

**CITY OF REDMOND
RESOLUTION NO. 1380**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, APPROVING UPDATED ADMINISTRATIVE RULES OF PROCEDURE FOR THE DESIGN REVIEW BOARD, HEARING EXAMINER, LANDMARK COMMISSION, PLANNING COMMISSION, AND TECHNICAL COMMITTEE

WHEREAS, the City of Redmond comprehensively updated and adopted the Redmond Zoning Code (RZC) on April 5, 2011; and

WHEREAS, administrative rules of procedure for the Design Review Board, Hearing Examiner, Planning Commission, and Technical Committee are no longer located in the RZC; and

WHEREAS, administrative rules of procedure for the Landmark Commission were never located in the zoning code or its predecessor; and

WHEREAS, administrative rules of procedure for the above-named bodies require updates for consistency with their enabling legislation in Title 4 of the Redmond Municipal Code (RMC) and relevant provisions of the RZC; and

WHEREAS, each of the above-named bodies has approved updated administrative rules of procedure as shown in Exhibits 1, 2, 3, 4, and 5, attached hereto and incorporated herein by this reference as if set forth in full; and

WHEREAS, the City Council has reviewed the updated administrative rules of procedure and wishes to approve them.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND,
WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Administrative Rules of Procedure Approved.

The City Council approves updated administrative rules of procedure for the Design Review Board, Hearing Examiner, Landmark Commission, Planning Commission, and Technical Committee as shown in Exhibits 1, 2, 3, 4, and 5.

ADOPTED by the Redmond City Council this 20th day of November, 2012.

APPROVED:



JOHN MARCHIONE, MAYOR

ATTEST:



MICHELLE M. MCGEHEE, MMC, CITY CLERK

(SEAL)

FILED WITH THE CITY CLERK: November 14, 2012
PASSED BY THE CITY COUNCIL: November 20, 2012
EFFECTIVE DATE: November 20, 2012
RESOLUTION NO. 1380

APPROVED 6-0: Allen, Flynn, Margeson, Myers, Stilin and Vache

Exhibit 1: Design Review Board Rules

Design Review Board Rules of Procedure

- I. Definitions
- II. Ex Parte Communication
- III. Nature of Proceedings
- IV. Rights of Parties
- V. Presiding Officials
- VI. Conduct of Meetings

I. Definitions.

- A. "Applicant" means as defined in RZC 21.78.
- B. "Board" means the Design Review Board of the City of Redmond.
- C. "City" means the City of Redmond, Washington.
- D. "Design Standards" means that portion of the Redmond Zoning Code that addresses design standards.

- E. "Ex parte communication" means written or oral communication not included in the public record and made outside of a public meeting.
- F. "Party of record" means as defined in RZC 21.78:
- G. "Redmond Zoning Code"(RZC) means the City of Redmond Zoning Code.

II. Ex Parte Communication.

- A. No person, nor his or her agent, employee, or representative, who is interested in a particular application which is designated for public meeting shall communicate ex parte directly or indirectly with members of the Board concerning the merits of that application. This rule shall not prohibit ex parte communications concerning procedural matters.
- B. Members of the Board shall not communicate ex parte directly or indirectly with any person, nor his or her agent, employee or representative who is interested in a particular application which is designated for public meeting with regard to the merits of that application. This rule shall not prohibit ex parte communications concerning procedural matters, nor assistance to members of the Board in viewing the land or building involved in application.
- C. If prohibited ex parte communication is made to or by a member of the Board, the member is required to fully reveal the communication, and interested parties shall have the opportunity to rebut the communication. The member shall determine whether the communication merits disqualifications of himself or herself for that particular application.

III. Nature of Proceedings.

- A. Frequency. The Board will meet regularly on the first and third Thursdays of each month at 7:00 p.m. However, a meeting need not be held if there are no applications submitted for review by the Board. Meetings will be held in the City Council

Chambers at City Hall unless public notice is given that the meeting location will be changed. Special meetings and study meetings may be held with the time and location indicated in the public notice.

B. **Format.** The format for a public meeting will be of an informal nature yet designed in such a way that the materials and facts relevant to an application will become the most readily and efficiently available to the Board.

C. **View Trip.** Board members may inspect the site prior to or subsequent to the public meeting. Site visits are not required.

D. **Record of Meeting.**

1. **Electronic Recording.** Meetings shall be electronically recorded and such recordings shall be a part of the official record. Copies of the electronic recordings of a particular proceeding shall be made available to the public on request and payment of reasonable cost of such copying.

2. Copies of any written materials in the record may be obtained by any interested person through the City's public records request procedures. The requestor shall be responsible for paying the cost of reproducing such material.

IV. Rights of Parties.

A. **Rights of Parties.** Every applicant and any interested party shall have the right to attend meetings of the Board. The Board may allow public comment at its discretion, and when allowed, the Board may impose reasonable limitations on the number of individuals heard, and on the nature and length of their public comment.

B. **Notice Requirements.** Notice of regular meetings is not required, nor shall such meetings be construed to be public hearings even though public comment from those present may be received. Notice of special meetings shall be given in accordance with Chapter 42.30 RCW. Applicants for site plan approval shall be mailed an agenda for the meeting at which their item will be considered prior to that meeting.

V. Presiding Officials.

A. **Chairman and Vice Chairman.** The term of the Chairman of the Board and Vice Chairman shall be for one year, and both shall be elected at the first regular meeting in January. The Vice Chairman shall be elected at the same time as the Chairman. The Chairman shall be counted to determine a quorum, and shall have the same rights as other members of the Board including the right to vote.

B. **Absence of Chair/ Vice Chair.** If neither the Chair nor the Vice Chair is able to preside at a meeting, the Chair shall designate the presiding officer for that meeting. If the Chair is unable to designate the presiding officer, then the Vice Chair shall do so. In the absence of the Chairman and Vice Chairman, the remaining members shall select an acting Chairman

C. **Vacancy of Chair/ Vice Chair.** In the event the Chair or Vice Chair leave office before their terms expire, the Design Review Board shall vote to determine the Chair and/or Vice Chair to fill the position for the remainder of the previous incumbent's term.

