apparent from the context, the words and phrases used in this title are defined as set forth in DCC 20.04.050.

"Abut" means contiguous to; for example, two lots with a common property line. Abut does not apply to buildings, uses or properties separated by public right of way, rivers or canals.

"Access" means the right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

"Accessory use or structure" means a use or structure incidental and subordinate to the main use of residential property and located on the same lot as the main use. Accessory uses include a pergola greenhouse, hothouse, swimming pool, enclosed patio, woodshed and quarters for domestic animals maintained as part of the residence. A home occupation is also an accessory use.

"Alley" means a street 20 feet in width which affords only a secondary means of access to property.

"Alter" means a change, addition or modification in construction or occupancy of a building or a structure.

"Arterial" means a street of considerable continuity which is primarily a traffic artery for intercommunication among large areas and so designated by the County [and City Transportation System Plan](#).

["Bed and breakfast inn" means a single-family dwelling unit where lodging and meals are provided for compensation, in which no more than three guest rooms are provided for no more than eight guests. A guest shall not rent for a time period longer than 30 consecutive days.](#)

"Building" means a structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

"Building height" means the vertical distance measured between the average level of the finished ground surface adjacent to the building and the uppermost point of the building excluding only those features which may exceed the district height limits.

"Collector" means a street supplementary to the arterial street system and a means of intercommunication between this system and small areas, used to some extent for through traffic and to some extent for access to abutting properties and so designated by [the County and City Transportation System Plan](#).

"Conforming" means in compliance with the regulations of the applicable zone designation.

"Cross-section" means a profile of the ground surface perpendicular to the centerline of a street, stream or valley bottom.

"Cul-de-sac" (dead end street) means a short street having one end open to traffic and being terminated by a vehicle turnaround.

"Director" means the Redmond Community Development Director.

"Dwelling" means a building or part thereof designed for and/or used for residential occupancy and containing one or more dwelling units.

"Dwelling, duplex or two-family" means a detached building containing two dwelling units.

"Dwelling, single-family" means a detached building containing one dwelling unit and designed for occupancy by one family only, excluding a manufactured home.

"Dwelling unit" means one or more rooms constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease and physically separated from any other room or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.

"Easement" means a grant of the right to use a parcel of land or portion thereof for specific purposes where ownership of the land or portion thereof is not transferred.

"Existing" means existing at the time of application.

"Family" means an individual or two or more persons related by blood, marriage, legal adoption or legal guardianship, living together as one housekeeping unit using one kitchen and providing meals or lodging to not more than two additional persons, excluding servants; or a group of not more than five unrelated persons living together as one housekeeping unit using one kitchen.

"Farm use" means the employment of land including that portion of such lands under buildings supporting accepted farming practices for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the product of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. Farm use includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provision of ORS 321, except land used exclusively for growing cultured Christmas trees, or to the construction and use of dwellings customarily provided in conjunction with the farm use. As used in this definition and DCC Title 20, "accepted farming practice" means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money and customarily utilized in conjunction with farm use.

"Framework plan " means a plan adopted by the City of Redmond that is a conceptual guide for future land uses in the urban reserve area and areas with the Urban Growth Boundary designated Urban Holding on the comprehensive plan map. The Framework Plan is not parcel-specific and is intended to provide general guidance as to community form and design.

"Frontage" means all property fronting on one side of a street and measured along the street line, between intersecting streets or between a street and a right of way, waterway, or end of a dead end of city boundary.

"Future arterial" means a future arterial identified on the City and County Transportation System Plan.

"Future collector" means a future collector identified on the City and County Transportation System Plan.

"Grade" (ground level) means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within

five feet of a sidewalk, alley or other public way, the above-ground level should be measured at the elevation of the sidewalk, alley or public way.

"Grid street" means the standard in the Redmond Urban Area to develop through public streets at a spacing of approximately 660 feet to provide a street grid pattern of through streets to facilitate traffic movement.

"Hearings Body" means the Redmond Community Development Director, the Redmond Planning Commission, a Hearings Officer or the Redmond City Council.

"Hearing, Initial" means the first hearing authorized and conducted by the Redmond Planning Commission, the Redmond Hearings Officer or the Redmond City Council.

"Hearings Officer" means a planning and zoning hearings officer appointed or designated by the City Council pursuant to ORS 227.165.

"Height of buildings" means the vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof or the center height between the highest and lowest points on other types of roofs.

"Home occupation" means any lawful occupation carried on by a resident of a dwelling as an accessory use within the same dwelling or in an accessory building on the same or adjacent property with limited retail sales or sales accessory to service.

"Horse stables" means structures, including indoor and outdoor riding arenas, for the stabling or training of horses and other facilities normally associated with such uses.

"Horse stable, commercial" means stables for the boarding and/or keeping of horses and the training of horses that are not non-commercial riding stables as defined in DCC Title 20.

"Horse stable, noncommercial" means a detached accessory structure for the stabling or training of horses owned by the landowner or a single lessee of the stable facility for personal use. May also

include the incidental boarding or keeping of up to five horses owned by persons not the owner or lessee of the horse stable for their personal use.

"Kennel" means a lot or building in which four or more dogs or cats at least four months of age are kept commercially for board, propagation, training or sale.

"Landscape or landscaping" means to improve by landscape architecture or gardening.

"Local street" means a street intended primarily for access to abutting properties.

"Lot" means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public street or easement approved by the Planning Commission or the board. A lot may be:

- A. A single lot of record;
- B. A combination of complete lots of record or complete lots of record and portions of lots of record; or
- C. A parcel of land described by metes and bounds, provided that in case of division, there shall have been approval given to said division by the board under the conditions set forth in the subdivision ordinance.

"Lot area" means the total horizontal area within the lot lines of a lot, exclusive of streets and easements of access to other property.

"Lot, corner" means a lot abutting on two or more streets, other than an alley, at their intersection. A lot abutting on a curved street or street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

"Lot coverage" means the front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street other than an alley shall be

considered frontage and yards shall be provided as indicated under "Yards" in DCC 20.04.050.

"Lot, interior" means a lot other than a corner lot with only one frontage on a street.

"Lot line" means the property line bounding a lot.

"Lot line, front" means for an interior lot, the lot line abutting a street other than an alley; for a corner lot, a lot line abutting either street other than an alley; and in the case of a corner lot, the Planning Director shall determine the front lot line. The determination shall be made to provide the necessary public safety and shall be based on street classifications, house and driveway orientation, lot dimensions and adjacent property use.

