

XIII. CITY MANAGER COMMENTS

XIV. ADDITIONAL COMMENTS FROM CITIZENS AT THE MEETING

XV. ADJOURN

Regular Council meetings are broadcast live on COTV11 – BendBroadband Channel 11 beginning at 6:30 p.m. on the 2nd and 4th Tuesdays of each month. Rebroadcasts are scheduled for the non-meeting Tuesdays at 6:30 p.m.

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

The City of Redmond does not discriminate on the basis of disability status in the admission or access to, or treatment, or employment in, its programs or activities

REGULAR CITY COUNCIL MEETING OF THE CITY OF REDMOND WAS HELD MARCH 11, 2014, IN THE CITY COUNCIL CHAMBERS.

COUNCIL MEMBERS PRESENT: Tory Allman – Joe Centanni – George Endicott – Camden King – Ginny McPherson – Ed Onimus – Jay Patrick

STAFF PRESENT: City Manager Keith Witcosky – Assistant City Manager Sharon Harris – City Attorney Steve Bryant – Interim Airport Director Bob Noble – Police Chief Dave Tarbet – Public Works Director Bill Duerden – City Engineer Mike Caccavano – City Recorder Kelly Morse – Community Development Director Heather Richards – CIS Administrator Sheri Cleveland – Finance/Budget Manager Jason Neff

MEDIA PRESENT: COTV

Mayor Endicott called the meeting to order at 7:30 p.m.

INVOCATION

Pastor Mike Dismore, Central Oregon Police Chaplaincy, led the invocation.

PLEDGE OF ALLEGIANCE

Councilor Centanni led the Pledge of Allegiance.

COMMENTS FROM CITIZENS AT THE MEETING

There were no comments from citizens at the meeting.

CONSENT AGENDA

A. Interim Airport Director Contract Extension (Exhibit 1)

Councilor King moved, seconded by Councilor Patrick, to approve the Consent Agenda, motion passed. (Allman-yes, Centanni-yes, Endicott-yes, King-yes, McPherson-yes, Onimus-yes, Patrick-yes)

ORDINANCES

A. Ord. # 2014-06 – An ordinance amending the Redmond City Code Chapter 7 – Special Events, to clarify procedures and requirements for permitting special events within the City of Redmond and declaring an emergency. (Exhibit 2)

City Manager Keith Witcosky explained the Special Events Task Force was formed to identify a process for applying for and approving special events and street closures in Redmond. The Task Force studies the impact of closing 5th and 6th Streets for various kinds of events and determined the Council should decide the effect or benefit an event would have on merchants. The task force also looked at the role of festival streets and developed a fee structure to incentivize the use of streets other than 5th and 6th Streets in order to create safe and successful events. Mr. Witcosky described the new policy addressing special events.

Councilor Centanni added that when the task force discussed special events, it tried to keep the community's best interest in mind all while developing tools for event organizers that will make their event as successful as possible.

Downtown business owner Pablo Pena addressed the council and requested flexibility on dates for events planned one or two years into the future.

Bernie Delpit stated the planning process for the 2015 and 2016 Diego's car show has begun and they are looking to expand the event in order to accommodate up to 400 cars. Mr. Delpit requested to be informed of code changes that their event may fall under and added that this year's moratorium put their planning process behind by 3-4 weeks. Mayor Endicott stated there is no maximum amount of time in which to apply so applications could be submitted now. Mr. Delpit explained they cannot pick out a specific date this far in advance due to weather, but could provide a date range.

Sons of the American Legion Commander Al Dallas stated that the Diego's car show is a major fundraiser for their organization and looks forward to continuing the relationship.

Additional language was presented which would add the following text to the approved ordinance:

7.356(5) The following parades are exempt from Assembly Permit fees: 4th of July Parade, Deschutes County Fair Parade, Veterans Day, Holiday Parade, and the Redmond School District noise parades.

Councilor Centanni moved, seconded by Councilor King, to have the first and second reading of Ord. #2014-06 as amended to include Section 7.356(5) by title only, motion passed. (Allman-yes, Centanni-yes, Endicott-yes, King-yes, McPherson-yes, Onimus-yes, Patrick-yes)

City Attorney Steve Bryant read the first and second reading of Ord. #2014-06, by title only.

Councilor Centanni moved, seconded by Councilor King, to approve Ord. #2014-06 as amended, roll call vote: Allman-yes, Centanni-yes, Endicott-yes, King-yes, McPherson-yes, Onimus-yes, Patrick-yes, motion passed.

ACTION ITEMS

A. Res. #2014-03 – A resolution setting fees and charges imposed by the City of Redmond. (Exhibit 3)

Mr. Witcosky stated that Res. #2014-03 will remove the fee for city employee parking cards at the airport and make the fee for terminal tenant cards non-refundable. In addition, the resolution will establish the Special Events fees.

In response to comments from Mr. Delpit, Councilor Centanni and Community Development Director Heather Richards explained that the fees have increased slightly due to a significant impact to staff for events requesting use of 5th or 6th Streets.

Event Promoter Richard Easterman asked the Council to consider charging costs that will not price events out of Redmond.

Drifters Car Club President Jan Van Tassel explained that the majority of profits from the Diego's car show go to the Sparrow Club, Make a Wish Foundation, and Hospice House so increasing the costs for special events will ultimately reduce the donation amount the club can make each year.

Councilor Centanni reported that when determining appropriate fees, the task force was very mindful of pricing events out of Redmond and tried to keep costs in line while creating successful events for citizens. Councilor Centanni added that a review will take place after a season of events and adjustments will be made where necessary.

There were no additional comments from the public.

Councilor Centanni moved, seconded by Councilor King, to adopt Res. #2014-03, motion passed. (Allman-yes, Centanni-yes, Endicott-yes, King-yes, McPherson-yes, Onimus-yes, Patrick-yes)

MAYOR'S COMMENTS

A. Appointment of Community Development Block Grant Consolidated Plan Task Force (Exhibit 4)

Mayor Endicott recommended the appointment of Ginny McPherson, Redmond City Council and Chair of the Task Force; Chief Dave Tarbet, Redmond Police Department; Martha Hinman, Redmond School District; Katie McDonald, NeighborImpact; Andrus Soper, Resident/NeighborImpact Consumer; Geoff Wall, Housing Works; Donna Cox, Redmond Senior Council; Dianna Hansen, Central Oregon Disability Support Network; Steven Curley, Small Business Development Center; Brad Porterfield, Latino Community Association; Kenny LaPoint, Central Oregon Homeless Leadership Coalition; Solomon Kaleialoha, Resident; Anne Graham, Resident/Planning Commissioner; and Diana Barker, Resident/Real Estate Broker to the Community Development Block Grant Consolidated Plan Task Force, motion passed. (Allman-yes, Centanni-yes, Endicott-yes, King-yes, McPherson-yes, Onimus-yes, Patrick-yes)

B. Commission/Committee Appointments

- i. **Budget Committee** – Appointment of Nicole MacTavish, term expiring December 31, 2016.
- ii. **Historic Landmarks Commission** – Appointment of David Adams, term expiring December 31, 2017.
- iii. **Redmond Commission for Art in Public Places** – Appointment of Kathleen Shilala, term expiring December 31, 2015.

Mayor Endicott recommended the appointment of Nicole MacTavish to the Budget Committee term expiring December 31, 2016; the appointment of David Adams to the Historic Landmarks Commission term expiring December 31, 2017; the appointment of Kathleen Shilala to the Redmond Commission for Art in Public Places terms expiring December 31, 2015, motion passed. (Allman-yes, Centanni-yes, Endicott-yes, King-yes, McPherson-yes, Onimus-yes, Patrick-yes)

Mayor Endicott reported on events he attended which included Nutritious Breakfast Week at M.A. Lynch Elementary and John Tuck Elementary and a Meet and Greet for six Japanese high school students who were visiting Redmond. Mayor Endicott will also attend a meeting in Salem where he will serve as chair of the League of Oregon Cities' Community Development Policy Committee.

COUNCIL COMMENTS

Councilor Allman announced that the deadline to apply for open enrollment for the 2014/2015 school year is April 1, 2014.

Councilor King participated in the theatrical production of Footloose with Councilors Centanni and McPherson noting that he had the pleasure of dancing with Councilor McPherson on stage.

Councilor Centanni stated Footloose was an amazing production and people are encouraged to attend any type of theatrical production put on by Redmond's high schools. The steel for the 27th Street roundabout art has arrived; installation is slated for May 2014. The 2014 Redmond Chamber Visitors Guide is now available. Oregon Film Magazine has a write up on making movies in Redmond. The Redmond St. Patrick's Day Festival will take place over the weekend with downtown merchants hosting a leprechaun hunt. Councilor Centanni encouraged people to shop local.

Councilor Patrick shared information on the Father Daughter Dance held at Ridgeview High School.

Councilor McPherson stated the Footloose production was a wonderful event. The St. Patrick's Day Festival will take place on Friday 5pm-8pm, Saturday 10am-8pm, and Sunday 10am-2pm.

Councilor Onimus spoke about the annual Relay for Life event. This is the first time the event will be hosted in Redmond. Activities take place on August 16-17, 2014. Those who have fought cancer, have

family members who have fought cancer, or know someone who has fought cancer were encouraged to get involved to fight an enemy (cancer) that does not quit, show mercy, or discriminate. Those interested can visit “Relay for Life Redmond, Oregon” on Facebook or www.redmondsistersrelay.org.

CITY MANAGER COMMENTS

City Manager Keith Witcosky announced that staff will present budget baselines at the Council meeting next week.

