



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

10/28/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Redmond Plan Amendment
DLCD File Number 003-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, November 12, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Wayne C. Sorensen, City of Redmond
Gloria Gardiner, DLCD Urban Planning Specialist
Mark Radabaugh, DLCD

<paa> YA

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DATE
STAMP

DEPT OF

OCT 21 2009

**LAND CONSERVATION
AND DEVELOPMENT**

Jurisdiction: **City of Redmond**

Local file number: **TA 09-04**

Date of Adoption: **8/11/2009**

Date Mailed: **10/20/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 5/12/2009

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amends Redmond Development Code, Chapter 8, Article II - Land Use Procedures: adopt a new code section 8.1620 which prevents the expiration of existing City approved land use permits until July 31, 2011.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **n/a**

to:

Zone Map Changed from: **n/a**

to:

Location: **n/a**

Acres Involved: **0**

Specify Density: Previous: **n/a**

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Wayne Sorensen**

Phone: (541) 923-7724 Extension:

Address: **716 SW Evergreen AVE**

Fax Number: **541-548-0706**

City: **Redmond**

Zip: **97756-**

E-mail Address: **WayneS@ci.redmond.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.led.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.led.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

CITY OF REDMOND
ORDINANCE NO. 2009-08

COPY

AN ORDINANCE AMENDING THE REDMOND DEVELOPMENT CODE CHAPTER 8 BY ADOPTING A REGULATION THAT ALLOWS AN AUTOMATIC EXTENSION OF TIME FOR CERTAIN LAND USE PERMITS.

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 regulations that regulate the issuance of land use permits that have been approved in accordance with the adopted and acknowledged Redmond Development Code; and

WHEREAS, the land use permit approvals, unless otherwise approved by the City, are only valid for a period of two years from the date the permit can no longer be appealed; and

WHEREAS, developers and property owners may apply for land use permit extensions for up to two years from the date the land use permit becomes effective; and

WHEREAS, the City Council finds that the City of Redmond, along with the Central Oregon economy, has experienced a prolonged and significant economic downturn which has had the effect of delaying the construction of approved development projects; and

WHEREAS, the City Council has received the Planning Commission's recommendation and, after receiving additional evidence and testimony, determined that the requested Development Code amendment is necessary to prevent the expiration of land use permits during the time of the current recession; and

WHEREAS, the City Council finds that the findings for the adoption for a Code text amendment to allow an extension of time for land use permits has 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 Development Code.

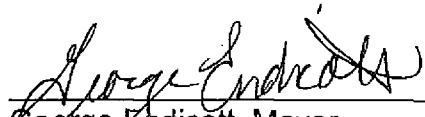
NOW, THEREFORE, THE CITY OF REDMOND ORDAINS AS FOLLOWS:

SECTION ONE: The City of Redmond hereby amends the Redmond Development Code (RDC) Chapter 8, Article II – Land Use Procedures, in order to adopt a new Code section 8.1620 which prevents the expiration of existing City approved land use permits until July 1, 2011. A copy of section 8.1620 is attached hereto as "Exhibit A".

SECTION TWO: In support of the Code text amendment 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 Development 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 11th day of August, 2009.



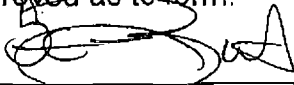
George Endicott, Mayor

ATTEST:



Kelly Morse, City Recorder

Approved as to form:



City Attorney

8-17-09

Date

EXHIBIT A
Ordinance No. 2009-08

The following section 8.1620 is added to the Redmond Development Code. The following amendments to Article I are proposed as additions shown as red font.

LIMITATIONS ON APPROVALS

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

**Exhibit B
(Ordinance No. 2009-08)**

City of Redmond

Findings for a Development Code Amendment to amend Chapter 8, Article II – Land Use Procedures, to allow an extension of time for approved land use development permits. This amendment would automatically extend the expiration date for land use permits that were effective on or after January 1, 2009, to July 1, 2011. This does not affect building permits, Measure 37 permits, Measure 49 permits, sign permits, land use permits to which a specific condition of approval that regulates the duration and terms of approval has been attached or other permits issued by the City that are not land use permits.

The Redmond Planning Commission voted 4-0 on June 29, 2009, to recommend that the City Council adopt the Time Extension regulations.

Prepared by:

Wayne C. Sorensen, Principal Planner
Community Development Department

August 11, 2009

File No: TA 09-04: Development Code Text Amendment

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

Request: Adopt findings in support of the Development Code to amend Chapter 8, Article 11 – Land Use Procedures, to extend the expiration date for City approved land use permits that were effective on or approved after January 1, 2009.