D. Duties. The Chairman shall have the authority and duty to conduct fair and impartial meetings, to take all necessary action to avoid delay in the disposition of proceedings, to maintain order, to regulate the course of the meeting and the conduct of the parties and their agents, to consider and rule upon all procedural and other motions appropriate to the proceeding, and to file recommendations, or decisions. During the absence, disability, or disqualification of the Chairman, the Vice Chairman shall exercise or perform all the duties and be subject to all the responsibilities of the Chairman.

E. Presence of City Staff. The City Planning Director, or her/his designee, shall serve as secretary to the Board and also in an advisory capacity.

VI. Conduct of Meetings.

A. Quorum. A quorum shall consist of four members excluding any disqualifications.

B. Voting. Action may be taken by a majority of those present when those present constitute a quorum at any regular or special meeting of the Board. The concurrence of a majority of the members of the Board present not disqualified and voting shall be necessary to determine any question before the Board.

C. Meetings.

1. The deliberation and proceedings of the Board shall be public. The public meeting shall include, but not be limited to, a brief introductory statement by the Chairman, and a report by City staff summarizing the application.
2. The Board at its discretion may permit public comment by the applicant, testimony in support and testimony of opposing parties. Nothing shall prohibit the Board from soliciting explanations and additional input from the applicant or applicant's representative and such other sources as the Board deems necessary to enable them to complete their review of the application. Each person speaking, whether it is the applicant or a member of the audience, shall speak from the podium. Before speaking they should state their full name and address.
3. Design Review Boardmembers should be recognized by the Chair before asking questions or providing other information. This allows for the Chair to specifically recognize the DRB member by name who is about to speak, so that the record accurately reflects who has spoken.
4. Design Review Boardmembers should avoid whispered conversations between themselves during the course of the meeting. These conversations may not be audible on the tape recording and may jeopardize the record of the meeting since they cannot be interpreted. No use of email or other social media communications between Commissioners and/or Commissioners and others shall be allowed during the hearing.
5. During the course of deliberation following the conclusion of presentation by staff, the applicant, and the public, the Design Review Board should thoroughly discuss the pros and cons of the proposal

particularly in relation to the Redmond design standards, as defined by the Redmond Zoning Code, or other guidelines as identified in the staff report.

6. At the conclusion of deliberation, the Design Review Board should bring a motion to the floor. If the motion is seconded, concluding discussion should follow. The Chair may call upon each member to state their reasons for or against the particular motion. At the conclusion of the discussion, the Chair should call for a vote upon the motion.

D. Time Limitation. Regularly scheduled meetings of the Board shall conclude by 10:00 p.m. unless a majority of the Board members present agree to extend the meeting past such time.

E. Continuance of Meetings. The Board may continue or reopen meetings for any good cause as deemed reasonable and appropriate.

Exhibit 2: Hearing Examiner Rules of Procedure

I. Authority.

The Rules of the Hearing Examiner shall be adopted pursuant to RMC 4.28.060

I. Definitions.

A. Definitions.

1. "Applicant" means as defined in RZC 21.78.
3. "Council" means the Redmond City Council.
4. "Departmental staff" means departments of City of Redmond, Washington.
5. "Redmond Zoning Code" (RZC) means the City of Redmond Zoning Code
6. "Examiner" means a duly designated Hearing Examiner of the City of Redmond.
7. "Ex parte communication" means written or oral communications not included in the public record and made outside of a public hearing.
8. "Interested person" means any individual, partnership, corporation, association, or public or private organization of any character, significantly affected by or interested in proceedings before the Hearing Examiner..
9. "Party of record" means as defined in RZC 21.78:

II. Ex Parte Communication.

A. Ex Parte Communications.

1. No person, nor his or her agent, employee, or representative, shall communicate ex parte, directly or indirectly, with the Hearing Examiner concerning the merits of any pending application. This rule shall not prohibit ex parte communications concerning procedural matters. All allowed ex parte procedural communications shall be directed to the Clerk of the Hearing Examiner.
2. The Hearing Examiner shall not communicate ex parte directly or indirectly with any person, nor his or her agent, employee or representative, interested in a particular petition or application which is designated for an adjudicatory hearing, with regard to the merits of that, or a factually related petition or application. This rule shall not prohibit ex parte communications concerning procedural matters, nor assistance to the Hearing Examiner in viewing the land or building involved in the hearings.
3. If a substantial ex parte communication is made to or by the Hearing Examiner, such communication shall be publicly disclosed, and proper discretion shall be exercised by the Hearing Examiner on whether to disqualify himself or herself as Hearing Examiner for that particular hearing.

III. Nature of Proceedings.

- A. *Frequency.* Hearings are regularly scheduled in accordance with the contract between the City of Redmond and the Hearing Examiner. Alternative times may be arranged at the request of a party subject to examiner, facilities, and opposing party availability.
- B. *Format.* The format for a public hearing will be of an informal nature yet designed in such a way that the evidence and facts relevant to a particular proceeding will become the most readily and efficiently available to the Hearing Examiner.
- C. *View Trip.* When necessary to a full understanding of the case, at his or her discretion, the Hearing Examiner may inspect the site prior or subsequent to the hearing.
- D. *Record of Hearing.*
 - 1. *Electronic Recording.* Hearings shall be electronically recorded and such recordings shall be a part of the official case record. Copies of the electronic recordings of a particular proceeding shall be made available to the public on request and the reasonable cost of such copying shall be paid by the requester.
 - 2. Copies of any written materials in the record may be obtained by any interested person through the City's public records request procedures. The requestor shall be responsible for paying the cost of reproducing such material.
- E. *Computation of Time.* Computation of any period of time prescribed by these rules shall begin with the first day following the day on which the act or event initiating such period of time occurs. When the last day is a Saturday, Sunday or national or State holiday, the period shall run until the end of the next following business day.
- F. *Expeditious Proceedings.* It is the policy of the Office of the Hearing Examiner that, to the extent practicable and consistent with requirements of law, public hearings shall be conducted expeditiously. In the conduct of such proceedings the Hearing Examiner and all parties, or their agents, shall make every effort at each stage of a proceeding to avoid delay.