ADDITIONAL COMMENTS FROM CITIZENS AT THE MEETING

Redmond resident Brian Johnson provided an update on his short films that highlight Redmond. Mr. Johnson’s first film from 2013 represented Central Oregon at two film festivals in Portland.

There were no additional comments from citizens at the meeting.

There being no further business, the meeting was adjourned at 8:30 p.m.

Prepared by Kelly Morse, City Recorder

APPROVED by the City Council and SIGNED by the Mayor this 8th day of April, 2014.

George Endicott, Mayor

ATTEST:

Kelly Morse, City Recorder

SPECIAL P.M. CITY COUNCIL WORKSHOP OF THE CITY OF REDMOND WAS HELD MARCH 18, 2014, IN THE CITY COUNCIL CHAMBERS.

COUNCIL MEMBERS PRESENT: Tory Allman – Joe Centanni – George Endicott – Camden King – Ginny McPherson – Ed Onimus – Jay Patrick

STAFF PRESENT: City Manager Keith Witcosky – Assistant City Manager Sharon Harris – Interim Airport Director Bob Noble – Police Chief Dave Tarbet – Public Works Director Bill Duerden – City Engineer Mike Caccavano – City Recorder Kelly Morse – Community Development Director Heather Richards – CIS Administrator Sheri Cleveland – Finance/Budget Manager Jason Neff

MEDIA PRESENT: None

Mayor Endicott called the workshop to order at 6:30 p.m.

FUND BASELINES FOR FY 2014/2015 BUDGET

City Manager Keith Witcosky explained the purpose of the workshop is to present the fund baselines which will describe the roll, function, and primary focus of each department, how they align with Council goals and transition into the Fiscal Year 2014/2015 (FY 14/15) budget.

Finance/Budget Manager Jason Neff reviewed the budget calendar and the format of the presentations.

A. General Operating Funds: i. Police (Exhibit 1)

Police Chief Dave Tarbet provided an overview of the Police Fund baseline. The department currently has 44 full time employees working with a crime rate of 50.6 crimes per 1,000 people. Areas of focus for FY 14/15 will be to lower the crime rate by 10 percent and continue to train employees. Chief Tarbet discussed Street Crimes Unit overtime funding, police vehicles, multi-agency radio system upgrades, and follow up assessment for the first phase of the security cameras in the parks.

ii. Parks (Exhibit 2)

Public Works Director Bill Duerden reviewed the Parks Fund baseline. Currently, 8 employees develop and maintain the City's park system which consists of 26 developed parks, 3.8 miles of Dry Canyon Trail, 12 flush restrooms, and over 250 acres of undeveloped open space as well as a 20 acre cemetery. Areas of focus for FY 14/15 include addressing a backlog of maintenance, capital equipment needs, and capital improvement projects; energy conservation and energy saving investments; filling a management position vacated in 2012; continue to develop park infrastructure; continuing to seek outside revenue for improvements.

iii. Transportation (Exhibit 3)

Mr. Duerden described the Transportation Fund baseline noting that this fund also contains the Public Works Administration, GIS, and Vehicle Maintenance sub-funds. The Transportation Division performs a variety of core functions including the pavement management program, traffic signs and markings, school zone beacons, pedestrian crossings, sidewalk/ADA maintenance, roadside vegetation management, tree trimming, street sweeping, and winter snow/ice removal. The Vehicle Maintenance division repairs and maintains over 400 pieces of equipment including vehicles from Redmond Fire & Rescue and Cascades East Transit. Areas of focus for FY 14/15 will be to continue to complete capital improvement projects that address street/sidewalk capacity issues and collaborate with the Oregon Department of Transportation to update the Transportation System Plan. Strategies include continuing to maintain a quality fleet of vehicles, investigate areas for reduced energy consumption, leverage existing information technology, maintain a reasonable pavement condition index rating in the low 80's, and plan for the future.

iv. CDD (Exhibit 4)

Community Development Director Heather Richards stated that the Community Development Department has 9 full-time employees which staff long range and current planning, building permits and inspections, Economic Development including business licensing and economic gardening programs, Urban Renewal, code compliance and enforcement, and community development which consists of public art, historic preservation programs, and neighborhood stabilization programs. Performance metrics for FY 14/15 are the implementation of the Redmond 2020 Vision, implementation of the Redmond Comprehensive Plan, implementation of the Redmond Development Plan, and customer service. Ms. Richards described the focus for FY 14/15 some of which includes investing in good, sound quality plans which improve and build upon Redmond's assets (Redmond Neighborhood Revitalization Action Plan), updating long range plans, and develop quality urban design (Historic Preservation Plan, Public Art, Bicycle/Pedestrian Network Plan, and Amenities Plan.

B. Urban Renewal Funds (Exhibit 5)

Ms. Richards informed the Council that the Downtown Urban Renewal Plan was established in 1995 with \$27 million in projects. An amendment in 2011 resulted in the identification of \$93 million in projects. FY 14/15 areas of focus are strategic public infrastructure investments; stimulate private investment and partner on opportunistic public/private development projects; initiate the community/civic center projects such as Evergreen School, Family Entertainment Center, Family Recreation Center, and expanded Centennial Park; expand business development support services (Oregon Main Street); and improve urban design.

C. Internal Service Funds

i. Engineering (Exhibit 6)

City Engineer Mike Caccavano provided an overview of the Engineering Fund baseline highlighting the Integrated Capital Maintenance Plan. Priorities include steel pipe replacement, fire flow improvements and Master Plan projects for the Water Division; street modernization, pavement maintenance (overlays), and pedestrian and bicycle improvements for the Transportation Division; repairs, Master Plan interceptors, and Water Pollution Control Facility (WPCF) improvements for the Wastewater Division; correct flooding problems and catch basin and pipe replacements for the Stormwater Division; and facility improvements and trails for the Parks Division.

D. Enterprise Funds

i. Water (Exhibit 7)

Mr. Duerden shared the Water Fund baseline. The Water Division consists of 10 employees who operate seven potable water wells, five reservoirs with 10 million gallons of storage, and 163 miles of distribution piping. These employees also provide preventative maintenance on valves and fire hydrants, operation of well-houses and treatment systems, water quality testing, maintenance and repair of the distribution system, administration of the backflow prevention program, and utility locates. FY 14/15 focus will be to replace 1.5 miles of pipe, update the Water System Master Plan and continue to implement appropriate System Development Charges to fund water projects necessary to accommodate growth. One strategy will be to implement Consumer Engagement Software in order to provide customers with a tool that better monitors and manages their water consumption.

ii. Wastewater (Exhibit 8)

Mr. Duerden delivered the Wastewater Fund baseline noting that 11 employees maintain and operate the 2.99 million gallons per day WPCF, 13 lift stations and 137 miles of collection piping. The WPCF produces recycled water and biosolids that are used at the City's 146 acre farm in order to grow hay and alfalfa. Areas of focus for FY 14/15 consist of updating the Master Plan and continued work on the Industrial Pre-treatment Program.

iii. Stormwater (Exhibit 9)

As part of the Stormwater Fund baseline, Mr. Duerden stated that five employees (75 percent of two sweepers from transportation) operate and maintain 1,700 drywells and drill holes, 3,600 catch basins, 33 miles of pipe, and 314 lane miles of street sweeping. This division also performs water quality sampling and reporting in order to maintain compliance with state and federal regulatory requirements. Areas of focus for FY 14/15 will be to adopt legal authority to monitor, inspect, and mitigate noncompliant stormwater discharges to the City's Underground Injection Control System, continue to work on projects to address localized flooding problems, and install curb makers at stormwater catchbasins.

iv. Golf (Exhibit 10)

Mr. Neff stated that 15 CourseCo employees plus seasonal help provide for the operations and activities at Juniper Golf Course. During FY 14/15, areas of focus will be to increase facility revenues and develop a financial plan for long term capital reserves. Ways to achieve this include reducing the General Fund support for debt service, manage a decreasing capital maintenance reserve, and examine the effects on an undersized clubhouse with lack of funding to expand the facility.

v. Airport (Exhibit 11)

Interim Airport Manager Bob Noble described the Airport Fund which operates as an enterprise fund and receives a large portion of its revenue from passenger facility charges, landing fees, parking fees, car rental commissions and concession revenue. FY 14/15 focus will be to insure a successful transition to a permanent Airport Director, move forward with the \$20 million rehabilitation of Airport's primary runway, enhance relationships and the air service development program, begin a new Master Plan, solicit a Request for Proposal for rental cars and a Request for Qualification for engineering services, complete the Wildlife Hazard Management Plan and examine facility needs related to emergency preparedness.

E. Internal Service Funds (Continued)

i. Administration (Exhibit 12)

Assistant City Manager Sharon Harris noted the Administration Sub Fund consists of 14 employees in the City Recorder's office, Human Resources, Risk Management, Employee and Culture Relations, Accounting, Information Technology (IT), and Utility Billing. Areas of focus for FY 14/15 will be the implementation of culture and workplace improvements/activities, potential improvements to public areas and employee workspace at City Hall (if City Hall remains in its current location), and additional or shared staffing resources in IT and the City Recorder's office in order to meet internal and external customer service goals.

Throughout baseline presentations, staff addressed questions from the Council.

There being no further business, the workshop was adjourned at 8:39 p.m.

Prepared by Kelly Morse, City Recorder

APPROVED by the City Council and SIGNED by the Mayor this 8th day of April, 2014.

