

**CITY OF REDMOND
ORDINANCE NO. 2024-14**

AN ORDINANCE AMENDING SECTIONS 8.520 AND 8.530 OF THE REDMOND CITY CODE, CHAPTER 8 (REDMOND DEVELOPMENT CODE).

WHEREAS, the City of Redmond Urban Area Planning Commission conducts periodic review of the Redmond Development Code, considers needed updates and recommends changes in accordance with Oregon Revised Statutes Chapter 227 that regulate and control the development of land within the City; and

WHEREAS, the City Council has an adopted set of goals that include: “Enhance the quality of life in the City through the adoption of programs, policies, and standards that manage growth while maintaining Redmond’s small-town feel” and “Promote quality development and great neighborhoods”; and

WHEREAS, the Redmond Urban Area Planning Commission held the first evidentiary public hearing on July 17, 2024, and after reviewing the record and accepting public testimony, has recommended that the City Council adopt the proposed amendments to the Redmond Development Code; and

WHEREAS, the City Council held a public hearing on August 13, 2024 to consider the recommendation of the Redmond Urban Area Planning Commission, review the existing record and gather additional evidence and public testimony; and

WHEREAS, the City Council determines that the findings contained in Exhibit B for the adoption of the amendments to the Redmond Development Code 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 Development Code; and

WHEREAS, the City Council finds that the attached amendments (Exhibit A) are necessary to further these interests and to protect the health, safety and welfare of City residents.

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

SECTION ONE: The City of Redmond hereby amends City Code, Chapter 8 (Redmond Development Code). The amendments and adopted text are attached hereto as “Exhibit A.”

SECTION TWO: In support of the approval, 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 8.760 – Amendments, 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 13th day of August 2024.

/s/ Ed Fitch
Ed Fitch, Mayor

ATTEST:

/s/ Kelly Morse
Kelly Morse, City Recorder

EXHIBIT A

Sec. 8.520. Landscape Plan Standards.

1. *Applicability.* A landscape plan is required for proposal which includes any of the following:
 - A. New housing.
 - B. Development subject to Article IV Site and Design review.
 - C. Planned Unit Development.
 - D. New wireless broadcast communication facilities, as described in Section 8.415.
2. *Contents.* A landscape plan need not be prepared by a certified landscape architect ~~unless deviations from the Landscape Design Standards of Section 8.530 are proposed. In all cases~~ However, a landscape plan must include the following to be considered complete:
 - A. *Existing Landscaping.* The existing landscaping diagram shall depict the location of existing natural features and vegetation on the subject property and adjacent right-of-way areas. Any tree with a diameter of ten inches as measured at three feet above natural grade or greater shall be clearly labeled as a significant tree; smaller trees need not be depicted. Any tree that is shown on the plan shall be identified as coniferous or deciduous and whether the tree(s) is proposed to be retained or removed as part of the development.
 - B. *Proposed Landscaping.* The proposed landscaping diagram shall depict the location of the vegetation, soil preparations, and irrigation for the subject property and adjacent right-of-way areas and shall be shown in relation to proposed in relation to any provided improvements, including building footprints, frontage improvements, and utility infrastructure. Additionally, the landscape plan must identify the total required landscaping area, as required by Section 8.530(2.), in square feet.
 1. *Vegetation.* The species, native or non-native status, and corresponding water use category ~~(very low, low, moderate, high, other)~~ as identified in the Oregon State University Extension Office Water-Wise Gardening in Central Oregon Guide, revised June 2020, shall be depicted. The installation size, if applicable, of all vegetation shall be identified. For any tree proposed to be retained, a Tree Protection Zone (TPZ) complying with the Public Works Standards and Specifications shall also be depicted. All required replacement trees shall be clearly labeled.
 2. *Soil Preparation.* The type of amendments or treatments to the soil shall be depicted.
 3. *Irrigation.* The method of irrigation proposed for use, including all points of connection and the system components (meters, valves, backflow, quick couplers, blow out ports, main and lateral lines, sprinkler layout, etc.) shall be depicted.

(Ord. No. 2023-07, 12-19-2023)

Sec. 8.530. Landscape Design Standards.