IV. Rights and Responsibilities of Parties.

- A. *Rights of Parties.* Every applicant, appellant, and interested party shall have the right of due notice, rebuttal, presentation of evidence, objection, motion, argument, and all other rights essential to a fair hearing. The Hearing Examiner may impose reasonable limitations on the number of witnesses heard, and on the nature and length of their testimony. Cross-examination is permitted at the Examiner's discretion as necessary for a full disclosure of the facts.
- B. *Responsibilities of Parties.* Parties, witnesses, or observers shall conduct themselves with civility and deal courteously with all involved in the proceedings. Failure to do so will result in removal from the hearing.
- C. *Notice Requirements of Hearings and Filings.*
 - 1. All notice and time requirements and methods of notification shall be governed by the standards as set forth in RZC 21.76.
 - 2. *Affidavit of Notice.* A notarized affidavit attesting to the written notice of a given public hearing shall be made a part of each official case record.

V. Presiding Officials.

- A. *Presiding Officials.*
 - 1. Hearings shall be presided over by a duly appointed Hearing Examiner.
 - 2. The Hearing Examiner shall have all of the authority and duties as granted him or her in RMC 4.28.020, Hearing Examiner. Included in the authority and duties of the Hearing Examiner are the

following: to conduct fair and impartial hearings, to take all necessary action to avoid delay in the disposition of proceedings, and to maintain order. He or she shall have all powers necessary to that end, including the following:

- a. To administer oaths and affirmations;
 - b. To issue subpoenas;
 - c. To rule upon offers of proof and receive evidence;
 - d. To regulate the course of the hearings and the conduct of the parties and their agents;
 - e. To question any party presenting testimony at the Hearing;
 - f. To hold conferences for settlement, simplification of the issues, or any other proper purpose;
 - g. To consider and rule upon all procedural and other motions appropriate to the proceeding; and
 - h. To make and file recommendations or decisions.
3. Interference. In the performance of his or her adjudicative functions, the Hearing Examiner shall not be subject to the supervision or direction of any elected official, officer, employee or agent of any municipal department.
4. Should a Hearing Examiner be disqualified for any reason, an alternate Hearing Examiner may be assigned pursuant to RMC 4.28.090
- B. Presence of Legal Counsel at Public Hearings or Meetings. At the request and discretion of the Hearing Examiner, a representative of the City Attorney shall be present at public hearings or meetings to advise on matters of law and procedure.

VI. Prehearing Conference

- a. The Examiner may, on his/her own order, or at the request of a party, hold a conference prior to the hearing to consider:
- (1) Identification, clarification, and simplification of the issues;
 - (2) Disclosure of witnesses to be called and exhibits to be presented;
 - (3) Motions;
 - (4) Other matters deemed by the Examiner appropriate for the orderly and expeditious disposition of the proceedings.
- b. Prehearing conferences may be held by telephone conference call.
- c. The Examiner shall give notice to all parties of any prehearing conference. Notice may be written or oral.
- d. All parties shall be represented at any prehearing conference unless they waive the right to be present or represented, and are granted permission by the Examiner not to attend.
- e. Following the prehearing conference, the Examiner may issue an order reciting the actions taken or ruling on motions made at the conference.

VII. Conduct of Hearings.

- A. Content of the Record. The record of a hearing conducted by the Examiner shall include, but not be limited to, the following materials:
1. The application or petition for appeal;
 2. The departmental staff reports;

3. All evidence received or considered, which shall include all exhibits and other materials admitted;
4. A statement of all matters officially noticed;
5. A decision or a recommended decision containing the findings and conclusions of the Hearing Examiner;
6. The electronic recording of the proceedings; and
7. The environmental determination made pursuant to the State Environmental Policy Act (SEPA), if any.

B. Development of Record.

1. A public hearing on a land use application shall include, but not be limited to, the following: a brief introductory statement by the Hearing Examiner; a report by departmental staff which shall include introduction of the official file, reference to visual aids (maps), and a summary of the recommendation of the department; testimony by the applicant and any witnesses; opportunity for cross-examination; testimony of other interested parties; public comment; and rebuttal by the City and the Applicant. The Examiner may ask questions of any person who testified.

2. An open record appeal hearing before the Examiner shall include but not be limited to the following: a brief introductory statement by the Examiner; a concise statement of the decision or action appealed from by City Staff; the Appellant's case, including all witnesses; cross examination of appellant witnesses; the City's case, including all witnesses; cross examination of City witnesses; the Applicant's case (if any) and all witnesses; cross examination of Applicant witnesses; closing statements from Applicant, City, and finally Appellant.

C. Legal Counsel. Parties may be represented by legal counsel at all stages of the hearings. The Examiner may, at his or her discretion, set page limits on legal briefing.

D. Continuances of Hearings.

1. Hearing Examiner. If, in the course of a hearing the Examiner determines information is necessary to make a decision that is not available at the time of the proceedings, the hearing may be continued.
2. At the request of a Party. A party may request continuance of a hearing. The request shall be based on reasonable grounds. The Hearing Examiner shall have discretion to grant or deny the request for continuance. If requested prior to the hearing, the request must be made through the Clerk of the Hearing Examiner.
3. If the date of the continued proceedings is established on the record at a public hearing, no further notice is required. If the continuance date is determined after adjournment, all parties of record shall be provided not less than 10 days' notice of the date, time, place and nature of the subsequent hearing. Such notice shall also be published in the City official newspaper.

E. Evidence.

1. Burden of Proof. In each proceeding, the petitioner (the applicant or the appellant) shall have the burden of proof.
2. Admissibility. The hearing generally will not be conducted according to court rules relating to evidence and procedure. At the discretion of the Examiner, relevant evidence will be admitted if it is the type which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs.
3. Copies. Documentary evidence may be received in the form of

copies of excerpts, if the original is not readily available. Upon request, at the discretion of the Examiner, parties shall be given an opportunity to compare the copy with the original.

4. Official Notice. The Hearing Examiner may take official notice of judicially cognizable facts and in addition may take notice of general, technical or scientific facts within his or her specialized knowledge. The Hearing Examiner shall not take notice of disputed adjudicative facts that are at the center of a particular proceeding.

5. At his or her discretion, the Examiner may request a relevant document not available at the time of hearing to be submitted for the record after the hearing adjourns. Only those documents specifically requested by the Examiner will be admitted. The Examiner may allow parties of record to respond to documents submitted after the close of the record.

6. Evidence Received After Close of the Record Not Admitted. Except for limited circumstances detailed in the reconsideration section, below, evidence will not be admitted after the close of the record.

7. All parties will be allowed opportunity to make a record of evidence offered and not admitted during the course of the hearing. This record shall include offers of proof.

