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**ORIGINAL**

**ORDINANCE NO. 1883**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING NEW ADMINISTRATIVE PROCEDURES FOR THE PROCESSING OF PROJECT PERMIT APPLICATIONS, AS REQUIRED BY THE REGULATORY REFORM ACT, CHAPTER 36.70B RCW, DESCRIBING GENERAL REQUIREMENTS FOR A COMPLETE APPLICATION; ALLOWING FOR OPTIONAL CONSOLIDATED PERMIT PROCESSING, DESCRIBING THE PROCESS FOR ISSUANCE OF A DETERMINATION OF COMPLETENESS, NOTICE OF APPLICATION, SETTING FORTH THE INITIAL STEPS IN THE DETERMINATION OF CONSISTENCY WITH THE DEVELOPMENT REGULATIONS AND SEPA, SETTING A TIME FRAME FOR THE ISSUANCE OF PROJECT PERMITS; DESCRIBING THE REQUIRED PUBLIC NOTICE PROCEDURES FOR A PUBLIC HEARING; ESTABLISHING A PROCESS FOR THE CONDUCT OF OPEN RECORD HEARINGS AND CLOSED RECORD DECISIONS AND APPEALS, DESCRIBING THE PROCESS FOR ISSUANCE OF A NOTICE OF DECISION; ADDING A NEW TITLE 20G AND NEW SECTIONS 20A.60.203 AND 20A.60.435 TO THE REDMOND COMMUNITY DEVELOPMENT GUIDE.

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WHEREAS, the Regulatory Reform Act (chapter 36.70B RCW) requires that the City establish a permit review process which, among other things: (1) provides for the integrated and consolidated review and decision on two or more project permits relating to a proposed action; (2) combines the environmental review process, both procedural and substantive, with the procedure for the review of project permits; (3) provides for no more than one open record hearing and one closed record appeal on such permits, except for the appeal of a determination of significance; and (4) provides for the issuance of the City's final decision

within 120 processing days after submission of a complete application; and

WHEREAS, the Act also requires that the City adopt such permit review process by March 31, 1996, but provides that the time frames for permit processing shall apply only to project permit applications filed on or after April 1, 1996; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new Title 20G is hereby added to the Redmond Community Development Guide, to read as follows:

**TITLE 20G  
ADMINISTRATION OF DEVELOPMENT REGULATIONS**

**CHAPTER 20G.01  
TYPES OF PROJECT PERMIT APPLICATIONS**

20G.01.001	Procedures for Processing Development Permits
20G.01.002	Determination of Proper Type of Procedure
20G.01.003	Project Permit Process--Final Decisions
20G.01.004	Joint Public Hearings
20G.01.005	Legislative Decisions
20G.01.006	Legislative Enactments Not Restricted
20G.01.007	Exclusions from Project Permit Process

20G.01.001 Procedures for Processing Project Permits. For the purpose of project permit processing, all project permit applications shall be classified as one of the following: Type I, Type II, Type III, Type IV or Type IVA, in accordance with Section 20G.01.003. Decisions on applications requiring project permit processing shall be made in accordance with Sections 20G.01.003 and 20G.01.003(A). Legislative decisions are Type V actions, and are addressed in 20G.01.005. Exclusions from the requirements of project permit application processing are contained in Section 20G.01.007. [RCW 36.70B.120.]

20G.01.002 Determination of Proper Procedure Type.

A. **Determination by Approval Authority.** The proper procedure for review and approval of all development applications shall be made according to Section 20.01.003(A), and the decision chart in Section 20G.01.003(B). If there is a question as to the

20G-01.003 Project Permit Process

Final Decisions

Process Type	I	II	III	IV	IVA
Approval Authority	Technical Committee	Technical Committee	Hearing Examiner	City Council	City Council
Project Permits	Type IA Permits w/SEPA	General Development Permit	Preliminary Plat	Special Development Permit	Temporary Use Permit (long term)
	Site Plan Review	Binding Site Plan	Variance	Site Specific Rezone	Plat Vacation
	Short Plat	Accessory Dwelling Permit			Plat Alteration
	Lot Line Revision				Final Plat

20G-01.003(B) Application Procedures

Exempt Permits/Legislative Actions

	APPLICATIONS		
	Type IA	Annexations Right of Way Vacations	Legislative
Recommendation made by:	N/A	Technical Committee City Council	Planning Commission, Technical Committee City Council
Final decision made by:	Appropriate Department	City Council	City Council
Notice of Application:	No	No	No
Open record public hearing:	No	Yes, by City Council	Yes, by Planning Commission
Closed record public meeting:	No	N/A	Yes, by City Council after Planning Commission holds open record hearing (Council may choose to hold open record public hearing)
Open record appeal:	Yes, by City Council, unless Council refers matter to Hearing Examiner	N/A	N/A
Closed record appeal:	No, unless City Council refers open record hearing to Hearing Examiner	N/A	N/A
Judicial appeal:	Yes, only after City Council rules on appeal	Yes, after City Council rules on action	Yes, after City Council rules on legislation