1. *Applicability.* Except where conflicting with the City of Remond Public Works Standards and Specifications, these landscaping design standards apply to any proposal which includes any of the following:
 - A. New housing.
 - B. Development subject to Article IV Site and Design review.
 - C. Planned Unit Development.

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- D. New wireless broadcast communication facilities, as described in Section 8.415.
2. *Minimum Landscaping.* In all zones, the entirety of the unsurfaced yard area between the main building and any public or private street frontage shall be landscaped. Industrial and public zoned properties shall also be required to provide a ten ~~inches-foot~~ landscape buffer wherever such property directly abuts a residential zoned property, inclusive of structures. Additionally, any hillsides, berms, or other areas with a slope greater than ten percent that are disturbed during development shall be revegetated to prevent erosion and dust.
3. *Water Features.* Required landscaping areas shall not include water features such as fountains, waterfalls, pools, ponds, or year-round standing water collection sites. Canals, approved water drainage facilities, or naturally occurring water features are exempt.
4. *Irrigation Systems.* Irrigation shall be provided to allow for healthy plant growth. All irrigation shall be subject to the following:
- A. Water used for irrigation shall not be permitted to water or run-off onto hard surfaces, such as paved driveways, sidewalks, streets, and other non-vegetated areas. Except for the irrigation water needed to maintain vegetation within an abutting right-of-way, water shall not be allowed to leave the subject property.
 - B. Trees shall only be irrigated with point-source irrigation such as drip irrigation, bubblers, and tree watering bags.
 - C. Automatic irrigation systems shall not be allowed without soil-moisture or weather-based irrigation controllers with accompanying sensors and other supporting devices installed to enable smart features.
5. *Soil.* Soils shall be amended to allow for healthy plant growth and water absorption. Prior to planting, soils shall be made friable by incorporating an organic soil amendment into, at minimum, the top two inches of soil. Additionally, mulch shall be applied to non-vegetated or uncovered areas at a depth of two inches. Both organic and inorganic mulches are allowed, however inorganic mulches are subject to additional standards described in this Section. An applicant may submit documentation from a certified landscape architect or soils scientist demonstrating that a different soil treatment that does not comply with this standard is necessary.
6. *Landscape Features.* Required landscaping areas shall feature trees, shrubs, and live ground covers in combination, and shall not contain invasive species, exposed dirt, or dead vegetation. Non-structural hardscaping, such as boulders, pavers, walkways, courtyards, artificial turf, inorganic mulches and similar are acceptable as a landscaping feature but must not occupy more than 25 percent of required landscaped areas. Wherever inorganic mulches, including all types of rock groundcovers or mulches, are used, they shall not be used in sections exceeding 20 square feet in size, nor shall any section be closer than ten feet to any other section on the property.
- Excluding permissible irrigated turf areas, required landscaped areas must be landscaped only with species which are identified as low or very low water use in the Oregon State University Extension Office Water-Wise Gardening in Central Oregon Guide, revised June 2020. Plant species that do not require irrigation once established are preferred over species that require continued irrigation. Approved water drainage facilities may feature moderate water-use plant species.
7. *Irrigated Turf.* This standard applies to all irrigated turf except when used in approved active-style park areas or for recreational purposes within designated common areas. For non-residential zoned properties, not more than 20 percent of the required landscaped area may be landscaped with irrigated turf. For residential zoned properties, not more than 25 percent of the required landscaped area may be landscaped with irrigated turf. Additionally, irrigated turf areas are also subject to the following in all zones:
- A. The minimum dimension of any irrigated turf area shall not be less than ten feet.