"Lot line, rear" means the lot line or lines opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

"Lot line, side" means any lot line or lines not a front or rear lot line. An interior side lot line is a lot line common to more than one lot or to the lot and an alley. An exterior side lot line is a lot line common to the lot and a street other than an alley.

"Lot measurements" means:

- A. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- B. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width, except in the case of lots on the turning circle of a cul-de-sac where the 80 percent requirement shall not apply.

"Lot of record" means any unit of land created as follows:

- A. A lot in an existing, duly recorded subdivision;
- B. A parcel in an existing, duly recorded major or minor land partition;
- C. An existing unit of land for which a survey has been duly filed which conformed to all applicable regulations at the time of filing; or
- D. Any unit of land created by deed description or metes and bounds provided, however, contiguous units of land created by deed description or metes and bounds under the same ownership and not conforming to the minimum parcel size of the ordinance shall be considered one lot of record.

"Manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, and that is being used for residential purposes. It does not include any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer.

"Master plan" means an overall plan indicating the physical and functional interrelationships between uses and facilities for a project, a series of projects or phased developments occurring over a period of time. Components of a master plan include:

- A. A narrative that sets forth the goals and objectives of the Master Plan.
- B. A map of the site and surrounding area that sets the context for the Master Plan.
- C. A land use diagram which indicates the distribution and location of planned land uses for the Master Plan area, including plans for park and open space and other community facilities and private infrastructure.
- D. If residential development is proposed, the master plan needs to describe the range of lot sizes, housing types and overall average

density for the master plan area. Requested zoning districts (existing or new) also need to be described.

E. A circulation diagram that indicates the conceptual layout of streets, pathways and bikeways. Typical cross-sections may be included and parking must be clearly shown within the Plan.

F. The Plan should include a conceptual layout of public facilities (including sanitary sewer and water) needed to support the land use diagram. The facilities analysis should address overall capacities and impacts and describe mitigation measures needed to keep the development below maximum operational capacity for any proposed public infrastructure.

G. Design and development standards if different from the Redmond City standards.

H. Land division patterns where applicable.

"Medical hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons. As used in DCC 20.12.030(D), the term "relative" means grandparent, grandchild, parent, child, brother or sister of the existing resident.

"Municipal utility" means a utility identified on an approved City of Redmond municipal public facility master plan.

"Nonconforming structure or use" means a lawful existing structure or use at the time DCC Title 20 or any amendment thereof becomes effective which does not conform to the requirements of the zone in which it is located.

"Nonmunicipal utility" means a utility not identified on an approved City of Redmond municipal public facility master plan.

"Open space" means lands used for agricultural or other open space uses and any land area that would, if preserved and continued in its present use; conserve and enhance natural or scenic resources; protect air or streams or water supply;

conserve landscaped areas, such as public or private golf courses that reduce pollution and enhance the value of abutting or neighboring property; enhance the value to the public of abutting or neighboring parks or other open space; enhance recreation opportunities; preserve historic, geological and archeological opportunities; preserve historic, geological and archeological sites; promote orderly urban development; and minimize land use conflicts.

"Owner" means the owner of the title to real property or the authorized agent thereof, or the contract purchaser of real property of record as shown on the last available complete tax assessment roll or County Clerk's records.

"Parcel" means a unit of land that is created by a partitioning of land.

"Parking space" means a clear, off-street area for the temporary parking or storage of one automobile, having all-weather surface of an average width not less than 8.5 feet and an average length of not less than 18 feet and not be less than 8.5 feet in height when within a building or structure. Such parking space shall have easy access to a street or alley by a driveway having an all-weather surface.

"Person" means every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government or any group or combination acting as a unit.

"Planning department" means the City of Redmond Planning Division located within the Redmond Community Development Department.

"Prefabricated house" means a sectional or factory built house to which wheels may or may not be attached for the purpose of moving it to a homesite where it is affixed to the real property on a permanent foundation.

"Public use" means a structure or use intended or used for a public purpose by a city, a school district, the county, the state or by any other public agency, not including a public utility facility.

"Recreational vehicle" means temporary living quarters for recreational, camping, or travel use, which has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicles include travel trailer, camping trailer, truck camper, and motor home.

"Residential use" means a structure or use for occupancy as a human dwelling or lodging place such as single-family, two-family or multi-family dwellings, duplexes, apartments, boarding, lodging or rooming houses, [and](#) manufactured homes.

"Right of way" means the area between the boundary lines of a street, road or other easement.

"Road or street" means a public or private way that is created to provide access for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide access to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

"Roadway" means that portion of a street or road right of way developed for vehicular traffic.

"School" means a place for teaching, demonstration or learning. However, unless otherwise qualified, the word school means a place for primarily academic instruction equivalent to what is commonly known as kindergarten, grade school, junior high school, high school, college or a combination thereof.

"Semipublic use" means a structure or use intended or used for a semipublic purpose by a church, lodge, club or any other nonprofit organization.

"Sign" means an identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business. Each display surface of a sign shall be considered a sign.

"Street" means the entire width between the right of way lines of every public way for vehicular and pedestrian traffic and includes the terms road,

highway, lane, place, avenue, alley or other similar designation.

"Street frontage" means that portion of a building site that has a common line with a street right of way line and said street frontage is designated as the front property line.

"Structure" means any combination of materials forming any construction the use of which requires location on the ground or attachment to something having location on the ground. The word structure shall be construed as though followed by the words "or part thereof."

"Structural alteration" means any change to the supporting members of a structure including foundation, bearing walls or partitions, columns, beams, girders or any structural change in the roof or in the exterior walls.

"Subdivide land" means to divide land into four or more lots within a calendar year.

"Subdivision" means an act of subdividing land or an area or tract of land subdivided.

"Trailer" means any portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, and which does not fall within the definitions of vacation trailer, manufactured home or prefabricated house. This definition includes boat trailers, bunk trailers, portable schoolrooms and industrial, commercial or public offices and accessory uses.

"Trailer, vacation" means a portable unit designed and built to be towed on its own chassis, comprised of frame and wheels having sleeping, cooking and plumbing facilities independent of external utility connections and intended for use principally as a temporary recreational or vacation residence.

"Use" means the purpose to which land and/or any structure or improvement thereon is or may be put. The word use is synonymous with the terms "land use" and "use of land" unless the context clearly indicate otherwise.

"Utility" means water, sewer, stormwater, gas, telephone, power, local distribution lines, including telecommunication and wireless lines.

"Utility facility" means any major structure owned or operated by a public, private or cooperative electric, fuel, communication, sewage or water company for the generation, transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products and including power transmission lines, major trunk pipelines, power substations, dams, water towers, sewage lagoons, sanitary landfills and similar facilities, but excluding sewer, water, gas, telephone and power local distribution lines.