20G.01.003(A) Project Permit Application Procedures

APPLICATION TYPE					
	Type I	Type II	Type III	Type IV	Type IVA
Recommendation made by:	Appropriate Department	Appropriate Department	Technical Committee, Design Review Board	Hearing Examiner, Technical Committee, Design Review Board	Technical Committee
Final decision made by:	Technical Committee, Design Review Board	Technical Committee, Design Review Board	Hearing Examiner	City Council	City Council
Notice of Application:	Yes	Yes	Yes	Yes	Yes
Open record public hearing:	No	No	Yes, by Hearing Examiner	Yes, by Hearing Examiner	Yes, by City Council
Closed record public meeting:	No	No	No	Yes, by City Council after Hearing Examiner holds open record hearing	N/A
Open record appeal:	Yes, by City Council, unless Council refers matter to Hearing Examiner	Yes, by City Council, unless Council refers matter to Hearing Examiner	Yes, by City Council	N/A	N/A
Closed record appeal:	No, unless City Council refers open record hearing to Hearing Examiner	No, unless City Council refers open record hearing to Hearing Examiner	No	N/A	N/A
Judicial appeal:	Yes, only after City Council rules on appeal	Yes, only after City Council rules on appeal	Yes, only after City Council rules on appeal	Yes, after City Council rules on permit	Yes, after City Council rules on permit

appropriate type of procedure, the Technical Committee shall resolve it.

**B. Optional Consolidated Permit Processing.** An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by the code. The applicant may determine whether the application shall be processed collectively or individually. If the application is processed under the individual procedure option, the highest numbered type procedure must be processed prior to or concurrent with the subsequent lower numbered procedure. [36.70B.060(3), RCW 36.70B.120.]

**C. Decision-maker(s).** Applications processed in accordance with subsection (B) of this section which have the same highest numbered procedure but are assigned different hearing bodies shall be heard collectively by the highest decision-maker(s). The City Council is the highest, followed by the Hearing Examiner and then the Technical Committee. Joint public hearings with other agencies shall be processed according to Section 20G.01.004. [36.70B.060(3), RCW 36.70B.120.]

**D. One Open Record Hearing, One Closed Record Appeal.** Except for the appeal of a Determination of Significance as provided in RCW 43.21C.075, if the City allows an administrative appeal of its threshold determinations or project permit decisions, the City shall provide for no more than one consolidated open record hearing on such appeal. If an appeal is provided after the open record hearing, it shall be a closed record appeal before a single Hearing Body or officer. [RCW 36.70B.060(6).]

20G.01.004 Joint Public Hearings.

**A. Approval Authority's Decision to Combine Joint Hearing.** The Approval Authority may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action, as long as: (1) the hearing is held within the city limits; and (2) the requirements of subsection C below are met. [36.70B.110(7).]

**B. Applicant's Request for a Joint Hearings.** The applicant may request that the public hearing on a permit application be combined as long as the joint hearing can be held within the time periods set forth in this Title. In the alternative, the applicant may agree to a particular schedule if that additional time is needed in order to complete the hearings. [36.70B.110(7).]

C. **Prerequisites to Joint Public Hearing.** A joint public hearing may be held with another local, state, regional, federal or other agency and the City, as long as:

1. the other agency is not expressly prohibited by statute from doing so; [36.70B.110(8).]

2. sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule;

3. the agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the local government hearing; and

4. The hearing is held within the geographic boundary of the local government.

20G.01.005 Legislative Decisions.

A. **Decisions.** The following decisions are legislative, and are not subject to the procedures in this title, unless otherwise specified:

1. Adoption of development regulations and amendments;

2. Adoption of the Comprehensive Plan and Comprehensive Plan text and map amendments; and

3. Annexations.

B. **Planning Commission.** The Planning Commission shall hold a public hearing and make recommendations to the City Council on the decisions listed in (A) above. The public hearing shall be held in accordance with the requirements of Chapter 20G.05.

C. **City Council.** The City Council may consider the Planning Commission's recommendation in a public hearing or public meeting, as applicable.

D. **Public Notice.** Notice of the public hearing or public meeting shall be provided to the public as set forth in Chapter 20G.03.002.

E. **Implementation.** The City Council's decision shall become effective by passage of an ordinance.

20G.01.006 Legislative Enactments Not Restricted. Nothing in this chapter or the permit processing procedures shall limit the authority of the City Council to make changes to the City's

Comprehensive Plan, as part of an annual revision process, or to make changes to the City's development regulations. [RCW 36.70B.020(4).]

20G.01.007 Exemptions from Project Permit Application Processing.

A. Whenever a permit or approval has been designated as a Type I, II, III, IV or IVA permit, the procedures in this title shall be followed in project permit processing. The following permits or approvals are "Type IA" permits, and are specifically excluded from project permit processing in this Title, as long as such permits are not subject to SEPA:

1. building permits;
2. right-of-way vacations;
3. street use permits;
4. cemetery permit;
5. electrical permit;
6. fire protection permit;
7. flood zone permit;
8. hazardous materials permit;
9. hydrant permit;
10. code interpretations;
11. mechanical permit;
12. plumbing permit;
13. sewer permit;
14. sign permit;
15. special event permit;
16. tree cutting permit;
17. UFC permit;
18. boundary line adjustments;
19. landmark designations;



20. water permit;
21. home moving permit;
22. satellite receiving station; and
23. short term temporary use permit.

