

ARTICLE V REVIEW PROCEDURES

RZC 21.76 REVIEW PROCEDURES

- A. **How to Use This Chapter.** This chapter sets forth the procedural steps for each of the six processes which the City of Redmond uses to review development applications. In navigating this chapter, the user should:
1. First, determine the application that is required for the development the user is interested in by either reviewing descriptions of the various permit types found in RZC [21.76.050](#), *Permit Types and Procedures*, or by contacting the Development Services Center.
 2. Second, determine which process applies to the development application the user is interested in by using the table set forth in RZC [21.76.050.C](#), *Classification of Permits and Decisions - Table*.
 3. Third, determine the steps involved in processing the development application by consulting the flow chart for the selected process type in Figures 76.3 through 76.8.
 4. Fourth, determine the application submittal requirements by consulting RZC [21.76.030](#), *Application Requirements*.
 5. Fifth, review the detailed explanations of the steps set forth in the flow chart by reviewing RZC [21.76.060](#).
 6. Finally, review the land use actions and decision criteria set forth in RZC [21.76.070](#), *Land Use Actions and Decision Criteria*, in order to determine whether any of the criteria for any of the specific uses described in that section must be met.

Effective on: 4/16/2011

21.76.020 Overview of the Development Process

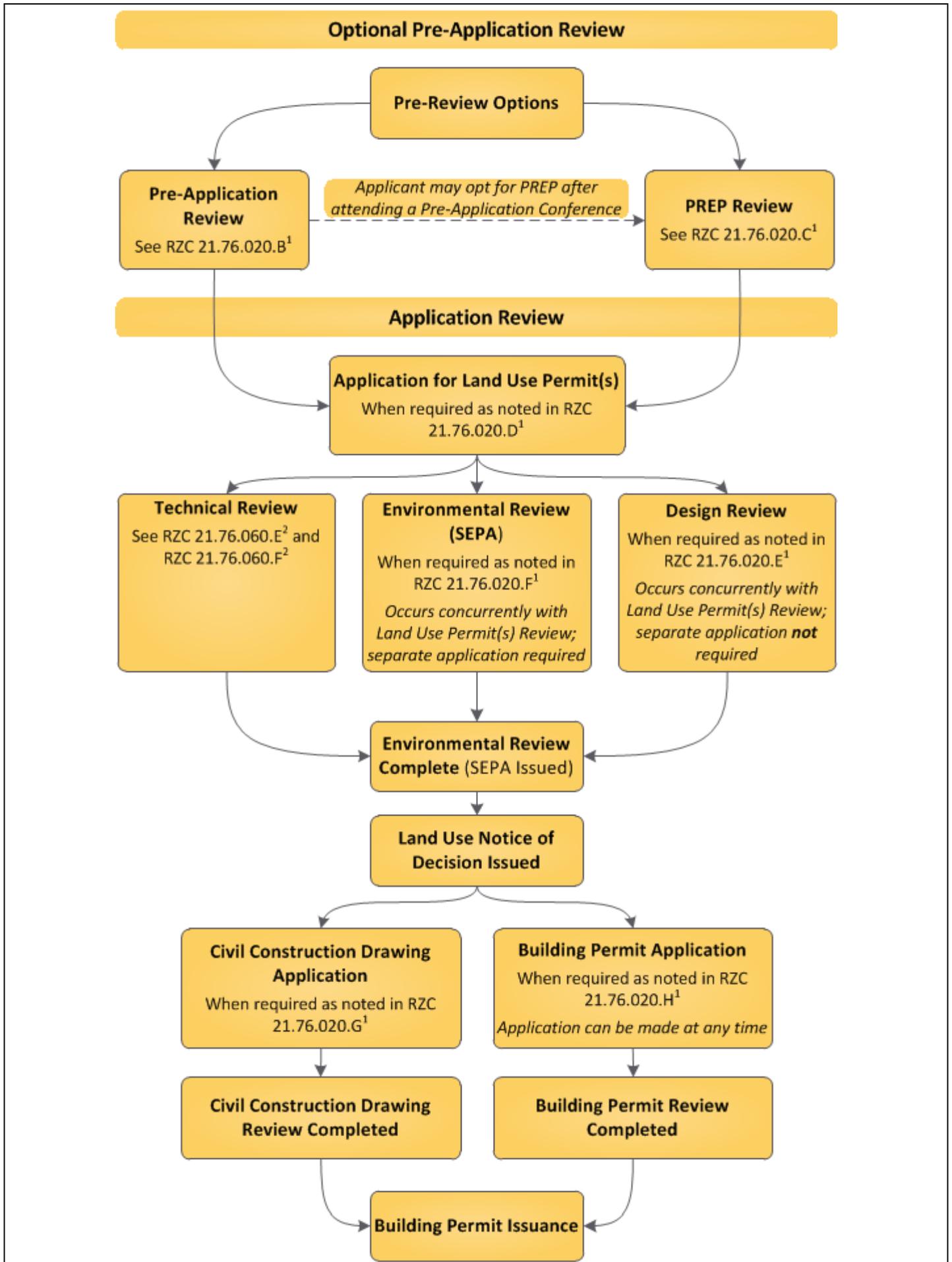
- A. **Purpose.** The purpose of this chapter is to provide a general overview of the development application review process. Detailed administrative review procedures for applications and land use actions classified as Type I through Type VI are outlined in RZC [21.76.050](#), *Permit Types and Procedures*.
1. **Process Flow Chart.** The flow chart in Figure 21.76.020A below generally depicts the overall review process for development. The process may vary for individual permits based upon the nature and complexity of the issues involved. This flow chart is therefore provided for general reference only.

Figure Notes:

Link to RZC 21.76.020

Link to RZC [21.76.060](#)

Figure 21.76.020A
Process Flow Chart-Overall Reviews of Development Applications



B. Pre-Application Conferences.



1. Purpose. The purpose of a pre-application conference is to provide applicants with the opportunity to meet with technical review staff prior to submitting an application, in order to review the proposed action, to become familiar with City policies, plans, and development requirements. Pre-application conferences are optional, but recommended for Type II-VI land use permits. Pre-application conferences may be requested for Type I applications. Pre-application procedures and submittal requirements shall be determined by the Administrator and available in the Redmond Development Services Center.
2. Design Review. When design review is required, a pre-application conference with the Design Review Board is recommended.
3. Limitations. It is impossible for the conference to be an exhaustive review of all potential issues. The discussions at the conference shall not bind or prohibit the City's future application or enforcement of all applicable regulations.

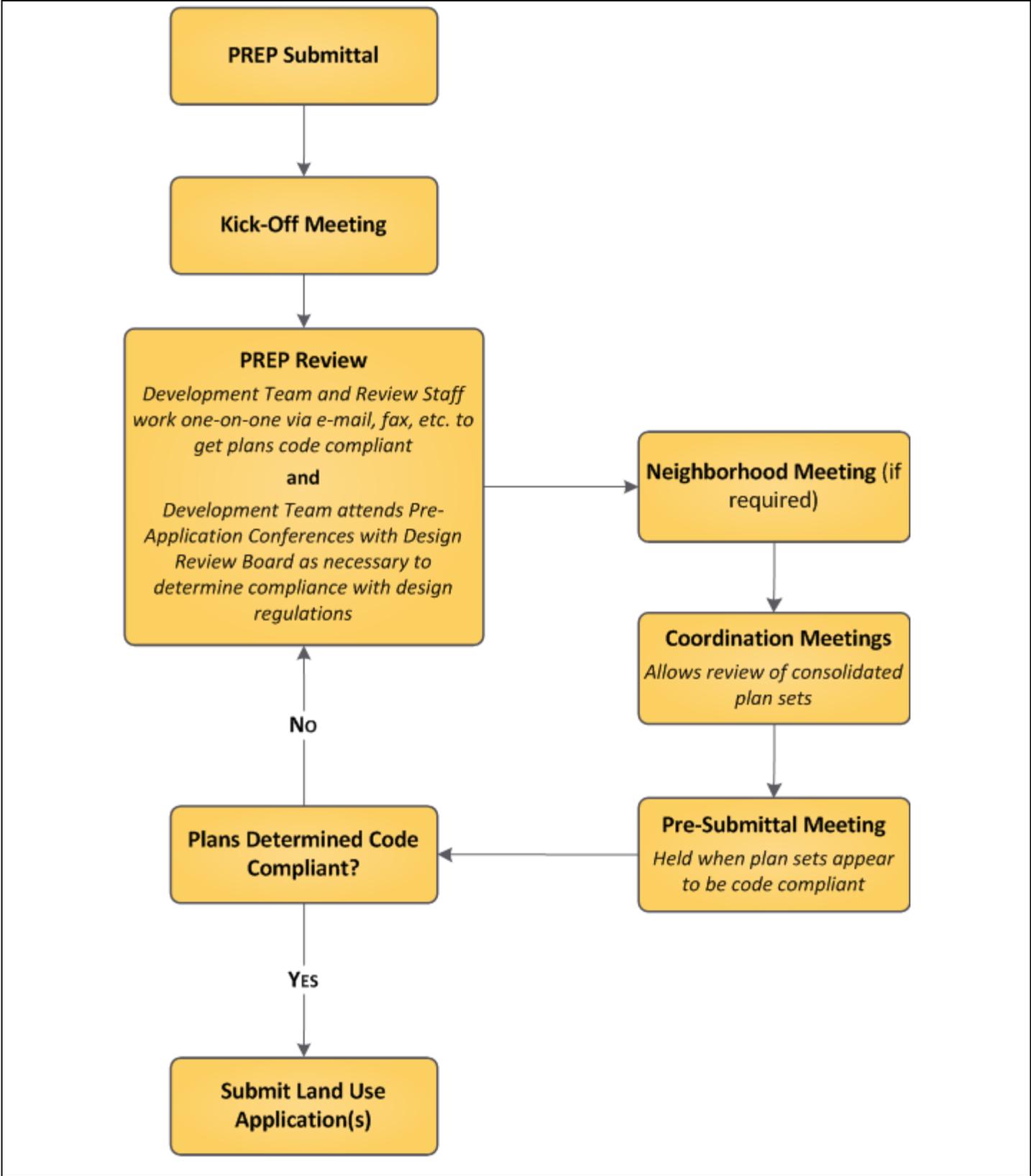
C. Pre-Review Entitlement Process (PREP).

1. Purpose. The purpose of the PREP process is to:
 - a. Assist applicants to prepare a code-compliant land use application;
 - b. Eliminate the City's need to request additional information that causes resubmittals, resubmittal fees, and further City review, and that extends project approval dates;
 - c. Approve or recommend approval of land use applications following one Technical Committee review; and
 - d. Reduce time frames for approval of land use applications by expediting issue resolution through one-on-one collaboration between applicants and City staff.
2. Overview. PREP review is an optional process for certain land use permits which requires applicants to work collaboratively with review staff and the Design Review Board (if required) to achieve a code compliant submittal prior to permit application. For PREP, an application must already be code-compliant and in approvable form to be considered complete. Upon submittal of the land use application, completion of environmental review and public notification takes place. Pending any changes that may result from public and/or environmental review, the Technical Committee will move forward to issue its decision or recommendation at the first Technical Committee and Design Review Board meetings following submittal of the land use application.
3. Eligibility. Any land use permit that is subject to resubmittal fees according to the adopted fee schedule is eligible for review under the PREP process.
4. Relationship to Pre-Application Meetings. Pre-application meetings are intended as a onetime meeting with review staff to obtain an overview of applicable regulations and process.

Applicants may choose to attend a pre-application meeting and opt in to the PREP process if they so desire.

5. Submittal Requirements. Applicants must submit the PREP Kickoff Meeting Submittal Form and required materials, along with the required fee, in order to initiate PREP review.
6. Memorandum of Understanding. After the PREP Kickoff Meeting and prior to beginning project review, the applicant must sign a Memorandum of Understanding in a form approved by the Administrator that:
 - a. Provides a description of the proposed project;
 - b. Identifies the applicant's project team and primary contact;
 - c. Declares turnaround time commitments for the applicant and the Development Services staff;
 - d. States requests for deviation from code requirements;
 - e. Identifies Development Services review staff assigned to the project;
 - f. Describes requirements for staying in PREP;
 - g. Describes vesting procedures; and
 - h. Describes Design Review Board procedures, if applicable.
7. Process Flow Chart. The flow chart in Figure 21.76.020B below generally depicts the PREP process. The process may vary for individual permits based on the nature and complexity of the issues involved. This flow chart is therefore provided for general reference only.

