

# Exhibit A – Attachment 1:

## TITLE 20F

### ADMINISTRATION AND PROCEDURES

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# 20F ADMINISTRATION AND PROCEDURES

## 20F.10 General Provisions

### 20F.10.10 Purpose

The purpose of this chapter is to provide general provisions for the implementation of the Redmond Community Development Guide.

### 20F.10.20 Compliance

#### 20F.10.20-010 Compliance with Redmond Community Development Guide Required

- (1) All land uses, activities, construction, clearing, grading, filling, development, intensification, and structural modifications or alterations shall comply with the Redmond Community Development Guide and all permits granted for the use, activity, construction, clearing, grading, filling, development, intensification, or structural modifications or alternations.
- (2) All permits and approvals shall comply with the Redmond Community Development Guide. No permit or approval shall be issued for any parcel of land developed or divided in violation of the Redmond Community Development Guide.
- (3) All divisions of land shall comply with the Redmond Community Development Guide. Any portion of a lot or lots that was used to calculate compliance with the Redmond Community Development Guide, standards, or regulations shall not be subsequently subdivided or segregated from such lot or lots or sold or transferred separately from such lot or lots.
- (4) All purchasers or transferees of property shall comply with provisions of the Redmond Community Development Guide and all applicable State laws, and each purchaser or transferee may recover his or her damages from any person, firm, corporation, or agent selling, transferring, or leasing land in violation of the Redmond Community Development Guide and all applicable State laws including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of the Redmond Community Development Guide and all applicable State laws as well as cost of investigation, suit, and reasonable attorney's fees occasioned thereby. Such purchaser, transferor, transferee, or lessor may, as an alternative to conforming his property to these requirements, rescind the sale, transfer, or lease and recover cost of investigation and reasonable attorney's fees occasioned thereby from the violator. (Ord. 1935)

#### 20F.10.20-020 Violations and Penalties

- (1) Any person violating any provisions of the Redmond Community Development Guide shall be punished as provided in Redmond Municipal Code (RMC) Chapter 1.14, *Enforcement and Penalties*.
- (2) Any building, structure, development, activity, land use, or division of land, not in conformance with the Redmond Community Development Guide and not a legal nonconformance, is declared to be unlawful, substandard, and a public nuisance, and is subject to the enforcement and abatement provisions in Chapter 1.14 RMC, *Enforcement and Penalties*. (Ord. 1935)

#### 20F.10.20-030 Limited Statute of Limitations

- (1) Applicability. This section shall only apply to violations of the City of Redmond Community Development Guide which involve the construction of new structures other than signs or additions to structures other than signs where all required permits were obtained for the work.
- (2) Except as provided in subsection (3) or (4) of this section, the Code Compliance Officer, City Prosecuting Attorney, or other City official shall have seven years from the date construction is completed to mail or serve a notice and order, restoration order, or civil penalty or to charge a violator with a criminal violation. If no order or penalty has been mailed or served or if a violator has not been charged with a criminal violation within the seven-year limited statute of limitations and the structure is not excluded by subsection (1), (2), or (3) of this section, the structure shall be considered a legal nonconforming structure.

- (3) Where the Administrator finds that the violation may adversely affect the public health, has the potential to increase the likelihood of damage to property or injury to persons who use the structure or nearby premises, or where the violation results in continuing adverse effects on the environment, the statute of limitations in subsection (2) of this section shall not apply to the violation. The Administrator may make this finding either before or after the seven-year period in subsection (2) of this section.
- (4) This limited statute of limitations shall only apply to structures other than signs. This statute of limitations shall not apply to fills other than those normally needed for the construction of structures other than signs. This statute of limitations shall not apply to uses. (Ord. 1935)

## **20F.10.30 Administrative Interpretations**

### **20F.10.30-010 Purpose**

The purpose of this section is to define the responsibilities, rules, procedures, and requirements for the interpretation of the Redmond Community Development Guide.

### **20F.10.30-020 Interpretation Generally**

The provisions of the Redmond Community Development Guide shall be the minimum requirements adopted for the promotion and protection of the public health, safety, and general welfare. The Redmond Community Development Guide is not intended to interfere with, abrogate or annul any easements, covenants, or other agreements between parties, except where the agreements may conflict with the enforcement of the Redmond Community Development Guide.

### **20F.10.30-030 Responsibility for Interpretation**

Responsibility for interpreting the Redmond Community Development Guide shall be as follows:

<b>Title</b>	<b>Code</b>	<b>Interpretation Responsibility</b>
Title 20A	Preface and Definitions	Code Administrator
Title 20B	Comprehensive Plan	Code Administrator
Title 20C	Land Use Regulations	Code Administrator (other than those interpreted by the Public Works Code Administrator)
Title 20D	City-Wide Regulations	Code Administrator (other than those interpreted by the Public Works Code Administrator)
Title 20E	Building and Construction Codes	Building Official
	Fire Codes; Requirements for Sprinkler Systems	Fire Code Administrator
Title 20F	Administration and Procedures	Code Administrator

### **20F.10.30-040 Conflict of Provisions**

In the case of conflicts between parts of the Redmond Community Development Guide or between the Redmond Community Development Guide and other rules, regulations, resolutions, ordinances or statutes lawfully adopted by other authority having jurisdiction within the City, the most restrictive shall govern. In the case of conflicts between the text, maps, and charts of the Redmond Community Development Guide, the text shall govern unless otherwise stated.

### **20F.10.30-050 Interpretation of Zoning Map**

Interpretation of the official zoning map shall be as set forth in 20C.10.15.

### **20F.10.30-060 Interpretation of Comprehensive Land Use Plan**

The interpretation of the subtitle 20, Redmond Comprehensive Plan, is to be made recognizing that the boundaries of the Plan categories are not exact but illustrate general relationships and locations.

### **20F.10.30-070 Legislative Discretion**

The Redmond Community Development Guide shall not limit the legislative discretion of the City Council in further restricting permitted uses, or in withholding or revoking permits for uses where those actions are found necessary for the promotion and protection of the public peace, health, safety and general welfare.

### **20F.10.30-080 Administrative Compliance**

All administrative officials, departments, and employees of the City of Redmond responsible for approving or issuing permits, certificates or licenses shall require compliance with the Redmond Community Development Guide.

## **20F.10.40 Moratoriums**

Nothing shall prevent the City Council from establishing or extending development moratoriums or interim land use regulations in accordance with the procedures set forth in RCW 36.70A.390 and RCW 35A.63.220, as those sections exist or may be hereafter amended or superseded.

## **20F.10.50 Nonconformances**

### **20F.10.50-010 Purpose**

The City recognizes that land, structures, and uses of land and structures which do not conform to the Redmond Community Development Guide can become nuisances, can disrupt the orderly development of the City, and can create unsafe, hazardous, and unhealthful conditions. The City also recognizes that the eventual elimination of existing nonconforming uses and structures benefits the health, safety, and welfare of the community. It is the intent of this chapter to establish regulations and procedures which ensure that the elimination of nonconforming uses and structures occurs as expeditiously and as fairly as possible and with justice to property owner(s) and business operator(s). (Ord. 1756)

### **20F.10.50-015 Scope**

- (1) The requirements and thresholds established within this section apply only to development standards regulated by the Planning Department.
- (2) For requirements and thresholds established by the Department of Public Works, see Section 20D.210.20-150, Required Off-Site Street Improvements.
- (3) For requirements and thresholds established by the Fire Department, see Section 20E.100.10, Fire Code.
- (4) For requirements and thresholds established by the Building Division, see Section 20E.10 through Section 20E.80 and associated referenced documents.
- (5) Nothing in this chapter shall prohibit the establishment of special regulations for specific nonconforming uses and structures regulated by other sections of the Redmond Community Development Guide. Such regulations may provide for the retirement or amortization of those specific uses and structures. (Ord. 1756)

### **20F.10.50-020 Definitions**

For the purpose of this chapter, the following definitions apply:

- (1) "Demolish" means to remove more than fifty percent (50%) of the exterior walls of an existing building or structure, as measured by the linear length of the walls. Windows, doors and/or deteriorated wall sections are all considered part of a wall.
- (2) "Rebuild" means to undertake construction within and/or on an existing building which has a valid construction permit with construction value greater than fifty percent (50%) of the replacement cost of the existing building being rebuilt. The permit value is valid for a twelve-month period beginning on the date of permit issuance. (Ord. 1756)

- (3) “Alteration” means any change or rearrangement in the foundation or supporting members of an existing building, such as bearing walls, columns, beams, or girders, as well as any change in the means of ingress or egress (except to accommodate persons with disabilities), or any enlargement to a structure, whether horizontally or vertically.

#### **20F.10.50-030 Nonconforming Lots of Record**

Lots of record that do not conform to the dimensional requirements of the Redmond Community Development Guide may be used as otherwise permitted if they were legally created and were in conformance with the prior zoning code or were a legal nonconformance under that code. (Ord. 1756)

#### **20F.10.50-040 Continuance of Nonconformities**

Nonconformities, as defined in RCDG 20A.60, Definitions, may continue to be used and maintained in accordance with the provisions of this chapter. The use and maintenance is permitted as a result of vested rights obtained through the legal establishment of the nonconforming use or structure. (Ord. 1756)

#### **20F.10.50-050 Conditional Uses**

Any use which was originally established in a zoning district by right and has since been reclassified as a conditional use in that district shall obtain approval through the conditional use review procedure as is required before the expansion of the use or any structure related to the use.

#### **20F.10.50-060 Maintenance**

Ordinary maintenance and repair of a building containing a nonconforming use, such as painting or plumbing repair, shall be permitted as necessary to ensure the protection of general health, safety, and welfare. All nonconforming uses and structures are subject to all applicable property maintenance and substandard building laws. (Ord. 1756)

#### **20F.10.50-070 Abandonment of Rights to Nonconformities**

- (1) All rights to a nonconforming use are lost:
- (a) if the use is changed, or
  - (b) if the use is abandoned for twelve months, or
  - (c) if the structure housing the nonconforming use is demolished or rebuilt as defined above. Rights to a nonconforming use may be maintained if the structure housing the nonconforming use is restored, per RCDG 20F.10.50-080, Restoration, or altered, per RCDG 20F.10.50-090(2), Alteration of a Nonconforming Use.
- (2) All rights to nonconforming parking shall be lost if the primary structure on the lot is demolished or rebuilt. Rights shall not be lost if a building is merely vacated for less than one year.

#### **20F.10.50-080 Restoration**

Any building containing a nonconforming use or any nonconforming structure may be repaired and restored to its nonconforming state if the need for repairs or restoration shall be the result of fire, explosion, earthquake, imminent public hazard, replacement of underground fuel tanks, vandalism or other accidental destruction. Such restoration shall comply with the following conditions:

- (1) Level of Restoration. The damaged use or structure may be repaired to the area and footprint of the previous use or structure. In the case of total destruction or need for underground fuel tank replacement, a new structure may be established to the same area or footprint of the previous use or structure. Alternatively, the structure may be built to a more conforming area or footprint.
- (2) Time Limit. The repairs must be commenced within one year of the event causing damage to the structure, and the repairs must be diligently pursued until completed. (Ord. 1756)

#### **20F.10.50-090 Alteration or Expansion of a Nonconformance**

- (1) General. The alteration or expansion of a nonconformance is prohibited unless it does not increase the nonconformity, or unless it is specifically permitted through an official action as stated in RCDG 20F.30.15, Types of Review, or as stated below.

- (2) Nonconforming Use. The expansion of a structure containing a nonconforming use is prohibited. A structure containing a nonconforming use may be altered provided that nonconforming landscaping and Pedestrian System Improvements are brought into conformance per RCDG 20F.10.50-090(4). A nonconforming use may be changed to a conforming use.
- (3) Nonconforming Structures. A nonconforming structure may not be expanded or altered in any way so as to increase that nonconformity. A nonconforming structure shall be brought into full compliance with the Redmond Community Development Guide when alteration or expansion of the structure takes place and the following takes place within any three year period:
  - (a) The gross floor area of the structure is increased by 100% or more; or
  - (b) The costs stated on all approved building permit applications for the structure equal or exceed the assessed value of the structure at the beginning of that three year period.
- (4) Nonconforming Landscaping and Pedestrian System Area. A nonconforming landscaping or pedestrian system area shall be brought into compliance with RCDG 20D.80.10 and 20C.40.100 in accordance with the following:
  - (a) When improvements to the building or parking areas do not exceed \$12,000 on any lot in any three year period, no improvements are required;
  - (b) For improvements to the building or parking area which exceed \$12,000 on any lot in a three year period, the percentage (by value) of the required landscaping or pedestrian system, to be installed shall be established by dividing the value of the proposed improvement by the assessed value of the existing lot improvements up to 100 percent.
  - (c) For the purposes of subsection (4)(a) and (b) above, improvements shall not include those improvements required by the City for health and safety reasons, nor ordinary repair and maintenance.
  - (d) The Technical Committee shall have the authority to specify the location and phasing sequence of the landscaping or pedestrian system improvements which fall under this section.
- (5) Nonconforming Parking. The following shall apply to uses with nonconforming parking:
  - (a) Expansion of Conforming Residential Use with Nonconforming Parking.
    - (i) No New Units. A conforming residential use with nonconforming parking may be expanded by up to four hundred fifty square feet, provided no new dwelling unit is created by the expansion. Any expansion beyond four hundred fifty square feet shall require the provision of one parking space for each four hundred fifty square foot addition not to exceed the total number of parking spaces required by current parking standards. However, for single-family residential uses outside of parking impacted areas, no additional parking is required on lots with driveways twenty feet or more in length.
    - (ii) New Units Added. A conforming residential use with nonconforming parking may be expanded to create additional conforming units only if the parking for all units, old and new, is brought into conformance with current parking standards.
  - (b) Expansion of Nonresidential Use with Nonconforming Parking. A conforming nonresidential use with nonconforming parking may be expanded or intensified, provided that parking is provided for the expansion or intensification in accordance with current parking standards. (Ord. 1756)

#### **20F.10.50-100      Alteration or Expansion of a Nonconformance in the City Center**

- (1) Purpose. The City recognizes that some existing, vital businesses of value to the community in the City Center may have been rendered non-conforming as a result of land use plan changes. The intent of this section is to encourage retention of existing businesses and to allow continued investment and upgrades to the business structures in the City Center. Nonconforming uses in the City Center may expand as described below.
- (2) This section applies to nonconformances in the City Center in addition to RCDG 20F.10.50-090, Alteration or Expansion of a Nonconformance. In the case of a conflict, this section shall apply.
- (3) Nonconforming Commercial, Institutional, or Park Use. Nonconforming commercial, institutional, and park uses in the City Center Neighborhood may expand and/or rebuild in conjunction with restoration per RCDG 20F.10.50-080 to occupy a greater area of building, but shall not be expanded beyond the original parcel(s) occupied at the time the use or structure became nonconforming. Parking for the expansion shall be provided in accordance with current parking standards. Nonconforming landscaping and

Pedestrian System Improvements shall be brought into conformance with current standards per RCDG 20F.10.50-090(4).

(4) Nonconforming Industrial Uses.

- (a) General. Nonconforming industrial uses in the City Center Neighborhood not deemed unsafe, hazardous, unhealthful, or obnoxious due to noise, odor, air quality or visual blight may expand to occupy a greater area of building, but shall not be expanded beyond the original parcel(s) occupied at the time the use or structure became nonconforming. Parking for the expansion shall be provided in accordance with current parking standards. Nonconforming landscaping and Pedestrian System Improvements shall be brought into conformance with current standards as required by RCDG 20F.10.50-090(4), Landscaping and Pedestrian System Area.
- (b) Outside Uses. Equipment and machinery associated with outside nonconforming uses may be relocated or altered, provided the equipment or machinery is not relocated any closer to the nearest residential district or street.
- (c) Volumes. Increased sales, production or output volume shall not be considered as an expansion, provided the use does not expand to occupy additional land or another building. (Ord. 1756)

(5) Change in Use to Another Nonconforming Use. A nonconforming use in the City Center Neighborhood may be changed to another nonconforming use if Type I Review is granted as provided for in this title and provided:

- (a) A special building inspection is conducted to ensure the building conforms or is repaired to conform to minimum building, plumbing, fire, housing, electrical and earthquake code provisions as necessary to protect public health and safety.
- (b) The proposed change of use will provide a service or will be beneficial to the neighborhood, and will more closely conform to the zoning of the site than the existing use.
- (c) The proposed use is compatible with the goals of the design area as specified in RCDG Title 20B, Redmond Comprehensive Plan, and the zone in which it is located as specified in RCDG Chapter 20C.40.
- (d) The proposed use is compatible with the surrounding uses. For example, compatible uses next to existing residential uses might include complementary retail services such as dry cleaning, pharmacies, cafes, newsstands, and hair salons. Incompatible uses in, and adjoining, areas designated for office and residential uses might include strip retail centers, and auto oriented services or drive-through facilities.
- (e) The proposed use will not pose or create greater negative impacts than uses which are permitted within the design area or zone in which it is located.
- (f) The proposed use will not pose or create unsafe, unhealthful, or hazardous conditions upon surrounding properties. (Ord. 1756)
- (g) The proposed change is in accordance with Chapter 20C.40 - Sensitive Areas Regulations.

**20F.10.50-110 Abatement of Public Nuisances**

Regardless of any provisions in this section, any nonconformance found to be a public nuisance shall be terminated. (Ord. 1756)

**20F.10.50-120 Prior Nonconformance**

Any nonconformance which under the prior zoning ordinance was nonconforming and was required to terminate by a certain date shall continue to be subject to the amortization provisions of the prior zoning ordinance. (Ord. 1756)

**20F.10.50-130 Illegal Uses or Structures**

Illegal uses or structures have no vested rights. Illegal uses and structures shall either be brought into legal conforming status or shall be removed. (Ord. 1756)

## 20F.10.60 Vesting

### 20F.10.60-010 Purpose

The purpose of this section is to identify certain points in the land use approval process at which an applicant's rights become "vested." Vested rights is defined as the guarantee that an application will be reviewed and a project can be developed (if a permit is issued) under regulations and procedures existing at one moment in time and regardless of changes that may have been made later and prior to final completion of a project or use.

### 20F.10.60-020 Scope

This subsection governs the effect of any amendment to the Redmond Community Development Guide which affects land development, land use or the land development approval process.

### 20F.10.60-030 Decision Criteria

#### (1) Land Use Actions Requiring a Building Permit.

- (a) *Unless otherwise specified in this section*, the proponent of a land use action requiring a building permit shall be vested against enforcement of an ordinance implementing a change in the Redmond Community Development Guide if a complete building permit application is submitted to the City prior to the effective date of the ordinance. A vested right shall not arise by virtue of an application for a conditional use permit, development review permit, variance, development guide amendment, right-of-way vacation, annexation, temporary use permit, zoning map amendment or *any other application* submitted prior to application for a building permit. Site plan review and approval is encouraged but not required prior to submission of a building permit application, however, it must be completed prior to review and issuance of the building permit.
- (b) An applicant must specifically identify a proposed land use or uses in the building permit application as the intended use of the proposed structure in order to vest the right to engage in a specific land use against an ordinance implementing a change in permitted land uses. Building permit applications which do not specifically identify the proposed use of the proposed structure shall not vest a right to engage in a specific land use against an ordinance prohibiting the use. Applications which depict a structure clearly appropriate for only a single land use shall be deemed to satisfy the requirement of identifying the proposed use.

#### (2) Land Use Actions Requiring a Subdivision. An applicant for approval of a subdivision shall be vested against enforcement of an ordinance implementing a change in the Community Development Guide and other regulations affecting land development, at the time of filing a complete application. [RCW 58.17.033]

#### (3) Land Use Actions Requiring a Shoreline Permit. An application for approval of a land use action requiring a shoreline permit, but not a building permit, shall be vested against enforcement of an ordinance implementing a change in shoreline regulations set forth in the Redmond Shoreline Master Program if a complete substantial development permit application is submitted prior to the effective date of the ordinance. Land use actions requiring a building permit and a shoreline permit are governed by RCDG 20F.10.60-030(1).

#### (4) Land Use Actions Not Requiring a Building Permit. The application of changes in land use regulations to land uses not requiring a building permit shall be governed by RCDG 20F.10.50, Legal Nonconformances. Proposed land uses requiring a shoreline permit are governed by RCDG 20F.10.60-030(3).

#### (5) Certain Regulatory Authority Not Affected. An application for a land use approval may be denied or approved with conditions under the authority of the City to protect and enhance the public safety, health and welfare, and under the State Environmental Policy Act (SEPA) and the City of Redmond's SEPA regulations and policies as of the date of vesting, notwithstanding the fact that the applicant has attained a vested right against enforcement of an ordinance implementing changes in regulations, codes or procedures affecting that land use action.

#### (6) Complete Application. Means an application which contains all required information and signatures, and which is accompanied by payment of all fees required to be submitted by the Community Development Guide, or any formal written rule or procedure adopted by and in force in the City.

(7) Termination of Vested Rights.

- (a) The vesting of rights with respect to a land use action requires a building permit against the enforcement of a change in regulations and codes of the Community Development Guide shall terminate upon the expiration of 180 days following the date of application for a building permit provided that the applicant has been presented with written notification which includes information on the appeal process. The application may also be extended in writing by the Building Official pursuant to authority granted by the Uniform Building Code. The duration of vested rights acquired after issuance of a building permit shall be governed by the Uniform Building Code provision regulating validity of an issued building permit. An extension of a permit or expiration of the permit shall have like effect upon vested rights.
- (b) The applicant may request the Building Official to extend the time for action by the applicant for a period not exceeding 180 days upon a showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. Preparation of environmental document required by the City under the authority of the State Environmental Policy Act (SEPA) and the processing of related applications required by RCDG Title 20F, Administration and Procedures, may constitute circumstances warranting extension of a building permit application if the applicant is found to be acting in a timely manner to achieve approval of a proposed land use action.
- (c) The vesting of rights with respect to a land use action requiring a shoreline permit, but not a building permit, shall terminate 90 days following application for a shoreline permit, unless the shoreline permit is issued, provided that the Code Administrator may, upon receipt of an application for extension, extend time for expiration of vesting due to circumstances beyond the control of the applicant as set forth in the preceding subsection for a period not to exceed an additional 180 days.

## 20F.20 General Review Procedures

### 20F.20.10 Purpose

The purpose of this chapter is to provide for general procedures for the review of development applications. Detailed administrative review procedures for applications and land use actions classified as Types I through Type VI are outlined in Chapter 20F.30. Procedures for specific permits are outlined in Section 20F.40.

### 20F.20.20 Site Plan Review

#### 20F.20.20-010 Purpose

The intent of this section is to establish procedures for reviewing site plans submitted as part of permit applications. The purpose of the site plan review process is to determine compliance with the City's applicable development regulations and Comprehensive Plan provisions.

#### 20F.20.20-015 Policy

Review procedures and informational materials shall be targeted at reducing the need for any request by the City for amended plans or additional information upon review of an applicant's formal application materials. The City shall make its best effort to coordinate a complete and thorough City response to any application, or application resubmittal, that requires an applicant to amend plans or provide additional information.

#### 20F.20.20-020 Scope

The review and approval of site plans shall be made as a part of the application approval process unless otherwise provided in this chapter.

#### 20F.20.20-030 Procedures

A site plan shall be submitted as part of all permit and project approval applications with the information required in RCDG Section 20F.30.20. Additional information may be required to conduct an adequate review. Each application shall be reviewed for compliance with the requirements in the Redmond Community Development Guide.

#### 20F.20.20-040 Site Plan Review Criteria

- (1) Consistency. Site plans are reviewed by the City to determine consistency between the proposed project and the applicable regulations and Comprehensive Plan provisions.
  - (a) A proposed project's consistency with the City's development regulations shall be determined by consideration of:
    - (i) The type of land use;
    - (ii) The level of development, such as units per acre or other measures of density;
    - (iii) Availability of infrastructure, including public facilities and services needed to serve the development; and
    - (iv) The character of the development, such as development standards.
  - (b) Upon review of a site plan, the decision maker shall determine whether building design and site design complies with the following provisions:
    - (i) RCDG Titles 20A, *Preface and Definitions*, 20B, *Comprehensive Plan*, 20C, *Land Use Regulations*, 20D, *City-Wide Regulations*, and the Appendices that carryout these Titles.
    - (ii) The provisions of RCDG Title 20E that affect building location and general site design.
    - (iii) The Washington State Environmental Policy Act (SEPA) if not otherwise satisfied.
    - (iv) RCDG Title 20F, *Administration and Procedures*, to extent they provide the procedures to ensure compliance with the requirements in Subparts (i) and (iii).
  - (c) Not included in the site plan review are full compliance with the building and construction codes (included in RCDG Title 20E), the requirements for construction drawings and approvals, and the specific location, size, and design of public facilities, which shall be determined during building permit review and construction drawing review. Building permits and construction drawings shall comply with the approved site plan.

- (2) Limitations on Review. During project review, the City shall not re-examine alternatives to or hear appeals on the items identified in subsection 1(a) above, except for issues of code interpretation. Site plans shall be reviewed 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.
- (3) Burden and Nature of Proof. 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. (Ord. 1883)

## **20F.20.30 Design Review**

### **20F.20.30-010 Purpose**

See Chapter 20F.50.30-010.

### **20F.20.30-020 Scope**

See Chapter 20F.50.30-020.

### **20F.20.30-030 Procedure**

- (1) Pre-application meeting. If design review is required, a pre-application meeting with the Design Review Board is highly recommended prior to submittal of a formal application.
- (2) Consultation. A consultation meeting may be held after submittal of a formal application.
- (3) Recommendation. See Appendix 20F-3, section VII.

### **20F.20.30-040 Decision Criteria**

See Chapter 20D.40.

## **20F.20.40 Environmental Review**

### **20F.20.40-010 Purpose**

The purposes of these procedures are:

- (1) To encourage productive and enjoyable harmony between people and their environment.
- (2) To promote efforts that will prevent or eliminate damage to the environment and biosphere.
- (3) To stimulate the health and welfare of people.
- (4) To enrich the understanding of ecological systems and natural resources that are important to the City of Redmond, the State of Washington, and the nation.
- (5) To establish procedures to implement the provisions of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11, SEPA Rules.
- (6) To provide environmental information to City decision makers.
- (7) To create a process that is efficient and effective,
- (8) To promote certainty with respect to the requirements of SEPA and to integrate SEPA procedures with decision-making.

### **20F.20.40-020 Scope**

The City of Redmond hereby establishes these procedures to implement the State Environmental Policy Act, herein referred to as "SEPA", RCW 43.21C, consistent with those rules under WAC 197-11. The procedures are promulgated under WAC 197-11-020 (1), which states: "Each agency must have its own SEPA procedures consistent with" WAC 197-11 and RCW 43.21C. Consistent with WAC 197-11-020 (3), these provisions, WAC 197-11, and RCW 43.21C must be read together as a whole to comply with the spirit and letter of the law.

#### **20F.20.40-030 Policy**

The City of Redmond adopts WAC 197-11-030, as now existing or hereinafter amended, by reference, subject to the following:

- (1) Under WAC 197-11-030 (1) and (2), the terms “agency” and “agencies” shall include the City of Redmond and its respective departments.
- (2) Under WAC 197-11-030 (2) (a), the text is revised to:  
“Interpret and administer the policies, regulations, and laws of the State of Washington and applicable ordinances and resolutions of the City of Redmond in accordance with the policies set forth in RCW 43.21C and WAC 197-11.”