George Endicott, Mayor

ATTEST:

Kelly Morse, City Recorder



CITY OF REDMOND
Public Works Department

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STAFF REPORT

DATE: April 8, 2014
TO: Mayor and City Council Members
THROUGH: Keith Witcosky, City Manager
THROUGH: Dave Tarbet, Police Chief
FROM: Rob Peters, Transportation Division Manager
SUBJECT: Resolution No. 2014-06 – Declaring Vehicles for Surplus

Addresses Council Goal:

Not related to a specific City Council goal.

Report in Brief:

The Police Department would like to declare the following vehicles for surplus:

Item	Department/ Account Line Item	Serial Number	City Asset #	Kelly Bluebook Value
2000 Ford Crown Victoria	Police 20500.02.000.04.95.50	2FAFP71W7YX146531	2536	\$1,983.00
2005 Dodge Magnum RTRWD	Police 20500.02.000.04.95.50	2D4GV58235H670988	2650	\$7,135.00

Discussion:

In the last few years maintenance frequency and costs have significantly increased. The vehicles are no longer reliable for use for department purposes.

Fiscal Impact:

Vehicles will be disposed of according to City surplus policy. There will be no cost associated with the disposal of these vehicles.

Alternative Courses of Action:

1. Declare these vehicles surplus.
2. Do not declare the vehicles surplus.

Recommendation/Suggested Motion:

"I move to adopt Res. #2014-06."

Rob Peters
Transportation Division Manager

**CITY OF REDMOND
RESOLUTION NO. 2014-06**

**A RESOLUTION OF THE CITY OF REDMOND DECLARING CERTAIN CITY
PROPERTY TO BE SURPLUS.**

WHEREAS, certain property of the City of Redmond is beyond its service life, and

WHEREAS, certain City of Redmond property needs to be disposed of accordingly.

THEREFORE, be it resolved that such City of Redmond Property listed below shall be declared surplus and disposed of in the most judicious manner.

- One (1) 2000 Ford Crown Victoria, asset number 2536
- One (1) 2005 Dodge Magnum RTRWD, asset number 2650

SECTION ONE. The City Council finds that it is in the best interest of the City to enact this resolution immediately upon passage of this resolution; and therefore, this resolution shall be effective upon the date of passage.

ADOPTED by the City Council and **SIGNED** by the Mayor this 8th day of April, 2014.

George Endicott, Mayor

ATTEST:

Kelly Morse, City Recorder

City of Redmond PROCLAMATION

A proclamation designating April 6-12, 2014, as

Week of the Young Child

WHEREAS, Healthy Beginnings, in conjunction with Agency Members of Partnerships for Young Children and the Central Oregon Chapter of the Oregon Association for the Education of Young Children, are celebrating the Week of the Young Child, April 6-12, 2014; and

WHEREAS, by calling attention to the need for high-quality early childhood services for all children and families within our community and state, these groups hope to improve the quality and availability of such services; and

WHEREAS, public policies that support early learning for all young children are crucial to young children's futures; and

WHEREAS, the future of our community and state depends on the quality of the early childhood experiences provided to young children today;

WHEREAS, high-quality early childhood services represent a worthy commitment to our children's future.

NOW, THEREFORE BE IT RESOLVED THAT the City Council of the City of Redmond, Oregon, hereby proclaims April 6-12, 2014, as Week of the Young Child. The City Council hereby urges all citizens during this week and throughout the month of April to recognize and support the needs of young children in our community.

APPROVED by the City Council and **SIGNED** by the Mayor this 8th day of April, 2014.

The City of Redmond, Oregon

George Endicott, Mayor

ATTEST:

Kelly Morse, City Recorder



CITY OF REDMOND
Community Development Department

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STAFF REPORT

DATE: April 8, 2014
TO: Mayor and City Council
THROUGH: Keith Witcosky, City Manager
FROM: Heather Richards, Community Development Director
SUBJECT: Ordinance No. 2014-05, Amending the Redmond City Code for Code Enforcement Administrative Citations and Clarifying Procedures for Weed Nuisances in the City

Addresses Council Goals:

Goal 4. Community Enhancement: Create an image and identity that generates a sense of community pride, ensuring the high quality of life and safety of our citizens, attracting new residents and businesses, and facilitating their success and safety as well.

Report in Brief:

This is a public hearing that was continued from March 25, 2014, to consider Ordinance No. 2014-05, that proposes amendments to the Redmond City Code to provide the authority for code enforcement administrative citations and amends the provisions for weed abatement on property within the City.

Background:

The proposed amendments are changes the Code Enforcement Officer felt necessary in carrying out his duties to make the enforcement process more efficient. Currently, when there is a code complaint, the City investigates and, if there is found to be a violation, a citation can be issued. If the complainant wishes to dispute the citation, the civil infraction procedure is followed, which involves a court trial. While not common in Redmond, this process removes the City and the Code Enforcement Officer from the situation and places it into the realm of the court system. Often, the City is not made aware of the outcomes of the court decision and it is more difficult for the City to monitor the situation. There will continue to be need for the civil infraction procedure when the nature of the infraction necessitates court involvement, but often it does not and an administrative process would be more efficient where the Code Enforcement Officer can monitor the situation, drop the citation if the complaint is addressed, and a Hearings Officer designated by the City can provide a ruling in short order.

Discussion:

The proposed code amendments authorize administrative citations for all non-criminal aspects of the code if deemed necessary.

There are three proposed administrative infractions with similar classifications to civil infractions: Class A, Class B and Class C. Fees associated with these infractions will be established in the City of Redmond Fee Schedule by resolution and will be proposed for future consideration. Staff is evaluating a similar fee schedule as the Civil Infractions, which currently are as follows:

Class A Civil Infraction = \$500.00

Class B Civil Infraction = \$250.00

Class C Civil Infraction = \$100.00

A Class "A" Administrative Infraction would apply to infractions in the Redmond Development Code, such as signage, zoning, conditions of approval, etc. A Class "B" Administrative Infraction would apply to nuisances in the Redmond City Code, such as weed abatement, removal of dead trees, junk, discarded vehicles, business licenses, sidewalks, and banners.

The City's Code Enforcement program is predicated on a compliance foundation, so citations are rarely issued. There have been two Class "A" Civil Infractions issued in the past four years.

	Total	Nuisance	Development	Business	Compliance	Permitted	Abated	No Action	Voluntary compliance
Fiscal Year 10-11	1104	717	262	125	837	107	104	56	90.08%
Fiscal Year 11-12	1206	910	165	131	911	85	63	147	94.05%
Fiscal Year 12-13	1278	821	235	222	826	149	67	236	93.57%

Also included in the proposed code amendments is a clarification of the abatement of weed nuisances on city lots. The proposed amendment requires a full cut for the entire lot of a property that is considered a fire hazard due to weed nuisances.

As required by City Charter, notices regarding this ordinance coming before the Council were posted in three public places (the Library, the Police Department, and the Redmond Chamber of Commerce) in addition to City Hall on March 18, 2014, and three copies of the ordinance were available for review at City Hall.

Fiscal Impact:

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

Alternative Courses of Action:

1. Conduct the public hearing and vote to approve Ordinance No. 2014-05.
2. Continue the public hearing, and/or leave the written record open to request additional information.
3. Conduct the public hearing and vote not to approve Ordinance No. 2014-05.

Recommendation/Suggested Motion:

"I move to have a first and second reading of Ord. #2014-05, by title only." (Voice vote)

(City Attorney will read ordinance by title only, twice.)

"I move to approve Ord. #2014-05." (Roll call vote)

Heather Richards,
Community Development Director

**CITY OF REDMOND
ORDINANCE NO. 2014-05**

AN ORDINANCE AMENDING THE REDMOND CITY CODE TO ADD PROCEDURES FOR CODE ENFORCEMENT ADMINISTRATIVE CITATIONS AND TO AMEND PROVISIONS FOR WEED ABATEMENT ON PROPERTY WITHIN THE CITY.

WHEREAS, the City of Redmond City Council has adopted goals that include: “Enhance the quality of life in the City through the adoption of programs, policies and standards that balance growth while maintaining the city’s unique character”; and,

WHEREAS, the City of Redmond has found that certain uses and activities on properties within the City of Redmond can create unreasonable disruptions to the neighborhoods where the properties are located; and

WHEREAS, the City of Redmond has found that civil regulation will provide a remedy to the problems caused by these disruptive uses and activities and will promote and protect the public health, safety and welfare; and

WHEREAS, as part of that civil regulation, the City of Redmond has adopted City Code provisions requiring that no person in charge of property may permit, or cause to exist, any use or activity that is detrimental to the public health, safety or welfare of the community; and

WHEREAS, the City of Redmond has adopted zoning and planning regulations in accordance with Oregon Revised Statutes Chapter 227 that regulate and control the development of land within the City; and

WHEREAS, the City of Redmond has adopted City Code provisions that established court procedures for enforcing the City Code and is not interested in establishing an administrative citation process to more promptly address community concerns, provide a more efficient process for community members, provide better overall customer service, and provide better resource management for the City; and

WHEREAS, the Urban Area Planning Commission held a public hearings on March 3, 2014, and, after reviewing the record and gathering public testimony, has recommended that the Redmond City Council adopt the proposed text amendments to the Redmond Code as set forth in Exhibit A; and

WHEREAS, the Redmond City Council held a public hearing on March 25, 2014 and April 8, 2014, to consider the recommendation of the Urban Area Planning Commission, review the existing record and gather additional evidence and public testimony; and

WHEREAS, after reviewing the Planning Commission’s recommendation and receiving additional evidence and testimony, the City Council has determined that the requested

Code amendments would contribute to the Redmond Comprehensive Plan goal to expand, improve and diversify the economy of the Redmond area while maintaining Redmond's quality of life; and

WHEREAS, the City Council finds that the findings for the Code amendments have fully addressed the City's Comprehensive Plan, the applicable state law, the Statewide Planning Goals and the City's standards and criteria for an amendment to the Redmond Code; and,

NOW, THEREFORE, THE CITY OF REDMOND ORDAINS AS FOLLOWS:

SECTION ONE: The City of Redmond hereby amends the Redmond City Code, to add an administrative citation process to the possible code enforcement responses to a code violation, and to clarify weed abatement on city lots. The amendments and adopted text are attached hereto as "Exhibit A."

