



Memorandum

Date: 7/2/2024

Meeting of: Committee of the Whole - Planning and Public Works

File No. CM 24-303

Type: Committee Memo

TO: Committee of the Whole - Planning and Public Works

FROM: Mayor Angela Birney

DEPARTMENT DIRECTOR CONTACT(S):

Planning and Community Development	Carol Helland	425-556-2107
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DEPARTMENT STAFF:

Planning and Community Development	Seraphie Allen	Deputy Director
Planning and Community Development	David Lee	Current Development and Implementation Manager
Planning and Community Development	Todd Rawlings	Process Improvement Manager
Planning and Community Development	Tim McHarg	Principal Planner
Planning and Community Development	Kimberly Dietz	Principal Planner

TITLE:

Recommendations on Amendments to the Redmond Municipal and Zoning Code for Conformance with State Legislation: Senate Bill 5290 and House Bill 1293

OVERVIEW STATEMENT:

The City is required by state legislation to amend its development regulations for conformance with Senate Bill 5290 (SB-5290) and Housing Bill 1293 (HB-1293). This legislation involves project permit processes and design review of development projects.

☐ **Additional Background Information/Description of Proposal Attached**

REQUESTED ACTION:

☐ **Receive Information**

☒ **Provide Direction**

☐ **Approve**

REQUEST RATIONALE:

- **Relevant Plans/Policies:**

SB-5290 amends the Local Project Review Act, Chapter 36.70B RCW, with the intent to increase the timeliness and predictability of local project review. HB-1293's intent is also to increase timeliness of local project review specific to design review. Provisions in the Local Project Review Act apply to local governments, such as the City of Redmond, planning under the Growth Management Act (GMA) pursuant to RCW 36.70A.040.

- **Required:**

SB-5290

SB-5290 amends the Local Project Review Act, Chapter 36.70B RCW, with the intent to increase the timeliness and predictability of local project review. SB-5290's amendments are intended to modernize and streamline local project review. They are one of several bills that addressed land use and planning during the 2023-2024 legislative session. SB-5290 became effective on July 23, 2023, except for section 7 that will take effect on Jan. 1, 2025. SB-5290 includes:

- Updated local permit review timelines;
- Clarifications regarding the determination of completeness process;
- New exemption from site plan review for certain interior projects that contain no exterior alterations;
- Updated annual reporting requirements related to permit issuance; and
- Provisions requiring partial permit fee refunds for failure to timely process permit applications.

[Additional information including bill history is available here. <https://app.leg.wa.gov/billssummary?BillNumber=5290&Initiative=false&Year=2023>](https://app.leg.wa.gov/billssummary?BillNumber=5290&Initiative=false&Year=2023)

HB-1293

HB-1293 establishes standards for local design review for Growth Management Act (GMA)-planning counties and cities. Chapter 36.70A RCW is amended to include a definition of "design review" and provides that:

- Only clear and objective development regulations governing the exterior design of a new development are allowed in design review.
- The standards must have at least one ascertainable guideline, standard, or criterion by which an applicant can determine whether a given design is permissible.
- The design guidelines may not reduce density, height, bulk, or scale beyond the underlying zone.
- Design review must be conducted concurrently with consolidated project review and may not include more than one public meeting.

Expedited review is encouraged for developments that comply with adopted development regulations or are affordable to low- and moderate-income households. Affected counties and cities, such as Redmond, must comply with the requirements beginning six months after their next periodic update under the GMA.

[Additional information including bill history is available here. <https://app.leg.wa.gov/billssummary?BillNumber=1293&Year=2023&Initiative=false>](https://app.leg.wa.gov/billssummary?BillNumber=1293&Year=2023&Initiative=false)

- **Council Request:**

N/A

- **Other Key Facts:**

The Technical Committee's recommendation includes omission of the Design Review Board. This change maintains staff's design review process concurrent to project review for code compliance. Based on the combined requirements of SB-5290 and HB-1293, this recommendation streamlines both project review and design review in order to meet the time requirements set forth by the legislature.