#### **20F.20.40-040 Definitions**

Terms defined under RCDG 20A.20 shall apply to this chapter, subject to the following:

- (1) **Terms Undefined by RCDG 20A.20.** Where RCDG 20A.20 does not define terms, the City of Redmond adopts those definitions under WAC 197-11-040, 197-11-220; and 197-11-700 through 197-11-799, as existing and as hereafter amended.
- (2) **Resolving conflicts between RCDG 20A.20 and SEPA Definitions.** Where a conflict exists between those terms under RCDG 20A.20 and WAC 197-11-040 and 197-11-700 through 197-11-799, the more specific definition that meets the minimum standards and spirit of WAC 197-11 shall apply.

#### **20F.20.40-050 Lead Agency**

The City of Redmond adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

- (1) WAC 197-11-050;
- (2) WAC 197-11-922 through 197-11-948

#### **20F.20.40-060 Responsible Official**

For those proposals for which the City is a lead agency, the responsible official shall be the City of Redmond Technical Committee as defined in Section 20F.50.25, Technical Committee. For all proposals for which the City is a lead agency, the Technical Committee shall make the threshold determination, supervise scoping and preparation of any required EIS and perform any other functions assigned to the lead agency or responsible official by those sections of the SEPA rules that have been adopted by reference.

#### **20F.20.40-070 Purpose and General Requirements**

The City of Redmond adopts WAC 197-11-055 through 197-11-100, as now existing or hereinafter amended, by reference, subject to the following:

- (1) **Analyzing similar actions in a single document.** The City adopts the optional provision of WAC 197-11-060 (3) (c).
- (2) **Time Guidelines.** Under 197-11-055 (2) (b), the Responsible Official will make a threshold determination within 90 days of determining that a completed application has been submitted, consistent with WAC 197-11-055 (2) (d), subject to:
  - (a) The calculation of the number of days in Section B shall not include those days between the mailing of any request for additional information and re-submittal.
  - (b) The Responsible Official shall not make a threshold determination when there is not adequate information to make a threshold determination within 90 days. When there is not adequate information to make a determination at the end of 90 days, the Responsible Official shall notify the applicant in writing regarding the information required to make a threshold determination.
- (3) **Content of SEPA Checklist – Responsibility.** The applicant shall prepare the initial environmental checklist, unless the Responsible Official specifically elects to prepare the checklist. The Responsible

Official shall make a reasonable effort to verify the information in the checklist and supporting documentation and shall have the authority to determine the final content of the checklist.

- (4) **Additional Information for SEPA Checklist – Timelines.** The Responsible Official may set reasonable deadlines for the submittal of information, studies, or documents that are necessary for, or subsequent to, threshold determinations. Unless an extension is requested in writing and approved, failure to meet such deadlines shall cause the application to be deemed withdrawn.

## **20F.20.40-080      Categorical Exemptions, Threshold Determinations, and Enforcement of Mitigating Measures**

The City of Redmond adopts WAC 197-11-300 through 197-11-390, WAC 197-11-800 through 197-11-890, and WAC 197-11-908 as now existing or hereinafter amended, by reference, subject to the following:

- (1) **Establishment of Thresholds for Categorically Exempt Actions.** The following exempt threshold levels are hereby established pursuant to WAC 197-11-800 (1) (c) for the exemptions in WAC 197-11-800 (1) (b):
- (a) The construction or location of any residential structures of less than or equal to twenty (20) dwelling units.
  - (b) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering less than or equal to 30,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.
  - (c) The construction of an office, school, commercial recreational, service or storage building with less than or equal to 12,000 square feet of gross floor area, and with associated parking facilities designed for less than or equal to forty (40) automobiles.
  - (d) The construction of a parking lot designed for less than or equal to forty (40) automobiles.
  - (e) Any landfill or excavation of less than or equal to 500 cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09050 or regulations there under; PROVIDED, that:
  - (f) The categorical exemption threshold shall be 100 cubic yards for any fill or excavation that is in a sensitive area, and
  - (g) If the proposed action is to remove from or replace fill in a sensitive area to correct a violation, the threshold level shall be 500 cubic yards.
- (2) **Responsibility for Determination of Categorical Exempt Status.** The determination of whether a proposal is categorically exempt shall be made by the Responsible Official.
- (3) **Mitigation Measures.** Modifications to a SEPA Checklist or other environmental documentation that result in substantive mitigating measures shall follow one of the following processes:
- (a) The Responsible Official may notify the applicant of the requested modifications to the proposal and identify the concerns regarding unmitigated impacts. The applicant may elect to revise or modify the environmental checklist, application, or supporting documentation. The modifications may include different mitigation measures than those requested by the Responsible Official, however, acceptance of the proposed measures is subject to subsequent review and approval by that body.
  - (b) The Responsible Official may make a Mitigated Determination of Non-significance, identifying mitigating measures. The MDNS may be appealed by the applicant pursuant to RCDG 20F.20.40-170.
  - (c) The Responsible Official may identify mitigating measures in a letter and mail that letter to the applicant. In writing, the applicant may acknowledge acceptance of these measures as mitigating conditions. The acknowledgement shall be incorporated into the application packet as supporting environmental documentation or as an addendum to the environmental checklist.
- (4) **Enforcing Mitigation Measures.** Pursuant to WAC 197-11-350 (7), the City hereby adopts the following procedures for the enforcement of mitigation measures:

(a) **Incorporation of Representations made by Applicant into MDNS or DNS and Approval.**

Representations made in the environmental checklist and supporting documentation shall be considered as the foundation of any decision or recommendation of approval of the action. As such, the Responsible Official relies on this documentation in making a decision on a proposal. Unless specifically revised by the responsible official or applicant, those statements, representations, and mitigating measures contained in the environmental checklist, application, and supporting documentation shall be considered material conditions of any approval. Mitigating measures shall only be included on a DNS under the following circumstances:

- (i) When the Redmond Community Development Guide does not provide adequate regulations to mitigate for an identified impact,

AND, when any one of the following circumstances or combination of circumstances exists:

- (ii) When such conditions are not specifically written in the environmental checklist, application, or supporting information,

OR

- (iii) When the Responsible Official determines that the proposed conditions or representations contained within that information do not adequately address impacts from a proposal.

(b) **Modifications to a Proposal – Responsible Official may Withdraw Threshold Determination.**

If, at anytime, the proposal or proposed mitigation measures are substantially changed, or if proposed mitigation measures are withdrawn, then the Responsible Official shall review the threshold determination and, if necessary, may withdraw the threshold determination and issue a revised determination, including a Determination of Significance (DS), as deemed appropriate.

- (c) **Enforcement of Mitigation Measures.** Mitigation measures that are identified in an environmental checklist, development application, supporting documentation, an EIS or an MDNS shall be considered material conditions of the permit or approval that is issued by the reviewing department. As such, failure to comply with these measures may be enforceable through the enforcement provisions that regulate the proposal.

**20F.20.40-090 Planned Actions**

The City of Redmond adopts WAC 197-11-164 through 197-11-172, as now existing or hereinafter amended, by reference. Planned actions shall be adopted by ordinance or resolution following the process established under RCDG 20F.30.50, Type V Review.

**20F.20.40-100 Environmental Impact Statements and Other Environmental Documents**

The City of Redmond adopts WAC 197-11-400 through 197-11-460 and 197-11-600 through 197-11-640, as now existing or hereinafter amended, by reference, subject to the following:

- (1) Pursuant to WAC 197-11-408 (2) (a), all comments on a DS and scoping notices shall be in writing, except where a public meeting on EIS scoping occurs pursuant to WAC 197-11-410 (1) (b).
- (2) Pursuant to WAC 197-11-420, 197-11-620, and 197-11-625, the Responsible Official shall be responsible for preparation and content of an EIS and other environmental documents. The Responsible Official shall contract with consultants, as necessary, for the preparation of environmental documents and EISes. The Responsible Official may consider the opinion of the applicant regarding the qualifications of the consultant, but the responsible official shall retain sole authority for selecting persons or firms to author, co-author, provide special services or otherwise participate in the preparation of required environmental documents.
- (3) Consultants or sub-consultants contracted by the City to prepare environmental documents for a private development proposal:
  - (a) Shall not act as agents for the applicant in preparation or acquisition of associated underlying permits or actions;

- (b) Shall not have a financial interest in the proposal for which the environmental documents is being prepared; and
- (c) Shall not perform any work nor provide any services for the applicant in connection with or related to the proposal.

#### **20F.20.40-110      Comments and Public Notice**

The City of Redmond adopts WAC 197-11-500 through 197-11-570, as now existing or hereinafter amended, by reference, subject to the following:

- (1) Official comments shall be submitted in writing to the contact person on the threshold determination. E-mail comments that are e-mailed to the contact person on the threshold determination may be accepted as official comments.
- (2) If required, public notice shall comply with the requirements for the underlying permit as specified in RCDG 20F.30.
- (3) The Responsible Official may require further notice if deemed necessary to provide adequate public notice of a pending action. Failure to require further or alternative notice shall not be a violation of any notice procedure.

#### **20F.20.40-120      Use of Existing Environmental Documents**

The City of Redmond adopts WAC 197-11-600 through 197-11-640, as now existing or hereinafter amended, by reference.

#### **20F.20.40-130      Substantive Authority**

- (1) The City of Redmond adopts WAC 197-11-650 through 197-11-660, WAC 197-11-900 through 197-11-906, and WAC 197-11-158, as now existing or hereinafter amended, by reference.
- (2) For the purposes of RCW 43.21C.060 and WAC 197-11-660 (a), the following policies, plans, rules, regulations, and all amendments thereto, are designated as potential bases for the exercise of the City's substantive authority under SEPA, subject to the provisions of RCW 43.21C.240:
  - (a) Chapter 43.21C RCW, State Environmental Policy Act;
  - (b) Six-Year Transportation Improvement Program;
  - (c) RMC Title 6, Health and Sanitation;
  - (d) RMC Title 7, Animals;
  - (e) RMC Title 10, Vehicles and Traffic;
  - (f) RMC Title 12, Streets and Sidewalks;
  - (g) RMC Title 13, Water and Sewers;
  - (h) RMC Title 15, Buildings and Construction;
  - (i) RMC Title 20, Community Development Guide.

#### **20F.20.40-140      SEPA/GMA Integration**

The City of Redmond adopts WAC 197-11-210 through 197-11-235, as now existing or hereinafter amended, by reference.

#### **20F.20.40-150      Ongoing Actions**

Pursuant to WAC 197-11-916, unless otherwise provided for herein, the provisions of WAC 197-11 shall apply to all elements of SEPA compliance, including modifying and supplementing an EIS, initiated after the effective date of this Ordinance.

#### **20F.20.40-160      Responsibility as Consulted Agency**

Pursuant to WAC 197-11-912, all requests from other agencies that the City of Redmond consult on threshold investigations, the scope process, EIS's or other environmental documents shall be submitted to the Department of Planning and Community Development. The department shall be responsible for coordination with other affected City departments and for compiling and transmitting the City of Redmond's response to such requests for consultation.

## **20F.20.40-170 Appeals**

The City of Redmond adopts WAC 197-11-680, with the following clarifications:

- (1) Any interested person may appeal a threshold determination, adequacy of a final EIS and the conditions or denials of a requested action made by a non-elected City official pursuant to the procedures set forth in Section 20F.30.60, Appeals. No other SEPA appeals shall be allowed.
- (2) Notice. Whenever there is a final action by the City Council for which compliance with SEPA is required and for which a statute or ordinance establishes a time limit for commencing judicial appeal, the City shall give official notice as required by WAC 197-11-680(5).

## **20F.20.50 Site Construction Drawing Review**

### **20F.20.50-010 Purpose**

The purpose of this section is to establish procedures for reviewing Site Construction Drawings for site improvements. Site Construction Drawings are engineering documents that are required for improvements to a particular site.

### **20F.20.50-020 Scope**

This section shall outline the procedures for reviewing Site Construction Drawings for site improvements, when required.

### **20F.20.50-030 Procedures**

- (1) After approval of the site plan, site construction drawings are required to be submitted for review and approval, prior to issuance of a building permit or clearing and grading permit. Site construction drawings may be submitted prior to approval of the site plan.
- (2) The submittal requirements for site construction drawings are contained within Appendices 20C-1, 20D-1, 20D-2, 20D-3, 20D-4, and 20D-5, as well as in the site plan approval documents.
- (3) No site construction drawings shall be approved unless a site plan has been reviewed and approved by the appropriate decision-making body. Site construction drawings shall be reviewed to determine compliance with the approved site plan.
- (4) No site construction drawings shall be approved until the environmental review process required under the State Environmental Policy Act (SEPA) is complete.
- (5) No building permit shall be approved without the approval of the site construction drawings.

## **20F.20.60 Building and Construction Permit Review**

### **20F.20.60-010 Purpose**

The purpose of this section is to establish procedures and requirements for administering and enforcing Building and Construction Codes.

### **20F.20.60-020 Scope**

This section shall govern all Building and Construction Codes procedures and shall control in the event there are conflicts with other administrative, procedural and enforcement sections of the Redmond Community Development Guide.

### **20F.20.60-030 Procedures**

- (1) The procedures for the administration and enforcement of the Building and Construction Code shall follow those described in Subtitle 20E, Building and Construction Codes, and Section 20F.30.20 and 20F.30.30.
- (2) No building and construction permits, shall be granted unless a site plan has been reviewed and approved by the Technical Committee and, if required, the Design Review Board. Exceptions to this requirement are permits for the following:
  - (a) Signs;

- (b) Tenant improvements not encompassing modification to the exterior of an existing building;
- (c) Single family structures; and
- (d) Projects deemed as minor construction by the Code Administrator and not having environmental or related impacts.

(3) The Code Administrator shall review building permit applications for signs and may, at the Administrator's option, submit such applications to the Technical Committee and the Design Review Board for review.

(4) All building and construction permits shall comply with the approved site plan.

#### **20F.20.60-040 Complete Applications and Compliance Review**

Upon the submittal of all required documents, plans, specifications, and fees for construction and/or final application approval, the appropriate City department shall review such submittals to determine if the application is complete. The appropriate department shall determine compliance with all requirements, standards and conditions of any previous or preliminary approvals before making a decision on the application.

#### **20F.20.60-050 Pre-Construction Conferences**

Prior to undertaking any clearing, grading or construction or any other improvements authorized by preliminary or final approval, the applicant or his representative shall meet with the Technical Committee, or individual departments regarding City standards and procedures, conditions of approval, and the proposed scheduling of development.

#### **20F.20.60-060 Performance Assurance**

Any or all of the following shall be required by the City to assure that the applicant complies with all requirements for improvements and any conditions of preliminary and final approval by the appropriate method or methods below.

- (1) The applicant shall provide a performance bond or other suitable collateral approved by the approval authority in an amount equal to or greater than the value of the improvement, whichever is deemed sufficient. This is to assure installation of public improvements. As improvements are completed, a corresponding partial release of the bond or collateral may be authorized.
- (2) The applicant shall be required to provide a covenant to not oppose a future Local Improvement District for specified public improvements.
- (3) The applicant shall install all improvements in accordance with City standards and under the supervision of the Director of Public Works or his/her designee.
- (4) The applicant shall provide a bond or other collateral approved by the approval authority in an amount sufficient to cover the cost of maintenance of any public improvement for at least one year after installation.

## **20F.30 Administrative Review Procedures**

### **20F.30.10 Purpose**

It is the intent of this chapter to provide the administrative review procedures for applications and land use actions classified as Types I through VI.

### **20F.30.15 Types of Review**

#### **20F.30.15-010 Purpose**

The purpose of this section is to provide an overview of the six levels of land use review.

#### **20F.30.15-015 Scope**

Land use and development decisions are classified into six processes based on who makes the decision, the amount of discretion exercised by the decision-maker, the level of impact associated with the decision, the amount and type of input sought, and the type of appeal opportunity.

#### **20F.30.15-020 Classification of Permits and Decisions**

##### **(1) Type I Review: Minor Administrative Decisions**

A Type I Process is an administrative review and decision by the appropriate Department or Division. Applications reviewed under the Type I process are minor or ministerial administrative decisions and are exempt from certain administrative procedures, such as complete application review and decision timeframes. Decision and appeal authority varies by application and is set forth in Section 20F.30.30. The permits and actions reviewed and decided as Type I are listed in the table in Section 20F.30.15-040.

##### **(2) Type II Review: Administrative, Technical Committee/Design Review Board Decisions**

A Type II Process is an administrative review and decision by the Technical Committee, and if required, by the Design Review Board. Public notification is provided at the application and decision stages of the review. Appeals of Type II Technical Committee/Design Review Board decisions are made to the Hearing Examiner. The permits and actions reviewed and decided as Type II are listed in the table in Section 20F.30.15-040.

##### **(3) Type III Review: Hearing Examiner, Quasi-Judicial Decisions**

A Type III Process is a quasi-judicial review and decision made by the Hearing Examiner. The Hearing Examiner makes a decision based on a recommendation from the Technical Committee and, if required, the Design Review Board. A public meeting may be held prior to the Technical Committee/Design Review Board recommendation. The Hearing Examiner considers public testimony received at an open record public hearing. Public notification is provided at the application, public hearing and decision stages of application review. The administrative appeal body is the City Council. The permits and actions reviewed and decided as Type III are listed in the table in Section 20F.30.15-040.

##### **(4) Type IV Review: Hearing Examiner and City Council, Quasi-Judicial Decisions**

A Type IV Process is a quasi-judicial review and recommendation made by the Hearing Examiner and a decision made by the City Council. The Hearing Examiner considers the recommendation from the Technical Committee and, if required, the Design Review Board, as well as public testimony received at an open record public hearing. The City Council makes a decision based on a recommendation from the Hearing Examiner, during a closed record public meeting. Public notification is provided at the application, public hearing, and decision stages of application review. There is no opportunity for an administrative appeal. Appeals of City Council decisions are made to King County Superior Court. The permits and actions reviewed and decided as Type IV are listed in the table in Section 20F.30.15-040.

##### **(5) Type V Review: City Council, Quasi-Judicial Decisions**

A Type V Process is a quasi-judicial review and decision made by the City Council. The Technical Committee makes a recommendation to the City Council. Depending on the application, the Technical

Committee may conduct a public meeting to obtain public input. The City Council may choose to hold a public hearing on the application prior to making a decision. Public notification is provided at the application, public hearing (if any), and decision stages of application review. There is no opportunity for an administrative appeal. Appeals of City Council decisions are made to King County Superior Court. The permits and actions reviewed and decided as Type V are listed in the table in Section 20F.30.15-040.

**(6) Type VI Review: City Council, Legislative, Non-Project Decisions**

A Type VI Review is for legislative and/or non project decisions made by the City Council under its authority to establish policies and regulations regarding future private and public development and management of public lands. The Planning Commission makes a recommendation to the City Council. The Planning Commission will conduct a public hearing to obtain public testimony on the proposed legislation. The City Council may elect to conduct an additional public hearing. The actions reviewed and decided as Type VI are listed in the table in Section 20F.30.15-040.

**20F.30.15-030 Permits and Actions not listed**

If a permit or land use action is not listed in the table in Section 20F.30.15-040, the Administrator shall make the determination as to the appropriate review procedure.

## 20F.30.15-040, CLASSIFICATION OF PERMITS AND DECISIONS

Type of Review Procedure	TYPE I Administrative, Appropriate Department	TYPE II Administrative, Technical Committee/ Design Review Board	TYPE III Quasi-Judicial, Hearing Examiner	TYPE IV Quasi-Judicial, City Council with Hearing Examiner Recommendation	TYPE V Quasi-Judicial, City Council	TYPE VI Legislative, City Council with Planning Commission Recommendation
<b>Permits and Land Use Actions</b>	<u><b>Planning Department</b></u> Boundary Line Adjustment Sign Permit Sign Program Shoreline Exemption Telecom. Facility (no ground equipment) Temporary Use (short term) Tree Removal <u><b>Building Division</b></u> Building Permit Electrical Permit Home Moving Permit Mechanical Permit Plumbing Permit <u><b>Fire Department</b></u> Fire Protection Permit Hazardous Materials Permit UFC Permit <u><b>Public Works Department</b></u> Clearing and Grading Permit Extended Public Area Use Permit Flood Zone Permit Hydrant Permit Right-of-Way Use Permit Sewer Permit Special Event Permit Water Permit	Administrative Design Flexibility Administrative Modification Binding Site Plan SEPA Review (when not combined with another permit or required for a Type I permit) Shoreline Substantial Development Short Plat Site Plan Entitlement Special Use Telecom. Facility (with ground equipment)	Preliminary Plat Reasonable Use Exception Shoreline Conditional Use Shoreline Variance	Concurrency Exemption Conditional Use Master Planned Development (Residential and Commercial) Planned Development (Residential and Commercial) Public Project Alteration of Wildlife Habitat Areas Development Guide Amendment, Zoning Map (consistent with Comprehensive Plan)	Annexation Essential Public Facility Final Plat Plat Alteration Plat Vacation Right-of-Way Vacation Sensitive Areas Exception for Streets and/or Utilities Temporary Use (long term)	Development Guide Amendment, Comprehensive Plan Map and/or Policies Development Guide Amendment, Text Development Guide Amendment, Zoning Map (that requires a Comprehensive Plan Amendment, that is an area-wide amendment or that is the adoption of a new or substantially revised neighborhood or citywide zoning map)

**20F.30.15-050 Determination of Decision-making and Appeal Authority**

The decision-making authority and appeal authority for permit applications and legislative actions is established in Section 20F.30.15-060. A detailed explanation for each review procedure is in Sections 20F.30.30 through 20F.30.55.

**20F.30.15-060 Decision-Making And Appeal Authority**

Type of Review	TYPE I Administrative	TYPE II Administrative	TYPE III Quasi-Judicial	TYPE IV Quasi-Judicial	TYPE V Quasi-Judicial	TYPE VI Legislative
<b>Recommendation By:</b>	--	Project Manager	Technical Committee, Design Review Board, (if Design Review required)	Hearing Examiner	Technical Committee, Design Review Board, (if Design Review required)	Planning Commission
<b>Public Hearing Prior to Decision (Open or Closed Record)</b>	No	No	Yes, Open Record	Yes, Open Record	Optional, Open Record	Yes, Open Record
<b>Decision-maker</b>	Appropriate Department, see Section 20F.30.30-020(2)	Technical Committee, Design Review Board (if Design Review required)	Hearing Examiner	City Council	City Council	City Council
<b>Administrative Appeal Body</b>	Depends on permit, see Section 20F.30.30-020(2)	Hearing Examiner	City Council	None	None	None
<b>Administrative Appeal Hearing (Open or Closed Record)</b>	Open Record	Open Record	Closed Record	None	None	None
<b>Closed Record Administrative Appeal Hearing &amp; Appeal Body</b>	Yes, City Council	Yes, City Council	See above	None	None	None
<b>Judicial Appeal</b>	Superior Court	Superior Court	Superior Court	Superior Court	Superior Court	Superior Court

**20F.30.20 Application Procedures****20F.30.20-010 Purpose**

This section describes the requirements for making application for review, including pre-application conferences, submittal requirements, and fees.

**20F.30.20-020 Where to Apply**

Applications for development permits and other land use actions shall be made to the Redmond Permit Center, except Type I applications shall be made to the Department which has the decision-making authority (See 20F.30.30-020(2)).

**20F.30.20-030 Who Applies**

The property owner or any agent of the owner with authorized proof of agency may apply for a permit or approval under the Type of Process specified.

#### **20F.30.20-040 Pre-application Conferences**

- (1) Pre-application conferences are highly recommended for applications requiring Type II, III, IV, V and/or VI reviews. Pre-application conferences are optional for applications requiring Type I review. Prior to submitting an application, the applicant may arrange a conference with the Technical Committee to review the proposed action, to become familiar with City policies, plans and development requirements, and to coordinate all necessary permits and procedures. Pre-application procedures and submittal requirements shall be determined by the Administrator and available in the Redmond Permit Center.
- (2) When design review is required, a pre-application conference with the Design Review Board is recommended.

#### **20F.30.20-050 Submittal Requirements**

- (1) The Administrator shall specify submittal requirements including type, detail, and number of copies for an application to be complete. Submittal requirement for each permit application shall be available in the Permit Center. At a minimum the following shall be submitted with new applications:
  - (a) General Application Form
  - (b) Applicable Fees
  - (c) Environmental Checklist (if not exempt)
  - (d) Applicable signatures, stamps or certifications
  - (e) All required items stated in the applicable Development Brochure
- (2) The Administrator may waive specific submittal requirements determined to be unnecessary for review of an application. Alternatively, the Administrator may require additional material such as maps, studies, or models when the Administrator determines such material is needed to adequately assess the proposed project.

#### **20F.30.20-060 Consolidated Permit Process**

- 1) Whenever possible, an development that involves two or more related applications shall be processed collectively. A consolidated report setting forth the recommendation and decision shall be issued.
- 2) No hearing or deliberation upon an application for a conditional use permit, subdivision, variance, planned development, development review permit, shoreline permit, or similar quasi-judicial or administrative action which is inconsistent with the existing Zoning Map shall be scheduled for the same meeting at which the required Zoning Map amendment will be considered by the Hearing Examiner or the City Council. This section is intended to be a “procedural requirement” applicable to such actions as noted in RCW 58.17.070.

#### **20F.30.20-070 Application and Inspection Fees**

- (1) Fee Schedule.
  - (a) The schedule of fees adopted pursuant to this section shall govern assessment of fees to cover costs incurred by the City in considering action on the land use and development applications. This schedule is available in the Redmond Permit Center.
  - (b) With respect to development review and permit applications, building inspection, electrical, mechanical, and plumbing permit fees, the Director of the Department of Planning and Community Development is hereby authorized to promulgate fee schedules and to periodically revise the same as needed in light of costs of administering said permit systems, subject to approval of the City Council by resolution. With respect to clearing and grading, and site construction and inspection permit fees, the Director of the Department of Public Works is hereby authorized to promulgate fee schedules and to periodically revise the same as needed in light of costs of administering said permit systems, subject to approval of the City Council by resolution. Said administrators may alternatively elect to utilize the fee schedule set forth in the applicable uniform code when such code has been adopted by ordinance.
- (2) Fee Administration.

- (a) An application fee consisting of the appropriate itemized costs from the fee schedule shall be collected from the applicant and receipted by the City prior to taking any action on an application. A final inspection fee, consisting of the appropriate components from the fee schedule, shall be collected from the applicant and receipted by the City prior to undertaking any steps to check plans or construction drawings, inspect improvements or authorize final project approval or occupancy.
- (b) If at any time an applicant withdraws an application from the approval process prior to final approval, those itemized costs not incurred to any extent by the City shall be refunded as determined by the Administrator.
- (c) In the event that actions of an applicant result in the repetition of the reviews, inspections and other steps in the approval process, those items repeated shall be charged to and paid by the applicant according to the fee schedule prior to any further processing of the application by the City.
- (d) Applicants seeking approval of multiple applications which are processed simultaneously, whereby single review costs are reduced, shall be charged the larger of the itemized costs from the fee schedule or as determined by the Administrator. The fee for any inspection shall be the larger of the totals computed on a lot, per acre or per application basis. The fee for any single application shall be the smaller of the totals computed on a per lot, per acre, or per application basis.