"Vision clearance area" means a triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot adjoining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. The vision clearance area contains no platting, walls, structures or temporary or permanent obstructions exceeding 2.5 feet in height measured from the grade of the street centerline.

"Yard" means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this title.

"Yard, front" means a yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley shall be considered a front yard.

"Yard, rear" means a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building.

"Yard, side" means a yard between side lot lines and measured horizontally at right angles from the side lot line to the nearest point of a building.

(Ord. 94-013 § 1, 1994; Ord. 83-040 § 2, 1983; Ord. 81-007 § 1, 1981; Ord. 80-201, 1980)

20.04.060. Compliance with provisions of this title.

- A. A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as DCC Title 20 permits.
 - B. No dimensional requirement of DCC Title 20 shall be violated after its terms become effective unless specifically provided for herein.
 - C. No lot area, yard or other open space which is required by DCC Title 20 for one use shall be used as the required lot area, yard or open space for another use.
- (Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.04.070. Zoning permit.

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

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.04.080. Abrogation and greater restrictions.

It is not intended by DCC Title 20 to repeal, abrogate or impair any existing easements, covenants or deed restrictions.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.04.090. Interpretation.

Where the conditions imposed by any provision of DCC Title 20 are less restrictive than comparable conditions imposed by any other provisions of DCC Title 20 or by any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.04.100. Repeal of ordinances as affecting existing liabilities.

The repeal of an ordinance by DCC Title 20 shall not have the effect to release or extinguish any

penalty, forfeiture or liability incurred under such ordinance, unless a provision of this title shall so expressly provide, and such ordinance repealed shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability, and for the purpose of authorizing the accusation, prosecution, conviction and punishment of a person or persons who violated the repealed ordinance or part thereof prior to the effective date of DCC Title 20.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.04.110. Existing agreement and zoning permits.

This does not repeal, abrogate or impair any existing easements, covenants, deed restrictions or zoning permits, such as preliminary plat and partition approval, conditional use permits, nonconforming use permits, temporary use permits, special exceptions or building permits.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.04.120. Authorization of similar uses.

The [Hearings Body](#) may rule that a use not specifically listed in the allowed uses of a zone shall be included among the allowed uses.

However, DCC 20.04.120 does not authorize the inclusion in a zone of a use which is of the same general type and similar to a use specifically listed in another zone.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

Chapter 20.08. ESTABLISHMENT OF ZONES AND DISTRICTS

20.08.010. Establishment of zones and districts.

20.08.020. Location of zones.

20.08.030. Zoning maps.

20.08.040. Zone boundaries.

20.08.050. Zoning of annexed areas.

20.08.010. Establishment of zones and districts.

For the purpose of DCC Title 20, the following zone is hereby established:
Abbreviated

| Chapter | Zone and District | Designation |
|---|------------------------------------|-----------------------|
| 20.12 | Urban Holding Zone | UH-10 |
| (Ord. 94-013 § 1, 1994; Ord. 93-060 § 1, 1993; Ord. 80-201, 1980) | | |

20.08.020. Location of zone.

The boundaries of the zone listed in DCC Title 20 shall be as indicated on the [DCC Title 20 Zoning map](#), which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments pursuant to DCC 20.08.020 and shall be adopted by reference. (Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.08.030. Zoning maps.

A zoning map or zoning map amendment adopted by DCC 20.08.020 or by an amendment to said section shall be prepared by authority of the Planning Commission or be a modification by the Board of a map or map amendment so prepared. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. [An original](#) adopted map or map amendment shall be maintained in the office of the County Clerk and [a copy shall be filed with the Redmond City Recorder](#) as long as DCC Title 20 remains in effect. (Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.08.040. Zone boundaries.

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, centerlines of streets, alleys, canals or railroad

rights of way, water courses, ridges or rimrocks, other readily recognizable or identifiable natural features or such lines extended. Whenever any uncertainty exists as to the boundary of a zone as shown on the zoning map or amendment thereto, the following regulations shall control:

- A. Where a boundary line is indicated as following a street, alley, canal or railroad right of way, it shall be construed as following the centerline of such right of way.
- B. Where a boundary line follows or approximately coincides with a section, lot or property ownership line, it shall be construed as following such line.
- C. If a zone boundary as shown on the zoning map divides a lot between two zones, the entire lot shall be deemed to be in the zone in which the greater area of the lot lies, provided that this adjustment involves a distance not to exceed 20 feet from the mapped zone boundary. In cases where such adjustment would require exceeding 20 feet, the decision of zoning in compliance with the Comprehensive Plan shall be determined by the Planning Commission.
- D. Where a public street, alley, canal or railroad right of way is officially vacated, the zoning regulations applicable to abutting property on each side of the centerline of such right of way is officially vacated, the zoning regulations applicable to abutting property on each side of the centerline of such right of way shall apply up to the centerline of such right of way on each respective side thereof. If the right of way is vacated in total to one property owner, the zoning of the abutting property shall apply to the total vacated property. (Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.08.050. Zoning of annexed areas.

An area annexed to the city shall, upon annexation, assume the zoning classification in compliance with the Comprehensive Plan as determined by the City (Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

Chapter 20.12. URBAN HOLDING ZONE (UH-10)

- 20.12.010. Purpose.**
- 20.12.020. Uses permitted outright.**
- 20.12.030. Conditional uses permitted.**
- 20.12.040. Height of buildings.**
- 20.12.050. Lot size.**
- 20.12.060. Signs.**
- 20.12.070. Off-street parking.**
- 20.12.080. Special provisions.**
- 20.12.090. Off-street parking and loading.**
- 20.12.100. Keeping of livestock.**

20.12.010. Purpose.

The following regulations shall apply in areas designated Urban Holding 10 (UH-10) on the Deschutes County Title 20 Zoning map. This zone is intended to be used to retain large undeveloped or underdeveloped land areas for future urban development. The UH-10 zone serves as a holding category and is considered agricultural or rural residential in nature and it will allow agricultural uses to continue operation until such time as urbanization takes place. Annexation and a zone change and / or a comprehensive plan amendment is required before urban development can occur.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.12.020. Uses permitted outright.

In a UH-10 Zone, the following uses are permitted outright:

- A. Single-family dwelling, including a manufactured home subject to DCC 20.16.040.
- B. Accessory uses and structures.
- C. Home occupation subject to 20.16.070.
- D. Farm use as defined in 20.04.050.
- E. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District.