Figure 21.76.020B
Process Flow Chart-PREP

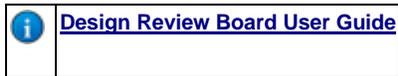


D. Land Use Permit Review Generally.

1. Purpose. The purpose of this section is to establish general procedures for reviewing all land use permit applications. The purpose of the land use permit review process is to determine compliance with the City's applicable development regulations, Comprehensive Plan provisions, as well as applicable RCW (Revised Code of Washington), and WAC (Washington Administrative Code) regulations. This section is not intended to include:
 - a. Requirements for compliance with the City's building and construction codes, RMC Title 15, *Buildings and Construction*, determined during building permit review, or
 - b. Requirements for civil construction drawing approval as described in RZC 21.76.020.G, *Civil Construction Drawing Review*.
2. Applicability. Review and approval of one or more land use permits is generally required for any public, semipublic or private proposal for new construction or exterior modification to a building or site, including multifamily, commercial, industrial, utility construction, expansion or exterior remodeling of structures, parking, or landscaping. Other actions requiring a land use permit include interior tenant improvements that propose additional square footage (such as a mezzanine), master plans, proposed development within the Shoreline Jurisdiction, subdivision of land or modification to property boundaries, construction of telecommunication facilities, modifications to historic landmarks and proposed variances or modifications from adopted code standards, such as site requirements, critical area regulations and shoreline regulations. Land use approval is also required for any proposed modification to the RZC (including the Zoning Map) or Comprehensive Plan (including the Comprehensive Land Use Map. Land use permit approval is not required for the following:
 - a. Signs not associated with a historic landmark or a historic design district;
 - b. Tenant improvements not associated with a historic landmark and not encompassing or triggering modification to the exterior of an existing building or site.
3. Site Plan Required. Where modifications to a site are proposed or required, a site plan shall be submitted as part of all permit and project approval applications with the information required in RZC 21.76.030.D, *Submittal Requirements*. Additional information may be required to conduct an adequate review. Each application shall be reviewed for compliance with the requirements in this chapter. Site plans shall be reviewed as part of the application approval process unless otherwise provided in this chapter.
4. Procedures. All applications shall be reviewed using the procedures set forth for the Type I through Type VI review processes in RZC 21.76.050, *Permit Types and Procedures*.
5. Decision.
 - a. The approval authority shall approve, approve with conditions, or deny the application based upon the applicable decision criteria. The approval authority may grant final approval subject to any conditions it feels necessary to protect and promote the health, safety, and general welfare of the community.
 - b. Such conditions may include, but are not limited to the following: the requirement of easements, covenants, and dedications; "fees-in-lieu-of"; the installation, maintenance and bonding of improvements, such as streets, landscaping, sewer, water, storm drainage,

underground wiring, sidewalks, and trails; and the recording of any conditions to achieve the objectives of the Redmond Zoning Code with the King County Department of Records and Elections.

E. Design Review.



6.

1. Purpose. The purpose of design review is to:

- a. Encourage and promote the public health, safety, and general welfare of the citizens of Redmond, including the development and coordination of municipal growth and services;
- b. Supplement the City's land use regulations in order to promote a coordinated development of the undeveloped areas of the City, and conserve and restore natural beauty and other natural resources;
- c. Encourage originality, flexibility, and innovation in site planning and development, including the architecture, landscaping, and graphic design of proposed developments in relation to the City or design area as a whole;
- d. Discourage monotonous, drab, and unsightly developments and to promote the orderliness of community growth, and the protection and enhancement of property values for the community as a whole and as they relate to each other;
- e. Aid in ensuring that structures, signs, and other improvements are properly related to their sites and the surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping and ensuring that proper attention is given to exterior appearances of structures, signs and other improvements;
- f. Protect the heritage of the City by ensuring that historic resources retain integrity, ensuring that developments adjacent to historic landmarks are compatible, and by encouraging design that is appropriate to historic design districts;
- g. Protect and enhance the City's pleasant environments for living and working, and thus support and stimulate business and industry, and promote the desirability of investment and occupancy in business and other properties;
- h. Stabilize and improve property values and prevent blight areas to help provide an adequate tax base to the City to enable it to provide required services to its citizens; and
- i. Foster civic pride and community spirit by reason of the City's favorable environment and thus promote and protect the peace, health, and welfare of the City and its citizens.

2. Applicability. Compliance with RZC [Article II, Design Standards](#), shall be required for all applications requiring a building permit for exterior modifications, new construction and signs, projects requiring a Level II or III Certificate of Appropriateness, and any private or public development within the Shoreline Jurisdiction. The following are exempt from this requirement:

- a. One- and two-unit residential structures unless the structure is a historic landmark; and
 - b. Tenant improvements not associated with a historic landmark or not encompassing modifications to the exterior of an existing building.
3. Review Authority.
- a. The Design Review Board shall have design review authority over all applications not exempt under subsection E.2 above that require a building permit and that have a total valuation of \$50,000 or more, except for the following:
 - i. Signs (other than sign programs); and
 - ii. Commercial buildings located within the Industrial (I) zone, unless the site is located in areas of high public visibility such as arterials.
 - b. The Landmarks and Heritage Commission shall have design review authority over designated historic landmarks as outlined in RZC [21.76.060.H](#), [21.76.060.J](#), and [21.76.060.M](#).
 - c. The Administrator shall have design review authority on all building permit applications that have a total valuation of less than \$50,000 and are not specifically exempt from design review in subsection E.2 above.
 - d. For projects reviewed by the Administrator that are not in compliance with the applicable design standards, the Administrator may refer the application to the Design Review Board for consultation. For Level I Certificates of Appropriateness, the Administrator may consult with or use the authority of the King County Historic Preservation Officer or other preservation expert with similar qualifications.
4. Procedure. Design review requiring review and decision by the Design Review Board shall be conducted as provided in RZC [21.76.060.G](#).
- F. **State Environmental Policy Act (SEPA) Review**. All applications shall be reviewed under the State Environmental Policy Act unless categorically exempt. The City's environmental review procedures are set forth in [RZC 21.70](#), *State Environmental Policy Act (SEPA) Procedures*.
- G. **Civil Construction Drawing Review**.
1. Purpose. The purpose of this section is to establish procedures for reviewing civil construction drawings for site improvements. Civil construction drawings are detailed engineering documents that are required for improvements to a particular site. Civil construction drawings are reviewed through the Coordinated Civil Review Process.
 2. Applicability. Civil Construction Drawing Review shall be required for all proposals that require construction or modification of streets, sidewalks, storm drainage, utilities, or any other surface or subsurface improvements that may be required.
 3. Procedures.
 - a. After approval of the land use permit, civil construction drawings, if required, shall be submitted for review and approval, prior to issuance of a building permit or clearing and grading permit. Civil construction drawings may be submitted prior to approval of the land use permit, subject to Technical Committee approval.

- b. The submittal requirements for civil construction drawings are available at the Development Services Center, as well as in the development permit approval documents.
- c. Civil construction drawings shall be approved only after review and approval of a land use permit application has been issued by the appropriate decision making body. Civil construction drawings shall be reviewed to determine compliance with the approved land use permit.
- d. Civil construction drawings shall be approved only upon completion of the environmental review process required under the State Environmental Policy Act (SEPA).

H. Building Permit Review.

1. Purpose. The purpose of this section is to establish procedures and requirements for administering and enforcing building and construction codes.
2. Applicability. A building permit shall be obtained whenever required under the International Building Code or International Residential Code, as adopted in RMC Chapter 15.08, Building Code.
3. Scope. This section shall govern all building and construction codes procedures and shall control in the event there are conflicts with other administrative, procedural and enforcement sections of the Redmond Zoning Code.
4. Procedures.
 - a. All land use permits required by the RZC must be obtained before any building or construction permit may be issued.
 - b. The Administrator shall review building permit applications for signs and may, at the Administrator's option, submit such applications to the Technical Committee and the Design Review Board for review.
 - c. All building and construction permits shall comply with the approved land use permit(s), if a land use permit is required.
 - d. Building permits may only be approved when the approval of the civil construction drawings, if required, has been granted.
5. Complete Applications and Compliance Review. Upon the submittal of all required documents and fees for construction and/or final application approval, the appropriate City department shall review such submittals to determine if the application is complete. The appropriate department shall determine compliance with all requirements, standards, and conditions of any previous or preliminary approvals before making a decision on the application.
6. Preconstruction Conference. Prior to undertaking any clearing, grading or construction, or any other improvements authorized by preliminary or final approval, the applicant or his representative shall meet with the Technical Committee, or individual departments, regarding City standards and procedures, conditions of approval, and the proposed scheduling of development.
7. Performance Assurance. Performance assurance may be required as provided in RZC [21.76.090.F](#), *Performance Assurance*.

([Ord. 2803](#))

Effective on: 4/16/2011

21.76.030 APPLICATION REQUIREMENTS

- A. **Purpose.** The purpose of this section is to describe the requirements for making application for review, including pre-application conferences, submittal requirements, and fees.
- B. **Where to Apply.** Applications for development permits and other land use actions shall be made to the Redmond Development Services Center.
- C. **Who May Apply.** The property owner or any agent of the owner with authorized proof of agency may apply for a permit or approval under the type of process specified.
- D. **Submittal Requirements.**
1. The Administrator shall specify submittal requirements needed for an application to be complete. Submittal requirements for each permit application shall be available in the Development Services Center. At a minimum the following shall be submitted:
 - a. General application form, including signature by the property owner, or person having authorization to sign on behalf of the property owner;
 - b. Applicable fees;
 - c. Environmental checklist (if not exempt);
 - d. Applicable signatures, stamps or certifications;
 - e. All required items stated in the applicable application submittal requirements handout.
 2. Specific submittal requirements may be waived if determined to be unnecessary for review of an application. Alternatively, the Administrator may require additional material when the Administrator determines, after a determination of completeness is issued, that such information is needed to adequately assess the proposed project.
 3. Submittal requirements for short subdivision and preliminary plat applications are set forth in RZC Article IV, Land Division.
- E. **Application and Inspection Fees.**
1. Fee Schedule.
 - a. The schedule of fees adopted pursuant to this section shall govern assessment of fees to cover costs incurred by the City in considering action on land use and development applications. This schedule is available in the Redmond Development Services Center.
 - b. With respect to land use permit applications, building inspection, electrical, mechanical, and plumbing permit fees, the Administrator (Director of Planning and Community Development) is hereby authorized to promulgate fee schedules and to revise periodically the same as needed in light of costs of administering said permit systems, subject to approval of the City Council by resolution. With respect to clearing and grading, and site construction and inspection permit fees, the Director of the Department of Public Works is hereby authorized to promulgate fee schedules and to revise periodically the same as needed in light of costs of administering said permit systems, subject to approval of the City Council by resolution. Said Directors may alternatively elect

to utilize the fee schedule set forth in the applicable uniform code when such code has been adopted by ordinance.

2. Fee Administration.

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

3. Fee Exemptions.

- a. When a City department applies for a permit required by RZC [Article](#), *Zone-Based Regulations*; RZC [Article I](#), *Citywide Regulations*; RMC Chapter 15.08, *Building Code*; and RZC [Article V](#), *Review Procedures*, the department shall not be required to pay application fees. Where an application will require substantial review time or expenditures, the Administrator may require that the department applying for the permit reimburse the departments reviewing the application for some or all of the time and costs expended in the review.
- b. For housing projects that meet the requirements of this subsection, application fees shall not be required for any permit required by RZC [Article](#), *Zone-Based Regulations*; RZC [Article I](#), *Citywide Regulations*; RMC Chapter 15.08, *Building Code*; and RZC [Article V](#), *Review Procedures*.
 - i. The housing will be ultimately owned by households earning 60 percent of the King County median family income adjusted for household size, nonprofit organizations, or public agencies.
 - ii. The housing will remain affordable to households earning 60 percent or less of the King County median family income adjusted for household size for at least five years. The Administrator may condition the project for a longer period of time if needed to recover the community's investment.

- iii. The housing will help meet an unfulfilled portion of Redmond’s affordable housing targets.
 - iv. The location will meet Redmond’s policies and zoning for the proposed housing type and density.
 - v. The proposal will result in a benefit to the community.
 - vi. The waiver will not result in an unacceptable adverse impact on the service providers funded by the fees proposed for a waiver.
- c. For environmental restoration or enhancement projects that meet the requirements of this subsection, application fees shall not be required for any permit required by RZC [Article](#), *Zone-Based Regulations*; RZC [Article I](#), *Citywide Regulations*; RMC Chapter 15.08, *Building Code*; and RZC [Article V](#), *Review Procedures*.
- i. The project will be carried out by nonprofit organizations, volunteer groups, or other persons or groups demonstrating similar intent.
 - ii. The applicant shall demonstrate that the primary purpose of the project is environmental restoration or enhancement.
 - iii. The project will help meet an unfulfilled habitat restoration need identified by the City.
 - iv. The project and its location shall meet all applicable policies and regulations.
 - v. The proposal will result in a benefit to the community.
 - vi. The waiver will not result in an unacceptable adverse impact on the service providers funded by the fees proposed for a waiver.
- d. Temporary use permit applications for off-site construction employee parking are exempt from the payment of application fees if all of the following requirements are met:
- i. The construction site where the construction employees will be working is located in the Downtown or Overlake neighborhoods.
 - ii. The developer/general contractor is responsible for providing/organizing transportation for construction employees between the parking site and construction site.
 - iii. The developer/general contractor is responsible for obtaining any necessary lease/permission from the property owner to park on the off-site parking location.
- e. Any request for a fee waiver shall be made in writing when the application is filed.
- f. The Administrator may condition a waiver to ensure the project will meet the requirements of this subsection or to lessen impacts on the service providers funded by the fees that are waived.