G. Oath or Affirmation. All testimony before the Examiner shall be given under oath or affirmation to tell the truth.

VIII. Withdrawal of Application or Appeal.

A. Withdrawal Requests. If an Applicant or Appellant withdraws their petition after service of official notice of hearing, notice of withdrawal and cancellation of hearing shall be provided in the same manner as the notice of public hearing. The Planning Department shall notify the Hearing Examiner of any withdrawal at the time of receipt.

IX. Recommendations and Decisions.

A. Written Recommendations or Decisions. A written report of findings, conclusions, and recommendation or shall be forwarded to the City Council and parties of record after issuance.

B. Content of Recommendations and Decisions. A recommendation or decision shall include a statement of:

1. The nature and background of the proceeding.
2. Findings of Fact. The findings shall be based exclusively on the evidence presented in the hearing and those matters officially noticed. The findings of fact shall consist of a concise statement of each fact found upon each contested issue.
3. Conclusions. The conclusions shall reference specific provisions of the RZC and other applicable law and shall identify the findings containing evidence upon which each conclusion rests.
4. Decision or Recommendation. The decision or recommendation shall be based upon a consideration of the whole record and shall be supported by reliable, probative and substantial evidence.

C. Procedure for Reopening Hearing or Rehearing.

1. At any time prior to the filing of the decision or recommendation, the Examiner may reopen the proceeding for the reception of further evidence. Parties of record shall be given notice of the consideration of such evidence and granted an opportunity to review such evidence and file rebuttal arguments.
2. Clarification

A. Any party of record may request at any time clarification of the decision upon notice to the parties. The Hearing Examiner shall have discretion to provide clarification. Such clarification shall not stay the effect of a decision or change or amend the conclusions of the Hearing Examiner's decision.

B. Procedure for Clarification. Any party of record may request at any time clarification of the appeal decision upon notice to other parties. The Hearing Examiner shall have discretion to provide clarification. Such clarification shall not stay the effect of a decision or change or amend the conclusions of the Hearing Examiner's decision

3. Reconsideration.

A. Any party of record may file a written request with the Examiner for reconsideration as outlined within the Redmond Zoning Code, or otherwise within 10 business days of the date of the Examiner's decision or recommendation. The request shall explicitly set forth alleged errors of procedure or fact.

B. For Type I and Type II matters, new evidence may be offered on reconsideration only if the evidence was unavailable at the hearing and the person offering the evidence could not have discovered the evidence with reasonable diligence. All parties of record will be given notice of the consideration of such evidence and granted an opportunity to review such evidence and file rebuttal arguments.

C. For Type III and Type IV matters, no new evidence may be offered on reconsideration.

D. The Hearing Examiner shall act upon timely reconsideration requests within the timeline established in RZC 21.76; or otherwise within 10 business days after the date of the filing of the request for reconsideration. The Examiner will either deny the request, issue a revised decision or recommendation, or call for additional proceedings. If an additional hearing is called for, the notice of said hearing shall be mailed to all parties of record not less than seven days prior to the hearing date.

X. Appeals of Final Decisions.

A. When all reconsideration periods have expired and the Hearing Examiner decision is final, the decision may be appealed to the City Council. Appeals must be written and be filed with the Department of Planning and Community Development pursuant to the timelines required within the RZC, otherwise no later than 10 business days after the date of the Hearing Examiner's final action.

**Supplemental Hearing Examiner Rules of Procedure
Local Improvement District (LID) Hearings**

Introduction

The "Rules of General Application" of this appendix shall apply to all hearings involving LID formation or application of assessments within an LID except where clearly inapplicable or where specifically modified by these supplemental rules. If any conflict exists between the Hearing Examiner Rules and these supplemental rules, the supplemental rule shall control.

I. Definitions.

- A. "Petitioner" means the City or those individuals who desire to form a local improvement district.
- B. "Affected property owner" means those individuals who are owners of record of property within a proposed LID.

II. Nature of Proceedings.

- A. Frequency. Hearings will be scheduled at a convenient time for all interested parties. Normally, hearings will be scheduled during the work hours of the City.

III. Rights of Parties.

- A. Notice Requirements of Hearings and Filings. A public hearing shall be held on the creation of a proposed local improvement district initiated by petition or by Council resolution.

Notice of the hearing shall be provided as established in Chapters 35.43 and 35.44 RCW.

The notice of hearing upon the assessment roll shall specify the time and place of hearing and shall notify all persons who may object thereto:

1. To make their objections in writing and to file them with the City or Town Clerk at or prior to the date fixed for hearing;
2. That the Council will sit as a board of equalization for the purpose of considering the roll. Pursuant to the authority of RCW 35.44.070, the Redmond City Council delegated the Redmond Hearing Examiner to hold hearings for the purpose of considering the roll;
3. That at the hearings the Examiner will consider the objections made and will correct, revise, raise, lower, change, or modify the roll or any part thereof or set aside the roll and order the assessment to be made de novo. RCW 35.44.080. Such information shall be provided to the Redmond City Council in the form of a recommendation from the Redmond Hearing Examiner.

IV. Conduct of Hearings.

(Reserved).

V. Recommendations.

- A. Procedure for Reopening Hearing or Rehearing.

1. Reconsideration. Any interested person may file a written request for reconsideration of the Examiner's Recommendation within five days of the date of the Hearing Examiner's recommendation, unless the City Council has scheduled action on the recommendation sooner than five days following the date of the recommendation in which case a request for reconsideration must be filed by 4:30 p.m. on the day preceding the day the Council has scheduled action on the recommendation. The request shall specifically set forth alleged errors of procedure or fact. If a request for reconsideration is filed, no Council action shall be taken on the recommendation until a

decision on a reconsideration request is issued by the Hearing Examiner. The Hearing Examiner shall respond to the request for reconsideration within 10 business days from the date of filing of the request for reconsideration.

