

**CITY OF REDMOND
ORDINANCE NO. 2657**

AN ORDINANCE OF THE CITY OF REDMOND,
WASHINGTON, REPEALING RZC 21.44.010(J)
RELATING TO REMOVAL AND DISPOSAL OF ILLEGAL
SIGNS; RE-CODIFYING AND RE-ADOPTING THE SAME
AS RMC 1.14.085; AND PROVIDING FOR
SEVERABILITY AND ESTABLISHING AN IMMEDIATE
EFFECTIVE DATE

WHEREAS, RZC 21.44.010(J) provides for the removal and disposal of illegal signs; and

WHEREAS, the Director of Planning and Community Development has recommended that RZC 21.44.010(J) be removed from the RZC and that the same be re-codified and re-adopted in Chapter 1.14 of the RMC, where most of the City's code enforcement provisions are found; and

WHEREAS, the Redmond Planning Commission held a public hearing to consider the proposed action and, after considering any and all public testimony received on the matter, recommended that the proposed action be approved by the Redmond City Council; and

WHEREAS, the Redmond City Council considered the recommendation of the Planning Commission and the Director of Planning and Community Development at a public meeting and decided to adopt this ordinance.

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

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City Code.

Section 2. Repeal of Subsection. RZC 21.44.010(J) is hereby repealed in its entirety.

~~[(J) Removal and Disposal of Illegal Signs.~~

~~(1) Any sign on public property or within a public right-of-way or easement, including utility poles within a public right-of-way or easement, that violates the RZC or RMC may be removed by the City without notice.~~

~~(2) If the owner can be determined, the City shall store the illegal sign for 30 calendar days after the day the sign was removed and notify the advertiser that the City is storing the sign and the time and location where the sign can be retrieved. The advertiser may retrieve the sign during any working days within this 30-day period.~~

~~(3) To reimburse the City for the costs of removing and storing the sign, an advertiser retrieving a sign shall pay the City a \$50.00 fee for each sign removed to compensate the City for its costs. This fee is a reimbursement of City costs and shall not be considered a penalty. This fee shall be paid in addition to any penalty levied.~~

~~(4) If the City's determination that the sign is illegal is appealed and the decision maker determines the~~

~~sign is not illegal, the advertiser shall not have to pay the fee. If the fee has been paid, the City shall reimburse the advertiser. Any appeals of the City's determination that the sign is illegal shall not stay the requirement to comply with the RZC or RMC.~~

~~(5) If the advertiser cannot be determined or the sign is not picked up by the advertiser within the time period set by subsection (2), the City shall dispose of the sign. The removal and disposal of signs is an enforcement mechanism and is not a penalty. The placement of illegal signs may be subject to the penalties provided for in RMC 1.14 in addition to the removal and disposal of illegal signs.~~

~~(6) The City and its officers, employees, or contractors shall not be responsible for any lost or damaged signs located on public property, public rights-of-way, or public easements while on the property, right-of-way or easement, or in City custody.]~~

Section 3. Adoption of Section. RMC 1.14.085 is hereby adopted to read as follows:

1.14.085 Removal and disposal of illegal signs.

(A) Any sign on public property or within a public right-of-way or easement, including utility poles within a

public right-of-way or easement, that violates the RZC or RMC may be removed by the City without notice.

(B) If the owner can be determined, the City shall store the illegal sign for 30 calendar days after the day the sign was removed and notify the advertiser that the City is storing the sign and the time and location where the sign can be retrieved. The advertiser may retrieve the sign during any work days within this 30-day period.

(C) To reimburse the City for the costs of removing and storing the sign, an advertiser retrieving a sign shall pay the City a \$50.00 fee for each sign removed to compensate the City for its costs. This fee is a reimbursement of City costs and shall not be considered a penalty. This fee shall be in addition to any penalty levied.

(D) If the City's determination that the sign is illegal is appealed and the decision-maker determines the sign is not illegal, the advertiser shall not have to pay the fee. If the fee has been paid, the City shall reimburse the advertiser. Any appeals of the City's determination that the sign is illegal shall not stay the requirement to comply with the RZC or RMC.

(E) If the advertiser cannot be determined or the sign is not picked up by the advertiser within the time

period set by subsection (B), the City shall dispose of the sign. The removal and disposal is an enforcement mechanism and not a penalty. The placement of illegal signs may be subject to the penalties provided elsewhere in RMC 1.14 in addition to the removal and disposal of illegal signs.

