



CITY OF REDMOND
Community Development Department

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REDMOND URBAN AREA PLANNING COMMISSION
716 SW Evergreen Ave Conference Room A

Monday, January 5, 2015

6:00 PM

Agenda

UAPC Members	
	I. CALL TO ORDER/ INTRODUCTIONS
Evan Dickens, Chair	II. CITIZEN COMMENTS
Dean Lanouette, Vice-Chair	III. ELECTION OF CHAIR/VICE-CHAIR
David Allen	IV. REVIEW ENABLING CODE (EXHIBIT 1)
Tom Kemper	V. REVIEW ADOPTED FY 14/15 WORK PLAN (EXHIBIT 2)
Lori McCoy	VI. WORK SESSION
Eric Porter	A. COMPREHENSIVE PLAN – URBANIZATION (EXHIBIT 3)
Vacant	VII. COUNCIL LIASION COMMENTS (if present)
Vacant Youth Ex Officio	VIII. COMMISSIONER COMMENTS
	IX. STAFF COMMENTS
	X. 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 Jodi Burch, at least 48 hours in advance of the meeting at (541) 923-7735, 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.

REDMOND CITY CODE: Redmond Urban Area Planning Commission

2.350 Redmond Urban Area Planning Commission. The Redmond Urban Area Planning Commission shall be the planning commission for the City of Redmond as authorized in ORS 227.020.

2.351 Purpose Statement. The purpose of the Redmond Urban Area Planning Commission is to serve in an advisory role to the City Council on the development and implementation of the City of Redmond's Comprehensive Plan and its associated planning documents. The Redmond Urban Area Planning Commission also serves in a quasi-judicial capacity on land-use decisions for the City of Redmond, in order to ensure that the City of Redmond grows and develops in an orderly fashion with adequate resources for housing, business, industry, transportation, recreation, culture, comfort, health and welfare of its population so that residents and businesses enjoy a high quality of life. The Redmond Urban Area Planning Commission shall also serve as the citizen involvement committee for the City of Redmond.

2.352 Responsibilities / Scope. The Redmond Urban Area Planning Commission in an advisory capacity to the City Council shall:

1. Recommend to the Council, Board of County Commissioners and other public authorities plans for:
 - A. Regulating the future growth, development and beautification of the Redmond area.
 - B. Development within the Redmond area of proper sanitation, public utilities, and transportation facilities.
 - C. Appropriate public incentives for overall energy conservation.
2. Review and make recommendations regarding the City's Comprehensive Plan and its adopted plans, the Land Development Code and other detailed land-use and strategic plans that impact current and future development and quality of life in Redmond.
3. Conduct public hearings on land development proposals and issue land-use decisions in compliance with City of Redmond, Deschutes County, State of Oregon and Federal regulations.
4. Recommend to the City Council, Board of County Commissioners, and other public authorities plans for promotion, development and regulation of the economic needs of the community.
5. Make economic surveys and study the needs of present and potential industrial and other business needs of the Redmond area.
6. The Planning Commission may also review and prepare recommendations to the City Council in the following categories of area-wide Public Works Capital Improvement Programs.
 - A. Public buildings.
 - B. Sanitary sewer systems.
 - C. Water systems.
 - D. Street systems.
 - E. Traffic systems.
 - F. Street illumination projects.
 - G. On-street and off-street parking programs.
 - H. Park and recreation programs.
 - I. Other area-wide capital programs, as may be assigned by the Council and/or Board of County Commissioners.
7. Any other activities which are consistent with the above responsibilities.

2.353 Powers and Duties. The Redmond Urban Area Planning Commission shall:

1. Act in an advisory capacity to the Redmond City Council regarding the City's comprehensive planning program, using citizen input and public hearings when appropriate, for the Redmond area.
2. Serve in a quasi-judicial capacity on land development proposals, conducting public hearings and issuing decisions.
3. Act as the Citizens Involvement Committee for the Redmond area and advise the governing bodies on Citizen Involvement programs.
4. Study and propose measures that are advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the City and the Redmond area.
5. Except as otherwise set forth by the City Council, the Redmond Urban Area Planning Commission may exercise any or all of the powers and duties enumerated in ORS 227.090, such as the following:
 - A. The laying out, widening, extending and locating of public thoroughfares, parking of vehicles, relief of traffic congestion;
 - B. Betterment of housing and sanitation conditions;
 - C. Establishment of districts for regulating the use, height, area, bulk and other characteristics of buildings and structures related to land development;
 - D. Plans for regulating the future growth, development and beautification of the city in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper service of public utilities and telecommunications utilities, including appropriate public incentives for overall energy conservation and transportation facilities.
 - E. Plans for promotion, development and regulation of industrial and economic needs of the community in respect to industrial pursuits.
6. Coordinate its activities with other jurisdictions, planning bodies and districts.
7. Do and perform all other acts and things necessary or proper to carry out the provisions of ORS [227.010](#) (Definition for ORS 227.030 to 227.300) to [227.170](#) (Hearing procedure), [227.175](#) (Application for permit or zone change) and [227.180](#) (Review of action on permit application).

2.354 Membership.

1. **Number of Members.** The Redmond Urban Area Planning Commission shall be comprised of seven members.
2. **Residency.** Members should reside within the Redmond Urban Growth Boundary.
3. **Qualifications.** No more than two voting members of the Commission may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of occupation, business, trade or profession.
4. **Appointments.** The Mayor, with the approval of the City Council, shall appoint all members.
5. **Terms.** All members shall be appointed for four year terms.
6. **Removal.** A commission member may be removed by the appointing governing body for misconduct, nonperformance of duty, or three successive unexcused absences from regular meetings. The non-appointing body may, by motion, request that a member be removed by the appointing body. If the appropriate governing body finds misconduct,

nonperformance of duties or three successive unexcused absences from regular meetings by the member, the member shall be removed. The Mayor may recommend, with the City Council's approval, the removal on any commission member without cause.

7. **Ex-Officio Youth.** One ex-officio youth (18 years of age and under) shall be appointed by the Mayor, without regard to jurisdictional restrictions, to serve a one year term. The Ex-Officio Youth shall not be a voting member.

2.355 Officers.

1. **Chairperson / Vice-Chairperson.** At its first meeting of each year, the Redmond Urban Area Planning Commission shall elect from among its membership a chairperson and vice-chairperson. The Chairperson or Vice-Chairperson, acting as Chairperson, shall have the right to make or correct motions and vote on all matters before the Commission. A majority of the Commission may replace its Chairperson or Vice-Chairperson with another member at any time during the calendar year.
2. **Annual Report to City Council.** The Chairperson of the commission shall make an annual report to the Redmond City Council which highlights accomplishments for the past year and work plan for the upcoming fiscal year, or more often as the Chairperson deems appropriate, or at the request of the Council.
3. **Redmond Development Committee Member.** The Chairperson or designee may serve as a member of the Redmond Development Committee.

2.356 Meetings / Quorums.

1. **Meeting Schedule.** The Commission shall meet at least once a month. Not less than one meeting every two months shall be devoted in part or in full to comprehensive planning for the Redmond Urban Area.
2. **Meeting Conduct.** The Rules of Parliamentary Law and Practice as in Robert's Rules of Order Revised Edition shall govern each commission meeting. The Commission may establish rules, regulations and procedures for its operation consistent with the laws of the State, City and County.
3. **Open to the Public.** All meetings shall be open to the public.
4. **Quorum.** A majority of the members of the committee shall constitute a quorum. Quorum will be based on the number of people officially appointed to the commission at the time and shall not include vacancies.
5. **Voting.** The concurrence of the majority of members present at a Commission meeting shall be necessary to address any questions before it.

2.357 Expenses / Reimbursement. Commission members shall receive no compensation. Any expense incurred by a commission member must be authorized by the City Manager or designee prior to incurring the expense, including reimbursements.

2.358 Special Provisions.

1. The Redmond Urban Area Planning Commission shall operate within the laws and guidelines of the federal government, the State of Oregon, Deschutes County and the City of Redmond.
2. The Mayor may appoint, with the concurrence of the City Council, an ad-hoc committee to address issues that are not under the purview of the existing commission.
3. Redmond Urban Area Planning Commission members must annually submit a Statement of Economic Interest to the Oregon Government Ethics Commission as required in ORS 244.050.

2.359 Staff Support. Staffing shall be determined by the City Manager or City Manager designee.

Exhibit 2

REDMOND PLANNING COMMISSION – WORK PROGRAM, F.Y. 2014/2015



I. **Comprehensive Plan/Development Code Amendments:** Goal is two major Redm Comprehensive Plan/Development Code amendments per year.

- 1) Commercial Design Review Code – new Code (July 2014 through end of 2014/early 2015)
 - Draft new code text and conduct public stakeholder process – including revisions – 2-3 months
 - Planning Commission review process – work sessions and public hearings - approx. 4 meetings (2-3 months)
 - City Council work session and public hearing – 1-2 months
- 2) South Highway 97 Corridor Plan – new implementing Code/text amendments (Beginning July 2014 through December 2014)
 - ???
- 3) Master Plan/Annexation/Large Lot Industrial Zone – revised Code and Policies (January 2015 through June 2015)
 - Draft new/revised code text 1-2 months
 - Planning Commission review process – work sessions and public hearings - approx. 4 meetings (1-2 months)
 - City Council work session and public hearing – 1-2 months

II. **Long Range Planning Projects:** Goal is two major long range planning projects per year.

- 1) Redmond Neighborhood Audit and Revitalization Plan – A review and audit of Redmond to determine necessary public amenities, facilities and land use patterns that are missing, including a neighborhood prioritization and implementation plan – This project may begin in early 2014, prior to the beginning of 2014/15 fiscal year, due to opportunities to collaborate with the Portland State University Graduate Studies program to complete much of the audit work. (Anticipated timeline March 2014 through December 2014).
- 2) Transportation System Plan (TSP) Update (new) – Done with coordinated efforts of Planning and Engineering staff, including a consultant for much of the finished document. (Entirety of 2014/15 fiscal year)
- 3) Explore the City Code for opportunities to add measures to encourage higher end housing development in the City. (January 2015 through March 2015 – Code amendments will follow through the end of June 2015).

III. **Review and Recommendation of Planning Efforts Underway:** The following plans are either underway or have been drafted for consideration by the Planning Commission for recommendation. In this regard, some of the listed projects are included on the work plan of other appointed City commissions. They will be interspersed into the work plan based upon their completion date and need for review and evaluation. A work session with the Planning Commission will commence mid-way through the planning process and then again after the final draft is recommended by the relevant commission/agency. At that time, the Planning Commission will evaluate the plan and make a recommendation to the City Council for

Exhibit 2

adoption. Below is a list of the plans in the chronological order of when they are expected to be reviewed by the Planning Commission.

- 1) City Center Housing Density Study (DURAC)
- 2) South US 97 Highway Corridor Plan (RDC) – implementation Code for 2014/15 F.Y.
- 3) City Center Circulation Study (DURAC)

IV. Backlog of Projects to Be Considered, Time Permitting:

- 1) Professional Office Overlay District, M1 Zone
- 2) Industrial Zone Standards Amendments



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EXHIBIT 3 – Work Session on Master Planning

STAFF REPORT

DATE: January 5, 2015
TO: Redmond Urban Area Planning Commission
FROM: Deborah McMahon, Principal Planner
THROUGH: Heather Richards, Community Development Director
SUBJECT: Work Session: Proposed Comprehensive Plan and Development Code Amendments: Annexation and Master Planning

Report in Brief:

This is a work session to discuss proposed Redmond Comprehensive Plan amendments and Redmond Development Code amendments as they pertain to master planning requirements prior to annexation into the City limits. The proposed Plan and code amendments, Exhibit 2, are in presented in redline for easy comparison. This was requested by the Commission at its last meeting.

In 2006, Redmond amended its urban growth boundary. At that time, a process for Area Planning and Master Planning was developed as a land-use requirement for properties in the urban growth boundary that wanted to annex into the city limits. The intent of this process was to develop a structure for ensuring that new development was compatible with existing development and that the city nurtured strategic, well-planned growth that incorporated the Great Neighborhood Principles, a set of principles that the City adopted in 2005 to assure quality neighborhood development.

The process is complex, cumbersome, and expensive. Not one project has successfully navigated it. Staff is recommending the Planning Commission evaluate the process and simplify some of the structure while maintaining the objective of strategic, well-planned, compatible growth that incorporates the Great Neighborhood Principles.

Background:

At the time of the Redmond UGB expansion, City code was written to establish a development process for properties that were outside of the City limits and zoned UH-10, Residential Urban Holding. The current definition of the zone is as follows:

UH-10 Residential Holding Zone. *To retain large undeveloped or underdeveloped land areas for future urban development; to act as a holding category and is considered agricultural in nature as it will allow agricultural uses to continue operation until such time as urbanization takes place. Land in the UH-10 Holding Zone requires annexation, a zone change and/or a comprehensive plan amendment before urban development can occur. Master plans are required before development can occur.*

As noted above, land in the UH-10 Holding Zone requires:

- Annexation
- Zone change and/or a comprehensive plan amendment
- Master plans (preliminary concept plan, final concept plan, and final master plan) are required before development can occur. Master plans also provide assurance that extension of all utilities and amenities create great neighborhoods.

Discussion:

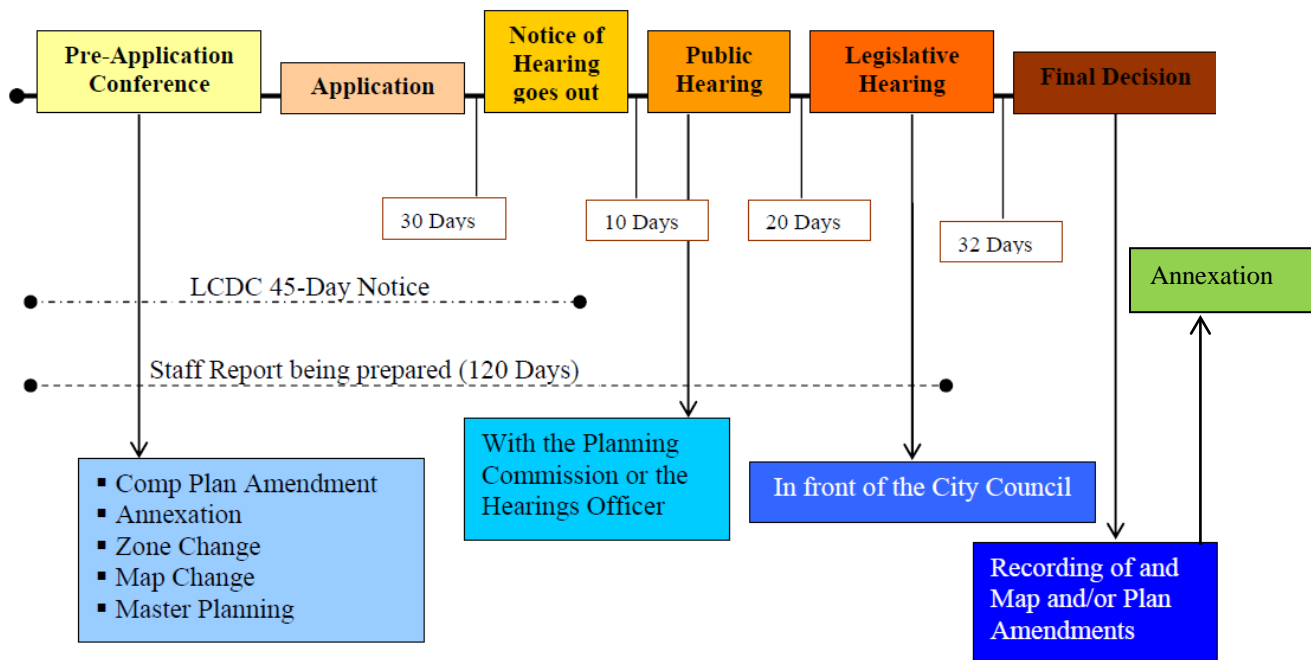
The master planning and annexation processes and requirements are in both the Redmond Comprehensive Plan and Development Code. The City of Redmond worked with D.J. Heffernan – Land Use Consultant (D. J. worked with the City during the UGB expansion process) to evaluate the process outlined in the Comprehensive Plan and the Development Code and recommend improvements. The result is a streamlined process that reduces confusing terminology and emphasizes the need for compliance with the Great Neighborhood Principles. Thus, the City will have better land use planning and the property owner/developer will have greater assurances that the project will meet code requirements and receive access to City infrastructure.