SECTION TWO: In support of the Redmond City Code text amendments in Section One, the City of Redmond hereby adopts the findings which are attached hereto as "Exhibit B" which were prepared by City staff and demonstrate compliance with the Redmond Code, Section 8.0760 – Criteria for Amendments, the City's Comprehensive Plan, and the applicable Statewide Planning Goals.

SECTION THREE: SEVERABILITY. The provisions of this Ordinance are severable. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given without such invalid part or parts.

PASSED by the City Council and **APPROVED** by the Mayor this 8th day of April, 2014.

George Endicott, Mayor

ATTEST:

Kelly Morse, City Recorder

Exhibit A: Proposed Redmond City Code Amendments (#TA 14-2)

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

CHAPTER 2 GOVERNMENT AND ADMINISTRATION (CODE ENFORCEMENT)

2.750 Establishment and Purpose.

1. A procedure to handle violations of this Code and City Ordinances as infractions, subject to the provisions in Sections ~~2.750 to 2.786~~ **2.750 to 2.799**, is hereby established.

2.752 Definitions. Except where the context clearly indicates a different meaning, the general definitions and the definitions appearing in the definitional and other sections of particular chapters of the Oregon Criminal Code and Oregon criminal Procedure Statutes, as they now exist, are applicable to Sections 2.750 to 2.786. The following definitions shall also apply:

City Infraction. An offense against the City in the form of a violation of a Section of this code or a city ordinance for which the violation is classified as a civil infraction **and or an administrative infraction**. Civil infractions shall be handled in accordance with the procedures established by sections ~~2.750 to 2.786~~ **2.754 to 2.786; administrative infractions in accordance with the procedures established by sections 2.787 to 2.799**. When an infraction is of a continuing nature, a separate infraction will be deemed to occur on each calendar day the infraction continues to exist. A separate citation may be filed for each such infraction.

Fine; Fine Schedule. The penalty to be imposed for an infraction is a fine or other civil penalty. The appropriate fine shall be determined by reference to the fine schedule in Section 2.782. The procedure established herein shall be the exclusive procedure for imposing a fine. However, this section shall not be read to prohibit in any way alternative remedies, including abatement, nor shall the City be prohibited from recovering any expense incurred in an abatement procedure.

[Section 2.752 amended by Ord. #98-03 passed January 13, 1998]

2.754 ~~Application and Amendment~~ Civil Infractions. The **civil** infraction procedure shall apply to those code and ordinance violations classified as civil infractions **and be processed according to the procedures established in sections 2.754 to 2.786**.

2.756 Procedure. If a City Officer or Peace Officer has reasonable grounds to believe a person has committed an infraction, the officer may issue that person a citation for the offense. A Peace Officer may either arrest a person or issue a citation.

2.758 Citation and Complaint. A citation conforming to Exhibit A attached to this chapter and incorporated by reference shall be used for all infractions, except traffic offenses. Additional parts may be inserted by law enforcement agencies or the Justice Court for administrative use.

[Section 2.758 amended by Ord. #2003-03 passed January 14, 2003]

2.760 Private Person May Commence Action for Infraction; Complaint; Service of Summons.

1. A private person may commence an action for an infraction by certifying to the complaint before a Magistrate, Clerk or Deputy Clerk of the Court or a City Peace Officer. This action will be entered in the court record.
2. A complaint under subsection (1) of this section shall contain a form of certificate in which the complainant shall certify that the complainant has reasonable grounds to believe, and does believe, that the person cited committed the offense contrary to law. A certificate conforming to this section shall be deemed equivalent to a sworn complaint.
3. When the complaint is certified by a private person, the Court shall cause the summons to be delivered to the defendant.

2.762 Minimum Requirements for Summons. A summons in an infraction offense is sufficient if it contains the following:

1. The name of the court, the name of the person cited, the date on which the citation was issued, the name of the complainant and the time and place at which the person cited is to appear in court.
2. A statement or designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so, and the date, time and place at which the offense is alleged to have occurred.
3. A notice to the person cited that a complaint will be filed with the court based on the offense.
4. The amount of bail, if any, fixed for the offense.

2.764 Minimum Requirements for Complaint. Except as provided in this section, a complaint in an infraction offense is sufficient if it contains the following:

1. The name of the Court, the name of the City in whose name the action is brought and the name of the defendant.
2. A statement or designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so and the date, time and place at which the offense is alleged to have occurred.

2.766 Delivery of Summons to Person Cited; Delivery of Other Parts of Citation.

A Peace Officer issuing the citation shall cause:

1. The summons to be delivered to the person cited; and
2. The complaint and abstract of court record to be delivered to the Court.

2.768 Appearance by Defendant.

1. The defendant shall either appear in court at the time indicated in the summons or prior to such time shall deliver to the court the summons together with cash, check or money order in the amount of the bail set forth in the summons and enclosing:
 - A. A request for a hearing; or
 - B. A statement of matters in explanation or mitigation of the offense charged; or
 - C. The executed appearance, waiver of hearing and plea of guilty appearing on the summons. A statement in explanation or mitigation also may be enclosed with the guilty plea.
2. If the defendant personally appears in court at the time indicated in the summons, pleads guilty and the judge accepts the plea, the judge shall hear any statement in explanation or mitigation that the defendant desires to make.

2.770 Effect of Statement in Explanation or Mitigation. If a defendant has submitted to the court a written statement as provided in paragraph (B) of subsection (1) of Section 2.768, it constitutes a waiver of hearing and consent to judgment by the Court declaring a forfeiture of bail on the basis of the statement and any testimony or written statement of the arresting officer or other witnesses which may be presented to the Court.

2.772 Fixing Hearing Date; Notice to Defendant. If the defendant requests a hearing, or if pursuant to Section 2.768 the Court directs that a hearing be had, the Court shall fix a date and time for the hearing and, unless notice is waived, shall at least five (5) days in advance of the hearing mail to the defendant notice of the date and time.

2.774 Hearing Discretionary with the Court. In any case, the Court may direct a hearing be held. Otherwise, the Court may enter the appropriate judgment, impose a fine, direct that the fine be paid out of the bail deposited by the defendant and remit to the defendant any amount by which the bail exceeds the fine. No fine may be imposed in excess of the bail deposited by the defendant unless a hearing is held.

2.776 Warrant for Arrest.

1. If a person cited fails to comply with the provisions of Section 2.768 of this Code, or fails to appear at any time fixed by the court, a warrant for the person's arrest may be issued.
2. No warrant of arrest for failure to appear may be issued pursuant to this section after a period of 60 days from the date of the entry of an order declaring a forfeiture of bail. Unless a warrant has been issued before the expiration of that period, the order of forfeiture shall be deemed the final disposition of the case.

2.778 Trial; Burden of Proof.

1. The trial of an infraction shall be by the court without a jury. The trial of an infraction shall not commence until the expiration of seven days from the date of arrest or citation for the infraction unless the defendant waives the seven-day period.
2. The City shall have the burden of proving the alleged code or ordinance infraction by a preponderance of evidence.
3. The defendant may be represented by counsel, but counsel shall not be provided at public expense. If defense counsel is to appear, written notice shall be provided to the Justice Court five days prior to the hearing date, excluding weekends and holidays.
4. If the person alleged to have committed the infraction desires that witnesses be ordered to appear by subpoena, a request in writing must be made to the Court at least five days prior to the scheduled hearing. Subject to the same five-day limitation the complaining official or City Attorney, as appropriate, may also request the Court that certain witnesses be ordered to appear by subpoena. If a fine is declared in the final order, the order shall also provide that the person shall pay any witness fees payable in connection with the hearing.
5. The Court may allow hearsay or evidence by affidavit in a trial for a civil infraction.
6. After due consideration of the evidence and arguments presented at the hearing, the Court shall determine whether the infraction as alleged in the complaint has been established. If the infraction is not established, an order dismissing the complaint shall be entered in the Justice Court records. If a determination is made that an infraction has been committed, an appropriate order shall be entered in the Justice Court records. In addition to any fine, forfeiture, or both, or other civil penalty, the court shall assess court costs.

[Section 2.778 amended by Ord. #2003-03 passed January 14, 2003]

2.780 Enforcement.

1. Delinquent fines and those brought to default judgment which were assessed for infractions occurring on real property may be held as city liens against the real property and collected in the same manner as other such debts owing to the city, if the owner of property is notified of the infraction before entry of judgment on the lien docket.
2. Nothing in this section shall prevent the City from revoking or denying any city license or permit held or desired by a person owing a fine to the City.

[Section 2.780 amended by Ord. #98-03 passed January 13, 1998]

2.782 Schedule of Fines.

1. **Civil** infractions are classified for the purpose of determining fines into the following categories:
 - A. Class A **civil** infractions.
 - B. Class B **civil** infractions.