Effective on: 4/16/2011

21.76.040 TIME FRAMES FOR REVIEW

	Permit Processing Timelines User Guide

- A. **Purpose.** The purpose of this chapter is to comply with RCW 36.70B.070 and 36.70B.080, which require that a time frame be established to ensure applications are reviewed in a timely and predictable manner. This chapter establishes the time frame and procedures for a determination of completeness and final decision for Type II, III, IV and V reviews, except where the review involves a development agreement or a land use permit for which a development agreement is required. No time frames are established by this chapter for Type I or Type VI reviews or for the review of development agreements or land use permits for which a development agreement is required. See also, RZC [21.68.200](#), *Shoreline Administration and Procedures*.
- B. **Computing Time.** Unless otherwise specified, all time frames are indicated as calendar days, not working days. For the purposes of computing time, the day the determination or decision is rendered shall not be included. The last day of the time period shall be included unless it is a Saturday, Sunday, or a day designated by RCW 1.16.050 or by the City's ordinances as a legal holiday, in which case it also is excluded, and the time period concludes at the end of the next business day.
- C. **Complete Application Review Time Frame.** The following procedures shall be applied to new applications to which this chapter applies.
1. Applications shall only be accepted during a scheduled appointment and deemed complete only when all materials are provided in accordance with the applicable application submittal requirements brochure. For applications deemed complete, a determination of completeness shall be issued. For applications deemed incomplete, a determination of incompleteness will be issued identifying the items necessary to complete the application. The applicant has 90 days to submit the required items to the City. While RCW 36.70B.070 requires that a determination of completeness or incompleteness be issued within 28 days after the application is filed, the City makes every effort to issue such determinations sooner than required, and maybe able to issue a determination on the same day as the application is filed.
 2. If a determination of completeness or a determination of incompleteness is not issued within the 28 days, the application shall be deemed complete at the end of the twenty-eighth (28th) day.
 3. When a determination of incompleteness has been issued advising an applicant that additional items must be submitted before an application can be considered complete, the applicant shall be notified within 14 days after receipt of such additional items whether the application is then complete or whether additional items are still needed.
 4. An application is complete for purposes of this section when it meets the submittal requirements established by the Administrator and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the Administrator from requesting additional information or studies either at the time of the determination of completeness or subsequently, if new information is required to complete review of the application or substantial changes in the permit application are proposed.
 5. To the extent known by the City, other agencies with jurisdiction over the project permit application shall be identified in the City's determination of completeness required by subsection C.1 of this section.

D. Application Review and Decision Time Frame.

1. Decisions on Type II, III, IV or V applications, except applications for short plat approval, preliminary plat approval, or final plat approval, applications for development agreements and applications for land use permits for which a development agreement is required, shall not exceed 120 days, unless the Administrator makes written findings that a specified amount of additional time is needed for processing of a specific complete land use application or unless the applicant and the City agree, in writing, to an extension. Decisions on short plat approval and final plat approval shall not exceed 30 days and decisions on preliminary plat approval shall not exceed 90 days. For purposes of calculating timelines and counting days of permit processing, the applicable time period shall begin on the first working day following the date the application is determined to be complete pursuant to RZC 21.76.040.C, *Complete Application Review Time Frame*, and shall only include the time during which the City can proceed with review of the application.
2. Appeals. The time period for consideration and decision on appeals shall not exceed:
 - a. Ninety (90) days for an open record appeal hearing; and
 - b. Sixty (60) days for a closed record appeal;
 - c. The parties may agree in writing to extend these time periods. Any extension of time must be mutually agreed upon by the applicant and the City in writing.
3. Exemptions. The time limits established in this title do not apply if a project permit application:
 - a. Requires approval of the siting of an essential public facility as provided in RCW 36.70A.200;
 - b. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete.
4. See also RZC [21.68.200](#), *Shoreline Administration and Procedures*.

E. Calculating Decision Time Frame. In determining the number of days that have elapsed after the City has notified the applicant that the application is complete for purposes of calculating the time for issuance of the decision, the following periods shall be excluded:

1. Any period during which the applicant has been requested by the City to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the City notifies the applicant of the need for additional information until the earlier of the date the City determines whether the additional information satisfies the request for information or 14 days after the date the information has been provided to the City;
2. If the City determines that the information submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies, and the procedures under subsection E.1 of this section shall apply as if a new request for information had been made;
3. Any period during which an Environmental Impact Statement is being prepared following a Determination of Significance pursuant to RCW Chapter 43.21C, or if the City and the applicant in writing agree to a time period for completion of an Environmental Impact Statement;
4. Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed.

5. (Ord. 2652)

Effective on: 4/28/2012

21.76.050 PERMIT TYPES AND PROCEDURES

- A. **Purpose.** The purpose of this chapter is to provide detailed administrative review procedures for applications and land use permits classified as Types I through VI.
- B. **Scope.** Land use and development decisions are classified into six processes based on who makes the decision, the amount of discretion exercised by the decision maker, the level of impact associated with the decision, the amount and type of input sought, and the type of appeal opportunity generally as follows:

Table 21.76.050A Permit Types						
	Permit Type					
	Type I Administrative	Type II Administrative	Type III Quasi- Judicial	Type IV Quasi- Judicial	Type V Quasi-Judicial	
TABLE NOTES:						
1. Shoreline Substantial Development Permits, Shoreline Variances, and Shoreline Conditional Use Permits are appealable directly to the State <u>Shorelines</u> Hearings Board.						
2. Landmarks Commission makes decisions for Certificate of Appropriateness Level III permits.						
Level of Impact and Level of Discretion Exercised by decision maker	Least level of impact or change to policy/regulation. Least level of discretion.				Potential for greatest level of impact due to changes in regulation or policy. Greatest level of discretion.	
Input Sought	Minimal-generally no public notice required. No public hearing.	Notice of Application provided. No public hearing. Neighborhood meeting only required for <u>short plats</u> meeting certain criteria.	Notice of Application provided. Neighborhood meeting <u>may</u> be required. Public hearing is required.	Notice of Application provided. Neighborhood meeting may be required. Public hearing is required.	Notice of Application provided. Neighborhood meeting may be required. Public hearing is required.	Notice of Public Hearing provided.
Public Hearing prior to Decision?	No	No	Yes, Hearing Examiner (or Landmarks Commission) ²	Yes, Hearing Examiner	Yes, <u>City Council</u>	Yes, Planning Commission
Decision Maker	Appropriate Department	<u>Technical Committee</u>	Hearing Examiner (or Landmarks Commission) ²	City Council	City Council	City Council
Administrative Appeal Body	Hearing Examiner (Hearing Examiner decision on appeal may be appealed to	Hearing Examiner ¹ (Hearing Examiner decision on appeal may be appealed	City Council ¹	None (decision appealable to Superior Court)	None (decision appealable to Superior Court)	None (decision appealable to Superior Court)

Table 21.76.050A Permit Types						
Permit Type						
	Type I Administrative	Type II Administrative	Type III Quasi- Judicial	Type IV Quasi- Judicial	Type V Quasi-Judicial	
	City Council Superior Court)	to City Council Superior Court)				

- C. **Classification of Permits and Decisions - Table.** The following table sets forth the various applications required and classifies each application by the process used to review and decide the application.

Type I - RZC 21.76.050.F:	Administrative Approval, Appropriate Department is Decision Maker
Type II - RZC 21.76.050.G:	Administrative Approval, Review and Decision by Technical Committee and Design Review Board or Landmarks Commission*
Type III - RZC 21.76.050.H:	Quasi-Judicial, Decision by Hearing Examiner or Landmarks and Heritage Commission*
Type IV - RZC 21.76.050.I:	Quasi-Judicial, Recommendation by Hearing Examiner, Decision by City Council
Type V - RZC 21.76.050.J:	Quasi-Judicial, Decision by City Council
Type VI - RZC 21.76.050.K:	Legislative, recommendation by Planning Commission, Decision by City Council
*for properties with a Designation of Historic Significance, please refer to RZC 21.76.060.H , <i>Landmarks and Heritage Commission Determination/Decisions</i> .	

Table 21.76.050B Classification of Permits and Decisions		
Permit Type	Process Type	RMC Section (if applicable)
Administrative Interpretation	I	
Administrative Modification	II	
<u>Alteration</u> of Geologic Hazard Areas	III	
<u>Binding Site Plan</u>	II	
<u>Boundary Line Adjustment</u>	I	
<u>Building Permit</u>	I	RMC 15.06

Attachment F

Certificate of Appropriateness Level I	I	
Certificate of Appropriateness Level II	II	
Certificate of Appropriateness Level III	III	
Clearing and <u>Grading</u> Permit	I	RMC 15.24
<u>Comprehensive Plan</u> Map and/or Policy Amendment	VI	
Conditional Use Permit	IV III	
Development Agreement	V	
Electrical Permit	I	RMC 15.12
<u>Essential Public Facility</u>	IV	
Extended Public Area Use Permit	I	RMC 12.08
Flood Zone Permit	I	RMC 15.04
<u>Historic Landmark</u> Designation	III	
<u>Home Business</u>	I	
Hydrant Use Permit	I	RMC 13.16.020
International Fire Code Permit	I	RMC 15.06
<u>Master Planned Development</u> See RZC 21.76.070.P	II, III, IV or V	
Mechanical Permit	I	RMC 15.14
<u>Plat</u> Alteration	V	
Plat Vacation	V	
Plumbing Permit	I	RMC 15.16
<u>Preliminary Plat</u>	III	
Reasonable Use Exception See RZC 21.76.070.U	I,II, III, IV or V	
<u>Right-of-Way</u> Use Permit	I	RMC 12.08
Sewer Permit	I	RMC 13.04
Permit Type	Process Type	RMC Section (if applicable)
Shoreline Conditional Use Permit	III	
Shoreline Exemption	I	
Shoreline Substantial Development Permit	II	
Shoreline Variance	III	

Short Plat	II	
<u>Sign</u> Permit/Program	I	
<u>Site</u> Plan Entitlement	II	
Special Event Permit	I	RMC 10.60
<u>Structure</u> Movement Permit I-IV	I	RMC 15.22
<u>Temporary Use</u> Permit (Long-Term)	V	
Temporary Use Permit (Short-Term)	I	
<u>Tree Removal</u> Permit	I	
Variance	III	
Water Permit	I	RMC 13.08
Willows Rose Hill Demonstration Project	III	
<u>Wireless Communication Facility</u> Permit I	I	
Wireless Communication Facility Permit II	II	
Zoning Code Amendment-Zoning Map (consistent with Comprehensive Plan)	IV	
Zoning Code Amendment (text)	VI	
Zoning Code Amendment (that requires a Comprehensive Plan Amendment)	VI	

D. **Permits and Actions Not Listed.** If a permit or land use action is not listed in the table in RZC 21.76.050.C, *Classification of Permits and Decisions*, the Administrator shall make a determination as to the appropriate review procedure based on the most analogous permit or land use action listed.

E. **Consolidated Permit and Appeal Process.**

1. Where this Code requires more than one land use permit for a given development, all permit applications (except Type I applications) may be submitted for review collectively according to the consolidated review process established by this section.
2. Where two or more land use applications for a given development are submitted for consolidated review, the review shall be conducted using the highest numbered process type applicable to any of the land use applications, provided that each land use application shall only be subject to the relevant decision criteria applicable to that particular development application. For example, a development proposal that includes a Type II application and a Type III application shall be reviewed using the Type III process, but the Type II application shall be decided based on the relevant decision criteria applicable to the Type II application. If two or more land use applications are consolidated for review, the highest application review and decision timeframe as outlined within RZC [21.76.040.D](#) shall apply.
3. When the consolidated process established by this section is used, the City shall issue single, consolidated notices, staff reports, and decision documents encompassing all of the land use

applications under review. Except as provided in subsection E.5 below, the applications shall be considered in a single, consolidated open record public hearing and shall be subject to no more than one consolidated closed record appeal.

4. Where a development requires more than one land use permit but the applicant elects not to submit all applications for consolidated review, applications may be submitted and processed sequentially, provided that the permit subject to the highest numbered process type must be submitted and obtained first, followed by the other permits in sequence from the highest numbered type to the lowest.
5. Where a development proposal requires a zoning map amendment, the zoning map amendment must be considered and approved by the Hearing Examiner and City Council before any hearing is held or decision is made on any related application for a conditional use permit, subdivision, variance, master planned development, site plan entitlement, or other similar quasi-judicial or administrative action. This subsection is intended to be a “procedural requirement” applicable to such actions as contemplated by RCW 58.17.070.
6. All appeals of project permit decisions for a single project shall be consolidated and heard together in a single appeal, except for appeals of environmental Determinations of Significance. Where a Determination of Significance (DS) is appealed, the appeal shall be heard by the Hearing Examiner using the Type II review process prior to any consideration of the underlying application. Where a Determination of Non-Significance (DNS) or the adequacy of an Environmental Impact Statement (EIS) is appealed, the hearing on the appeal shall be consolidated with any open record public hearing to be conducted on the underlying application.