Currently in the Redmond Comprehensive Plan and the Redmond Development Code, urbanization (annexation from urban growth boundary into the city limits with new city zones ready for development) of property into the city for development occurs in the following sequence:

- 1) Framework Plan: Big picture concepts for the urban growth boundary indicating approximate locations of residential, commercial and employment lands. This planning process occurred 2005 – 2006, and was adopted August 8, 2006 by Resolution but is not a Comprehensive Plan amendment.
- 2) Area Plan: The next step in the planning process is the Area Plan, a Comprehensive Plan Map amendment that takes the big picture concepts of the Framework Plan and then details it a bit more so that a Comprehensive Plan map can be developed. The Area Plan includes proposed locations of city zones, roads, public facilities, parks, etc. Area Plans have been adopted for the Northwest Area, Highway Area, and Southwest Areas of the urban growth boundary. A Comprehensive Plan map illustrating these adopted area plans is being developed.
- 3) Master Plan: Master Plans take the concepts developed in the Area Plans and details them further to incorporate the Great Neighborhood Principles adopted by the City of Redmond in 2005. These principles include Parks and Open Space; Air, Noise, and Water Resources; Natural Hazard Areas; Site Design and Development Standards; Land Use Diagram; Significant Resources Inventory; Plan Area and Context; Residential Uses; Employment Areas; Transportation Analysis and Diagram; Public Facilities, Analysis and Diagram. In the development code, there are provisions for a conceptual Master Plan and a Final Master Plan.

Master Planning is required for property owners who want to annex into the city limits from the urban growth boundary (UH-10, Urban Holding, 10 acre minimum). It is also required for UH-10 properties that were previously annexed but not master planned, which actually should not occur because master plans are needed for annexation. However, in 2007, several properties were annexed into the city under the premise that they would be master planned immediately. With the collapse of the economy these properties did not move forward with master planning and development resulting in properties in the City limits that still are zoned UH-10.

MASTER PLANNING



Current Code Master Plan Steps

- 1. Conceptual Master Plan**
 Approval of the concept plan occurs at a public hearing before the Planning Commission. This step is meant to set the stage for an application for final master plan approval, but the concept plan approval only lasts 2 years and then is void unless extended. No map changes can occur in this process. (RDC 8.0300) Citizens and staff have questioned the value of a conceptual master plan especially now that we require many of the same items as the Master Plan.
- 2. Final Master Plan**
 Final master plan approval requires legislative review and approval with a land use application, Planning Commission Public Hearing, and City Council public hearing and ordinance adoption. Significant detail is required concerning planned land uses and related development impacts. A complete set of findings demonstrating compliance with state and local land use planning rules must accompany the request. Proposed land use plan designations, zoning, and any special development standards are examined in this process. (RDC 8.0300) Comprehensive Map changes are finalized during this process unlike the conceptual master plan process, which does not result in map changes.
- 3. Consolidated (Conceptual/Final) Area Plan aka Master Plan**
 This option allows the applicant to combine the review and decision-making process for both the Conceptual Master Plan and the Final Master Plan utilizing the same public process (RDC 8.0300).

Proposed Master Plan Revisions

The Redmond Comprehensive Plan and Development Code describe multiple and somewhat confusing steps required to achieving plan approval and annexation. The current terminology describing the various steps is not consistent either, often interchanging master plan and area plan throughout the Comprehensive Plan and the Development Code. A confusing planning structure, layers of processes and the resulting high fee charges have become a deterrent to achieving what the City needs. No development project has successfully navigated the process, leading to scenarios such as the annexation of property without master planning. Thoughtful and detailed master planning is essential to achieving proper land use patterns and achieving Council goals. Thus, the City should try to simplify the process: still requiring master planning but removing some of the confusing layers of planning processes. We need to clarify the roles of Area Plans and Master Plans and eliminate the layers concept master planning and final master planning. Area Planning is a legislative effort that should be initiated by the City. Concept planning is too vague and short-lived. A revision to the code text is warranted and is presented below.

Staff Recommendation: UH-10 land owners seeking to obtain annex into the city and rezone their property into a development zone must obtain approval of a Master Development Plan (MDP) or, if less than all areas are planned for development at the time of a request for new zone/annexation, then a Partial Master Development Plan (PMDP) approval is required.

Two steps are required for making the text changes needed to simplify the master planning process. The first step is to modify various sections of the Comprehensive Plan (Plan) text because the Plan sets the tone and policy for master plans and annexation. The second step is to implement the Plan by changing the regulations in the Development Code. The changes proposed below are shown without "track changes" at the request of the Planning Commission. This approach makes it easier to review concepts and text.

The Planning Commission work session will review the proposed amendments (Attachment "A") for consideration at a future public hearing. Staff will also provide a PowerPoint presentation on framework planning and how this technique sets the tone for future master planning.

Recommendation/Course of Action:

The Planning Commission will need to review and discuss the code and Plan changes presented. No formal recommendation or course of action is necessary at this time. Once the work session discussion is complete, the public hearing draft will be presented at an upcoming Planning Commission hearing on February 2, 2015.

Attachment A:

URBANIZATION PROCESS IN REDMOND

Proposed Comprehensive Plan Text Amendments

Definitions

Master Development Plan (MDP) A detailed development plan showing compliance with the applicable Great Neighborhood Planning Principles on lands currently zoned Urban Holding-10 (UH-10). The MDP typically identifies proposed land uses, buildings locations, landscaping, potential art locations, access and internal circulation, and infrastructure for a project where the development program may be planned to occur in phases over a period of several years. MDP's may include multiple land parcels. The MDP is a required urban planning step before annexation and rezoning property.

Partial Master Development Plan (PMDP) A land use plan including the same requirements as a Master Development Plan (MDP) but for only a portion of the subject property(s). The PMDP is a required urban planning step before annexation and rezoning property. Only the planned portion of the property may be annexed unless otherwise approved by the City.

Chapter 2 – Land Use Planning

~~11. The City of Redmond will adopt requirements to prepare and approve master plans for areas inside the UGB prior to or concurrent with annexation, or areas annexed to the City and zoned Urban Holding-10. City approval of a master plan will require an amendment to the comprehensive plan map to reflect the new land use designations in city limits. Properties may be annexed concurrently with the City's approval of a Master Plan. However, properties annexed without master plan approval shall be zoned Urban Holding-10 until the City approves a master plan for the specific area. The City will only approve Comprehensive Plan designations and zoning other than UHA and UH-10 concurrent with or following master plan approval. Compliance with an approved Master Plan is mandatory for property subject to the approved Master Plan.~~

11. The City of Redmond will adopt requirements to prepare and approve Master Development Plans (MDP(s)) or Partial Master Development Plans (PMDP(s)). These plans will be used to support rezoning land zoned Urban Holding-10 (UH-10), whether or not the land is inside City limits.

City approval of a MDP or PMDP will require an amendment to the comprehensive plan map to reflect the new land use designations. Properties may be annexed concurrently with the City's approval of a MDP or PMDP unless otherwise approved by the City per Policy 12 below. However, properties previously annexed without master plan approval shall be zoned Urban Holding-10 until the City approves a MDP or PMDP for a specific area.

- a. MDPs/PMDDPs may be approved through a City initiated or property owner initiated quasi-judicial approval process. MDPs/PMDDPs must be consistent with the Redmond Urban Framework Plan and/or the Redmond Comprehensive Plan map in order to be approved through a quasi-judicial process.
 - b. City approval of a MDP or PMDDP will result in an amendment to the comprehensive plan map.
 - c. Properties designated Urban Holding-10 (UH-10) may be annexed when they are subject to an approved MDP or PMDDP; annexation may occur concurrently with approval of a MDP or PMDDP.
 - d. The City intends that MDPs/PMDDPs cover as large an area and as many contiguous UH-10 zoned properties as possible. Minority property interests may be subject to a MDP or PMDDP without consent. However, they may not be rezoned and annexed to the City without consent.
 - e. The City will only approve Comprehensive Plan designations and zoning for a MDP or PMDDP that is consistent with identified urban lands shown in the Redmond Framework Plan.
 - f. Once approved, compliance with an MDP or PMDDP is mandatory for all property subject to that plan.
 - g. MDPs or PMDDPs that are not substantially consistent with the Framework Plan, may only be approved through a legislative land use planning process.
12. Approval of a zone change from Urban Holding-10 to an urban zone may be granted without preparation of an MDP or PMDDP pursuant to all of the following conditions.
- a. The zone change request is for a land parcel that is less than 12 acres and does not include more than 3 acres of proposed residential development.
 - b. For land outside the City, the request is made in conjunction with a petition for annexation.
 - c. The request is made in conjunction with an application for a planned unit development (PUD).
 - d. The proposed urban zoning is consistent with the Redmond Framework Plan, and addresses applicable Great Neighborhood Principles.

Chapter 9 – Economic Development

32. Neighborhood Commercial Centers are intended to serve the needs of people in the immediate area and shall be provided for and regulated as mixed-use districts. Neighborhood Commercial Centers should be appropriately spaced and located in the areas shown on the Redmond Urban Framework Plan and when appropriate, shown on Master Development Plans. These Centers should be planned to serve at least 5000 residents. Higher residential densities are required near the Center and densities may decrease as distance increases from the Center. The intent is to have higher density close to the Center. Centers may be focused around a civic land use, such as a library, cultural activity, school, or public service facility.

Chapter 10 – Housing

12. New residential developments in areas without an established character or quality should be permitted maximum flexibility in design and housing type consistent with densities, goals, and objectives of this Plan, and any approved Master Plans.

23. Criteria for the location of multi-family housing shall include proximity to the City core, **neighborhood commercial centers**, major transportation corridors, schools, services, parks, shopping, employment centers, and transit corridors.

Chapter 14 – Urbanization Element

10. The Urban Holding Area-10 (UH-10) plan designations may be ~~replaced~~ **changed** when the land is annexed and approved for urban zoning through a ~~master planning process, rezoning~~ Master Plan approval process or, in limited cases, through a site planning and development review process (see below).

11. Land that is designated Urban Holding Area-10 (UH-10) on the Comprehensive Plan Map shall be planned for urban development using a Master Development Plan or Partial Master Development Plan. Such plans may be approved through a quasi-judicial land use process and should be prepared so that contiguous Urban Holding-10 zoned properties are covered by the plan. Minority property holdings that abut or are surrounded by a proposed Master Development Plan or Partial Master Development Plan may be included in the plan without landowner consent, but City annexation and rezoning may be delayed until requested by the landowner.

12. ~~Master plans for areas designated Urban Holding Area (UHA) on the Comprehensive Plan Map shall be prepared for contiguous properties greater than 100 acres and must address all of the following requirements and in accordance with the Redmond Development Code.~~ **Development Plans (MDPs) or Partial Master Development Plans (PMDPs) shall address the following requirements and in accordance with the Redmond Development Code.**

- a. ~~Plan Objectives.~~ Narrative. A narrative shall set forth the goals and objectives of the master plan **and describe the urban characteristics of the planned area.**
- b. **Development** Plan Map and Context. A map of the plan area and surrounding vicinity shall set the context for the plan. **The map shall indicate planned land uses for each land parcel in the area, including plans for park and open space and community facilities, if known. The plan shall show proposed comprehensive plan map designations and zoning. The plan shall include a list of all affected properties with tax lot numbers, current ownership, parcel size, and other information that is pertinent to the plan.**
- c. Land Use Diagram. The land use diagram shall generally indicate the distribution and location of planned land uses for the master plan area, including plans for park and open space and community facilities, if known. The plan shall show proposed comprehensive plan designations, zoning, and density.
- d. Significant Resources Inventory. An inventory of significant natural resources, scenic and historic resources, and open space areas including those identified on the City's adopted inventory and those that have the potential to qualify for protection under Redmond's Goal 5 resource protection program. When significant resources are present, the proposed plan shall include a management plan to protect resource sites;
- e. Parks and Open Space. Identify land suitable for park and recreation use in accordance with the needs analysis in the City of Redmond Park Master Plan (Park Plan). In particular, where the Park Plan indicates there is a need for neighborhood or community parks, the master plan shall identify sites that may be suitable for park development

using the design and location criteria from the Park Plan. Density transfers, SDC credits, dedication, and other value consideration may be identified in the planning process to compensate property owners for land dedicated to public use;

- f. Air, Noise, and Water Resources. Review air, noise and water resources that may be impacted by planned development and address how adverse impacts will be avoided or mitigated in compliance with applicable local, state, and federal regulations. **The analysis may use City public facility plans, technical studies, and policies to meet this requirement when those plans address how urban development in the plan area can be served. In these instances, the Master Development Plan must show that the envisioned land uses in the plan area are consistent with the land use assumptions in the public facility plans.** This requirement is particularly important for the management of urban storm water that is discharged into the ground;
- g. Natural Hazard Areas. Inventory areas subject to natural hazards, particularly steep slopes, **and program urban development that is suitable for the identified hazard areas;**
- h. Residential Uses. Identify areas planned for housing development, **if any,** and the proposed zoning districts to be applied. The housing plan must identify a mix of housing types and densities so that the overall density in the area meets or exceeds the housing density objectives for the area that are identified in the Redmond Urban Framework Plan and the Comprehensive Plan. The Framework Plan provides general guidance on housing densities that need to be achieved in order to meet future housing needs. Where proposed residential land uses differ from those shown in the Redmond Urban Framework Plan, the master plan shall **demonstrate how it meets the overall housing objectives of the Redmond Urban Framework Plan. Applicants may propose new zoning districts when the proposed district(s) in total achieve the housing densities envisioned in the Redmond Urban Framework Plan.**~~the master plan shall result in an alternative development concept that achieves the housing objectives outlined in the Framework Plan or shall present a different plan and provide an explanation why that plan will result in development that meets all applicable standards and is still consistent with the overall objectives of the Framework Plan. Affordable housing allowances shall be addressed in all Master Plans.)~~
- i. Employment **Uses** Areas. Identify areas planned for employment use and/or mixed uses and the proposed zoning for ~~them~~ **these areas.** Applicants may propose new zoning districts in cases where existing districts are not suitable for the planned development provided the proposed district(s) achieve similar land improvement values and/or employment densities envisioned in the Redmond **Urban** Framework Plan.¹
- j. Transportation Analysis and Diagram. Prepare a **transportation** ~~traffic~~ impact analysis including a street plan that is consistent with street spacing and connectivity guidelines in the *Redmond Transportation System Plan (TSP)*. Show the proposed classification for all streets down to collector **roadways.** Show the location of approved TSP improvement projects and any capital improvements that may need to be added to the TSP **in order to serve the plan area.** Show proposed bicycle pedestrian, and trail routes. Show how planned transportation facilities will connect to transportation facilities in adjacent urban areas ~~and be extended to adjacent un-planned urban areas. Typical street cross-sections must be shown unless approved city street cross sections are used. Address on street and off street parking.~~
- k. Public Facilities Analysis and Diagram. The plan shall include a conceptual layout of public facilities, (including at least sanitary sewer, water, and storm drainage, needed to support the planned uses. The Public Facilities Analysis must be consistent with the

City's adopted *Public Facility Plan* (PFP) and related facility master plans, including improvements related to the area plan that may require amending the PFP.

- l. North Redmond US 97 Interchange Area Management Plan (IAMP) Compliance. The master plan shall comply with the following policies, if applicable: Any property newly annexed within the IAMP area shall have:

- 1) Direct Access to a local public street other than a state highway consistent with the Local Street Connectivity Plan; and,
- 2) Any property to be annexed to the City shall relinquish all direct access rights to a state highway as a condition of development approval (when a legal alternative access exists).

- ~~m) Public, Semi/Quasi-Public Buildings. Identify if and where public and/or semi-public buildings are located in the neighborhood, such as public or private schools and community centers. The City will help coordinate the location of such facility with the appropriate district.~~

- m. Great Neighborhood Principles. Master Development Plans shall address applicable Great Neighborhood Principles.

- ~~n) North Redmond US 97 Interchange Area Management Plan (IAMP) Compliance. The Master Plan shall comply with the following policies: Any property to be master planned within newly annexed areas within the IAMP area shall have:~~

- ~~1) Direct Access to a local public street other than a state highway for all or part of the Master Planned area consistent with the Local Street Connectivity Plan; and,~~
- ~~2) Any property to be annexed to the City shall relinquish all direct access rights to a state highway as a condition of development approval (when a legal alternative access exists).~~

~~13. Master plans for areas designated Urban Holding Area (UHA) on the Comprehensive Plan Map shall be prepared for contiguous properties between 10 and 100 acres and must address all of the requirements in 12 above and integrate into existing established, platted or master planned neighborhoods.~~

13. The City of Redmond will adopt and implement Intergovernmental Agreements with Deschutes County and other agencies to facilitate long-range land use and transportation planning for the Redmond Urban Reserve Area.

14. The City will encourage the preparation of Framework Plans for urban reserve area(s) prior to approving an Urban Growth Boundary amendment.

~~15. The City will encourage the master planning of urban reserve area(s) by all property owners, including Deschutes County, prior to approving an Urban Growth Boundary amendment.~~

15. The City of Redmond will cooperate with Deschutes County to prepare a Framework Plan for the County-owned property located east of Redmond. The jurisdictions shall consider the possible routes for future transportation corridors and will coordinate with the Oregon Department of Transportation, the Bureau of Land Management and any other property owner or agency that indicates an interest in the planning process.