Location: The amendments are not for a specific property in the City of Redmond. Rather, this would apply to land use permits that have been approved in accordance with the standards and criteria in the Redmond Development Code. Property owners would receive an automatic extension of time to July 1, 2011, if their permit would have expired on or after January 1, 2009.

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

1. **"In conformity with all applicable State statutes;"**

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

Finding:

The City provided notice to the Director of the Department of Land Conservation and Development on May 15, 2009, which is more than 45 days before the Planning Commission's June 29, 2009, hearing regarding adoption of the proposed Ordinance.

Conclusion:

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

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

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

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

Finding:

The City conducted public hearings before the Redmond Planning Commission on June 29, 2009, and the Redmond City Council on August 11, 2009. In addition, the City provided public notices and agendas for the public hearings where the proposed amendment was discussed. All documents were available on the City's website and copies were available for the public. Further, meeting notices were published in the local newspaper, the Redmond Spokesman. The City provided ample public review and involvement opportunities during the public hearings (both at the Planning Commission and City Council levels) for the proposed amendment. The Urban Area Planning Commission serves as the City's citizen advisory committee and is made up of Redmond area residents.

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

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

Finding:

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

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

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

Finding:

The proposed zoning code amendment would allow land use permits to be automatically extended to July 1, 2011, without an application from a property owner or developer. This amendment may keep some land use permits from expiring and provide an opportunity for development under that permit. Some land use permits that have received an extension of time and are not eligible for further extensions of time would be extended to July 1, 2011.

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

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

Finding:

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

Conclusion:

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

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

Chapter 1 – Redmond Comprehensive Plan: Citizen Involvement.

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

Finding:

The City conducted public hearings on June 29, 2009, and August 11, 2009, and the Planning Commission and City Council accepted testimony and evidence regarding this proposed action. In addition, the City provided public notices and agendas for the public hearings. All documents were available on the City's website, and copies were available for the public. Further, meeting notices were published in the local newspaper, the Redmond Spokesman. The City provided ample public review and involvement opportunities during the public hearings (both at the Planning Commission and City Council levels) for the proposed amendment. The Urban Area Planning Commission serves as the City's citizen advisory committee and is made up of Redmond area residents.

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

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

Chapter 2 – Redmond Comprehensive Plan: Land Use Planning.

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

Finding:

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

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

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

Chapter 3 – Redmond Comprehensive Plan: Agricultural Land.

To preserve and maintain agricultural lands.

Finding:

Not applicable.

Chapter 4 – Redmond Comprehensive Plan: Forest Land.

Finding:

Not Applicable.

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

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

Finding:

Not Applicable.

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

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

Finding:

Not Applicable.

Chapter 7 – Redmond Comprehensive Plan: Natural Hazards.

To protect life and property from natural disasters and hazards.

Finding:

Not Applicable.

Chapter 8 – Redmond Comprehensive Plan: Recreational Needs.

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

Finding:

Not Applicable.

Chapter 9 – Redmond Comprehensive Plan: Economic Development.

Finding:

Not Applicable.

Chapter 10 – Redmond Comprehensive Plan: Housing.

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

Finding:

Not Applicable.

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

Finding:

Not Applicable.

Chapter 12 – Redmond Comprehensive Plan: Transportation

Finding:

Not Applicable.

Chapter 13 – Redmond Comprehensive Plan: Energy.

Finding:

Not Applicable.

Chapter 14 – Redmond Comprehensive Plan: Urbanization Element.

Finding:

Not Applicable.

Conclusion:

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

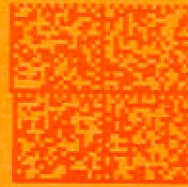
4. "That there is a change of circumstances or further studies justifying the amendment or mistake in the original zoning."

Finding:

There has been a significant change of circumstances in the state and national economy that affects the way land is developed. The current national recession has limited the amount and availability of money that is available to develop property. The intent of the new zone code amendment is to grant an additional amount of time to enable developers to seek funding for their already approved residential, commercial and industrial land use projects. The goal is to extend all land use permits that were approved and in effect on January 1, 2009, to be extended to July 1, 2011. At that time, the City can reassess the state of the national and local economy and determine whether the time frames need to be extended beyond the 2011 date. This is based on changing needs and demands of the Central Oregon economy which has adversely affected land use development in the City of Redmond.

Conclusion:

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



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10/20/2009

Mailed From 97756

US POSTAGE

Attn: Plan Amendment Specialist
Dept of Land Conservation & Dev
635 Capitol Street Northeast
Suite 150
Salem, Oregon 97301-2540