(3) Fee Waivers.

- (a) When a City department applies for a permit required by RCDG Titles 20C - Land Use Regulations, 20D - Citywide Regulations, 20E - Building and Construction Codes, and 20F - Administration and Procedures, the department shall not be required to pay application fees. Where an application will require substantial review time or expenditures, the Administrator may require that the department applying for the permit reimburse the departments reviewing the application for some or all of the time and costs expended in the review.
- (b) The City Council may waive application fees for any permit required by RCDG Titles 20C - Land Use Regulations, 20D - Citywide Regulations, 20E - Building and Construction Codes, and 20F - Administration and Procedures for housing projects that meet the requirements of this subsection.
  - (i) The housing will be ultimately owned by households earning 60 percent of the King County median family income adjusted for household size, non-profit organizations, or public agencies.
  - (ii) The housing will remain affordable to households earning 60 percent or less of the King County median family income adjusted for household size for at least five years. The City Council may condition the waiver for a longer period of time if needed to recover the community's investment.
  - (iii) The housing will help meet an unfulfilled portion of Redmond's affordable housing targets.
  - (iv) The location will meet Redmond's policies and zoning for the proposed housing type and density.
  - (v) The proposal will result in a benefit to the community.
  - (vi) The waiver will not result in an unacceptable adverse impact on the service providers funded by the fees proposed for a waiver.
- (c) The City Council may waive application fees for any permit required by RCDG Titles 20C - Land Use Regulations, 20D - Citywide Regulations, 20E - Building and Construction Codes, and 20F - Administration and Procedures for environmental restoration or enhancement projects that meet the requirements of this subsection.
  - (i) The project will be carried out by non-profit organizations, or other persons or groups demonstrating similar intent.
  - (ii) The applicant shall demonstrate that the primary purpose of the project is environmental restoration or enhancement.
  - (iii) The project will help meet an unfulfilled habitat restoration need identified by the City.
  - (iv) The project and its location shall meet all applicable policies and regulations.
  - (v) The proposal will result in a benefit to the community.
  - (vi) The waiver will not result in an unacceptable adverse impact on the service providers funded by the fees proposed for a waiver.
- (d) Any request for a fee waiver shall be made in writing when the application is filed.
- (e) The City Council may condition a waiver to ensure the project will meet the requirements of this subsection or to lessen impacts on the service providers funded by the fees that are waived.

### **20F.30.20-080      Computing Time**

Unless otherwise specified, all timeframes are indicated as calendar days, not working days. For the purposes of computing time, the day the determination or decision is rendered shall not be included. The last day of the time 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 time period concludes at the end of the next business day.

## **20F.30.25 Timeframes For Review**

### **20F.30.25-010      Purpose**

RCW 36.70B.070 and RCW 36.70B.080 require that timeframes be established to ensure applications are reviewed in a timely and predictable manner. This section establishes the timeframes and procedures for a determination of completeness and final decision for Type II, III, IV or V reviews. No timeframes are established for Type I or Type VI reviews.

### **20F.30.25-020      Complete Application Review Timeframe**

The following procedures shall be applied to new applications requiring Type II, III, IV, or V reviews. Applications requiring Type I review or Type VI review are excluded from this requirement.

- (1) Within 28 days after receiving an application, the Administrator shall mail, fax, or otherwise provide to the applicant a written determination that the application is complete, or that the application is incomplete, and what is necessary to make the application complete. The applicant has 90 days to submit the necessary information to the City.
- (2) If the Administrator does not provide a written determination within the 28 days, the application shall be deemed complete at the end of the 28th day.
- (3) If additional information is needed to make the application complete, the Administrator shall notify the applicant whether the application is complete or what additional information is necessary within 14 days after an applicant has submitted the information identified by the Administrator as being needed.
- (4) An application is complete for purposes of this section when it meets the submittal requirements established by the Administrator and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The Determination of Completeness shall not preclude the Administrator from requesting additional information or studies either at the time of the Notice of Completeness or subsequently, if new information is required to complete review of the application or substantial changes in the permit application are proposed.

### **20F.30.25-030      Application Review and Decision Timeframe**

Decisions on Type II, III, IV or V applications generally shall be made within 120 days from the date of complete application. For purposes of calculating timelines and counting days of permit processing, the applicable time period shall begin on the first working day following the date the application is determined to be complete pursuant to 20F.30.25-020 and shall only include the time during which the City can proceed with review of the application. Applications for developments that are complex or that have extensive or difficult issues may take an additional 120 days for their review. The applicant and the City may agree in writing to extend the time period.

## 20F.30.30 Type I Review: Minor Administrative Decisions

### 20F.30.30-010 Purpose

A Type I Review is an administrative review and decision by the appropriate Department or Division. These are applications which are categorically exempt from review under the State Environmental Policy Act (SEPA) or permits which environmental review has been completed in connection with another application. Type I reviews are exempt from the procedures of 20F.30.25, Timeframes for Review.

### 20F.30.30-020 Type I Review Decision-maker and Appeal Body

(1) Decisions on Type I applications are made by the appropriate Department Director or designee. Appeals of Type I decisions are made to the appropriate appeal body. The decision-maker and designated appeal body for each application reviewed as a Type I, are indicated in Table 3.

(2) Type I Decision-maker and Appeal Body

Application	Decision-maker (Department)	Appeal Body
Administrative Interpretation	Planning	Hearing Examiner
Christmas Tree Lot	Planning	Hearing Examiner
Home Business	Planning	Hearing Examiner
Lot Line Revision	Planning	Hearing Examiner
Sign Permit	Planning	Hearing Examiner
Sign Program	Planning	Hearing Examiner
Shoreline Exemption	Planning	Hearing Examiner
Telecommunication Facility	Planning	Hearing Examiner
Temporary Use (short term)	Planning	Hearing Examiner
Tree Removal	Planning	Hearing Examiner
Building Permit	Building	Hearing Examiner
Electrical Permit	Building	Hearing Examiner
Home Moving Permit	Building	Hearing Examiner
Mechanical Permit	Building	Hearing Examiner
Plumbing Permit	Building	Hearing Examiner
Fire Protection Permit	Fire	Hearing Examiner
Hazardous Materials Permit	Fire	Hearing Examiner
UFC Permit	Fire	Hearing Examiner
Clearing and Grading	Public Works	Hearing Examiner
Flood Plain Development Permit	Public Works	Hearing Examiner
Hydrant Permit	Public Works	Hearing Examiner
Right-of-Way Use Permit	Public Works	Hearing Examiner
Sewer Permit	Public Works	Hearing Examiner
Special Event Permit	Public Works	Hearing Examiner
Street Use Permit	Public Works	Hearing Examiner
Water Permit	Public Works	Hearing Examiner

### 20F.30.30-020 Application Submittal

Application forms and submittal requirements for each of the Type I permits shall be prepared and maintained by the Department responsible for issuing the decision on the application. Applications shall be submitted to the appropriate Department.

### **20F.30.30-025      Technical Committee/Design Review Board Consultation**

Any application may be forwarded to the Technical Committee and/or Design Review Board for consultation. The decision-making authority for the application remains with the Department Director as set forth in Section 20F.30.30-020(2).

### **20F.30.30-030      Administrative Decision**

A written record of the Type I decision shall be prepared in each case. The record may be in the form of a staff report, letter, the permit itself, or other written document and shall indicate whether the application has been approved, approved with conditions, or denied. The Department decision shall be based on the applicable Redmond Community Development Guide or other adopted uniform code and shall include any conditions to ensure consistency with the development regulations. The applicant shall be notified of the final decision. All other decisions are final upon expiration of any applicable appeal period, or if appealed, on the date of the appeal body's final decision on the application.

### **20F.30.30-035      Termination of Approval**

- (1) Approval of the Type I application shall expire one year from the date approval was final unless significant action proposed in the application has been physically commenced and remains in progress.
- (2) The period may be extended on a yearly basis by the approval authority upon showing proper justification. Proper justification consists of one or more of the following conditions:
  - (a) Economic hardship;
  - (b) Change of ownership;
  - (c) Unanticipated construction and/or site design problems;
  - (d) Other circumstances beyond the control of the applicant determined acceptable by the Technical Committee.
- (3) Once the time period and any extensions have expired, preliminary approval shall terminate and the application is void and deemed withdrawn.

### **20F.30.30-040      Appeal of Administrative Decision**

- (1) If a Type I decision has an administrative appeal available as set forth in Section 20F.30.30-020(2), the following procedures shall be followed:
  - (a) **Who May Appeal.** The project applicant or any person who submitted written comments prior to the date the decision was issued may appeal the decision.
  - (b) **Form of Appeal.** A person appealing a Type I decision must submit a completed appeal form which sets forth:
    - (i) Facts demonstrating that the person is adversely affected by the decision;
    - (ii) A concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria;
    - (iii) The specific relief requested; and
    - (iv) Any other information reasonably necessary to make a decision on the appeal.
  - (c) **Time to Appeal.** The written appeal and the appeal fee, if any, must be received by the Redmond Permit Center no later than 5:00 PM on the 14<sup>th</sup> day following the date of the decision of the Department.

### **20F.30.30-050      Notice of Appeal**

If a Type I decision is appealed, a hearing before the designated appeal body (as established in Table 3) shall be set and notice of the hearing shall be mailed to the appellant, the applicant, and all parties of record by the applicable Department Director. Notice shall be mailed no less than 14 days prior to the appeal hearing, except that if the Type I decision has been consolidated with a recommendation on a Type III or IV application, any appeal of the Type I decision shall be consolidated with the Type III or IV public hearing. No separate notice of a Type I appeal need be provided if the public hearing has already been scheduled for the Type III or IV component of an application.

### **20F.30.30-060 Hearing Examiner Public Hearing**

The Hearing Examiner shall conduct an open record hearing on a Type I appeal. The appellant, the applicant, and the City shall be designated parties to the appeal. Each party may participate in the appeal hearing by presenting testimony or calling witnesses to present testimony. Interested persons, groups, associations, or other entities who have not appealed may participate only if called by one of the parties to present information, provided that the Examiner may allow nonparties to present relevant testimony if allowed under the Examiner Rules of Procedure.

### **20F.30.30-070 Hearing Examiner Decision on Appeal**

- (1) Within 14 days after the close of the record for the Type I Appeal, the Hearing Examiner shall issue a written decision to grant, grant with modifications, or deny the appeal. The Hearing Examiner may grant the appeal or grant the appeal with modification if:
  - (a) The appellant has carried the burden of proof; and
  - (b) The Examiner finds that the Type I decision is not supported by a preponderance of the evidence.
- (2) The Hearing Examiner shall accord substantial weight to the decision of the applicable Department Director.

### **20F.30.30-075 Appeal of Hearing Examiner Decision on Appeal**

- (1) A Hearing Examiner decision on a Type I appeal may be appealed to the City Council as follows:
  - (a) **Who May Appeal.** The project applicant or any person who participated in the public hearing as provided for in 20F.30.30-060 or by the applicant or the City.
  - (b) **Form of Appeal.** A person appealing a Hearing Examiner decision on a Type I appeal must file at the Redmond Permit Center a completed appeal form, including a written statement of the findings of fact or conclusions which are being appealed.
  - (c) **Time and Place to Appeal.** The appeal form, the written statement of appeal, and the appeal fee, if any, must be received by the Redmond Permit Center no later than 5:00 PM on the 14<sup>th</sup> day following the expiration of the reconsideration period.
  - (d) **Hearing Required.** The City Council shall conduct a closed record appeal hearing in order to decide upon an appeal of the appeal decision of the Hearing Examiner. The decision on any such appeal shall be made within such time as is required by applicable state law.
  - (e) **Public Notice of Appeal Hearing.**
    - (i) Contents of Notice. The Administrator shall prepare a Notice of Appeal Hearing containing the following:
      - (A) The name of the appellant, and, if applicable, the project name, and
      - (B) The street address of the subject property and a description in non-legal terms sufficient to identify its location, and
      - (C) A brief description of the decision of the Hearing Examiner which is being appealed, and
      - (D) The date, time, and place of the appeal hearing before the City Council.
    - (ii) Time and Provision of Notice. The Administrator shall mail the Notice of Appeal Hearing on an appeal of the appeal decision of the Hearing Examiner no less than 14 day prior to the appeal hearing to each person entitled to participate in the appeal pursuant to subsection (f)(i).
  - (f) **Closed Record Hearing on Appeal to City Council.**
    - (i) Who May Participate. The applicant, the appellant, the applicable Department Director, or representatives of these parties may participate in the appeal hearing.
    - (ii) How to Participate. A person entitled to participate may participate in the appeal hearing by:
      - (A) Submitting written argument on the appeal to the City Clerk no later than the date specified in the City Council's Rules of Procedure; or
      - (B) Making oral argument on the appeal to the City Council at the appeal hearing. Argument on the appeal is limited to information contained in the record developed before the Hearing Examiner and must specify the findings or conclusions which are the subject of the appeal, as well as the relief requested from the Council.
    - (iii) Hearing Record. The City Council shall make an electronic sound recording of each appeal hearing.

- (iv) Testimony. Testimony or other evidence and information not presented to the Hearing Examiner shall not be considered. The decision by the City Council shall be made only on the basis of facts presented at the hearing. If the City Council finds there is good reason to take additional evidence, the Council may remand the matter for reconsideration by the Hearing Examiner in light of the additional information.
- (v) Decision. When the City Council has not conducted a public hearing it shall uphold the decision of the Hearing Examiner unless, based upon the record of the Hearing Examiner's proceedings, it is determined that the Hearing Examiner's decision is clearly erroneous.
- (g) **City Council Decision on Appeal.**
  - (i) Criteria. The City Council may grant the appeal or grant the appeal with modifications if the appellant has carried the burden of proof and City Council finds that the decision of the Hearing Examiner is not supported by a preponderance of the evidence. In all other cases, the appeal shall be denied. The City Council shall accord substantial weight to the decision of the Hearing Examiner.
  - (ii) Conditions. The City Council may impose conditions as part of the granting of an appeal or granting of an appeal with modification to ensure conformance with the criteria under which the application was made.
  - (iii) Findings. The City Council shall adopt findings and conclusions which support its decision on the appeal.
  - (iv) Required Vote. A vote to grant the appeal or grant the appeal with modifications must be by a majority vote of the membership of the City Council. A tie vote shall be decided by the vote of the Mayor. Any other vote constitutes denial of the appeal.

#### **20F.30.30-080 Appeal of City Council Decision**

A final decision by the City Council on an appeal of a Type I appeal may be appealed to Superior Court by filing a land use petition which meets the requirements set forth in Chapter 36.70C RCW. The petition must be filed and served upon all necessary parties as set forth in state law and within the 21-day time period as set forth in RCW 36.70C.040. Requirements for fully exhausting City administrative appeal opportunities must be fulfilled.

#### **20F.30.30-090 Time Period to Complete Appeal Process**

In all cases, except where the parties to an appeal have agreed to an extended time period, the administrative appeal process generally shall be completed within 90 days from the date the original administrative appeal period closed. The administrative appeal process shall be deemed complete on the date of issuance of the Hearing Examiner's decision or the City Council's decision on the appeal.

#### **20F.30.30-100 Commencement of Activity**

Some construction activity may commence prior to the conclusion of an appeal. See Section 20F.30.60-030(2), Effect of Appeals.

#### **20F.30.30-110 Modification or Addition to an Approved Project or Decision**

See Section 20F.40.25

#### **20F.30.30-120 Revocation**

- (1) The Administrator may revoke an approved permit upon a finding that:
  - (a) The permit was issued in error; or
  - (b) Approval of the permit was obtained by misrepresentation of material fact; or
  - (c) The permit is being exercised contrary to the terms of approval.
- (2) The decision to revoke a permit may be appealed by parties as set forth in 20F.30.30-040. For appeals of revocation that involve uses or activities contrary to the terms of approval, the Hearing Examiner may issue a notice requiring the use or activity be ceased pending the conclusion of the appeal.

## **20F.30.35 Type II Review: Administrative, Technical Committee / Design Review Board Decisions**

### **20F.30.35-010 Purpose**

A Type II review is an administrative review and decision by the Technical Committee, and if required, by the Design Review Board. Public notification is provided at the application and decision stages of the review. Appeals of Type II decisions are made to the Hearing Examiner. The purpose of this section is to provide the step-by-step procedures for reviewing, notifying, and appealing permits requiring Type II Review.

### **20F.30.35-015 Overview of Type II Review**

- (1) This section contains the procedures the City will use in processing Type II applications. This process begins with a complete application, followed by notice to the public of the application and a public comment period.
- (2) If required by the State Environmental Policy Act, a threshold determination will be issued by the Responsible Official. The threshold determination shall be issued prior to the issuance of the Technical Committee/Design Review Board decision on the application. If the Optional Determination of Non-Significance (DNS) process is used, the preliminary DNS is issued early and the comment period is combined with Notice of Application. The final DNS, under the Optional DNS process, is issued with the Notice of Final Decision. If a Determination of Significance (DS) is issued and an Environmental Impact Statement (EIS) is required, the EIS will be completed prior to issuance of the Technical Committee/Design Review Board decision. If the requirement to prepare an EIS or a Supplemental EIS is appealed by the applicant, that appeal will also be resolved prior to issuance of the Technical Committee/Design Review Board decision.
- (3) Upon completion of the Technical Committee/Design Review Board reviews, a written report will be issued which will set forth a decision to approve, approve with modifications, or deny the application. The report will also include a final City decision on any threshold determination.
- (4) The Decision of the Technical Committee or Design Review Board is appealable to the Hearing Examiner. The Hearing Examiner action deciding the appeal and approving, approving with modifications, or denying a project is the final City decision on a Type II application. The Hearing Examiner decision on the appeal is appealable to Superior Court.

### **20F.30.35-020 Notice of Application**

- (1) Notice of application for Type II permits shall be provided within 14 days of the Determination of Completeness pursuant to 20F.30.25 Timeframes for Review. Notice shall be provided as indicated in Section 20F.30.35-020(2).

#### **(2) Notice of Application Requirements of Type II Review**

<b>Permit</b>	<b>Mail</b>	<b>Post</b>
Administrative Design Flexibility	X	X
Administrative Modification	X	X
Binding Site Plan	X	X
Shoreline Substantial Development	X	X
Short Plat	X	X
Site Plan Entitlement	X	X
Special Use	X	X
Type I Permits requiring SEPA		

#### **(3) Mailed Notice.**

- (a) Mailings shall include a mailed Notice of Application to owners of real property within 500 feet of the project site, or 20 property owners (whichever is greater), including the following information:
  - (i) The date of application and the date of the Notice of Application;
  - (ii) 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;
  - (iii) The identification of other permits not included in the application, to the extent known by the City;
  - (iv) 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;
  - (v) A statement of the limits of the public comment period;
  - (vi) A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;
  - (vii) The date, time, place, and type of meeting, if applicable, and if it is scheduled at the date of notice of the application;
  - (viii) 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;
  - (ix) A map depicting the boundaries of the project site and, when applicable, a site map showing the proposal;
  - (x) Any other information determined appropriate by the City, such as the City's SEPA threshold determination, if complete at the time of issuance of the Notice of Application.
- (b) Mailings shall also include the mailed Notice of Application including at least the information required in subsection (a) to each person who has requested such notice.
- (c) No proceeding of any procedure established in this chapter shall be found to be invalid for failure to provide mailed notice as required in this section as long as the other methods of notice have met their respective requirements and there was a good faith attempt to comply with the mailed notice requirements.

**(4) Posted Notice.**

- (a) At least one public notice board shall be posted on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The Administrator shall establish standards for size, color, layout, design, wording and placement of the notice boards.
- (b) A public notice shall also be posted at a designated location within City Hall and at least one other public building, such as the library, post office, or community center.

**(5) Responsibility for Notice.**

The Code Administrator is responsible for providing published legal notices, mailed notice, and posted notice in public buildings. The applicant is responsible for complying with on-site posted notice requirements.

**20F.30.35-030 Minimum Comment Period**

- (1) The Notice of Application shall provide a minimum comment period of 14 days. The Technical Committee's decision on Type II application shall not be issued prior to the expiration of the minimum comment period.
- (2) Comments should be submitted to the Technical Committee as early in the review of an application as possible and should be as specific as possible.
- (3) If the Optional DNS process is used, as described in Section 20F.30.35-040, the Administrator shall combine the Notice of Application and DNS comment periods. When a final DNS is issued, there is no additional comment period.
- (4) The Technical Committee may accept and respond to public comments at any time prior to making the Type II decision.

### **20F.30.35-040 Environmental Review**

- (1) Threshold Determinations. The Administrator shall issue the threshold determination after the minimum comment period for the Notice of Application and prior to the decision on the application. The threshold determination shall be mailed and posted in the same manner as the Notice of Application. The threshold determination shall also be sent to agencies with jurisdiction and the Washington State Department of Ecology. There is a 14 day comment period. Any comments received shall be addressed in the Technical Committee decision on the application which shall include the final threshold determination (DNS or DS).
- (2) Optional DNS Process. For projects that have few or no impacts, a preliminary DNS may be issued with the Notice of Application. The comment period for the DNS and the Notice of Application shall be combined. The Notice of Application shall state that the City expects to issue a DNS for the proposal and that this may be the only opportunity to comment on the environmental impacts of the proposed project. After the close of the comment period, the Technical Committee shall review any comments and issue the final DNS in conjunction with the decision on the application.
- (3) Determination of Significance. If a Determination of Significance (DS) is issued, and an Environmental Impact Statement (EIS) is required, the EIS will be completed prior to issuance of the Technical Committee/Design Review Board decision. If the requirement to prepare an EIS or a Supplemental EIS is appealed by the applicant, that appeal will also be resolved prior to issuance of the Technical Committee/Design Review Board decision.

### **20F.30.35-050 Technical Committee Decision**

A written record of the Type II decision shall be prepared in each case. The record may be in the form of a staff report, letter, the permit itself, or other written document and shall indicate whether the application has been approved, approved with conditions, or denied. The Technical Committee decision shall be based on the applicable Redmond Community Development Guide (RCDG) regulations and shall include any conditions to ensure consistency with the development regulations. The decision is final upon expiration of any applicable appeal period, or if appealed, on the date of the Hearing Examiner's final decision on the appeal.

### **20F.30.35-060 Design Review Board Decision**

When design review is required, the Design Review Board decision shall be included in the same staff report, letter, permit or other written document that contains the Technical Committee decision.

### **20F.30.35-070 Notice of Decision**

The Administrator shall mail notice of the Technical Committee/Design Review Board decision and the SEPA determination, if any, to the applicant and to each person who submitted comments during the public comment period or at any time prior to issuance of the decision.

### **20F.30.35-075 Termination of Approval**

- (1) Approval of the Type II application shall expire one year from the date approval was final unless significant action proposed in the application has been physically commenced and remains in progress.
- (2) The period may be extended on a yearly basis by the approval authority upon showing proper justification. Proper justification consists of one or more of the following conditions:
  - (a) Economic hardship;
  - (b) Change of ownership;
  - (c) Unanticipated construction and/or site design problems;
  - (d) Other circumstances beyond the control of the applicant determined acceptable by the Technical Committee.
- (3) Once the time period and any extensions have expired, preliminary approval shall terminate and the application is void and deemed withdrawn.

## **20F.30.35-080      Appeal of Type II, Technical Committee and/or Design Review Board Decisions**

(1) Type II decisions, except for shoreline permits, may be appealed as follows:

- (a) **Who May Appeal.** The project applicant or any person who submitted written comments, prior to the date the decision was issued, may appeal the decision.
- (b) **Form of Appeal.** A person appealing a Type II decision must submit a completed appeal form which sets forth:
  - (i) Facts demonstrating that the person is adversely affected by the decision;
  - (ii) A concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria;
  - (iii) The specific relief requested; and
  - (iv) Any other information reasonably necessary to make a decision on the appeal.
- (c) **Time to Appeal.** The written appeal and the appeal fee, if any, must be received by the Redmond Permit Center no later than 5:00 PM on the 14th day following the date of publication of the decision of the Technical Committee/Design Review Board Decision.

(2) **Shoreline Permit Appeals.** An appeal of a Shoreline Substantial Development Permit shall be to the State Shoreline Hearings Board and shall be filed within 21 days of the receipt of the City's decision by the Department of Ecology, as set forth in RCW 90.58.180.

## **20F.30.35-090      Notice of Appeal Hearing**

If a Type II decision is appealed, a hearing before the City Hearing Examiner shall be set and notice of the hearing shall be provided in the same manner as was done for the Notice of Decision; except that if the Type II decision has been consolidated with a recommendation on a Type III or IV application, any appeal of the Type II decision shall be consolidated with the Type III or IV public hearing. No separate notice of a Type II appeal will be provided if a public hearing has already been scheduled for the Type III or IV component of an application.

## **20F.30.35-100      Hearing Examiner Public Hearing on Appeal**

The Hearing Examiner shall conduct an open record hearing on a Type II appeal. The appellant, the applicant and the City shall be designated parties to the appeal. Each party may participate in the appeal hearing by presenting testimony or calling witnesses to present testimony. Interested persons, groups, associations, or other entities who have not appealed may participate only if called by one of the parties to present information, provided that the Examiner may allow non-parties to present relevant testimony if allowed under the Examiner's Rules of Procedure.

## **20F.30.35-110      Hearing Examiner Decision on Appeal**

Within 14 days after the close of the record for the Type II appeal, the Hearing Examiner shall issue a written decision to grant, grant with modifications, or deny the appeal. The Hearing Examiner shall accord substantial weight to the decision of the Technical Committee. The Examiner may grant the appeal or grant the appeal with modifications if:

- (1) The appellant has carried the burden of proof; and
- (2) The Examiner finds that the Type II decision is not supported by a preponderance of the evidence.

## **20F.30.35-120      Appeal of Hearing Examiner Decision on Appeal**

(1) A Hearing Examiner decision on a Type II appeal may be appealed to the City Council as follows:

- (a) **Who May Appeal.** The project applicant or any person who participated in the public hearing as provided for in 20F.30.35-100 or by the applicant or the City.
- (b) **Form of Appeal.** A person appealing a Hearing Examiner decision on a Type II appeal must file at the Redmond Permit Center a completed appeal form, including a written statement of the findings of fact or conclusions which are being appealed.