F. Municipal utility facilities.

(Ord. 94-013 § 1, 1994; Ord. 91-012 § 2, 1991; Ord. 80-201, 1980)

G. Accessory buildings customarily provided in conjunction with farm use.

H. Alteration, restoration or replacement of a lawfully established dwelling.

20.12.030. Conditional uses permitted.

In a UH-10 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of DCC 20.24:

- A. Commercial horse stable.
- B. Non-municipal utilities constituting radio, television and wireless tower, nonmunicipal utility station or substation..
- C. kennel or animal hospital.
- D. Commercial activities that are in conjunction with farm use.
- E. Farm stands
- F. Bed and breakfast inn.
- G. A manufactured home to be used for a medical hardship.
 - i. The manufactured home shall be temporarily sited on the lot or parcel only for the term of a hardship suffered by the existing resident or relative of the resident.
 - ii. The manufactured dwelling shall be removed or demolished within three months of the date the hardship no longer exists.
 - iii. The existence of a medical hardship is verified by a written doctor's statement, which shall accompany the conditional use permit application
 - iv. Permits granted under DCC 20.12.030(D) shall required to meet any applicable Oregon Department of Environmental Quality review and removal requirements as a condition of approval.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.12.040. Height of buildings.

No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed 30 feet-in height.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.12.050. Lot size and yard requirements.

In a UH-10, the minimum lot size shall be as follows:

- A. Lot area shall be a minimum of 10-acres.
- B. Front Yard. The front yard shall be a minimum of 50 feet from the existing street right of way line or future street right of way as shown on the adopted City of Redmond Transportation System Plan map or provided by the Redmond grid street policies, whichever is most restrictive, except that any lot of record less than one acre in size lawfully created prior to (effective date of this title) shall have a minimum front yard of 30 feet from the most restrictive right of way boundary. Permanent structures located along future collector and arterial streets as identified on the County Transportation System Plan shall comply with DCC 20.12.080 to preserve future rights of way.
- C. Side Yard. There shall be a minimum side yard of 10 feet.
- D. Rear Yard. There shall be a minimum rear yard of 50 feet.

(Ord. 94-013 § 1, 1994; Ord. 84-026 § 1, 1984; Ord. 80-201, 1980)

20.12.060. Signs.

Except as provided in DCC 20.20, signs shall be placed in accordance with the following requirements:

- A. One non-illuminated nameplate or home occupation sign not exceeding one and one-half square feet in area for each dwelling unit.
- B. One non-illuminated temporary sign not exceeding six square feet in area advertising the sale, lease, or rental of the property on which it is located.
- C. One non-illuminated sign not exceeding 25 square feet in area identifying a conditional use on the property. Said sign shall be set back at least 10 feet from a property line.
- D. The following signs shall be exempt from the sign regulations: Safety signs, trespassing signs, memorial plaques, historical markers,

non-illuminated directional motor vehicle directional signs, traffic or other State/County road signs, legal notices, election signs and State highway signs.

(Ord. 94-013 § 1, 1994; Ord. 83-040 § 5, 1983; Ord. 81-007 § 2, 1981; Ord. 80-201, 1980)

20.12.070. Off-street parking.

- A. Off-street parking shall be a minimum of two spaces for single family residential use.
- B. Off-street parking spaces shall be provided at the time a new building is hereafter erected or enlarged or the use of a building existing on the effective date of this title is changed.
- C. Other uses not identified in DCC 20.12.070 (A) shall furnish parking spaces to meet the comparable uses identified in the City of Redmond, Article 1 - Zoning Standards, 8.0500, Off-street Parking.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.12.080. Special Provisions.

- A. All public improvements required in conjunction with any land use development permitted under DCC Title 20 shall conform to the adopted City of Redmond's Public Works Standards & Specifications, dated September 1995, and amended thereafter. Grid streets shall be required in compliance with 20.16.015.
- B. All development located in the UH-10 zone shall submit a Master Plan development plan that substantially complies with Redmond's adopted Framework Plan prior to annexation or prior to the imposition of a zone classification other than UH-10, whichever occurs first. Subsequent development shall comply with the approved Master Plan including, but not limited to: Comprehensive Plan map designations, zoning districts, open space / parks, right of way dedication, improvement agreements, conditions of approval, time table for development, approved residential density and all other requirements. Approval of a Master Plan, zone change and development thereafter shall

conform to DCC Chapter 20.36 (Amendments).

C. The siting of new development, including all permanent structures, is regulated along existing and future arterial, collector and local grid street right of ways. No permanent building or structure shall be located in an existing or future grid street right of way. All partition, subdivision, development and building plans shall show existing and future grid street right of ways and the designation (i.e. local, collector or arterial) of the street. A minimum fifty (50) foot setback shall be required from a future right of way boundary for any new structure or building.

D. When possible and when in compliance with state law, right of way for grid streets should be dedicated to the public. If the right of way is not dedicated, then the proposed right of way shall be shown on partition and subdivision plans as: "Future Right of Way."

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

Chapter 20.16. SUPPLEMENTARY PROVISIONS

20.16.010. Access-Minimum lot frontage.

20.16.015. Public works standards and specifications.

20.16.020. Establishment of clear vision areas.

20.16.030. Measurement of clear vision area.

20.16.040. Standards for manufactured homes.

20.16.050. Development standards along the perimeter of the Redmond Dry Canyon.

20.16.060. Fences.

20.16.070. Home occupation.

20.16.080. Temporary placement of manufactured home.

20.16.010. Access-Minimum lot frontage.

Every lot shall abut a street, other than an alley, for at least 50 feet.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.16.015. Redmond Street Grid Policy and Standards for Public Improvements.

A. Standards.

1. All public improvements required in conjunction with any land use development permitted under DCC Title 20 shall conform to the City of *Redmond's Public Works Standards & Specifications*, dated September 1995, and amended thereafter, which document is incorporated herein by this reference.
2. The street system for any land use development shall also conform to the following design parameters:
 - a. It is the standard in the Redmond Urban Area to develop through public streets at a spacing of approximately 660 feet. The purpose is to provide a street grid pattern of through streets to facilitate traffic movement. Street designs shall conform to this policy with allowances for variance to conform to this policy with other existing natural and man-made conditions.

Illustrative examples of other conditions include the dry canyon, main Central Oregon Irrigation canal, Highway 97, and the Burlington Northern Railroad tracks.