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- B. Irrigated turf shall not be planted in areas with a slope greater than 10 percent.
 - C. When planting irrigated turf areas, seed mixes used shall not contain more than 25 percent cool season grass species.
8. *Trees.* All trees shall have a 1.5 inch trunk diameter as measured at three feet above natural grade at the time of planting. Existing trees with a ten inch trunk diameter as measured at three feet above natural grade or greater are considered to be significant and shall be preserved to the greatest extent possible. Significant trees that are able to be preserved shall be provided with a Tree Protection Zone (TPZ) in compliance with the Public Works Standards and Specifications to protect the tree during development of the subject property.
- A. Where preservation is not feasible, significant trees shall be replaced at a 'one-to-one' ratio, inclusive of new street trees adjacent to the subject property.
 - B. Street trees shall comply with Section 8.540 Street Tree Standards.
9. *Installation and Maintenance.* All landscaping installation, including street trees, shall be completed prior to issuance of a Certificate of Occupancy. All landscaping shall be continuously maintained and replaced when necessary to ensure continued compliance with an approved landscape plan. Additionally, street trees shall be maintained in accordance with the standards listed in Section 3.600 of the Redmond City Code. For landscaping valued in excess of \$5,000.00, a maintenance bond may be required.
10. *Deviation and Payment In Lieu.* The Community Development Director or designee ~~retains the discretion to~~may:
- A. Approve a deviation from any of the standards of this Section without requiring a variance when the deviation is proposed by ~~a certified landscape architect~~the applicant. Reasoning for the requested deviation must be explained in writing.
 - B. Establish a fee in lieu per tree where the property is not physically feasible to replace tree(s). The fee will be specified in the City Fee Schedule.

(Ord. No. 2023-07, 12-19-2023)

EXHIBIT B – STAFF REPORT & FINDINGS

FINDINGS FOR TEXT AMENDMENTS TO THE REDMOND CITY CODE, CHAPTER 8 (DEVELOPMENT CODE)

HEARING DATE: August 13, 2024, 6:00 PM, Redmond City Hall Council Chambers and via digital conference (GoTo Meeting)

HEARINGS BODY: Redmond City Council

FILE NUMBER: 711-24-000126-TA

FILE NAME: Redmond Development Code Text Amendment

REQUEST: A Legislative Amendment to the Redmond City Code, Chapter 8 (Development Code) to Improve Implementation of Landscaping Standards

APPLICANT: City of Redmond

REVIEWING STAFF: Kyle Roberts, AICP, Planning Director

I. BACKGROUND

Summary:

The Redmond Development Code (RDC) is the primary mechanism to implement the City's Comprehensive Plan, regulate zoning, growth and development, land use activity, and other City policies related to Great Neighborhood Principles. As a living document, periodic amendments to the RDC are needed to adapt to changing conditions, comply with Comprehensive Plan policies, new state legislation, or simply to improve administration of provisions within the code. Code amendments touch on many different aspects of the community, livability and have significant implications regarding providing certainty, flexibility and modernization of regulations all at the same time.

In 2023, the RDC underwent a substantial amendment. A significant portion of the amendments included changes to the landscaping provisions of the RDC. This entailed a reorganization of the standards to improve implementation as well as incorporating language aimed at reducing outdoor water usage. Shortly after the new standards went into effect, issues arose. Generally, applicants expressed frustration with challenges associated with understanding and complying with the new standards. As a result, staff has experienced an increase in time reviewing landscaping plans and working with applicants.

This proposed amendment to the landscaping standards in the Development Code was initiated legislatively by the City. The findings and supporting materials demonstrate the proposed text amendment is consistent with the Statewide Planning Goals, the Comprehensive Plan, and RDC Section 8.760 (Amendments). The four criteria set forth in Section 8.760 are addressed herein, as well as applicable state laws and requirements.

Proposal:

The request is for a legislative amendment to create a temporary "fix" to the landscaping provisions of the Development Code. The amendment will ease implementation of the standards by allowing for some flexibility, which will reduce frustration, review times, and keep projects flowing. Importantly, staff intends to revisit the landscaping standards and propose more holistic refinements as part of a planned code amendment package focused on housing, slated to begin later this year.

The proposed amendment modifies the existing deviation provision of the landscaping code to allow the applicant, rather than only a certified landscape architect, the ability to request a deviation from any of the standards. The applicant must provide justification for the request in writing.

Exhibits:

The proposed amendment to the landscaping provisions of the RDC is contained in Exhibit A and is attached hereto:

Exhibit A – Revisions to RDC Sections 8.520 and 8.530

Noticing:

Noticing for the first evidentiary hearing scheduled for July 17, 2024, was noticed as follows:

- Per ORS 197.610, a notice of proposed change to an implementing regulation and zoning map amendment was submitted to the Department of Land Conservation and Development (DLCD) on June 6, 2024.
- Per Section 8.1110 of the Redmond Development Code, a public hearing notice for the July 17th Planning Commission hearing was published in the *Bend Bulletin* on July 5, 2024.