~~16. The City of Redmond will cooperate with Deschutes County to master plan the County-owned property located east of Redmond. The jurisdictions shall consider the possible routes for future transportation corridors and will coordinate with the Oregon Department of Transportation, the Bureau of Land Management and any other property owner or agency that indicates an interest in the planning process.~~

~~17. All Master Plans shall observe and incorporate the Great Neighborhood Principles below. Creative approaches to implementing the principles is encouraged, particularly in ways that respect Redmond's location, climate, topography, geology, culture and history:~~

~~a. Walkable and bikable. Connect people and places through a complete street network and trail system that invites walking and bicycling and provides convenient access to parks, schools, neighborhood service centers, and possible future transit stops.~~

~~b. Interconnected grid streets designed to balance the needs of all users. Streets shall be intergraded within the neighborhood and to adjoining existing neighborhoods or planned areas and shall comply with the City's grid street policies.~~

~~c. A mix of housing types and densities should be integrated into the design of new neighborhoods.~~

~~d. Open spaces, greenways, recreation. All new neighborhoods shall provide useable open spaces with recreation amenities within walking distance, and integrated and connected greenways throughout the neighborhood and to the larger community. Central parks and plazas shall be provided to create public gathering places. incorporate significant geological features such as rock outcroppings, stands of clustered native trees, etc. into the design of new neighborhoods. Neighborhood parks are required within ½ mile (5 minute walking distance) of all neighborhoods.~~

~~e. Tot lots shall be required for subdivisions consisting of 25 lots or more in the R-M and R-H designated areas.~~

~~f. Diverse mix of activities. A variety of uses will be required in order to create vitality and bring many activities of daily living within walking and biking distance or a short drive of homes.~~

~~g. Canal trails. If canals or laterals are present in the neighborhood, multi-use trails at least 10 feet wide shall be provided, subject to the Central Oregon Irrigation District's review and approval. Pedestrian amenities such as benches and trash receptacles shall also be identified and provided at logical locations.~~

~~h. Public art. Public art is encouraged to be provided at the gateways to neighborhoods or in and around the center of neighborhoods to provide focal points.~~

~~i. Scenic views. Identify and preserve scenic views and corridors of the Cascade Range, Ochoco Mountains, and Smith Rock. Streets and common or public open spaces should be located and oriented to capture and preserve scenic views for the public. Minimize visual clutter within scenic corridors.~~

~~j. Environmentally friendly and energy efficient design is encouraged to be incorporated in all facets of the Master Plan, including public and private infrastructure, architecture and building orientation, open spaces and natural areas, and provide transportation choices such as walking and biking. In addition, encourage the planting of native, drought-resistant trees to provide shade and to minimize water usage.~~

~~k. Urban – rural interface. Urban development shall interface with rural areas through open space buffers at least 100 feet wide and the length of the urban development, excluding public~~

~~streets, or shall be transitioned from higher density development to lower density development at the urban – rural interface, or utilize other appropriate and equivalent transitional elements.~~

~~l. Integrated design elements. Streets, civic spaces, signage, and architecture shall be coordinated to establish a coherent and distinct place in the community, and unique character of the specific area in which the Master Plan is proposed.~~

16. Great Neighborhood Principles. All Master Development Plans as well as major land division and site development plans, phased development plans, subdivisions, and site plans, shall address the applicable Great Neighborhood Principles below.ⁱⁱ

- a. Transportation. Connect people and places through a complete street network and trail system that invites walking and bicycling and provides convenient access to parks, schools, neighborhood service centers, and possible future transit stops.
- b. Housing. A mix of housing types and densities should be integrated into the design of new neighborhoods.
- c. Open spaces, greenways, recreation. All new neighborhoods shall provide useable open spaces with recreation amenities that are integrated to the larger community. Central parks and plazas shall be used to create public gathering places. Incorporate significant geological features such as rock outcroppings, stands of clustered native trees, etc. into the design of new neighborhoods. Neighborhood and community parks shall be shown in appropriate locations consistent with policies in Redmond's Parks Master Plan
- d. Scenic views. Identify and preserve scenic views of the Cascade Range, Ochoco Mountains, and Smith Rock from common or public open spaces.
- e. Integrated design elements. Streets, civic spaces, signage, and architecture shall be coordinated to establish a coherent and distinct character for the Master Development Plan. Plans may integrate design themes with adjacent developed or planned areas.
- f. Diverse mix of activities. A variety of uses is encouraged in order to create vitality and bring many activities of daily living within walking and biking distance or a short drive of homes.
- g. Public art. Public art is encouraged at the gateways to neighborhoods and/or in and around the center of neighborhoods to provide focal points.
- h. Scenic views. Identify and preserve scenic views and corridors of the Cascade Range, Ochoco Mountains, and Smith Rock. Streets and common or public open spaces should be located and oriented to capture and preserve scenic views for the public. Minimize visual clutter within scenic corridors.
- i. Environmentally friendly and energy efficient design is encouraged to be incorporated in all facets of the Master Plan, including public and private infrastructure, architecture and building orientation, open spaces and natural areas, and provide transportation choices such as walking and biking. In addition, encourage the planting of native, drought-resistant trees to provide shade and to minimize water usage.
- j. Urban – rural interface. Urban development shall interface with rural areas through open space buffers at least 100 feet wide and the length of the urban development, excluding public streets, or shall transition higher density development to lower density development at the urban - rural interface, or utilize other appropriate and equivalent transitional elements.

- k. Integrated design elements. Streets, civic spaces, signage, and architecture shall be coordinated to establish a coherent and distinct place in the community, and unique character of the specific area in which the Master Plan is proposed.
- l. **“Pocket Parks” or “tot lots” shall be incorporated into medium and high density zoned residential subdivisions and site plans. These areas shall be developed for every of twenty-five lots/units, a minimum of 1,500 square feet, and privately maintained. This is not required where subdivision lots are 6,000 square feet or greater.**
- m. Canal trails. If canals or laterals are present, multi-use trails, at least 10 feet wide shall be provided, subject to the Central Oregon Irrigation District’s review and approval. Pedestrian amenities such as benches and trash receptacles shall be provided at appropriate locations.
- n. Green design. Environmentally friendly and energy efficient design is encouraged for public and private infrastructure, architecture and building orientation, open spaces and natural areas, and transportation facilities. In addition, the planting of native, drought-resistant trees is encouraged to provide shade and to minimize water usage.
- o. Design elements. Within master development plan areas, neighborhood centers, IAMP, the Downtown, and other master planned areas, streets, public spaces, signage, and architecture shall be coordinated with the surrounding area to reinforce a coherent and distinct place in the community.

Development Approval without Master Planning

~~18. In some instances, approval of a development plan may be granted without going through a master planning process. This can occur for any parcel that is not designated for housing use in the framework plan provided site approval is secured through a PUD process, unless the land is to be used for a public use, such as for a park or school or some other public facility. Land that lies in an area planned for residential use may only obtain development approval without going through a master planning process when:~~

- ~~a. The parcel is less than 10 acres in size;~~
- ~~b. The site development plan conforms with the density guidelines established for the area in the framework plan;~~
- ~~c. The submission includes a local street plan that complies with street spacing and connectivity requirements in the Redmond TSP and showing street connectivity and bike/pedestrian system connectivity to adjacent planned and unplanned residential areas;~~
- ~~d. Significant Goal 5 resources, as defined in Redmond Comprehensive Plan, Chapter 5, are identified and managed in accordance with Redmond’s Goal 5 resource protection program.~~
- ~~e. The parcel can be annexed to the city of Redmond.~~
- ~~f. The development application meets all other required elements for one of the city’s land use planning approval processes.~~

Redmond Framework Plan and Urban Character Guidelines

18. The City will adopt **an Urban** Framework Plan for future urban areas in the Urban Growth Boundary and Urban Reserve Area. The **Redmond Urban** Framework Plan will be used as a conceptual guide for future **urban** land uses in urban reserve areas and areas within the UGB. The Framework Plan is not parcel specific and is intended to provide general guidance as to community form and design.

19. The City will work to achieve the **Redmond Urban** Framework Plan objective to establish “Neighborhood Commercial Centers” located on the City’s street network and away from State highway corridors in order to maintain a high degree of mobility within and through the City.

20. Centers shall be designed to be pedestrian and bike friendly with development oriented toward public spaces. Master Plans for centers will include integrated design elements, such as gateway features, street lighting, pedestrian amenities, public areas and other features that enhance each center’s character and identity.

21. The City will adopt zoning regulations for Centers that allow a mix of employment, commercial services, and housing. Centers will feature a well-connected street system to the surrounding neighborhoods.

22. Neighborhoods surrounding Centers will provide a variety of housing types and choices with densities gradually increasing as one nears the center. It is envisioned that at least 5000 residents – the equivalent of around 2200 dwelling units - will be located within approximately ¼ mile of each Center to provide a stable customer base for area merchants and opportunities for City residents to live in close proximity to services and employment.

Urbanization Element

27. The City of Redmond and Deschutes County will work cooperatively to ensure that interim development in Urban Reserve Areas does not interfere with the future extension of urban services. This is accomplished by identifying future urban transportation and utility corridors and regulating uses adjacent to those corridors to prevent encroachment by interim development.

28. Urban development that occurs adjacent to designated Urban Reserve Areas shall be planned with the adjacent land’s future urban use in mind. Urban development should be sensitive to adjacent rural uses but the development pattern should not be altered to the point it fails to achieve desired urban characteristics or interferes with future urban expansion.

29. Urban development at the edge of the urban growth boundary that is adjacent to land planned for long-term rural use should buffer urban uses with open space areas, when feasible, or lower density residential development, or other appropriate transitional uses.

Redmond Development Code Amendments

RDC 8.0020 Definitions

Density Transfer, OSPR / “R” Zone: The allowance of reduced-sized lots in residential zones in exchange for a specific area of Open Space Park Reserve land, which would be dedicated, deeded, or sold to the City of Redmond. Density transfer provisions apply to residentially zoned land immediately adjacent to desired land zoned (or potentially zoned) OSPR / Open Space Park Reserve, or land at the urban edge not adjacent to land in designated urban reserves. The percentage of land area to be credited as ‘transfer land’ is to be evaluated on a case-by-case basis.

Master Development Plan (MDP) A detailed development plan showing compliance with the applicable Great Neighborhood Planning Principles on lands currently zoned Urban Holding-10 (UH-10). The MDP typically identifies proposed land uses, buildings locations, landscaping, potential art locations, access and internal circulation, and infrastructure for a project where the development program may be planned to occur in phases over a period of several years. MDP’s may include multiple land parcels. The MDP is a required urban planning step before

annexation and rezoning property.

Partial Master Development Plan (PMDP). A land use plan including the same requirements as a Master Development Plan (MDP) but for only a portion of the subject property(s). The PMDP is a required urban planning step before annexation and rezoning property.

8.0065 Establishment of Zones and Districts. (identifies allowable zones and definitions for them)

UH-10 Urban Residential Holding Zone. To retain large undeveloped or underdeveloped land areas for future urban development; to act as a holding category and is considered agricultural in nature as it will allow agricultural uses to continue operation until such time as urbanization takes place. Land in the UH-10 Holding Zone requires annexation, a zone change and/or a comprehensive plan amendment before urban development can occur. In most instances, Master Development Plans are required before development can occur.

8.0085 Zoning of Annexed Areas. Territory annexed to the city shall be zoned in compliance with an approved Urban Area Master Plan or with a zoning classification that is compatible with planned land use designations in the Comprehensive Plan, as determined by the City.

8.0130 Urban Holding UH-10 Zone. In a UH-10 zone, the following regulations shall apply:

...

10. Master Development Plans. The development and approval of an Urban Area Master Plan subject to the provisions of RDC 8.0300 is required as a condition of annexation or, ~~no later than~~ for UH-10 land already in the City, prior to or concurrent with rezoning from UH-10 to other City zoning districts.

11. Exception to Master Development Plans Requirement. Approval of a development plan may be granted for non-residential or residential properties without going through a Master Development Plans process according to the following requirements:

Non-Residential Properties

- A. the development approval is secured through a PUD process; or,
- B. when the property is to be used for a public use, such as for a park or school or some other public facility;
- C. the development plan is 12 acres or less in size;
- D. the development plan addresses the applicable Great Neighborhood Principles;
- E. the development plan includes an appropriate local street plan, that complies with street spacing and connectivity requirements in the Redmond TSP and showing street connectivity and bike/pedestrian system connectivity to adjacent planned and unplanned residential areas;
- F. the development plan meets applicable requirements for land near the urban edge;
- G. annexation to the City of Redmond is proposed as part of the development plan; and,
- H. the development plan addresses all other applicable requirements of the Redmond Comprehensive Plan and Development Code.

Residential Properties

- I. The parcel is within the City of Redmond or can be annexed to the City;
- J. The parcel is less than 3 acres in size;
- K. The development plan conforms to the density guidelines established for the area in the Redmond Urban Framework Plan;
- L. The development plan meets the applicable Great Neighborhood Principles, Land Division, and Site Plan policies;
- M. Significant Goal 5 resources, as defined in *Redmond Comprehensive Plan, Chapter 5*, are identified and managed in accordance with Redmond's Goal 5 resource protection program;
- N. the development plan includes an appropriate local street plan, that complies with street spacing and connectivity requirements in the Redmond TSP and showing street connectivity and bike/pedestrian system connectivity to adjacent planned and unplanned residential areas;
- O. the development plan meets applicable requirements for land near the urban edge and meets applicable planning requirements for land near the urban rural interface; and,
- P. the development application meets all other required elements for one of the City's land use planning approval processes.

~~11. Exception to Area Plan Requirement. Approval of a development plan may be granted without going through an Area planning process. This can occur for any parcel that is not designated for housing use in the framework plan provided site approval is secured through a PUD process, unless the land is to be used for a public use, such as for a park or school or some other public facility. Land that lies in an area planned for residential use may only obtain development approval without going through an Area planning process when:~~

- ~~A. The parcel is less than 10 acres in size;~~
- ~~B. The site development plan conforms with the density guidelines established for the area in the framework plan;~~
- ~~C. The submission includes a local street plan that complies with street spacing and connectivity requirements in the Redmond TSP and showing street connectivity and bike/pedestrian system connectivity to adjacent planned and unplanned residential areas;~~
- ~~D. Significant Goal 5 resources, as defined in Redmond Comprehensive Plan, Chapter 5, are identified and managed in accordance with Redmond's Goal 5 resource protection program.~~
- ~~E. The parcel can be annexed to the City of Redmond.~~
- ~~F. The development application meets all other required elements for one of the City's land use planning approval processes.~~

CHAPTER 8 DEVELOPMENT REGULATIONS

SUPPLEMENTARY PROVISIONS

8.0300 Master Development Plans. A Master Development Plan is required prior to

annexation as a condition of annexation, or after annexation but prior to or concurrent with rezoning from Urban Holding-10 to other City zoning districts. The Master **Development** Plan shall not create excessive demand on public facilities and services required to serve the development **area**, and shall not conflict with existing public access easements within or adjacent to the development **area**. The specific requirements for a Master **Development** Plan are as follows:

1. Applicability. This section applies to all properties proposed for annexation and/or rezoning from Urban Holding-10 on or after the date of the adoption of this ordinance.
2. Purpose. The purpose of Master **Development** Plan is to provide:
 - A. Orderly and efficient development of the City **consistent with Urban Framework Plans**.
 - B. Compatibility and/or transitions with adjacent developments and the character of the area.
 - C. A complementary mix of uses and activities.
 - D. An interconnected transportation network – streets, bicycle routes, and pedestrian trails – within the master plan area and to existing and planned City streets, routes and trails.
 - E. A range of housing choices **for areas planned to have residential components**.
 - F. A range of open spaces and recreation facilities, **as needed to facilitate the Framework Plan**.
 - G. Public and semi-public facilities and services.
 - H. Preservation of historic buildings, scenic views, and natural resources to the greatest extent possible.
 - I. Transitions or buffers between urban development and rural areas.
 - J. Implementation of Redmond’s Comprehensive Plan, **including the Great Neighborhood Planning Principles**.
3. Procedures for Review.
 - A. General.

Master Development Plans (MDP or PMDP) shall be approved through a quasi-judicial review process. Application procedures and related fees for approval may be streamlined in order to promote timely development of urban planning for land zoned UH-10. The Community Development Director shall inform the applicant during the pre-application stage if the proposed Master Development Plan area appropriately includes all contiguous UH-10 zoned properties in the plan area. The Community Development Director shall base the determination for the proposed plan area utilizing the following factors:

 - (i) **whether there are UH-10 properties that abut or are surrounded by the plan boundary that would reasonably fit within the zoning concept for the area plan;**
 - (ii) **whether the extension of public services and infrastructure would be enhanced by the inclusion of abutting UH-10 properties;**
 - (iii) **whether the total acreage of abutting or enclave UH-10 zoned properties is less than the acreage in the proposed plan area; and**
 - (iv) **there is a community interest that would be served by including additional properties in the plan area.**
 - B. **Review and approval criteria for Master Development Plans or Partial Master Development**

Plans

1. General. In the review of any application for a Development Plan, the Planning Commission and City Council shall consider the following:
 - a. Whether the proposed Plan is generally consistent with the Framework Plan and is consistent with the Comprehensive Plan in terms of land use, density, transportation systems and networks, and open space.
 - b. Whether the proposed Plan is generally suitable for the area in which it is proposed, considering existing and planned neighborhoods, shopping and employment areas; and natural resources and hazards.
 - c. Whether the proposed Plan is functionally integrated with developed or planned areas.
 - d. The proposed plan meets the applicable Great Neighborhood Principles.
- C. Master Development Plan or Partial Master Development Plan Submittal Requirements and Approval Process.