Currently, the Design Review Board provides recommendations on several project types, often involving more than one public meeting:

- Mixed-use projects and large commercial development: three to four design review meetings;
- Small commercial development: two to three design review meetings; and
- Master sign programs: one design review meeting.

Preparation for the review process involves a three-week lead time including:

- Staff's design review for code conformance;

- Memo and recommendation development and review; and
- Meeting preparation with Design Review Board leadership, staff, and applicant teams.

The Design Review Board involves volunteers who meet twice monthly, in accordance with RMC 4.23 Design Review Board. The Board experiences challenges in meeting quorum in order to hold meetings and make formal recommendations. This causes delay in project decision making and has the potential to increase development costs.

The recommended omission of the Design Review Board is anticipated to ensure the City's compliance with SB-5290 and HB-1293 by:

- Providing concurrent project review and design review within the legislated timeframes;
- Consult with an on-call professional when additional design expertise is needed such as to support staff capacity or expertise; and
- Provide timely, clear, and concise recommendations regarding code compliance to the authorized decision-maker.

Companion amendments to RMC 4.33.040 Landmark Commissions - Appointment and Composition are also recommended in lieu of a Design Review Board. The City's interlocal agreement for Landmark Services with King County (#4672) authorizes the County to provide historic design review and other services related to historic resources at the City's request. The amendments also reflect one resident comprising the Redmond Landmark Commission and serving as a special member on the King County Regional Landmarks Commission for landmark, historic design review, and other historic services.

OUTCOMES:

Amendments to development regulations have been preempted by state legislation. The recommendations to amend the Redmond Municipal and Zoning Code are anticipated to provide conformance with individual legislative measures required by legislation for the City's adoption and implementation by January 1, 2025.

COMMUNITY/STAKEHOLDER OUTREACH AND INVOLVEMENT:

- **Timeline (previous or planned):**

Outreach and involvement included the following to community members, property and business owner, developers, parties of interest, and Parties of Record as defined in RZC 21.76 Review Procedures and 21.78 Definitions:

- Monthly newsletters with companion information available at <https://www.redmond.gov/2048/Redmond-Zoning-Code-Rewrite-Phase-3>;
- Direct email to RZC ReWrite stakeholders and parties of record;
- Information distributed by staff to customers of the Development Services Center;
- In-person communication with developers including the Master Builders King and Snohomish Counties;
- Washington Department of Commerce and associated agencies; and
- Planning Commission public hearing on May 29, 2024, and held open for written comment through June 12, 2024.

- **Outreach Methods and Results:**

Staff employed a variety of outreach methods as described above. No comments were received during preliminary involvement. One comment was provided by David Morton during the Planning Commission's

public hearing though the comment involved a portion of the Redmond Zoning Code that was not pertinent to the individual hearing. Staff subsequently communicated to Mr. Morton that his comment would be included with the relevant amendment series that is being reviewed separately by the Planning Commission.

- **Feedback Summary:**

Significant outreach and involvement occurred in association with the Legislature's enactment of the two bills. This included communication by the Washington Dept. of Commerce with local and county governments. Puget Sound Regional Council and the Municipal Research and Services Center provided similar communication to support city and county response to the legislative requirements. During this time, advocacy groups such as the Master Builders Association of King and Snohomish Counties received briefings and held member events regarding the intent and outcomes of the bills.

BUDGET IMPACT:

Total Cost:

No cost is initially anticipated to result in the City's action on the recommended amendments to the Redmond Municipal and Zoning Codes. However, the legislation requires that by January 1, 2025, the City must adopt and implement amendments to its development regulations specific to the provisions of SB-5290 and HB-1293. In the event that the City is unable to adopt the amendments by January 1, 2025, the legislature will preempt the City's permit review process until such time that the City adopts and implements the required provisions.