- b. In general, a street network is comprised of streets classified from lower order (local) to higher order (arterials). The spacing of a proper grid pattern has principal arterials (Hwys. 97 and 126) spaced at two miles or greater, minor arterials at one mile, collectors at 0.25-0.50 mile, and local streets at 660 feet. It is the Redmond Urban Area standard to adhere to this grid spacing as topography and other existing natural and man-made conditions allow.
- c. All proposed streets, alleys and pedestrian pathways shall connect to other streets within a development and to existing and planned streets outside the development. Streets should serve parks, schools or other public lands within a neighborhood. Local streets shall align and connect with other streets when crossing collectors and arterials.
- d. New local streets should connect with existing local streets and collectors and in certain special cases with arterial streets. Cul-de-sac streets shall be permitted only where no feasible connection with an adjacent street exists, or if the local street connection would be to a higher order street (arterial) and the function of that higher order street might be diminished. If cul-de-sac streets represent more than 10 percent of the total lane miles in a development, the developer shall be required to demonstrate that alternative internal circulation layouts (minimizing cul-de-sacs) are infeasible.

B. Interpretation in conjunction with the subdivision ordinance.

1. The provisions of the City of Redmond's Public Works Standards & Specifications

referenced herein shall be the design standards for subdivision and partition approval. Subject areas not covered by the Public Works Standards & Specifications shall continue to be covered by applicable provisions of the subdivision and partition ordinance.

2. Except as set forth herein, the provisions of DCC 20.16.015(A)(2) and applicable provisions of the subdivision and partition ordinance are meant to be construed in concert with each other to the maximum extent practicable. The provisions of DCC 20.16.015(A)(2) shall be interpreted as being a specific refinement of general requirements regarding subdivision layout in the subdivision ordinance. Where the provisions of DCC 20.16.015 specify more frequent street connections and smaller block sizes than is set forth in the subdivision and partition ordinance, the provisions of DCC 20.16.015 shall prevail.

(Ord. 98-011 § 1, 1998)

20.16.020. Establishment of clear vision areas.

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

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.16.030. Measurement of clear vision area.

A clear vision area shall consist of a triangular area two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot line extended in a straight line to a point of

intersection and so measured and the third side of which is a line across the corner of the lot adjoining the nonintersecting ends of the other two sides. The following measurements shall establish clear vision areas within the [UH-10 zone](#):

- A. The minimum distance shall be in relationship to street and road right of way widths as follows:

| R-O-W Width Measurement | Clear-Vision |
|-------------------------|--------------|
| 80 feet and over | 20 feet |
| 60 feet | 30 feet |
| 50 feet | 40 feet |

(Ord. 94-013 § 1, 1994; Ord. 83-040 § 18, 1983)

20.16.040. Standards for manufactured homes.

- A. The manufactured home shall be multisectional and enclose at least 1,000 square feet;
- B. The manufactured home shall be located not more than 12 inches above grade on an excavated and back-filled foundation that is enclosed at the perimeter;
- C. The manufactured home shall have a pitched roof, with a minimum pitch of 3/12;
- D. Exterior siding and roofing shall be similar in color, material and appearance to that used on dwellings in the community or on surrounding dwellings;
- E. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards equivalent to those required for single-family dwellings under the state building code as defined in ORS 455.010;
- F. A garage or carport shall be constructed in conjunction with the placement of the manufactured home.

(Ord. 94-013 § 1, 1994; Ord. 91-012 § 8, 1991; Ord. 80-201, 1980)

20.16.050. Development standards along the perimeter of the Redmond Dry Canyon.

- A. All lots fronting on the Canyon rim shall be a minimum of 10-acres.
- B. A single family dwelling or accessory structure less than 24 feet in height is permitted outright within 100 feet of the Redmond Dry Canyon Rim as shown on the Framework Plan. No permanent buildings or structures shall be located closer than 25 feet to the Canyon Rim.
- C. No existing trees over 3 inch caliper measured 3 feet above the ground within 25 feet of the Canyon Rim shall be removed. If removed, the trees shall be replaced by an equal number of trees that are at least 2 inch caliper measured 3 feet above ground level.
- D. No fence shall be constructed within ten feet of the Canyon Rim.
- E. No deck or patio shall be located within fifteen feet of the Canyon Rim.
- F. The Canyon Rim shall be maintained in a natural state and appearance.
- G. Lighting shall not shine or glare into the Canyon.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.16.060. Fences.

- A. Provisions for regulating fences on interior side or rear yards:
 - 1. A fence, lattice work, screen or wall not more than six feet in height may be located in any required side rear yard.
- B. Provisions for regulating fences and hedges in front exterior and side yards:
 - 1. Except as provided for in DCC 20.160.060(B)(2), a fence or wall, other than a retaining wall, located in a required side yard shall not exceed a height of three feet.
 - 2. On a local street, a fence may have a height up to six feet in a front or side yard so long as it is 15 feet or more from the street curb. Provided, however, in those areas designated for clear vision,

the restrictions set forth in DCC 20.16.060(A) shall apply.

3. Fences used and constructed in conjunction with a farm use are not subject to this section.

(Ord. 94-013 § 1, 1994; Ord. 81-041 § 1, 1981; Ord. 80-201, 1980)

20.16.070. Home occupation.

When permitted as an accessory use, the following limitations will be conditions:

- A. The home occupation is to be secondary to the main use of the property as a residence.
- B. No structural alterations shall be allowed to accommodate the home occupation except when otherwise required by law, and then only after the plans for such alterations have been reviewed and approved by the Hearings Body. Such structural alterations shall not detract from the outward appearance of the building as an accessory structure to a residence.
- C. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception or other factors.
- D. No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or a trailer or the parking of customer's vehicles in a manner or frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking.
- E. No exterior storage or display shall be permitted.
- F. Exterior signs shall be limited to those permitted in DCC 20.12.060. There shall be no other exterior indication of the home occupation.
- G. There shall be no retail sales from the premises.
- H. A home occupation which creates a nuisance because of noise, smoke, dust, gas or the

generation of excessive vehicle traffic is prohibited.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.16.080. Temporary placement of manufactured home.

A manufactured home conforming to the standards of DCC 20.24.040(F) may be placed on a site in conjunction with the issuance of a building permit for a period of six months following the date of issuance. A property owner may apply for a permit allowing such placement by filing an application with the [Community Development](#) Director on a form provided by the Planning Department. The Director shall issue said permit but may attach conditions deemed necessary to minimize the impact of the placements on the adjacent properties. The Director may also grant an additional six months for the permit if the applicant can establish the extension is necessary.

(Ord. 94-013 § 1, 1994; Ord. 81-041 § 1, 1981)

Chapter [20.20](#). EXCEPTIONS

20.20.010. Exception to lot size requirements.

20.20.020. Exception to yard requirements.

20.20.030. Exception to yard requirements for detached accessory buildings.

20.20.040. Exception to building height limitations.

20.20.050. Divided tax lots.

20.20.060. Special exception to lot size requirements [and building setbacks](#).

20.20.010. Exception to lot size requirements.

If a lot or the aggregate of contiguous lots or parcels platted prior to the effective date of DCC Title 20 has an area or dimension which does not meet the requirements of DCC Title 20, the lot or aggregate holdings may be put to use permitted subject to the other requirements of the zone in which the property is located.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.20.020. Exception to yard requirements.