Noticing for the second evidentiary hearing scheduled for August 13, 2024, was noticed as follows:

- Per Section 8.1110 of the Redmond Development Code, a public hearing notice for the August 13th City Council hearing was published in the *Bend Bulletin* on August 2, 2024.

Applicable Criteria:

The following are the applicable sections from the Oregon Revised Statutes, Oregon Administrative Rules, and the Redmond Development Code:

- Oregon Revised Statutes (ORS) – Chapter 197
- Oregon Administrative Rules (OAR), Chapter 660:
 - Division 15, Statewide Planning Goals and Guidelines
- City of Redmond Development Code:
 - Article I – Zoning Standards
 - Section 8.760: Criteria for Amendments

II. FINDINGS & CONCLUSIONS

Findings:

Redmond Development Code, Article I – Zoning Standards: Amendments: Sections 8.750 through 8.770 set forth the procedure and standards for an amendment to the text of the Redmond Development Code. Specifically, Section 8.760 sets forth the four review criteria that must be met when evaluating amendment requests. Findings for each criterion are presented below.

8.760 Criteria for Amendments. The burden of proof is upon the applicant. The applicant shall show the proposed change is:

1. In conformity with all applicable State statutes;

FINDING: The following State statutes apply directly to this application:

ORS 197.610, *Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development*

ORS 197.797, *Local quasi-judicial land use hearings; notice requirements; hearing procedures*

ORS 197.610 requires local jurisdictions to submit proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development (DLCD). Notice of the proposed implementing amendments to the Redmond Development Code (RDC) has been provided to DLCD more than 35 days in advance of the first evidentiary hearing concerning the amendments.

ORS 197.797 sets forth noticing requirements. The applicable RDC standards that address amendment and legislative procedures and noticing requirements (i.e., Sections 8.750-8.770 and 8.1100-8.1125) were developed in compliance with the applicable State statute regarding noticing and public hearings. The relevant findings, incorporated by reference herein, show compliance with the aforementioned statutes.

Notice of the proposed text amendment has been advertised in the local newspaper (public notice) as required by the RDC and State statute. Regarding statutory public hearing requirements, this proposal is legislative and not quasi-judicial. Sections 8.1100 through 8.1125 of the RDC implement the quasi-judicial statutory requirements in similar fashion and have been met. The Redmond Urban Area Planning Commission and City Council's public hearing and review processes meet the statutory requirements for the purpose of the review.

Based on the above discussion and finding, staff concludes that the proposed amendment complies with criterion #1.

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

FINDING: The following State-wide planning goals have been determined to apply directly to this application:

Goal 1 – Citizen Involvement - calls for the opportunity for citizens to be involved in all phases of the planning process. The Redmond Urban Area Planning Commission serves as the City's formal citizen advisory commission to fulfill Goal 1 and is made up of Redmond area residents.

The agenda for the Planning Commission public hearing, where and when the proposed amendments are discussed, were provided in accordance with law. All documents were available for public review. Public notice advertising the July 17th public hearing was published in the *Bend Bulletin*.

Goal 2 – Land Use Planning – requires establishing 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.

The proposed amendment will ease implementation of the challenging landscaping standards by allowing for some flexibility, which will reduce review times and keep projects flowing.

Goal 3 – Agricultural Lands – is not applicable because there are no agricultural lands in the city limits.

Goal 4 – Forest Lands – is not applicable because there are no forest lands in the city limits.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces – is not applicable because the proposed amendments do not affect any regulation that implements Goal 5 and the City's acknowledged regulations implementing Goal 5 remain in effect with no change in applicability.

Goal 6 – Air, Water, and Land Resources Quality – is not applicable because the City’s acknowledged regulations implementing Goal 6 remain in effect with no change in applicability.

Goal 7 – Areas Subject to Natural Hazards – is not applicable because the City’s acknowledged regulations implementing Goal 7 remain in effect with no change in applicability.

Goal 8 – Recreational Needs – requires the City to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts. This goal is not applicable as the amendments have no effect on the availability of or access to recreational opportunities.