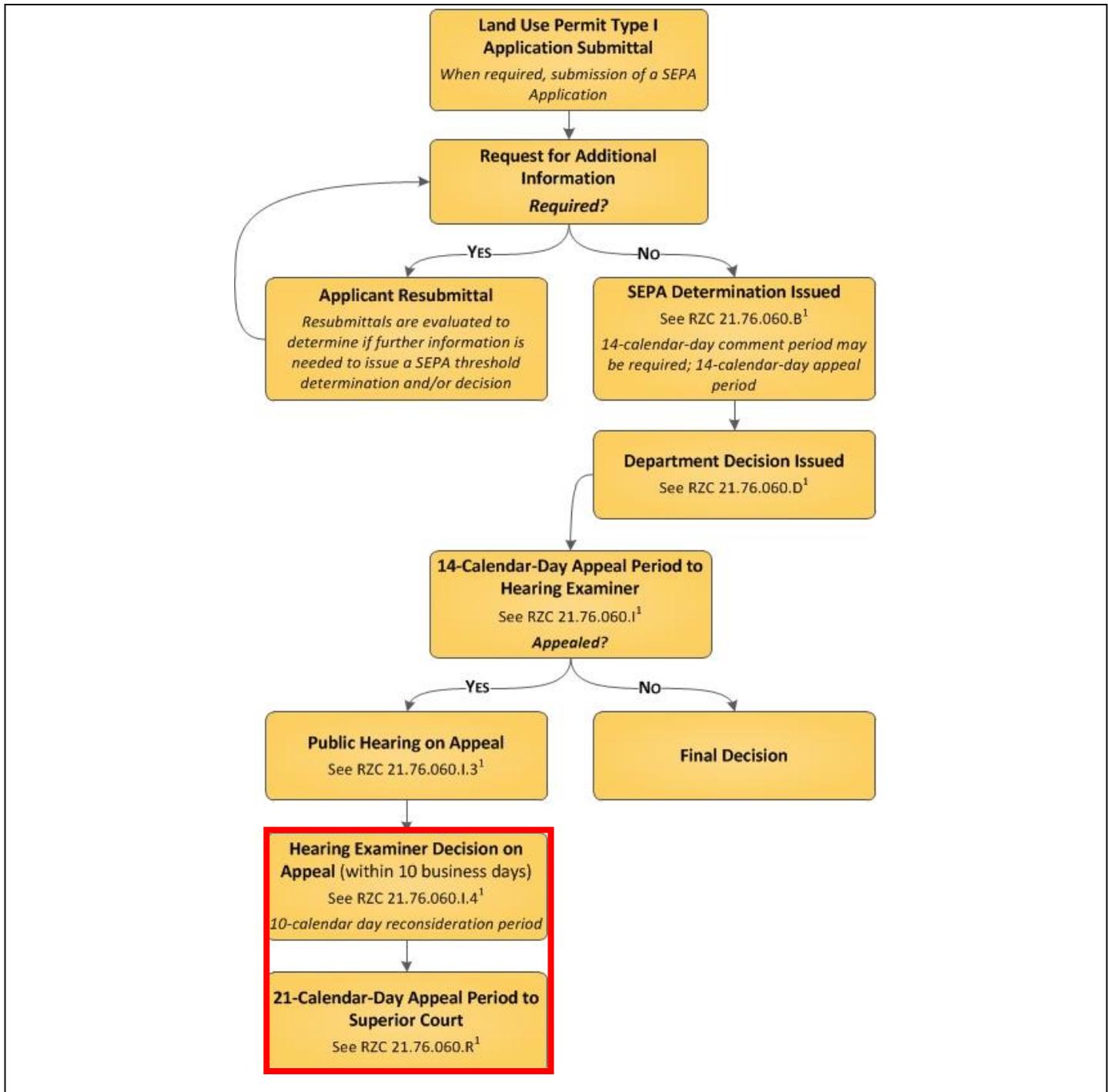
F. Type I Review.

1. Overview of Type I Review. A Type I process is an administrative review and decision by the appropriate department director or designee. These are applications which are categorically exempt from review under the State Environmental Policy Act (SEPA) or permits for which environmental review has been completed in connection with another application. Appeals of Type I decisions are made to the Hearing Examiner in an open record hearing. Appeal decisions of the Hearing Examiner may be appealed to ~~the City Council in a closed record appeal proceeding~~ the King County Superior Court. Type I reviews are exempt from the procedures of RZC 21.76.040, *Time Frames for Review*.
2. Process Flow Chart. The flow chart below in Figure 21.76.050A depicts the process that will be used to review a typical Type I land use permit. The process may vary for individual permits based on the nature and complexity of the issues involved. This flow chart is therefore provided for general reference only. More detail on each of the steps is provided in RZC 21.76.060, *Process Steps and Decision Makers*.

Figure Notes:

Link to RZC [21.76.060](#)

Figure 21.76.050A
Flow Chart for Type I Process



G. Type II Review.

1. Overview of Type II Review. A Type II process is an administrative review and decision by the Technical Committee and, when required, by the Design Review Board or the Landmarks and Heritage Commission. Depending on the application, the Technical Committee may require a neighborhood meeting to obtain public input. Except for Certificates of Appropriateness related to historic structures, public notification is provided at the application and decision stages of review. Environmental review is conducted, when required. Appeals of Type II

decisions are made to the Hearing Examiner in an open record hearing. Appeal decisions of the Hearing Examiner may be appealed to the ~~City Council~~ **King County Superior Court**.

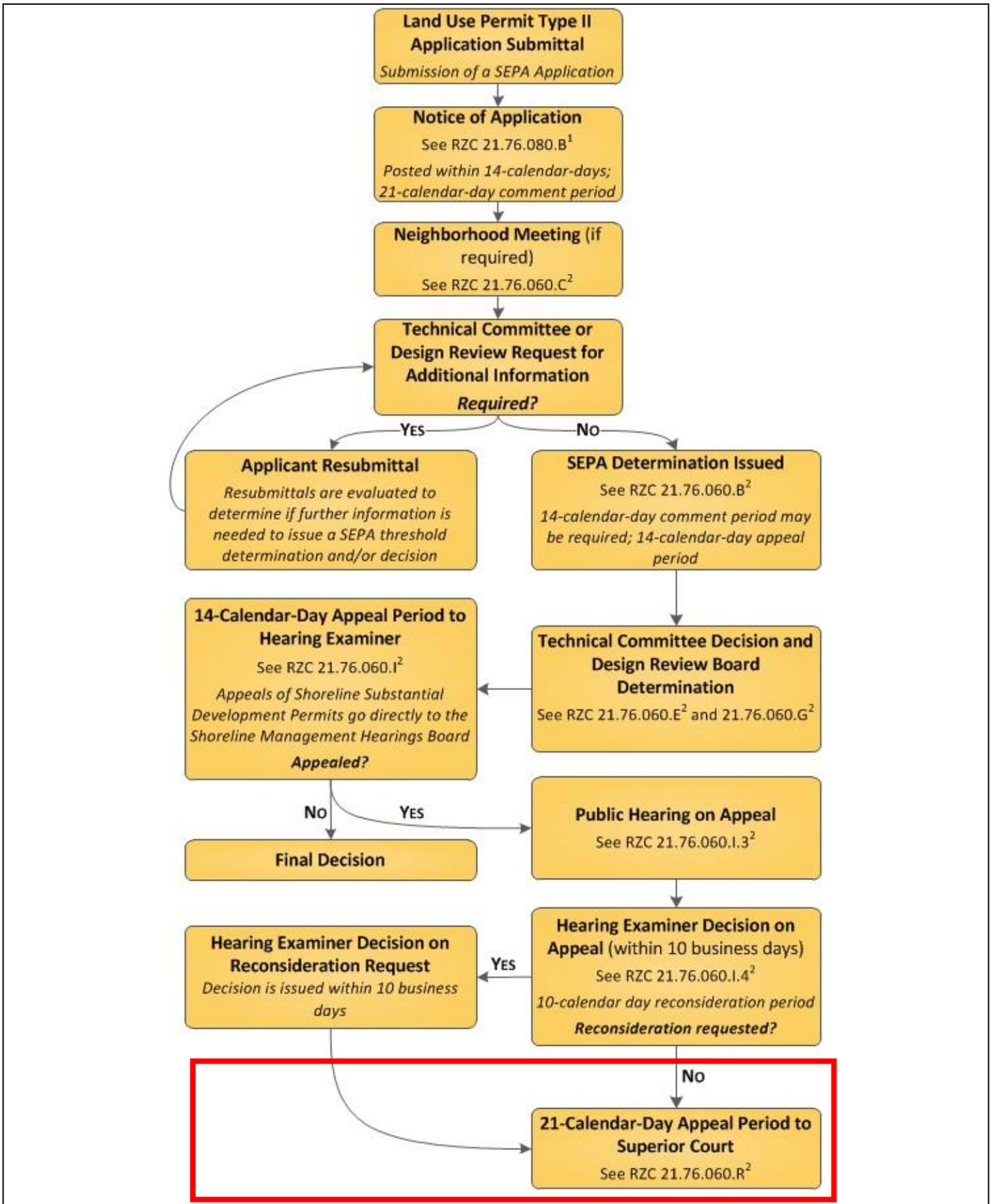
2. Process Flow Chart. The flow chart below in Figure 21.76.050B generally depicts the process that will be used to review a typical Type II land use permit. The process may vary for individual permits based on the nature and complexity of the issues involved. This flow chart is therefore provided for general reference only. More detail on each of the steps is provided in RZC [21.76.060](#), *Process Steps and Decision Makers*, and RZC [21.76.080](#), *Notices*.

Figure Notes:

Link to RZC [21.76.080](#)

Link to RZC [21.76.060](#)

Figure 21.76.050B
Flow Chart for Type II Process



H. Type III Review.

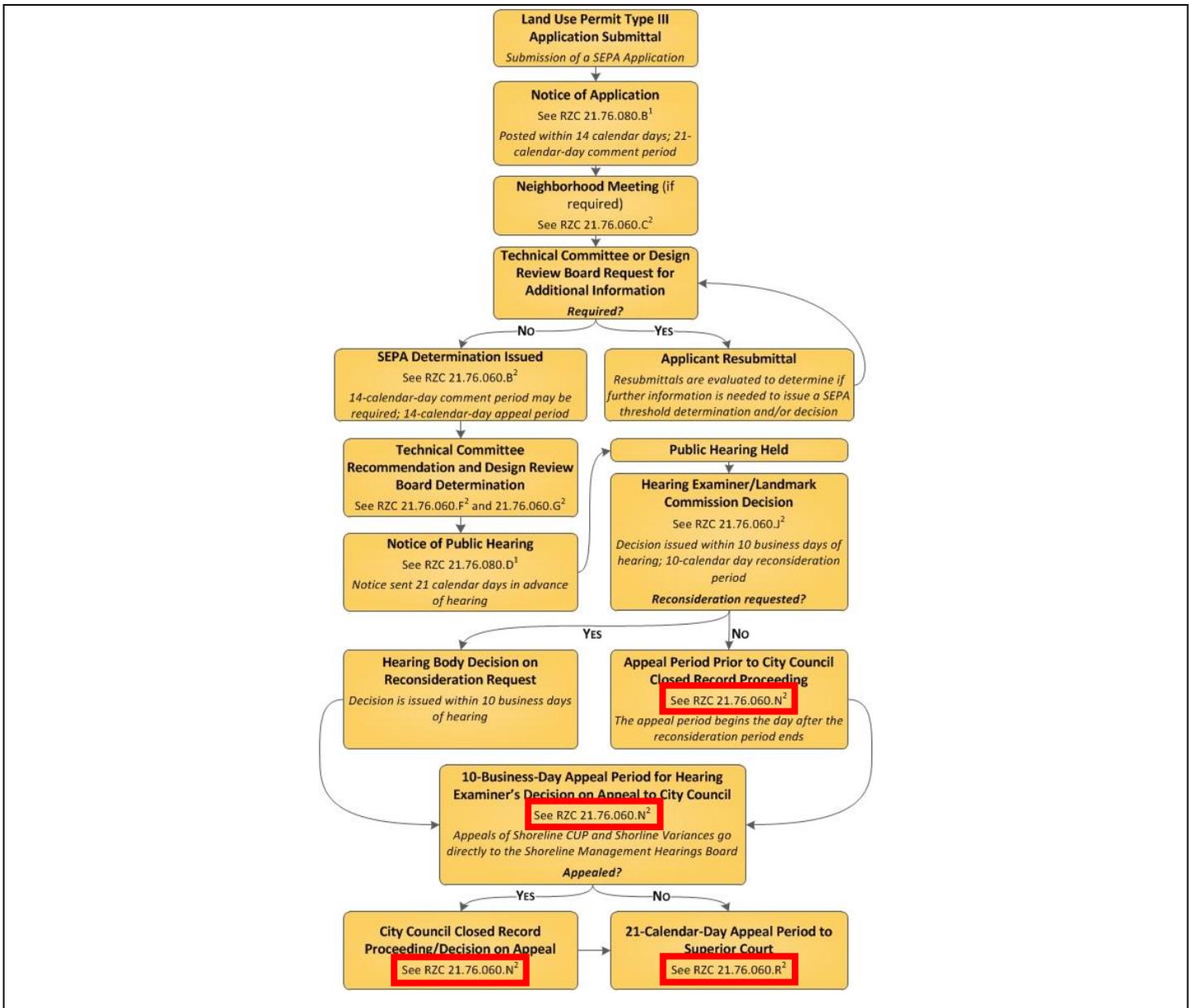
1. Overview of Type III Review. A Type III process is a quasi-judicial review and decision made by the Hearing Examiner or, in the case of Level III Certificates of Appropriateness on which a hearing is to be held under 70-090(4)(b) and in the case of Historic Landmark Designations for removal of Historic Landmark Designations, by the Landmarks and Heritage Commission. Environmental review is conducted when required. The Hearing Examiner (or the Landmarks and Heritage Commission on the applications described in the preceding sentence) holds an open record public hearing on a Type III application after receiving a recommendation from the Technical Committee and, when required, the Design Review Board. Depending on the application, the Technical Committee may require a neighborhood meeting to obtain public input. Public notification is provided at the application, public hearing, and decision stages of application review. The Hearing Examiner (or the Landmarks and Heritage Commission on the applications described above) makes a decision after considering the recommendation of the Technical Committee and Design Review Board and the public testimony received at the open record public hearing. Decisions of the Hearing Examiner (or the Landmarks and Heritage Commission on the applications described above) are appealable to the City Council, which considers the appeal in a closed record appeal proceeding. The City Council's decision may be appealed to the King County Superior Court.
2. Process Flow Chart. The flow chart below in Figure 21.76.050C generally depicts the process that will be used to review a typical Type III land use permit. The process may vary for individual permits based on the nature and complexity of the issues involved. This flow chart is therefore provided for general reference only. More detail on each of the steps is provided in RZC [21.76.060](#), *Process Steps and Decision Makers*, and RZC [21.76.080](#), *Notices*.