B. Pursuant to RCW 36.70B.140(2), the permits listed in 20G.01.007(A) above not subject to SEPA, other construction permits, or similar administrative approvals which are categorically exempt from environmental review under SEPA (chapter 43.21C RCW) and Title 20G of the Community Development Guide, or permits/approvals for which environmental review has been completed in connection with other project permits, are excluded from the following procedures:

1. determination of completeness (20G.02.003(A), (B) and (C));
2. notice of application (20G.03.001);
3. except as provided in RCW 36.70B.140, optional consolidated project permit review processing (20G.01.002)(B);
4. joint public hearings (20G.01.004);
5. single report stating all the decisions and recommendations made as of the date of the report that do not require an open record hearing (20G.05.002(C);
6. notice of decision (20G.05.008);
7. completion of project review within any applicable time periods (including the 120 day permit processing time) (20G.05.008, 20G.05.009).

[36.70B.140.]

**CHAPTER 20G.02  
TYPE I-IV PROJECT PERMIT APPLICATIONS**

20G.02.001	Optional Pre-Application Conference
20G.02.002	Development Permit Application
20G.02.003	Submission and Acceptance of Application
20G.02.004	Referral and Review of Development Permit Applications

20G.02.001 Pre-Application Conference.

A. Pre-application conferences, are encouraged but not mandatory. The purpose of the pre-application conference is to acquaint the applicant with the code requirements and review procedures.

B. Depending upon staff availability, pre-application conferences may be held within fifteen (15) days of the request.

C. It is impossible for the conference to be an exhaustive review of all potential issues. The discussions at the conference shall not bind or prohibit the City's future application or enforcement of all applicable law.

20G.02.002 Project Permit Application. Applications for project permits shall be submitted upon forms provided by the Appropriate Department. An application shall consist of the following general information:

A. A completed project permit application form;

B. A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all owners of the affected property;

C. A property and/or legal description of the site for all applications, as required by the applicable development regulations;

D. The applicable fee;

E. All materials required by the applicable development regulations and/or the appendix for the project permit.

20G.02.003 Submission and Acceptance of Application.

A. **Determination of Completeness.** Within twenty-eight (28) days after receiving a project permit application, the City shall mail or personally provide a written determination to the applicant which states either: (1) that the application is complete; or (2) that the application is incomplete and what is necessary to make the application complete. [RCW 36.70B.070.]

B. **Identification of Other Agencies with Jurisdiction.** To the extent known by the City, other agencies with jurisdiction over the project permit application shall be identified in the City's determination required by 20G.02.003(A) above. [RCW 36.70B.070.]

C. **"Complete" Application/Additional Information.** A project permit application is complete for purposes of this Section when it meets the submission requirements in Section 20G.02.002 above, as well as the submission requirements contained in the applicable development regulations or appendix. This determination of completeness shall be made by the Technical Committee when the application is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The Technical Committee's determination of completeness shall not preclude the City from requesting additional information or studies either at the time of the notice of completeness or at some later time, if new information is required or where there are substantial changes in the proposed action. [RCW 36.70B.090(1).]

D. **Incomplete application procedure.**

1. If the applicant receives a determination from the City that an application is not complete, the applicant shall have 90 days to submit the necessary information to the City. Within fourteen (14) days after an applicant has submitted the requested additional information, the City shall make the determination as described in 20G.02.003(A) above, and notify the applicant in the same manner.

2. If the applicant either refuses in writing to submit additional information or does not submit the required information within the ninety (90) day period, the application shall expire.

E. **City's Failure to Provide Determination of Completeness.** A project permit application shall be deemed complete under this section if the City does not provide a written determination to the applicant that the application is incomplete as required by 20G.02.003(A) above. [36.70B.070(4)(a).]

F. **Date of Acceptance of Application.** When the project permit application is complete, the Appropriate Department or Technical Committee shall accept it and note the date of acceptance.

20G.02.004 Referral and Review of Project Permit Applications. Within ten (10) days of accepting a complete application, the Appropriate Department or Technical Committee shall transmit a copy of the application, or appropriate parts of the application, to each affected agency for review and comment, including those responsible for determining compliance with state and federal requirements. The affected agencies shall have fifteen calendar (15) days to comment. The referral agency is presumed to have no comments if comments are not received within the specified time period. The Approval Authority shall grant an extension of time for comment only if the application involves unusual

circumstances. Any extension shall only be for a maximum of three (3) additional days. [36.70B.070.]

**CHAPTER 20G.03  
NOTICE OF APPLICATION AND PUBLIC NOTICE**

20G.03.001	Notice of Application
20G.03.002	Optional Public Notice
20G.03.003	Notice of Public Hearing

20G.03.001 Notice of Application. [Refer to the Notice Requirements in the Chart at 20G.03.001(A).]

**A. Generally.** A Notice of Application shall be issued on all Type I, II, III IV and IV project permit applications. The City shall provide a Notice of Application to the public, City departments and agencies with jurisdiction as described in this chapter, and as shown in the chart "Notice Requirements." [RCW 36.70B.110.]

**B. SEPA Exempt projects.** A Notice of Application shall not be required for project permits that are categorically exempt under SEPA, unless a public comment period or an open record predecision hearing is required. [36.70B.140(2).]