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

1. Narrative. A narrative shall set forth the goals and objectives of the plan and describe the urban characteristics of the planned area.
2. Development Plan Map and Context. A map of the plan area and surrounding vicinity shall set the context for the plan. The map shall indicate planned land uses for each land parcel in the area, including plans for park and open space and community facilities, if known. The plan shall show proposed comprehensive plan map designations and zoning. The plan shall include a list of all affected properties with tax lot numbers, current ownership, parcel size, and other information that is pertinent to the plan.
3. Land Use Diagram. The land use diagram shall generally indicate the distribution and location of planned land uses for the master plan area, including plans for park and open space and community facilities, if known. The plan shall show proposed comprehensive plan designations, zoning, and density.
4. Significant Resources Inventory. An inventory of significant natural resources, scenic and historic resources, and open space areas including those identified on the City's adopted inventory and those that have the potential to qualify for protection under Redmond's Goal 5 resource protection program. When significant resources are present, the proposed plan shall include a management plan to protect resource sites;
5. Parks and Open Space. Identify land suitable for park and recreation use in accordance with the needs analysis in the City of Redmond Park Master Plan (Park Plan). In particular, where the Park Plan indicates there is a need for neighborhood or community park, the master plan shall identify sites that may be suitable for park development using the design and location criteria from the Park Plan. Density transfers, SDC credits, dedication, and other value consideration may be identified in the planning process to compensate property owners for land dedicated to public use;
6. Air, Noise, and Water Resources. Review air, noise and water resources that may be impacted by planned development and address how adverse impacts will be avoided or mitigated in compliance with applicable local, state, and federal regulations. The analysis may use City public facility plans, technical studies, and policies to meet this requirement

when those plans address how urban development in the plan area can be served. In these instances, the Master Development Plan must show that the envisioned land uses in the plan area are consistent with the land use assumptions in the public facility plans. This requirement is particularly important for the management of urban storm water that is discharged into the ground;

7. Natural Hazard Areas. Inventory areas subject to natural hazards, particularly steep slopes, and program urban development that is suitable for the identified hazard areas;
8. Residential Uses. Identify areas planned for housing development, if any, and the proposed zoning districts to be applied. The housing plan must identify a mix of housing types and densities so that the overall density in the area meets or exceeds the housing density objectives for the area that are identified in the Redmond Urban Framework Plan and the Comprehensive Plan. The Framework Plan provides general guidance on housing densities that need to be achieved in order to meet future housing needs. Where proposed residential land uses differ from those shown in the Redmond Urban Framework Plan, the master plan shall demonstrate how it meets the overall housing objectives of the Redmond Urban Framework Plan. Applicants may propose new zoning districts when the proposed district(s) in total achieve the housing densities envisioned in the Redmond Urban Framework Plan.
9. Employment Uses. Identify areas planned for employment use and/or mixed uses and the proposed zoning for these areas. Applicants may propose new zoning districts in cases where existing districts are not suitable for the planned development provided the proposed district(s) achieve similar land improvement values and/or employment densities envisioned in the Redmond Urban Framework Plan. ⁱⁱⁱ
10. Transportation Analysis and Diagram. Prepare a transportation impact analysis including a street plan that is consistent with street spacing and connectivity guidelines in the *Redmond Transportation System Plan* (TSP). Show the proposed classification for all streets down to collector roadways. Show the location of approved TSP improvement projects and any capital improvements that may need to be added to the TSP in order to serve the plan area. Show proposed bicycle pedestrian, and trail routes. Show how planned transportation facilities will connect to transportation facilities in adjacent urban areas.
11. Public Facilities Analysis and Diagram. The plan shall include a conceptual layout of public facilities, (including sanitary sewer, water, and storm drainage, needed to support the planned uses. The Public Facilities Analysis must be consistent with the city's adopted *Public Facility Plan* (PFP) and related facility master plans, including improvements related to the area plan that may require amending the PFP.
12. North Redmond US 97 Interchange Area Management Plan (IAMP) Compliance. The master plan shall comply with the following policies, if applicable:
 - a. Any property newly annexed within the IAMP area shall have:
 - 1) Direct Access to a local public street other than a state highway consistent with the Local Street Connectivity Plan; and,
 - 2) Any property to be annexed to the City shall relinquish all direct access rights to a state highway as a condition of development approval (when a legal alternative access exists).
13. Great Neighborhood Principles. Master Development Plans shall address applicable Redmond Great Neighborhood Principles.

- D. Implementation.
Upon approval of a **Master Development Plan** all subsequent development located within the **area** master plan boundaries shall follow the approved master plan.
- E. Amendment/Modification to a ~~Final~~ **Master Development Plan**. Any modifications to the approved master **development** plan shall be subject to the standards and procedures in Article II, "Modifications," and subject to the review criteria contained in this section.
- F. Expiration of **Master Development Plan**. An approved **Master Development Plan or Partial Master Development Plan** shall be subject to the requirements of Section 8.1605 of this Code concerning expiration, **unless a specific timeline is approved through the land use review process.**

8.0367 OSPR / "R" Zone Density Transfer Provisions.

...

- 3. All property within the North Redmond US 97 Interchange Area Management Plan (IAMP) area, and annexed to the City, shall ~~have a Master Plan~~ **be subject** to a condition of development approval that stipulates the property shall:
 - A. Have immediate direct access to a local public street other than a state highway,
 - B. Comply with the IAMP Local Street Connectivity Plan (Comprehensive Plan Addendum Chapter 9 Transportation Element figure 1), and;
 - C. Relinquish all direct access rights to a state highway when a legal alternative access exists.

Article III – Land Divisions

8.2020 Definitions

Phased Development Plan. An overall plan indicating the physical and functional interrelationships between uses and facilities for those projects, series of projects, phased developments or developments occurring over a period of up to five years **unless extended.**

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

...

- 4. **Information addressing the applicable Great Neighborhood Principles, including:**
 - A. **Transportation.** Connect people and places through a complete street network and trail system that invites walking and bicycling and provides convenient access to parks, schools, neighborhood service centers, and possible future transit stops.
 - B. **Housing.** A mix of housing types and densities should be integrated into the design of new neighborhoods.
 - C. **Open spaces, greenways, recreation.** All new neighborhoods shall provide useable open spaces with recreation amenities that are integrated to the larger community. Central parks and plazas shall be used to create public

gathering places. Incorporate significant geological features such as rock outcroppings, stands of clustered native trees, etc. into the design of new neighborhoods. Neighborhood and community parks shall be shown in appropriate locations consistent with policies in Redmond's Parks Master Plan

- D. Scenic views. Identify and preserve scenic views of the Cascade Range, Ochoco Mountains, and Smith Rock from common or public open spaces.
- E. Integrated design elements. Streets, civic spaces, signage, and architecture shall be coordinated to establish a coherent and distinct character for the Master Development Plan. Plans may integrate design themes with adjacent developed or planned areas.
- F. Diverse mix of activities. A variety of uses is encouraged in order to create vitality and bring many activities of daily living within walking and biking distance or a short drive of homes.
- G. Public art. Public art is encouraged at the gateways to neighborhoods and/or in and around the center of neighborhoods to provide focal points.
- H. Scenic views. Identify and preserve scenic views and corridors of the Cascade Range, Ochoco Mountains, and Smith Rock. Streets and common or public open spaces should be located and oriented to capture and preserve scenic views for the public. Minimize visual clutter within scenic corridors.
- I. Environmentally friendly and energy efficient design is encouraged to be incorporated in all facets of the Master Plan, including public and private infrastructure, architecture and building orientation, open spaces and natural areas, and provide transportation choices such as walking and biking. In addition, encourage the planting of native, drought-resistant trees to provide shade and to minimize water usage.
- J. Urban – rural interface. Urban development shall interface with rural areas through open space buffers at least 100 feet wide and the length of the urban development, excluding public streets, or shall be transitioned from higher density development to lower density development at the urban - rural interface, or utilize other appropriate and equivalent transitional elements.
- K. Integrated design elements. Streets, civic spaces, signage, and architecture shall be coordinated to establish a coherent and distinct place in the community, and unique character of the specific area in which the Master Plan is proposed.
- L. “Pocket Parks” or “tot lots” shall be incorporated into medium and high density zoned residential subdivisions and site plans. These areas shall be developed for every of twenty-five lots/units, a minimum of 1,500 square feet, and privately maintained. This is not required where subdivision lots are 6,000 square feet or greater.
- M. Canal trails. If canals or laterals are present, multi-use trails at least 10 feet wide shall be provided, subject to the Central Oregon Irrigation District's review and approval. Pedestrian amenities such as benches and trash receptacles shall be provided at appropriate locations.
- N. Environmentally friendly and energy efficient design is encouraged for public

and private infrastructure, architecture and building orientation, open spaces and natural areas, and transportation facilities. In addition, the planting of native, drought-resistant trees is encouraged to provide shade and to minimize water usage.

- O. Design elements. Within master development plan areas, neighborhood centers, IAMP, the Downtown, and other master planned areas, streets, public spaces, signage, and architecture shall be coordinated with the surrounding area to reinforce a coherent and distinct place in the community.

8.2220 Phased Development Plan. An overall phased development plan shall be submitted for all developments for which phased development is contemplated. The phased development plan shall include but not be limited to, the following elements:

1. Overall development plan, including phase or unit sequence.
2. Show compliance with all applicable **land division** ~~land use~~ standards and policies **as described in this Article**.
3. Schedule of improvements initiation and completion.
4. Overall transportation and traffic pattern plan showing compliance with grid street standards, and for land within the North Redmond US 97 Interchange Area Management Plan (IAMP), compliance with the Local Street Connectivity Plan (Comprehensive Plan Addendum Chapter 9 Transportation Element figure 1).
5. General program for phasing timetable projection.
6. Development plans for any common elements or facilities.
7. If the proposed subdivision is believed to have an additional impact upon adjacent lands or lands within the general vicinity, the Hearings Body may require an additional impact analysis for various aspects of the development thought to cause such impacts.
8. Street tree plan.
9. **Program for addressing applicable Great Neighborhood Principles, including:**
 - A. **Transportation.** Connect people and places through a complete street network and trail system that invites walking and bicycling and provides convenient access to parks, schools, neighborhood service centers, and possible future transit stops.
 - B. **Housing.** A mix of housing types and densities should be integrated into the design of new neighborhoods.
 - C. **Open spaces, greenways, recreation.** All new neighborhoods shall provide useable open spaces with recreation amenities that are integrated to the larger community. Central parks and plazas shall be used to create public gathering places. Incorporate significant geological features such as rock outcroppings, stands of clustered native trees, etc. into the design of new neighborhoods. Neighborhood and community parks shall be shown in appropriate locations consistent with policies in Redmond's Parks Master Plan.
 - D. **Scenic views.** Identify and preserve scenic views of the Cascade Range, Ochoco Mountains, and Smith Rock from common or public open spaces.
 - E. **Integrated design elements.** Streets, civic spaces, signage, and architecture shall be coordinated to establish a coherent and distinct character for the Master Development Plan. Plans may integrate design themes with adjacent developed or planned areas.

- F. Diverse mix of activities. A variety of uses is encouraged in order to create vitality and bring many activities of daily living within walking and biking distance or a short drive of homes.
- G. Public art. Public art is encouraged at the gateways to neighborhoods and/or in and around the center of neighborhoods to provide focal points.
- H. Scenic views. Identify and preserve scenic views and corridors of the Cascade Range, Ochoco Mountains, and Smith Rock. Streets and common or public open spaces should be located and oriented to capture and preserve scenic views for the public. Minimize visual clutter within scenic corridors.
- I. Environmentally friendly and energy efficient design is encouraged to be incorporated in all facets of the Master Plan, including public and private infrastructure, architecture and building orientation, open spaces and natural areas, and provide transportation choices such as walking and biking. In addition, encourage the planting of native, drought-resistant trees to provide shade and to minimize water usage.
- J. Urban – rural interface. Urban development shall interface with rural areas through open space buffers at least 100 feet wide and the length of the urban development, excluding public streets, or shall be transitioned from higher density development to lower density development at the urban - rural interface, or utilize other appropriate and equivalent transitional elements.
- K. Integrated design elements. Streets, civic spaces, signage, and architecture shall be coordinated to establish a coherent and distinct place in the community, and unique character of the specific area in which the Master Plan is proposed.
- L. “Pocket Parks” or “tot lots” shall be incorporated into medium and high density zoned residential subdivisions and site plans. These areas shall be developed for every of twenty-five lots/units, a minimum of 1,500 square feet, and privately maintained. This is not required where subdivision lots are 6,000 square feet or greater.
- M. Canal trails. If canals or laterals are present, multi-use trails at least 10 feet wide shall be provided, subject to the Central Oregon Irrigation District’s review and approval. Pedestrian amenities such as benches and trash receptacles shall be provided at appropriate locations.
- N. Environmentally friendly and energy efficient design is encouraged for public and private infrastructure, architecture and building orientation, open spaces and natural areas, and transportation facilities. In addition, the planting of native, drought-resistant trees is encouraged to provide shade and to minimize water usage.
- O. Design elements. Within master development plan areas, neighborhood centers, IAMP, the Downtown, and other master planned areas, streets, public spaces, signage, and architecture shall be coordinated with the surrounding area to reinforce a coherent and distinct place in the community.

LAND PARTITIONING

8.2410 Requirements for Tentative Partition Approval

...

- F. The partition contributes to orderly development and land use patterns in the

- area. Orderly development and land use patterns in general is development that:
 - i. Is consistent with zoning district's density requirements;
 - ii. Does not overtax supporting public facilities and services and logical extensions thereof;
 - iii. Provides for continued maintenance of supporting facilities and services;
 - iv. Recognizes topographical limitations;
 - v. Is consistent with existing land use patterns and development;
 - vi. Does not foreclose future development opportunities on adjacent undeveloped or under-developed lands; and,
 - vii. Is consistent with applicable Great Neighborhood Principles

ARTICLE IV - SITE AND DESIGN REVIEW STANDARDS

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

- 3. Neighborhood Compatibility. This standard shall not apply to any development requires a conditional use permit;

...

- D. The proposal is consistent with the applicable Great Neighborhood Planning Principles listed below:
 - 1. Transportation. Connect people and places through a complete street network and trail system that invites walking and bicycling and provides convenient access to parks, schools, neighborhood service centers, and possible future transit stops.
 - 2. Housing. A mix of housing types and densities should be integrated into the design of new neighborhoods.
 - 3. Open spaces, greenways, recreation. All new neighborhoods shall provide useable open spaces with recreation amenities that are integrated to the larger community. Central parks and plazas shall be used to create public gathering places. Incorporate significant geological features such as rock outcroppings, stands of clustered native trees, etc. into the design of new neighborhoods. Neighborhood and community parks shall be shown in appropriate locations consistent with policies in Redmond's Parks Master Plan
 - 4. Scenic views. Identify and preserve scenic views of the Cascade Range, Ochoco Mountains, and Smith Rock from common or public open spaces.
 - 5. Integrated design elements. Streets, civic spaces, signage, and architecture shall be coordinated to establish a coherent and distinct character for the Master Development Plan. Plans may integrate design themes with adjacent developed or planned areas.
 - 6. Diverse mix of activities. A variety of uses is encouraged in order to create vitality and bring many activities of daily living within walking and biking distance or a short drive of homes.
 - 7. Public art. Public art is encouraged at the gateways to neighborhoods and/or in and around the center of neighborhoods to provide focal points.

8. Scenic views. Identify and preserve scenic views and corridors of the Cascade Range, Ochoco Mountains, and Smith Rock. Streets and common or public open spaces should be located and oriented to capture and preserve scenic views for the public. Minimize visual clutter within scenic corridors.

9. Environmentally friendly and energy efficient design is encouraged to be incorporated in all facets of the Master Plan, including public and private infrastructure, architecture and building orientation, open spaces and natural areas, and provide transportation choices such as walking and biking. In addition, encourage the planting of native, drought-resistant trees to provide shade and to minimize water usage.

10. Urban – rural interface. Urban development shall interface with rural areas through open space buffers at least 100 feet wide and the length of the urban development, excluding public streets, or shall be transitioned from higher density development to lower density development at the urban - rural interface, or utilize other appropriate and equivalent transitional elements.

11. Integrated design elements. Streets, civic spaces, signage, and architecture shall be coordinated to establish a coherent and distinct place in the community, and unique character of the specific area in which the Master Plan is proposed.

12. “Pocket Parks” or “tot lots” shall be incorporated into medium and high density zoned residential subdivisions and site plans. These areas shall be developed for every of twenty-five lots/units, a minimum of 1,500 square feet, and privately maintained. This is not required where subdivision lots are 6,000 square feet or greater.

13. Canal trails. If canals or laterals are present, multi-use trails at least 10 feet wide shall be provided, subject to the Central Oregon Irrigation District’s review and approval. Pedestrian amenities such as benches and trash receptacles shall be provided at appropriate locations.