Figure Notes:

Link to RZC [21.76.080](#)

Link to RZC [21.76.060](#)

Figure 21.76.050C
Flow Chart for Type III Process



I. Type IV Review.

1. Overview of Type IV Review. A Type IV review is a quasi-judicial review and recommendation made by the Hearing Examiner and a decision made by the City Council. Environmental review is conducted when required. At an open record public hearing, the Hearing Examiner considers the recommendation of the Technical Committee and, when required, the Design Review Board, as well as public testimony. Depending on the application, the Technical Committee may require a neighborhood meeting to obtain public input. The Hearing Examiner makes a recommendation to the City Council, which considers the recommendation in a closed record proceeding and makes a final decision. Public notification is provided at the application, public hearing, and decision stages of application review. There is no administrative appeal. The City Council's decision may be appealed to the King County Superior Court.

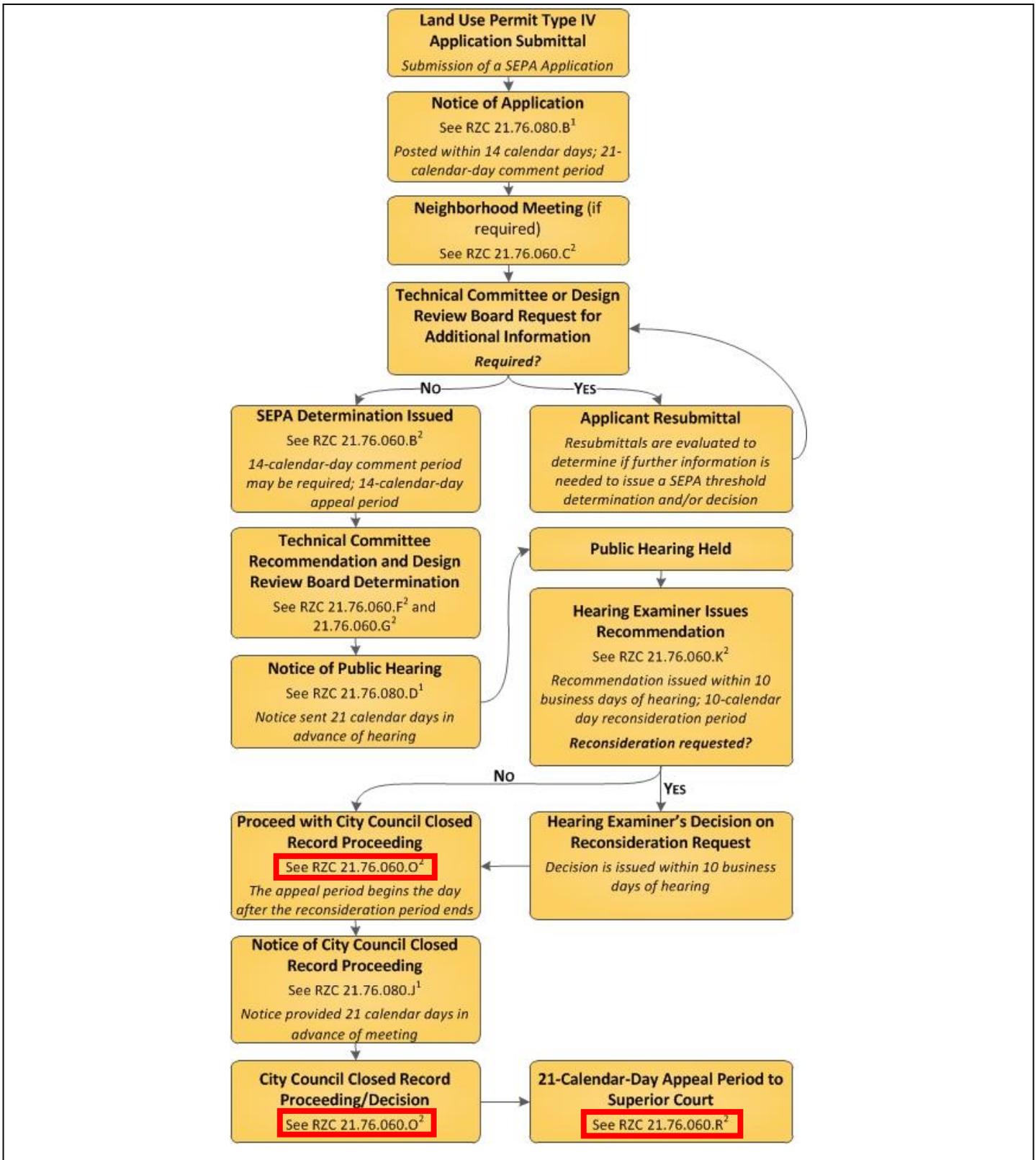
2. Process Flow Chart. The flow chart below in Figure 21.76.050D generally depicts the process that will be used to review a typical Type IV land use permit. The process may vary for individual permits based on the nature and complexity of the issues involved. This flow chart is therefore provided for general reference only. More detail on each of the steps is provided in RZC [21.76.060](#), *Process Steps and Decision Makers*, and RZC [21.76.080](#), *Notices*.

Figure Notes:

Link to RZC [21.76.080](#)

Link to RZC [21.76.060](#)

Figure 21.76.050D
Flow Chart for Type IV Process



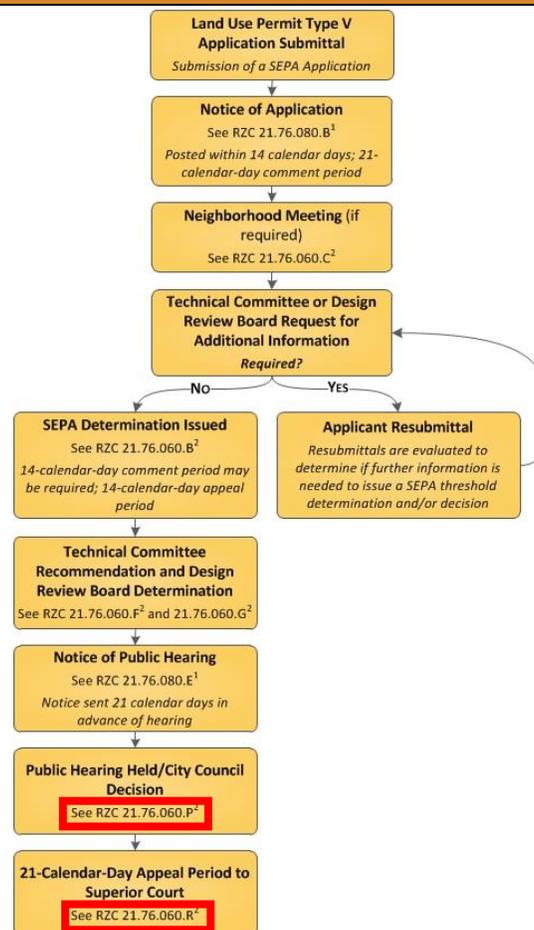
J. Type V Review.

1. Overview of Type V Review. A Type V review is a quasi-judicial review and decision made by the City Council. Environmental review is conducted when required. The Technical Committee (and Design Review Board, if required) makes a recommendation to the City Council. Depending on the application, the Technical Committee may require a neighborhood meeting to obtain public input. The City Council shall hold a public hearing on the application prior to making a decision. Public notification is provided at the application, public hearing, and decision stages of application review. There is no opportunity for an administrative appeal. Appeals of City Council decisions are made to King County Superior Court.
2. Process Flow Chart. The flow chart below in Figure 21.76.050E generally depicts the process that will be used to review a typical Type V land use permit. The process may vary for individual permits based on the nature and complexity of the issues involved. This flow chart is therefore provided for general reference only. More detail on each of the steps is provided in RZC [21.76.060](#), *Process Steps and Decision Makers*, and RZC [21.76.080](#), *Notices*.

Figure Notes:

Link to RZC [21.76.080](#)Link to RZC [21.76.060](#)

Figure 21.76.050E
Flow Chart for Type V Process



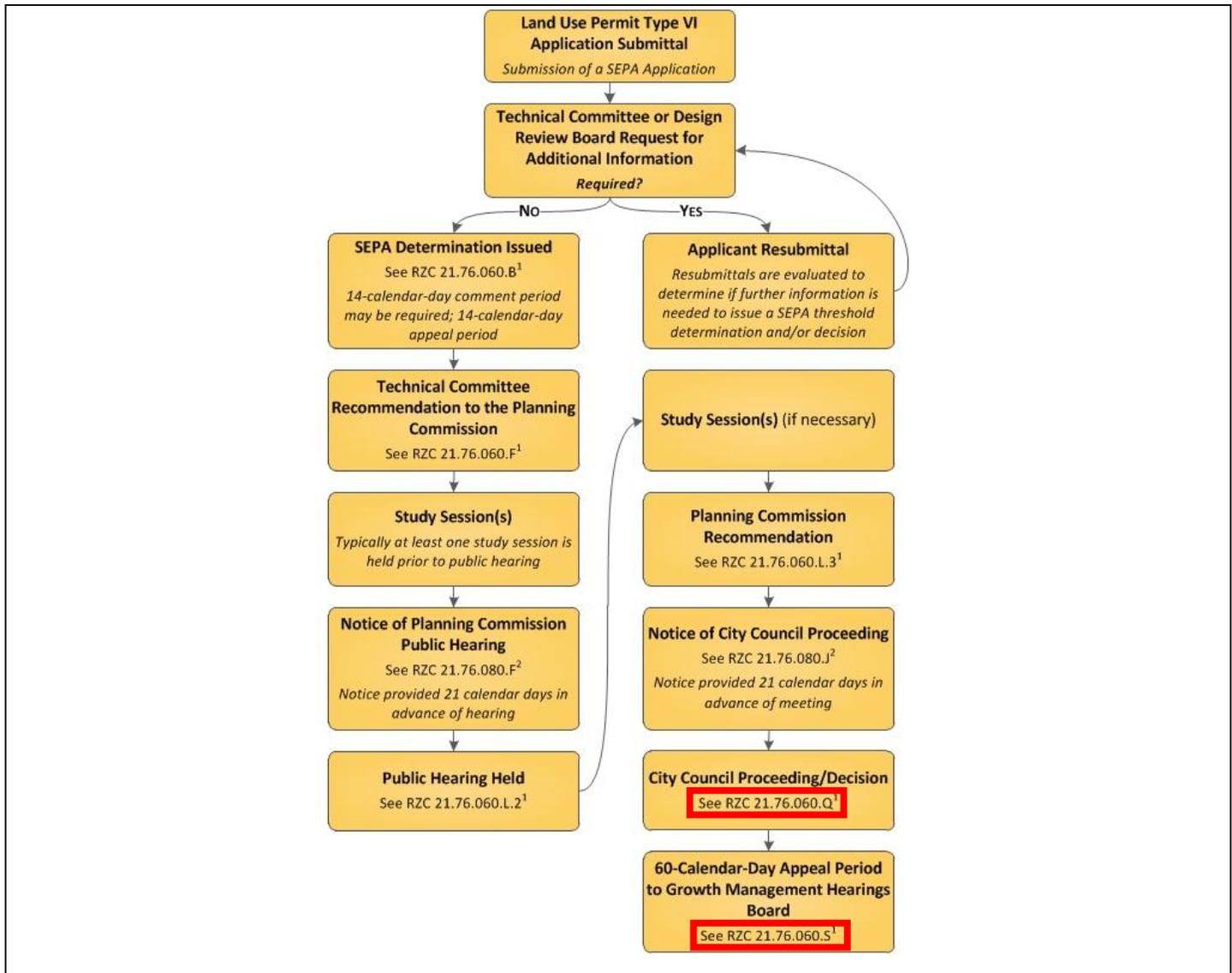
K. Type VI Review.