- (c) **Time and Place to Appeal.** The appeal form, the written statement of appeal, and the appeal fee, if any, must be received by the Redmond Permit Center no later than 5:00 PM on the 14<sup>th</sup> day following the expiration of the reconsideration period.
- (d) **Hearing Required.** The City Council shall conduct a closed record appeal hearing in order to decide upon an appeal of the appeal decision of the Hearing Examiner. The decision on any such appeal shall be made within such time as is required by applicable state law.
- (e) **Public Notice of Appeal Hearing.**
  - (i) Contents of Notice. The Administrator shall prepare a Notice of Appeal Hearing containing the following:
    - (A) The name of the appellant, and, if applicable, the project name, and
    - (B) The street address of the subject property and a description in non-legal terms sufficient to identify its location, and
    - (C) A brief description of the decision of the Hearing Examiner which is being appealed, and
    - (D) The date, time, and place of the appeal hearing before the City Council.
  - (ii) Time and Provision of Notice. The Administrator shall mail the Notice of Appeal Hearing on an appeal of the appeal decision of the Hearing Examiner no less than 14 day prior to the appeal hearing to each person entitled to participate in the appeal pursuant to subsection (f)(i).
- (f) **Closed Record Hearing on Appeal to City Council.**
  - (i) Who May Participate. The applicant, the appellant, the applicable Department Director, or representatives of these parties may participate in the appeal hearing.
  - (ii) How to Participate. A person entitled to participate may participate in the appeal hearing by:
    - (A) Submitting written argument on the appeal to the City Clerk no later than the date specified in the City Council's Rules of Procedure; or
    - (B) Making oral argument on the appeal to the City Council at the appeal hearing. Argument on the appeal is limited to information contained in the record developed before the Hearing Examiner and must specify the findings or conclusions which are the subject of the appeal, as well as the relief requested from the Council.
  - (iii) Hearing Record. The City Council shall make an electronic sound recording of each appeal hearing.
  - (iv) Testimony. Testimony or other evidence and information not presented to the Hearing Examiner shall not be considered. The decision by the City Council shall be made only on the basis of facts presented at the hearing. If the City Council finds there is good reason to take additional evidence, the Council may remand the matter for reconsideration by the Hearing Examiner in light of the additional information.
  - (v) Decision. When the City Council has not conducted a public hearing it shall uphold the decision of the Hearing Examiner unless, based upon the record of the Hearing Examiner's proceedings, it is determined that the Hearing Examiner's decision is clearly erroneous.
- (g) **City Council Decision on Appeal.**
  - (i) Criteria. The City Council may grant the appeal or grant the appeal with modifications if the appellant has carried the burden of proof and City Council finds that the decision of the Hearing Examiner is not supported by a preponderance of the evidence. In all other cases, the appeal shall be denied. The City Council shall accord substantial weight to the decision of the Hearing Examiner.
  - (ii) Conditions. The City Council may impose conditions as part of the granting of an appeal or granting of an appeal with modification to ensure conformance with the criteria under which the application was made.
  - (iii) Findings. The City Council shall adopt findings and conclusions which support its decision on the appeal.
  - (iv) Required Vote. A vote to grant the appeal or grant the appeal with modifications must be by a majority vote of the membership of the City Council. A tie vote shall be decided by the vote of the Mayor. Any other vote constitutes denial of the appeal.

### **20F.30.35-120 Appeal of City Council Decision**

A final City decision on an application may be appealed to Superior Court by filing a land use petition which meets the requirements set forth in Chapter 36.70C RCW. The petition must be filed and served upon all necessary parties as set forth in state law and within the 21-day time period as set forth in RCW 36.70C.040. Requirements for fully exhausting City administrative appeal opportunities must be fulfilled.

### **20F.30.35-130 Time Period To Complete Appeal Process**

In all cases, except where the parties to an appeal have agreed to an extended time period, the administrative appeal process generally shall be completed within 90 days from the date the original administrative appeal period closed. Administrative appeals shall be deemed final on the date of issuance of the Hearing Examiner's or the City Council's decision on the appeal.

### **20F.30.35-140 Commencement of Activity**

Some construction activity may commence prior to the conclusion of an appeal. See Section 20F.30.60-030(2), Effect of Appeals.

### **20F.30.35-150 Modification or Addition to an Approved Project or Decision**

See Section 20F.40.25

### **20F.30.35-160 Revocation**

- (1) The Administrator may revoke an approved permit upon a finding that:
  - (a) The permit was issued in error; or
  - (b) Approval of the permit was obtained by misrepresentation of material fact; or
  - (c) The permit is being exercised contrary to the terms of approval.
- (2) The decision to revoke a permit may be appealed as set forth in 20F.30.30-040. For appeals of revocation that involve uses or activities contrary to the terms of approval, the Hearing Examiner may issue a notice requiring the use or activity be ceased pending the conclusion of the appeal.

## **20F.30.40 Type III Review: Quasi-Judicial, Hearing Examiner Decisions**

### **20F.30.40-010 Purpose**

A Type III Process is a quasi-judicial review and decision made by the Hearing Examiner. The Hearing Examiner makes a decision based on a recommendation from the Technical Committee and, if required, the Design Review Board. A public meeting may be held prior to the Technical Committee/Design Review Board recommendation. The Hearing Examiner considers public testimony received at an open record public hearing. Public notification is provided at the application, public hearing and decision stages of application review. The administrative appeal body is the City Council. The purpose of this section is to provide the necessary steps for permits requiring Type III Review.

### **20F.30.40.015 Overview of Type III Review**

- (1) This section contains the procedures the City will use in processing Type III applications. This process begins with a complete application, followed by notice to the public of the application and a public comment period, during which time an informational meeting may be held.
- (2) If required by the State Environmental Policy Act, a threshold determination will be issued by the Administrator. The threshold determination shall be issued prior to the issuance of the Technical Committee/Design Review Board's recommendation on the application. If the Optional Determination of Non-Significance (DNS) process is used, the preliminary DNS is issued early and the comment period is combined with Notice of Application. The final DNS, under the Optional DNS process, is issued with the Notice of Final Decision. If a Determination of Significance (DS) is issued and an Environmental Impact Statement (EIS) is required, the EIS will be completed prior to issuance of the Technical Committee/Design Review Board Recommendation. If the requirement to prepare an EIS or a

Supplemental EIS is appealed by the applicant, that appeal will also be resolved prior to issuance of the Technical Committee/Design Review Board recommendation.

- (3) Following issuance of the Technical Committee/Design Review Board recommendation, a public hearing will be held before the City Hearing Examiner. If a SEPA Determination of Non-Significance (DNS) was issued (no EIS required) and an appeal of the DNS has been filed, the appeal hearing on the DNS will be combined with the public hearing on the Technical Committee/Design Review Board recommendation. Following the public hearing, the Hearing Examiner will issue a written report which will set forth a decision to approve, approve with modifications, or deny the application. The Examiner's report will also include a final City decision on any DNS or other Type I or II appeal.
- (4) The Decision of the Hearing Examiner on a Type III application is appealable to the City Council. The City Council action deciding the appeal and approving, approving with modifications, or denying a project is the final City decision on a Type III application.

#### **20F.30.40-020 Notice of Application**

- (1) Notice of application for Type III permits shall be provided within 14 days of the Determination of Completeness pursuant to 20F.10.25, Timeframes for Review. Notice shall be provided as indicated in Section 20F.30.40-020(2).

#### **(2) Notice of Application Requirements of Type III permits**

<b>Permit</b>	<b>Mail</b>	<b>Post</b>
Preliminary Plat	X	X
Reasonable Use Exception	X	X
Shoreline Conditional Use	X	X
Shoreline Variance	X	X
Variance	X	X

#### **(3) Mailed Notice.**

- (a) Mailings shall include a mailed notice to owners of real property within 500 feet of the project site, or 20 property owners (whichever is greater), including the following information:
  - (i) The date of application and the date of the Notice of Application;
  - (ii) 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;
  - (iii) The identification of other permits not included in the application, to the extent known by the City;
  - (iv) 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;
  - (v) A statement of the limits of the public comment period;
  - (vi) A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;
  - (vii) The date, time, place and type of meeting or hearing, if applicable and if it is scheduled at the date of notice of the application;
  - (viii) 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;
  - (ix) A map depicting the boundaries of the project site and, when applicable, a site map showing the proposal;
  - (x) Any other information determined appropriate by the City, such as the City's threshold determination, if complete at the time of issuance of the Notice of Application.
- (b) Mailings shall also include mailed notice of the application including at the least the information required in subsection (3) to each person who has requested such notice.

- (c) No proceeding of any procedure established in this chapter shall be found to be invalid for failure to provide mailed notice as required in this section as long as the other methods of notice have met their respective requirements and there was a good faith attempt to comply with the mailed notice requirements.

**(4) Posted Notice.**

- (a) At least one public notice board shall be posted on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The Administrator shall establish standards for size, color, layout, design, wording and placement of the notice boards.
- (b) A public notice shall also be posted at a designated location within City Hall and at least one other public building, such as the library, post office or community center.

**(5) Responsibility for Notice.**

The Code Administrator is responsible for providing published legal notices, mailed notice and posted notice in public buildings. The applicant is responsible for complying with on-site posted notice requirements.

**20F.30.40-030 Minimum Comment Period**

- (1) The Notice of Application shall provided a minimum comment period of 14 days. The Technical Committee's recommendation on a Type III application shall not be issued prior to the expiration of the minimum comment period.
- (2) Comments should be submitted to the Technical Committee as early in the review of an application as possible and should be as specific as possible.
- (3) If the Optional DNS process is used, as described in Section 20F.30.40-045(2), the Administrator shall combine the Notice of Application and DNS comment periods. When a final DNS is issued, there is no additional comment period.
- (4) The Technical Committee may accept and respond to public comments at any time prior to the closing of the public hearing record.

**20F.30.40-040 Public Meetings**

A public meeting may be required for Type III applications. The Technical Committee may require the applicant to participate in the meeting to inform citizens about the proposal. If a public meeting is planned, it shall be held as early in the review process as possible for Type III applications. Notice of the public meeting shall be provided in the same manner as required for the Notice of Application. The public meeting notice will be combined with the Notice of Application whenever possible.

**20F.30.40-045 Environmental Review**

(1) Threshold Determination. The Responsible Official shall issue the threshold determination after the minimum comment period for the Notice of Application and prior to the recommendation on the application. The threshold determination shall be mailed and posted in the same manner as the notice of application. The threshold determination shall also be sent to agencies with jurisdiction and the Washington State Department of Ecology. There is a 14 day comment period, Any comments received shall be addressed in the Technical Committee recommendation on the application which shall include the final threshold determination (DNS or DS).

(2) Optional DNS Process. For projects that have no significant impacts, a preliminary DNS may be issued with the notice of application. The comment period for the DNS and the Notice of Application shall be combined. The Notice of Application shall state that City expects to issue a DNS for the proposal and that this may be the only opportunity to comment on the environmental impacts of the proposed project. After the close of the comment period, the Technical Committee shall review any comments and issue the final DNS in conjunction with the recommendation on the application.

(3) Determination of Significance. If a Determination of Significance (DS) is issued, and an Environmental Impact Statement (EIS) is required, the EIS will be completed prior to issuance of the Technical Committee/Design Review Board recommendation. If the requirement to prepare an EIS or a Supplemental EIS is appealed by the applicant, that appeal will also be resolved prior to issuance of the Technical Committee/Design Review Board recommendation.

**20F.30.40.050      Technical Committee Recommendation**

A written report of the Technical Committee making a recommendation to the Hearing Examiner for approval, approval with conditions, or with modifications, or for denial shall be prepared. The Technical Committee's recommendation shall be based on the applicable Redmond Community Development Guide (RCDG) decision criteria and shall include any conditions necessary to ensure consistency with City development regulations.

**20F.30.40.060      Design Review Board Recommendation**

When design review is required, the Design Review Board recommendation shall be included with the written report that contains the Technical Committee recommendation.

**20F.30.40-070      Notice of Public Hearing**

- (1) Public notice of the date of the Hearing Examiner public hearing for the application shall be published in a newspaper of general circulation. The public notice shall also include a Notice of Availability of the Technical Committee/Design Review Board recommendation. If a Determination of Significance was issued by the Responsible Official, the notice of the Technical Committee/Design Review Board recommendation shall state whether an EIS or Supplemental EIS was prepared or whether existing environmental documents were adopted. The public hearing shall be scheduled no sooner than 14 days following the date of publication of the notice.
- (2) The Administrator shall mail notice of the public hearing and the availability of the recommendation to each owner of real property within 500 feet of the project site, or 20 property owners (whichever is greater),.
- (3) The Administrator shall mail notice of the availability of the recommendation and the date of the public hearing to each person who submitted comments during the public comment period or at any time prior to the publication of the notice of recommendation.
- (4) The Administrator shall post the notice of the date of the public hearing and the availability of the recommendation on-site and at a designated location within City Hall and at least one other public building. The Administrator shall establish standards for size, color, layout, design, wording and placement of the notice boards.

**20F.30.40-080      Hearing Examiner Public Hearing**

- (1) Any person may participate in the Hearing Examiner public hearing on the Technical Committee's recommendation by submitting written comments to the Technical Committee prior to the hearing or by submitting written comments or making oral comments at the hearing.
- (2) The Administrator shall transmit to the Hearing Examiner a copy of the Department file on the application including all written comments received prior to the hearing and information reviewed by or relied upon by the Administrator. The file shall also include information to verify that the requirements for notice to the public (Notice of Application and notice of SEPA threshold determination) have been met.
- (3) The Hearing Examiner shall create a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording of each hearing

#### **20F.30.40-090 Hearing Examiner Decision**

- (1) The Hearing Examiner shall approve a project or approve with modifications if the applicant has demonstrated that the proposal complies with the applicable decision criteria of the Redmond Community Development Guide. The applicant carries the burden of proof and must demonstrate that a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. In all other cases, the Hearing Examiner shall deny the application.
- (2) If the Hearing Examiner requires a modification which results in a different proposal not reasonably foreseeable from the description of the proposal contained in the public notice provided pursuant to section 20F.30.40-070, the Hearing Examiner shall conduct a new hearing on the modified proposal.
- (3) The Hearing Examiner may include conditions to ensure a proposal conforms to the relevant decision criteria.
- (4) The Hearing Examiner shall within 14 days following the close of the record distribute a written report supporting the decision. The report shall contain the following:
  - (a) The decision of the Hearing Examiner; and
  - (b) Any conditions included as part of the decision; and
  - (c) Findings of fact upon which the decision, including any conditions, was based and the conclusions derived from those facts; and
  - (d) A statement explaining the process to appeal the decision of the Hearing Examiner to the City Council.
- (5) The Office of the Hearing Examiner shall mail the written decision, bearing the date it is mailed, to each person who participated in the public hearing.

#### **20F.30.40-100 Notice of Final Decision**

After the conclusion of the appeal period, or the resolution of a filed appeal, the Administrator shall mail the Notice of Final Decision and the final SEPA threshold determination, if any, to the applicant and to each person who participated in the public hearing or who submitted comments during the public comment period at any time prior to issuance of the decision.

#### **20F.30.40-105 Termination of Approval**

- (1) Approval of the Type III application shall expire one year from the date approval was final unless significant action proposed in the application has been physically commenced and remains in progress.
- (2) The period may be extended on a yearly basis by the approval authority upon showing proper justification. Proper justification consists of one or more of the following conditions:
  - (a) Economic hardship;
  - (b) Change of ownership;
  - (c) Unanticipated construction and/or site design problems;
  - (d) Other circumstances beyond the control of the applicant determined acceptable by the Technical Committee.
- (3) Once the time period and any extensions have expired, preliminary approval shall terminate and the application is void and deemed withdrawn.

#### **20F.30.40-110 Appeal of Type III, Hearing Examiner Decision**

- (1) Except for Shoreline Conditional Use or Shoreline Variance, a Type III decision of the Hearing Examiner may be appealed to the City Council as follows:
  - (a) **Who May Appeal.** The project applicant or any person who participated in the public hearing as provided for in 20F.30.40-080 or by the applicant or the City.
  - (b) **Form of Appeal.** A person appealing a Type III, Hearing Examiner decision must file at the Redmond Permit Center a completed appeal form, including a written statement of the findings of fact or conclusions which are being appealed.

- (c) **Time and Place to Appeal.** The appeal form, the written statement of appeal, and the appeal fee, if any, must be received by the Redmond Permit Center no later than 5:00 PM on the 14<sup>th</sup> day following the expiration of the reconsideration period.
- (d) **Hearing Required.** The City Council shall conduct a closed record appeal hearing in order to decide upon an appeal of the decision of the Hearing Examiner. The decision on any such appeal shall be made within such time as is required by applicable state law.
- (e) **Public Notice of Appeal Hearing.**
  - (i) Contents of Notice. The Administrator shall prepare a Notice of Appeal Hearing containing the following:
    - (A) The name of the appellant, and, if applicable, the project name, and
    - (B) The street address of the subject property and a description in non-legal terms sufficient to identify its location, and
    - (C) A brief description of the decision of the Hearing Examiner which is being appeal, and
    - (D) The date, time, and place of the appeal hearing before the City Council.
  - (ii) Time and Provision of Notice. The Administrator shall mail the Notice of Appeal Hearing on an appeal of the decision of the Hearing Examiner no less than 14 day prior to the appeal hearing to each person entitled to participate in the appeal pursuant to subsection (f)(i) .
- (f) **Closed Record Hearing on Appeal to City Council.**
  - (i) Who May Participate. The applicant, the appellant, the applicable Department Director, or representatives of these parties may participate in the appeal hearing.
  - (ii) How to Participate. A person entitled to participate may participate in the appeal hearing by:
    - (A) Submitting written argument on the appeal to the City Clerk no later than the date specified in the City Council's Rules of Procedure; or
    - (B) Making oral argument on the appeal to the City Council at the appeal hearing. Argument on the appeal is limited to information contained in the record developed before the Hearing Examiner and must specify the findings or conclusions which are the subject of the appeal, as well as the relief requested from the Council.
  - (iii) Hearing Record. The City Council shall make an electronic sound recording of each appeal hearing.
  - (iv) Testimony. Testimony or other evidence and information not presented to the Hearing Examiner shall not be considered. The decision by the City Council shall be made only on the basis of facts presented at the hearing. If the City Council finds there is good reason to take additional evidence, the Council may remand the matter for reconsideration by the Hearing Examiner in light of the additional information.
  - (v) Decision. When the City Council has not conducted a public hearing it shall uphold the decision of the Hearing Examiner unless, based upon the record of the Hearing Examiner's proceedings, it is determined that the Hearing Examiner's decision is clearly erroneous.
- (g) **City Council Decision on Appeal.**
  - (i) Criteria. The City Council may grant the appeal or grant the appeal with modifications if the appellant has carried the burden of proof and City Council finds that the decision of the Hearing Examiner is not supported by a preponderance of the evidence. In all other cases, the appeal shall be denied. The City Council shall accord substantial weight to the decision of the Hearing Examiner.
  - (ii) Conditions. The City Council may impose conditions as part of the granting of an appeal or granting of an appeal with modification to ensure conformance with the criteria under which the application was made.
  - (iii) Findings. The City Council shall adopt findings and conclusions which support its decision on the appeal.
  - (iv) Required Vote. A vote to grant the appeal or grant the appeal with modifications must be by a majority vote of the membership of the City Council. A tie vote shall be decided by the vote of the Mayor. Any other vote constitutes denial of the appeal.

- (2) Appeals of Shoreline Conditional Use Permits or Shoreline Variances shall be to the State Shoreline Hearings Board and shall be filed within 21 days of the receipt of the City's decision by the Department of Ecology, as set forth in RCW 90.58.180.

**20F.30.40-120      Appeal of City Council Decision on Appeal.**

The decision of the City Council on the application is the final decision of the City and may be appealed to Superior Court by filing a land use petition which meets the requirements set forth in Chapter 36.70C RCW. The petition must be filed and served upon all necessary parties as set forth in state law and within the 21-day time period as set forth in RCW 36.70C.040.

**20F.30.40-130      Commencement of Activity.**

Some construction activity may commence prior to the conclusion of an appeal. See Section 20F.30.60-030(2), Effect of Appeals.

**20F.30.40-140      Modification or Addition to an Approved Project or Decision**

See Section 20F.40.25

**20F.30.40-150      Revocation**

- (1) The Administrator may revoke an approved permit upon a finding that:
- (a) The permit was issued in error; or
  - (b) Approval of the permit was obtained by misrepresentation of material fact; or
  - (c) The permit is being exercised contrary to the terms of approval.
- (2) The decision to revoke a permit may be appealed as set forth in Section 20F.30.30-040. For appeals of revocation that involve uses or activities contrary to the terms of approval, the Hearing Examiner may issue a notice requiring the use or activity be ceased pending the conclusion of the appeal.

**20F.30.45      Type IV Review: Quasi-Judicial, Hearing Examiner Recommendation, City Council Decisions**

**20F.30.45-010      Purpose**

A Type IV Process is a quasi-judicial review and recommendation made by the Hearing Examiner and a decision made by the City Council. At an open record public hearing, the Hearing Examiner considers the recommendation from the Technical Committee and, if required, the Design Review Board, as well as public testimony received at the public hearing. The City Council makes a decision, based on a recommendation from the Hearing Examiner, during a closed record public meeting. Public notification is provided at the application, public hearing, and decision stages of application review. There is no opportunity for an administrative appeal. Appeals of City Council decisions are made to King County Superior Court. The purpose of this section is to provide the necessary steps for permits requiring Type IV Review.

**20F.30.45-015      Overview of Type IV Review**

- (1) This section contains the procedures the City will use in processing Type IV applications. This process begins with a complete application, followed by notice to the public of the application and a public comment period, during which time an informational meeting may be held.
- (2) If required by the State Environmental Policy Act, a threshold determination will be issued by the Administrator. The threshold determination shall be issued prior to the issuance of the Technical Committee/Design Review Board's recommendation on the application. If the Optional Determination of Non-Significance (DNS) process is used, the preliminary DNS is issued early and the comment period is combined with Notice of Application. The final DNS, under the Optional DNS process, is issued with the Notice of Final Decision. If a Determination of Significance (DS) is issued and an Environmental Impact Statement (EIS) is required, the EIS will be completed prior to issuance of the Technical Committee/Design Review Board Recommendation. If the requirement to prepare an EIS or a

Supplemental EIS is appealed by the applicant, that appeal will also be resolved prior to issuance of the Technical Committee/Design Review Board recommendation.

- (3) Following issuance of the Technical Committee/Design Review Board recommendation, a public hearing will be held before the City Hearing Examiner. If a SEPA Determination of Non-Significance (DNS) was issued (no EIS required) and an appeal of the DNS has been filed, the appeal hearing on the DNS will be combined with the public hearing on the Technical Committee/Design Review Board recommendation. Following the public hearing, the Hearing Examiner will issue a written report which will set forth a recommendation to the City Council to approve, approve with modifications, or deny the application. The Examiner's report will also include a final City decision on any DNS or other Type II appeal.
- (4) The recommendation of the Hearing Examiner on a Type IV application is forwarded to the City Council. The City Council action approving, approving with modifications, or denying a Type IV application is the final City decision.

#### **20F.30.45-020 Notice of Application**

- (1) Notice of application for Type IV permits shall be provided within 14 days of the Determination of Completeness pursuant to 20F.30.25, Timeframes for Review. Notice shall be provided as indicated in Section 20F.30.45-020(2).

#### **(2) Notice of Application Requirements of Type IV Review**

<b>Land Use Action</b>	<b>Mail</b>	<b>Post</b>
Conditional Use	X	X
Concurrency Exemption	X	X
Master Planned Development (Residential and Commercial)	X	X
Planned Development (Residential and Commercial)	X	X
Development Guide Amendment – Zoning Map	X	X

#### **(3) Mailed Notice.**

- (a) Mailings shall include a mailed notice to owners of real property within 500 feet of the project site, or 20 property owners (whichever is greater), including the following information:
  - (i) The date of application and the date of the Notice of Application;
  - (ii) 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;
  - (iii) The identification of other permits not included in the application, to the extent known by the City;
  - (iv) 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;
  - (v) A statement of the limits of the public comment period;
  - (vi) A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;
  - (vii) The date, time, place, and type of meeting or hearing, if applicable, and if it is scheduled at the date of the Notice of Application;
  - (viii) 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;
  - (ix) A map depicting the boundaries of the project site and, when applicable, a site map showing the proposal;

- (x) Any other information determined appropriate by the City, such as the City's SEPA threshold determination, if complete at the time of issuance of the notice of application.
- (b) Mailings shall also include a mailed Notice of Application including at the least the information required in subsection (3) to each person who has requested such notice.
- (c) No proceeding of any procedure established in this chapter shall be found to be invalid for failure to provide mailed notice as required in this section as long as the other methods of notice have met their respective requirements and there was a good faith attempt to comply with the mailed notice requirements.

**(4) Posted Notice.**

- (a) At least one public notice board shall be posted on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The Administrator shall establish standards for size, color, layout, design, wording and placement of the notice board.
- (b) A public notice shall also be posted at a designated location within City Hall and at least one other public building, such as the library, post office, or community center.

**(5) Responsibility for Notice.**

The Code Administrator is responsible for providing published legal notices, mailed notice and posted notice in public buildings. The applicant is responsible for complying with on-site posted notice requirements.

**20F.30.45-030 Minimum Comment Period**

- (1) The Notice of Application shall provide a minimum comment period of 14 days. The Technical Committee's recommendation on a Type IV application shall not be issued prior to the expiration of the minimum comment period.
- (2) Comments should be submitted to the Technical Committee as early in the review of an application as possible and should be as specific as possible.
- (3) If the Optional DNS process is used, as described in Section 20F.30.45-050(2), the Administrator shall combine the Notice of Application and DNS comment periods. When a final DNS is issued, there is no additional comment period.
- (4) The Technical Committee may accept and respond to public comments at any time prior to the closing of the public hearing record.

**20F.30.45-040 Public Meetings**

A public meeting may be required for all Type IV applications. The Technical Committee may require the applicant to participate in the meeting to inform citizens about the proposal. If a public meeting is planned, it shall be held as early in the review process as possible for Type IV applications. Notice of the public meeting shall be provided in the same manner as required for the Notice of Application. The public meeting notice will be combined with the Notice of Application whenever possible.

**20F.30.45-050 Environmental Review**

(1) Threshold Determinations. The Administrator shall issue the threshold determination after the minimum comment period for the Notice of Application and prior to the recommendation on the application. The threshold determination shall be published, mailed and posted in the same manner as the Notice of Application. The threshold determination shall also be sent to agencies with jurisdiction and the Washington State Department of Ecology. There is a 14 day comment period. Any comments received shall be addressed in the Technical Committee decision on the application which shall include the final threshold determination (DNS or DS).

(2) Optional DNS Process. For projects that have few or no impacts, a preliminary DNS may be issued with the notice of application. The comment period for the DNS and the Notice of Application shall be

combined. The Notice of Application shall state that City expects to issue a DNS for the proposal and that this may be the only opportunity to comment on the environmental impacts of the proposed project. After the close of the comment period, the Technical Committee shall review any comments and issue the final DNS in conjunction with the recommendation on the application.

(3) Determination of Significance. If Determination of Significance (DS) is issued, and an Environmental Impact Statement (EIS) is required, the EIS will be completed prior to issuance of the Technical Committee/Design Review Board recommendation. If the requirement to prepare an EIS or a Supplemental EIS is appealed by the applicant, that appeal will also be resolved prior to issuance of the Technical Committee/Design Review Board recommendation.

#### **20F.30.45-060      Technical Committee Recommendation**

A written report of the Technical Committee making a recommendation to the Hearing Examiner for approval, approval with conditions, or with modifications, or for denial shall be prepared. The Technical Committee's recommendation shall be based on the applicable Redmond Community Development Guide (RCDG) decision criteria and shall include any conditions necessary to ensure consistency with City development regulations.

#### **20F.30.45-070      Design Review Board Recommendation**

When design review is required, the Design Review Board recommendation shall be included in, or attached to the written report that contains the Technical Committee recommendation.