(F) The City and its officers, employees, or contractors shall not be responsible for any lost or damaged sign on public property, public rights-of-way, or public easements, while on the property, right-of-way or easement, or in City custody.

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

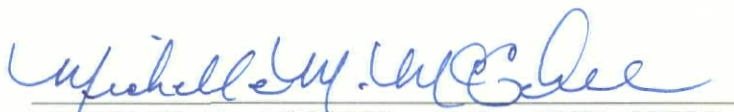
Section 5. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary consisting of the title, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 3rd day of July,
2012.

CITY OF REDMOND

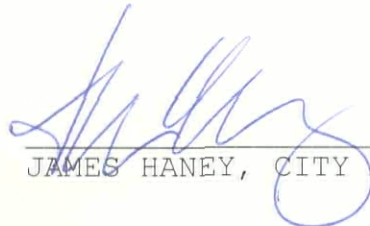

JOHN MARCHIONE, MAYOR

ATTEST:


MICHELLE M. MCGEHEE, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:


JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:	June 27, 2012
PASSED BY THE CITY COUNCIL:	July 3, 2012
SIGNED BY THE MAYOR:	July 3, 2012
PUBLISHED:	July 9, 2012
EFFECTIVE DATE:	July 14, 2012
ORDINANCE NO. 2657	

ADOPTED 7-0: Allen, Carson, Flynn, Margeson, Myers, Stilin and Vache



Planning Commission Report

To: City Council

From: Planning Commission

Staff Contacts: Robert Odle, Planning Director,
425-556-2417, rodle@redmond.gov
Jason Lynch, Assistant Director Development Services
425-556-2483, jlynch@redmond.gov
Deborah Farris, Code Enforcement Officer
425-556-2465, dfarris@redmond.gov

Date: June 13, 2012

File Number: L120119

**Planning
Commission
Recommendation:** Approval.

**Recommended
Action:** Adopt an amendment to the Redmond Zoning Code (RZC) in order to repeal and remove Section 21.44010(J) –Removal and Disposal of Illegal Signs.

Summary: City Council members had noted an increase in the incidents of illegally displayed temporary portable signs throughout all zones of the City. In an attempt to better control the non-compliant display of these signs, staff was directed to explore alternative approaches to “enhancing and streamlining” the enforcement procedures that were/are currently being used. Several alternative approaches were presented to City Council at a November 22, 2011 Study Session.

After reviewing and discussing the alternative approaches, there was a general consensus among City Council members that the current temporary sign code language sufficiently addresses the time, place, and manner of the display of temporary signs, providing that the sign

code is enforced in a timely, efficient, and consistent manner. Council then directed staff to retain the current language, but to step-up enforcement.

In response to this directive, Code Enforcement has increased sign sweeps and streamlined the removal procedure by issuing fewer warnings and adhering to a “tightened-up” removal fee and fine structure.

Further, in an effort to meet Council’s directive of making the enforcement procedure more efficient, Code Enforcement began the public process of amending the RZC in order to repeal and remove Section 21.44.010(J) so that the unchanged code section may then be relocated to the Redmond Municipal Code (RMC), alongside the City’s other code enforcement provisions.

**Reasons the
Proposal should
be Adopted:**

The proposed amendment should be adopted because:

- By moving the language regulating the removal and disposal of illegal signs from Section 21.44.010(J) of the RZC, to Section 1.14 of the RMC, all sign code enforcement language will be located in one section, along with the City’s other code enforcement provisions.
- Section 1.14.020 of the RMC, provides for penalties where violations have occurred and also to deter future violations.
- Moving the sign code enforcement language currently located in Section 21.44.010(J) of the RZC to Section 1.14 of the RMC is in accordance with City Council’s zoning code rewrite mission statement and project principals.
- Moving Section 21.44.010(J) to the RMC places the language in an obvious location, groups and consolidates the language, reduces the complexity of the RZC, increases efficiency, and improves the usability of the applicable code sections for City staff, business owners, and residents.

Recommended Findings of Fact

1. *Public Hearing and Notice*

a. *Public Hearing Date*

The City of Redmond Planning Commission held a public hearing on the proposed amendment on May 23, 2012. No oral or written testimony at the public hearing was received.

b. *Notice*

The public hearing was published in the Seattle Times. Public notices were posted in City Hall and at the Redmond Library. Notice was also provided by including the hearing in Planning Commission agendas and extended agendas. Additionally, hearing notification was posted on the City's web site.