**C. Contents.** The Notice of Application shall include:

1. the date of application, the date of the notice of completion for the application and the date of the Notice of Application;

2. a description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070;

3. the identification of other permits not included in the application, to the extent known by the City;

4. the identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed. If the City has made a Determination of Significance under chapter 43.21C RCW concurrently with the Notice of Application, the Notice of Application shall be combined with the Determination of Significance and scoping notice;

5. a statement of the limits of the public comment period, which shall be not less than fourteen (14) nor more than thirty (30) days following the date of Notice of Application, and statements of the right of any person to comment on the

**NOTICE REQUIREMENTS 20G.03.001(A)**

Type of Application	NUMBER OF DAYS PRIOR TO HEARING OR ACTION			NOTICE OF APPLICATION AND NOTICE OF DECISION	NOTICE OF PUBLIC HEARING AND NOTICE OF APPEAL			POSTING OF NOTICES		
	21 days	20 days	14 days	FIRST CLASS MAILING				Post Office, City Hall, Library, 3 sites on or near property	Post Office, City Hall, Library, 1 site on or near property	EXTRAORDINARY NOTICE REQUIRED (REFER TO APPENDIX O)
				Subject and adjoining property owners	Subject and adjacent property owners within 300 feet	Subject and adjacent property owners within 300 feet	Newspaper Publication* (Once)			

**PROJECT PERMIT APPLICATIONS**

Class I Review			X	X					X	
Class II Review			X		X			X		
Class III Review			X		X	X	X	X		X
Class IV Review			X		X	X	X	X		X
Shoreline <sup>(1)</sup> Permit	X				X				X	
Shoreline Variance/cup			X		X	X	X		X	
Variance			X	X		X	X		X	
Right-of-Way Vacation		X			X	X	X	X		
Appeals			X	X		X	X	X		
Administrative Modification			X	X					X	

**LEGISLATIVE ACTIONS (TYPE V)**

Current Use Tax			X		X		X	X		
Direct Petition Annexation			X		X	X	X	X		X
Zoning Map Amendments			X		X	X	X	X		X
Development Guide Amendment-Land Use Map			X		X	X	X	X		X
Shoreline Management Program Amendment		X			X	X	X	X		

**EXEMPT PERMITS**

Class 1A Permits										
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LEGEND: X - Notice required;

<sup>(1)</sup> In addition to underlying review requirements (Ord. 1379; Ord. 1734) - See 20F.20.190(35)

\* Notification for a public hearing shall also include publication of the notice in a newspaper of general circulation.

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application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;

6. the date, time, place and type of hearing, if applicable and scheduled at the date of Notice of the Application;

7. a statement of the preliminary determination of consistency, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation and of consistency as provided in Chapter 20G.04;

8. Any other information determined appropriate by the City. [36.70B.110.]

**D. Time Frame for Issuance of Notice of Application.**

1. Within fourteen (14) days after the City has made a determination of completeness of a project permit application, the City shall issue a Notice of Application.

2. If any open record predecision hearing is required for the requested project permit(s), the Notice of Application shall be provided at least fifteen (15) days prior to the open record hearing. [36.70B.110.]

**E. Comment on the Notice of Application.** All comments received on the Notice of Application must be received in the Redmond Permit Center by 5:00 p.m. on the last day of the comment period. Comments may be mailed, personally delivered or sent by facsimile. Comments should be as specific as possible.

**F. Threshold determination.** Except for a Determination of Significance, the City may not issue its threshold determination or issue a decision or recommendation on a project permit until the expiration of the public comment period on the Notice of Application. [36.70B.110.]

**G. Notice of Public Hearing.** In the event that the date of a public hearing on a project permit application is not known at the time the Notice of Application is issued, or if the date and/or time of the public hearing as noted on the Notice of Application is changed, the City shall issue a subsequent Notice of the Public Hearing when the date of the public hearing is known. Such Notice of the Public Hearing shall be issued in accordance with Section 20G.03.002. Notice of Public Hearing shall contain the information noted in Section 20G.03.001(C) above, and Section 20G.03.002.

**H. Methods of Providing Notice of Application.** The City may use different types of notice of the application for different categories of project permits or types of project actions. However, the City shall post and publish the Notice of Application

to the public and agencies with jurisdiction in accordance with the Chart entitled "Notice Requirements," Section 20G.03.001. [RCW 36.70B.110(4).]

**2. Shoreline Master Program Permits.**

a. **Methods of Providing SMP Notice.** Notice of the Application of a permit under the purview of the City's Shoreline Master Program (SMP) shall be done in accordance with the Chart entitled "Notice Requirements" at Section 20G.03.001(A). [RCW 90.58.140.]

b. **Content of SMP Notice.** The notices shall include:

i. a statement that any person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision concerning an application as expeditiously as possible after issuance of the decision, may submit the comments or requests for decisions to the City within 30 days of the last date the notice is to be published pursuant to this subsection. The City shall forward, in a timely manner following issuance of the decision, a copy of the decision to each person who submits a request for the decision.

ii. If a public hearing is required, notice of the hearing shall include a statement that any person may submit oral or written comments on an application at the hearing. [RCW 90.58.140.]

**3. Preliminary Plats.**

a. Notice of the filing of a preliminary plat adjacent to or within one mile of the municipal boundaries of a city or town, or which contemplates the use of any city or town utilities shall be given to the appropriate city or town authorities.

b. Notice of the filing of a preliminary plat of a proposed subdivision located in a city or town and adjoining the municipal boundaries thereof shall be given to the appropriate county officials.

c. Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport shall be given to the secretary of transportation, who must respond within 15 days of such notice. [RCW 58.17.080.]