The Hearings Body may increase the yard requirement when a yard abuts a street [that has been designated for future widening on the City of Redmond adopted Transportation System Plan](#). The Hearings Body may permit a lesser front yard requirement if structures on abutting lots do not meet the front yard requirements of the zone in which it is located.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.20.030. Exception to yard requirements for detached accessory buildings.

Detached accessory buildings shall be located not less than 50 feet from the front line and shall not project into the required side yard on the street side of a corner lot. Where no alley exists, accessory buildings shall be located not less than six feet from the rear lot line, but in no event may a structure encroach on a public utility easement. Where an alley does exist, accessory buildings shall be located not less than five feet from the rear lot line or alley.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.20.040. Exception to building height limitations.

The following types of structures or structural parts are not subject to the building height limitations prescribed under DCC Title 20: chimneys, tanks, [observation towers, transmission towers, flag poles, radio and television towers, masts, and other similar projections](#).

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.20.050. Divided tax lots.

A single tax lot of record may be considered as a divided parcel for the purposes of DCC Title 20 if it is effectively subdivided by a major irrigation canal, railroad or major topographic feature, or by a city, county, state or federal road. No right of way width less than 50 feet shall constitute an effective division.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.20.060. Special exception to lot size requirements.

Any parcel of land or portion thereof which is to be dedicated to a public or semipublic entity for a road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements set forth by DCC Title 20. [In cases where the land dedication results in reducing an existing building setback below the UH-10 requirement, the resulting setback shall be treated as a nonconforming setback unless a variance is approved to allow the reduced setback. The dedication shall not be the sole reason for granting a variance setback and all the variance criteria shall apply](#)

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

Chapter 20.24. CONDITIONAL USES

20.24.010. Authorization to grant or deny conditional uses.

20.24.020. General conditions.

20.24.030. Permit and improvements assurance.

20.24.040. Application for a conditional use.

20.24.050. Procedures.

20.24.060. Time limit on a permit for a conditional use.

20.24.070. Occupancy permit.

20.24.080. Performance bond.

20.24.010. Authorization to grant or deny conditional uses.

Uses designated as conditional uses may be permitted upon authorization by the Hearings Body in accordance with the standards and procedures established in DCC 20.24. Before approving an application for a conditional use, the Hearings Body shall find the following criteria are either met, can be met by observance of conditions or are not applicable:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the county.
- B. The location, size, design and operating characteristics of the proposal will have minimal adverse impact on the [livability](#), value or approximate development of abutting properties and the surrounding area.
- C. The proposal will not place an excessive burden on sewage, water supply, parks, schools or other public facilities, including traffic flows in the area.
(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.24.020. General conditions.

In addition to the standards and conditions set forth in a specific zone, DCC 20.24 and other applicable regulations in permitting a new conditional use or the alteration of an existing conditional use, the Hearings Body may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the urban

area as a whole. These conditions may include the following:

- A. Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- B. Establishing a special yard or other open space or lot area or dimension.
- C. Limiting the height, size or location of a building or other structure.
- D. Designating the size, number, location and nature of vehicle access points.
- E. Increasing the amount of street dedication, roadway width or improvements within the street right of way.
- F. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or loading zone.
- G. Limiting or otherwise designating the number, size, location, height and lighting of signs.
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding.
- I. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.
- J. Designating the size, height, location and materials for a fence.
- K. Protecting and preserving existing trees, vegetation or other significant natural resources.
- L. Other conditions necessary to permit the development of the urban area in conformity with the intent and purpose of DCC Title 20 and the policies of the Comprehensive Plan.
(Ord. 94-013 § 1, 1994; Ord 80-201, 1980)

20.24.030. Permit and improvements assurance.

The Hearings Body may require an applicant to furnish the County with a performance bond or such other form of assurance that the Hearings Body deems necessary to guarantee development

in accordance with the standards established and the conditions attached in granting a conditional use permit.
(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.24.040. Standards governing conditional uses.

A conditional use shall comply with the standards of the UH-zone and with the standards and conditions set forth in DCC 20.24.040.

A. Radio, television and wireless tower, nonmunicipal utility station or substation.

1. All equipment storage on the site shall be within an enclosed building.
2. The use may be fenced and provided with landscaping.
3. The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent property.
4. Transmission towers, poles, overhead wires, pumping stations and similar gear shall be so located, designed and installed as to minimize their conflict with scenic values.

(Ord. 94-013 § 1, 1994; Ord. 91-012 § 11, 1991; Ord. 84-003 § 3, 1984; Ord. 81-007 § 30, 1981; Ord. 80-201, 1980)

20.24.050. Application for a conditional use.

A property owner may initiate a request for a conditional use.
(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

Public hearing on a conditional use. (Repealed by Ord. 95-050, 1995)

20.24.060. Procedures.

An application for a conditional use shall be processed in accordance with the procedures set forth in DCC Title 22.
(Ord. 95-050 § 16, 1995)

Notification of action. (Repealed by Ord. 95-050, 1995)

20.24.070. Time limit on a permit for a conditional use.

Duration of permits issued under DCC 20.24 shall be as set forth in DCC 22.36.
(Ord. 95-018 § 9, 1995; Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.24.080. Occupancy permit.

The Hearings Body may require an "occupancy permit" for any conditional use approved pursuant to the provisions of DCC Title 20. The Hearings Body shall consider such a requirement for any use authorized by a conditional use permit for which this title requires on-site improvements or where such conditions have been established by the Hearings Body upon approval of such use. The requirement of an occupancy permit shall be for the intent of insuring permit compliance and said permit shall not be issued except as set forth by the Hearings Body. The authority to issue an occupancy permit upon compliance with the requirements and conditions of a conditional use permit may be delegated by the Hearings Body to the Community Development Director or the Building Official.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.24.090. Performance bond.