#### **20F.30.45-080      Notice of Public Hearing**

- (1) Public notice of the date of the Hearing Examiner public hearing for the application shall be published in a newspaper of general circulation. The public notice shall also include a notice of the availability of the Technical Committee/Design Review Board recommendation. If a Determination of Significance was issued by the Administrator, the notice of the Technical Committee/Design Review Board recommendation shall state whether an EIS or Supplemental EIS was prepared or whether existing environmental documents were adopted. The public hearing shall be scheduled no sooner than 14 days following the date of publication of the notice.
- (2) The Administrator shall mail notice of the availability of the recommendation and the date of the public hearing to each person who submitted comments during the public comment period or at any time prior to the publication of the notice of recommendation.
- (3) The Administrator shall mail notice of the public hearing and the availability of the recommendation to each owner of real property within 500 feet of the project site, or 20 property owners (whichever is greater).
- (4) The Administrator shall post the notice of the date of the public hearing and the availability of the recommendation on-site and at a designated location within City Hall and at least one other public building. The Administrator shall establish standards for size, color, layout, design, wording and placement of the notice boards.

#### **20F.30.45-090      Hearing Examiner Public Hearing**

- (1) Any person may participate in the Hearing Examiner public hearing on the Technical Committee's recommendation by submitting written comments to the Technical Committee prior to the hearing or by submitting written comments or making oral comments at the hearing.
- (2) The Administrator shall transmit to the Hearing Examiner a copy of the Department file on the application including all written comments received prior to the hearing and information reviewed by or relied upon by the Administrator. The file shall also include information to verify that the requirements for notice to the public (Notice of Application and notice of SEPA determination) have been met.

- (3) The Hearing Examiner shall create a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording of each hearing

#### **20F.30.45-100 Hearing Examiner Recommendation**

- (1) The Hearing Examiner shall make a written recommendation to approve a project or approve with modifications if the applicant has demonstrated that the proposal complies with the applicable decision criteria of the Redmond Community Development Guide. The applicant carries the burden of proof and must demonstrate that a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. In all other cases, the Hearing Examiner shall make a recommendation to deny the application.
- (2) If the Hearing Examiner makes a recommendation that requires a modification which results in a proposal not reasonably foreseeable from the description of the proposal contained in the public notice provided pursuant to Section 20F.30.45-080, the Hearing Examiner shall conduct a new hearing on the modified proposal.
- (3) The Hearing Examiner may include conditions in the recommendation to ensure a proposal conforms to the relevant decision criteria.
- (4) The Hearing Examiner shall within 10 days following the close of the record distribute a written report supporting the decision. The report shall contain the following:
  - (a) The recommendation of the Hearing Examiner; and
  - (b) Any conditions included as part of the recommendation; and
  - (c) Findings of fact upon which the recommendation, including any conditions, was based and the conclusions derived from those facts.
- (5) The Office of the Hearing Examiner shall mail the written recommendation, bearing the date it is mailed, and notice of the Council meeting, to each person included in the parties of record.

#### **20F.30.45-110 City Council Decision**

- (1) The Administrator shall transmit to the City Council a copy of the Department file on the application including all written comments received prior to the City Council Meeting and information reviewed by or relied upon by the Hearing Examiner. The file shall also include information to verify that the requirements for notice to the public (Notice of Application, Notice of Public Hearing, and notice of SEPA determination) have been met.
- (2) The City Council shall, at the public meeting, consider and take final action on each Type IV application.
- (3) The City Council shall conduct a closed record public meeting. The City Council shall not accept new information, written or oral, on the application, but shall consider the following in deciding upon an application:
  - (a) The complete record developed before the Hearing Examiner; and
  - (b) The recommendation of the Hearing Examiner.
- (4) The City Council shall either:
  - (a) Approve the application; or
  - (b) Approve the application with modifications; or
  - (c) Remand the application to the Hearing Examiner for an additional review limited to specific issues identified by the Council; or
  - (d) Deny the application, based on findings of fact and conclusions derived from those facts which support the decision of the Council.
- (5) Ordinance.

- (a) Conditions. The City Council may, based on the record, include conditions in any ordinance approving or approving with modifications an application in order to ensure conformance with the approval criteria specified in the code or process under which the application was made.
  - (b) Findings of Fact. The City Council shall include findings of fact and conclusions derived from those facts which support the decision of the Council, including any conditions, in the ordinance approving or approving with modifications the application. The City Council may, by reference, adopt some or all of the findings and conclusions of the Hearing Examiner.
  - (c) Required Vote. The City Council shall adopt an ordinance which approves or approves with modifications the application by a majority vote of the membership of the City Council.
- (6) The City Clerk shall mail a letter, bearing the date it is mailed, indicating the content of the final decision of the City to any person who participated in the public hearing before the Hearing Examiner on the application.

#### **20F.30.45-120 Notice of Decision**

The Administrator shall mail the Notice of Final Decision and the final SEPA determination, if any, to the applicant and to each person who participated in the public hearing or who submitted comments during the public comment period at any time prior to issuance of the decision.

#### **20F.30.45-130 Appeal of City Council Decision**

The decision of the City Council on the application is the final decision of the City and may be appealed to Superior Court by filing a land use petition which meets the requirements set forth in Chapter 36.70C RCW. The petition must be filed and served upon all necessary parties as set forth in state law and within the 21-day time period as set forth in RCW 36.70C.040. The appeal period shall commence upon expiration of the reconsideration period.

#### **20F.30.45-140 Commencement of Activity.**

Some construction activity may commence prior to the conclusion of an appeal. See Section 20F.30.60-030(2), Effect of Appeals.

#### **20F.30.45-150 Modification or Addition to an Approved Project or Decision**

See Section 20F.40.25

#### **20F.30.45-160 Revocation**

- (1) The Administrator may revoke an approved permit upon a finding that:
  - (a) The permit was issued in error; or
  - (b) Approval of the permit was obtained by misrepresentation of material fact; or
  - (c) The permit is being exercised contrary to the terms of approval.
- (2) The decision to revoke a permit may be appealed as set forth in 20F.30.30-040. For appeals of revocation that involve uses or activities contrary to the terms of approval, the Hearing Examiner may issue a notice requiring the use or activity be ceased pending the conclusion of the appeal.

### **20F.30.50 Type V Review: Quasi-Judicial, City Council Decisions**

#### **20F.30.50-010 Purpose**

A Type V Process is a quasi-judicial review and decision made by the City Council. The Technical Committee makes a recommendation to the City Council. Depending on the application, the Technical Committee may conduct a public meeting to obtain public input. The City Council shall hold a public hearing on the application prior to making a decision. Public notification is provided at the application, public hearing, and decision stages of application review. There is no opportunity for an administrative appeal. Appeals of City Council decisions are made to King County Superior Court. The purpose of this section is to provide the necessary steps for permits requiring Type V Review.

### **20F.30.50-015 Overview of Type V Review**

This section contains the procedures the City will use in processing Type V applications. The process is similar to Type III, except that the Technical Committee makes a recommendation to the City Council instead of the Hearing Examiner. The City Council acts as the final decision-maker on Type V application and actions.

### **20F.30.50-020 Notice of Application**

(1) Notice of application for Type V permits shall be provided within 14 days of the Determination of Completeness pursuant to 20F.30.25, Timeframes for Review. Notice shall be provided as indicated in Section 20F.30.50-020(2).

#### **(2) Notice of Application Requirements of Type V permits**

<b>Land Use Action</b>	<b>Mail</b>	<b>Post</b>
Annexation	X	X
Essential Public Facility	X	X
Final Plat		
Plat Alteration	X	X
Plat Vacation		
Right of Way Vacation	X	X
Sensitive Areas Exception for Streets and/or Utilities	X	X
Temporary Use (Long Term)	X	X

#### **(3) Mailed Notice.**

- (d) Mailings shall include a mailed notice to owners of real property within 500 feet of the project site, or 20 property owners (whichever is greater), including the following information:
  - (i) The date of application and the date of the Notice of Application;
  - (ii) 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;
  - (iii) The identification of other permits not included in the application, to the extent known by the City;
  - (iv) 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;
  - (v) A statement of the limits of the public comment period;
  - (vi) A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;
  - (vii) The date, time, place and type of meeting or hearing, if applicable and if it is scheduled at the date of notice of the application;
  - (viii) 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;
  - (ix) A map depicting the boundaries of the project site and, when applicable, a site map showing the proposal;
  - (x) Any other information determined appropriate by the City, such as the City's SEPA threshold determination, if complete at the time of issuance of the Notice of Application.
- (b) Mailings shall also include the Notice of Application including at the least the information required in subsection (3) to each person who has requested such notice.
- (c) No proceeding of any procedure established in this chapter shall be found to be invalid for failure to provide mailed notice as required in this section as long as the other methods of notice have met their respective requirements and there was a good faith attempt to comply with the mailed notice requirements.

**(4) Posted Notice.**

- (a) At least one public notice board shall be posted on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The Administrator shall establish standards for size, color, layout, design, wording and placement of the notice boards.
- (b) A public notice shall also be posted at a designated location within City Hall and at least one other public building, such as the library, post office or community center.

**(5) Responsibility for Notice.**

The Code Administrator is responsible for providing published legal notices, mailed notice and posted notice in public buildings. The applicant is responsible for complying with on-site posted notice requirements.

**20F.30.50-030 Minimum Comment Period**

- (1) The Notice of Application shall provided a minimum comment period of 14 days. The Technical Committee's recommendation on a Type V application shall not be issued prior to the expiration of the minimum comment period.
- (2) Comments should be submitted to the Technical Committee as early in the review of an application as possible and should be as specific as possible.
- (3) If the Optional DNS process is used, as described in Section 20F.10.35-040, the Administrator shall combine the Notice of Application and DNS comment periods. When a final DNS is issued, there is no additional comment period.
- (4) The Technical Committed may accept and respond to public comments at any time prior to the closing of the public hearing record.

**20F.30.50-040 Public Meetings**

A public meeting may be required for Type V applications, except Final Plats, Plat Alterations, and Plat Vacations. The Technical Committee may require the applicant to participate in the meeting to inform citizens about the proposal. If a public meeting is planned, it shall be held as early in the review process as possible for Type V applications. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the Notice of Application whenever possible.

**20F.30.50-050 Environmental Review**

- (1) Threshold Determinations. The Administrator shall issue the SEPA threshold determination after the minimum comment period for the Notice of Application and prior to the recommendation on the application. The threshold determination shall be published, mailed and posted in the same manner as the Notice of Application. The threshold determination shall also be sent to agencies with jurisdiction and the Washington State Department of Ecology. There is a 14 day comment period, Any comments received shall be addressed in the Technical Committee Decision on the application which shall include the final threshold determination (DNS or DS).
- (2) Optional DNS Process. For projects that have few or no impacts, a preliminary DNS may be issued with the Notice of Application. The comment period for the DNS and the notice of application shall be combined. The Notice of Application shall state that the City expects to issue a DNS for the proposal and that this may be the only opportunity to comment on the environmental impacts of the proposed project. After the close of the comment period, the Technical Committee shall review any comments and issue the final DNS in conjunction with the recommendation on the application.
- (3) Determination of Significance. If a Determination of Significance (DS) is issued, and an Environmental Impact Statement (EIS) is required, the EIS will be completed prior to issuance of the Technical Committee/Design Review Board recommendation. If the requirement to prepare an EIS or a supplemental

EIS is appealed by the applicant, that appeal will also be resolved prior to issuance of the Technical Committee/Design Review Board recommendation.

**20F.30.50-060      Technical Committee Recommendation**

A written report of the Technical Committee making a recommendation to the City Council for approval, approval with conditions, or with modifications, or for denial shall be prepared. The Technical Committee's recommendation shall be based on the applicable Redmond Community Development Guide (RCDG) decision criteria and shall include any conditions necessary to ensure consistency with City development regulations.

**20F.30.50-070      Design Review Board Recommendation**

When design review is required, the Design Review Board recommendation shall be included in, or attached to the written report that contains the Technical Committee recommendation.

**20F.30.50-080      Notice of City Council Public Hearing**

- (1) Public notice of the date of the City Council public hearing at which the City Council will consider the application shall be published in a newspaper of general circulation. The public hearing shall be scheduled no sooner than 14 days following the date of publication of the notice. If a Determination of Significance was issued by the Administrator, the notice of the Technical Committee's recommendation shall state whether an EIS or Supplemental EIS was prepared or whether existing environmental documents were adopted. The notice of the City Council meeting shall also include the notice of the availability of the Technical Committee's recommendation.
- (2) The Administrator shall mail notice of the City Council public hearing, the SEPA determination and the notice of the availability of the Technical Committee recommendation to each person who submitted comments during the public comment period or at any time prior to the publication of the notice of recommendation.

**20F.30.50-090      City Council Decision**

- (1) The Administrator shall transmit to the City Council a copy of the Department file on the application including all written comments received prior to the City Council Meeting and information reviewed by or relied upon by the Administrator. The file shall also include information to verify that the requirements for notice to the public (Notice of Application, Notice of Public Hearing, and notice of SEPA determination) have been met.
- (2) Any person may participate in the City Council public hearing on the Technical Committee's recommendation by submitting written comments to the Redmond Permit Center prior to the hearing or by submitting written comments or making oral comments at the hearing.
- (2) The City Council shall, at the open record public hearing, consider and take final action on each Type V application. The final action may take place in the same meeting as the public hearing, if any.
- (3) The City Council shall either:
  - (a) Approve the application; or
  - (b) Approve the application with modifications; or
  - (c) Remand the application to the Technical Committee for an additional review limited to specific issues identified by the Council; or
  - (d) Deny the application.
- (4) Ordinance.
  - (a) Conditions. The City Council may, based on the record, include conditions in any ordinance approving or approving with modifications an application in order to ensure conformance with the approval criteria specified in the code or process under which the application was made.

- (b) Findings of Fact. The City Council shall include findings of fact and conclusions derived from those facts which support the decision of the Council, including any conditions, in the ordinance approving or approving with modifications the application. The City Council may by reference adopt some or all of the findings and conclusions of the Technical Committee.
- (c) Required Vote. The City Council shall adopt an ordinance which approves or approves with modifications the application by a majority vote of the membership of the City Council.

- (5) The City Clerk shall mail a letter, bearing the date it is mailed, indicating the content of the final decision of the City to any person who participated in the public hearing before the City Council on the application.

#### **20F.30.50-100 Notice of Final Decision**

The Administrator shall mail a Notice of Final Decision and the final SEPA determination, if any, to the applicant and to each person who participated in the public hearing or who submitted comments during the public comment period at any time prior to issuance of the decision.

#### **20F.30.50-110 Appeal of City Council Decision**

The decision of the City Council on the application is the final decision of the City and may be appealed to Superior Court by filing a land use petition which meets the requirements set forth in Chapter 36.70C RCW. The petition must be filed and served upon all necessary parties as set forth in state law and within the 21-day time period as set forth in RCW 36.70C.040. The appeal period shall commence upon expiration of the reconsideration period.

#### **20F.30.50-120 Commencement of Activity**

Some construction activity may commence prior to the conclusion of an appeal. See Section 20F.30.60-030(2), Effect of Appeals.

#### **20F.30.50-130 Modification or Addition to an Approved Project or Decision**

See Section 20F.40.25

#### **20F.30.50-140 Revocation**

- (1) The Administrator may revoke an approved permit upon a finding that:
  - (a) The permit was issued in error; or
  - (b) Approval of the permit was obtained by misrepresentation of material fact; or
  - (c) The permit is being exercised contrary to the terms of approval.
- (2) The decision to revoke a permit may be appealed as set forth in 20F.30.30-040. For appeals of revocation that involve uses or activities contrary to the terms of approval, the City Council may issue a notice requiring the use or activity be ceased pending the conclusion of the appeal.

### **20F.30.55 Type VI Review: Legislative, City Council Decisions**

#### **20F.30.55-010 Purpose**

A Type VI review is for legislative land use decisions made by the City Council under its authority to establish policies and regulations regarding future private and public development and management of public lands. The process includes a hearing and recommendation by the Planning Commission and an action by the City Council. Review under the State Environmental Policy Act (SEPA) may be required. Type VI reviews are exempt from the procedures of 20F.30.25, Timeframes for Review.

#### **20F.30.55-020 Planning Commission Review**

- (1) Type VI proposals will usually be introduced to the Planning Commission, which may schedule study sessions as needed to consider the proposal. Prior to making a recommendation, the Planning Commission shall schedule a public hearing. After the public hearing, and after any further study

sessions as may be needed, the Planning Commission shall transmit its recommendation to the City Council through the applicable Department Director, the City Clerk, and Mayor.

- (2) The Planning Commission may recommend that the City Council adopt, or adopt with modifications, a proposal if it complies with the applicable decision criteria of the Redmond Community Development Guide (RCDG). In all other cases, the Planning Commission shall recommend denial of the proposal.
- (3) If the Planning Commission recommends a modification which results in a proposal not reasonably foreseeable from the notice provided pursuant to 20F.30.55-030 the Planning Commission shall conduct a new public hearing on the proposal as modified. The Planning Commission shall consider the public comments at the hearing in making its final recommendation.
- (4) A vote to recommend adoption of the proposal or adoption with modification must be by a majority vote of the Planning Commission members present and voting.

### **20F.30.55-030 Notice of Public Hearing**

- (1) When the Planning Commission or City Council has scheduled a public hearing on a Type VI proposal, Notice of the Public Hearing shall be provided 14 days prior to the scheduled hearing date in the manner set forth in Section 20F.30.55-030(2).

#### **(2) Notice of Public Hearing**

<b>Land Use Action</b>	<b>Publish</b>	<b>Mail</b>	<b>Post</b>
Development Guide Amendment – Comprehensive Plan	X		
Development Guide Amendment – Text	X		
Development Guide Amendment – Zoning Map	X	X	X

#### **(3) Published Notice.**

When required by Table 7, the applicable Department Director shall publish a notice in a newspaper of general circulation in the City. The notice shall contain the following information:

- (a) The name of the applicant, and if applicable, the project name.
- (b) If the application involves specific property, the street address of the subject property, a description in non-legal terms sufficient to identify its location, and a vicinity map indicating the subject property.
- (c) A brief description of the action or approval requested;
- (d) The date, time, and place of the public hearing; and
- (e) A statement of the right of any person to participate in the public hearing as provided in 20F.30.55-040.

#### **(4) Mailed Notice.**

- (a) Zoning Map Amendments. If the proposal involves specific property, rather than an area-wide or zone-wide change, notice of the public hearing, containing the same information set forth in (2) above, shall be mailed to each owner of real property within 500 feet of any boundary of the subject property, or 20 property owners (whichever is greater).
- (b) Notice shall be mailed to each person who has requested such notice.
- (c) No proceeding of any procedure established in this chapter shall be found to be invalid for failure to provide mailed notice as required in this section as long as the other methods of notice have met their respective requirements and there was a good faith attempt to comply with the mailed notice requirements.

#### **(5) Posted Notice.**

Zoning Map Amendments. If the proposal involves specific property, rather than an area-wide or zone-wide change, at least one public notice board shall be posted on the site or in a location immediately adjacent to the site that provides visibility to motorist using the adjacent street(s).

**(6) Responsibility for Notice.**

The Code Administrator is responsible for providing published legal notices, mailed notice and posted notice in public buildings. The applicant is responsible for complying with on-site posted notice requirements.

**(7) Alternative Means of Notification.**

In the case of the following actions initiated by the City, which affect large areas of the City, the Administrator may elect to use alternative means of public notification in addition to the newspaper publication required by RCW 35A.63.070, provided such notification is likely to achieve equal or greater actual public notification:

- (a) Adoption or amendment of a neighborhood or other area-wide community plan;
- (b) Zoning Map amendments adopted on a neighborhood or other area-wide basis.

**20F.30.55-040 Notice of Planning Commission Public Hearing**

Public notice of the date of the Planning Commission public hearing at which the Planning Commission will consider the application shall be published in a newspaper of general circulation. The public hearing shall be scheduled no sooner than 14 days following the date of publication of the notice. If a Determination of Significance was issued by the Administrator, the notice of the Technical Committee's recommendation shall state whether an EIS or Supplemental EIS was prepared or whether existing environmental documents were adopted. The notice of the Planning Commission public hearing shall also include the notice of the availability of the Technical Committee's recommendation.

**20F.30.55-050 Planning Commission Public Hearing**

- (1) Any person may participate in the public hearing by submitting written comment to the applicable Department Director prior to the hearing or by submitting written or making oral comments to the Planning Commission at the hearing. All written comments received by the applicable Department Director shall be transmitted to the Planning Commission no later than the date of the public hearing.
- (2) The Administrator shall transmit to the Planning Commission a copy of the Department file on the application including all written comments received prior to the hearing and information reviewed by or relied upon by the Administrator. The file shall also include information to verify that the requirements for notice to the public (Notice of Application, as required; notice of SEPA determination) have been met.
- (3) The Planning Commission shall record and compile written minutes of each hearing.

**20F.30.55-060 Planning Commission Recommendation**

- (1) The Planning Commission shall provide a written recommendation to the City Council on the proposal. The recommendation shall contain the following:
  - (a) The recommendation of the Planning Commission; and
  - (b) Any conditions included as part of the recommendation; and
  - (c) Findings of fact upon which the recommendation, including any conditions, was based and the conclusions derived from those facts.
- (2) If the Planning Commission makes a recommendation that requires a modification which results in a proposal not reasonably foreseeable from the description of the proposal contained in the public notice provided pursuant to Section 20F.30.55-050, the Planning Commission shall conduct a new hearing on the modified proposal.

### **20F.30.55-070 Notice of City Council Public Hearing**

- (1) Public notice of the date of the City Council public hearing at which the City Council will consider the application shall be published in a newspaper of general circulation. The public hearing shall be scheduled no sooner than 14 days following the date of publication of the notice. The notice of the City Council public hearing shall also include the notice of the availability of the Planning Commission's recommendation.
- (2) The Administrator shall mail notice of the public hearing, the SEPA threshold determination and the availability of the recommendation to each person who submitted comments during the public comment period or at any time prior to the publication of the notice of the public hearing.

### **20F.30.55-080 City Council Action**

- (1) The Administrator shall transmit to the City Council a copy of the Department file on the application, including all written comments received prior to the City Council hearing. The file shall also include information to verify that the requirements for notice to the public (Notice of Application, notice of SEPA threshold determination, and Notice of Public Hearing) have been met.
- (2) The City Council shall consider at a public meeting each recommendation transmitted by the Planning Commission. The Council may take one of the following actions:
  - (a) Adopt an ordinance or resolution adopting the recommendation, or adopt the recommendation with modifications; or
  - (b) Adopt a motion denying the proposal; or
  - (c) Refer the proposal back to the Planning Commission for further proceedings, in which case the City Council shall specify the time within which the Planning Commission shall report back to the City Council with a recommendation.
- (3) If the City Council makes a modification which results in a proposal not reasonably foreseeable from the notice provided pursuant to 20F.30.50-030 the City Council shall conduct a new public hearing on the proposal as modified, prior to taking final action.

### **20F.30.55-090 Appeal of City Council Action**

The action of the City Council on a Type VI proposal may be appealed together with any SEPA Threshold Determination by filing a petition with the Growth Management Hearings Board pursuant to the requirements set forth in RCW 36.70A.290. The petition must be filed within the 60 day time period set forth in RCW 36.70A.290(2). The appeal period shall commence upon expiration of the reconsideration period.

## **20F.30.60 Public Hearings and Appeals**

### **20F.30.60-010 Purpose**

This section clarifies procedures for public hearings and appeals that are not outlined in each of the review types in Sections 20F.30.30 through 20F.30.55.

### **20F.30.60-020 Public Hearings**

- (1) Purpose. The purpose of having hearings is to provide decision makers with an opportunity to obtain additional information and to provide the public an opportunity to introduce that information and to make their views known. When the Redmond Community Development Guide (RCDG) or State law requires a hearing, the following shall apply:
  - a) A verbatim record shall be kept;
  - b) Those present shall be given the opportunity to testify;
  - c) The hearing authority shall be allowed to ask questions of those testifying;
  - d) The hearing shall be conducted to ensure fairness to all parties; and
  - e) The hearing authority may subpoena witnesses.

(2) 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:
  - (i) the hearing is held within the city limits; and
  - (ii) the requirements of subsection (c) below are met. [RCW 36.70B.110(7).]
- (b) Applicant's Request for a Joint Hearing. 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. [RCW 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:
  - (i) The other agency is not expressly prohibited by statute from doing so; [RCW 36.70B.110(8).]
  - (ii) Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule;
  - (iii) 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
  - (iv) The hearing is held within the geographic boundary of the local government. (Ord. 1883)

(3) 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. (Ord. 1883)

(4) 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:
  - (i) Places on the record the substance of any written or oral ex parte communications concerning the decision or action;
  - (ii) 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 quasijudicial proceeding. (Ord. 1883)

(5) 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. (Ord. 1883)

(6) Order of Proceedings.

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.

- (a) Before receiving information on the issue, the following shall be determined:
  - (i) 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.
  - (ii) Any abstentions or disqualifications shall be determined.
- (b) The presiding officer may take official notice of known information related to the issue, such as:
  - (i) A provision of any ordinance, resolution, rule, officially adopted development standard or State law;
  - (ii) Other public records and facts judicially noticeable by law.
- (c) 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 (b) of this section if stated for the record. Any matter given official notice may be rebutted.
- (d) 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.
- (e) 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.
- (f) 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. (Ord. 1883)
- (g) A public hearing may be continued to a stated date and time by the hearing authority for good cause with no further notice required other than verbal notice of the date, time and place given to those present. A continuation shall be recorded in the minutes of the proceedings.
- (h) The verbatim record required for a public hearing shall be kept on file by the City for either a period of one year or until the appeal period for which the record could be used has expired, whichever is greater. (Ord. 1954; Ord. 1734; Ord. 1379. Formerly Appx. O)

**20F.30.60-030 Appeals**

- (1) Processing of Appeals. Appeals of decisions on project permit decisions shall be processed according to the procedures outlined in each of the review types in Section 20F.30.30 through 20F.30.55.
- (2) Effect of Appeal. Decisions on Type I, Type II, Type III, Type IV and Type V permits are assumed valid unless overturned by an appeal decision. Project activity commenced prior to the end of any appeal period, or withdrawal of, or final decision on, an appeal, may continue at the sole risk of the applicant, provided, however, that:
  - (a) Where the applicant begins project activity prior to the end of any applicable appeal period, site restoration performance assurance in an amount sufficient to restore the site to the predevelopment state shall be required.
  - (b) Where the applicant begins or continues project activity after an appeal has been filed, the continuing project activity shall not impact the specific appeal issues being raised.
  - (c) If the appeal concerns project activities impacting a natural area, such activities shall not be allowed pending withdrawal of, or final decision on, the appeal.
  - (d) If project activity has begun and is subsequently discontinued pending the withdrawal of, or final decision on an appeal, then proper erosion control measures shall be maintained in accordance with

the provisions of local, state and federal law. Project infrastructure improvements in progress at this time shall be secured and shall be maintained in a safe condition pending withdrawal of, or final decision on, the appeal.

- (3) Exhaustion of Administrative Remedies. No action to obtain judicial review may be commenced unless all rights of administrative appeal provided by the Redmond Community Development Guide or State law have been exhausted. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant. A copy of each transcript prepared by an appellant shall be submitted to the City for confirmation of its accuracy. (Ord. 1734)
- (4) Consolidated Appeals. 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, 36.70B.060(6).]

