NOTICE OF ADOPTED AMENDMENT

06/25/2013

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 004-13

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: Wednesday, July 10, 2013

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 Acknowledgment or 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 than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: James Lewis, City of Redmond
    Gordon Howard, DLCD Urban Planning Specialist
    Karen Swirsky, DLCD Regional Representative

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Jurisdiction: City of Redmond  
Date of Adoption: 6/11/2013  
Local file number: TA-13-3  
Date Mailed: 6/17/2013

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  ☑ Yes  ☐ No  Date: 3/18/2013

☐ Comprehensive Plan Text Amendment  
☐ Land Use Regulation Amendment  
☐ New Land Use Regulation  
☐ Comprehensive Plan Map Amendment  
☐ Zoning Map Amendment  
☒ Other: Amendment to Existing Code

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

The proposal includes amendment to the City of Redmond Development Code (text amendment) to further extend Land Use Approvals beyond the maximum approval timeline and previous extensions granted by the Redmond City Council for all land use approvals that were still valid up to June 30, 2010. The extension is a further response to the negative effect that the economic downturn had on development potential in the community. Draft Code is attached in strikethrough (deleted) and red font (new).

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: N/A  
to: N/A

Zone Map Changed from: N/A  
to: N/A

Location: N/A

Specify Density: Previous: Did not affect density  
New: N/A

Applicable statewide planning goals:

\[
\begin{array}{cccccccccccccccccccc}
1 & 2 & 3 & 4 & 5 & 6 & 7 & 8 & 9 & 10 & 11 & 12 & 13 & 14 & 15 & 16 & 17 & 18 & 19 \\
\times & \times & \square & \square & \square & \square & \square & \square & \square & \square & \square & \square & \square & \square & \square & \square & \square & \square & \square \\
\end{array}
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Was an Exception Adopted? ☑ YES  ☐ NO

Did DLCD receive a Notice of Proposed Amendment...  
35-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
ADDITION SUBMITTAL REQUIREMENTS

This Form 2 must be submitted by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18.

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated twenty-one (21) days from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit one complete paper copy via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

9. Need More Copies? Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

http://www.oregon.gov/LCD/forms.shtml

Updated December 30, 2011
AN ORDINANCE AMENDING THE REDMOND DEVELOPMENT CODE CHAPTER 8, ARTICLE II, LAND USE PROCEDURES, SECTION 8.1620, BY ADOPTING AN AMENDED REGULATION THAT ALLOWS AN AUTOMATIC EXTENSION OF TIME FOR LAND USE PERMITS AS SPECIFIED THEREIN, AND DECLARING AN EMERGENCY.

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 previously amended the Redmond Development Code on August 9, 2009, to allow for an automatic land use approval extension of one year, terminating on July 31, 2011, and again on May 24, 2011, to allow for an automatic land use approval extension of two years, terminating on July 1, 2013; and

WHEREAS, the land use approvals being extended through this Development Code Amendment are limited to those respondents who expressed the continued viability of their project and have specifically requested an additional extension of time, 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 an amended Code section 8.1620 which prevents the expiration of existing City approved land use permits until June 30, 2015. 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.

SECTION FOUR: EMERGENCY. This ordinance is necessary for the immediate preservation of the peace, health and safety of the City in order to prevent the expiration of land use approvals on July 1, 2013 so as to maintain the economic viability of the affected projects, to maintain their potential positive impact on the development in the community, and to prevent undue economic hardship on the permit holder and property owner, and, therefore, this ordinance shall be immediately effective upon the date of passage.

PASSED by the City Council and APPROVED by the Mayor this 11th day of June, 2013.

George Endicott, Mayor

ATTEST:

DeAnne Wakefield, Administrative Assistant

Approved as to form:

__________________________________________
City Attorney

__________________________________________
Date
Redmond Development Code (RDC) Chapter 8, Article II – Land Use Procedures, Section 8.1620.

8.1620 **Additional Approval Time Extension.** Notwithstanding sections 8.1605 and 8.1610, all City approved land use permits as listed in Section 8.1620 (1) below, including permits that have received an extension of time; that were due to expire after July 1, 2011 per Ordinance No. 2009-08 2011-04, are hereby extended to June 30, 2015. Land use permits that are approved and take effect after July 1, 2010, shall comply with section 8.1605 (i.e. a two year approval) unless the applicant applies for and receives an extension of time granted in accordance with section 8.1610. Permits which have been automatically extended by this regulation may not 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

(Findings in Support of City of Redmond Ordinance No. 2013-07)

Findings for a Development Code Amendment to amend Chapter 8, Article II - Land Use Procedures, Section 8.1620, to allow an extension of time for the specific land use development permits as listed in Exhibit A to City of Redmond Ordinance 2013-07.

This amendment would automatically extend the expiration date for the specified land use permits that were effective and set to expire on July 1, 2013, to June 30, 2015. This amendment only affects those permits listed in Exhibit A and 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 3-0 (1 abstention) on May 21, 2013, to recommend that the City Council adopt the Land Use Approval Time Extension regulations as included in Exhibit A.