14. Environmentally friendly and energy efficient design is encouraged for public and private infrastructure, architecture and building orientation, open spaces and natural areas and transportation facilities. In addition, the planting of native, drought-resistant trees is encouraged to provide shade and to minimize water usage.

15. Design elements. Within master development plan areas, neighborhood centers, IAMP, the Downtown, and other master planned areas, streets, public spaces, signage and architecture shall be coordinated with the surrounding area to reinforce a coherent and distinct place in the community.

8.3050 Partial Master Development Plans. When the development proposed is for less than the entire site, ~~or involves multiple contiguous or adjacent lots or parcels which may be developed at different times, at the discretion of the Community Development Director,~~ a **partial** master development plan for the entire site may be required. In addition to providing all plans associated with Site and Design review, a **partial** master plan shall also clearly show the project area, and shall clearly identify the timing of each specific phase within the master plan, if *phases are proposed.

1. **Partial Master Development Plans** need to be developed consistent with applicable

Great Neighborhood Principles.

1. Transportation. Connect people and places through a complete street network and trail system that invites walking and bicycling and provides convenient access to parks, schools, neighborhood service centers, and possible future transit stops.
2. Housing. A mix of housing types and densities should be integrated into the design of new neighborhoods.
3. Open spaces, greenways, recreation. All new neighborhoods shall provide useable open spaces with recreation amenities that are integrated to the larger community. Central parks and plazas shall be used to create public gathering places. Incorporate significant geological features such as rock outcroppings, stands of clustered native trees, etc. into the design of new neighborhoods. Neighborhood and community parks shall be shown in appropriate locations consistent with policies in Redmond's Parks Master Plan
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7. Public art. Public art is encouraged at the gateways to neighborhoods and/or in and around the center of neighborhoods to provide focal points.
8. Scenic views. Identify and preserve scenic views and corridors of the Cascade Range, Ochoco Mountains, and Smith Rock. Streets and common or public open spaces should be located and oriented to capture and preserve scenic views for the public. Minimize visual clutter within scenic corridors.
9. Environmentally friendly and energy efficient design is encouraged to be incorporated in all facets of the Master Plan, including public and private infrastructure, architecture and building orientation, open spaces and natural areas, and provide transportation choices such as walking and biking. In addition, encourage the planting of native, drought-resistant trees to provide shade and to minimize water usage.
10. Urban – rural interface. Urban development shall interface with rural areas through open space buffers at least 100 feet wide and the length of the urban development, excluding public streets, or shall be transitioned from higher density development to lower density development at the urban - rural interface, or utilize other appropriate and equivalent transitional elements.
11. Integrated design elements. Streets, civic spaces, signage, and architecture shall be coordinated to establish a coherent and distinct place in the community, and unique character of the specific area in which the Master Plan is proposed.
12. "Pocket Parks" or "tot lots" shall be incorporated into medium and high density zoned residential subdivisions and site plans. These areas shall be developed for every of twenty-five lots/units, a minimum of 1,500 square feet and privately maintained. This is not required where subdivision lots are 6,000 square feet or greater.
13. Canal trails. If canals or laterals are present, multi-use trails at least 10 feet wide shall

be provided, subject to the Central Oregon Irrigation District's review and approval. Pedestrian amenities such as benches and trash receptacles shall be provided at appropriate locations.

14. Environmentally friendly and energy efficient design is encouraged for public and private infrastructure, architecture and building orientation, open spaces and natural areas and transportation facilities. In addition, the planting of native, drought-resistant trees is encouraged to provide shade and to minimize water usage.
15. Design elements. Within master development plan areas, neighborhood centers, IAMP, the Downtown, and other master planned areas, streets, public spaces, signage and architecture shall be coordinated with the surrounding area to reinforce a coherent and distinct place in the community.

Redmond Urban Area Growth Management Agreement

Language to be added to the section of the agreement that provides for notice to the City of Redmond and the opportunity to review and comment on development applications in urban reserve areas.

2. Definitions

Conversion Plan – a sketch showing locations for future urban roads and utility corridors for properties in the Redmond Urban Reserve Area (RURA) that are divided into parcels of 3 acres or less.

5. Process for Exercising Responsibilities in the RURA

...

- O. The County will include standards and provisions for recording a Conversion Plan on all land divisions in the RURA that lead to the creation of parcels 10 acres or less. The purpose of the conversion plan is to ensure that interim development within the parcel does not hamper the future conversion of the property for urban use.
 1. A conversion plan is not required to be an engineered plan but must be to scale.
 2. The property owner may amend the conversion plan from time to time by filing a new plan with the County, subject to County review and approval.
 3. As part of a land division, the conversion plan does not constitute a separate land use decision.
 4. The conversion plan must be recorded with the County in order to inform prospective purchasers of existing and newly created lots about the potential location of future urban roads and utility easements.
 5. The conversion plan may be used to guide the placement of structures and on-site utility improvements.
- P. The County shall have authority to review and approve Conversion Plans. The content of plans shall include:
 1. A scale-map of the subject property and its boundaries with adjoining properties.
 2. The location of proposed access points to the property.

3. The approximate location of future urban collector and arterial roadways that may traverse or border the property. The location shall be estimated based on functional classifications and spacing standards for these facilities in the Redmond Transportation System Plan.
 4. The location of on-site wells, septic drain fields, drainage ways, irrigation utilities, and other utilities.
- Q. The County will review the conversion plan as part of its tentative review of a land division application. The County may approve, deny, or approve with conditions the land division and related conversion plan. A condition of approval for land divisions with an approved conversion plan will be that the property owner records the conversion plan with the final plat at the County Clerk's Office. The County will provide the City the opportunity to review proposed conversion plans for at least 15 days prior to accepting an application for a land division. The County will consult the City prior to issuing a building permit for properties subject to a conversion plan.
- R. The City will provide technical assistance to property owners needing to develop a conversion plan. The City will inform prospective applicants about estimated locations for future collector and arterial roadways, and utility easements for water, sewer and drainage facilities. The City will review proposed conversion plans within 15 days and forward City comments to the applicant and the County and may recommend that the proposed plan be approved, denied, or approved with conditions. Comments from the City shall be filed with the tentative application for the land division.
- S. The City and County may charge separate fees for the review of conversion plans.

REVIEWED
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LEGAL COUNSEL

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK
COMMISSIONERS' JOURNAL
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**AGREEMENT
BETWEEN THE CITY OF REDMOND, OREGON AND DESCHUTES COUNTY, OREGON, FOR
THE JOINT MANAGEMENT OF THE REDMOND UNINCORPORATED URBAN GROWTH AREA
AND THE
REDMOND URBAN RESERVE AREA**

WHEREAS, on July 27, 1982, CITY OF REDMOND (CITY), and DESCHUTES COUNTY (COUNTY), entered a Joint Management Agreement (JMA) for coordination of land use planning and development within the Redmond Unincorporated Urban Growth Area; and

WHEREAS, City and County entered amended JMAs on June 23, 1998 and August 27, 2002, the latter as Deschutes County Contract No. 2002-289 that was amended by Deschutes County Contract No. 2004-176, effective May 25, 2004; and

WHEREAS, City and County desire to rescind all previous JMAs and amendments and incorporate all necessary provisions into this JMA; and

WHEREAS, under ORS 190.003 to 190.030, and 197.175, *et seq.* City and County are authorized to enter into intergovernmental agreements and are required to prepare and adopt comprehensive plans consistent with Statewide Planning Goals; and

WHEREAS, under OAR 660-021-0020, City and County are authorized to establish Urban Reserve Areas; and

WHEREAS, City and County recognize the importance of providing an orderly transition of urban services from County to City jurisdiction and administration as the Redmond Urban Reserve Area transitions from a rural to an urban character; and

WHEREAS, ORS 190-003, *et seq.* requires that an intergovernmental agreement relating to the performance of functions or activities by one unit of local government for another specify the responsibilities between the parties;

CITY AND COUNTY AGREE AS FOLLOWS:

1. Rescission.

The following prior agreements are rescinded. Rescission of these agreements does not nullify any actions taken by City under authority delegated to it by any prior agreement.

- A. AGREEMENT BETWEEN THE CITY OF REDMOND, OREGON AND DESCHUTES COUNTY, OREGON, FOR THE JOINT MANAGEMENT OF THE URBAN GROWTH BOUNDARY, THE PLAN FOR THE REDMOND GROWTH AREA AND THE REDMOND AREA OF MUTUAL INTEREST, dated August 27, 2002, Deschutes County Contract No. 2002-289.

- B. AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN CITY OF REDMOND and DESCHUTES COUNTY dated May 25, 2004, Deschutes County Contract No. 2004-176.
- C. AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN CITY OF REDMOND and DESCHUTES COUNTY dated July 26, 2005, Deschutes County Contract No. 2005-162.

2. Definitions.

AMI. Area of Mutual Interest is County owned land in the RURA.

BOCC. Deschutes County Board of County Commissioners.

Building Services. Plan review, inspection, and enforcement of State of Oregon building codes for new construction and remodeling.

City Community Development Director. City Community Development Director or designee.

County Community Development Director. County Community Development Director or designee.

Comprehensive Plan. Comprehensive plan adopted by City or County consistent with legal requirements.

Council. City of Redmond City Council.

DCC. Deschutes County Code.

JMA. Joint Management Agreement.

Limited Transportation Services. Transportation planning, road, sidewalk and bicycle policies and standards, transportation-related conditions and exactions that are part of land use actions.

Planning Services. Legislative activities such as adoption and amendment of comprehensive plan text and maps, adoption and amendment of land use regulations and quasi-judicial processing of land use actions.

Redmond Unincorporated Urban Growth Area (RUUGA). Territory within the Redmond Urban Growth Boundary but outside the boundaries of City.

RUAPC. Redmond Urban Area Planning Commission.

Redmond Urban Growth Boundary (RUGB). The boundary line shown in the Redmond Urban Area Plan that separates urban and urbanizable lands in and adjacent to City from rural territory within County.

Redmond Urban Reserve Area (RURA). Territories outside of RUGB identified by the Council and the BOCC as the highest priority for inclusion in the RUGB when it is expanded under state law. The RURA, as of the date of this agreement, is shown in Exhibit A.

Urban Facilities and Services. Basic facilities that are primarily planned for by cities, but that also may be provided by counties or districts and are essential to the support of development in accordance with a Comprehensive plan. Urban facilities and services include police protection, fire protection, sanitary facilities, storm drainage facilities, streets and roads, planning, zoning and subdivision control, health services, recreation facilities and services, energy and communication services, schools, transportation and community governmental services.

3. Intent and Purpose of Agreement.

The intent and purpose of this agreement is for City and County to:

- A. Establish procedures for the implementation of a land use plan for the RURA and implementation of a land use plan for the RUUGA.
- B. Improve planning, building and limited transportation services to customers located within the RUUGA and RURA.
- C. Continue and improve coordination and communication between City and County.
- D. Develop consistent policies and procedures for managing urban growth and development within the RUUGA and RURA.
- E. Continue City responsibility for quasi-judicial and legislative planning for the RUUGA.
- F. Minimize financial impacts of transition of lands from RURA to within the RUUGA.

4. Process for Exercising Responsibilities in the RUUGA.

- A. Except as otherwise provided for in Section 4.P, County delegates to City responsibility for initiating and processing legislative and quasi-judicial actions to adopt or amend County's comprehensive plans, plan maps, zoning maps and DCC for the RUUGA in accordance with this agreement.
- B. County delegates to City the authority and responsibility for enforcing land use regulations.
- C. The BOCC retains authority to initiate and have City process comprehensive plan, plan map, zoning map and zoning regulations in accordance with Section 4.P without charge.

- D. City will accept and process all legislative and quasi-judicial applications, including County initiated ones, for comprehensive plan, plan map, zoning map and zoning regulation text amendments.
- E. City will give County at least 20 days' notice before the first hearing of any non-County proposed amendment to County's comprehensive plan, plan map, zoning map or zoning regulations before the RUAPC.
- F. City staff will incorporate County comments in the staff report or attach the County comments to the report and present them to the hearings body.
- G. All proposed amendments to the comprehensive plan, plan map, zoning map or zoning regulations will be submitted to the RUAPC for public hearing and recommendations to the Council and the BOCC.
- H. The Council will review and comment on the RUAPC's recommendations to the BOCC regarding proposed amendments to the comprehensive plan and zoning regulations prior to transmittal to County. The Council may change the RUAPC's recommendations and / or may make additional recommendations to the BOCC. No City amendments however, shall be effective until adopted by the BOCC.
- I. All appeals of staff or hearings officer quasi-judicial land use decisions will be heard by the Council with no appeal to the BOCC unless the appeal is of an amendment to the County Comprehensive Plan or County Plan Map. No County Comprehensive Plan or County Plan Map amendment however, is effective until adopted by the BOCC.
- J. City will transmit the entire record of the proceedings before the Council to the County Community Development Department within five working days of the Council's final decision.
- K. The County shall set a hearing date within 90 days of receipt of the City's record. All proposed ordinances that are intended to be adopted by the County shall be prepared in County format. County CDD staff shall be responsible for coordinating with other affected County departments, including but not limited to, Legal, the County Manager, and the County Road Department for review and comment. County CDD staff shall make the appropriate changes to the Ordinance.
- L. City staff will assist the County in formatting all ordinances for adoption by the BOCC.
- M. City staff will provide primary staff support to the BOCC on all proposed amendments to the City or County comprehensive plan, plan map and zoning regulations.
- N. City will follow the provisions of Exhibit B for notice and hearing requirements.
- O. City and County will notify each other within five working days of receiving any appeal.

- P. City and County hearing bodies may hold joint hearings if both jurisdictions agree.
- Q. Any conflicts between City and County shall be resolved between the BOCC and the Council.
- R. City and County shall coordinate in complying with any changes in state law.
- S. City is responsible for and shall coordinate with the County in complying with any periodic review order or periodic review work tasks required by the Oregon Land Conservation and Development Commission (LCDC) or the Department of Land Conservation and Development (DLCD) for lands located within the Redmond Urban Growth Boundary (RUGB).
- T. City will interpret and apply County zoning and land division ordinances applicable to lands within the RUUGA, subject to T.1) and T.2) below.
 - 1) City Community Development Director has authority to make interpretations of County land use regulations within the RUUGA but must consult with County Community Development Director concerning any requests in writing for interpretation of land use regulations.
 - 2) If County Community Development Director disagrees with the City interpretation, the City may use the Declaratory Ruling procedure in DCC Title 22.
- U. County delegates the following authority to the City:
 - 1) The City Community Development Director is authorized to take any action under the applicable County land use ordinances to process, implement, and administer land use decisions.
 - 2) Where applicable ordinances contemplate signature of a document by the County Community Development Director (such as signing conditions of approval agreements, improvement agreements or plats) the City Community Development Director is authorized to execute such documents.
 - 3) Where applicable ordinances require approval of the County Counsel, Public Works Director, or County Engineer, such authority is granted to the City official or agent of similar capacity.
 - 4) The BOCC or a designated member retains authority to sign plats affecting land divisions within the RUUGA.
 - 5) Funding of services will be provided through fees collected by City from applicants for processing land use applications and inspections necessary to assure compliance with conditions of approval.
 - 6) The City is authorized to establish, collect, and administer fees for land use applications.

- V. City and County will continue to recognize the RUAPC as the Citizen Involvement Committee for the RUUGA.
- W. County will notify City of all proposed countywide amendments that will have an impact within the RUUGA.

5. Process for Exercising Responsibilities in the RURA.

- A. County has exclusive authority to enact and amend County comprehensive plan, plan map, zoning map and zoning regulations in accordance with this agreement and OAR 660-021-0100 until the territory is included in the RUUGA.
- B. County is responsible for the enforcement of all land use ordinances within the RURA.
- C. Resource lands that are included in the RURA shall continue to be planned and zoned under the requirements of applicable Statewide Planning Goals.
- D. For exception lands and non-resource land in the RURA, land use regulations shall prohibit zone amendments allowing more intensive uses than permitted by acknowledged zoning in effect as of the date of establishment of the RURA. Zoning regulations in effect at the time of designation of the RURA shall remain in effect until such time as the land is included in the RUUGA.
- E. Consistent with Sections 3 and 4, County staff will accept and process County comprehensive plan, comprehensive plan map, zoning map or zoning regulation amendment applications.
- F. County will provide City with 45 days notice before the first hearing of any proposed County comprehensive plan, comprehensive plan map, zoning map or zoning regulation amendment.
- G. County staff will incorporate any City comments in the staff report and present them to the initial and final hearings body.
- H. All proposed County comprehensive plan, comprehensive plan map, zoning map or zoning regulation amendments will first be submitted to the RUAPC for public hearing and to County Planning Commission for recommendation to the respective governing bodies.
- I. The Council will hold a hearing and make a recommendation to the BOCC on any proposed change to County's comprehensive plan, plan map, zoning map and zoning regulations.
- J. The BOCC will set a hearing date within 90 days of receipt of a recommendation from the Council for all ordinances prepared in County format.
- K. City will transmit all records of the proceedings before the RUAPC and the Council to the BOCC within five working days of the Council's final decision.