20G.03.002 Notice of Public Hearing. Notice of Public Hearing shall be provided as follows:

**A. Content of Notice of Public Hearing for all Types of Applications.** The notice given of a public hearing required in this section shall contain:

1. the name and address of the applicant or the applicant's representative;
2. description of the affected property, which may be in the form of either a vicinity location or written description, other than a legal description;
3. the date, time and place of the hearing;
4. a description of the subject property reasonably sufficient to inform the public of its location, including but not limited to the use of a map or postal address and a subdivision lot and block designation.
5. the nature of the proposed use or development;
6. a statement that all interested persons may appear and provide testimony;
7. when information may be examined, and when and how written comments addressing findings required for a decision by the hearing body may be admitted;
8. the name of the City representative to contact and the telephone number where additional information may be obtained;
9. that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection or copying, at the cost of the requestor; and
10. that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and copies will be provided at the requestor' cost.

**B. Mailed Notice.** In addition to the requirements of Section 20G.03.001, mailed notice of the public hearing shall be provided to the public for Type III, IV and IVA project permit applications as follows:

1. **Addressees.** The notice of public hearing shall be mailed to the persons described in the Notice Requirements Chart at 20G.03.001(A), and any person who submits written or oral comments on an application.



**2. General Procedure for Mailed Notice of Public Hearing.**

a. The records of the King County Department of Records and Elections shall be used for determining the property owner of record. Addresses for a mailed notice required by this code shall be obtained from the King County real property tax records. The Approval Authority shall issue a sworn certificate of mailing to all persons entitled to notice under this chapter. The Approval Authority may provide notice to other persons that those required to receive notice under the code.

b. All public notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.

**D. Procedure for Posted or Published Notice of Public Hearing.**

1. Posted notice of the public hearing is required for all Type III, IV and IVA project permit applications. The posted notice shall be posted as required by the Chart at Section 20G.03.001(A), "Notice Requirements."

2. Published notice of the public hearing is required for all Type II, III, IV, IVA and V procedures. The published notice shall be published in the City's official newspaper.

**CHAPTER 20G.04  
CONSISTENCY WITH DEVELOPMENT REGULATIONS  
AND SEPA**

- 20G.04.001 Determination of Consistency
- 20G.04.002 Initial SEPA Analysis
- 20G.04.003 Categorically Exempt and Planned Actions

20G.04.001 Determination of Consistency.

**A. Purpose.** When the City receives a project permit application, consistency between the proposed project and the applicable regulations and comprehensive plan should be determined through the process in this chapter and the City's adopted SEPA Ordinance No. 728, as amended.

**B. Consistency.** A proposed project's consistency with the City's development regulations adopted under chapter 36.70A RCW, or, in the absence of applicable development regulations, the appropriate comprehensive plan or subarea plan adopted under chapter 36.70A RCW shall be determined by consideration of:

- 1. the type of land use;

2. the level of development, such as units per acre or other measures of density;

3. infrastructure, including public facilities and services needed to serve the development; and

4. the character of the development, such as development standards.

[RCW 36.70B.040.]

20G.04.002 Initial SEPA Analysis.

**A. Consistency with SEPA.** The City shall also review the project permit application under the requirements of the State Environmental Policy Act ("SEPA"), Chapter 43.21C RCW, the SEPA Rules, Chapter 197-11 WAC, and the City SEPA Ordinance No. 728, as amended, and shall:

1. determine whether the applicable regulations require studies that adequately analyze all of the project permit application's specific probable adverse environmental impacts;

2. determine if the applicable regulations require measures that adequately address such environmental impacts;

3. determine whether additional studies are required and/or whether the project permit application should be conditioned with additional mitigation measures;

4. provide prompt and coordinated review by government agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level.

**B. Adequate Analysis of Environmental Impacts in Existing Regulations.** In its review of a project permit application, the City may determine that the requirements for environmental analysis, protection and mitigation measures in the applicable development regulations, comprehensive plan and/or in other applicable local, state or federal laws provide adequate analysis of and mitigation for the specific adverse environmental impacts of the application.

1. The City may make the determination provided for in this subsection (B) if:

a. in the course of project review, including any required environmental analysis, the City considers the specific probable adverse environmental impacts of the proposed action and

determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, or other local state, or federal rules or laws; and

b. the City bases or conditions its approval on compliance with these requirements or mitigation measures.

2. If the City's comprehensive plans, subarea plans and development regulations adequately address a project's probable specific adverse environmental impacts, as determined under this subsection (B), the City shall not impose additional mitigation under SEPA during project review. Project review shall be integrated with environmental analysis under this chapter.

3. A comprehensive plan, subarea plan or development regulation shall be considered to adequately address an impact if the City, through the planning and environmental review process under chapter 36.70A RCW and chapter 43.21C RCW, has identified the specific adverse environmental impacts and:

a. the impacts have been avoided or otherwise mitigated; or

b. the City Council has designated acceptable certain levels of service, land use designations, development standards or other land use planning required or allowed by chapter 36.70A RCW.

**C. No Additional Mitigation to be Imposed.** If the City bases or conditions its approval of the project permit application on compliance with the requirements or mitigation measures described in subsection A of this section, the City shall not impose additional mitigation under SEPA during project review.

**D. Consultations with Other Agencies.** In its decision whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction with environmental expertise with regard to a specific environmental impact, the City shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the City shall base or condition its project approval on compliance with these other existing rules or laws.