Prepared by:

James Lewis, Planning Manager
Community Development Department
File No: TA 13-03: 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 an amendment to the City of Redmond Development Code, Chapter 8, Article II – Land Use Procedures, Section 8.1620, to extend the expiration date for specified City approved land use permits that were set to expire on July 1, 2013, to June 30, 2015.

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 and are still valid as of the date of the adopted ordinance, but only for those permits specifically listed in the Code Text. These permit approvals run with the land on which they were approved and are available for development on such properties with the consent of the property owner.

The following narrative provides findings in support of the proposed amendments with respect to the applicable criteria of 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;”

The only applicable State Statute is as follows:

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 35 days before the first evidentiary hearing on adoption . . .”

Finding: The City provided notice to the Director of the Department of Land Conservation and Development on March 18, 2013, which is more than 35 days before the Planning Commission’s May 21, 2013, hearing regarding adoption of the proposed Ordinance.

There are no other statutes that are applicable to the permit approval duration allowed by local jurisdictions.

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 Urban Area Planning Commission serves as the City's citizen advisory committee and is made up of Redmond area residents. Their initial review of this proposal provides a broad based citizen committee review of the proposal. The City conducted public hearings before the Redmond Planning Commission on May 21, 2013, and the Redmond City Council on June 11, 2013. The City provided public notices and agendas for the public hearings where the proposed amendment was discussed. Further, meeting/hearing notices were published in the local newspaper, the Redmond Spokesman. Additionally, individual letters were sent to the affected property owners and original applicants for the subject permits notifying them of the proposal. All documents were available for public review, and copies were available for the public upon request. 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.

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, and the record contains documentation from property owners concerning the proposed amendment. 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 (as listed specifically in the Code text) 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 the specified land use permits to be automatically extended to June 30, 2015, without an application from a property owner or developer. By keeping these land use permits from expiring, an opportunity for development under that permit is available – this provides a continued economic development potential within the community. Some land use permits that have received a previous extension of time are not eligible for further extensions of time based on the fact that the property owners and original applicants have not expressed an interest in extending the approvals based primarily on the lack of viability. Such properties are available for development under existing Development Code regulations.

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 further 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 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.

The Urban Area Planning Commission serves as the City’s citizen advisory committee and is made up of Redmond area residents. Their initial review of this proposal provides a broad based citizen committee review of the proposal. The City conducted public hearings before the Redmond Planning Commission on May 21, 2013, and the Redmond City Council on June 11, 2013. The City provided public notices and agendas for the public hearings where the proposed
amendment was discussed. Further, meeting/hearing notices were published in the local newspaper, the Redmond Spokesman. Additionally, individual letters were sent to the affected property owners and original applicants for the subject permits notifying them of the proposal. All documents were available for public review, and copies were available for the public upon request. 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.

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 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.

The Planning Commission and City Council received testimony from staff, and the record contains documentation from property owners concerning the proposed amendment. 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 (as listed specifically in the Code text) and which might expire without an extension of time.

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.

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.


Finding:
Not Applicable.

Chapter 10 – Redmond Comprehensive Plan: Housing.

Finding:
Not Applicable.


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 Development 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 – specifically those projects which are viable. The goal is to extend all viable land use permits that were set to expire on July 1, 2013, to be extended to June 30, 2015. 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 2015 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:
Based on the above findings, the proposed amendment is necessary due to unforeseen circumstances causing a downturn in the local, state, national and global economy that was not present when such permits were issued.

Summary 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.
Land Use Extension Requests

1. Brad Evert  
Sockeye E LLC  
61165 River Bluff Trail  
Bend, OR  97702  
aspendev@bendcable.com  
541-408-7978  
Woodhill Crossing (PUD08-01)

2. John McClure  
Hillwood Communities  
1100 Glendon Suite 1700  
Los Angeles, CA  90024  
310-689-7310  
John.McClure@hillwood.com  
Summit Crest (SUB05-14)

3. Johnnie Murray  
3651 S.W. 63rd St.  
Redmond, OR  97756  
541-923-0936  
johnniemurray@msn.com  
Multi-family dwelling (SP-06-46, CU-06-16)

4. Rod Sauer  
Sun Ridge Construction, Inc  
P.O. Box 758  
Boring, OR  97009  
rodsauer@comcast.net  
Megan Park 3&4 (SUB05-12) and Vista Meadows 4 (SUB02-07)

5. George Hale  
9700 S.W. Capitol Highway, Suite 100  
Portland, OR  97219  
George@woodhillhomes.net  
High Ridge Subdivision (SUB06-17)

6. Bill Smith  
Canal Blvd. LLC  
15 S.W. Colorado, Avenue, Suite 1  
Bend, OR  97702  
541-382-6691  
bill@wspi.net  
Badger Crossing (PUD06-05)