- C. Class C civil infractions.
- 2. Administrative infractions are classified for the purpose of determining fines into the following categories:
 - A. Class A administrative infractions.
 - B. Class B administrative infractions.
 - C. Class C administrative infractions.
- 32. An assessment of a fine for an infraction shall be an amount not exceeding an amount set by resolution.

[Section 2.782 amended by Ord. #97-42 passed November 11, 1997]

2.784 Bail Schedule. The Court is hereby authorized to establish a bail schedule for each class of civil infractions. A copy of this schedule is to be kept at the Office of the Justice Court Clerk.

[Section 2.784 amended by Ord. #2003-03 passed January 14, 2003]

2.786 Appeal. An appeal from a judgment involving a civil infraction may be taken by either party in the manner provided by state law.

2.787 Administrative Infractions. The administrative infraction procedure shall apply to those code and ordinance violations classified as administrative infractions in accordance with the procedures established by sections 2.787 to 2.799.

2.788 Procedure. Any person violating any provision of the City of Redmond Municipal Code may be issued an administrative citation by an Enforcement Officer, as designated by the City Manager, and shall thereby be subject to an administrative fine as provided in section 2.782.

2.789 Continuing Violation. Each and every day a violation of the Municipal Code exists constitutes a separate and distinct offense.

2.790–Citation Service. The administrative citation shall either be served by personal service and/or shall be sent by registered or certified mail and by first class mail. Any such notice served by mail shall be deemed received three days after the date mailed if to an address within this state and seven days after the date mailed if to an address outside of this state.

2.791–Administrative Citation Requirements. The form for the citation to be issued under this chapter shall contain:

- 1. Description of the specific violation alleged;
- 2. The date, time and location of its occurrence;
- 3. The maximum amount of the fine for the violation alleged;
- 4. A statement that the fine must be paid or a hearing requested within 20 days, and that upon failure to do so within 20 days opportunity for a hearing is forfeited and the fine doubles;

5. A form for either admitting the violation alleged and paying the fine, or denying the violation alleged, posting bail by paying a refundable deposit equivalent to the amount of fine(s) indicated on the citation, and requesting a hearing;
6. The address to which the form should be sent;
7. The telephone number of the person or facility which may be contacted for information;
8. The name and address of the violator.

2.792 Administrative Citation Procedure. Upon receiving a citation under this chapter, a person may:

1. Within 20 days, deliver to the City of Redmond the form provided with the citation, admitting the violation(s), forfeiting and paying the amount of the fine(s) indicated on the citation. Forfeiture may be made by mail but must be received by the City of Redmond within 20 days from the date of the citation.
2. Within 20 days, deliver to the City of Redmond the form provided with the citation, denying all or part of the violation(s), and posting bail by paying a refundable deposit equivalent to the amount of fine(s) indicated on the citation. Response may be made by mail, but must be received by the City of Redmond within 20 days from the date of the citation.
3. Failure to perform any part of either Subsection 1 or 2, including failure to respond within 20 days, shall be deemed an admission of the violation(s) cited, the fine(s) for the violation(s) shall be doubled, and there shall be no further hearing or appeal.

2.793 Denial of Violation. Upon receipt of a denial, the City of Redmond shall inform the Hearing Officer(s), who shall set a hearing within 30 days of the City of Redmond's receipt of the denial and bail, and shall notify the person who requested the hearing. Notification of the hearing date, time and place shall be mailed by regular first class mail within 15 days of the City of Redmond's receipt of the denial and bail.

2.794 Enforcement Officer's Discretion.

1. Any time before a hearing as authorized by 2.792, an enforcement officer may dismiss the citation for the following reasons: The violation(s) no longer exists, new information has been obtained changing the nature of the violation(s), or the violator and the City of Redmond have come to an agreement where the citation is no longer needed.
2. If an administrative citation is dismissed, the City of Redmond shall refund any bail or fines within three business days. The bail or fines shall be refunded by regular first class mail along with a letter informing the violator that the citation has been dismissed.

2.795 Hearings Officer. The Director of Community Development shall appoint a quasi-judicial Hearings Officer or Officers to hear and determine cases of alleged

violations of this chapter where the allegations have been denied under section 2.798.

2.796 Hearings.

1. Every hearing pursuant to section 2.792 will determine whether this municipal code was violated and shall be held before a Hearing Officer. The Hearing Officer may prescribe procedures for the conduct of such hearings.
2. Evidence, including rebuttal evidence, may be presented at the hearing and shall be limited to that which is relevant to the violation alleged.
3. The Hearing Officer has the authority to administer oaths and take the testimony of witnesses. The Hearing Officer or Enforcement Officer may direct that subpoenas issue on behalf of the City in accordance with Oregon Rules of Civil Procedure 55. If the person who receives a citation desires that witnesses be ordered to appear by subpoena, they must arrange for their subpoenas to issue in accordance with the Oregon Rules of Civil Procedure. Witnesses appearing by subpoena shall be allowed the same fees and mileage as allowed in civil cases in circuit court.
4. The parties shall have the right to cross-examine witnesses who testify.
5. After due consideration of the evidence and arguments, the Hearings Officer shall issue a decision at the hearing or within three business days of the conclusion thereof as to whether the violation as alleged in the complaint has been established.
 - A. If the violation has been established, the Hearings Officer decision shall include a brief statement of the findings of facts necessary to establish a violation, order the person to pay the fine total as recorded on the citation and witness costs. The fines shall be paid into the Code Compliance administrative citation fund.
 - B. The decision shall include a statement identifying the amount of daily penalty that will continue to accrue until the failure to comply is rectified.
 - C. The violator may also be required to pay all of the City's cost associated with collection of the fines, including its administrative costs and attorney fees.
 - D. If the violation is not established, the Hearings Officer shall order that any bail which has been posted be refunded. Bail shall be refunded by regular first class mail.

2.797 Appeals. A person who, following a hearing, is found in violation of the municipal code may, within 10 days after the decision has issued, appeal that decision to the Nuisance Appeals Board. The request for appeal must be in writing, must include the appeal fee, and must be received by the City within the time allowed for that appeal. The Board shall hear the appeal de novo. The decision of the Board is final. The appeal fee shall be set by resolution of the City Council.

2.798 Fine Collection. The City of Redmond is authorized to collect the fine by any administrative or judicial action authorized by 2.799 or any other provisions of this Code or state statutes.

2.799 Citation Collection Procedure.

1. The administrative citation fine or judicial fine shall be delinquent if not paid within 20 days from the date the fine is finally established.
2. If the administrative citation fine or judicial fine is delinquent, the amount due may accrue interest at 10% per annum.
3. If the administrative citation fine or judicial fine is not paid within sixty (60) days, the fines may be entered in the docket of city liens, and shall constitute a lien upon all property owned by the violator or the violator's personal property.
 - A. The lien may be enforced in the same manner as liens for assessments for local improvement districts. Failure to pay may result in foreclosure in any manner provided by ORS 223.505 to 223.650 or otherwise provided by law.
 - B. An error in the name of the owner shall not void the lien, nor shall a failure to receive the notice render the lien void, but it shall remain a valid lien against the property.

CHAPTER 4 UTILITIES (WATER SERVICE)

4.153 Unlawful to Turn On Water. No person shall turn on or use water from the city system if the water has been cut off because of delinquency, until the water is turned on by the Director of Public Works. A violation of this section is a Class A civil infraction **and/or a Class A administrative infraction.**

CHAPTER 4 UTILITIES (METERS)

4.200 Water Meters.

8. A violation of this section is a Class A civil infraction **and/or a Class A administrative infraction.** Each day a water meter is not installed following the time allowed for the installation is a separate offense.

CHAPTER 4 UTILITIES (SYSTEM DEVELOPMENT CHARGES)

4.750 Penalty. Violation of this code as to the payment of systems development charges is a Class A Civil Infraction **and/or a Class A administrative infraction,** punishable consistent with the provisions of this code.

CHAPTER 4 UTILITIES (PENALTIES)

4.902 General Penalties. Violation of any provision in this chapter or regulations promulgated by authority of this chapter shall be deemed a Class A civil infraction **and/or a Class A administrative infraction.**

CHAPTER 5 PUBLIC PROTECTION (OFFENSES)

5.035 False Certification.

1. No person shall, in connection with the issuance of a civil or **administrative** infraction citation, or filing of a complaint as defined in ~~the Redmond Civil Infraction Procedure~~ **section 2.750 to 2.799**, knowingly certify falsely to the matters set forth in the citation or complaint.