**E. No Limitation on City's SEPA Authority.** Nothing in this section limits the authority of the City in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by chapter 43.21C RCW.

F. **Further Review to Proceed Under SEPA Ordinance.** The City shall also review the application under the City Environmental Policy Ordinance. [RCW 43.21C.240]

20G.04.003 Categorically Exempt and Planned Actions.

A. **Categorically Exempt.** Actions categorically exempt under chapter 43.21C.110(1)(a) RCW do not require environmental review or the preparation of an environmental impact statement. An action that is categorically exempt under the rules adopted by the Department of Ecology (chapter 197-11 WAC) may not be conditioned or denied under SEPA. [RCW 43.21C.031.]

B. **Planned Actions.**

1. A Planned Action does not require a threshold determination or the preparation of an environmental impact statement under SEPA, but is subject to environmental review and mitigation under SEPA.

2. A "Planned Action" means one or more types of project action that:

a. are designated planned actions by an ordinance or resolution adopted by the City;

b. have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with:

(1) a comprehensive plan or subarea plan adopted under chapter 36.70A RCW, or

(2) a fully contained community, a master planned resort, a master planned development or a phased project;

c. are subsequent or implementing projects for the proposals listed in 2(b.) of this subsection;

d. are located within an urban growth area, as defined in RCW 36.70A.030;

e. are not essential public facilities, as defined in RCW 36.70A.200; and

f. are consistent with the City's comprehensive plan adopted under chapter 36.70A RCW. [RCW 43.21C.031.]

C. **Limitations on Planned Actions.** The City shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional

boundaries of the City, and may limit a planned action to a time period identified in the environmental impact statement or in the ordinance or resolution designating the planned action under RCW 36,70A.040. [RCW 43.21C.031.]

D. **Limitations on SEPA Review.** During project review, the City shall not reexamine alternatives to or hear appeals on the items identified in 20G.04.001(B), except for issues of code interpretation. Project review shall be used to identify specific project design and conditions relating to the character of development, such as the details of site plans, curb cuts, drainage swales, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts. [36.70B.030(3).]

**CHAPTER 20G.05  
OPEN RECORD PUBLIC HEARINGS**

20G.05.001	General
20G.05.002	Responsibility of Approval Authority for Hearing
20G.05.003	Conflict of Interest
20G.05.004	Ex Parte Communications
20G.05.005	Disqualification
20G.05.006	Burden of Proof
20G.05.007	Order of Proceedings
20G.05.008	Findings and Notice of Decision
20G.05.009	Record of Proceedings

20G.05.001 General. Public hearings on all Type III, IV and IVA project permit applications, shall be conducted in accordance with this chapter. [RCW 36.70B.020(3).]

20G.05.002 Responsibility of Approval Authority for Hearing. The Approval Authority shall:

- A. Schedule an application for review and public hearing.
- B. Give notice.
- C. Prepare the staff report on the application, which shall be a single report stating all of the decisions made as of the date of the report, including recommendations on project permits in the consolidated permit process that do not require an open record predecision hearing. The report shall state any mitigation required or proposed under the development regulations or the City's authority under SEPA. If the threshold determination other than a Determination of Significance has not been issued previously by the City, the report shall include or append this determination.

In the case of a Type I or II project permit application, this report may be the permit:

D. Prepare the Notice of Decision, if required by the Hearing Body and/or mail a copy of the Notice of Decision to those required by this code to receive such decision.

20G.05.003 Conflict of Interest, Ethics, Open Public Meetings, Appearance of Fairness. The Hearing Body shall be subject to the code of ethics (RCW 35A.42.020), prohibitions on conflict of interest (RCW 35A.42.020 and chapter 42.23 RCW) open public meetings (chapter 42.30 RCW), and appearance of fairness (chapter 42.36 RCW) as the same now exist or may hereafter be amended.

20G.05.004 Ex Parte Communications.

A. Quasi-judicial land use decisions of the Hearing Body shall be subject to chapter 42.36 RCW, the Appearance of Fairness doctrine.

B. During the pendency of any quasi-judicial proceeding, no member of a decision making body may engage in ex parte communications with opponents or proponents with respect to the proposal which is the subject of the proceeding unless that person:

1. places on the record the substance of any written or oral ex parte communications concerning the decision or action;

2. provides that a public announcement of the content of the communication and of the parties' rights to rebut the substance of the communication shall be made at each hearing where action is considered or taken on the subject to which the communication related. This prohibition does not preclude a member of a decision making body from seeking in a public hearing specific information or data from such parties relative to the decision if both the request and the results are part of the record. Nor does such prohibition preclude correspondence between a citizen and his or her elected official if any such correspondence is made a part of the record when it pertains to the subject matter of a quasi-judicial proceeding.

20G.05.005 Disqualification.

A. No member of the Hearing Body may be disqualified by the Appearance of Fairness doctrine for conducting the business of his or her office with any constituent on any matter other than a quasi-judicial action then pending before the Hearing Body.

B. Prior to declaring as a candidate for public office or while campaigning for public office as defined by RCW 42.17.020(5)

and (25), no public discussion or expression of an opinion by a person subsequently elected to a public office, on any pending or proposed quasi-judicial actions, shall be a violation of the Appearance of Fairness doctrine.