Recommended Conclusions

1. *Key Issues Discussed by the Planning Commission*

Below is the key issue discussed by the Planning Commission.

Planning Commissioners Murray and Hinman asked staff to confirm that the code section relating to the removal and disposal of illegal signs were being moved as a whole from the RZC to RMC, and that none of the language within code section 21.44.010 was being changed or modified. Staff confirmed that the code section was being moved as a whole from the RZC to the RMC without any changes or modifications. There were no further questions or discussion.

2. *Recommended Conclusions of the Technical Committee*

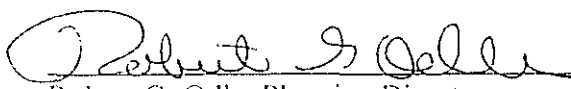
The recommendation in the Technical Committee Report (*Exhibit C*) should be adopted as conclusions.

3. *Planning Commission Recommendation*

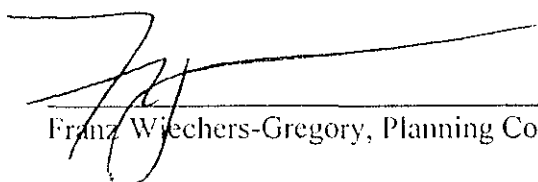
The Planning Commission voted unanimously to approve the proposed amendment to the Redmond Zoning Code at its June 13, 2012 meeting.

List of Attachments

- Exhibit A: Strikethrough of RZC, Section 21.44.010(J) –Removal and Disposal of Illegal Signs
- Exhibit B: RMC, Section 1.14.020 -Purpose
- Exhibit C: Technical Committee Report with Exhibits

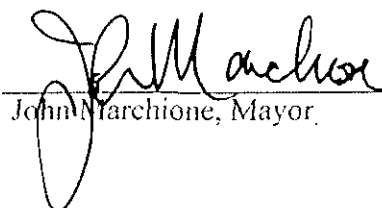

Robert G. Odle, Planning Director

6/7/2012
Date


Franz Wiechers-Gregory, Planning Commission Chairperson

6/13/2012
Date

Approved for Council Agenda


John Marchione, Mayor

6/25/12
Date



TECHNICAL COMMITTEE REPORT

To: Planning Commission

From: Technical Committee

Staff Contacts: Rob Odle, Director of Planning and Community Development,
425-556-2417

Jason Lynch, Building Official, 425-556-2483

Deborah Farris, Code Enforcement Officer, 425-556-2465

Date: May 23, 2012

File Number: L120119

Recommended Action:

- Amend the Redmond Zoning Code (RZC) in order to repeal and remove Section 21.44.010(J) – Removal and Disposal of Illegal Signs.

Reasons the Proposal Should be Adopted:

- To provide for the removal of the language regulating the removal and disposal of illegal signs as currently found in Section 21.44.010(J) of the RZC so that it can be moved to Section 1.14, Enforcement of Penalties, of the Redmond Municipal Code (RMC).
- By moving the language regulating the removal and disposal of illegal signs from the RZC to the RMC, all sign code enforcement language will be located in one section, along with the City's other code enforcement provisions.
- Moving the sign code enforcement language currently located in Section 21.44.010(J) of the RZC to Section 1.14 of the RMC is in accordance with the City Council's zoning code rewrite mission statement and project principals.

I. APPLICANT PROPOSAL

A. APPLICANT

City of Redmond.

BACKGROUND AND REASON FOR PROPOSAL

In response to a noted increase of the display of noncompliant temporary signs, City Council directed staff to explore options that could efficiently improve the current

enforcement procedures being used to obtain compliance. At the November 22, 2011 Study Session, staff presented Council with several alternatives. These alternatives contained modified language to the current temporary sign code and included: banning all temporary signs, increasing/decreasing the number of signs allowed in certain zones, requiring permits, and/or retaining the current language while at the same time enhancing enforcement.

After a discussion of the alternative approaches, Council directed staff to implement the alternative that “sustained the current regulatory language while enhancing enforcement”. It was agreed that enhanced enforcement would be accomplished through increased sign sweeps, the distribution of educational materials, and fewer warnings being issued before illegal signs are removed from the public rights-of-way.

At this time it was also discussed that efficiency could be further increased (for staff and business owners) if the regulatory language controlling the removal and disposal of illegal signs was moved from the RZC to the RMC so that it would be co-located with the City’s other enforcement language. This action would be consistent with the recommendations that were endorsed by the Code Rewrite Commission (of the RZC) and sent to City Council for adoption in April 2011.