CHAPTER 5 PUBLIC PROTECTION (CIVIL INFRACTIONS)

~~**5.100 Civil Infraction Procedure.** Enforcement of Sections 5.120 to 5.380 shall be in accordance with the Redmond Civil Infraction Procedure.~~

~~[Section 5.100 amended by Ord. #1999-28 passed August 10, 1999]~~

CHAPTER 5 PUBLIC PROTECTION (ANIMALS)

5.257 Animal Waste.

2. A violation of this section is a Class B civil infraction **and/or a Class B administrative infraction.**

5.335 Public Nuisances. The following shall be deemed Public Nuisances within the City of Redmond:

2. **Vegetation.** No person in charge of property that abuts a public street, road, alley or sidewalk may permit or cause to exist vegetation that:
 - A. Is a hazard to pedestrian use of a public sidewalk or is a hazard to bicycle or vehicular use of a public or private street by impeding passage or vision. The hazards include, but are not limited to:
 1. Vegetation which encroaches upon, or overhangs lower than 8 feet over a public sidewalk or other pedestrian way, or encroaches upon, or over-hangs lower than 10 feet over a public or private street.
 2. Vegetation that impedes motorist, bicyclist or pedestrian views of traffic, traffic signs or signals, street lights or name signs, or other safety fixtures or markings placed in the public way.
 - ~~B. Is a hazard to the public or property on or near the property where the vegetation is located, due to the vegetation's disease or deterioration;~~
 - B.C.** Obstructs drainage facilities in the public way, including but not limited to roadside ditches, street curbs and gutters, catch basins or culverts;
 - ~~C.D.~~ **C.D.** Has roots that have entered a sewer or waterline, main or system, and that stops, restricts or retards the flow of sewage or water, or damages the

- pipes or connectors. An owner may remove a nuisance defined under this subsection by removing that portion of the root causing the nuisance.
- D.E. Has roots that have cracked or displaced a sidewalk, curb or street. An owner may remove a nuisance defined under this subsection by removing that portion of the root causing the nuisance.
 - E.F. Is a weed or grass more than 10 inches high at any time during the year (which is classified by the city for all purposes to constitute an imminent fire danger to surrounding properties) except for:
 - 1. Agricultural grasses that are not a fire hazard and are actively used for grazing livestock; or
 - 2. Crops that are being commercially grown;
 - 3. Areas identified by the Redmond Urban Area Comprehensive Plan as open space or natural resource areas.
 - 4. ~~Tax lots larger than ½ acre (21,780 square feet) containing natural grasses that are maintained with a fire break of not less than twenty (20) feet around the perimeter of the property, including all rights-of-way or easements.~~
 - F.G. In those areas between the property line and the back edge of curb or the edge of an improved roadway or right-of-way, is a weed, grass or dead plant more than 10 inches high.
 - G.H. Property, debris, weed and grass, or any other accumulation or activity that the City Manager or designee deems a fire hazard or potential fire hazard to other properties.

CHAPTER 5 PUBLIC PROTECTION (NUISANCES)

5.360 Penalties.

- 3. Any violations of Sections 5.327 through 5.365 shall be deemed a Class B Civil Infraction **and/or a Class B administrative infraction.**

CHAPTER 7 BUSINESS (BUSINESS LICENSE)

7.046 Penalty. A business that the City Manager has determined knowingly operated without a business license will be considered in violation of Section 7.014. A violation of Section 7.014 is a Class B civil infraction **and/or a Class B administrative infraction.** Every day that a business operates without a required license shall be a separate violation.

7.048 Enforcement. In addition to the civil **and administrative** infraction procedure, the City may file a civil action to recover fees unpaid or, after mailing notice via certified mail to the person responsible for said business, the City may place a lien against the real property where the business is located for the amount of the fee plus interest

7.130 Penalty. A violation of Sections 7.100 to 7.128 is a Class A civil infraction **and/or a Class A administrative infraction.**

7.170 Enforcement. In addition to the civil **and administrative** infraction procedure, the City may file a civil action to recover taxes unpaid or, after mailing notice via certified mail to the person responsible for said business, the City may place a lien against the real property where the business is located for the amount of the tax plus interest. Said lien shall be filed with the Finance Officer and noted in the lien docket.

CHAPTER 7 BUSINESS (REGULATORY LICENSE)

7.238 Penalty. A business that requires a regulatory license that the City Manager has determined knowingly operated without the regulatory license will be considered in violation of this Chapter. A violation of this Chapter is a Class B civil infraction **and/or a Class B administrative infraction** unless otherwise expressly stated in this Chapter. Every day that a business operates without a required license shall be a separate violation.

7.240 Enforcement. In addition to the civil **and administrative** infraction procedure, the City may file a civil action to recover fees unpaid or, after mailing notice via certified mail to the person responsible for the business, the City may place a lien against the real property where the business is located for the amount of the fee plus interest. The lien shall be filed with the Finance Officer and noted in the lien docket.

CHAPTER 7 BUSINESS (PENALTY PROVISION)

7.990 Penalty. A violation of Sections 7.280 to 7.920 is a Class A civil infraction **and/or a Class A administrative infraction unless otherwise expressly stated in this Chapter.**

CHAPTER 8: REDMOND DEVELOPMENT CODE

Article I: Zoning Standards

8.0805 Enforcement.

7. Penalties of Violation.

- A. A violation of any provision of these standards shall be a Class A **civil** Infraction **and/or a Class A administrative infraction.**
- B. Violations shall be enforced under the ~~provisions of the Redmond Civil Infraction Procedure~~ **procedures established in sections 2.750 to 2.799.**

Article II: Land Use Procedures

8.1725 Enforcement.

2. Violation of any provisions of these standards is a Class A Civil Infraction ~~and/or a Class A administrative infraction~~ and shall be enforced through the ~~Redmond Civil Infraction procedure~~ ~~procedures established in sections 2.750 to 2.799.~~

Article III: Land Division Standards

8.2130 Enforcement.

2. Violation of any provisions of these standards is a Class A Civil Infraction ~~and/or a Class A administrative infraction~~ and shall be enforced through the ~~Redmond Civil Infraction procedure~~ ~~procedures established in sections 2.750 to 2.799.~~

Article IV: Site and Design Reviwe Standards

8.3180 Enforcement.

2. Violation of any provisions of these standards is a Class A Civil Infraction ~~and/or a Class A administrative infraction~~ and shall be enforced through the ~~Redmond Civil Infraction procedure~~ ~~procedures established in sections 2.750 to 2.799.~~

Article V: Sign Standards

- 8.4710 Penalties.** A violation of any provision of these standards shall be a Class A ~~Civil Infraction~~ ~~and/or a Class A administrative infraction~~, with the exception of a violation to the temporary sign provisions (RDC 8.4105) which shall be a Class B ~~Civil Infraction~~ ~~and/or a Class B administrative infraction~~. Each day shall be a separate violation. Violations will be enforced through the ~~Redmond Civil Infraction Procedure~~ ~~procedures established in sections 2.750 to 2.799.~~

CHAPTER 9 BUILDING AND FIRE CODES (FIRE CODE)

9.130 Violation and Penalties.

2. A violation of any provision of these standards shall be a Class A Civil Infraction ~~and/or a Class A administrative infraction~~. Violations will be enforced through the ~~Redmond Civil Infraction Procedure~~ ~~procedures established in sections 2.750 to 2.799.~~

**Exhibit B:
Findings of the Redmond City Council**

**FINDINGS OF THE REDMOND CITY COUNCIL
REGARDING TA-14-2, ADMINISTRATIVE CITATIONS**

**AN AMENDMENT TO THE TEXT OF THE REDMOND CITY CODE TO ADD
AN ADMINISTRATIVE CITATION ENFORCEMENT PROCESS**

FILE NO. TA-14-2

REQUEST: A Legislative Amendment to the Redmond City Code

APPLICANT: City of Redmond, 716 SW Evergreen Avenue, P O Box 726
Redmond, OR 97756

LOCATION: The proposal applies to all properties within the incorporated
boundary of the City of Redmond.

STAFF: Scott Woodford, Associate Planner

**HEARINGS
BODY:** Redmond City Council
Redmond Urban Area Planning Commission

DATE& TIME: March 25, 2014 at 6:30 p.m.

LOCATION: City Council Chambers, 777 Deschutes Avenue, Redmond, Oregon

I. APPLICABLE CODE SECTIONS AND CRITERIA:

The following are the applicable code sections from Chapter 8 of the Redmond Development Code that are applicable to this proposed code amendment:

- Article I, Zoning Standards, Section 8.0805
- Article II, Land Use Procedures, Section 8.1725
- Article III, Land Divisions Standards, Section 8.2130
- Article IV, Site and Design Review Standards, Section 8.3180
- Article V, Sign Standards, Section 8.4170

The following are provisions from the Redmond Urban Area Comprehensive Plan that are applicable to this proposed code amendment:

- Chapter 1, Citizen Involvement
- Chapter 2, Land Use Planning

The following are other criteria that are applicable to this proposed code amendment:

- Oregon Revised Statutes (ORS) – ORS 197.250, 197.610, 197.763.
- Oregon Administrative Rule (OAR), LCDC, Division 15, Statewide Planning Goals and Guidelines – OAR 660-015-0000 (as applicable)

The following criteria are not applicable to the proposed code amendment:

Oregon Administrative Rule (OAR), LCDC, Division 12, Statewide Planning Goals and Guidelines – OAR 660-012-0000 (specifically OAR 660-012-0060) is not applicable because the proposal does not include any changes to the allowable uses that would affect the number of trips or functional classifications of roads/streets in Redmond. The proposal is limited to clarifying the code enforcement procedures.

II. BACKGROUND & HISTORY:

The proposed Code Text Amendments have been initiated legislatively by the City of Redmond – thus, the City is the applicant. The purpose of the amendment is to allow the City of Redmond’s Code Compliance program an administrative citation process whereby the Code Enforcement Officer can utilize this process, in addition to the civil infractions enforcement, to more efficiently monitor the enforcement process and not require all cases to go before a judge.

The rationale for the adoption of the proposed text amendments is also consistent with the Redmond City Council 2012-13 Goals – the following Goal applies:

4. COMMUNITY ENHANCEMENT

Create an image and identity that generates a sense of community pride, ensuring the high quality of life and safety of our citizens, attracting new residents and businesses and facilitating their success and safety as well.