VI. Appeals.

- A. The Hearing Examiner shall issue a recommendation only in LID proceedings to only the City Council which is authorized to issue final decisions. Consequently, there shall be no appeal of the *recommendation of the Hearing Examiner. Any person aggrieved by the final action of the City Council may seek judicial review in a court of appropriate jurisdiction.*

EXHIBIT 3:
RULES OF THE CITY OF REDMOND LANDMARK COMMISSION

- I. Definitions
- II. Ex Parte Communication
- III. Presiding Officials
- IV. General Procedures
- V. Conduct of Meetings
- VI. Conduct of Public Hearings
- VII. Rights of Parties
- VIII. Recommendation or Decision

Pursuant to Redmond Municipal Code, Chapter 4.33 Landmark Commissions, the following Rules and Procedures of the City of Redmond Landmark Commission have been adopted by the Redmond City Council and constitute all rules for transaction of business before the Landmark Commission of the City of Redmond.

I. Definitions.

- A. "Applicant" means as defined in RZC 21.78.
- B. "Commission" means the Landmark Commission of the City of Redmond.
- C. "City" means the City of Redmond, Washington.
- D. "Redmond Zoning Code" (RZC) means the City of Redmond Zoning Code.
- E. "Ex parte communication" means written or oral communication not included in the public record and made outside of a public meeting.
- F. "Party of record" means as defined in RZC 21.78.
- G. "Secretary of the Interior's Standards for the Treatment of Historic Properties" refers to national standards, established as guidelines and implemented during preservation, rehabilitation, restoration, and reconstruction of historic properties.

II. Ex Parte Communication.

- A. No person, nor his or her agent, employee, or representative, who is interested in a particular application which is designated for public meeting shall communicate ex parte directly or indirectly with members of the Commission concerning the merits of that application. This rule shall not prohibit ex parte communications concerning procedural matters.
- B. Members of the Commission shall not communicate ex parte directly or indirectly with any person, nor his or her agent, employee or representative who is interested in a particular application which is designated for public meeting with regard to the merits of that application. This rule shall not prohibit ex parte communications concerning procedural matters, nor assistance to members of the Commission in viewing the land or building involved in application.
- C. If prohibited ex parte communication is made to or by a member of the Commission, the member is required to fully reveal the communication, and interested parties shall have the opportunity to rebut the communication. The member shall determine whether the communication merits disqualifications of himself or herself for that particular application.

III. Presiding Officials.

- A. **Chairman and Vice Chairman.** The term of the Chairman of the Commission and Vice Chairman shall be for one year. The Vice Chairman shall be elected at the same time as the Chairman. The Chairman shall be counted to determine a quorum, and shall have the same rights as other members of the Commission including the right to vote.
- B. **Duties.** The Chairman shall have the authority and duty to conduct fair and impartial meetings, to take all necessary action to avoid delay in the disposition of proceedings, to maintain order, to regulate the course of the meeting and the conduct of the parties and their agents, to consider and rule upon all procedural and other motions appropriate to the proceeding, and to file recommendations, or decisions. During the absence, disability, or disqualification of the Chairman, the Vice Chairman shall exercise or perform all the duties and be subject to all the responsibilities of the Chairman. If neither the Chairman nor the Vice Chairman is able to preside at a meeting, the Chairman shall designate the presiding officer for that meeting. If the Chairman is unable to designate the presiding officer, then the Vice Chairman shall do so. In the absence of the Chairman and Vice Chairman, the remaining members shall select an acting Chairman
- C. **Presence of City Staff.** The City Planning Director, or her/his designee, shall serve as secretary to the Commission and also in an advisory capacity.
- D. **Vacancy of Chairman or Vice Chairman.** In the event the Chairman or Vice Chairman leaves office or vacates their seat before their terms expire, the Landmark Commission shall vote to determine the Chairman and/or Vice Chairman to fill the position for the remainder of the previous incumbent's term.

IV. General Procedures

- A. **Regular Meeting Date and Time.** The Commission will meet on the first and/or third Thursday of each month at 7:00 p.m as needed. However, a meeting need not be held if there are no applications submitted for review by the Commission and no other business for the Commission.
- B. **Special Meetings.** Special meetings may be held at any time and location indicated in the public notices.
- C. **Location of Meetings.** All meetings will be held in the City Council Chambers at City Hall unless public notice is given that the meeting location will be changed.
- D. **View Trip.** Commission members are encouraged to visit the site.
- E. **Record of Meeting/Hearing.**
 - 1. **Electronic Recording.** Meetings shall be electronically recorded and such recordings shall be a part of the official record. Copies of the electronic recordings of a particular proceeding shall be made available to the public on request and payment of reasonable cost of such copying.
 - 2. Copies of any written materials in the record may be obtained by any interested person through the City's public records request procedures. The requestor shall be responsible for paying the cost of reproducing such material.
- F. **Relationship with City Council.** The Landmark Commission should meet with the City Council on an annual basis with a report of activities and progress.

V. Conduct of Meetings

- A. Format. The format for a public meeting will be of an informal nature yet designed in such a way that the evidence and facts relevant to an application will become the most readily and efficiently available to the Commission.
- B. Meetings. The deliberation and proceedings of the Commission shall be public. The public meeting shall include, but not be limited to, a brief introductory statement by the Chairman, and a report by City staff summarizing the application. The Commission at its discretion may permit testimony by the applicant, testimony in support and testimony of opposing parties. Nothing shall prohibit the Commission from soliciting explanations and additional input from the applicant or applicant's representative and such other sources as the Commission deems necessary to enable them to complete their review of the application.
- C. Time Limitation. Regularly scheduled meetings of the Commission should conclude by 8:00 majority of the Commission members present agree to extend the meeting past such time.
- D. Continuance of Meetings. The Commission may continue or reopen proceedings for any good cause as deemed reasonable and appropriate.