Staff will be bringing the recommended amendment of the RZC to the Planning Commission according to the approved schedule.

II. RECOMMENDATION

The Technical Committee recommends amending the Redmond Zoning Code in order to repeal and remove Section 21.44.010(J) (Exhibit A).

III. ALTERNATIVES

1. Do not adopt the recommended proposal.

Planning Commission could recommend that the RZC not be amended at this time, thereby leaving the language regulating the removal and disposal of illegal signs in Section 21.44 of the RZC.

IV. SUPPORTING ANALYSIS: FACTS AND CONCLUSIONS

A. EXISTING CONDITIONS

At the onset of the rewrite of the land use zoning code, City Council adopted a “mission statement and project principals”. As amendments to the zoning code were proposed, each amendment was considered and reviewed by the Code Rewrite Committee to ensure that the proposed amendments were consistent with the mission statement and project principles. The adopted mission statement and core project principals included: reducing the complexity of the land use code, making the code easier to use and navigate, placing basic regulations in obvious locations, improving usability

for residents, and grouping and consolidating regulations in a simple, logical, and efficient structure. This resulted in the adoption of an ordinance that created Title 21 of the RMC, also known as the RZC; an organized and easy to navigate updated standalone land use chapter of the RMC. As part of the final adoption of Title 21, and to ensure consistency with the mission statement and project principles, several code sections were removed from the RZC and relocated to the appropriate titles/chapters of the RMC.

As staff began their preparation for the November 2011 Study Session, it was noted that as part of the final adoption of Title 21, the language for the removal of illegally displayed temporary signs, RZC, Section 21.44.010(J), had not been identified as one of the sections that should have been moved to the appropriate section in the RMC.

RMC, Section 1.14.020 –Purpose “...provides for the enforcement of the city’s development, building, public facility, health and safety, and animal regulations” (Exhibit B). By moving section RZC, 21.44.010(J) to Section 1.14 of the RMC, all enforcement language pertaining to the display of illegal signs would be consolidated in one location in the RMC, along with the City’s other code enforcement provisions.

In accordance with the Council’s mission statement and project principals, moving Section 21.44.010(J) to the RMC is logical and intuitive, places the language in an obvious location, groups and consolidates the language, further reduces the complexity of the RZC, increases efficiency, and improves the usability of the code for City staff, business owners, and residents.

B. COMPLIANCE WITH CRITERIA FOR AMENDMENTS

Redmond Comprehensive Plan Policies PI-16 direct the City to take several considerations, as applicable, into account as part of decisions on proposed amendments to the Comprehensive Plan and the Redmond Zoning Code.

Items 1 through 6 apply to all proposed amendments. Items 7 through 10 apply when proposed amendments concern allowed land uses or densities, such as proposed amendments to the Land Use Plan Map, land-use designations, allowed land uses, or zoning map. *For this proposal, Items 7 through 10 do not apply and so are not included.*

The following is an analysis of how this proposal complies with the requirements for amendments.

1. Consistency with Redmond’s Comprehensive Plan, including the following sections as applicable:

a. Consistency with the goals contained in the Goals, Vision and Framework Policy Element.

The recommended amendments are consistent with the Comprehensive Plan’s Goals, Vision, and Framework policies. By consolidating the sign code enforcement language into one easily located section of the RMC, staff will be able to more efficiently take the appropriate action to remove any illegal signs that are potentially interfering with Redmond’s goal of retaining and enhancing its distinctive character and high quality of life. Maintaining safe and visually aesthetic areas throughout the city helps to retain, as well as attract, local and international businesses, companies, and corporations.

b. Consistency with the preferred land-use pattern as described in the Land Use Element.

The proposed amendment is indirectly related to the preferred land-use pattern as described in the Land Use Element. A framework goal of the Comprehensive Plan is to support vibrant concentrations of retail, office, service, residential, and recreation activity in Downtown and Overlake. Because it is reasonable to assume that a large number of temporary signs will likely appear in conjunction with the high concentration of businesses in these two urban areas, efficient removal and enforcement of illegally displayed signs will help to ensure a safe and visually aesthetic place to gather, walk, shop, and recreate.

c. Consistency with Redmond's community character objectives as described in the Community Character/Historic Preservation Element or elsewhere in the Comprehensive Plan.

2. Potential general impacts to the natural environment, such as impacts to critical areas and other natural resources.

The proposed amendment will assist in the efficient enforcement and removal of illegal signs that may be threatening any natural environment, thereby helping to protect and minimize impacts to the natural environment, critical areas, and other natural resources.