C. Anyone seeking to rely upon the Appearance of Fairness doctrine to disqualify a member of a decision making body from participating in a decision must raise the challenge as soon as the basis for disqualification is made known to the individual. Where the basis is known or should reasonably have been known prior to the issuance of a decision and is not raised, it may not be relied on to invalidate the decision.

D. In the event of a challenge to a member or members of the Hearing Body which would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law, any such challenged member(s) shall be permitted to fully participate in the proceeding and vote as though the challenge had not occurred, if the member(s) publicly disclose the basis for disqualification prior to rendering a decision. Such participation shall not subject the decision to a challenge by reason of violation of the Appearance of Fairness doctrine.

20G.05.006 Burden and Nature of Proof.

Except for Type V actions, the burden of proof for demonstrating that the application is consistent with the applicable regulations is on the proponent. The project permit application must be supported by proof that it conforms to the applicable elements of the City's development regulations, comprehensive plan and that any significant adverse environmental impacts have been adequately addressed.

20G.05.007 Order of Proceedings.

A. The order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures or the Hearing Examiner's rules of order as appropriate.

1. Before receiving information on the issue, the following shall be determined:

a. any objections on jurisdictional grounds shall be noted on the record and if there is objection, the Hearing Body has the discretion to proceed or terminate.

b. any abstentions or disqualifications shall be determined.

2. The presiding officer may take official notice of known information related to the issue, such as:

a. a provision of any ordinance, resolution, rule, officially adopted development standard or state law;

b. other public records and facts judicially noticeable by law.

3. Matters officially noticed need not be established by evidence and may be considered by the Hearing Body in its determination. Parties requesting notice shall do so on the record. However, the Hearing Body may take notice of matters listed in subsection (2) of this section if stated for the record. Any matter given official notice may be rebutted.

4. The Hearing Body may view the area in dispute with or without notification to the parties, but shall place the time, manner and circumstances of such view on the record.

5. Information shall be received from the staff and from proponents and opponents. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony.

6. When the presiding officer has closed the public hearing portion of the hearing, the Hearing Body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.

20G.05.008 Findings and Notice of Decision.

A. For those project permit applications not requiring a public hearing, the City shall render a written decision to conditionally approve, approve or deny the application based upon the application's compliance with the City's SEPA ordinance and the applicable requirements of the City's Codes, ordinances and comprehensive plan. The City's written decision shall contain findings and conclusions supporting the decision.

B. For those project permits requiring a public hearing as described in Section 20G.05.007, the Hearing Body shall approve, conditionally approve, or deny the application based upon the application's compliance with the City's SEPA ordinance and the applicable requirements of the City's Codes, ordinances and Comprehensive Plan. If the hearing is an appeal, the Hearing Body shall affirm, reverse or remand the decision that is on appeal. The Hearing Body's written decision shall contain findings and conclusions supporting the decision.



C. The Hearing Body's written decision shall be issued within ten (10) days after the hearing on the project permit application.

D. The Notice of Final Decision shall be issued according to the following time frames:

1. within one hundred twenty (120) days after the City notifies the applicant that the application for a project permit is complete; [RCW 36.70B.090.]

2. within ninety days after the City notifies an applicant that a preliminary plat application is complete; or

3. within thirty days after the City notifies an applicant that a short plat or final plat application is complete. [RCW 58.17.140.]

E. The City shall provide a Notice of Decision that also includes a statement of any threshold determination made under SEPA (chapter 43.21C RCW) and the procedures for administrative appeal, if any. For those project permits subject to SEPA, the Notice of Decision on the issued permit shall contain the requirements set forth in Section 20G.04.002(A).

F. The Notice of Decision shall be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. In addition, the City shall provide public notice of the Notice of Decision as provided in 20G.03.001(H).

G. If the City is unable to issue its final decision on a project permit application within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the Notice of Decision. [RCW 36.70B.090.]

20G.05.009 Calculation of Time Periods for Issuance of Notice of Final Decision.

A. In determining the number of days that have elapsed after the local government has notified the applicant that the application is complete for purposes of calculating the time for issuance of the Notice of Final Decision, the following periods shall be excluded:

1. Any period during which the applicant has been requested by the City to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the City notifies the applicant of the

need for additional information until the earlier of the date the local government determines whether the additional information satisfies the request for information or fourteen (14) days after the date the information has been provided to the City;

2. If the City determines that the information submitted by the applicant under Section 20G.05.009(A)(1) is insufficient, it shall notify the applicant of the deficiencies and the procedures under Section 20G.05.009(A)(1) of this subsection shall apply as if a new request for studies had been made;

3. Any period during which an environmental impact statement is being prepared following a Determination of Significance pursuant to chapter 43.21C RCW, or if the City and the applicant in writing shall agree to a time period for completion of an environmental impact statement;

4. Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed. The time period for consideration and decision on appeals shall not exceed:

a. ninety (90) days for an open record appeal hearing; and

b. sixty (60) days for a closed record appeal.

5. The parties may agree in writing to extend these time periods. Any extension of time mutually agreed upon by the applicant and the City in writing.

B. The time limits established in this Title do not apply if a project permit application:

1. requires an amendment to the comprehensive plan or a development regulation;

2. requires approval of the siting of an essential public facility as provided in RCW 36.70A.200;

3. is an application for a permit or approval described in Section 20G.01.005(A) or 20G.01.007; or

4. is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under RCW 36.70B.070. [RCW 36.70B.090.]