- L. No County comprehensive plan, plan map, zoning map or zoning regulation is effective within the RURA unless it is adopted by the BOCC.
- M. City will enter RURA agreements with special districts that currently provide urban services to territory within the RURA, and have plans in place to continue such services until the territory is included within the RUUGA.
- N. County will notify City of all proposed countywide amendments that will have an impact within the RURA.

6. RUGB Amendments and RURA Boundary Designations.

- A. County retains the authority to accept applications and fees, and process and decide any amendment of the RUGB and RURA designation in accordance with the procedures of DCC Title 22 and this agreement.
- B. Legislative amendments of the RUGB and RURA designation will be heard by the RUAPC and the County Planning Commission and by both the Council and the BOCC.
 - 1) Any corresponding plan designation and zoning map amendments may be heard as part of the same process.
 - 2) City and County planning commissions and the Council and the BOCC may meet either separately or jointly.
 - 3) Any conflicts will be worked out between the Council and the BOCC.
- C. Quasi-judicial UGB amendments shall be heard in accordance with Exhibit B, with any appeal heard before the BOCC.
 - 1) Any corresponding plan designation and zoning map amendment application may be heard as part of the same process.
 - 2) City and County shall be given a forty-five day notice of the proposal prior to the hearing before the hearings body, and any comments shall be included in the staff report.
 - 3) The amendment shall become effective upon adoption of the amendment by the BOCC.
 - 4) Adoption by the Council will also be required.
 - 5) County shall send a copy of the ordinance adopting the map amendment to the City.
- D. The City and County shall coordinate the legislative and applicant-initiated process for designating a RURA under OAR 660-021-020.

7. Public Facility Planning.

- A. City is responsible for the preparation, adoption and amendment of the public facility plans for any RUGB amendments.
- B. City will coordinate the preparation of any RURA public facility plan with County, special districts, state and federal agencies and private providers of public facilities as required by OAR 660-021-0040(5).
- C. Nothing in this agreement authorizes urban levels of development or services in the RURA prior to their inclusion in the RUUGA.
- D. Urban Services
 - 1) Annexation to City will be encouraged over formation or expansion of special districts that provide services that are commonly provided by the City (e.g. sewer, water and transportation).
 - 2) County will discourage subdivision developments that are not consistent with public facility plans except for those developments that occur as a result of a Measure 37 claim.
 - 3) City will coordinate the expansion and development of all urban facilities and services for territories within the RUUGA in a manner to promote early annexation of such territories to City.
- E. Coordination of System Development Charge adoption, revision and collections will be covered by a separate City and County agreement.
- F. Reimbursement Policy for Public Improvements.
 - 1) City has adopted an ordinance providing that an applicant who installs infrastructure improvements that benefit other properties may be reimbursed by City for an appropriate portion of the cost of these improvements. Installation of such improvements in a timely and orderly fashion will further the coordination of development in the RUUGA consistent with this agreement.
 - 2) County delegates to City all authority necessary or appropriate to implement the reimbursement ordinance within the RUUGA.

8. Area of Mutual Interest.

- A. City and County shall collaborate to assure that the AMI is master planned before it is incorporated into RUUGA.
- B. City will make recommendations and proposals to County regarding public facilities, transportation services and master plans that affect this land.

9. Limited Transportation Services in the RUUGA and RURA.

- A. Transportation Planning. City and County will develop and coordinate preliminary transportation system plans to present to the Council and the BOCC for final adoption.
- B. Future Transportation Corridors. City and County agree to cooperate in the early identification of possible transportation corridors that might be located within or near the AMI.

10. Special Provisions.

A. Annexations to City Limits.

- 1) City and County may rely on this agreement as a prerequisite to annexation under ORS 195.205(2)(a)(B) and statutes referenced therein.
- 2) City annexations will occur only within the RUGB.
- 3) Specific annexation decisions will comply with applicable land use law and be consistent with City annexation policies.
- 4) City will provide County at least 15 days' prior written notice to review and comment on annexation decisions.
- 5) When annexing territory, City will also annex roads and road rights of way adjacent to such territory provided that such rights of way are entirely located within the RURA.
- 6) Transfer of authority upon annexation:
 - a) Upon annexation, jurisdiction of all land use approvals within the territory annexed will automatically transfer from County to City. Permits will remain effective and will be recognized by City as if they were made by City.
 - b) Upon annexation, City will administer all land use approvals in the annexed territory, implement and enforce such approvals together with all implementing agreements. This includes improvement agreements, conditions of approval agreements, bonds and other similar arrangements.
 - c) For land use approvals within the RUUGA after the date of this agreement, all improvement agreements, conditions of approval agreements, annexation agreements, utility agreements and similar agreements will be approved and signed by the Council and the BOCC jointly. All bonds must designate both City and County as the assured agencies.

B. Building Permits.

- 1) City has authority for building permitting and inspections within the RUGB. The County shall be responsible for building services in the RURA.
- 2) City agrees to review and obtain County approval for any changes of service providers of contractual building permitting and inspections services.

11. Administrative Coordination.

City and County agree that their community development directors will meet on an ongoing basis to monitor all activities relating to this agreement.

12. Indemnification.

To the extent legally possible City and County will jointly indemnify, hold harmless, and defend each other, including officials, agents, and employees from and against any and all claims, damages, losses, and expenses (including but not limited to attorney fees) relating to performance or failure to perform under this agreement. This indemnity provision survives the termination of this agreement.

13. Review, Amendment and Termination.

- A. This agreement may be reviewed and amended at any time by mutual consent of both parties, after a joint public hearing by the Council and the BOCC.
- B. This agreement will be reviewed, and may be amended at the time of a RURA designation or any RUGB amendment.
- C. Any modifications in this agreement will be consistent with City and County comprehensive plans and state law.
- D. This agreement may be terminated by either party by the following procedure:
 - 1) A public hearing will be called by the party considering termination. The party must give the other party notice of hearing at least 45 days prior to the scheduled hearing date. The 45 day period must be used by both parties to seek resolution of differences.
 - 2) Public notice of the hearing must comply with state law.
 - 3) Termination of the agreement must be at least 90 days after the public hearing to provide time for resolution of differences.
- E. City and County planning and building staffs will attempt to informally resolve any disputes regarding this agreement or relating to its terms, conditions, or meaning. For any disputes not resolved through this informal process, the Council and the BOCC will meet jointly in an attempt to resolve those disputes. Either party may request the services of a mediator to resolve any dispute.

Dated this 10 of April, 2007

THE CITY OF REDMOND

By: Alan Unger
Alan Unger, Mayor

By: Michael Patterson
Michael Patterson, City Manager

APPROVED AS TO FORM:

Steve Bryant
Steve Bryant, City Attorney

DESCHUTES COUNTY

Dated this 28 of March, 2007 BOARD OF COUNTY COMMISSIONERS

Michael M. Daly
MICHAEL M. DALY, CHAIR

Dennis R. Luke
DENNIS R. LUKE, COMMISSIONER

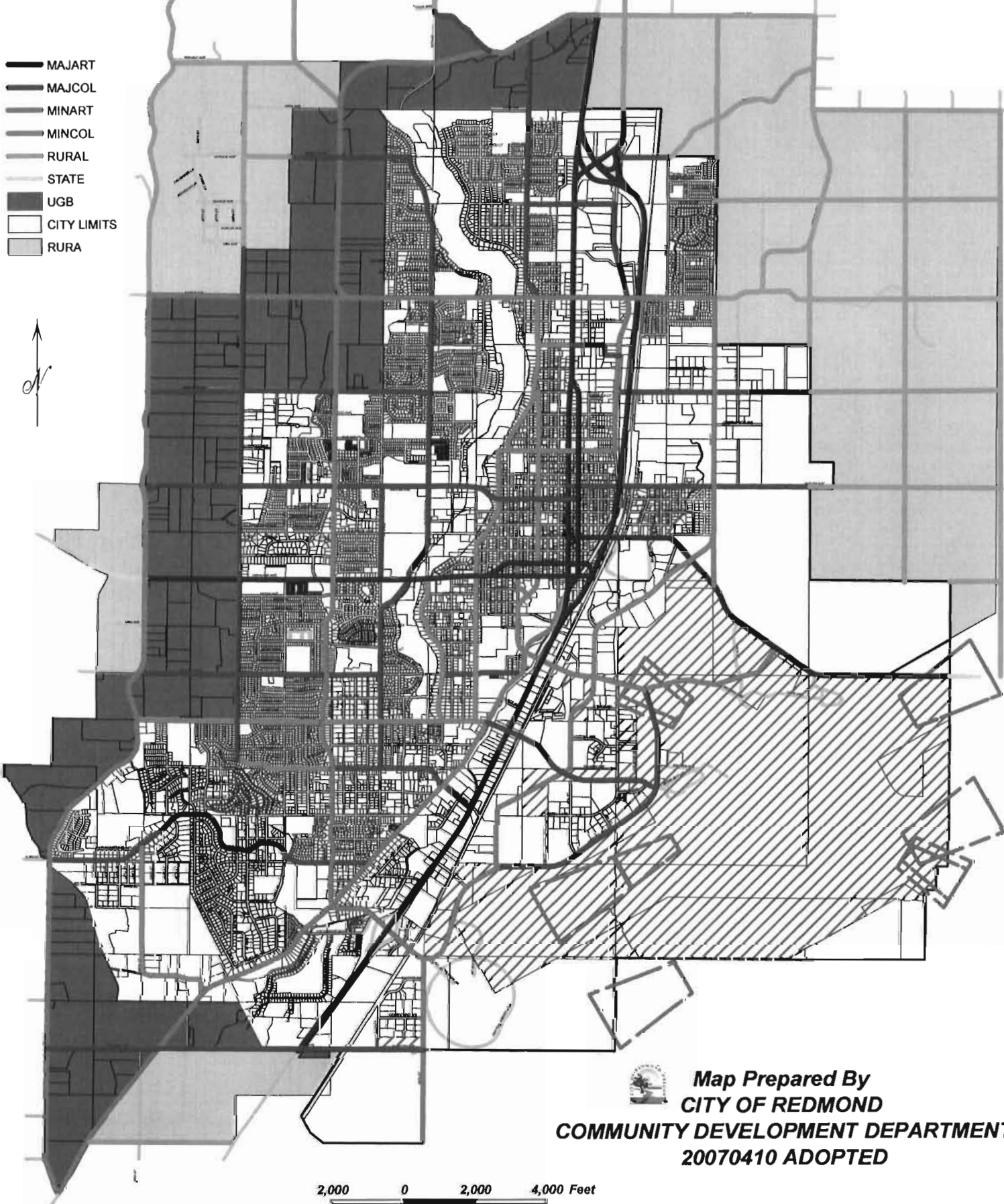
ATTEST:

Bonnie Baker
Recording Secretary

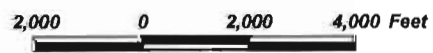
Tammy Baney
TAMMY BANEY, COMMISSIONER

Exhibit A

- MAJART
- MAJCOL
- MINART
- MINCOL
- RURAL
- STATE
- UGB
- CITY LIMITS
- RURA



Map Prepared By
CITY OF REDMOND
COMMUNITY DEVELOPMENT DEPARTMENT
20070410 ADOPTED



**LAND USE PROCEDURES FOR LAND LOCATED WITHIN THE CITY OF
REDMOND URBAN GROWTH BOUNDARY**

February, 2007

I PREAMBLE

1. Introduction and application.

- A. DCC Title 22 was adopted by Deschutes County and enacted to provide a uniform procedure for the grant or denial and processing of applications, approvals and determinations by the Planning Division of the Deschutes County Community Development Department under the applicable County comprehensive plan, land use regulations, subdivision and partition ordinance, and other ordinances which by their terms incorporate by reference the procedures in this title. DCC Title 22 is known as the Deschutes County Development Procedures Ordinance.
- B. Upon adoption by the City of Redmond and Deschutes County of an expansion of the City's Urban Growth Boundary, the City and County entered into a modified Joint Management Agreement governing coordination and planning for the new Urban Growth Boundary and the Redmond Unincorporated Urban Growth Area. This Exhibit is intended to establish the procedures applicable to land use decisionmaking in the Urban Growth Boundary as an implementation measure of the Joint Management Agreement.
- C. Therefore, notwithstanding DCC 22.04.010(A), inside the acknowledged Redmond Urban Growth Boundary (RUGB) and as authorized by the adopted intergovernmental agreement between Deschutes County and the City of Redmond and as set forth in this Exhibit, the functions of the County Planning Director and County Hearings Bodies identified in DCC Title 22 shall be exercised by the Redmond Community Development Director and the City Hearings Bodies in accordance with the intergovernmental Joint Management Agreement and this Exhibit.

2. Definitions.

The definitions set forth in DCC Title 22 shall be used by the City of Redmond when the City exercises planning functions and responsibilities within the acknowledged Urban Growth Boundary (UGB). These have been modified as follows:

"Argument" means assertions and analysis by a party regarding the satisfaction or violation of legal standards. "Argument" does not include assertion of facts not already in the record.

"De novo review" means a hearing by the review body as if the action had not previously been heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration will be considered a part of the record on review.

"Development action" means the review of any permit, authorization or determination that the Redmond Community Development Department is requested to issue, give or make that either:

- A. Involves the application of DCC Title 20 (the Redmond Urban Area Zoning Ordinance) or DCC Title 17 (the Deschutes County Subdivision and Partition Ordinance) and is not a land use action as defined below; or
- B. Involves the application of standards such as the sign ordinance.

For illustrative purposes, the term "development action" includes review of any permit extension, road name change, sidewalk permit, sign permit, setback determination, and lot coverage determination.

"Evidence" means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed to be relevant to the decision.

"Land use action" includes any consideration for approval of a quasi-judicial plan amendment or zone change, any consideration for approval of a land use permit, and any consideration of a request for a declaratory ruling (including resolution of any procedural questions raised in any of these actions).

"Land use permit" includes any approval of a proposed development of land under the standards in the DCC Title 20 or DCC Title 17 involving the exercise of significant discretion in applying those standards.

By way of illustration, "land use permit" includes review of conditional use permits, partition, master plan, setback exception, site plan, site plan change of use, modification of approval, solar access, solar shade exception, subdivision, and variances.

"Legislative changes" generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plans, zoning ordinances, or the subdivision or partition ordinance and changes in zoning maps not directed at a small number of property owners.

"Modification of application" means the applicant's submittal of new information after an application has been deemed complete and prior to the close of the record on a pending application that would modify a development proposal by changing one or more of the following previously described components: proposed uses, operating characteristics, intensity, scale, site lay out (including but not limited to changes in setbacks, access points, building design, size or orientation, parking, traffic or pedestrian circulation plans), or landscaping in a manner that requires the application of new criteria to the proposal or that would require the findings of fact to be changed. It does not mean an applicant's submission of new evidence that merely clarifies or supports the pending application.

"Planning Director," as used in this exhibit shall refer to the Redmond Community Development Director or his or her designee.

"Quasi-judicial" zone change or plan amendment generally refers to a plan amendment or zone change affecting a single or limited group of property owners and that involves the application of existing policy to a specific factual setting. (The distinction between legislative and quasi-judicial changes must ultimately be made on a case-by-case basis with reference to case law on the subject.)

II. GENERAL PROVISIONS

3. Preapplication conference.

A preapplication conference is encouraged for complex applications or for applicants who are unfamiliar with the land use process. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the applicable land use ordinances, to provide for an exchange of information regarding applicable requirements of the comprehensive plan, zoning ordinance or land division ordinance and to identify issues likely to arise in processing an application. The applicable zoning ordinance for the Redmond UGB is DCC Title 20.

4. Application requirements.

- A. Property Owner. For the purposes of this exhibit, the term "property owner" shall mean the owner of record or the contract purchaser and does not include a person or organization that holds a security interest.
- B. Applications for development or land use actions shall:
 - 1. Be submitted by the property owner or a person who has written authorization from the property owner as defined herein to make the application;
 - 2. Be completed on a form prescribed by the Redmond Community Development Director;
 - 3. Include supporting information required by the zoning ordinance and that information necessary to demonstrate compliance with applicable criteria; and
 - 4. Be accompanied by the appropriate filing fee, unless such fees are waived by the City of Redmond.
 - 5. Include an affidavit attesting to the fact that the notice has been posted on the property in accordance with DCC 22.24.030(B).
- C. The following applications are not subject to the ownership requirements above:
 - 1. Applications submitted by or on behalf of a public entity or public utility having the power of eminent domain with respect to the property subject to the application; or
 - 2. Applications for development proposals sited on lands owned by the state or the federal government.

5. Acceptance of application.

- A. Development action and land use action applications shall not be accepted until the Redmond Community Development Director has determined that the application is complete or the application is deemed to be complete under state law.
- B. An application is complete when in the judgment of the Redmond Community Development Director all applicable issues have been adequately addressed in the application.
- C. Acceptance of an application as complete shall not preclude a determination at a later date that additional criteria need to be addressed or a later determination that additional information is needed to adequately address applicable criteria.