1. Overview of Type VI Review. A Type VI review is for legislative land use decisions made by the City Council under its authority to establish policies and regulations regarding future private and public development and management of public lands. Environmental review is conducted when required. The Planning Commission holds at least one open record public hearing and makes a recommendation to the City Council. The City Council may hold an additional public hearing or hearings at its option. The City Council makes a final decision. The City Council's decision may be appealed to the Central Puget Sound Growth Management Hearings Board. Type VI reviews are exempt from the procedures of RZC [21.76.040](#), *Time Frames for Review*.
2. Process Flow Chart. The flow chart below in Figure 21.76.050F generally depicts the process that will be used to review a typical Type VI land use permit. The process may vary for individual permits based on the nature and complexity of the issues involved. This flow chart is therefore provided for general reference only. More detail on each of the steps is provided in RZC [21.76.060](#), *Process Steps and Decision Makers*, and RZC [21.76.080](#), *Notices*.

Figure Notes:

Link to RZC [21.76.060](#)Link to RZC [21.76.080](#)

Figure 21.76.050F
Flow Chart for Type VI Process



(Ord. 2652)

Effective on: 4/28/2012

21.76.060 PROCESS STEPS AND DECISION MAKERS

- A. **Purpose.** The purpose of this section is to provide an explanation of each of the procedural steps set forth in the process flow charts in RZC [21.76.050](#), *Permit Types and Procedures*.
- B. **Environmental Review Under the State Environmental Policy Act (SEPA).**
1. All applications shall be reviewed under the State Environmental Policy Act (SEPA) unless categorically exempt under SEPA. The City's environmental procedures are set forth in [RZC 21.70](#), *State Environmental Policy Act (SEPA) Procedures*.
 2. **Threshold Determinations.** The Administrator shall issue the threshold determination after the minimum comment period for the Notice of Application and prior to the decision on the

application. The threshold determination shall be mailed and posted in the same manner as the Notice of Application. The threshold determination shall also be sent to agencies with jurisdiction, if any, and the Washington State Department of Ecology. There is a 14-day comment period for certain threshold determinations as provided in WAC 197-11-340. Any comments received shall be addressed in the Technical Committee decision or recommendation on the application, which shall include the final threshold determination (DNS or DS) issued by the Administrator.

3. **Optional DNS Process.** For projects where there is a reasonable basis for determining that significant adverse impacts are unlikely, a preliminary DNS may be issued with the Notice of Application. The comment period for the DNS and the Notice of Application shall be combined. The Notice of Application shall state that the City expects to issue a DNS for the proposal and that this may be the only opportunity to comment on the environmental impacts of the proposed project. After the close of the comment period, the Technical Committee shall review any comments and issue the final DNS in conjunction with its decision or recommendation on the application.
4. **Determination of Significance.** If a Determination of Significance (DS) is issued, and an Environmental Impact Statement (EIS) is required, the EIS will be completed prior to issuance of the Technical Committee/Design Review Board decision or recommendation. If the requirement to prepare an EIS or a Supplemental EIS is appealed by the applicant, that appeal must be resolved prior to issuance of the Technical Committee/Design Review Board decision or recommendation.

C. **Neighborhood Meetings.**

1. The purpose of neighborhood meetings is to:
 - a. Provide a forum for interested individuals to meet with the applicant to learn about the proposal and the applicable process early in the review process;
 - b. Provide an opportunity for meaningful public input;
 - c. Provide a dialogue between the applicant, citizens, and City whereby issues can be identified and discussed; and
 - d. Provide an opportunity for applicants to address concerns generated by individuals and incorporate possible changes.
2. **Required Neighborhood Meeting:** A neighborhood meeting shall be required for the following:
 - a. Essential Public Facility.
 - b. Master Planned Development.
 - c. Preliminary Plat.
 - d. Short plats that meet any of the following criteria:
 - i. propose three or more lots.
 - ii. have critical areas on-site, or
 - iii. are forested (75 percent tree canopy).
 - e. As otherwise required within the RZC.

- f. In addition, the Technical Committee may require a neighborhood meeting on any Type III, IV or V application.
3. Where a neighborhood meeting is required, it shall be conducted by the applicant within 45 days of the termination of the Notice of Application comment period. The applicant shall notify the City of the date and time of the meeting. At least one representative from City staff shall be in attendance. The applicant shall mail notice of the neighborhood meeting to the same individuals to whom notice is required for the Notice of Application, a minimum of 21 days in advance of the meeting. The applicant shall provide the City with an affidavit of mailing. The neighborhood meeting shall be required to take place prior to the Technical Committee decision or recommendation. In certain circumstances, the Technical Committee may choose to hold the neighborhood meeting, in which case the City shall mail the notice of neighborhood meeting as described above. A sign-in sheet shall be provided at the meetings, giving attendees the option of establishing themselves as a party of record.
4. Additional Neighborhood Meetings. In order to provide an opportunity for applicants to address concerns generated by interested parties, applicants are encouraged to hold an additional neighborhood meeting (or meetings) to provide interested parties with additional information, proposed changes to plans, or provide further resolution of issues. If the applicant holds additional meetings, there shall be no specific requirements for notice or City attendance. However, the City shall make effort to attend meetings where appropriate and when the applicant has notified the City that additional meetings are taking place. Any persons attending additional neighborhood meetings who have not established themselves as a party of record, and who wish to do so, must contact the City directly.

D. Director Decisions on Type I Reviews.

1. Type I Decision Makers. Decisions on Type I applications are made by the appropriate department director or designee.
2. Decision Criteria. The decision of the department director shall be based on the criteria for the application set forth in this code, or in the applicable uniform or international code in the case of building and fire-related permits. The decision shall include any conditions necessary to ensure consistency with the applicable development regulations. The department director may consult with the Technical Committee, the Design Review Board, or the Landmarks and Heritage Commission on any Type I application, but the final decision-making authority on such applications remains with the department director.
3. Decision. A written record of the director's decision shall be prepared in each case and may be in the form of a staff report, letter, the permit itself, or other written document indicating approval, approval with conditions, or denial. The decision shall be mailed as provided in RZC 21.76.080.G, *Notice of Final Decision*. See RZC 21.68.200.C.7.a for decisions on Shoreline Exemptions.
4. Appeal. Type I decisions may be appealed to the Hearing Examiner as provided in RZC 21.76.060.I, *Appeals to Hearing Examiner on Type I and II Permits*. All decisions are final upon expiration of the appeal period or, if appealed, upon the date of issuance of the Hearing Examiner's final decision on the appeal. Appeal decisions of the Hearing Examiner may be appealed to the ~~City Council~~ King County Superior Court ~~in a closed record~~ appeal proceeding as provided RZC 21.76.060.M.

E. Technical Committee Decisions on Type II Reviews.

1. **Decision.** Decisions on Type II applications are made by the Technical Committee. The decision of the Technical Committee shall be based on the criteria for the application set forth in the RZC, and shall include any conditions necessary to ensure consistency with the applicable development regulations.
2. **Record.** A written record of the Technical Committee's decision shall be prepared in each case and may be in the form of a staff report, letter, the permit itself, or other written document indicating approval, approval with conditions, or denial. All parties of record shall be notified of the final decision.
3. **Design Review Board and Landmarks and Heritage Commission Review.** When design review or review of a Certificate of Appropriateness is required, the decision of the Design Review Board or Landmarks and Heritage Commission shall be included with the Technical Committee decision.
4. **Appeal.** Type II decisions (except shoreline permits) may be appealed to the Hearing Examiner as provided in RZC 21.76.060.I, *Appeals to Hearing Examiner on Type I and Type II Permits*. All decisions are final upon expiration of the appeal period or, if appealed, upon issuance of the Hearing Examiner's final decision on the appeal. Appeal decisions of the Hearing Examiner may be appealed to the ~~City Council in a closed record appeal~~ **King County Superior Court** proceeding as provided in RZC 21.76.060.M.

F. Technical Committee Recommendations on Type III, IV, V and VI Reviews. The Technical Committee shall make a recommendation to the Hearing Examiner on all Type III and Type IV reviews, a recommendation to the City Council on all Type V Reviews, and a recommendation to the Planning Commission for all Type VI reviews. The Technical Committee's recommendation shall be based on the decision criteria for the application set forth in the RZC, and shall include any conditions necessary to ensure consistency with the City's development regulations. Based upon its analysis of the application, the Technical Committee may recommend approval, approval with conditions or with modifications, or denial. A written report of the Technical Committee's recommendation shall be prepared and transmitted to the Hearing Examiner along with the recommendation of the Design Review Board and/or Landmarks and Heritage Commission where applicable.

G. Design Review Board Determinations on Type II, III, IV and V Reviews. When design review is required by the Design Review Board, the Design Review Board shall consider the application at an open public meeting of the Board in order to determine whether the application complies with Article III, Design Standards. The Design Review Board's determination shall be given the effect of a final decision on design standard compliance for Type II applications, shall be given the effect of a recommendation to the Hearing Examiner on a Type III or Type IV application, and the effect of a recommendation to the City Council on a Type V application. The Design Review Board's determination shall be included with the written report that contains the Technical Committee recommendation or decision. The Design Review Board's determination may be appealed in the same manner as the decision of the applicable decision maker on the underlying land use permit.

H. Landmarks and Heritage Commission Determination/Decisions. The Landmarks and Heritage Commission as specified below shall review all applications requiring a Level II or Level III Certificate of Appropriateness and all applications for Historic Landmark Designation.

1. When review of a Level II Certificate is required, the Redmond Landmarks and Heritage Commission shall consider the application at an open public meeting using the review process for the application in RZC [21.76.050.C](#) in order to determine whether the application complies with the criteria set forth in [RZC 21.30](#), *Historic and Archeological Resources*, and King County Code Chapter 20.62. Based upon its analysis of the application, the Landmarks and Heritage Commission may approve the application, approve it with conditions or modifications, or deny the application. The Landmarks and Heritage Commission's determination shall be included with the written report that contains the Technical Committee recommendation or decision. Conditions based on the Landmarks and Heritage Commission's determination may be appealed to the Hearing Examiner in the same manner as the Technical Committee decision.
 2. When review of a Level II Certificate of Appropriateness requiring a public hearing (see RZC [21.30.050.D.2](#)) or review of a Level III Certificate of Appropriateness is required, the Redmond Landmarks and Heritage Commission shall hold an open record public hearing on the application using a Type III process as provided in RZC 21.76.060.J. The Landmarks and Heritage Commission shall determine whether the application complies with the criteria set forth in RZC [21.30.050.E](#) of the RZC. Based upon its analysis of the application, the Landmarks and Heritage Commission may approve the application, approve it with conditions or modifications, or deny the application. The decision of the Landmarks and Heritage Commission may be appealed to the Redmond City Council in a closed record appeal proceeding pursuant to RZC 21.76.060.[MN](#).
 3. The King County Landmarks Commission, acting as the Redmond Landmarks and Heritage Commission, shall review and make determinations on all applications for Historic Landmark Designation or removal of a Historic Landmark Designation. When the King County Landmarks Commission reviews a Historic Landmark Designation nomination or the removal of a Historic Landmark Designation, the King County Landmarks Commission will follow the procedures set forth in King County Code Chapter 20.62, including the holding of an open record hearing on the application. Applications shall be decided based on the criteria in King County Code Chapter 20.62. The decision of the King County Landmarks Commission on a Historic Landmark Designation or removal of a Historic Landmark Designation shall be a final decision appealable to the Redmond City Council in a closed record appeal proceeding pursuant to RZC 21.76.060.[MN](#).
- I. Appeals to Hearing Examiner on Type I and Type II Permits.**
1. Overview. For Type I and Type II permits, the Hearing Examiner acts as an appellate body, conducting an open record appeal hearing when a decision of a department director (Type I) or the Technical Committee (Type II) is appealed. The Hearing Examiner's decision on the appeal may be further appealed to the City Council in a closed record appeal proceeding.
 2. Commencing an Appeal. Type I and II decisions may be appealed as follows:
 - a. Who May Appeal. Any party of record may appeal the decision.
 - b. Form of Appeal. A person appealing a Type I or II decision must submit a completed appeal form which sets forth:
 - i. Facts demonstrating that the person is adversely affected by the decision;
 - ii. A concise statement identifying each alleged error of fact, law, or procedure, and the manner in which the decision fails to satisfy the applicable decision criteria;