Approved in current biennial budget: ☒ Yes ☐ No ☐ N/A

Budget Offer Number:

0000042 Development Services

Budget Priority:

Vibrant & Connected

Other budget impacts or additional costs: ☒ Yes ☐ No ☐ N/A

If yes, explain:

The enacted legislation stipulates that if the City is unable to fully implement required provisions and meet the timeframes established by the legislation for permit review procedures, the City will be required to reimburse a portion of permit fees to individual applicants.

Funding source(s):

Permit Fees

Budget/Funding Constraints:

Reimbursement of permit fees

☐ **Additional budget details attached**

COUNCIL REVIEW:

Previous Contact(s)

Date	Meeting	Requested Action
N/A	Item has not been presented to Council	N/A

Proposed Upcoming Contact(s)

Date	Meeting	Requested Action
7/16/2024	Business Meeting	Provide Direction
9/10/2024	Study Session	Provide Direction
10/15/2024	Business Meeting	Approve

Time Constraints:

SB-5290 requires the City to adopt and implement amendments to its development regulations specific to the provisions of the bill by January 1, 2025.

ANTICIPATED RESULT IF NOT APPROVED:

In the event that the City is unable to adopt the amendments for conformance with the legislation by January 1, 2025, provisions of the legislation will preempt the City's permit review process until such time that the City adopts and implements the required provisions. The legislation also stipulates that if the City is unable to fully implement required provisions and meet the timeframes established by the legislation for permit review procedures, the City will be required to reimburse a portion of permit fees to individual applicants.

ATTACHMENTS:

1. Planning Commission Recommendation with Attachments
2. [Technical Committee Report <https://www.redmond.gov/DocumentCenter/View/32617/Legislative-Action-Form---Technical-Committee>](https://www.redmond.gov/DocumentCenter/View/32617/Legislative-Action-Form---Technical-Committee), May 8, 2024
 - a. [Staff Compliance Review <https://www.redmond.gov/DocumentCenter/View/32619/Attachment-A-Staff-Compliance-Review-and-Analysis-for-Legislative-Conformance>](https://www.redmond.gov/DocumentCenter/View/32619/Attachment-A-Staff-Compliance-Review-and-Analysis-for-Legislative-Conformance)
 - b. [Proposed Zoning and Municipal Code Changes <https://www.redmond.gov/DocumentCenter/View/32618/Attachment-B-Proposed-Zoning-and-Municipal-](https://www.redmond.gov/DocumentCenter/View/32618/Attachment-B-Proposed-Zoning-and-Municipal-)
 - i. [RZC 21.76 Review Procedures <https://www.redmond.gov/DocumentCenter/View/32554/RZC-21_76-Review-Procedures>](https://www.redmond.gov/DocumentCenter/View/32554/RZC-21_76-Review-Procedures)
 - ii. [RZC 21.58 Introduction Design Standards, Scope, and Authority <https://www.redmond.gov/DocumentCenter/View/32553/RZC-21_58-Introduction-Design-Standards-](https://www.redmond.gov/DocumentCenter/View/32553/RZC-21_58-Introduction-Design-Standards)
 - iii. [RZC 21.78 Definitions <https://www.redmond.gov/DocumentCenter/View/32555/RZC-21_78-Definitions>](https://www.redmond.gov/DocumentCenter/View/32555/RZC-21_78-Definitions)
 - iv. [RMC 4.23 Design Review Board <https://www.redmond.gov/DocumentCenter/View/32556/RMC-4_23-Design-Review-Board>](https://www.redmond.gov/DocumentCenter/View/32556/RMC-4_23-Design-Review-Board)
 - v. [RMC Sections Reflecting Omission of the Design Review Board <https://www.redmond.gov/DocumentCenter/View/32557/RMC-Sections-per-Omission-of-Design-Review-](https://www.redmond.gov/DocumentCenter/View/32557/RMC-Sections-per-Omission-of-Design-Review-)