## **20F.40 Land Use Actions and Decision Criteria**

### **20F.40.10 Purpose**

This chapter includes the procedures (if different than the standard review type) and the decision criteria for each land use action or special procedure, such as annexations, subdivisions, variances, etc. The actions are listed in alphabetical order.

### **20F.40.20 Administrative Design Flexibility**

#### **20F.40.20-010 Purpose**

The purpose of this section is to promote creativity in site layout and design and to allow flexibility in the application of standards for residential, commercial, business and manufacturing parks and to achieve the creation of sites and uses that may benefit the public by the application of special design policies and standards not otherwise possible under conventional development regulations and standards.

#### **20F.40.20-020 Scope**

This section establishes the criteria that the City will use in making a decision upon an application for Administrative Design Flexibility in all zones, except those zones within the City Center (See Section 20C.40-40-030 for Administrative Design Flexibility in the City Center). Administrative Design Flexibility shall only be considered for adjusting standards in the categories listed below for each type of land use. Requests for adjustment to standards not listed shall be processed as a variance as set forth in 20F.

#### **20F.40.20-030 Procedure**

Applications that seek Administrative Design Flexibility shall follow the procedures established in Section 20F.30.35 for a Type II permit process.

#### **20F.40.20-040 Decision Criteria**

- (1) Criteria for projects other than existing single-family residential structures. The City may approve or approve with modifications the request for Administrative Design Flexibility only if the project meets all of the following criteria:
  - (a) Superiority in achieving the City of Redmond Comprehensive Plan Neighborhood goals and policies as well as superiority in design in terms of architecture, building materials, site design, landscaping and open space. Projects shall seek to create greater amounts of privacy, maintenance of views, preservation of trees, vegetation and habitat, and provide for adequate security.
  - (b) The applicant must prove that the project meets the criteria outlined above, based on:
    - (i) Measurable improvements such as an increase in the number of trees saved, increased amount of open space, or increased landscaping area;
    - (ii) Objective improvements such as increased solar access or increased privacy; and
    - (iii) Conceptual architectural sketches, showing two sketches (with and without administrative design flexibility), indicating the improvement gained by application of the Administrative Design Flexibility.
- (2) Criteria for Existing Single-Family Residential Structures. Additions or modifications to existing single-family residential structures may be eligible for Administrative Design Flexibility if the project meets all of the following criteria:

- (a) No adverse impact on adjoining property owners;
- (b) Not unduly injurious to property owners in the vicinity or their enjoyment of their property;
- (c) Special physical circumstances relating to the size, shape, topography, location or surroundings of the subject property;
- (d) The project otherwise complies with the requirements of the Community Development Guide.

#### **20F.40.20-050 Residential Flexible Standards**

- (1) Limitations. Application of Administrative Design Flexibility shall be limited to the following zoning districts and development standards.
  - (a) Design flexibility shall apply to all residential zones unless otherwise specified.
    - (i) Setbacks. Front, side and rear setbacks may be reduced up twenty (20) percent. Setbacks from Lake Sammamish shall not be eligible for design flexibility. A minimum of 18 feet of driveway shall be provided between the garage, carport, or other fenced parking area and the street property line except when alleys are used for vehicular access.
    - (ii) Impervious Surface. In the R-8 through R-20 zones the impervious surface area can be increased an additional five (5) percent.

#### **20F.40.20-060 Commercial Flexible Standards**

- (1) Limitations. Application of Administrative Design Flexibility shall be limited to the following zoning districts and development standards.
  - (a) Commercial. Shall apply only to the Neighborhood Commercial (NC), General Commercial (GC) and Retail Commercial (RC) zoning districts.
    - (i) Lot Coverage/Impervious Surface. May be increased an additional five (5) percent.
    - (ii) Minimum Building Setbacks: May be reduced up to twenty (20) percent.

#### **20F.40.20-070 Business and Manufacturing Park Flexible Standards**

- (1) Limitations. Application of Administrative Design Flexibility shall be limited to the following zoning districts and development standards.
  - (a) Business Park (BP), Overlake Business and Advanced Technology (OV), Manufacturing (MP), and Industrial (I) zones.
    - i. Lot Coverage/Impervious Surface. May be increased an additional five (5) percent.
    - ii. Minimum Building Setbacks: May be reduced up to twenty (20) percent.

### **20F.40.25 Administrative Modifications**

#### **20F.40.25-010 Purpose**

The purpose of this section is to establish a procedure to allow modification to an approved project.

#### **20F.40.25-020 Scope**

This section governs requests to modify any final approval on a project granted pursuant to this chapter of the Redmond Community Development Guide, excluding all approvals granted by passage of an ordinance or resolution of the City Council and requests to revise a plat governed by RCDG 20F.40.150, Subdivision.

#### **20F.40.25-030 Procedure**

- (1) Applications that seek Administrative Modification that meet the criteria below shall follow the procedures established in Section 20F.30.35 for a Type II permit process, without the requirement for public notification.

- (2) Applications that seek Administrative Modification for additional square footage shall follow the procedures established in Section 20F.30.35 for a Type II permit process.

#### **20F.40.25-040      Decision Criteria**

- (1) The Administrator may determine that an addition or modification to a previously approved project or decision will require review as a new application rather than an Administrative Modification, if it exceeds the criteria in subsection (2) below.
- (a) If reviewed as a new application rather than an Administrative Modification, the modification shall be reviewed by the same body(ies) that reviewed the original application. If the application resulting in the approval which is the subject of the request for modification was reviewed by the Design Review Board, then the Board shall review the request and make its recommendations to the appropriate body. The criteria for approval of such a modification shall be those criteria governing original approval of the permit which is the subject of the proposed modification.
- (2) A proposed modification or addition will be decided as an Administrative Modification, if the modification meets the following criteria:
- (a) No new land use is proposed;
- (b) No increase in density, number of dwelling units or lots is proposed;
- (c) No changes in location or number of access points is proposed;
- (d) No reduction in the amount of landscaping is proposed;
- (e) No reduction in the amount of parking is proposed;
- (f) No increase in the total square footage of structures to be developed is proposed; and
- (g) No increase in height of structures is proposed to the extent that additional usable floor space will be added.
- (3) A modification that does not meet the criteria in subsection (2), but does not add more than the lesser of 10 percent or 6,000 gross square footage, may be reviewed as an Administrative Modification, as approved by the Administrator.

### **20F.40.30 Annexations**

#### **20F.40.30-010      Purpose**

The purpose of this section is to provide procedures and requirements for the annexing of territory to the City of Redmond.

#### **20F.40.30-020      Scope**

This section shall apply only to the direct petition method of annexation provided in RCW 35A.14, "Annexation."

#### **20F.40.30-030      Procedure**

Applications to annex land to the City of Redmond shall follow the procedures set forth in Sections 20F.30.20 and 20F.30.50, the appropriate state statutes, and the provisions noted below.

#### **20F.40.30-040      Requirements for Preliminary Approval**

Within sixty (60) days of the filing of a "Notice of Intent" petition by the owners of not less than 10 percent (10%) in assessed valuation of the property for which annexation is sought, the City Council shall meet with the initiating parties. The City Council may approve, approve with conditions, approve with modifications to the request or deny the request. If the City Council approves the annexation request then an annexation petition may be circulated. Denial of an annexation request is not appealable.

#### **20F.40.30-050      Conditions of Annexation**

Territory annexed to the City shall comply with the Redmond Community Development Guide and shall assume its share of the existing City indebtedness. Other conditions of annexation, if any, shall be agreed to at the meeting of the petitioners and City Council. All conditions shall be stated as a part of the direct petition.

#### **20F.40.30-060      Annexation Petitions**

The annexation petition must be signed by owners of not less than sixty percent (60%) of the assessed value of property within the area sought to be annexed. In cases where the boundary of the proposed annexation area is at least eighty percent (80%) contiguous to the city, then the annexation petition must be signed by owners of not less than fifty percent (50%) of the assessed value of property within the area sought to be annexed.

#### **20F.40.30-070      Pre-annexation Zoning**

The City Council may establish zoning for territory effective upon the annexation of that territory as set forth in 20C.10.15-040.

#### **20F.40.30-080      Final Approval**

If the City Council approves the application, it shall effect the annexation by ordinance. The approved application and ordinance shall be forwarded to the Boundary Review Board for its final approval.

#### **20F.40.30-090      Alternative Methods of Annexation**

Annexation may also be processed under the alternative methods provided in RCW 35A.14, incorporated by reference.

### **20F.40.35    Concurrency Exemption**

#### **20F.40.40-010      Purpose**

This section establishes the criteria that the City will use in making a decision upon an application for a Concurrency Exemption.

#### **20F.40.40-020      Scope**

A Concurrency Exemption is an exemption from transportation service standard compliance.

#### **20F.40.40-030      Procedure**

Concurrency Exemptions shall follow the procedures established in Section 20F.30.45 for a Type IV permit process.

#### **20F.40.40-040      Decision Criteria**

Criteria for Concurrency Exemptions are outlined in Section 20D.210.10-040.

### **20F.40.40    Conditional Use**

#### **20F.40.40-010      Purpose**

This section establishes the criteria that the City will use in making a decision upon an application for a Conditional Use.

#### **20F.40.40-020      Scope**

A Conditional Use is a mechanism by which the City may require special conditions on development or on the use of land in order to insure that designated uses or activities are compatible with other uses in the same land use district and in the vicinity of the subject property.

**20F.40.40-030 Procedure**

Conditional Uses shall follow the procedures established in Section 20F.30.40 for a Type IV permit process.

**20F.40.40-040 Decision Criteria**

The City may approve or approve with modifications the Conditional Use only if the applicant demonstrates that:

- (1) The conditional use is consistent with the Comprehensive Plan;
- (2) The conditional use is designed in a manner which is compatible with and responds to the existing or intended character, appearance, quality of development, and physical characteristics of the subject property and immediate vicinity;
- (3) The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
- (4) The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
- (5) Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
- (6) The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
- (7) The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

**20F.40.50 Development Guide Amendment – Comprehensive Plan Map and/or Policy Amendment****20F.40.50-010 Purpose**

This section establishes a procedure and amendment criteria by which Section B of the Redmond Community Development Guide, the Redmond Comprehensive Plan, may be amended.

**20F.40.50-020 Procedure**

The Growth Management Act provides that comprehensive plan amendments can occur no more than once a year with limited exceptions. For any given year, a due date is assigned for receiving applications. Applications received after the due date will be added to the comprehensive plan docket and considered for the following year's amendments. All Comprehensive Land Use Plan Map amendments shall also be accompanied by concurrent zoning map amendments. Comprehensive Plan Amendments shall follow the procedures established in Section 20F.30.45 for a Type VI permit process.

**20F.40.50-030 Amendment Criteria**

Redmond Comprehensive Plan Policy LU – 142 sets out the following comprehensive plan amendment criteria:

- (1) Consistency with the Growth Management Act (GMA), the State of Washington Department of Community, Trade and Economic Development Procedural Criteria, and the King County Countywide Planning Policies (CPPs);
- (2) Consistency with the Comprehensive Plan policies and the designation criteria;
- (3) The capability of the land including the prevalence of sensitive areas;
- (4) Consistency with the preferred growth and development pattern in Section B of the Land Use Chapter of the Comprehensive Plan;
- (5) The capacity of public facilities and whether public facilities and services can be provided cost-effectively at the intensity allowed by the designation;
- (6) Whether the allowed uses are compatible with nearby uses;

- (7) If the purpose of the amendment is to change the allowed use in an area, the need for the land uses that would be allowed by the Comprehensive Plan amendment and whether the amendment would result in the loss of the capacity to meet other needed land uses, especially whether the proposed amendment complies with the policy on no-net loss of housing capacity; and
- (8) For issues that have been considered within the last four annual updates or comprehensive land use plan amendments, whether there has been a change in circumstances that makes the proposed plan designation or policy change appropriate or whether the amendment is needed to remedy a mistake.

## **20F.40.60 Development Guide Amendment – Text**

### **20F.40.60-010 Purpose**

The purpose of this section is to provide the procedures and requirements for amending the text, maps and charts of the Redmond Community Development Guide, exclusive of the Zoning Map.

### **20F.40.60-020 Scope**

Amendments to the Redmond Community Development Guide include amendments, additions and deletions to the text, maps, or charts of the Redmond Community Development Guide, except amendments to the Zoning Map as set forth in Section 20F.40.70.

### **20F.40.60-030 Procedure**

Development Guide Amendments shall follow the procedures established in Section 20F.30.55 for a Type VI permit process, and appropriate state statutes.

### **20F.40.60-040 Amendment Criteria**

All amendments to the Redmond Community Development Guide processed under this section shall be in conformance with subtitle 20B, Redmond Comprehensive Plan.

### **20F.40.60-050 Exemptions**

Changes in the organization, format, appearance, profiles, narrative, illustrations, examples or other non-material changes to the Redmond Community Development Guide may be made by the Department of Planning and Community Development and are exempt from this Section.

### **20F.40.60-060 Approval by Ordinance**

All amendments shall be approved by ordinance by the Redmond City Council.

## **20F.40.70 Development Guide Amendment – Zoning Map Amendment**

### **20F.40.70-010 Purpose**

This section establishes the procedures and amendment criteria for amending the official zoning map, adopted pursuant to section 20C.10.15-010, Establishment of Zoning Map.

### **20F.40.70-020 Procedure**

- (1) Development Guide Amendments to the Official Zoning Map that are consistent with the Comprehensive Plan (Rezoning) shall follow the procedures established in Section 20F.30.45 for a Type IV permit process.
- (2) Development Guide Amendments to the Official Zoning Map that require a concurrent amendment to the Comprehensive Plan shall follow the procedures established in Section 20F.30.55 for a Type VI permit process.

#### **20F.40.70-030 Conditions to Amendment**

The City Council may require the applicant to submit his project to the development permit review or the planned development procedures prior to final approval being granted on an amendment to the Zoning Map.

#### **20F.40.70-040 Special Application Requirements**

No application shall be filed nor accepted for filing which on its face will not comply with Chapter 20B, "Land Use Plan." No application without signatures of owners representing 75 percent (75%) of the subject area and signatures representing 75 percent (75%) of the owners of property in the subject area shall be filed or accepted for filing.

#### **20F.40.70-050 Amendment Criteria**

The following factors are to be taken into account by the Planning Commission and the City Council when considering a map amendment:

- (1) The amendment complies with the Comprehensive Plan Land Use Map, policies, and provisions;
- (2) The amendment bears a substantial relation to the public health and safety;
- (3) The amendment is warranted because of changed circumstances, a mistake, or because of a need for additional property in the proposed zoning district;
- (4) The subject property is suitable for development in general conformance with zoning standards under the proposed zoning district;
- (5) The amendment will not be materially detrimental to uses or property in the immediate vicinity of the subject property;
- (6) Adequate public facilities and services are likely to be available to serve the development allowed by the proposed zone;
- (7) The probable adverse environmental impacts of the types of development allowed by the proposed zone can be mitigated taking into account all applicable regulations or the unmitigated impacts are acceptable; and
- (8) The amendment complies with all other applicable criteria and standards in the Redmond Community Development Guide.

#### **20F.40.70-060 Approval**

All amendments shall be approved by ordinance by the Redmond City Council.

### **20F.40.80 Essential Public Facilities**

#### **20F.40.80-010 Purpose**

The purpose of this section is to provide a process to site necessary public uses that may otherwise be difficult to site. This process involves the community and identifies and minimizes adverse impacts. Essential public facilities are defined in RCDG 20A.20.50, Definitions. Examples include schools, water transmission lines, sewer collection lines, fire stations, hospitals, jails, prisons, airports, solid waste transfer stations, highways, and storm water treatment plants.

#### **20F.40.80-020 Scope**

This section establishes the criteria that the City will use in making a decision upon an application for an Essential Public Facility. The City Council shall develop a list of essential public facilities. These facilities meet the definition of essential public facilities or are based on a list maintained by the State of Washington Office of Financial Management.

- (1) A use or facility may be added to the list of essential public facilities based on one of the following criteria:
  - (a) The use meets the definition of an essential public facility; or
  - (b) The use is identified on the State list of essential public facilities maintained by the State of Washington Office of Financial Management.

- (2) This regulation shall serve to establish an alternative process for permitting those uses which meet the applicability criteria of 20F.40.80-040. The Director of Planning and Community Development shall determine whether a proposed facility shall be reviewed according to the Essential Public Facilities Review Process instead of the review process indicated on the appropriate use chart.

#### **20F.40.80-030 Procedure**

Applications that seek approval for an Essential Public Facility shall follow the procedures established in Section 20F.30.50 for a Type V permit process.

#### **20F.40.80-040 Decision Criteria – Determination of Applicability**

- (1) Essential public facilities may be reviewed through the Essential Public Facility Review Process. An applicant may make a written request or the Director of Planning and Community Development may require a proposal to be reviewed through Redmond's Essential Public Facility Review Process. An applicant may use this process if the facility meets the definition of an essential public facility. If the facility is on the list of qualifying facilities, it automatically meets the definition.
- (2) The Director of Planning and Community Development, or the current position having the duties of this office, shall make a determination that a facility be reviewed through Redmond's Essential Public Facilities Review:
  - (a) The facility is on the City's list of essential public facilities or may be added to the list according to Section 20F.40.80-020;
  - (b) The facility is a type difficult to site because of one of the following:
    - (i) The facility needs a type of site of which there are few sites,
    - (ii) The facility can locate only near another public facility,
    - (iii) The facility has or is generally perceived by the public to have significant adverse impacts that make it difficult to site, or
    - (iv) The facility is of a type that has been difficult to site in the past;
  - (c) It is likely this facility will be difficult to site; or
  - (d) There is need for the facility and Redmond is in the facility service area.

#### **20F.40.80-050 Decision Criteria – Review Process**

- (1) An applicant may have one or more alternative sites considered at the same time during this process.
- (2) The Director has the authority to require the consideration of sites outside the City of Redmond. Alternative sites shall cover the service area of the proposed essential facility.
- (3) An amplified public involvement process shall be required. The purpose of the public involvement process is to involve the persons within the zone of likely and foreseeable impacts if the involvement process has the potential to lead to a more appropriate design/location. The public involvement process could also lead to development of incentives or to address modifications to the facility which would make siting of that facility more acceptable.
  - (a) The applicant shall propose an acceptable public involvement process to be reviewed and approved by the Director.
  - (b) Public involvement activities shall be conducted by and paid for by the applicant.
  - (c) The public involvement process shall be initiated by the applicant as early as feasibly possible.
- (4) The Director may require a multi-jurisdictional review process if the facility serves a regional, Countywide, Statewide, or national need. If this process is required, the applicant shall design an acceptable process to be reviewed and approved by the Director. Applicants shall be required to pay for this process.
- (5) An analysis of the facility's impact on City finances shall be undertaken. Mitigation of adverse financial impacts shall be required.
- (6) The following criteria shall be used to make a determination on the application:
  - (a) Whether there is a public need for the facility.
  - (b) The impact of the facility on the surrounding uses and environment, the City and the region.
  - (c) Whether the design of the facility or the operation of the facility can be conditioned, or the impacts otherwise mitigated, to make the facility compatible with the affected area and the environment.

- (d) Whether a package of incentives can be developed that would make siting the facility within the community more acceptable.
- (e) Whether the factors that make the facility difficult to site can be modified to increase the range of available sites or to minimize impacts on affected areas and the environment.
- (f) Whether the proposed essential public facility is consistent with the Redmond Comprehensive Plan.
- (g) If a variance is requested, the proposal shall also comply with the variance criteria.
- (h) Essential public facilities shall comply with any applicable State siting and permitting requirements.

## **20F.40.90           Planned Developments**

### **20F.40.90-10       Master Planned Residential Development**

- (1) Master Planned Residential Developments shall follow the procedures established in Section 20F.30.45 for a Type IV permit process.
- (2) See Section 20C.30.105 for the purpose, scope and decision criteria for Master Planned Residential Developments.

### **20F.40.90-20       Planned Residential Development**

- (1) Planned Residential Developments shall follow the procedures established in Section 20F.30.45 for a Type IV permit process.
- (2) See Section 20C.30.105 for the purpose, scope and decision criteria for Planned Residential Developments.

### **20F.40.90-30       Planned Commercial Development**

- (1) Planned Commercial Developments shall follow the procedures established in Section 20F.30.45 for a Type IV permit process.
- (2) See Section 20C.60.60 for the purpose, scope and decision criteria for Planned Commercial Developments.

## **20F.40.100   Reasonable Accommodations for Persons with Disabilities**

### **20F.40.100-010   Purpose**

The Federal Fair Housing Act and Fair Housing Act Amendments require that reasonable accommodations be made in the rules, policies, practices, or services, when such accommodations may be necessary to afford disabled persons equal opportunity to use and enjoy a dwelling. The rights created by the statutes are requirements of Federal law and shall be interpreted and applied in accordance with Federal case law.

### **20F.40.100-020   Scope**

The Administrator or his or her designee is therefore authorized to make reasonable accommodations in the provisions of the Redmond Community Development Guide as such provisions apply to dwellings occupied or to be occupied by disabled persons as defined by the Federal Fair Housing Act and Fair Housing Act Amendments.

### **20F.40.100-030   Procedure**

- (1) Request. A request for a reasonable accommodation in the form of a modification of the State Building Code including, but not limited to, the Group LI requirements may be made to the Administrator or his or her designee. Such accommodation shall be reasonable, personal to the

applicant and granted pursuant to the definitions and requirements of the Fair Housing Act and Fair Housing Act Amendments as the same exists or is hereafter amended.

- (2) Decision. The written decision of the Planning Director or his or her designee shall be provided to the applicant and copies of the decision posted at the post office, City Hall, library, and on or near the subject site, and mailed to all property owners within 300 feet of the subject site.
- (3) Recording of Decision. Notice of the decision of the Planning Director or his or her designee shall be recorded with the King County Department of Records and Elections to apprise prospective purchasers of the reasonable accommodation granted hereunder. All such notices shall conspicuously state that all accommodations granted under this section are personal to the applicant and that they expire when the applicant terminates his or her occupancy at the subject site.
- (4) Appeals. The decision of the Planning Director or his or her designee shall be appealable only to King County Superior Court in accordance with the provisions of Section 20F.30.60 - Appeals. The appeal period for such appeals shall commence on the date the notice of decision is postmarked.

#### **20F.40.100-040 Criteria**

The Administrator or his or her designee may determine that such reasonable accommodations may be necessary in order to comply with the Federal Fair Housing Act and Fair Housing Act Amendments. All such accommodations shall be personal to the applicant and shall expire immediately if the disabled applicant terminates occupancy at the subject site.

### **20F.40.105 Reasonable Use Exception**

#### **20F.40.105-010 Purpose**

The City recognizes that the strict application of Section 20C.40, Sensitive Areas, may in some cases deny all reasonable economic use of private property. In such cases, the applicant may seek a Reasonable Use Exception from the standards of this section of the Redmond Community Development Guide.

#### **20F.40.105-020 Scope**

The standards and regulations of Section 20C.40, Sensitive Areas, are not intended, and shall not be construed or applied in a manner, to deny all reasonable economic use of private property. If an applicant demonstrates to the satisfaction of the Hearing Examiner that strict application of these standards would deny all reasonable economic use of the property, development may be permitted subject to appropriate conditions.

#### **20F.40.105-030 Procedure**

Applications for a Reasonable Use Exception shall follow the procedures for a Type III review pursuant to Section 20F.30.40.

#### **20F.40.105-040 Decision Criteria**

An applicant seeking relief from the strict application of Section 20C.40, Sensitive Areas, shall demonstrate the following:

- (1) No reasonable use with less impact on the sensitive area and the buffer is feasible and reasonable; and
- (2) There is no feasible and reasonable on-site alternative to the activities proposed, considering possible changes in site layout, reductions in density and similar factors; and
- (3) The proposed activities, as conditioned, will result in the minimum possible impacts to affected sensitive areas; and
- (4) All reasonable mitigation measures have been implemented or assured; and
- (5) The inability to derive reasonable economic use is not the result of the applicant's actions. The purchase price of the property shall not be construed to be an applicant's action.

## **20F.40.110 Right of Way Vacation**

### **20F.40.110-010 Purpose**

The purpose of this section is to provide procedures and requirements for the vacation of public rights-of-way and streets by petition.

### **20F.40.110-020 Scope**

All citizen requests for Rights-of-Way Vacation shall follow the requirements of this section.

### **20F.40.110-030 Special Requirements**

For applications initiated by property owners, the application shall contain the signatures of the owners of at least two-thirds (2/3) of the property abutting the portion of right-of-way proposed to be vacated.

### **20F.40.110-040 Procedure**

Applications to vacate right-of-way shall follow the procedures below:

- (1) Preliminary Action. Upon receiving a valid application, the City Council shall set a hearing date by resolution that is not more than sixty (60) days or less than twenty (20) days after the passage of the resolution. (Ord. 1734)
- (2) Final Action. Following the hearing, the City Council shall take final action on the Right-of-Way Vacation application. If the application is approved, the City Council shall vacate the right-of-way by ordinance. The ordinance of vacation may provide that the vacation shall not become effective until owners of property abutting the vacated right-of-way compensate the City in an amount which does not exceed one-half (1/2) of the appraised value of the area vacated. The ordinance enacted to vacate the right-of-way shall be recorded with King County.
- (3) Alternative Methods of Vacation. Right-of-Way Vacations may be processed under the alternative methods provided in RCW 35A.47. That chapter is incorporated by reference, and three copies are on file with the City Clerk.

## **20F.40.115 Sensitive Areas Exception**

### **20F.40.115-010 Purpose**

This section establishes the criteria that the City will use in making a decision upon an application for a Sensitive Areas Exception.

### **20F.40.115-020 Scope**

A Sensitive Areas Exception is an exception for streets and utilities from strict adherence to the Sensitive Areas Ordinance as it relates to Class IV Landslide Hazard Areas.

### **20F.40.115-030 Procedure**

Sensitive Areas Exceptions shall follow the procedures established in Section 20F.30.50 for a Type V permit process.

### **20F.40.115-040 Decision Criteria**

Criteria for Sensitive Areas Exceptions are outlined in Section 20D.140.10-210 (2).

## **20F.40.120 Shoreline Permits**

### **20F.40.120-010 Purpose**

It is the purpose of this section to describe the procedures and requirements for development within specified areas related to lakes, rivers, streams, wetlands, and floodplains as required to implement the

Shoreline Management Act, as amended, Chapter 90.58 RCW, and to aid in implementation of the Federal Flood Insurance program and the State Flood Control Zone program.