- iii. The specific relief requested; and
 - iv. Any other information reasonably necessary to make a decision on the appeal.
 - c. Time to Appeal. The written appeal and the appeal fee, if any, must be received by the Redmond City Clerk's Office no later than 5:00 p.m. on the fourteenth day following the date the decision of the Technical Committee/Design Review Board Decision is issued.
 - d. Shoreline Permit Appeals must be submitted to the Shoreline Hearings Board. See RZC [21.68.200.C.6.b](#).
3. Hearing Examiner Public Hearing on Appeal. The Hearing Examiner shall conduct an open record hearing on a Type I or Type II appeal. Notice of the hearing shall be given as provided in RZC [21.76.080.H](#). The appellant, applicant, owner(s) of property subject to the application, and the City shall be designated parties to the appeal. Only designated parties may participate in the appeal hearing by presenting testimony or calling witnesses to present testimony and by providing exhibits. Interested persons, groups, associations, or other entities who have not appealed may participate only if called by one of the parties to present information, provided that the Examiner may allow nonparties to present relevant testimony if allowed under the Examiner's rules of procedure. The Hearing Examiner shall create a complete record of the public hearing, including all exhibits introduced at the hearing and an electronic sound recording of each hearing.
 4. Hearing Examiner Decision on Appeal. Within 10 business days after the close of the record for the Type I or II appeal, the Hearing Examiner shall issue a written decision to grant, grant with modifications, or deny the appeal. The decision on appeal shall be mailed to all parties of record. The Hearing Examiner shall accord substantial weight to the decision of the department director (Type I) or Technical Committee (Type II). The Hearing Examiner may grant the appeal or grant the appeal with modifications if the Examiner determines that the appellant has carried the burden of proving that the Type I or II decision is not supported by a preponderance of the evidence or was clearly erroneous.
 5. Request for Reconsideration. Any designated party to the appeal who participated in the hearing may file a written request with the Hearing Examiner for reconsideration within 10 business days of the date of the Hearing Examiner's decision. The request shall explicitly set forth alleged errors of procedure or fact. The Hearing Examiner shall act within 10 business days after the filing of the request for reconsideration by either denying the request or issuing a revised decision. The decision on the request for reconsideration and/or issuing a revised decision shall be sent to all parties of record.
 6. Appeal. A Hearing Examiner Decision on a Type I or Type II appeal may be appealed to the ~~City Council~~ [King County Superior Court](#) as provided in RZC 21.76.060.M.
- J. Hearing Examiner and Landmarks and Heritage Commission Final Decisions on Type III Reviews.**
1. Overview. For Type III reviews, the Hearing Examiner (or the Landmarks and Heritage Commission on Level II Certificates of Appropriateness that require a public hearing under RZC [21.30.050.D.2](#) and on Level III Certificates of Appropriateness) makes a final decision after receiving the recommendation of the Technical Committee and holding an open record public hearing. The Hearing Examiner's (or Landmarks and Heritage Commission's) decision may be

appealed to the City Council and considered by the Council in a closed record appeal proceeding.

2. Public Hearing. The Hearing Examiner (or Landmarks and Heritage Commission on the applications specified above) shall hold an open record public hearing on all Type III permits. The open record public hearing shall proceed as follows:
 - a. Notice of the hearing shall be given as provided in RZC [21.76.080.D](#).
 - b. Any person may participate in the Hearing Examiner's (or Landmarks and Heritage Commission's) public hearing on the Technical Committee's recommendation by submitting written comments prior to or at the hearing, or by providing oral testimony and exhibits at the hearing.
 - c. The Administrator shall transmit to the Hearing Examiner (or Landmarks and Heritage Commission) a copy of the department file on the application, including all written comments received prior to the hearing and information reviewed by or relied upon by the Administrator. The file shall also include information to verify that the requirements for notice to the public (Notice of Application and Notice of SEPA Threshold Determination) have been met.
 - d. The Hearing Examiner (or Landmarks and Heritage Commission) shall create a complete record of the public hearing, including all exhibits introduced at the hearing and an electronic sound recording of each hearing.
3. Authority. The Hearing Examiner (or Landmarks and Heritage Commission) shall approve a project or approve with modifications if the applicant has demonstrated that the proposal complies with the applicable decision criteria of the RZC. The applicant bears the burden of proof and must demonstrate that a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. In all other cases, the Hearing Examiner (or Landmarks and Heritage Commission) shall deny the application.
4. Conditions. The Hearing Examiner (or Landmarks and Heritage Commission) may include conditions to ensure a proposal conforms to the relevant decision criteria.
5. Decision. The Hearing Examiner (or Landmarks and Heritage Commission) shall issue a written report supporting the decision within 10 business days following the close of the record. The report supporting the decision shall be mailed to all parties of record. The report shall contain the following:
 - a. The decision of the Hearing Examiner (or Landmarks and Heritage Commission); and
 - b. Any conditions included as part of the decision; and
 - c. Findings of fact upon which the decision, including any conditions, was based and the conclusions derived from those facts; and
 - d. A statement explaining the process to appeal the decision of the Hearing Examiner (or Landmarks and Heritage Commission) to the City Council.
6. Request for Reconsideration. Any party of record may file a written request with the Hearing Examiner (or Landmarks and Heritage Commission) for reconsideration within 10 business days of the date of the Hearing Examiner's decision. The request shall explicitly set forth alleged errors of procedure, law, or fact. No new evidence may be submitted in support of or

in opposition to a request for reconsideration. The Hearing Examiner shall act within 10 business days after the filing of the request for reconsideration by either denying the request or issuing a revised decision. The decision on the request for reconsideration and/or the revised decision shall be sent to all parties of record.

7. Appeal. Except for Shoreline Conditional Use Permits or Shoreline Variances, a Hearing Examiner or Landmarks and Heritage Commission decision may be appealed to the City Council as provided in RZC 21.76.060.M. Shoreline Conditional Use Permits and Shoreline Variances may be appealed to the Shoreline Hearings Board as provided in RZC [21.68.200.C.6.c](#).

K. Hearing Examiner Recommendations on Type IV Reviews.

1. Overview. For Type IV reviews, the Hearing Examiner makes a recommendation to the City Council after receiving the recommendation of the Technical Committee and holding an open record public hearing. The City Council considers the Hearing Examiner's recommendation in a closed record proceeding.
2. Hearing Examiner Public Hearing. The Hearing Examiner shall hold an open record public hearing on all Type IV permits. The open record public hearing shall proceed as follows:
 - a. Notice of the hearing shall be given as provided in RZC [21.76.080.D](#).
 - b. Any person may participate in the Hearing Examiner's public hearing on the Technical Committee's recommendation by submitting written comments to the Technical Committee prior to the hearing, by submitting written comments at the hearing, or by providing oral testimony and exhibits at the hearing.
 - c. The Administrator shall transmit to the Hearing Examiner a copy of the department file on the application, including all written comments received prior to the hearing and information reviewed by or relied upon by the Administrator. The file shall also include information to verify that the requirements for notice to the public (Notice of Application and Notice of SEPA Threshold Determination) have been met.
 - d. The Hearing Examiner shall create a complete record of the public hearing, including all exhibits introduced at the hearing and an electronic sound recording of each hearing.
3. Hearing Examiner Authority. The Hearing Examiner shall make a written recommendation to approve a project or approve with modifications if the applicant has demonstrated that the proposal complies with the applicable decision criteria of the RZC. The applicant bears the burden of proof and must demonstrate that a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. In all other cases, the Hearing Examiner shall make a recommendation to deny the application.
4. Conditions. The Hearing Examiner may include conditions in the recommendation to ensure a proposal conforms to the relevant decision criteria.
5. Recommendation. The Hearing Examiner shall issue a written report supporting the recommendation within 10 business days following the close of the record. The report shall contain the following:
 - a. The recommendation of the Hearing Examiner; and
 - b. Any conditions included as part of the recommendation; and

- c. Findings of fact upon which the recommendation, including any conditions, was based and the conclusions derived from those facts.
6. Mailing of Recommendation. The office of the Hearing Examiner shall mail the written recommendation, bearing the date it is mailed, to each person included in the parties of record. The Administrator will provide notice of the Council meeting at which the recommendation will be considered to all parties of record.
7. Request for Reconsideration. Any party of record may file a written request with the Hearing Examiner for reconsideration within 10 business days of the date of the Hearing Examiner's recommendation. The request shall explicitly set forth alleged errors of procedure, law, or fact. No new evidence may be submitted as part of a request for reconsideration. The Hearing Examiner shall act within 10 business days after the filing of the request for reconsideration by either denying the request or issuing a revised decision. The decision on the request for reconsideration and/or revised decision shall be sent to all parties of record.
8. All Hearing Examiner recommendations on Type IV permits shall be transmitted to the City Council for final action, as provided in RZC 21.76.060.~~NO~~.

L. Planning Commission Recommendations on Type VI Reviews.

1. Overview. For Type VI proposals, the Planning Commission makes a recommendation to the City Council after holding at least one open record public hearing. The Planning Commission may also hold one or more study sessions prior to making the recommendation. The City Council considers the Planning Commission's recommendation and takes final action by ordinance.
2. Planning Commission Public Hearing. The Planning Commission shall hold at least one open record public hearing. The hearing shall proceed as follows:
 - a. Notice of the public hearing shall be given as provided in RZC [21.76.080.F](#).
 - b. Any person may participate in the public hearing by submitting written comment to the applicable department director prior to the hearing or by submitting written or making oral comments to the Planning Commission at the hearing. All written comments received by the applicable department director shall be transmitted to the Planning Commission no later than the date of the public hearing
 - c. The Administrator shall transmit to the Planning Commission a copy of the department file on the application, including all written comments received prior to the hearing and information reviewed by or relied upon by the Administrator. The file shall also include information to verify that the requirements for notice to the public (Notice of Application, as required; Notice of SEPA Determination) have been met.
 - d. The Planning Commission shall record and compile written minutes of each hearing.
3. Recommendation. The Planning Commission may recommend that the City Council adopt, or adopt with modifications, a proposal if it complies with the applicable decision criteria in RZC [21.76.070](#), *Land Use Actions and Decision Criteria*. In all other cases, the Planning Commission shall recommend denial of the proposal. The Planning Commission's recommendation shall be in writing and shall contain the following:
 - a. The recommendation of the Planning Commission; and

- b. Any conditions included as part of the recommendation; and
 - c. Findings of fact upon which the recommendation, including any conditions, was based and the conclusions derived from those facts.
4. Additional Hearing on Modified Proposal. If the Planning Commission recommends a modification which results in a proposal not reasonably foreseeable from the notice provided pursuant to RZC [21.76.080.F](#), the Planning Commission shall conduct a new public hearing on the proposal as modified. The Planning Commission shall consider the public comments at the hearing in making its final recommendation.
 5. A vote to recommend adoption of the proposal or adoption with modification must be by a majority vote of the Planning Commission members present and voting.
 6. All Planning Commission recommendations shall be transmitted to the City Council for final action as provided in RZC [21.76.060.PQ](#).
- M. Appeals to ~~City Council~~ [King County Superior Court](#) on Type I ~~and~~ II ~~Reviews,~~ ~~and III Reviews~~ and from ~~King County Landmark Commission Decisions~~.**
1. Overview. Except for Shoreline Substantial Development Permits, ~~Shoreline Conditional Use Permits, and Shoreline Variances,~~ all decisions of the Hearing Examiner on Type I and II appeals ~~and all decisions of the Hearing Examiner on Type III permits~~ may be appealed to the ~~City Council~~ [King County Superior Court](#). ~~All decisions of the Redmond Landmarks and Heritage Commission on Level II Certificates of Appropriateness that require a public hearing, and Level III Certificates of Appropriateness, and all decisions of the King County Landmarks Commission on Historic Landmark Designations and removal of Historic Landmark Designations may also be appealed to the City Council. The City Council will make a final decision on such matters in a closed record appeal proceeding in which no new evidence may be submitted.~~
 2. Commencing an Appeal. Hearing Examiner decisions on Type I and II appeals ~~and on Type III permits~~ ~~and decisions of the Redmond Landmarks and Heritage Commission and King County Landmarks Commission on matters described in subsection M.1 above~~ may be appealed to the ~~City Council~~ [King County Superior Court](#) as follows:
 - a. Who May Appeal. The following parties may appeal:
 - i. The applicant;
 - ii. The owner(s) of property subject to the application;
 - iii. City staff;
 - iv. In the case of Type I or II decisions, any party who appealed the department director's or Technical Committee's decision to the Hearing Examiner;
 - ~~v. In the case of Type III decisions, any person who established themselves as a party of record prior to or at the public hearing; and~~
 - vi. In the case of decisions by the Redmond Landmarks and Heritage Commission or the King County Landmarks Commission specified in subsection M.1 above, any person who established themselves as a party of record prior to or at the public hearing.

- b. Form of Appeal. A person appealing a Type I ~~or~~ II, ~~or~~ III decision by the Hearing Examiner or the decisions of the Redmond Landmarks Commission or King County Landmarks Commission described in subsection M.1 must submit a completed appeal form which sets forth:
 - i. Facts demonstrating that the person is adversely affected by the decision;
 - ii. A concise statement identifying each alleged error of fact, law, or procedure, and the manner in which the decision fails to satisfy the applicable decision criteria;
 - iii. The specific relief requested; and
 - iv. Any other information reasonably necessary to make a decision on the appeal.
- c. Time to Appeal. The written appeal and the appeal fee, if any, must be received by the Redmond City Clerk's Office no later than 5:00 p.m. 10 business days following the expiration of the Hearing Examiner's (or Landmarks and Heritage Commission's) reconsideration period.