Goal 9 – Economic Development – requires the City to plan and zone enough land to meet the community’s projected commercial and industrial needs. The City adopted an Economic Opportunities Analysis (EOA) in 2020. This document serves as the City’s compliance document under Goal 9, OAR 660-009-0015, and ORS 197.712. Strategies identified in the EOA carried over as economic development goals and policies outlined in Chapter 9 of the City’s Comprehensive Plan. The proposed code amendment do not have a direct impact on the EOA or the economic development goals and policies of the City’s Comprehensive Plan.

Goal 10 – Housing – provides for the housing needs of citizens of the state. The City adopted a Housing Needs Analysis (HNA) in 2019. This document serves as the City’s compliance document under Goal 10, OAR Chapter 660, Division 008, and ORS 197.296(3). This report concludes that Redmond should plan to accommodate development of 6,963 new dwelling units over the next 20 years in order to house the projected population growth. As there is a great need for housing in Redmond, this code amendment will help reduce review times associated with reviewing residential landscaping plans for compliance.

Goal 11 – Public Facilities and Services – requires the City to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. As growth occurs, frequent updates are made to public facility master plans, pertinent reports, and documents. As such, in 2022, the City adopted an updated Water Master Plan, which included a water management and conservation plan as an element of the master plan. This proposed code amendment maintains the landscaping standards adopted last year that were intended, in part, to reduce outdoor water usage.

Goal 12 – Transportation – requires the City to provide and encourage a safe and convenient and economic transportation system. Per OAR 660-012-0060, the proposed amendments will have no impact on an existing or planned transportation facility.

Goal 13 – Energy Conservation – is not applicable because the City’s acknowledged regulations implementing Goal 13 remain in effect with no change in applicability.

Goal 14 – Urbanization – requires the City to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The proposed amendments do not encourage uncoordinated development, sprawl, or lower targeted densities. The management of the City’s land use inventories is unaffected by this amendment.

Goal 15 – Willamette River Greenway – is not applicable to the city of Redmond.

Goal 16 – Estuarine Resources – is not applicable to the city of Redmond.

Goal 17 – Coastal Shorelands – is not applicable to the city of Redmond.

Goal 18 – Beaches and Dunes – is not applicable to the city of Redmond.

Goal 19 – Ocean Resources – is not applicable to the city of Redmond.

Based on the above discussion and finding, the proposed amendment is consistent with the statewide planning goals and therefore complies with criterion #2.

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

FINDING: The Redmond Comprehensive Plan is the official land use policy statement of the Redmond City Council. The City frequently reviews and updates the RDC to try and ensure it is aligned with the Comprehensive Plan. Given the relatively small scale proposed RDC text amendment, only a couple Comprehensive Plan policies have direct relevance.

Chapter 1 of the Comprehensive Plan identifies goals and policies that pertain to citizen involvement and engagement. Goal 1 of the chapter states: “Ensure that Redmond’s Comprehensive Plan, implementation tools, and administration procedures build on the community’s vision for the future and align with regional, state, and federal plans and regulations.” The RDC serves as the major implementation mechanism of the Comprehensive Plan. Amendments to the RDC create greater alignment with the Comprehensive Plan that contribute to advancing the community’s vision for the future.

Chapter 5 of the Comprehensive Plan identifies goals and policies that address the protection of open spaces, scenic and historic areas, and natural resources in Redmond. Policy 5-2-1 identifies the need to “[S]upport water conservation efforts within the Deschutes Basin to meet the water needs for rivers and communities today and into the future.” The proposed text amendment is needed to help facilitate implementation of the current landscaping standards that focus on reducing outdoor water usage.

Staff concludes that the proposed amendment is consistent with the applicable Redmond Comprehensive Plan goals and policies.

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

FINDING: This text amendment is necessary to provide for some flexibility with the implementation of recently adopted landscaping standards that have proven difficult to implement and have resulted in increased review times. Staff concludes that the need to address this change in circumstance via the proposed text amendment complies with criterion #4.

III. RECOMMENDATION

As required through the legislative amendment process, the Urban Area Planning Commission held the first evidentiary public hearing on July 17th. After review, public testimony, and deliberation, the Commission voted 6-0 to recommend City Council adopt the proposed amendment as presented by staff.