6. False statements on application and supporting documents.

If the applicant or the applicant's representative or apparent representative makes a misstatement of fact on the application regarding property ownership, authority to submit the application, acreage, or any other fact material to the acceptance or approval of the application, and such misstatement is relied upon by the Redmond Community Development Director or City's Hearings Body in making a decision whether to accept or approve the application, the Redmond Community Development Director may upon notice to the applicant and subject to an applicant's right to a hearing declare the application void.

7. Withdrawal of application.

An applicant may withdraw an application in writing at any time prior to the time a land use action decision becomes final. If the landowner is not the applicant, no consent to withdraw the application is needed from the landowner.

8. Conflicting procedures.

Where other provisions of the Deschutes County Codes Title 17, Title 20 or Title 22 specify procedures with greater opportunity for public notice and comment, those procedures shall apply. Notice procedures for abbreviated Surface Mining Impact Area review under DCC 18.56.110(C) shall be as set forth in that section.

9. Time computation.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is a Saturday, Sunday, legal holiday or any day on which the City is not open for business, in which case it shall also be excluded.

10. Submission of documents.

A document is "submitted" when it is received by the Redmond Community Development Department. Submittal shall be made either at a noticed hearing or at the offices of the Redmond Planning Division, unless specified otherwise by the Hearings Body or notice.

III. LEGISLATIVE PROCEDURES

11. Hearing required.

No legislative change shall be adopted without review by the Redmond Urban Area Planning Commission and a public hearing before the Redmond City Council. The City Council shall make a recommendation to the Deschutes County Board of Commissioners. Whenever, feasible, the City Council and Board of County Commissioners may conduct joint hearings. Public hearings before the Redmond Urban Area Planning Commission shall be set at the discretion of the Redmond Community Development Director, unless otherwise required by state law. Final action on a legislative change is required by the Board of County Commissioners.

12. Notice.

- A. Published Notice.
 - 1. Notice of a legislative change shall be published in a newspaper of general circulation at least 10 days prior to each public hearing.
 - 2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.
- B. Posted Notice. Notice shall be posted at the discretion of the Redmond Community Development Director and where necessary to comply with ORS 203.045.
- C. Individual Notice. Individual notice to property owners, as defined, shall be provided at the discretion of the Redmond Community Development Director.
- D. Media Notice. Copies of the notice of hearing may be transmitted to other newspapers published in Deschutes County.

13. Initiation of legislative changes.

A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Redmond Community Development Director, Redmond City Council, Deschutes County Board of Commissioners or the Redmond Urban Area Planning Commission.

14. Hearings Body.

- A. The following shall serve as hearings or review body for legislative changes in this order:
 - 1. The Redmond Urban Area Planning Commission.
 - 2. The Redmond City Council.
 - 3. The Deschutes County Board of County Commissioners.
- B. Any legislative change initiated by either the Redmond City Council or the Board of County Commissioners shall be reviewed by the Redmond Urban Area Planning Commission and the Redmond City Council prior to final action being taken by the Board of Commissioners.

15. Final decision.

All legislative changes shall be adopted by County ordinance.

16. Corrections.

The County's comprehensive plan and zoning ordinances, subdivision ordinance, and development procedures ordinance that apply in the Redmond Urban Growth Area may be corrected by order of the Board of County Commissioners to cure editorial and clerical errors.

IV. DEVELOPMENT ACTION PROCEDURES

17. Review of development action applications.

- A. A development action application may be handled administratively by the Redmond Community Development Director without public notice or hearing.
- B. The Redmond Community Development Director has the discretion to determine that a development action application should be treated as if it were a land use action application.

18. Decision.

- A. Development applications acted upon without notice or hearing shall be approved or denied by the Redmond Community Development Director or his/her designee within 60 days of the application being deemed completed by the Redmond Community Development Department.
- B. Notice of a decision shall be provided to the applicant or the applicant's representative.
- C. The decision may be appealed as set forth herein.
- D. A development action decision becomes final when no further appeal is possible.

19. Review of development action.

If the authority under which a development action is undertaken provides a means of review or appeal of a decision independent from these procedures, the review or appeal shall be in accordance with the procedures independently provided. If the authority under which a development action is reviewed does not provide a means of review or appeal of a decision, then review or appeal shall be in accordance with the procedures set forth herein.

V. REVIEW OF LAND USE ACTION APPLICATIONS

20. Effect of determinations made outside of established processes.

Any informal interpretation or determination, or any statement describing the uses to which a property may be put, made outside the declaratory ruling process or outside the process for approval or denial of a land use permit shall be deemed to be a supposition only. Such informal interpretations, determinations, or statements shall not be deemed to constitute final City action effecting a change in the status of a person's property or conferring any rights, including any reliance rights, on any person.

21. Action on land use action applications.

- A. Except for comprehensive plan amendments and zone changes and other instances where a hearing is required by state law or by other ordinance provision, the Redmond Community Development Director may decide upon a land use action application administratively either with prior notice or without prior notice or he may refer the application to a City Hearings Body for hearing. The Redmond Community Development Director shall take such action within 60 days of the date the application is deemed complete by the Redmond Community Development Department. This time limit may be waived by the applicant.
- B. The Redmond Community Development Director's choice between or among administrative or hearing procedures to apply to a particular application or determination cannot be appealed.
- C. Zone change and plan amendment applications shall be referred to a hearing before the Hearings Body.

22. Administrative land use decisions with prior notice.

- A. Notice of the application shall be sent within 10 days of the City's deeming the application complete for review to persons entitled to notice as set forth in Section 30 below. Such notice shall include the name of the applicant, the location of the property, a general description of the requested action, the time for comments, the location or address to where comments should be sent and the location and times where the file can be reviewed.
- B. Any person may submit written comments regarding the application within 10 days from the date notice was mailed or such longer period as is specified in the notice.
- C. The Redmond Community Development Director's decision to approve, deny or send to a hearing shall be made within 60 days after an application is deemed complete by the Redmond Community Development Department. This time limit may be waived by the applicant.
- D. Notice of the Redmond Community Development Department Director's decision and the appeal period shall be sent to the applicant, the applicant's representatives, to all persons who have requested a copy of the decision, to all persons who submitted written comments and to all members of the Redmond Planning Commission. The notice shall state the applicable criteria and standards, whether the decision was approved or denied, the appeal period and where to find information regarding an appeal.
- E. The applicant, all persons entitled to notice, all persons who have requested a copy of the decision and all other persons who submitted written comments into the record of proceedings within the comment period shall be considered to be parties to the administrative decision. Any party who has established standing and can demonstrate that they are affected by the decision can appeal the decision.

23. Administrative decision without prior notice.

The procedures for administrative decisions without prior notice shall be the same as those for decisions with notice, except that no prior notice shall be given.

24. Temporary approval.

- A. The purpose of temporary land use approval is to allow an applicant in certain hardship or emergency situations to proceed with development without notice to those ordinarily entitled to notice with a land use action proposed in an application made to the Redmond Planning Division before the Division completes its review of the proposed use. In all cases, an applicant receiving temporary approval must obtain final approval on the submitted application.
- B. Subject to the Joint Management Agreement and the procedures set forth for land use actions, the Redmond City Council, Redmond Urban Area Planning Commission or the Redmond Community Development Director may authorize a temporary land use approval, provided:
 - 1. An application for the land use approval has been accepted as complete by the Redmond Community Development Department.
 - 2. A fee for review of the temporary approval has been paid.
 - 3. The applicant has demonstrated good and sufficient cause for such a temporary approval.
 - 4. It appears that the application will be given final approval in substantially the form submitted by the applicant.
 - 5. The applicant accepts each and every risk of loss and damage that may result if the application is denied, and further agrees in writing to hold City of Redmond, its officers, agents and employees harmless from such loss and damage.
 - 6. Applicant agrees to restore the site to its original condition if the application for the land use approval is denied.
- C. "Good cause" shall include only hardship or emergency situations arising due to factors that, through the exercise of ordinary diligence, the applicant could not have foreseen. "Good cause" does not include an applicant's request for a temporary permit for reasons of convenience only.
- D. A temporary use approval cannot be accepted and shall not be approved for any applications that include variances, zone changes or plan amendments.
- E. The scope of the temporary approval shall be limited to allow the applicant to proceed only with that portion of the proposed use justifying the applicant's claim of hardship or emergency.
- F. A temporary use approval shall expire as follows:
 - 1. Six months from the date of approval if no decision has been reached on the primary application, or
 - 2. On the date the appeal period expires on the decision on the underlying application, or
 - 3. On the date that all appeals of the decision on the primary application are decided and final.
- G. A decision to approve, deny, or approve a temporary use application with conditions cannot be appealed.

25. Supplementation of application within first 30 days of submittal.

An applicant may submit any additional evidence or written testimony to supplement an application during the 30 days following the initial submittal of the application.

26. Modification of application.

- A. An applicant may modify an application at any time during the approval process up until the close of the record of proceedings for written public comments.
- B. The Redmond Community Development Director or Redmond Hearings Body shall not consider any evidence submitted by or on behalf of an applicant that would constitute modification of an application

unless the applicant submits an application for a modification, pays all required fees and agrees in writing to waive or extend any applicable time limits for the City's decision.

- C. The Redmond Community Development Director or Redmond Hearings Body may require that additional notice be sent to persons entitled to notice and require extended comment periods or require additional hearings.
- D. Up until the time that a hearing is opened for oral testimony, the Redmond Community Development Director shall have sole authority to determine whether an applicant's additional submittal constitutes a modification. After the hearing is opened, the Hearings Body shall make such determinations. The Redmond Community Development Director's or Hearings Body's determination on whether a submittal constitutes a modification may only be appealed to LUBA and shall be appealed only after a final decision is entered by the City on an application.

27. Availability of administrative decisions.

All administrative decisions shall be available for public review at Redmond City Hall or such other location that is designated by the Redmond Community Development Director. In addition, the Redmond Community Development Department shall maintain a registry of administrative decisions for the previous 12-month period.

VI. LAND USE ACTION HEARINGS

28. Filing of staff report for hearing.

- A. At the time that the Redmond Community Development Director determines that an application requires a hearing and has been accepted for review or is deemed complete, a hearing date shall be set.
- B. A staff report shall be completed seven days prior to hearing.
- C. A copy of the staff report shall be mailed to the applicant, shall be made available to such other persons who request a copy and shall be filed with the Hearings Body.
- D. Oral or written modifications and additions to the staff report shall be allowed prior to or at the hearing.

29. Hearings Body.

- A. The following shall serve as the hearings body:
 - 1. A Hearings Officer under contract to the City of Redmond.
 - 2. The Redmond Urban Area Planning Commission.
 - 3. The Redmond City Council, except where the applicable joint management agreement within the acknowledged urban growth boundary specifies the County Board of Commissioners as the final appeals body.
- B. The Hearings Body final decision shall be reduced to writing and mailed to all parties. The City Council or the Redmond Urban Area Planning Commission may call up an administrative decision for review within the specified appeal period.
- C. Where the Hearings Officer declines to hear a matter on the grounds of a conflict of interest, the Redmond Urban Area Planning Commission shall substitute for the hearings officer. In the Redmond Urban Area, the initial Hearings Body for a quasi-judicial plan amendment or zone change may be either the Urban Area Planning Commission or a Hearings Officer. The initial Hearings Body for Declaratory Rulings and revocations of land use approvals may, at the discretion of the Redmond Community Development Director, be the Hearings Officer, the Redmond Urban Area Planning Commission or the Redmond City Council.

30. Notice of hearing or administrative action.

A. Individual Mailed Notice.

1. Except as otherwise provided for herein, notice of a land use application shall be mailed at least 20 days prior to the hearing for those matters set for hearing, or within 10 days after receipt of an application for those matters to be processed administratively with notice. Written notice shall be sent by mail to the following persons:
 - a. The applicant.
 - b. Owners of record of property as shown on the most recent property tax assessment roll of property located within 100 feet of the property that is the subject of the notice where any part of the subject property is within the Redmond urban growth boundary;
 - c. The Redmond Urban Area Planning Commission.
 - d. Any neighborhood or community organization formally recognized by the City under criteria established by the City whose boundaries include the site.
2. All owners of property within 250 feet of property that is the subject of a plan amendment application or zone change application shall receive notice.
3. The failure of a property owner to receive mailed notice shall not invalidate any land use approval if the City of Redmond can show by affidavit that such notice was given.

B. A person to whom notice is mailed is deemed notified even if notice is not received.

C. Posted Notice.

1. Notice of a land use action application for which prior notice procedures are chosen shall be posted on the subject property for at least 10 continuous days prior to any date set for receipt of comments. Such notice shall, where practicable, be visible from the most traveled adjacent public way.
2. Posted notice of an application for a utility facility line approval shall be by posting the proposed route at intervals of not less than one-half mile. The notice shall be posted as close as practicable to, and be visible from, any public way in the vicinity of the proposed route.

D. Published Notice. In addition to notice by mail and posting, notice of an initial hearing shall be published in a newspaper of general circulation in the County at least 20 days prior to the hearing.

E. Media Notice. Copies of the notice of hearing may be transmitted to other newspapers published in Deschutes County.

31. Burden of proof.

Throughout all local land use proceedings, the burden of proof rests on the applicant.

32. Nature of evidence.

All relevant evidence shall be received and placed into the public record.

33. Limitation on oral presentations.

Any Redmond Hearings Body may set reasonable time limits on oral testimony.

34. Standing.

- A. Any interested person may appear and be heard in a land use action hearing, except that in the case of an appeal heard on the record, a person must have participated in a previous hearing or submitted written testimony into the record on the subject application.
- B. Any person appearing on the record at a hearing (including appeals) or presenting written evidence in conjunction with an administrative action or hearing shall have standing and shall be a party. A person whose participation consists only of signing a petition becomes a party only if his or her signature is legible and his or her address is clearly written on the petition.

35. Record.

- A. A recording of the public hearing shall be made.
- B. All exhibits shall be clearly marked.
- C. Exhibits shall be numbered in the order presented, proponents and opponents may both enter exhibits into the record, and all exhibits shall be dated.
- D. When exhibits are introduced, the exhibit number or letter should be read into the record.

36. Disclosure of ex parte contacts.

Prior to making a decision, the Hearings Body or any member thereof shall not communicate directly or indirectly with any party or his representative in connection with any issue involved in a pending hearing except upon notice and opportunity for all parties to participate. Should such communication - whether written or oral - occur, the Hearings Body member shall:

- A. Publicly announce for the record the substance of such communication; and
- B. Announce the parties' right to rebut the substance of the ex parte communication during the hearing.

Communication between City staff and a Redmond Hearings Body shall not be considered to be an ex parte contact.

37. Disclosure of personal knowledge.

- A. If the Hearings Body or any member thereof uses personal knowledge acquired outside of the hearing process in rendering a decision, the Hearings Body or member thereof shall state the substance of that knowledge on the record and allow all parties the opportunity to rebut such statement on the record.
- B. A site visit by the Hearings Body or a member thereof shall be deemed to fall within this rule. After the site visit has concluded, the Hearings Body must disclose its observations and conclusions gained from the site visit in order to allow for rebuttal by the parties.

38. Challenge for bias, prejudice or personal interest.

Prior to or at the commencement of a hearing, any party may challenge the qualification of the Hearings Body, or a member thereof, for bias, prejudice or personal interest. The challenge shall be made on the record and be documented with specific reasons supported by facts. Should qualifications be challenged, the Hearings Body or the member shall disqualify itself, withdraw or make a statement on the record of its capacity to hear the matter.

39. Hearings procedure.

A hearing shall be conducted as follows:

- A. The Hearings Body shall explain the purpose of the hearing and announce the order of proceedings, including reasonable time limits on presentations by parties.
- B. A statement by the Hearings Body regarding pre-hearing contacts, bias, prejudice or personal interest shall be made.
- C. Any facts received, noticed or recognized outside of the hearing shall be stated for the record.
- D. Challenges to the Hearings Body's qualifications to hear the matter shall be stated and challenges entertained.
- E. The Hearings Body shall list applicable substantive criteria or ask staff to list the criteria, explain that testimony and evidence must be directed toward that criteria or other criteria in the comprehensive plan or land use regulations that the person believes to apply to the decision, and that failure to address an issue with sufficient specificity to afford the decision-maker and the parties an opportunity to respond precludes appeal to LUBA based on that issue.
- F. Order of presentation:
 1. Open the hearing.
 2. Staff report.
 3. Proponents' presentation.
 4. Opponents' presentation.
 5. Proponents' rebuttal.
 6. Opponents' rebuttal may be allowed at the Hearings Body's discretion.
 7. Staff comment.
 8. Questions from or to the chair may be entertained at any time at the Hearings Body's discretion.
 9. Close the hearing.
- G. The record shall be available for public review.

40. Close of the record.

- A. Except as set forth herein, the record shall be closed to further testimony or submission of further argument or evidence at the end of the presentations before the Hearings Body.
- B. If the hearing is continued or the record is held open, further evidence or testimony shall be taken only as specified by the Hearings Body.
- C. Further testimony or evidence will be allowed only if the record is reopened for that purpose by the Hearings Body.

41. Objections to jurisdiction, procedure, notice or qualifications.

Any objections not raised prior to the close of oral testimony are waived. Parties alleging procedural error shall have the burden of proof at LUBA as to whether the error occurred and whether the error has prejudiced the party's substantial rights.