3. Potential general impacts to the capacity of public facilities and services. For land-use related amendments, whether public facilities and services can be provided cost-effectively and adequately at the proposed density/intensity.

The proposed amendment does not change any land use designations or zoning.

4. Potential general economic impacts, such as impacts for business, residents, property owners, or City Government.

Regulating the time, place, and manner of the display of temporary commercial signs provides the necessary balance to provide visually aesthetic neighborhoods throughout the City while also keeping the streets and sidewalks safe for vehicles, pedestrians, and bicycles. The proposed amendment, which will increase the efficiency for the removal of illegally displayed signs, will further help to support a strong and diverse economy that attracts and retains businesses.

5. For issues that have been considered within the last four annual updates, whether there has been a change in circumstances that makes the proposed amendment appropriate or whether the amendment is needed to remedy a mistake.

These amendments have not been considered in the last four years.

V. AUTHORITY AND ENVIRONMENTAL, PUBLIC AND AGENCY REVIEW

A. Process to Amend the Redmond Comprehensive Plan and Zoning Code

Redmond Zoning Code, (RZC), Section 21.76 requires that amendments be reviewed under the Type VI process. Under this process, the Planning Commission conducts a study session(s), an open record hearing(s) on the proposed amendment, and makes a recommendation to the City Council. The City Council is the decision-making body for this process.

B. Subject Matter Jurisdiction

The Redmond Planning Commission and the Redmond City Council have subject matter jurisdiction to hear and decide whether to adopt the proposed Redmond Zoning Code Amendment.

C. Washington State Environmental Policy Act (SEPA)

Staff has completed a SEPA Addendum L120116 (for SEPA L080211; Temporary Sign Code Regulations -07/03/2008). No new or adverse environmental impacts are expected with the proposed amendment.

D. 60-Day State Agency Review

State agencies will receive a copy of the proposed amendments on April 24, 2012.

E. Public Involvement

The public will have opportunities to comment on the proposed amendments during the Planning Commission review process and public hearing. Notice of the hearing on May 23, 2012 will be posted in public locations, on the City's web site, and by newspaper listing on May 2, 2012. The recommended amendment is accessible through the City's web site and copies are available at City Hall.

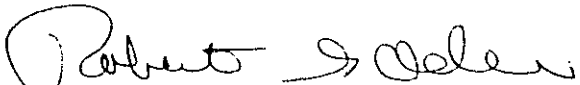
F. Appeals

RZC 21.76 (previously RCDG 20F.30.55) identifies Redmond Zoning Code Amendments as a Type VI permit. Final action is held by the City Council. The action of the City Council on a Type VI proposal may be appealed by filing a petition with the Growth Management Hearing Board pursuant to the requirements.

VI. LIST OF EXHIBITS

Exhibit A: Strikethrough of RZC, Section 21.44.010(J) –Removal and Disposal of
Illegal Signs

Exhibit B: RMC, Section 1.14.020 -Purpose


Robert G. Odle, Planning Director

4/20/12
Date


William J. Campbell, Public Works Director

4/26/12
Date

Redmond Zoning CodeSection 21.44.010(J) Removal and Disposal of Illegal Signs:

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EXHIBIT B

Redmond Municipal Code

Section 1.14.020 Purpose

This chapter provides for the enforcement of the city's development, building, public facility, health and safety, and animal regulations. The purposes of this chapter include: to prevent harm to the public and the environment by ensuring compliance with the development regulations, building codes, public facility, health and safety, and animal regulations; to provide for restoration where damage has occurred; and to provide for penalties where violations have occurred to deter future violations and prevent unjust enrichment of those who violate these regulations. This chapter also provides for additional protection of the public and environment by providing for appropriate enforcement tools.

Redmond's primary goal is to achieve compliance with its regulations. Redmond strives to work cooperatively with affected residents, businesses and property owners to resolve potential violations in a manner that respects the rights and, where possible, the interests of all parties. Redmond also strives to be responsive to public complaints related to potential violations.

The provisions of this chapter are authorized by and designed to implement Article 11 § 11 of the Constitution of the State of Washington, RCW 35A.63.100 and RCW 35A.63.120 of the Optional Municipal Code, Chapter 36.70A RCW, the Growth Management Act, Chapter 43.21C RCW, the Washington State Environmental Policy Act, and Chapter 90.58 RCW, the Shoreline Management Act of 1971. (Ord. 1935 § 2 (part), 1997).