**CHAPTER 20G.06  
CLOSED RECORD DECISIONS  
AND APPEALS**

20G.06.001	Appeals of Decisions
20G.06.002	Consolidated Appeals
20G.06.003	Standing to Initiate Administrative Appeal
20G.06.004	Processing of Appeals
20G.06.005	Procedure for Closed Record Decisions and Appeals
20G.06.006	Judicial Appeals

20G.06.001 Appeals of Decisions. Project permit applications shall be appealable pursuant to the Chart at Section 20G.01.003, "Notice Requirements." [RCW 36.70B.090(1)(c).]

20G.06.002 Consolidated Appeals.

A. All appeals of project permit application decisions, other than an appeal of Determination of Significance ("DS"), shall be considered together in a consolidated appeal. [RCW 43.21C.075, RCW 36.70B.060(6).]

B. Appeals of environmental determinations under SEPA, Ordinance 728, as amended, shall proceed as provided in that chapter.

20G.06.003 Standing to Initiate Administrative Appeal.

A. **Limited to Parties of Record.** Only parties of record may initiate an administrative appeal of a Type II, III or IV decision on a project permit application.

B. **Definition.** The term "parties of record" for the purposes of this chapter, shall mean:

1. the applicant;
2. any aggrieved person who testified at the open record public hearing on the application and/or;
3. any aggrieved person who submitted written comments concerning the application at the open record public hearing (excluding persons who have only signed petitions or mechanically produced form letters);
4. City Council.

20G.06.004 Processing of Appeals.

A. Appeals of decisions on project permit application shall be processed according to the Chart in Section 20G.01.003(A), "Notice Requirements," and be governed by the following:

1. Standing. Only parties of record have standing to appeal the City's final decision.

2. Time to File. An appeal of the final decision must be filed within fourteen (14) calendar days following issuance of the written decision. Appeals may be delivered to the Redmond Community Development Department by mail, personal delivery or by fax before 5:00 p.m. on the last business day of the appeal period.

3. Computation of Time. For the purposes of computing the time for filing an appeal, the day the final decision is rendered shall not be included. The last day of the appeal period shall be included unless it is a Saturday, Sunday, a day designated by RCW 1.16.050 or by the City's ordinances as a legal holiday, then it also is excluded and the filing must be completed on the next business day. (RCW 35A.21.080.)

4. Content of Appeal. Appeals shall be in writing, be accompanied by an appeal fee, and contain the following information:

- a. appellant's name, address and phone number;
- b. appellant's statement describing his or her standing to appeal;
- c. identification of the application which is the subject of the appeal;
- d. appellant's statement of grounds for appeal and the facts upon which the appeal is based, including the specific error of law or fact, procedural error, or new evidence which could not have been reasonably available at the time of the public hearing, consideration or approval;
- e. the relief sought, including the specific nature and extent;
- f. a statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature;
- g. a statement describing how the appellant is aggrieved by the decision.

5. Effect. The timely filing of an appeal shall stay the effective date of the final decision until such time as the appeal is adjudicated by the Council or withdrawn.

6. Notice of Appeal. The Approval Authority shall provide public notice of the appeal as provided in Section 20G.03.002 and the Chart entitled "Notice Requirements," at 20G.03.001(A).

20G.06.005 Procedure for Closed Record Decision/Appeal.

A. The following subsections of this Title shall apply to a Closed Record Decision/Appeal hearing: 20G.05.002; 20G.05.003; 20G.05.004; 20G.05.005; 20G.05.006; 20G.05.007(A)(1); 20G.05.007(A)(2), 20G.05.007(A)(3), 20G.05.007(A)(4), 20G.05.007(A)(6); and 20G.05.008.

B. The closed record appeal/decision hearing shall be on the record before the Hearing Body, and no new evidence may be presented. [RCW 36.70B.020.]

20G.06.006 Judicial Appeals. After exhaustion of any available appeal, the City's final decision on an application may be appealed by a party of record with standing to file a land use petition in King County Superior Court under chapter 36.70C RCW. Such petition must be filed within twenty-one (21) days of issuance of the decision, as provided in chapter 36.70C RCW. [Chapter 36.70C RCW.]

Section 2. A new Section 20A.60.203 is hereby added to the Redmond Community Development Guide, to read as follows:

20A.60.203 Closed Record Appeal means an administrative appeal on the record to the City Council or Hearing Examiner, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

Section 3. A new Section 20A.60.435 is hereby added to the Redmond Community Development Guide, to read as follows:

20A.60.203 Open Record Hearing means a hearing, conducted by the Hearing Examiner, Board of Adjustment or City Council, that creates the City's record through testimony and submission of evidence and information,

under procedures prescribed by the City by ordinance or resolution. An open record hearing may be held prior to the City's decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect (5) days after passage and publication of an approved summary thereof consisting of the title. However, the procedures and time frames for issuance of permits and/or approvals as set forth in this ordinance shall apply only to project permit applications filed on or after April 1, 1996.

CITY OF REDMOND



MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:

*Sandra S. Marini*  
for CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

By: *[Signature]*

FILED WITH THE CITY CLERK:	April 1, 1996
PASSED BY THE CITY COUNCIL:	April 2, 1996
SIGNED BY THE MAYOR:	April 11, 1996
PUBLISHED:	April 10, 1996
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ORDINANCE NO. 1883	