VI. Conduct of Public Hearings

The format for public hearings conducted by the Commission should be as follows:

- A. The Chair or a staff member should read or paraphrase the purpose of the hearing and advise the Commission of the applicable criteria that they must consider in the course of their review. The purpose of this is to advise the Commission before they receive testimony of the particular items they should be considering during the course of the hearing.
- B. The hearing should begin with a staff report to the Commission which may include the staff's recommendation.
- C. The Commission should direct any questions they have at that time to the staff.
- D. The hearing should then be opened to permit the applicant to make a presentation to the Commission.
- E. Questions from the Commission should be directed to the applicant.
- F. At this time, the hearing should be opened to the audience as a whole. A sign up list will be circulated before the meeting to determine the number of persons desiring to speak, which may be weighed against the amount of time available for the public hearing. A stated amount of time may be allocated to the hearing, and each person who has signed up given an equal amount of time to speak. Persons who have signed up may waive their opportunity to speak which leaves time for those who wish additional time to speak. If the time allocated for the hearing is exhausted, the hearing can then be continued to another date if necessary. The sign up list shall provide the name and address of speakers for the secretary who is taking the minutes for the hearing. In addition, it provides an orderly process for the calling of speakers and assures that each person is given an opportunity to speak before those who have already spoken are recognized again.
- G. Each person speaking, whether it be the applicant or a member of the audience should be recorded and should state their full name and mailing address.
- H. When everyone who wishes to speak has had an opportunity, any persons who have already spoken may speak again if there is time remaining.
- I. If, at the conclusion of the hearing there are still persons wishing to speak who may provide information, then the hearing time may be extended or the hearing continued to a date certain in the

future. When the public has completed their testimony, and before closing the hearing, the applicant or their representative should be given a brief opportunity for rebuttal. If, upon conclusion of the rebuttal, there are no more questions for any member of the audience or the applicant, the hearing may be closed or continued until after deliberation.

- J. As photographs, maps, slides, letters, invoices, memorandums, petitions or any other documents of any nature are presented to the Commission in connection with the hearing, each one should be identified at the time it is presented and an exhibit number assigned to it. The secretary should maintain an exhibit number list, ascribing the exhibit number and date of submission on the face of the exhibit.
- K. Commission members should be recognized by the Chair before asking questions or providing other information. This allows for the Chair to specifically recognize the Commission member by name who is about to speak, so that the record accurately reflects who has spoken.
- L. Each person who speaks a second time or who responds to a question should come to the podium and again re-identify themselves by name; however, restatement of addresses is not necessary.
- M. Any questions by Commission members to any member of the audience or the applicant should be asked prior to the closing of the hearing. Once the hearing is closed, no additional testimony may be taken, and the Landmark Commission will be limited to questions to the staff only.
- N. It should also be noted that proponents or opponents do have a right to question persons who have given testimony at the hearing. However, these questions should be directed to the Chair of the meeting and not directly to the person who gave testimony. The Chair would direct that person to come to the podium, identify himself and give a response. At the conclusion of the response, any additional questions from that person or other persons should be handled in the same manner. One question at a time should be channeled through the Chair to the person whose response is requested.
- O. At the conclusion of the hearing the Commission should bring a motion to the floor, and initiate discussion. It is preferable that deliberations on the hearing be completed on the same night; however, it is not mandatory and the decision may be continued to a date certain in the future.
- P. When the Commission does not intend to make a decision on the proposal immediately subsequent to closure of the public hearing, the Chairman shall announce that no further written or oral information will be accepted or considered by the Commission as part of the public record.
- Q. During the course of deliberation, the pros and cons of the proposal should be thoroughly discussed particularly in relation to the criteria to be applied, as defined by the RZC or the other guidelines.
- R. Any motion for action should include a statement of findings based on facts presented in the hearing. For example, "Mr. Chair, after reviewing of the file, listening to the testimony from the hearing, and visiting the site, I find that the proposed project satisfies the criteria (or does not satisfy the criteria) for the following reasons:" (list item 1, 2, 3, 4, 5, etc.). It is helpful to draft these in advance of making a motion. At the conclusion of the statement of findings and conclusions, the Commission member should say, "For the reasons I have stated, I move that the application or appeal be (approved, denied or modified as follows...)." If the motion is seconded, discussion should follow. The Chair may call upon each member to state their reasons for or against the particular motion. At the conclusion of the discussion, the Chair should call for a vote upon the motion.
- S. At the conclusion of the vote and the announcement of the decision, the Chair should close the hearing if not closed previously and should at the time advise the audience of when the final decision will be available in writing.
- T. Commission members should avoid whispered conversations between themselves during the course of the hearing. These conversations may not be audible on the tape recording and may jeopardize the

record of the hearing since they cannot be interpreted. No use of e-mail or other social media communications between Commissioners and/or Commissioners and others shall be allowed during the hearing.

VII. Rights of Parties.

- A. Rights of Parties. Every applicant and any interested party shall have the right to attend meetings of the Commission. The Commission may allow public comment at its discretion, and when allowed, the Commission may impose reasonable limitations on the number of individuals heard, and on the nature and length of their public comment. For public hearings the applicant and any interested party shall follow the procedures outlined for public hearings.

VIII. Recommendations and Decisions.

- A. Recommendation. A report of conclusions and recommendations shall be forwarded to the City Technical Committee after the conclusion of a public meeting. The conclusions and recommendations shall indicate how the recommendations meet the decision criteria of the RZC and in particular the applicable Secretary of the Interior's Standards for the Treatment of Historic Properties.
- B. Decision. A report of conclusions and final decision shall be made available to the public within a reasonable period at the conclusion of a public hearing. The conclusions and recommendations shall indicate how the recommendations meet the decision criteria of the RZC and in particular the applicable Secretary of the Interior's Standards for the Treatment of Historic Properties.
- C. Content of Recommendation and Decision. A recommendation or decision shall include a statement of:
 - 1. The nature of the proceedings.
 - 2. Findings and Conclusions. The conclusions shall include findings of fact regarding contested issues of fact, and the conclusions shall be referenced to specific provisions of the RZC decision criteria and in particular the applicable Secretary of the Interior's Standards for Treatment of Historic Properties, together with reasons and precedents relied upon to support the same.
 - 3. Recommendation. The recommendation or decision shall be based upon a consideration of the whole record of the application.

Exhibit 4: Planning Commission Rules

Planning Commission Rules

I. General Procedures.

A. Chair. The Chair will: 1) conduct the meetings, 2) set up special meetings, 3) control and conduct the public hearings as scheduled, and work with staff to prepare for the meeting. The term of the chair will be one year, and he or she will be elected at the first regular meeting after March 1st.

B. Vice Chair. The Vice Chair will assume the duties of the Chair in his or her absence. The term of the Vice Chair will be one year to be elected at the same time as the Chair.

C. Absence of Chair/Vice Chair. If neither the Chair nor the Vice Chair is able to preside at a meeting, the Chair shall designate the presiding officer for that meeting. If the Chair is unable to designate the presiding officer, then the Vice Chair shall do so. In the absence of the Chairman and Vice Chairman, the remaining members shall select an acting Chairman.