#### **20F.40.120-020 Scope**

- (1) Permit Required. A substantial shoreline development permit is required for development if it materially interferes with the normal public use of the water or shorelines of the City or exceeds a total cost or fair market value of \$2,500 and is located within the following areas:
  - (a) Shoreline Areas.
    - (i) Lake Sammamish, its underlying land, associated wetlands, and a line 200 feet landward at the line of ordinary high water (elevation 27 feet above sea level) plus the area within the one percent numerical probability floodplain (100-year floodplain) as defined by the best available data.
    - (ii) Bear, Evans and Cottage Creeks where the mean annual flow is 20.0 cubic feet per second or more, and the territory between 200 feet on either side of the tops of the banks, plus associated wetlands and the area within the one percent probability floodplain (100-year floodplain) as defined by the best possible data.
    - (iii) Sammamish River and the territory between 200 feet on either side of the tops of the banks plus associated wetlands.
  - (b) Adjacent Areas. Those parcels of land adjacent to the shoreline areas involving projects and developments that overlap into the shoreline areas.
- (2) Exemptions. The following types of developments are exempt from the requirements of a shoreline development permit but shall comply with all other policies, plans, codes and regulations of the City:
  - (a) Normal maintenance or repair of existing structures and development including damage by accident, fire or elements;
  - (b) Piers not exceeding \$10,000 in total cost;
  - (c) Emergency construction necessary to protect property from damage by the elements;
  - (d) Construction on wetlands as defined in the Shoreline Management Act by an owner, lessee, or contract purchaser of a single-family residence for his own use or the use of his family;
  - (e) Construction of a normal protective bulkhead common to a single-family residence;
  - (f) Construction or modification of navigational aids such as channel markers and anchor buoys;
  - (g) Construction and practices normal or necessary for farming, irrigation and ranching activities.

#### **20F.40.120-030 Procedure**

- (1) Applications for a Shoreline Exemption shall follow the procedures for a Type I review pursuant to Section 20F.30.30.
- (2) Applications for a Shoreline Substantial Development Permit shall follow the procedures for a Type II review pursuant to Section 20F.30.35.
- (3) Applications for a Shoreline Conditional Use Permit shall follow the procedures for a Type III review pursuant to Section 20F.30.40.
- (4) Applications for a Shoreline Variance shall follow the procedures for a Type III review pursuant to Section 20F.30.40.
- (5) Special Requirements.
  - (a) No final action or construction shall be taken until 21 days after notice of the final action taken by the City is filed with the Department of Ecology.
  - (b) Within 14 days of the date of the second notice of filing by publication, any person may submit written comments on the application.

#### **20F.40.120-040 Decision Criteria**

All applications, including exemptions shall comply with WAC 173-27-140.

- (1) Shoreline Exemption.

Types of developments outlined in Section 20F.40.130-020(2) are exempt from the requirements of a Shoreline Substantial Development Permit but shall comply with all other policies, plans, codes and regulations of the City.

(2) Shoreline Substantial Development Permit.

Shoreline Substantial Development Permit applications shall be reviewed pursuant to WAC 173-27-150. Special review criteria are provided in Section 20D.150, Shoreline Regulations. In addition, all projects must be consistent with Chapter 20B.95 of the Redmond Comprehensive Plan.

(3) Shoreline Conditional Use Permit.

Uses which are not classified or set forth in the master program or use regulations may be allowed provided the applicant can demonstrate that they meet the criteria outlined in WAC 173-14-140.

(4) Shoreline Variance.

Relief may be granted from specific provisions of the Shoreline Master Program or shoreline use regulations, provided the applicant can demonstrate that the variance will meet the criteria outlined in WAC 173-14-150.

## **20F.40.130 Site Plan Entitlement**

### **20F.40.130-010 Purpose**

As part of its review of applications, the Technical Committee, Design Review Board, and Code Administrator shall individually or collectively review site plans as follows to ensure that the following purposes have been achieved:

- (1) To review the proposal for compliance with the provisions of the City of Redmond Community Development Guide and all other applicable law.
- (2) To help insure that the proposal is coordinated, as is reasonable and appropriate, with other known or anticipated development on private properties in the area and with known or anticipated right-of-way and other public projects within the area.
- (3) To encourage proposals that embody good design principles that will result in high quality development on the subject property.
- (4) To determine whether the streets and utilities in the area of the subject property are adequate to serve the anticipated demand from the proposal.
- (5) To review the proposed access to the subject property to determine that it is the optimal location and configuration for access.

### **20F.40.130-020 Scope**

- (1) Review and approval is required for all multiple family, commercial, industrial, utility, shoreline development, public-initiated land use proposals, the expansion and exterior remodeling of structures, parking, and landscaping; or as otherwise specified in the Redmond Community Development Guide. All of the above projects require the review and approval of a Site Plan Entitlement **except for:**

- (a) Detached single-family residential buildings;
- (b) Signs determined by the Code Administrator to comply with review criteria set forth in Section 20D.160; and
- (c) Tenant improvements not encompassing modification to the exterior of an existing building.

### **20F.40.130-030 Procedure**

Site Plan Entitlements shall follow the procedures established in Section 20F.30.35 for a Type II permit process.

#### **20F.40.130-040 Decision Criteria**

The Technical Committee, composed of the Departments of Planning and Public Works, shall review all Site Plan Entitlements for compliance with the State Environmental Policy Act and the Redmond Community Development Guide. The Technical Committee may refer any application requiring a building permit to the Design Review Board for review based upon review criteria outlined in Section 20D.40.

### **20F.40.140 Special Use**

#### **20F.40.140-010 Purpose**

This section defines the procedure for considering special uses and applying standards defined in the guidelines for special uses.

#### **20F.40.140-020 Scope**

A Special Use is a use on which the City has established special conditions within the Redmond Community Development Guide for designated uses or activities in order to establish compatibility with other uses in the same land use district and in the vicinity of the subject property. Special uses are identified in the "Permitted Land Uses" charts in Chapter 20C.

#### **20F.40.140-030 Procedure**

Special Uses shall follow the procedures established in Section 20F.30.35 for a Type II permit process.

#### **20F.40.140-040 Decision Criteria**

Special review criteria are provided for in Section 20D.170 and Section 20C.30 for specific uses.

### **20F.40.150 Subdivisions, Short Subdivisions, Binding Site Plans, and Boundary Line Adjustments**

#### **20F.40.150-010 Purpose**

The intent of this section is to:

- (1) Establish and identify the processes to accomplish the orderly creation of lots for conveyance or lease and the review of such lots for the potential development of land within the City,
- (2) Establish and identify the procedures for addressing boundary line adjustments, legal lots of record, and exempt divisions of land within the City;
- (3) Provide for the expeditious review and approval of proposed land divisions that comply with this section, other city land use regulations and standards, and RCW Chapter 58.17 Plats, Subdivisions, Dedications
- (4) Consistent with RCW 58.17.010, regulate the subdivision of land and to promote the public health, safety and general welfare in accordance with standards established by the state to prevent the overcrowding of land; to lessen congestion in the streets and highways; to promote effective use of land; to promote safe and convenient travel by the public on streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage, parks and recreation areas, sites for schools and schoolgrounds and other public requirements; to provide for proper ingress and egress; to provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and local plans and policies; to adequately provide for the housing and commercial needs of the citizens of the state; and to require uniform monumenting of land subdivisions and conveyancing by accurate legal description.

## **20F.40.150-020 Scope**

- (1) Compliance. All divisions or redivisions of land into lots, tracts, parcels, sites or division for the purpose of sale, lease or transfer of ownership shall comply with the provisions of State law and the Redmond Community Development Guide. All property under common ownership must be subdivided in accordance with the requirements of this title prior to sale, lease or transfer of ownership; provided, however, that divisions of property pursuant to RCDG 20F.40.150 (3), Exceptions, and “lots of record”, as defined under RCDG 20F.40.150 (4), Lots of Record, may be sold, leased or transferred without further compliance with this title.
- (2) Contiguous land. All contiguous land shall be included in a short subdivision application. Multiple applications or applications and/or exemptions shall not be utilized as a substitute for comprehensive subdividing in accordance with the requirements of this section. The applicant shall certify that s/he has included all contiguous land in a short subdivision application and that s/he does not own nor otherwise have a legal interest in ownership of contiguous parcels.
- (3) Exceptions. Note: Land conveyed or leased through an exception has not necessarily been reviewed by the City of Redmond for development potential. The provisions of this section shall not apply to:
  - (a) Cemeteries. Cemeteries and other burial plots, while used for that purpose
  - (b) Testamentary Divisions. Divisions made by testamentary provisions, or the laws of descent, provided that there can be only one lot per heir or devisee. A map of the division must be recorded with the County Auditor when each parcel is transferred. All beneficiaries to the property must sign the map. Lots created through such divisions are deemed legal notwithstanding minimum lot size or density requirements imposed through the Redmond Community Development Guide. However, such lots and all land uses carried out on such lots are subject to all other standards and requirements of law;
  - (c) Industrial and Commercial Site Plans. Division for sale or lease of commercial or industrially zoned property provided a binding site plan has been approved and recorded; such divisions shall comply with Section 20F.40.150-100, Binding Site Plans.
  - (d) Mobile Home Parks. Divisions for purposes of lease when no residential structure other than mobile homes or travel trailers are permitted, provided a binding site plan has been approved and recorded; Such divisions shall comply with Section 20F.40.150-100, Binding Site Plans.
  - (e) Boundary Line Adjustments. A division made for the purpose of adjusting boundary lines, between legal lots of record. See Section 20F.40.150-110 for boundary line adjustment criteria.
  - (f) Contiguous Lots. The transfer of ownership of contiguous platted lots if:
    - (i) The lots were created after June 9, 1937, or
    - (ii) The lots transferred were created and separately developed prior to June 9, 1937;
  - (g) Condominiums. A division made under the provisions of the Horizontal Properties Regimes Act (RCW 64.32) provided a binding site plan has been approved.
  - (h) Right of Way Acquisition and Condemnation.
    - i) A division of land relating to the acquisition or exchange of land by public agencies, for public use except human occupancy, including but not limited to subdivisions made for road construction purposes.
    - ii) A division of land for the sole use of the installation of linear utility facilities, such as electric power lines, telephone lines, water supply lines, sewer service lines, cable lines, or other utility facilities of a similar or related nature.
    - iii) Division of land due to condemnation or sale under threat thereof by an agency or division of government vested with the power of condemnation; if sale is made under threat of condemnation, such threat must be evidenced by the government agency filing an affidavit so stating with the King County Auditor.
- (4) Legal lot criteria for building or transfer of ownership. A lot is considered a lot of record if it meets any one of the criteria listed below. Even though a lot may be deemed legal, development on said lot shall be subject to all applicable sections of the Redmond Community Development Guide.

- (a) Lots of record include:
- (i) Any lot, the legal description of which has been recorded in a plat or short subdivision filed with the County Auditor after June 9, 1937.
  - (ii) Any lot, the legal description of which is on file with the County Auditor in an assessor's plat recorded in accordance with Chapter 58.18 RCW.
  - (iii) Lots created by court order for adverse possessions or divorces in which the adverse possession or divorce;
  - (iv) Lots exempted under 20F.40.150-020 (4) , and lots transferred to a bona fide innocent purchaser for value in accordance with this title.
  - (v) Properties bisected by navigable streams or any public or railroad right-of-way (opened or unopened) create legal property boundaries. If the right-of-way is vacated and parcels on both sides are in same ownership, the lots are consolidated unless there is evidence of an action or intent to divide prior to the vacati

(5) Innocent Purchaser and Public Interest Exceptions.

- (a) Innocent purchaser exception. The Administrator shall determine that parcels that meet both of the following exception criteria are lots of record for purposes of Section 20F.40.150-020 (4).
- (i) Zoning and Public Health. The parcel meets minimum zoning and public health dimensional requirements, including lot size, dimensions and frontage width, which are currently in effect or in effect at the time the parcel was created; and
  - (ii) Status. The current property owner purchased the property for value and in good faith, and did not have knowledge of the fact that the property acquired was divided from a larger parcel in violation of the state and County regulations listed under "lots of record" in Section 20F.40.150-020 (4).
  - (iii) The County shall recognize as a building lot any parcel for which a building permit or septic tank permit was issued prior to July 26, 1999.
- (b) Public Interest Exception, Mandatory. The Administrator shall determine that parcels, which meet both of the following criteria, are lots of record:
- (i) Zoning and Public Health. The parcel meets minimum zoning and public health dimensional requirements currently in effect, including lot size, dimensions and frontage width; and
  - (ii) Status.
    - (1) The property owner completes conditions of approval which the Administrator determines would otherwise be imposed if the parcel had been established through platting under current standards; or
    - (2) The Administrator determines that improvements or conditions of approval, which would have been imposed if the parcel had been established through platting, are already present and completed.
- (c) Public Interest Exception, Discretionary. The Administrator may, but is not obligated to determine that parcels meeting the following criteria are lots of record:
- (i) Zoning and Public Health. The parcel lacks sufficient area or dimension to meet current zoning and public health requirements but meets minimum zoning dimensional requirements and health requirements, including lot size, dimensions and frontage width, in effect at the time the parcel was created; and
  - (ii) Status.
    - (1) The property owner completes conditions of approval which the Administrator determines would otherwise be imposed if the parcel had been established through platting under current standards, or
    - (2) The Administrator determines that conditions of approval which would have been imposed if the parcel been established through platting under current standards are already present on the land;
  - (iii) The Administrator shall consider the following factors as favoring a lot of record determination under the discretionary public interest exception, although no one factor is determinative:
    - (1) The parcel size is consistent with surrounding lots of record,

- (2) Presence of an existing residence on the parcel,
- (3) Recognition of the parcel does not adversely impact public health or safety, or interfere with the implementation of the comprehensive plan,
- (4) The parcel purchase value and subsequent tax assessments are consistent with a buildable lot of record.

#### **20F.40.150-030 Procedures**

- (1) Boundary Line Adjustments shall follow the procedures established in Section 20F.30.30 for a Type I permit process.
- (2) Binding Site Plans shall follow the procedures established in Section 20F.30.35 for a Type II permit process.
- (3) Short Plats shall follow the procedures established in Section 20F.30.35 for a Type II permit process.
- (4) Preliminary Plats shall follow the procedures established in section 20F.30.40 for a Type III permit process.
- (5) Final Plats shall follow the procedures established in section 20F.30.50 for a Type V permit process.
- (6) Plat Alterations shall follow the procedures established in section 20F.30.50 for a Type V permit process.
- (7) Plat Vacations shall follow the procedures established in section 20F.30.50 for a Type V permit process.

#### **20F.40.150-040 Short Plat**

- (1) Criteria. As a basis for approval, approval with conditions or denial of a short subdivision, the Technical Committee shall determine if appropriate provisions have been made for, but not limited to the purpose and criteria set forth in Section 20D.180 Subdivision And Short Subdivision Regulations.
- (2) Decision by the Technical Committee. Each final decision of the Technical Committee shall be in writing and shall include findings and conclusions based on the record to support the decision. The decision made by the Technical Committee shall be given the effect of an administrative decision and may be appealed in compliance with Section 20F.30.60.
- (3) Effect of Short Subdivision Approval. Approval of the short subdivision shall constitute authorization of the applicant to develop the short subdivision facilities and improvements in strict accordance with the plans and specifications as approved by the Public Works Department subject to any conditions imposed by the Technical Committee.
- (4) Recording. All short subdivisions shall be filed in compliance with the following:
  - (a) Recording Required. No short subdivision shall be filed unless approved by the Technical Committee and City Engineer. A copy of an approved short subdivision shall be filed for record with the King County Department of Records and Elections and one reproducible copy shall be furnished to the City Engineer.
  - (b) Fees and Recording Procedure. Prior to recording, the applicant shall submit the original short subdivision drawings to the Public Works Engineering Department for signatures.
- (5) Short Subdivisions - Restrictions. The area included in an approved and recorded short subdivision shall not be further divided within a period of five (5) years from the date of final approval without meeting the requirements for a subdivision (Section 20F.40.150-050). Except that when the short plat contains fewer than nine (9) parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five (5) year period to create up to a total of nine (9) lots within the original short plat boundaries.

#### **20F.40.150-050 Preliminary Plat**

- (1) Decision Criteria. As a basis for approval, approval with conditions or denial of a preliminary plat, the Hearing Examiner shall determine if appropriate provisions have been made for, but not limited to the purpose and criteria set forth in Section 20D.180 Subdivision Regulations.
- (2) Effect of Preliminary Plat Approval. Approval of the preliminary plat shall constitute authorization for the applicant to develop the subdivision facilities and improvements in strict accordance with the

plans and specifications as approved by the Public Works Department subject to any conditions imposed by the Hearing Examiner.

- (3) **Time Limits. Approval within Ninety (90) Days.** A preliminary plat shall be approved, approved with conditions, denied or returned to the applicant for modification or correction within ninety (90) days from the date of filing of a complete application unless the applicant agrees to an extension of the time period in writing. Provided, should an Environmental Impact Statement (EIS) be required per RCW Chapter 43.21C.030 Guidelines for state agencies, local governments, the ninety (90) day period shall not include the time sent in preparing and circulating the EIS by the City. A preliminary plat application shall not be deemed "filed" until all of the application requirements of this section have been met.
- (4) **Limitation on Preliminary Approval.** Final approval must be acquired within five (5) years of preliminary approval, after which time the preliminary subdivision approval is void. The Hearing Examiner may grant an extension for one (1) year if the applicant has attempted in good faith to submit the final plat within the five (5) year time period. Provided, however, the applicant must file a written request with the Hearing Examiner requesting the extension at least thirty (30) days before expiration of the five (5) year period.

#### **20F.40.150-060 Final Plat**

- (1) **Review-Time Limits.** The Final plat shall be approved, denied or returned to the applicant for modification or correction within thirty (30) days from the date of filing unless the applicant consents to an extension of such time period.
- (2) **Review-City Engineer.** The City Engineer or a licensed professional engineer acting on behalf of the City shall review the survey data, layout of lot lines, streets, alleys and other rights-of-way, design of bridges, and utility systems improvements including storm drainage, water and sanitary sewer.
- (3) **Decision Criteria.** The City Engineer or other professional engineer acting on behalf of the City shall convey his findings to the City Council, prior to approval, the engineer shall assure that:
  - (a) The proposed final plat meets all standards established by state law and this section relating to the final plat's drawings and subdivision improvements;
  - (b) The proposed final plat bears the certificates and statements of approval required by this section;
  - (c) Current title insurance report furnished by the subdivider confirms the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the final plat;
  - (d) The legal description of the plat boundary on the current title insurance report agrees with the legal description on the final plat;
  - (e) The facilities and improvements required to be provided by the subdivider have been completed or, alternatively, that the subdivider has provided a security in an amount and with securities commensurate with improvements remaining to be completed, securing to the City the construction and installation of the improvements; and
  - (f) The surveyor has certified that all survey monument lot corners are in place and visible.
- (4) **Review-City Council.** The City Council shall review the final plat as follows:
  - (a) At a public meeting, the City Council shall determine whether the subdivision proposed for final subdivision approval conforms to all terms of preliminary approval, and whether the subdivision meets the requirements of the Redmond Community Development Guide, applicable state laws and all other local ordinances adopted by the City which were in effect at the time of preliminary approval.
  - (b) If the conditions have been met, the City Council shall authorize the Mayor to inscribe and execute the written approval on the face of the plat map. If the City Council disapproves the plat, it will be returned to the applicant with reasons for denial and conditions for compliance.
- (5) **Recording.** All final plats shall be recorded in compliance with the following:
  - (a) **Recording Required.** No final plat shall be recorded unless approved by the City Council. The original of an approved final plat shall be filed for record with the King County Department of Records and Elections.
  - (b) **Fees and Recording Procedure.** Prior to recording, the applicant shall submit the original final plat drawings to the Public Works Department together with the plat checking fees and

performance bond(s). After the City has approved said drawings, the applicant shall submit the City approved original final plat drawings to the King County Department of Records and Elections together with the recording fees.

- (6) Valid Land Use. As required by RCW Chapter 58.17.170 Written Approval of Subdivision, a subdivision shall be governed by the terms of the approval of the final plat, and any lots created shall be a valid land use for a period of not less than five (5) years from date of filing, unless the City Council finds that a change in conditions in subdivision creates a serious threat to the public health or safety.

#### **20F.40.150-070 Subdivision Vacation**

- (1) Any person interested in the vacation of any subdivision or part of a subdivision, or area dedicated for public use shall file an application for vacation at the Redmond Permit Center. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion to be vacated. If the subdivision is subject to restrictive covenants which are filed at the time of approval of the subdivision, and the vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation.
- (2) The approval authority shall conduct a public hearing on the application for a vacation and may approve or deny the application for vacation of the subdivision after determining the public use and interest to be served. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the City, shall be deeded to the City unless the approval authority adopts written findings that the public use would not be served in retaining title to those lands. Title to vacated property shall be governed by Chapter 58.17 RCW Plats - Subdivision - Dedications.

#### **20F.40.150-080 Subdivision Alterations**

- (1) Any person interested in the alteration of any subdivision, except as provided in 20F.40.150-090 Final Plat and Short Plat Corrections, that person shall submit an application for the alteration at the Redmond Permit Center. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered and other application submittal materials as required. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration.
- (2) After approval of the alteration, the applicant shall submit to the City a revised drawing of the approved alteration of the subdivision, which after signature of the approving authority, shall be filed with the King County Department of Records and Elections to become the lawful plat of the property. The revised drawing shall be surveyed and prepared by a Washington State licensed land surveyor.

#### **20F.40.150-090 Final Plat and Short Plat Corrections**

- (1) Public Dedication--not involved. Amendments, alterations, modifications, and changes to recorded final plats and short plats not involving a public dedication shall be accomplished only by one of the following methods:
  - (a) File a new plat for the lots in question by following the full subdivision procedures of this chapter; or
  - (b) File a short plat for lots in question by following the procedures of this Chapter provided that short plats occurring in final subdivisions approved under the provisions of the Redmond Community Development Guide do not exceed the density allowed under the zoning existing at the time the plat was approved, or are not inconsistent with other provisions of the plats; or

- (c) File a minor modification or boundary line adjustment. This method may be used to correct or adjust short plats or final plats, provided the proposed changes are minor and do not create buildable lots. This method may be used to consolidate two or more existing lots. A final plat or short plat mylar shall be filed with the normal and required signature attachments and a cross-reference to the original final or short plat and fees only for technical review. Normal and required signatures shall mean only the signatures of owners of lots affected by a minor modification or lot line revision.
- (2) Public Dedication--involved. Amendments, alterations, modifications and changes to recorded final plats and short plats involving a public dedication shall be accomplished by following the procedures of Subsections 20F.40.150-070 Subdivision Vacation or 20F.40.150-080 Subdivision Alteration.

#### **20F.40.150-100 Binding Site Plans**

- (1) This section shall govern a subdivision of land through the optional binding site process provided for in RCW 58.17.035, or its successor. If approved under this section, a division of land authorized by a binding site plan is exempt from the short and long subdivision regulations and processes. Binding site plans are most commonly used for condominiums and the division of commercial or manufacturing sites, but they have other uses as well.
- (2) Binding site plans shall be drawn at a scale no smaller than one inch equals 100 feet, unless a different scale is approved by the Administrator, and shall include:
  - (a) The design of any lots and building envelopes and the areas designated for landscaping and vehicle use;
  - (b) The areas and locations of all streets, roads, improvements, utilities, easements, open spaces, sensitive areas, and any other matters specified by the development regulations;
  - (c) Inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the City of Redmond; and
  - (d) Provisions requiring that any development shall comply with the approved site plan. (Ord. 1901)
- (3) The following requirements shall apply to proposals submitted under this section:
  - (a) Approved binding site plans shall be submitted for recording with the King County Department of Records and Elections;
  - (b) Approved binding site plans shall be binding and shall be enforced as provided in RMC Chapter 1.14, *Enforcement and Penalties*. All provisions, conditions and requirements of the binding site plan shall be legally enforceable on the purchaser or any person acquiring a lease or other ownership interest of any lot, parcel or tract created pursuant to the binding site plan. A sale, transfer, or lease of any lot, tract or parcel created pursuant to the binding site plan that does not conform to the requirements of the binding site plan approval, shall be considered a violation of this Chapter, and shall be restrained by injunctive action and shall be illegal as provided in RCW Chapter 58.17 Plats -- Subdivisions -- Dedications.
  - (c) All development shall be in conformity with the approved binding site plan and any existing or subsequent applicable permit approval. Each binding site plan document shall reference the requirement for compliance with any existing or subsequent permit approval.
  - (d) Amendments to or vacations of an approved binding site plan shall be made through the subdivision vacation process; and
  - (e) Approved binding site plans may contain any easements, restrictions, covenants, or conditions as would a subdivision approved by the City.

#### **20F.40.150-110 Boundary Line Adjustments**

- (1) A Boundary Line Adjustment is a mechanism by which the City may approve the alteration of boundary lines between platted or unplatted lots or both, where such an adjustment does not create any additional lot, tract, parcel, site, or division nor create lots which are nonconforming or more nonconforming.
- (2) The Administrator may approve an application for a Boundary Line Adjustment provided the following criteria are met:
  - (a) The proposed adjustment shall meet the exemption requirements provided in RCW 58.17.040(6);

- (b) The boundary line adjustment shall not result in the creation of any additional tract, lot, parcel, site or division;
- (c) The property being transferred within the boundary line adjustment shall be combined with the benefiting parcel and shall not be a separate parcel, which could be mistaken as a separate and distinct, conveyable tract without proper research;
- (d) The lots, tracts, or parcels resulting after the boundary line adjustment shall meet all dimensional requirements specified for the applicable zone as outlined in RCDG 20C;
- (e) All lots modified by the boundary line adjustment procedures shall have legal access meeting the standards of the City of Redmond;
- (f) The boundary line adjustment shall not violate an applicable requirement or condition of a previous land use action, subdivision, short plat or binding site plan;
- (g) All boundary line adjustments shall be recorded surveys consistent with the requirements of Chapter 58.09 RCW and 332-130 WAC. All lot lines being adjusted shall be surveyed, and newly established lot corners shall be staked.

## **20F.40.160 Telecommunication Facilities**

### **20F.40.160-010 Purpose**

The purpose of this section is to provide procedures for the review of telecommunication facilities within the City of Redmond.

### **20F.40.170-020 Scope**

Telecommunication facilities are defined as wireless communication facilities in 20A.20 and are regulated under this section and Section 20D.170.45. Broadcast and relay towers are regulated as specified in Section 20D.170.45.

### **20F.40.170-030 Procedure**

- (1) A wireless communication facility attached to a nonresidential structure within a commercial or industrial zoning district with no ground-mounted equipment shall follow the procedures for a Type I review pursuant to Section 20F.30.30.
- (2) A wireless communication facility attached to a nonresidential structure within a commercial or industrial zoning district and includes ground-mounted equipment shall follow the procedures for a Type II review pursuant to Section 20F.30.35, without the requirement for public notification.
- (3) A wireless communication facility attached to a nonresidential structure within all other zoning districts shall follow the procedures for a Type II review pursuant to Section 20F.30.35.

### **20F.40.170-040 Decision Criteria**

Criteria for approval of a Telecommunication Facility are outlined in Section 20D.170.45.

## **20F.40.170 Temporary Use**

### **20F.40.170-010 Purpose**

The following provisions authorizing and regulating certain temporary uses are intended to permit temporary uses and structures when consistent with the Development Guide and when safe and compatible with the general vicinity and adjacent uses.

### **20F.40.170-020 Scope**

- (1) A short term temporary use permit may only be valid for a maximum of 6 months.
- (2) An long term temporary use permit may only be valid for the time period specified by the City Council. If the permit must be renewed, the applicant must apply for a new temporary use permit.