III. **PROPOSAL:**

The proposed amendments are changes the Code Enforcement Officer felt necessary in carrying out his duties to make the enforcement process more efficient. Currently, when there is a code complaint, the City investigates and, if there is found to be a violation, a citation can be issued. If the complainant wishes to dispute the citation, the civil infraction procedure is followed, which involves a court trial. While not common in Redmond, this process removes the City and the Code Enforcement Officer from the situation and places it into the realm of the court system. Often, the City is not made aware of the outcomes of the court decision and it is more difficult for the City to monitor the situation. There will continue to be need for the civil infraction procedure when the nature of the infraction necessitates court involvement, but often it does not and an administrative process would be more efficient where the Code Enforcement Officer can monitor the situation, drop the citation if the complaint is addressed, and a Hearings Officer designated by the City can provide a ruling in short order.

IV. **AREA DESCRIPTION:**

As stated above, this proposal (a Text Amendment to the Redmond Code) is applicable to all zoned areas within the incorporated boundary of the City of Redmond. Thus, the proposal will not include any specific Comprehensive Plan or Zoning map changes.

V. **EXHIBITS:**

The following exhibits make up the record in this matter:

1. Proposed Findings and Conclusions included herein.
2. The existing and proposed text of:
 - Article I, Zoning Standards, Section 8.0805
 - Article II, Land Use Procedures, Section 8.1725
 - Article III, Land Divisions Standards, Section 8.2130
 - Article IV, Site and Design Review Standards, Section 8.3180
 - Article V, Sign Standards, Section 8.4170
3. Notice to Department of Land Conservation and Development (DLCD)
4. Notice of Planning Commission Public Hearing “Spokesman- Publish February 19, 2014” (file).
5. Notice of City Council Public Hearing “Spokesman- March 12, 2014” (file).
6. Planning Commission Work Session/Public Hearing Staff Reports.
7. City Council Work Session/Public Hearing Staff Reports.

VI. **SUMMARY:**

1. The request is for an amendment to the text of the City of Redmond Code:

- Article I, Zoning Standards, Section 8.0805
- Article II, Land Use Procedures, Section 8.1725
- Article III, Land Divisions Standards, Section 8.2130
- Article IV, Site and Design Review Standards, Section 8.3180
- Article V, Sign Standards, Section 8.4170

The purpose of the amendment is to allow the City of Redmond's Code Compliance program to add the option of an administrative citation to the possible code enforcement methods.

2. The proposal will be applicable to all properties within the incorporated boundary of the City of Redmond – no amendments to the Comprehensive Plan text or map, and Zoning map are proposed.
3. The findings, the text for the enforcement standards, and supporting materials, all demonstrate that the proposed Code amendments are consistent with the Statewide Planning Goals, the Redmond Comprehensive Plan, the City Council Goals and other policies adopted by the City.
4. The four criteria set forth in RDC Section 8.0760 (*Criteria for Amendments*) are addressed herein/below, as well as all applicable state laws and requirements.

VII. FINDINGS AND CONCLUSIONS:

A. REDMOND CODE (RDC), Chapter 8, Sections 8.0750 through 8.0775 (Amendments) sets forth the procedure and standards for an amendment to the text of the Code or to the adopted Comprehensive Plan or Zoning map. Specifically, Section 8.0760 - Criteria for Amendments, sets forth the four (4) criteria that must be met:

1. In conformity with all applicable State statutes:

Finding: The State statutes that directly apply to this application include:

1. ORS 197.610, *Local Government Notice of Amendment or New Regulation*
2. ORS 197.250, *Compliance with Goals Required*
3. ORS 197.763, *Conduct of Local Quasi-Judicial Land Use Hearings; Notice Requirements.*

The applicable City of Redmond Code standards (sections 8.0750 to 8.0775, *Amendment Procedures and Notice Requirements*), and (sections

8.1100 through 8.1125, Legislative Procedures), were developed in compliance with the applicable State Statutes listed above regarding noticing and public hearings. Applicability of the Statewide Planning Goals is addressed in greater detail below – those findings, incorporated by reference herein, show compliance with the applicable Statutes listed above.

With regard to the Statutory noticing requirements referenced above, notice of the proposed amendment has been provided to DLCD and advertised in the local newspaper (public notice) as required by City Code and State Statute.

With regard to the Statutory public hearing requirements referenced above, this proposal is legislative and not necessarily quasi-judicial in nature. However, for lack of specific Statutory requirements governing such legislative actions, Sections 8.1100 through 8.1125 of the Redmond Code, which implement the quasi-judicial Statutory requirements in similar fashion have been met. Subsequently, the Planning Commission and (ultimately) City Council's public hearing and review processes meet the Statutory requirements for the purpose of the review.

Notwithstanding the Statutory requirements addressed herein, the Oregon Administrative Rules (OAR) also implement the Statutes. The applicable Rules are addressed in the ensuing review.

Conclusion: Based on the findings addressing Code amendment criterion 1, the proposed Code text amendments conforms to applicable State statutes.

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

Finding: The proposed amendments do not directly implement a comprehensive planning requirement of the Statewide Planning Goals, State Statutes or Administrative Rules – they do not include provisions that are directly applicable to the substantive “land use” elements of the Goals, but do fall within the “procedural” Statewide Planning Goal requirements applicable to the development of land. Thus, the applicable Statewide Planning Goals are Goal 1 (Citizen Involvement) and 2 (Land Use Planning). All the listed Goals are addressed below.

Goal 1- Oregon’s Statewide Planning Goals: Citizen Involvement.
To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: The Urban Area Planning Commission serves as the City's formal citizen advisory committee to fulfill Goal 1, and is made up of Redmond area residents. The City conducted public meetings (Planning Commission work sessions and a public hearing) over the past few months regarding the proposal.

Public notices and agendas for Planning Commission meetings where the proposed amendments were discussed were provided. All documents were available for the public review. Further, public notice advertising the public hearing was published in the local newspaper, the Redmond Spokesman.

The City continually provided extensive public review and involvement opportunities during public work sessions and public hearings both at the Planning Commission level and City Council level as deemed necessary by such bodies. Based on these actions, Oregon Planning Goal 1 for Citizen Involvement has been met.

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

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: Through the course of review, the staff, the Redmond Urban Area Planning Commission and the Redmond City Council has received input from other City staff and residents of the community. The City Council has determined that enough factual and policy basis exists to support the proposed Code amendments. The proposed amendments will better implement policies of the Comprehensive Plan and will provide clearer regulations for the City staff to administer. Based on these findings, the proposed amendments meet Goal 2.

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

Chapter 1 – Redmond Comprehensive Plan: Citizen Involvement.

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

Finding: The Urban Area Planning Commission serves as the City's formal citizen advisory committee (as required by State Administrative Rule) and is made up of Redmond area residents. The Planning Commission is formally recognized through City Code and was appointed

by the City Council. Thus, the Planning Commission is the appropriate public review and recommendation body to the City to meet this Comprehensive Plan policy.

The City, through the Planning Commission, has conducted initial public meetings, and a public hearing over the past few months regarding the proposed amendments. Public notices and agendas for Planning Commission meetings where the proposed amendments were discussed were provided. All documents were available for the public review. Further, a notice of the public hearing was published in the local newspaper, the Redmond Spokesman. The City has continually provided extensive public review and involvement opportunities during public work sessions and public hearings both at the Planning Commission and City Council levels as deemed necessary by such bodies.

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

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

Chapter 2 – Redmond Comprehensive Plan: Land Use Planning.

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: The Planning Commission, City Council, and staff have provided opportunities for and have received public input throughout the

review process. Based on this input, the City Council finds that the proposed amendments and new enforcement standards are necessary to implement Chapters 1 and 2 of the City of Redmond's Comprehensive Plan, specifically, and other Chapters. The City Council has determined that enough factual and policy basis exists to support the proposed Code amendments. The proposed amendments will better implement policies of the Comprehensive Plan and will provide clearer regulations for the City staff to administer.

The proposed amendments serve the following Policies of Chapter 2 of the Redmond Comprehensive Plan.

2. The plan shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governments.
 3. All land use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan.
 4. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revisions of plans and implementing ordinances
 5. To provide a sound basis for orderly and efficient urbanization by establishing proper relationships between residential, commercial, industrial, public and open land uses, and transportation uses.
4. **That there is a change of circumstances or further studies justifying the amendment or mistake in the original zoning.**

Finding: This proposal in and of itself does not include a change of zoning to any particular property or area within the City. Rather, it involves the amendment of existing code regulations.

There is a change of circumstances justifying the amendment, in that the existing enforcement method of civil infractions has proven not to always be the most efficient method for code enforcement because it removes the Code Enforcement Officer from the process and requires judges to hear cases better suited for an administrative process.

Based on the findings addressing Code amendment criterion 4, the proposed Code text amendment is supported by the change in circumstances described above.

CONCLUSION:

The above findings demonstrate that the proposed Code Text Amendments meet Section 8.0760, Criteria for Amendments, to the Redmond Code:



CITY OF REDMOND
Public Works Department

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STAFF REPORT

DATE: April 8, 2014
TO: Mayor and City Council
THROUGH: Keith Witcosky, City Manager
FROM: Bill Duerden, Director of Public Works
SUBJECT: Ordinance No. 2014-09: Redmond City Code Amendments, Section 4.730 and 4.735

Addresses Council Goal:

Goal #1(B)3 Take continual steps to make City services more user/business friendly.

Report in Brief:

This is a request to consider Ordinance No. 2014-09 amending the Redmond City Code Sections 4.730 and 4.735. (Attachment A) related to system development charges and residential structures.

As required by City Charter, notices regarding this ordinance coming before the Council were posted in three places (the Library, the Police Department, and the Redmond Chamber of Commerce) in addition to City Hall on April 1, 2014, and three copies of the ordinance were available for review at City Hall.