D. Vacancy of Chair/ Vice Chair. In the event the Chair or Vice Chair leaves office before their terms expire, the Planning Commission shall vote to determine the Chair and/or Vice Chair to fill the position for the remainder of the previous incumbent's term.

1 E. Agenda. The Planning Commission will use the same agenda format used by
2 the City Council. The item titled "Items from the Audience", will be an appropriate time
3 to hear citizen proposals related to the Zoning Code or other planning issues. Speakers on
4 any one item, or the amount of time allocated for testimony may be limited to a specified
5 amount of time at the discretion of the Chair.

6 F. Relationship with City Council. The Planning Commission may occasionally
7 attend the regularly scheduled meetings of the City Council and Council committees.
8 *Members may attend on a rotating basis and will report to the Planning Commission at*
9 *their next regular meeting.* In addition, the Planning Commission will meet with the City
10 Council on an annual basis with a report of activities and progress.

11 G. Relationship with Hearing Examiner. The Planning Commission should stay
12 informed of issues brought to the Hearing Examiner.

13 H. Time and Length of Meetings. Planning Commission meetings will begin at
14 7:00 p.m. and continue until 10:00 p.m. unless adjourned earlier. Continuation of
15 meetings past 10:00 p.m. will require approval of a motion by a majority of the members.

16 I. Regular Meeting Date. The Planning Commission will have regular business
17 meetings on the second and fourth Wednesday of each month and on other dates as
18 deemed necessary. Special meetings and study meetings may be held at any time and
19 location indicated in the public notices. The meetings will be held in the City Council
20 Chambers at the Redmond City Hall unless public notice is given that the meeting
21 location will be changed.

1 **II. Public Hearings.**

2 The format for public hearings conducted by the Planning Commission should be as
3 follows:

4 A. The Chair or a staff member should read or paraphrase the purpose of the
5 hearing and advise the Commission of the applicable criteria that it must consider in the
6 course of its review. The purpose of this is to advise the Commission before it receives
7 testimony of the particular items it should be considering during the course of the
8 hearing.

9 B. The hearing should begin with a staff report to the Planning Commission
10 which may include the staff's recommendation.

11 C. Commissioners should direct any questions they have at that time to the
12 staff.

13 D. The hearing should then be opened to permit the applicant to make a
14 presentation to the Planning Commission.

15 E. Questions from the Planning Commission should be directed to the
16 applicant.

17 F. At this time, the hearing should be opened to the audience as a whole. A sign
18 up list will be circulated before the meeting to determine the number of persons desiring
19 to speak, which may be weighed against the amount of time available for the public
20 hearing. A stated amount of time may be allocated to the hearing, and each person who

1 has signed up given an equal amount of time to speak, as determined by the Chair.
2 Persons who have signed up may waive their opportunity to speak to leave time for those
3 who wish additional time to speak. If the time allocated for the hearing is exhausted, the
4 hearing may be continued to another date if necessary. The sign up list shall provide the
5 name and address of speakers for the Secretary who is taking the minutes for the hearing.
6 In addition, it provides an orderly process for the calling of speakers and assures that each
7 person is given an opportunity to speak before those who have already spoken are
8 recognized again.

9 G. Each person speaking, whether it is the applicant or a member of the
10 audience, shall speak from the podium. Before speaking they should state their full name
11 and address. When all of the persons on the list have been called and have either waived
12 the opportunity to speak or have spoken, the Chair shall ask if there are any other persons
13 who desire to speak. If there are any, those persons should be allocated the same amount
14 of time as previous speakers if possible.

15 H. When everyone who wishes to speak has had an opportunity, the Chair may
16 ask if any persons who have already spoken desire to speak again if there is time
17 remaining.

18 I. Each person who speaks a second time or who responds to a question should
19 come to the podium and again re-identify themselves by name; however, restatement of
20 addresses is not necessary.

1 J. If, at the conclusion of the hearing the Chair determines that there may still
2 be additional persons wishing to speak or who may provide information, then the hearing
3 time for oral testimony or written testimony or both may be continued to a date certain in
4 the future. When members of the public have completed their testimony, and before
5 closing the hearing, the applicant or his/her representative should be given a brief
6 opportunity for rebuttal. If, upon conclusion of the rebuttal, the Chair determines that
7 there are no more questions for any member of the audience or the applicant, the hearing
8 may be closed or continued until after deliberation.

9 K. Any questions by Commission members to any member of the audience or
10 the applicant should be asked prior to the closing of the hearing. Once the hearing is
11 closed on a quasi-judicial matter, no additional testimony may be taken, and the Planning
12 Commission will be limited to questions to the staff only.

13 L. It should also be noted that proponents or opponents do have a right to
14 question persons who have given testimony at the hearing on a quasi-judicial matter.
15 These questions shall be directed to the Chair of the meeting and not directly to the
16 person who gave testimony. The Chair shall direct that person to come to the podium,
17 identify himself and give a response. At the conclusion of the response, any additional
18 questions from that person or other persons should be handled in the same manner. One
19 question at a time should be channeled through the Chair to the person whose response is
20 requested. Questions shall be limited to topics that are relevant to the issues in the quasi-
21 judicial proceeding. The Chair shall determine the relevance of all questions and may
22 order the termination of any discussion that is deemed irrelevant.

1 M. As photographs, maps, slides, letters, invoices, memorandums, petitions or
2 any other documents of any nature are presented to the Commission in connection with
3 the hearing, staff shall obtain a copy of each for the official record of the proceedings.

4 N. Commission members should be recognized by the Chair before asking
5 questions or providing other information. This allows for the Chair to specifically
6 recognize the Commission member by name who is about to speak, so that the record
7 accurately reflects who has spoken.

8 O. Commission members should avoid whispered conversations between
9 themselves during the course of the hearing. These conversations may not be audible on
10 the tape recording and may jeopardize the record of the hearing since they cannot be
11 interpreted. No use of e-mail or other social media communications between
12 Commissioners and/or Commissioners and others shall be allowed during the hearing.

13 P. During the course of deliberation following conclusion of the public hearing,
14 the Planning Commission should thoroughly discuss the pros and cons of the proposal
15 particularly in relation to the criteria to be applied, as defined by the Redmond
16 Comprehensive Plan, the Redmond Zoning Code or other guidelines as identified in the
17 Technical Committee Report.