The Hearing Body may require the applicant to furnish a performance bond or other adequate form of assurance to guarantee development in accordance with the standards and conditions attached in granting a conditional use permit.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

Chapter 20.28. NONCONFORMING USES

20.28.010. Nonconforming uses-Continuation of a nonconforming use or structure.

20.28.015. Verification of nonconforming use.

20.28.020. Discontinuance of a nonconforming use.

20.28.030. Change of a nonconforming use.

20.28.040. Destruction of a nonconforming use.

20.28.050. Alterations and repairs.

20.28.060. Nonconforming construction.

20.28.070. Nonconforming lots of record.

20.28.010. Nonconforming uses-Continuation of a nonconforming use or structure.

Subject to the provisions of DCC Title 20, a nonconforming use or structure existing prior to the effective date of DCC Title 20 may be continued and maintained in reasonable repair. A structure conforming with respect to use but nonconforming with respect to height, setback or coverage may be altered or extended if the alteration or extension does not further deviate from the standards of DCC Title 20.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.28.015. Verification of nonconforming use.

The existence and scope of a nonconforming use may be verified in accordance with the requirements of state law under the procedures set forth in DCC 22.40.

(Ord. 95-050 § 17(A), 1995)

20.28.020. Discontinuance of a nonconforming use.

A. If a nonconforming use involving a structure is discontinued for a period of one year, further use of the property shall conform to DCC Title 20, except that previous residential use may be resumed as a conditional use pursuant to DCC 20.24.

B. If a nonconforming use not involving a structure is discontinued for a period of one

year, further use of the property shall conform to DCC Title 20.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.28.030. Change of a nonconforming use.

If a nonconforming use is replaced by another use, the new use shall conform to DCC Title 20.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.28.040. Destruction of a nonconforming use.

If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 60 percent of fair market value as indicated by the records of the County Assessor, a future structure or use on the site shall conform to DCC Title 20.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.28.050. Alterations and repairs.

A. Alteration of a nonconforming use may be permitted to reasonably continue the use. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use.

B. Any proposal for the alteration of a use under DCC 20.28.050(A), except as an alteration necessary to comply with a lawful requirement, shall be considered as a land use action under DCC Title 22. As used in DCC 20.28.050, "Alteration" of a nonconforming use includes:

1. A change in the use of no greater adverse impact to the neighborhood.
2. A change in the structure or physical improvements of no greater adverse impact to the neighborhood.

(Ord. 95-050 § 17(B), 1995; Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.28.060. Nonconforming construction.

Nothing in DCC Title 20 shall require any change in plan, construction, alteration or designated use of a structure for which a building permit has been issued and construction has commenced prior to the adoption of DCC Title 20 provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the time the permit is issued.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

| **20.28.070. Nonconforming lots of record.**

Any lot which is smaller than the minimum area required in any zone may be occupied by an allowed use in that zone provided that:

- A. The lot was a lot in a duly platted and recorded subdivision on or before the date of DCC Title 20, or was a parcel created by an approved land partitioning prior to such date.
- B. The use conforms to all other requirements of that zone.
- C. If there is an area deficiency, residential use shall be limited to a single dwelling unit.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

Chapter 20.[32](#). VARIANCES

20.[32](#).010. Authorization to grant or deny variances.

20.[32](#).020. Criteria.

20.[32](#).030. Authorization to grant or deny variances to on-site requirements.

20.[32](#).040. Criteria for variances granted under DCC 20.124.030.

20.[32](#).050. Application for a variance.

20.[32](#).060. Time limits on approval of a variance.

20.[32](#).070. Repealed.

20.[32](#).010. Authorization to grant or deny variances.

The [Community Development](#) Director or Hearings Body, except as provided for in DCC 20.[32](#).030, may authorize variances from the standards of DCC Title 20 where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of DCC Title 20 would cause an undue or unnecessary hardship; except that no variance shall be granted to allow the use of the property for purposes not authorized within the [UH-zone](#), or to alter any procedural requirements of DCC Title 20. In granting a variance, the Hearings Body may attach conditions found necessary to protect the best interest of the surrounding property or neighborhood and to otherwise achieve the purposes of this title. (Ord. 95-050 § 18, 1995; Ord. 94-013 § 1, 1994; Ord. 81-041 § 1, 1981; Ord. 80-201, 1980)

20.[32](#).020. Criteria.

No variance shall be granted pursuant to the provisions of DCC 20.[32](#).010 unless the applicant can establish:

- A. That special conditions exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, buildings or structures in the same district.
- B. That strict interpretation of the provisions of DCC Title 20 would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of DCC Title 20.

C. That the special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience.

D. That granting the variance will be in harmony with the objectives of DCC Title 20 and not injurious to the neighborhood or otherwise detrimental to the public welfare.

(Ord. 94-013 § 1, 1994; Ord. 81-041 § 1, 1981)

20.[32](#).030. Authorization to grant or deny variances to on-site requirements.

The Planning Director or Hearings Body may authorize a variance from the standards of DCC Title 20 relating to on-site requirements (e.g. yards, parking signs, etc.). Provided, however, that no variance under DCC 20.[32](#).030 shall be greater than 25 percent of the requirement from which the variance is sought.

(Ord. 95-050 § 19, 1995; Ord. 94-013 § 1, 1994; Ord. 81-041 § 1, 1981; Ord. 81-007 § 31; Ord. 80-201, 1980)

20.[32](#).040. Criteria for variances granted under DCC 20.[32](#).030.

- A. In the case of a yard variance, the applicant shall show the approval will result in:
 - 1. More efficient use of the site;
 - 2. Preservation of natural features, where appropriate;
 - 3. Adequate provision of light, air and privacy to adjoining properties; and
 - 4. Adequate access..

B. For variances to other on-site requirements of 25 percent or less, the applicant shall show that approval of the variance will be consistent with:

1. The overall objectives of the Framework Plan or the Redmond Comprehensive Plan and zoning ordinance,

2. That variance will have a minimal adverse impact on the livability, value or development of abutting properties and the surrounding area, and

3. That the variance will result in a more efficient use of the land and property.

(Ord. 94-013 § 1, 1994; Ord. 81-041 § 1, 1981)

20.32.050. Application for a variance.

A property owner or an agent of the owner authorized in writing to act on the owner's behalf may initiate a variance by filing an application with the Planning Director using forms prescribed in DCC Title 22. The application shall be accompanied by a plan, drawn to a suitable scale, showing the condition to be varied and the dimensions and arrangement of the proposed development. The application shall be reviewed in the manner provided for in DCC Title 22.

(Ord. 95-050 § 20, 1995; Ord. 94-013 § 1, 1994; Ord. 81-041 § 1, 1981; Ord. 81-007 § 32, 1981; Ord. 80-201, 1980)

20.32.060. Time limits on land use approvals
Duration of variances issued under DCC 20.32 land use approvals shall be two (2) years or as set forth by the Hearings Body. Land use approvals shall not exceed five (5) years, including extensions.