- (3) The following types of temporary uses, activities and associated structures may be authorized, subject to specific limitations noted herein and as noted in RCDG 20F.40.160-00 and as may be established by the Administrator:
  - (a) Outdoor art and craft shows and exhibits.
  - (b) Retail sales such as Christmas trees, seasonal retail sale of agricultural or horticultural products, firewood, seafood, etc.
  - (c) Mobile services such as veterinary services for purposes of giving shots.
  - (d) Push cart vendors. No mechanical, audio or noise making devices, nor loud shouting or yelling will be permitted to attract attention.
  - (e) Group retail sales such as swap meets, flea markets, parking lot sales, Saturday Market, auctions, etc.
  - (f) The Planning Director may authorize additional temporary uses not listed in this subsection, when it is found that the proposed uses are in compliance with the provisions of this section.
- (2) Exemptions. The following activities and structures are exempt from requirements to obtain temporary use approval:
  - (a) A mobile home or travel trailer in the Light Industry and Heavy Industry zones to house watchmen or caretakers when approved by the Administrator.
  - (b) A mobile home or travel trailer with adequate water and sewer service used as a dwelling while a residential building on the same lot is being constructed or while a damaged residential building is being repaired.
  - (c) Mobile homes, residences or travel trailers used for occupancy by supervisory and security personnel on the site of an active construction project.
  - (d) Portable units and mobile homes on school sites or other public facilities when approved by the Administrator.
  - (e) Guests of Redmond residents in recreational vehicles when in compliance with RCDG 20D.130.10-050(2).
  - (f) Model homes or apartments and related real estate sales and display activities located within the subdivision or residential development to which they pertain.
  - (g) Contractor's office, storage yard, and equipment parking and servicing on the site of an active construction project.
  - (h) Home businesses in conformance with RCDG 20C.30.60, Home Businesses.
  - (i) Garage sales, moving sales, and similar activities for the sale of personal belongings when operated not more than three days in the same week and not more than twice in the same calendar year. Allowed in all residential zoning districts.
  - (j) Fund raising carwashes.
  - (k) Vehicular or motorized catering such as popsicle/ice cream scooters and self-contained lunch wagons which cater to construction sites or manufacturing facilities.
  - (l) Circuses, carnivals, fairs, or similar transient amusement or recreational activities. Such uses are subject to Chapter 5.28 RMC, Shows, Carnivals and Circuses.
  - (m) Activities, vendors and booth associated with City of Redmond sponsored or authorized special events such as the Redmond Derby Days or Redmond Bike Classic.
  - (n) On-premises activities or existing businesses in compliance with outdoor storage requirements.
  - (o) Individual booths in an approved temporary use site for group retail identified under RCDG 20D.190.10-050(5).
  - (p) Weekend (Saturday and Sunday) only, warehouse sales when held no more than once a month in an existing facility. Allowed in Light Industry, Heavy Industry and Business Park zoning districts.

#### **20F.40.170-030 Procedure**

- (1) Applications for a Short Term Temporary Use Permit (6 months or less) shall follow the procedures for a Type I review pursuant to Section 20F.30.30.
- (2) Applications for a Long Term Temporary Use Permit (longer than 6 months) shall follow the procedures for a Type V review pursuant to Section 20F.30.50.

- (3) Application shall be made prior to the requested date for commencement of the temporary use.

#### **20F.40.170-040 Decision Criteria**

- (1) The Administrator may authorize temporary uses after consultation and coordination with all other applicable City departments and other agencies and only when all the following determinations can be made:
- (a) The temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site.
  - (b) The temporary use will be compatible with uses in the general vicinity and on adjacent properties.
  - (c) The temporary use will not significantly impact public health, safety or convenience, or create traffic hazards or congestion, or otherwise interrupt or interfere with the normal conduct or uses and activities in the vicinity.
  - (d) The use and associated structures will be conducted and used in a manner compatible with the surrounding area.
  - (e) The temporary use shall comply with the goals, policies and standards of the Development Guide.
- (2) General Conditions.
- (a) A temporary use conducted in a parking facility shall not occupy or remove from availability more than 25 percent of the spaces required for the permanent use.
  - (b) Each site occupied by a temporary use must provide or have available sufficient parking and vehicular maneuvering area for customers. Such parking need not comply with RCDG 20D.130.10-050, Parking, but must provide safe and efficient interior circulation and ingress and egress to and from public rights-of-way.
  - (c) The temporary use shall comply with all applicable standards of the Seattle-King County Health Department.
  - (d) No temporary use shall occupy or use public parks in any manner unless specifically approved by the Parks Department.
  - (e) No short-term temporary use shall occupy or operate within the City of Redmond for more than 60 days within any calendar year unless approved by the Technical Committee under a long-term temporary use permit or by the City Council for an extended-term temporary use permit. A day of operation shall mean any or part of any day in which the business is conducted. The 60 days need not run consecutively. The 60 days may occur at any time within a calendar year as long as each day is designated and approved.
  - (f) All temporary uses shall obtain, prior to occupancy of the site, all applicable City of Redmond permits, licenses and other approvals (i.e., business license, building permit, administrative approvals, etc.)
  - (g) The applicant for temporary use shall supply written authorization from the owner of property on which the temporary use is located.
  - (h) Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of the temporary use upon completion of removal of the use.
  - (i) All materials, structures and products related to the temporary use must be removed from the premises between days of operation on the site, provided that materials, structures and products related to the temporary use may be left on-site overnight between consecutive days of operation. By virtue of having been in consistent operation prior to the existence of the ordinance codified in this chapter the open air craft and farmer's market operation, commonly known as the Saturday Market, shall be allowed to store structures on-site between weekend activity of the Market, but such structures must be reviewed by the Administrator annually and permission to leave them in place between market sessions may be denied if they become a visual blight, safety, or health problem. They shall be removed at the end of the permit period.
  - (j) The Administrator may establish such additional conditions as may be deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include but are not limited to, time and frequency of operation, temporary arrangements for parking and

traffic circulation, requirement for screening or enclosure, and guarantees for site restoration and cleanup following temporary uses. (Formerly 20C.20.245(20))

(3) Variations from Permitted Land Uses Chart.

- (a) All temporary uses shall conform to the Permitted Land Uses Chart except as already provided for elsewhere in these regulations and except as provided below.
- (b) The City Council may authorize a temporary use that does not conform to the Permitted Land Uses Chart after:
  - (i) reviewing a recommendation from the Technical Committee,
  - (ii) holding a public hearing,
  - (iii) finding an undue hardship, and
  - (iv) specifying a specific date for termination.

## **20F.40.180 Variances**

### **20F.40.180-010 Purpose**

A variance is a mechanism by which the City may grant relief where practical difficulty renders compliance with the provisions of that Code an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property and where the purpose of that Code and of the Comprehensive Plan can be fulfilled.

### **20F.40.180-020 Scope**

This section is to provide for the consideration of variances from the strict application requirements of subtitle 20C, Land Use Regulations and 20D, City-wide Regulations when unique specified circumstances occur.

### **20F.40.180-030 Procedure**

Applications for a Variance shall follow the procedures for a Type III review pursuant to Section 20F.30.40.

### **20F.40.180-040 Decision Criteria**

Variances may be approved only upon a finding that:

- (1) The variance shall not be materially inconsistent with the limitation upon uses of other properties within the vicinity and land use district in which the subject property is located; and
- (2) Such variance is reasonably necessary, only because of special physical circumstances relating to the size, shape, topography, location or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the land use district of the subject property; and
- (3) The conditions of situations giving rise to the variance application have not been created or caused by the applicant or recent prior owner of the subject property; and
- (4) The granting of the variance constitutes an equitable application of the requirements of the Land Use Regulations where strict adherence in a given situation would create unnecessary burdens and prevent a reasonable utilization of the Regulations as a whole is considered; and
- (5) The granting of such variance will not be materially detrimental to the public welfare and the application of the Redmond Community Development Guide nor unduly injurious to property owners or improvements in the vicinity and land use district in which the subject land is located; and
- (6) The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and land use district of the subject property; and
- (7) The strict enforcement of the provision the Development Guide creates an unnecessary hardship to the property owner; and
- (8) The variance is the minimum necessary to grant relief to the applicant; and
- (9) The variance does not relieve an applicant from conditions established during prior permit review; and

- (10) All approved variances otherwise comply with the requirements of the Redmond Community Development Guide; and
- (11) The variance is not inconsistent with the Comprehensive Plan.

**20F.40.180-050    Limitation**

The variance procedures shall not be used to deviate from the permitted uses requirements of the Permitted Land Use Charts contained in subtitle 20C. Instead the procedures for amending the text of the Redmond Community Development Guide and the Zoning Map, pursuant to Section 20F.40.60 and 20F.40.70, Development Guide Amendments, shall be utilized.

**20F.40.180-060    Exemptions**

The variance procedures shall not be used to relieve an applicant from any provisions of Section 20C.40 Sensitive Areas. The variance procedure provided in this section shall not be used for the deviation of development requirements for subdivisions which have their own modification procedures.

## **20F.50 Duties, Authorities and Qualifications of Decision-Making Bodies**

### **20F.50.10 Purpose**

The purpose of this section is to define the authorities, duties, qualifications, appointments, and terms for the officers or positions responsible for administering the Redmond Community Development Guide.

### **20F.50.15 Code Administrator**

#### **20F.50.15-010 Purpose**

The office of the Code Administrator is established to enforce the Redmond Community Development Guide unless otherwise specified. The Code Administrator shall be the Director of Planning and Community Development or designated representative.

#### **20F.50.15-020 Authority and Duties**

The Code Administrator shall have the authority to enter and inspect buildings and land during reasonable hours with permission of the occupant or owner, to issue abatement orders and citations and to cause the termination and abatement of violations of the Redmond Community Development Guide unless otherwise specified. The duties of the Code Administrator shall include, but not be limited to the following: Enforce and administer the Redmond Community Development Guide unless otherwise specified; investigate complaints and initiate appropriate action; and keep adequate records of land use applications enforcement actions, and appeals.

#### **20F.50.15-030 Appeals**

Appeals of final decisions of the Code Administrator made in the course of interpretation or administration of the Redmond Community Development Guide shall be governed by Section 20F.30.60. Code Enforcement actions pursuant to Section 20F.10.10 are not "final decisions" for the purpose of this Section.

#### **20F.50.15-040 Dereliction of Duties**

No oversight or dereliction of duties by the Code Administrator shall legalize, allow, or excuse a violation of the Redmond Community Development Guide.

#### **20F.50.15-050 Liability of Code Administrator**

When acting on behalf of the City, the Code Administrator is relieved of all personal liability for damage that may occur to person or property as a result of any act required of him by the Redmond Community Development Guide or because of any act or omission while discharging duties. Any suit or claim brought against the City or Code Administrator by reason of such act or omission in performing duties under this Redmond Community Development Guide shall be defended by the City.

### **20F.50.20 Building Official**

#### **20F.50.20-010 Purpose**

The Office of the Building Official is established to administer and enforce the building and construction codes. The rules, regulations and procedures under which the Building Official shall operate are established in Title 20E.00.000, "Building and Construction Codes." The Building Official shall be the Director of Planning or his/her designee. (Ord. 1734)

## **20F.50.25 Technical Committee**

### **20F.50.25-010 Purpose and Creation**

A staff Technical Committee is created to bring multi-disciplinary knowledge and judgment to situations that emerge through the application of the Redmond Community Development Guide and other matters of community development.

### **20F.50.25-020 Authority and Duties**

The Technical Committee shall review all applications noted in Section 20F.30.15 and report its findings, conclusions and recommendations to the appropriate body prior to that authority making its decision or recommendation. The Technical Committee shall be responsible for making decisions on site plan review, City implementation of the State Environmental Policy Act including the assessment of impacts and the issuance of impact statements, for issuance of Shoreline Development Permits and for Short Subdivision approval. It shall act in an advisory capacity to the City Council, Mayor, Hearing Examiner, and Planning Commission on other items. It shall also perform other duties as provided by the Redmond Community Development Guide and the City Council. It shall act in an advisory capacity to the other City departments, agencies, boards and bodies.

### **20F.50.25-020 Composition**

The Technical Committee shall consist of the Director of Public Works and the Director of Planning and Community Development, or their designated representative(s), and at their discretion when the situation warrants, may include the City Attorney and other City department heads.

### **20F.50.25-020 Rules**

The Technical Committee shall determine its own operational rules and procedures. Such rules shall include the guidelines for the review of permit applications and projects if not provided for in the Redmond Community Development Guide. The rules shall be attached to the Redmond Community Development Guide as an appendix after approval by the City Council.

### **20F.50.25-020 Staff Services**

The Director of Planning and Community Development shall be responsible for the general administration of the Technical Committee's duties and may request staff services from the other City departments.

### **20F.50.25-020 Appeals from Final Decisions**

Appeals from final decisions of the Technical Committee shall be governed by Section 20F.30.60.

## **20F.50.30 Design Review Board**

### **20F.50.30-010 Purpose**

The Design Review Board is created independent from the legislative and staff functions to review and make urban design decisions that will promote visual quality throughout the City. The purpose of the Design Review Board and their procedure includes but is not limited by this reference to the following:

- (1) To encourage and promote the public health, safety and general welfare of the citizens of Redmond including the development and coordination of municipal growth and services;
- (2) To supplement land use regulation: to encourage the most appropriate use of land throughout the municipality, lessen traffic congestion and accidents, secure safety from fire, provide light and air, prevent the overcrowding of land, avoid undue concentration of population, promote a coordinated development of the unbuilt areas and conserve and restore natural beauty and other natural resources;

- (3) To encourage originality, flexibility, innovation in site planning and development, including the architecture, landscaping and graphic design of proposed developments in relation to the City or design area as a whole;
- (4) To discourage monotonous, drab, unsightly, dreary and inharmonious developments and to promote the orderliness of community growth, the protection and enhancement of property values for the community as a whole and as they relate to each other, the minimization of discordant and unsightly surroundings and visual blight, the avoidance of inappropriate and poor quality of design and other environmental and aesthetic consideration which generally enhance rather than detract from community standards and values for the comfort and prosperity of the community and the preservation of its natural beauty and other natural resources which are of proper and necessary concern of local government, and to promote and enhance construction and maintenance practices that will tend to prevent visual blight and enhance environmental and aesthetic quality for the community as a whole;
- (5) To aid in assuring that structures, signs and other improvements are properly related to their sites and the surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping and that proper attention is given to exterior appearances of structures, signs and other improvements;
- (6) To protect and enhance the City's pleasant environments for living and working and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business and other properties;
- (7) To stabilize and improve property values and prevent blight areas to help provide an adequate tax base to the City to enable it to provide required services to its citizens;
- (8) To foster civic pride and community spirit by reason of the City's favorable environment and thus promote and protect the peace, health and welfare of the city and its citizens.

#### **20F.50.30-020 Authority and Duties**

- (1) The Design Review Board shall review all applications requiring building permits except:
  - (a) One and/or two unit residential buildings;
  - (b) Signs determined by the Code Administrator to comply with review criteria set forth in Section 20D.160;
  - (c) Tenant improvements not encompassing modification to the exterior of an existing building;
  - (d) Commercial buildings located within Heavy Industrial zoning district which are determined by the Technical Committee to not be located upon sites considered sensitive due to the existence of significant natural features or location in areas of high public visibility adjacent to S.S.R. 520, Willows Road, Marymoor Park, the Sammamish River Trail, and Bear Creek;
  - (e) Applications encompassing a total valuation of less than \$50,000.  
The Technical Committee may refer any application requiring a building permit to the Design Review Board for review based upon a determination of non-compliance with review criteria set forth in Section 20D.40.
- (2) The Design Review Board's decision following review of an application in accordance with the preceding subsection and the criteria referenced therein, shall be binding on the Technical Committee for matters encompassing building, site, landscape, and sign design.
- (3) A member of the Design Review Board may participate in Technical Committee meetings for the purpose of presenting the Board's findings, conclusions and decisions. The Board's findings, conclusions and decisions shall be a part of the Technical Committee's response to the applicants.
- (4) The Design Review Board may create ad hoc committees for special studies. Neither the Design Review Board nor its committees are delegated any executive or legislative power, authority or responsibility. The Board and its members are to be free from the interference of individual City Council members, Planning Commission members, city officials or other persons.
- (5) The Design Review Board may conduct pre-application meetings or consultations with representatives of the Technical Committee.

**20F.50.30-030 Appointments and Qualifications**

- (1) The Design Review Board shall consist of seven members which shall be appointed by the Mayor and confirmed by a majority vote of the City Council.
- (2) Notice of availability of a position on the Board shall be published in a local newspaper of general circulation in the City with said notice to be published no later than 30 days after the effective date of the availability or vacancy of the position. Interested persons may apply for the position by submitting their application and qualifications to the City Clerk who shall accept applications no later than 30 days after the notice publication date. Positions may be filled from the list of applicants. In the event there are no applicants or there are an insufficient number of applicants for the positions available, the Mayor may appoint persons to positions who are not otherwise on the list of applicants.
- (3) Five of the members of the Board shall be from the professions of architecture, landscape architecture, urban (design) planner or similar discipline and need not be residents of the City of Redmond. The remaining two members of the Board shall be residents of Redmond and need not be members of the set forth professions.

**20F.50.30-040 Term of Office**

Regular term of office for Design Review Board Members shall be four years.

**20F.50.30-050 Vacancies**

Vacancies shall be filled in the same manner as initial appointments and members appointed to fill a vacancy shall serve for the duration of the unexpired term.

**20F.50.30-060 Removal**

Any member of the Design Review Board may be removed for inefficiency, neglect of duty or malfeasance. Removal proceedings may be initiated by the Mayor or the City Council. A two-thirds vote of the Council is required for removal for the above reasons. When a member misses three consecutive meetings and is not excused by a majority vote of the Design Review Board, the position may be declared vacant by the Mayor.

**20F.50.30-070 Rules**

The Design Review Board shall adopt rules for the transaction of its business. The rules shall provide for but are not to be limited to the date, time, place and format of regular meetings. Provision shall be made for a record of proceedings, reports, studies, findings, conclusions and recommendations. Said rules shall provide for the election of a Chairman of the Board and Vice Chairman for a one year term each. Said rules shall provide that the meetings of the Board shall be open to the public but that no special notice of the meetings need be given nor shall such meetings be public hearings although nothing shall prohibit the Board from soliciting explanations and additional input from the applicant or applicant's representatives and such other sources as the Board deems necessary to enable them to complete their review of the application. Rules of the Design Review Board shall be forwarded to the City Council for their approval and upon receipt of said approval shall be included in an appendix to the Redmond Community Development Guide.

**20F.50.30-080 Staff Services**

The Director of Planning and Community Development shall be responsible for the general administration of the Design Review Board and may request staff services from other City departments.

**20F.30.30-090 Voting**

The decisions of the Design Review Board shall be made by a majority vote of the quorum present at the time of decision. A majority of the appointed members shall constitute a quorum for the transaction of business provided that at least four shall be required to constitute a quorum excluding any disqualifications. Action may be taken by a majority of those present when those present constitute a quorum at any regular or special meeting of the Design Review Board. Any number less than a quorum

shall be authorized to convene a meeting at the time set and to adjourn, recess or continue a regular or special meeting to a date and time certain.

#### **20F.50.30-100      Conflict of Interest**

Members of the Design Review Board shall disqualify themselves from sitting as a member of the Board and shall not otherwise participate on behalf of themselves or any applicant in any Design Review Board actions in which they have an interest. An interest shall be deemed to include, but not be limited to, their own interest or the interest of a client or employer.

#### **20F.50.30-110      Appeals of Design Review Board Decisions**

Applicants, the Technical Committee, and any interested party may appeal decisions of the Board pursuant to Section 20F.30.60 Appeals.

### **20F.50.35 Hearing Examiner**

#### **20F.50.35-010      Creation and Purpose**

The office of the Hearing Examiner is created independently from the legislative functions of developing and adopting basic goals, policies, plans, programs and regulatory codes. The purpose of establishing an Examiner is to separate the application of land use regulations from policy making; to provide a level of expertise to conduct administrative and quasi-judicial hearings arising from the application of the Redmond Community Development Guide and the rules and procedures developed under it; to better protect and promote the interests of the community; and to expand the principles of fairness and due process in public hearings.

#### **20F.50.35-020      Authority and Duties**

The Hearing Examiner shall conduct public hearings on behalf of and in some cases make recommendations to the City Council as described in Chapter 20F.30.15, Types of Review, or as delegated by the Council. In carrying out the duties, the Examiner shall review available information, maintain an accurate record of the proceedings, determine findings of fact from the record, and form conclusions in support of recommendations and decisions. The findings and conclusions shall also set forth the manner in which the recommendation or decision carries out and conforms to the regulations, goals and policies of the Redmond Community Development Guide. The Examiner shall have the power to issue summons to compel the appearance of witnesses, to preserve order, to reconsider decisions, and shall be free from the interference of individual City Council members, Planning Commission members, City Officials, or any other person. The Hearing Examiner may also exercise administrative powers and such other quasi-judicial powers as may be granted by the City Council. On a periodic basis or as the need arises, the Examiner shall report to the Planning Commission on recommended changes to the Redmond Community Development Guide, the resolution of conflicts within it, and additions that address omissions. (Ord. 1734)

#### **20F.50.35-030      Composition**

The Hearing Examiner shall be one (1) person.

#### **20F.50.35-040      Appointment and Qualifications**

After advertising and accepting applications for the position, the Hearing Examiner shall be appointed by the Mayor and confirmed by a majority vote of the City Council. The qualifications shall include, but not be limited to, knowledge of land development, design, land use, law, engineering, planning and economics, the ability to make broad and impartial judgments, and to conduct administrative and quasi-judicial hearings. The Examiner shall hold no additional City office or position.

**20F.50.35-050 Vacancies**

Vacancies shall be filled in the same manner as initial appointments.

**20F.50.35-060 Removal**

Removal proceedings may be initiated by the Mayor or the City Council, but removal shall only occur after a majority vote of the Council.

**20F.50.35-070 Rules**

The Hearing Examiner shall adopt rules to govern proceedings and hearings conducted by that office. The rules shall provide for, but are not limited to, the date, time, place and format of proceedings and hearings, a record of proceedings and reports, summons to compel the appearance of witnesses, administration of oaths, preservation of order, and cross examination of witnesses. The rules of the Examiner shall be approved by the City Council and included in an appendix of the Redmond Community Development Guide.

**20F.50.35-080 Staff Services**

The Hearing Examiner may avail himself of staff services from the Department of Planning and Community Development and the Technical Committee as the need arises.

**20F.50.35-090 Conflict of Interest**

The Hearing Examiner shall disqualify him/herself from involvement in actions in which she/he has an interest. If she/he disqualifies him/herself or is otherwise unable to serve, the hearing shall be held by a Hearing Examiner Pro Tem.

**20F.50.35-100 Appeals from Final Decisions**

Appeals from final decisions of the Hearing Examiner shall be governed by Section 20F.30.60.

**20F.50.35-110 Disqualification**

Should the Hearing Examiner disqualify him/herself or be disqualified, the Hearing Examiner Pro Tem shall conduct all hearings and duties involved in the hearing process. The Hearing Examiner Pro Tem shall meet the terms of appointment and qualifications required of the Hearing Examiner as outlined in 20F.30.35-040. Procedure for removal of the Hearing Examiner Pro Tem will be the same procedure as used for the Hearing Examiner.

**20F.50.40 Planning Commission****20F.50.40-010 Purpose**

A Planning Commission, hereinafter called the Commission, is hereby created to involve residents of the City in advising the City Council on matters of community development. Wherever the term Policy Advisory Commission appears in the Redmond Community Development Guide being Title 20 of the Redmond Municipal Code, the same shall mean the Planning Commission.

**20F.50.40-020 Authority and Duties**

The Commission may make recommendations to the City Council based on its findings and conclusions and on those of its committees. It shall prepare the elements of the Redmond Community Development Guide for adoption or modification, advise the Council regarding comprehensive park, land use and development policy, special area concerns, investigate and make recommendations on matters suggested by the Council, the Mayor, Redmond citizens, or upon its own initiative. Ad hoc committees may be created for special studies. The Commission and its committees are not delegated any executive or legislative power, authority or responsibility. The Commission shall monitor the growth and development of the City and the areas surrounding the City and shall continually reevaluate and recommend revisions to the elements of the Redmond Community Development Guide. The Commission shall forward to the

Council a semi-annual report on the status of the Redmond Community Development Guide. The Commission shall monitor the hearings of the Hearing Examiner in order to stay abreast of development activities and the concerns of the public.

**20F.50.40-030      Composition**

The Commission shall be composed of seven (7) members.

**20F.50.40-040      Public Hearings**

The Commission shall hold public hearings as required in RCDG 20F.30.60. The Commission may hold additional hearings and meetings as it sees fit to conduct its business.

**20F.50.40-050      Appointments and Qualifications**

Members of the Commission shall be appointed by the Mayor and confirmed by a majority vote of the City Council. Appointments to available positions shall be made in the following manner: a media release or other form of notice of the availability of the position shall be published in a local newspaper of general circulation; interested persons may apply for the position to the City Clerk who shall accept applications no later than two to four weeks after the notice of publication date; positions may be filled from the list of applicants. They shall be residents of the City during their tenures of office, and shall not hold any other City office or position. Consideration should be given to appointments that result in a broad geographic and demographic representation of interested and knowledgeable people.

**20F.50.40-060      Term of Office**

The regular term of office for Commission positions shall be for four (4) years staggered terms. Terms shall commence on April 1 and end on March 31 four years later. Members appointed to fill a vacancy shall serve for the duration of the unexpired term. No member shall serve more than two consecutive terms. If an unexpired term is less than one year long, it shall not count towards the two consecutive term limit. Each member shall hold office until a successor is appointed and confirmed even if after the end of the term.

**20F.50.40-070      Removal**

Any member of the Commission may be removed for inefficiency, neglect of duty, or malfeasance in office. Removal proceedings may be initiated by the Mayor or the City Council. A public hearing and a two-thirds vote of the Council is required for removal for the above reasons. When a member misses three (3) unexcused regular business meetings in one year, the position shall be vacant and a successor appointed.

**20F.50.40-080      Rules**

The Commission shall adopt rules for the transaction of its business. The rules shall provide, but not be limited to, the date, time, place and format of regular meetings and hearings; a record of proceedings, reports, studies, findings, conclusions and recommendations; election of a Commission Chair and Vice Chair to a one-year term each; and a procedure for handling citizen proposals and requests for plan preparation or modification. The rules of the Planning Commission shall be approved by the City Council and included in an appendix to the Redmond Community Development Guide.

**20F.50.40-090      Staff Services**

The Administrator shall be responsible for the general administration of the Commission and may request staff services from the other City departments.

**20F.50.40-110      Conflict of Interest**

Members of the Commission shall disqualify themselves from involvement in Commission actions in which they have an interest.

**20F.50.40-120 Quorum and Voting**

- (1) A majority of the appointed and qualified members shall constitute a quorum for the transaction of business, provided that at least four (4) shall be required to constitute a quorum, excluding any disqualifications.
- (2) Any action taken by a majority of those present, when those present constitute a quorum, at any regular or special meeting of the Commission, shall be deemed and taken as the action of the Commission.
- (3) Any number less than a quorum shall be authorized to convene a meeting at the time set and to adjourn, recess or continue a regular meeting, a special meeting, or a public hearing to a date and time certain. As soon is possible, the date, time, and place of the continued meeting shall be posted on the meeting room door. An agenda or notice with the date, time, and place of the continued meeting shall be mailed to representatives of the news media and any person who requested notice of the Planning Commission meetings.

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