18 Q. At the conclusion of deliberation, the Planning Commission should bring a
19 motion to the floor. If the motion is seconded, concluding discussion should follow.
20 The Chair may call upon each member to state his/her reasons for or against the
21 particular motion. At the conclusion of the discussion, the Chair should call for a vote
22 upon the motion.

1 R. At the conclusion of the vote and the announcement of the decision, the
2 Chair should close the hearing if not closed previously and should at the time advise the
3 audience that the recommendation will be submitted to the City Council, and further
4 public comment, either written or oral, will be governed by the Council's rules and
5 procedures. Once a motion has been made for a recommendation to be transmitted to the
6 City Council, any written materials received by the Planning Commission will be
7 disclosed at the next public meeting but will not be considered as part of the public record
8 on a quasi-judicial matter.

Exhibit 5: Technical Committee Rules

- I. Membership
- II. Review of Materials
- III. Meetings
- IV. Procedure for Submittal of Applications to the Technical Committee
- V. Decisions of the Technical Committee
- VI. Fees
- VII. Guidelines for EIS Preparation and Consultant Selection
- VIII. Review Criteria
- IX. Appeals

Exhibit A City of Redmond Technical Committee, Guidelines for EIS Preparation and Consultant Selection

As required by the Redmond Municipal Code, the Technical Committee hereby adopts the following operational rules and procedures:

I. Membership.

The Technical Committee shall be composed of the individuals as noted in RMC 4.50.030.

II. Review of Materials.

All application materials submitted to the Committee will be reviewed and circulated to the Technical Committee members to review by the Committee.

III. Meetings.

The Technical Committee shall meet every Wednesday at 9:30 a.m. in the Council Conference Room of City Hall unless members are otherwise notified. Meetings may be delayed, postponed or re-scheduled at the discretion of the Director of Planning or Director of Public Works.

The meetings will not be open to the public except by invitation. However, the Planning Director and Public Works Director may arrange to meet separately with applicants or interested citizens.

IV. Procedure for Submittal of Applications to the Technical Committee.

- A. Application Procedure. Applications to be submitted to the Technical Committee for review at a regular meeting must be submitted to the Planning Department no later than six working days prior to the meeting.

Where application requirements are not defined by the Zoning Code, the Planning Department will be responsible for maintaining a list of requirements.

B. *Scheduling.* Items that require Technical Committee review will not be scheduled until the application is deemed complete pursuant to the applicable application submittal requirements checklist. Applications will be scheduled within two weeks of the submittal date, unless the volume of applications is such that additional time is necessary. If the Technical Committee requires additional information, a letter stating the additional information shall be provided to the applicant. The application will be rescheduled upon submittal of the required information by the applicant.

V. Decisions of the Technical Committee.

Decisions of the Technical Committee shall be transmitted in written form to the applicant. All preliminary review and final approval letters must be reviewed and signed by the Director of Public Works and the Director of Planning or their designated representatives.

VI. Fees.

The Technical Committee shall periodically review fees for land use permit application review and other permit applications and submit a recommendation to the City Council.

When a land use permit application has been denied by the Technical Committee, revisions or alterations to that plan may be submitted to the Technical Committee without additional fees within six months of the original submittal.

VII. Guidelines for EIS Preparation and Consultant Selection.

When an EIS is required under the provisions of this law, procedures adopted by the Technical Committee and attached as Exhibit A shall apply.

VIII. Review Criteria.

The Technical Committee will analyze proposals in terms of conformance to codes, policies and specific review criteria established in RZC 21.76, Review Procedures.

IX. Appeals.

Appeals of final decisions of the Technical Committee may be made directly to the City Council under provisions of RZC 21.76.060(I) Appeals to Hearing Examiner on Type I and Type II Permits.

Exhibit A. City of Redmond Technical Committee Guidelines for Environmental Impact Statement (EIS) preparation and Consultant Selection. The Technical Committee has adopted the position that an individual proposing a project that requires an EIS should carry the cost burden of that EIS. The City may hire a consultant who reports directly to the City while preparing the EIS. Costs of printing are also expected to be paid by the applicant. However, it will be the responsibility of the City to distribute and mail the documents.

Control of Contents

The Technical Committee requires that control of the information compiled in the EIS should remain with the City. This ensures that an objective EIS is prepared in a professional manner, and reduces the problem of assuring adequacy of the statement. Under State law, the Technical Committee is designated as the "Responsible Official", and must be fully responsible for assuring the City's and the applicant's compliance with SEPA..

All requirements related to the contents of the EIS and procedures to be followed are contained in RZC 21.70, State Environmental Policy Act Procedures, and the Washington Administrative Code, SEPA Guidelines.

Notification of Qualified Consultants

After the Technical Committee has determined that an EIS is required, the Planning Department will assemble a short list of consultants who are qualified to prepare an EIS. The applicant may also submit a list of preferred consultants. No consultant will be considered who is presently involved in any consulting work with the applicant. A meeting may then be held with interested consultants to explain the EIS process and the proposed action, and request them to submit proposals on the scope of work and costs.

Selection of Consultant

Upon receipt of the proposals, the staff will review them for cost, experience, qualifications, work program, and proposed time to completion. The final choice of a consultant by the Technical Committee will be based on a combination of these factors and not on the lowest cost. However, every effort will be made by the staff to minimize costs while assuring a responsible document.

Award of Contract

After awarding the EIS contract to the most qualified consultant, the Technical Committee will notify the applicant of the selection. Signing of the contract will take place only after the applicant has guaranteed payment for work done under the contract. This can be done in a number of ways including a line of credit from a bank, transfer of funds to the City, etc. When the funds are in the City's control, the contract is signed by the City and the consultant, and submitted to the City Council for approval if necessary. Contracts will be fixed price only.

Final Payment

The City will pay the consultant a portion of the cost upon delivery of the draft EIS, and the remainder upon delivery of the final EIS. If there are funds remaining in the account, these will be transferred back to the applicant. If extra or unforeseen costs are incurred in the preparation of the EIS beyond those specified in the contract, a change order to the contract will be required and the applicant must guarantee the funds before EIS preparation continues.

Division of Lead Agency Responsibility

When an agreement has been made to share or divide lead agency status as provided by WAC 197-11-944, the Technical Committee may elect to use an alternative procedure for selection and management of consultants provided adequate control of the preparation process is maintained by the City's responsible officials.