VII. LAND USE ACTION DECISIONS

42. Decision.

- A. Approval or denial of a land use action shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based upon the criteria standards and facts set forth.
- B. Any portion of an application not addressed in a Redmond Hearings Body's decision shall be deemed to have been denied.
- C. A decision on a land use action is not final until the Redmond Community Development Director or Hearings Body issues a written decision, the decision or notice of the decision has been mailed and the appeal period to the next higher Hearings Body within the City has run.
- D. Unless a temporary use permit has been issued, no building permit shall issue until a decision is final. Appeal of a final decision to LUBA does not affect the finality of a decision for purposes of issuing building permits.

43. Notice of decision.

A Redmond Hearings Body's decision shall be in writing and mailed to all parties; however, one person may be designated by the Hearings Body to be the recipient of the decision for a group, organization, group of petitioners or similar collection of individual participants.

44. Decision on plan amendments and zone changes.

- A. Except as set forth herein, the Redmond City Council when acting as the Hearings Body shall have authority to make decisions on all quasi-judicial zone changes and plan amendments.
- B. In considering all quasi-judicial zone changes and those quasi-judicial plan amendments on which the City of Redmond has authority to make a decision, the Redmond City Council, shall hold a public hearing before making a final decision.

45. Reapplication limited.

- A. If a specific application is denied on its merits, reapplication for substantially the same proposal may not be made within one (1) year after the date of the final decision denying the initial application.
- B. A final decision bars any reapplication for a nonconforming use verification or for a determination on whether an approval has been initiated. A lot of record determination shall be subject to reapplication only if the applicant presents new factual evidence not submitted with the prior application.

46. Review by Redmond City Council.

- A. Review of an administrative action or a lower Redmond Hearings Body's decision may be initiated by the Redmond City Council. The City Council shall consider calling up for review any administrative decision that a majority of the Council recommends be reviewed.
- B. Review by the City Council shall be initiated by a resolution within 12 days of the date of the mailing of the final written decision of the Redmond Community Development Director or lower Hearings Body.
- C. Review shall be conducted in the same manner provided for in appeals, except that an appeal fee and transcript shall not be required. Any City Council resolution calling up for review a decision shall specify whether the Council will review the decision called up on the record or de novo and whether it intends to limit the issues on review to certain specified issues.

47. Proposed Finding and Conclusions.

The Hearings Body may request that any prevailing party draft a set of proposed findings and conclusions.

48. Correction of clerical errors.

- A. Upon its own motion or the motion of a party, the Redmond City Council may, subject to any applicable public notice and hearing requirements, enact an ordinance correcting clerical or typographical errors in plan amendment or zone change ordinances and any maps appended thereto implementing decisions of the Hearings Body. Such changes shall be entered only if the Council is able to make a finding that the decision of the Hearings Body, including appendices, is not accurately reflected in the implementing ordinances.
- B. Any corrections shall be made only within twelve months of the enactment of the ordinance to be corrected.

VIII. RECONSIDERATION

49. Reconsideration.

- A. An applicant may request that a Redmond Hearing Body's decision be reconsidered as set forth herein. A request for reconsideration shall be accompanied by a fee established by the City and by applicant's written consent that any applicable time limitations on the City's decision will not run during the period of the reconsideration.
- B. The Hearings Body may reconsider its own decision without fee within the applicable appeal period as set forth herein. In this case, notice of the decision and the reason for reconsideration shall be sent to the applicant and any other affected parties. The appeal period shall be restarted upon mailing the amended or modified decision.
- C. Grounds for reconsideration are limited to the following instances where an alleged error substantially affects the rights of the applicant:
 - 1. Correction of an error in a condition established by the Hearings Body where the condition is not supported by the record or is not supported by law;
 - 2. Correction of errors that are technical or clerical in nature.

50. Procedure.

- A. A request for reconsideration shall be filed with the Redmond Community Development Director within 12 days of the date the decision was mailed. The request shall identify the alleged error in the Hearings Body's decision and shall specify how the applicant would be adversely affected if the alleged error were to remain uncorrected.
- B. Upon receipt of a request for reconsideration, the Redmond Community Development Director shall forward the request for reconsideration to the Hearings Body and notify the other parties to the proceeding of the request and allow for a 10-day comment period on the request. At the end of the comment period, the Hearings Body shall determine whether the request for reconsideration has merit.
- C. The Hearings Body shall modify the decision upon a determination that the request has merit and the alleged error substantially affects the applicant. Notice of the modification shall be sent to all parties to the proceeding. If the Hearings Body determines that no modification is warranted, a determination shall issue to that effect.
- D. Filing a request for reconsideration shall not be a precondition for appealing a decision.

- E. Filing a request for reconsideration stays the deadline for any party to file an appeal of the Hearings Body's decision.
1. The stay of the appeal period for the original Hearings Body's decision for all parties to the proceeding ends upon mailing of a modification or upon mailing a determination that a modification is not warranted.
 2. If an opponent files an appeal and an applicant has requested reconsideration, the opponent's appeal shall be stayed and not processed pending disposition of the request for modification.
 3. If the original Hearings Body's decision is not modified upon reconsideration, the opponent's appeal will be processed in accordance with the appeal procedures set forth in this Exhibit.
 4. If the original Hearings Body's decision is modified upon reconsideration, the opponent/appellant must, within 12 days of the mailing of the modified decision, file in writing a statement as to whether the opponent/appellant desires to proceed on the appeal previously filed or to amend the appeal to include an appeal of the modified portions of the decision or the appeal shall be considered withdrawn.
 5. If the original Hearings Body's decision is modified, the applicant may appeal the modified decision in accordance with the procedures set forth in this Exhibit within 12 days of the mailing of the decision.

51. Limitation on reconsideration.

No decision shall be reconsidered more than once.

IX. APPEALS

52. Who may appeal.

The following persons may file an appeal:

1. A party;
2. In the case of an appeal of an administrative decision without prior notice, a person entitled to notice, a person adversely affected or aggrieved by the administrative decision, or any other person who has filed comments on the application with the Redmond Planning Division; and
3. A person entitled to notice and to whom no notice was mailed. A person who, after such notices were mailed, purchases property to be burdened by a solar access permit shall be considered a person to whom notice was to have been mailed.

53. Filing appeals.

- A. To file an appeal, an appellant must file a completed notice of appeal on a form prescribed by the Redmond Planning Division and an appeal fee. Payment of the required fee is jurisdictional.
- B. Unless a request for reconsideration has been filed, the notice of appeal and appeal fee must be received at the offices of the Redmond Community Development Department no later than 5:00 PM on the twelfth day following mailing of the decision. If a decision has been modified on reconsideration, an appeal must be filed no later than 5:00 PM on the twelfth day following mailing of the decision as modified. Notices of Appeals may not be received by facsimile machine.
- C. If the Redmond City Council is the Hearings Body and the Council declines review, a portion of the appeal fee may be refunded. The amount of any refund will depend upon the actual costs incurred by the City in reviewing the appeal. When the City Council declines review and the decision is subsequently appealed to LUBA, the appeal fee may be applied toward the cost of preparing a transcript of the lower Hearings Body's decision.

54. Notice of appeal.

Every notice of appeal shall include:

- A. A statement raising any issue relied upon for appeal with sufficient specificity to afford the Hearings Body an adequate opportunity to respond to and resolve each issue in dispute.
- B. If the Redmond City Council is the Hearings Body, a request for review by the Council stating the reasons why the Council should review the lower Hearings Body's decision.
- C. If the Redmond City Council is the Hearings Body and de novo review is desired, a request for de novo review by the City Council stating the reasons why the Council should provide de novo review.

55. Transcript requirement.

- A. When requested to do so in the discretion of the Community Development Director, appellants shall provide a complete transcript of the prior hearing being appealed from the recording provided by the Redmond Planning Division.
- B. Appellants shall submit to the Redmond Planning Division the transcript no later than the close of the day seven days prior to the date set for a de novo appeal hearing or, in on-the-record appeals, the date set for receipt of written arguments. An appellant's failure to provide a transcript shall be cause for the City Council to decline to consider the appellant's appeal further and shall, upon notice mailed to the parties, cause the lower Hearings Body's decision to become final.
- C. An appellant shall be excused from providing a complete transcript if appellant was prevented from complying by: (1) the inability of the Redmond Planning Division to supply appellant with a recording or tapes of the prior proceeding; or (2) defects on the magnetic tape or recording of the prior proceeding that make it not reasonably possible for applicant to supply a transcript. Appellants shall comply to the maximum extent reasonably and practicably possible.

56. Consolidation of multiple appeals.

- A. If more than one party files a notice of appeal on a land use action decision, the appeals may be consolidated and noticed and heard as one proceeding.
- B. To the extent its costs are less than the duplicate appeal fees received when multiple appeals are filed, the Redmond Community Development Department may refund a portion of the appeal fees to the appellants in an equitable manner.
- C. In instances of multiple appeals where separate appellants have asked for a differing scope of review, any grant of de novo review shall control over a separate request for a more limited review on appeal.

57. Scope of review.

- A. Before Redmond Hearings Officer or the Redmond Urban Area Planning Commission, the review before the Hearings Officer or Planning Commission shall be de novo.
- B. Before the City Council
 - 1. Review before the Redmond City Council, if accepted, shall be de novo unless the Council determines that the review should be on the record.
 - 2. The City Council may grant an appellant's request for a de novo review at its discretion after consideration of the following factors:
 - a. Whether hearing the application de novo could cause any applicable time limits for the City's decision to be exceeded; and

- b. If the magnetic tape or recording of the hearing, or a portion thereof, is unavailable due to a malfunctioning of the recording device during that hearing, whether review on the record would be hampered by the absence of a transcript of all or a portion of the hearing; or
 - c. Whether the substantial rights of the parties would be significantly prejudiced without de novo review and it does not appear that the request is necessitated by failure of the appellant to present evidence that was available at the time of the previous review.
3. The City Council may, at its discretion, determine that it will limit the issues on appeal to those listed in an appellant's notice of appeal or to one or more specific issues from among those listed on an applicant's notice of appeal.

58. Hearing on appeal.

- A. The appellant and all other parties to the decision below shall be mailed notice of the hearing on appeal at least 10 days prior to any de novo hearing or deadline for submission of written arguments.
- B. The applicant shall proceed first in all de novo appeals.
- C. The order of Hearings Body shall be as provided in this Exhibit.
- D. The record of the proceeding from which appeal is taken shall be a part of the record on appeal.
- E. The record for a review on the record shall consist of the following:
 - 1. A written transcript of any prior hearing;
 - 2. All written and graphic materials that were part of the record below;
 - 3. The Hearings Body decision appealed from;
 - 4. Written arguments, based upon the record developed below, submitted by any party to the decision;
 - 5. Written comments submitted by the Redmond Urban Area Planning Commission or individual planning commissioners, based upon the record of proceedings; and
 - 6. A staff report and staff comment.
 - 7. No oral evidence, argument or comment other than staff comment based on the record shall be taken.

59. Declining review.

When there is an appeal of a land use action and the Redmond City Council is the Hearings Body:

- A. The Council may on a case-by-case basis or by standing order for a class of cases decide at a public meeting that the decision of the lower Hearings Body of an individual land use action or a class of land use action decisions shall be the final decision of the City of Redmond.
- B. If the Redmond City Council decides that the lower Hearings Body decision shall be the final decision of the City, then the Council shall not hear the appeal and the party appealing may continue the appeal as provided by law. In such a case, the City shall provide written notice of its decision to all parties. The decision on the land use application becomes final upon mailing of the Council's decision to decline review.
- C. The decision of the Redmond City Council not to hear a land use action appeal is entirely discretionary.
- D. In determining whether to hear an appeal, the Redmond City Council may consider only:
 - 1. The record developed before the lower Hearings Body;
 - 2. The notice of appeal; and
 - 3. Recommendations of staff.

60. Remands.

The City Council may remand an application to a lower level Hearings Body after appeal.

61. Withdrawal of an appeal.

An appeal may be withdrawn in writing by an appellant at any time prior to the close of written or oral testimony. Subject to the existence of other appeals on the same application, in such event the appeal proceedings shall terminate as of the date the withdrawal is received. An appeal may be withdrawn regardless of whether other non-filing parties have relied upon the appeal filed by the appellant.

X. LIMITATIONS ON APPROVALS

62. Expiration of approval.

A. Scope.

1. Except as otherwise provided herein, the duration of all approvals of land use permits shall be for two (2) years.
2. The duration of approvals does not apply to:
 - a. Those determinations made by declaratory ruling, such as verifications of nonconforming uses, lot of record determinations and expiration determinations, that involve a determination of the legal status of a property, land use or land use permit rather than whether a particular application for a specific land use meets the applicable standards of the zoning ordinance. Such determinations, whether favorable or not to the applicant or landowner, shall be final, unless appealed, and shall not be subject to any time limits.
 - b. Temporary use permits of all kinds, which shall be governed by applicable ordinance provisions specifying the duration of such permits.
 - c. Quasi-judicial map changes.

B. Duration of Approvals.

1. Except as otherwise provided or under applicable zoning ordinance provisions, a land use permit is void two years after the date the discretionary decision becomes final if the use approved in the permit is not initiated within that time period.
2. Except as otherwise provided under applicable ordinance provisions, preliminary approval of plats or master plans shall be void after two years from the date of preliminary approval, unless the final plat has been submitted to the Redmond Planning Division for final approval within that time period, an extension has been filed and granted or the preliminary plat or master plan approval has been initiated as defined herein.
3. In cases of a land use approval authorized under applicable approval criteria to be completed in phases, each phase must be initiated within the time specified in the approval, or initiated within two years of completion of the prior phase if no timetable is specified.

C. Extensions.

1. The Redmond Community Development Director may grant one extension of up to one year for a land use approval or a phase of a land use approval regardless of whether the applicable criteria have changed, if:
 - a. An applicant makes a written request for an extension of the development approval period;
 - b. The request, along with the appropriate fee, is submitted to the City prior to the expiration of the approval period;
 - c. The applicant states reasons that prevented the applicant from beginning or continuing development or meeting conditions of approval within the approval period; and

- d. The City determines that the applicant was unable to begin or continue development or meet conditions of approval during the approval period for reasons for which the applicant was not responsible, including, but not limited to, delay by a state or federal agency in issuing a required permit.
 - 2. Up to two additional one-year extensions may be granted under the above criteria by the Redmond Community Development Director or his/her designee, where applicable criteria for the decision have not changed.
- D. Procedures.
- 1. A determination of whether a land use has been initiated shall be processed as a declaratory ruling.
 - 2. Approval of an extension is an administrative decision, is not a land use decision described in ORS 197.015 or DCC Title 22, and is not subject to appeal as a land use decision.
- E. Effect of Appeals. The time period set forth in this Exhibit shall be tolled upon filing of an appeal to LUBA until all appeals are resolved.

63. Initiation of use.

- A. For the purposes of administration, development action undertaken under a land use approval has been "initiated" if it is determined that:
 - 1. The proposed use has lawfully occurred;
 - 2. Substantial construction toward completion of the land use approval has taken place; or
 - 3. Where construction is not required by the approval, the conditions of a permit or approval have been substantially exercised and any failure to fully comply with the conditions is not the fault of the applicant.
- B. For the purposes of administration, "substantial construction" has occurred when the holder of a land use approval has physically altered the land or structure or changed the use thereof and such alteration or change is directed toward the completion and is sufficient in terms of time, labor or money spent to demonstrate a good faith effort to complete the development.

64. Modification of approval.

- A. An applicant may apply to modify an approval at any time after a period of six months has elapsed from the time a land use action approval has become final.
- B. Unless otherwise specified in a particular zoning ordinance provision, the grounds for filing a modification shall be that a change of circumstances since the issuance of the approval makes it desirable to make changes to the proposal, as approved. A modification shall not be filed as a substitute for an appeal or to apply for a substantially new proposal or one that would have significant additional impacts on surrounding properties.
- C. An application to modify an approval shall be directed to one or more discrete aspects of the approval, the modification of which would not amount to approval of a substantially new proposal or one that would have significant additional impacts on surrounding properties. Any proposed modification shall be reviewed only under the criteria applicable to that particular aspect of the proposal. Proposals that would modify an approval in a scope greater than allowable as a modification shall be treated as an application for a new proposal.
- D. An application for a modification shall be handled as a land use action.

65. Transfer of permit.

- A. A land use action permit shall be deemed to run with the land and be transferable to applicant's successors in interest.

- B. The Redmond Planning Division may require that an applicant record agreements associated with land use permits in the Deschutes County Records. Such an agreement shall set forth a description of the property, describe the permit that has been issued and set forth the duration and terms of the agreement. The Redmond Community Development Director is authorized to sign the notice and agreement on behalf of the City or County.
- C. The terms of the approval agreement may be enforced against the applicant and any successor in interest.

66. Revocation of approvals.

- A. Approvals shall be subject to revocation according to standards set forth in DCC Title 20 or Title 22.
- B. Revocations shall be processed as a declaratory ruling under DCC Title 22. DCC 22.20.010 notwithstanding, a public hearing shall be held in all revocation proceedings.