Background:

In 2001, system development charges (SDCs) were established for development within or outside the city that connects or otherwise uses the utilities and infrastructure of the City. Two recent scenarios highlighted a need to amend the SDC code for additional exemptions and credits: an exemption for a second temporary residence due to a medical hardship; and a credit for relocation of a single family residence.

In March 2014, the City received a permit request to place a manufactured home as a second temporary dwelling on a property with existing water and sewer connections due to medical hardship, family member requiring residential care. A second temporary dwelling for medical hardship on the same property is permitted by Redmond Development Code Section 8.0362; however, there is no accompanying hardship exemption listed in the SDC City Code. The proposed amendment allows for an SDC exemption for a temporary structure approved and permitted under City Code Section 8.0362 as a temporary residence for medical hardship.

For an unrelated situation, in summer 2014, a single family residence currently connected to the City's SDC systems and located on designated City public park property will be relocated to an undeveloped lot. There is no provision in City Code to apply a credit for relocation and disconnection from the SDC systems. The proposed amendment allows a credit to be given, at the discretion of the City Manager, when a single family residence is relocated to an undeveloped lot within the city from property that is designated as public park or public facility property or is being deeded to the City for use as a public

park or public facility. The credit may only be applied to the connection of the relocated structure to city utilities which it was previously connected to; and for which an SDC would otherwise be due.

Discussion:

Public Works Department staff collaborated with Community Development Department staff and sought legal review to identify the inconsistencies and recommendations for code amendments. An emergency is declared in order to preserve the peace, health and safety of the City and to prevent undue medical hardship.

Fiscal Impact:

A typical single-family residence would normally be assessed \$12,321 for the following SDC's:

Water - \$2,407;

Wastewater - \$3,366;

Transportation - \$3,876;

Park - \$2,672.

Neither of the scenarios considered by this amendment would result in a long-term net increase in demand on the City's SDC systems.

Courses of Action:

1. Approve Ordinance No. 2014-09.
2. Request additional information.
3. Do not to approve Ordinance No. 2014-09.

Recommendation/Suggested Motion:

"I move to have a first and second reading of Ord. #2014-09, by title only." (Voice vote)

(City Attorney will read ordinance by title only, twice.)

"I move to approve Ord. #2014-09." (Roll call vote)

Bill Duerden
Director of Public Works

**CITY OF REDMOND
ORDINANCE NO. 2014-09**

AN ORDINANCE AMENDING REDMOND CITY CODE SECTIONS 4.730 AND 4.735 PERTAINING TO SYSTEM DEVELOPMENT CHARGES AND DECLARING AN EMERGENCY.

WHEREAS, the City of Redmond has city code provisions that set forth requirements regarding the payment of and credits for systems development charges (SDC); and

WHEREAS, the City of Redmond intends to establish an exemption to its SDC requirements for temporary structures permitted by the City as a medical hardship; and

WHEREAS, the City of Redmond intends to establish a credit to its SDC requirements for single family homes that are connected to the City's SDC systems and are being relocated from a current city park or other public facility to a lot within the City.

NOW, THEREFORE, THE CITY OF REDMOND ORDAINS AS FOLLOWS:

SECTION ONE: Redmond Code section 2.554 is amended as follows (proposed amendment text is in red):

4.730 Exemptions.

1. Structures and uses established and existing on or before the effective date of the resolution which sets the amount of the systems development charge are exempt from the charge, except water and sewer systems development charges, to the extent of the structure or use existing on that date. Structures and uses affected by this subsection shall pay the water or sewer charges pursuant to the terms of this chapter upon the receipt of a permit to connect to the water or sewer system.
2. Additions to single-family dwellings that do not constitute the addition of a dwelling unit, as defined by the Uniform Building Code, are exempt from all systems development charges.
3. An alteration, addition, replacement or change in use that does not increase the property's or structure's use of a capital improvement is exempt from all systems development charges.
4. **A temporary structure approved and permitted under city code section 8.0362 as a temporary residence for medical hardship.**

4.735 Credits.

1. Credit for existing uses. When development occurs that is subject to a systems development charge, the systems development charge for the existing use, if applicable, shall be calculated and if it is less than the systems development charge for the use that will result from the development, the difference between the systems development charge for the existing use and the systems development charge for the proposed use shall be the systems development charge. If the change in the use results in the systems development charge for

- the proposed use being less than the systems development charge for the existing use, no systems development charge shall be required, and no refund or credit shall be given.
2. Credit against improvement fee. A credit shall be given to the property owner for the cost of a qualified public improvement constructed by the owner upon acceptance of the improvement by the City. Only the improvement fee shall be eligible for the credit provided for in this subsection. Credits shall be calculated consistent with state law, and in accordance with any administrative policy adopted by the City. Credit shall be granted only for the cost of that portion of such improvement that exceeds the City's minimum standard facility size or capacity needed to serve the particular development proposal or property. The owner shall have the burden of demonstrating that a particular improvement qualifies for credit pursuant to this section. At the option and in the discretion of the City Manager or designee, the City may grant a cash refund instead of a credit to the property owner.
 3. Credits against subsequent phases. When the construction of a qualified public improvement gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project receiving development approval, the excess credit may be applied against improvement fees that accrue in subsequent phases of the original development project.
 4. Credit for relocation of a single family residence. A credit may be given, at the discretion of the City Manager, when a single family residence that is currently connected to the City's SDC systems, is relocated to an undeveloped lot within the city from property that is designated as public park or public facility property or is being deeded to the City for use as a public park or public facility. The credit may only be applied to the connection of the relocated structure to city utilities it was previously connected to and for which a systems development charge would otherwise be due.
 45. Transferability of credits. Credits shall be transferable from one property or development to another, provided the transferor shall note in writing on the credit certificate the effective date of the transfer, and the name, address and telephone number on the transferee.
 56. Affordable Housing SDC Credit Transfer Policy. The City Council may establish an Affordable Housing SDC Credit Transfer Policy by Resolution. Any such policy will include at a minimum the following elements:
 - A. The policy shall establish a SDC credit bank with credit derived from publicly owned demolished or relocated single family dwelling unit structures previously utilized by city infrastructure.
 - B. The value of SDC credit within the bank shall be calculated as the cash value of the SDC (improvement and reimbursement) at the time of demolition.
 - C. The cash value of the SDC credit shall be applied to qualified affordable housing projects as determined by the Affordable Housing SDC Credit Transfer Policy.
 - D. The policy shall provide a process to be followed by applicants for the allocation of any credits in the City's SDC credit bank. Such applications shall be reviewed by the Public Works Director and decided in writing by the City Manager or his/her designee. Appeals of decisions under the

Policy shall be made consistent with Section 4.740. Neither this code provision or the related Policy guarantee either the existence of credits or the approval of any transfer request.

67. Limitations on credits.
- A. Credits are not transferable from one type of systems development charge to another.
 - B. Credits shall be used within ten years from the date the credit is given.
 - C. Credits are not refundable for cash or any other thing of value.
78. Application for credit. Application for SDC credits upon construction of a qualified public improvement, including any eligible right-of-way dedication, must be made within 90 days of City acceptance of the improvement (not including warranty period).

SECTION TWO: EMERGENCY. This ordinance is necessary for the immediate preservation of the peace, health and safety of the City in order to prevent undue medical hardship and, therefore, this ordinance takes effect on its passage.

PASSED by the City Council and **APPROVED** by the Mayor this 8th day of April, 2014.

George Endicott, Mayor

ATTEST:

Kelly Morse, City Recorder

**CITY OF REDMOND
ORDINANCE NO. 2014-10**

AN ORDINANCE OF THE CITY OF REDMOND DECLARING A MORATORIUM ON MEDICAL MARIJUANA FACILITIES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Redmond requires that businesses operating within the city limits comply with all state and federal laws; and

WHEREAS, the Oregon Legislature enacted Senate Bill 1531, which expressly permits local jurisdictions to impose a moratorium on medical marijuana dispensaries within their jurisdiction; and

WHEREAS, the City Council believes it is in the best interest of the health, safety and welfare of the citizens of Redmond to enact such a moratorium;

NOW THEREFORE, THE CITY OF REDMOND ORDAINS AS FOLLOWS:

SECTION 1:

A. MORATORIUM IMPOSED. The City of Redmond hereby prohibits the operation of any medical marijuana facility in any area subject to the jurisdiction of the City through May 1, 2015, or such sooner time as this Ordinance may be amended. As used in this section, "medical marijuana facility" includes any facility that dispenses marijuana pursuant ORS 475.314, or any other provision of Oregon law.

B. APPLICATION OF MORATORIUM. The moratorium imposed by this ordinance shall apply to any decision, action, or recommendation by the City of Redmond, including but not limited to the issuance of building permits, land use permits, business or other regulatory licenses, or any other form of approval. This moratorium extends to any decision by the Oregon Health Authority acting under ORS 475.314.

C. PENALTY. Notwithstanding ORS 475.309(1)(b), a person who is responsible for or employed by a registered medical marijuana facility located in an area subject to the jurisdiction of the City is not exempt from state and federal criminal laws for possession or delivery of marijuana, aiding and abetting another in the possession or delivery of marijuana or any other criminal offense in which possession or delivery of marijuana is an element.

D. SEVERABILITY. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Section 2: EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

PASSED by the City Council and **APPROVED** by the Mayor this 8th day of April, 2014.

George Endicott, Mayor

ATTEST:

Kelly Morse, City Recorder