(Ord. 95-018 § 10, 1995; Ord. 94-013 § 1, 1994; Ord. 81-041 § 1, 1981)

Chapter 20.36. AMENDMENTS

- 20.36.010. Authorization to initiate amendments.**
- 20.36.020. Zone-Comprehensive Plan-Framework Plan map amendments.**
- 20.36.030. Criteria for map amendments.**
- 20.36.040. Tentative approval.**
- 20.36.050. Legislative amendment procedure.**
- 20.36.060. Limitations on reapplications.**

20.36.010. Authorization to initiate amendments.

An amendment to the text of DCC Title 20 or to a legislative amendment to a zoning or plan map may be initiated by either the [City of Redmond](#), [the County](#) Board, Planning Commission or a property owner. Quasi-judicial plan map amendments shall be initiated by a property owner. A property owner shall initiate a request for an amendment by filing an application with the Planning Director.

(Ord. 95-050 § 22, 1995; Ord. 94-013 § 1, 1994; Ord. 81-041 § 1, 1981; Ord. 80-201, 1980)

20.36.020. Zone-Comprehensive Plan-Framework Plan map amendments.

The Hearings Body shall hold a public hearing on a quasi-judicial zone change, plan amendment, or framework amendment in accordance with the provisions of DCC Title 22. For the purposes of DCC 20.36.020 only, the initial Hearings Body shall, at the discretion of the [Community Development](#) Director, be either the Planning Commission or the Hearings Officer.

(Ord. 95-050 § 23, 1995; Ord. 94-013 § 1, 1994; Ord. 81-041 § 1, 1981; Ord. 80-201, 1980)

20.36.030. Criteria for map amendments.

The burden of proof is upon the applicant. The applicant shall show the proposed change is:

- [A. In conformity with the applicable state statutes;](#)
- [B. In conformance with the applicable state-wide planning goals and Oregon](#)

[Administrative Rules \(OAR\) whenever they are determined to be applicable;](#)

[C. In conformance with the Redmond Comprehensive Plan Map \(or Framework Plan\), the goals and policies of the Redmond Comprehensive Plan, or other Redmond land use ordinances and policies;](#)

[D. That there is a change of circumstances or further studies justifying the amendment, that the property is being converted from the UH-10 zone and a development plan has been prepared or there is a demonstrated mistake in the original zoning; and,](#)

[E. When an area or tract of land is either rezoned from UH-10, is annexed to the City of Redmond, or both, the applicant shall demonstrate that essential public facilities \(i.e. sewer, water, park and roads\) are currently adequate to serve the anticipated land uses or that funding has been secured to build the needed infrastructure and / or provide improvements that add the needed capacity to serve the development. Any improvements that are funded, listed on Redmond's Capital Improvement Program and are within two \(2\) years of construction can be deemed by the Hearings Body to be "adequate service"; however, the Hearings Body may require phasing of the development project or require that the public facilities be improved sooner if there is evidence that adequate capacity does not exist or that an unacceptable level of service will occur.](#)

(Ord. 94-013 § 1, 1994; Ord. 81-041 § 1, 1981; Ord. 80-201, 1980)

20.36.040. Tentative approval.

Based on the facts presented at the hearing and the recommendation of the Planning Commission, if the Hearings Officer determines that the applicant has met all applicable criteria for the proposed change, the Hearings Officer shall give tentative approval of the proposed change. Such approval shall include any conditions, stipulations or limitations which the Hearings Officer determines to be necessary to meet the criteria. An appeal of the Hearings Officer's decision shall be [processed](#) in the

manner provided for in DCC Title 22. Upon completion of the hearings process, the [Hearings Body](#) shall, by order, effect the zone reclassification of the property. Provided, however, if the applicant fails to abide by the conditions attached to the rezoning, the board may at a later date rezone the affected property to its original zoning by order.

(Ord. 94-013 § 1, 1994; Ord. 81-041 § 1, 1981)

Map amendment procedure (Repealed by Ord. 95-050, 1995)

20. [36.050](#). Legislative amendment procedure.

Except as set forth herein, legislative changes shall be heard pursuant to the procedures set forth in DCC 22.12.

(Ord. 95-050 § 24, 1995)

20. [36.060](#). Limitations on reapplications.

No application of a property owner for an amendment to the text of DCC Title 20, [to the Redmond Comprehensive Plan map](#) or to the [Title 20 zoning map](#) shall be considered by the Hearings Body within a six-month period immediately following a previous denial application. However, if in the opinion of the Hearings Body, new evidence or a change of circumstances warrant it, the Hearings Body may permit a new application.

(Ord. 95-050 § 25, 1995; Ord. 94-013 § 1, 1994; Ord. 81-041 § 1, 1981)

Chapter 20.40. GENERAL PROVISIONS

20.40.010. Severability.

20.40.020. Enforcement.

20.40.010. Severability.

The provisions of DCC Title 20 are severable. If any section, sentence, clause or phrase of this title is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of the title.

(Ord. 94-013 § 1, 1994; Ord. 80-201, 1980)

20.40.020. Enforcement.

A. Administration. It shall be the duty of the City of Redmond or an authorized representative to enforce the provisions of DCC Title 20 pertaining to land use and to the construction, erection, location or enlargement of any structure located within the Redmond Urban Area under the jurisdiction of DCC Title 20.

B. Building Permits. No permit shall be issued by the building official for the construction, erection, location or enlargement or change of use of a building, structure or lot that does not conform to the requirements of DCC Title 20.

C. Authority. Whenever necessary to enforce the provisions of DCC Title 20, City of Redmond or an authorized representative shall have recourse to every remedy provided by law.

D. Violation of DCC Title 20 as a nuisance. The construction, erection, location, enlargement or use or change in use or uses of any structure or property in violation of DCC Title 20 of those conditions and limitations approved pursuant to the provisions of this title shall be deemed a nuisance and may be enjoined, abated, or removed.

E. Revocation for False Statement. The Hearings Body may revoke any permit granted pursuant to the provisions of DCC Title 20, if it is determined that the permit was issued on account of false statements

contained in the application form or false representations made at a public hearing.

F. Revocation for Nonconformance. The Hearings Body may revoke any permit granted pursuant to the provisions of DCC Title 20 for failure to comply with those conditions and limitations placed upon the exercise of the permit.

G. Revocation Hearing. No permit shall be revoked without a public hearing held pursuant to the provisions of DCC Title 22.

H. Who May Request Revocation Hearing. A revocation hearing shall be held by the Hearings Body on its own motion, by the written request of the Community Development Director or at the request of an interested person when it has reasonable cause to believe that the provisions of DCC Title 20 have been violated.

(Ord. 94-013 § 1, 1994)