~~3. Closed Record Appeal Proceeding Before City Council.~~

- ~~a. Notice. Notice of the closed record appeal proceeding shall be given as provided in RZC 21.76.080.I.~~
- ~~b. Conduct of the Appeal Proceeding.~~
 - ~~i. Who May Participate. The applicant, owner(s) of property subject to the application, appellant, the applicable department director, or representatives of these parties may participate in the appeal proceeding.~~
 - ~~ii. How to Participate. A person entitled to participate may participate in the appeal proceeding by:~~
 - ~~A. Submitting written argument on the appeal to the City Clerk no later than two business days prior to the scheduled City Council meeting; or~~
 - ~~B. Making oral argument on the appeal to the City Council at the closed record appeal proceeding. Argument on the appeal is limited to information contained in the record developed before the Hearing Examiner or Landmarks and Heritage Commissions, and must specify the findings or conclusions which are the subject of the appeal, as well as the relief requested from the Council.~~
 - ~~iii. Hearing Record. The City Council shall make an electronic sound recording of each appeal proceeding.~~
 - ~~iv. Testimony. Testimony or other evidence and information not presented to the Hearing Examiner or Landmarks and Heritage Commissions shall not be considered. The decision by the City Council shall be made only on the basis of facts presented at the open record hearing before the Hearing Examiner or Landmarks and Heritage Commissions.~~
- ~~c. City Council Decision on Appeal.~~
 - ~~i. Criteria. The City Council may grant the appeal or grant the appeal with modifications if the appellant proves that the decision of the Hearing Examiner or Landmarks and Heritage Commission is not supported by a preponderance of the evidence or is clearly~~

~~erroneous. In all other cases, the appeal shall be denied. The City Council shall accord substantial weight to the decision of the Hearing Examiner or Landmarks and Heritage Commission.~~

- ~~ii. Conditions. The City Council may impose conditions as part of the granting of an appeal or granting of an appeal with modification to ensure conformance with the criteria under which the application was made.~~
 - ~~iii. Findings. The City Council shall adopt findings and conclusions which support its decision on the appeal.~~
 - ~~iv. Required Vote. A vote to grant the appeal or grant the appeal with modifications must be by a majority vote of the membership of the City Council. A tie vote shall be decided by the vote of the Mayor. Any other vote constitutes denial of the appeal.~~
 - ~~v. Notice of Decision on Appeal. Notice of Decision on Appeal shall be provided pursuant to RZC 21.76.080.G, *Notice of Final Decision*.~~
4. The ~~City Council's~~ Hearing Examiner decision on an appeal from the Hearing Examiner Applicable Department or Technical Committee on a Type I ~~or~~ II, ~~or~~ III review ~~or the Redmond Landmarks and Heritage Commission or King County Landmarks Commission on those matters specified in subsection M.1~~ is the final decision of the City and (except for Shoreline Conditional Use Permits and Shoreline Variances) may be appealed to the King County Superior Court as provided in RZC 21.76.060, QR.
 5. Shoreline Substantial Development Permits, ~~Shoreline Conditional Use Permits~~, and Shoreline Variances must be appealed to the Shoreline Hearings Board. See RZC 21.68.200.C.6.b and 21.68.200.C.6.c.

N. Appeals to the City Council on Type III Reviews and from King County Landmark Commission Decisions.

1. Overview. Except for Shoreline Conditional Use Permits and Shoreline Variances reviews may be appealed to City Council. All decisions of the Redmond Landmarks and Heritage Commission on Level II Certificates of Appropriateness that require a public hearing, and Level III Certificates of Appropriateness, and all decisions of the King County Landmarks Commission on Historic Landmark Designations and removal of Historic Landmark Designations may be appealed to the City Council.
2. Commencing an Appeal. Hearing Examiner decisions on Type III permits and decisions of the Redmond Landmarks and Heritage Commission and King County Landmarks Commission on matters described in subsection N.1 above may be appealed to the City Council as follows:
 - a. Who May Appeal. The following parties may appeal:
 - i. The applicant;
 - ii. The owner(s) of property subject to the application;
 - iii. City staff;
 - iv. In the case of Type III decisions, any person who established themselves as a party of record prior to or at the public hearing; and

- v. In the case of decisions by the Redmond Landmarks and Heritage Commission or the King County Landmarks Commission specified in subsection M.1 above, any person who established themselves as a party of record prior to or at the public hearing.
- b. Form of Appeal. A person appealing a Type III decision by the Hearing Examiner or the decisions of the Redmond Landmarks Commission or King County Landmarks Commission described in subsection N.1 must submit a completed appeal form which sets forth:
 - i. Facts demonstrating that the person is adversely affected by the decision;
 - ii. A concise statement identifying each alleged error of fact, law, or procedure, and the manner in which the decision fails to satisfy the applicable decision criteria;
 - iii. The specific relief requested; and
 - iv. Any other information reasonably necessary to make a decision on the appeal.
- c. Time to Appeal. The written appeal and the appeal fee, if any, must be received by the Redmond City Clerk's Office no later than 5:00 p.m. 10 business days following the expiration of the Hearing Examiner's (or Landmarks and Heritage Commission's) reconsideration period.
- d. City Council Decision on Appeal.
 - i. Criteria. The City Council may grant the appeal or grant the appeal with modifications if the appellant proves that the decision of the Hearing Examiner regarding Type III is not supported by a preponderance of the evidence or is clearly erroneous. In all other cases, the appeal shall be denied. The City Council shall accord substantial weight to the decision of the Hearing Examiner or Landmarks and Heritage Commission.
 - ii. Conditions. The City Council may impose conditions as part of the granting of an appeal or granting of an appeal with modification to ensure conformance with the criteria under which the application was made.
 - iii. Findings. The City Council shall adopt findings and conclusions which support its decision on the appeal.
 - iv. Required Vote. A vote to grant the appeal or grant the appeal with modifications must be by a majority vote of the membership of the City Council. A tie vote shall be decided by the vote of the Mayor. Any other vote constitutes denial of the appeal.
 - v. Notice of Decision on Appeal. Notice of Decision on Appeal shall be provided pursuant to RZC 21.76.080.G, Notice of Final Decision.
- 3. Hearing Examiner decisions on a Type III review or the Redmond Landmarks and Heritage Commission or King County Landmarks Commission on those matters specified in subsection N.1 is the final decision of the City and (except for Shoreline Conditional Use Permits and) may be appealed to the City Council as provided in RZC 21.76.060.R.

4. Shoreline Conditional Use Permits must be appealed to the Shoreline Hearings Board. See RZC 21.68.200.C.6.b and 21.68.200.C.6.c.

NO. City Council Decisions on Type IV Reviews.

- Overview. The City Council considers all Hearing Examiner recommendations on Type IV permits in a closed record proceeding. Decisions of the City Council on Type IV permits may be appealed to the King County Superior Court as provided in RZC 21.76.060.~~QR~~.
- City Council Decision.
 - a. The Administrator shall transmit to the City Council a copy of the department file on the application, including all written comments received prior to and during the open record hearing and information reviewed by or relied upon by the Hearing Examiner. The file shall also include information to verify that the requirements for notice to the public (Notice of Application, Notice of Public Hearing, and Notice of SEPA Determination) have been met.
 - b. The City Council shall conduct a closed record proceeding. Notice of the closed record proceeding shall be provided as outlined within RZC 21.76.080.J, *Notice of Closed Record Appeal Proceeding on Type IV and City Council Proceeding on Type VI Reviews*. The City Council shall not accept new information, written or oral, on the application, but shall consider the following in deciding upon an application:
 - i. The complete record developed before the Hearing Examiner; and
 - ii. The recommendation of the Hearing Examiner.
 - c. The City Council shall either:
 - i. Approve the application; or
 - ii. Approve the application with modifications; or
 - iii. Deny the application, based on findings of fact and conclusions derived from those facts which support the decision of the Council.
 - d. Form of Decision. All City Council decisions on Type IV reviews shall be in writing. All decisions approving a Type IV application shall require passage of an ordinance. Decisions denying Type IV applications shall not require passage of an ordinance. Decisions on Type IV applications shall include:
 - i. Findings and Conclusions. The City Council shall include findings of fact and conclusions derived from those facts which support the decision of the Council, including any conditions, in the decision on the application. The City Council may, by reference, adopt some or all of the findings and conclusions of the Hearing Examiner.
 - ii. Conditions. The City Council may, based on the record, include conditions in any ordinance approving or approving with modifications any conditional use permit, essential public facilities permit, or master planned development application in order to ensure conformance with the approval criteria specified in the code or process under which the application was made. For Zoning Map Amendments that are consistent with the Comprehensive Plan, conditions of approval shall not be included in the ordinance, but shall be included in a separate development agreement approved concurrently with the ordinance.

- iii. Required Vote. The City Council shall adopt an ordinance which approves or approves with modifications the application by a majority vote of the membership of the City Council. Decisions to deny a Type IV application shall require a majority vote of those Council members present and voting.
- iv. Notice of Decision. Notice of the City Council Decision shall be provided as outlined within RZC [21.76.080.G](#), *Notice of Final Decision*.

OP. City Council Decisions on Type V Reviews.

- 1. Overview. For Type V reviews, the City Council makes a final decision after receiving the recommendation of the Technical Committee and the recommendation of the Design Review Board (if required) and after holding an open record public hearing. The City Council's decision is appealable to the King County Superior Court as provided in RZC 21.76.060.[QR](#).
- 2. City Council Open Record Public Hearing.
 - a. Notice. Notice of the City Council's open record public hearing shall be given as provided in RZC [21.76.080.E](#).
 - b. Transmittal of File. The Administrator shall transmit to the City Council a copy of the department file on the application, including all written comments received prior to the City Council open record public hearing and information reviewed by or relied upon by the Administrator. The file shall also include information to verify that the requirements for notice to the public (Notice of Application, Notice of Public Hearing, and Notice of SEPA Determination) have been met.
 - c. Participation. Any person may participate in the City Council public hearing on the Technical Committee's recommendation by submitting written comments prior to the hearing or at the hearing by providing oral testimony and exhibits at the hearing. The Council shall create a complete record of the open record public hearing, including all exhibits introduced at the hearing and an electronic sound recording of the hearing.
- 3. City Council Decision.
 - a. Options. The City Council shall, at the open record public hearing, consider and take final action on each Type V application. The final action may take place in the same meeting as the public hearing. The City Council shall either:
 - i. Approve the application; or
 - ii. Approve the application with modifications or conditions; or
 - iii. Deny the application.
 - b. Form of Decision. The City Council's decision shall be in writing and shall include the following:
 - i. Findings and Conclusions. The City Council shall include findings of fact and conclusions derived from those facts which support the decision of the Council, including any conditions, in the decision approving the application or approving the application with modifications or conditions. The City Council may by reference adopt some or all of the findings and conclusions of the Technical Committee.

- ii. Conditions. The City Council may, based on the record, include conditions in any ordinance approving or approving with modifications an application in order to ensure conformance with the approval criteria specified in the code or process under which the application was made.
- iii. Notice of the Decision shall be provided as outlined within RZC Notice of the Decision shall be provided as outlined within RZC [21.76.080.G](#), *Notice of Final Decision*.

PQ. City Council Decisions on Type VI Reviews.

1. Overview. The City Council shall consider and take action on all Planning Commission recommendations on Type VI reviews. The City Council may take action with or without holding its own public hearing. Any action of the City Council to adopt a Type VI proposal shall be by ordinance.
2. City Council Action.
 - a. Notice of City Council Proceeding. Notice shall be provided in accordance with RZC [21.76.080.J](#).
 - b. Initial Consideration by Council. The City Council shall consider at a public proceeding each recommendation transmitted by the Planning Commission. The Council may take one of the following actions:
 - i. Adopt an ordinance adopting the recommendation or adopt the recommendation with modifications; or
 - ii. Adopt a motion denying the proposal; or
 - iii. Refer the proposal back to the Planning Commission for further proceedings, in which case the City Council shall specify the time within which the Planning Commission shall report back to the City Council with a recommendation; or
 - iv. Decide to hold its own public hearing to take further public testimony on the proposal or in order to consider making a modification of the proposal that was not within the scope of the alternatives that could be reasonably foreseen from the notice of the Planning Commission public hearing provided under RZC [21.76.080.F](#).
 - c. Public Hearing and Decision. If the Council determines to hold its own public hearing, notice shall be provided; and the hearing shall be conducted in the same manner as was provided for the Planning Commission hearing on the proposal. After conducting the public hearing, the City Council shall render a final decision on the proposal as provided in subsection P.2.b.i or P.2.b.ii above.

QR. Appeal of Council & Hearing Examiner Decisions on Types I - V Reviews to Superior Court. The decision of the City Council **or Hearing Examiner** on Type I - V permits or reviews is the final decision of the City and may be appealed to Superior Court by filing a land use petition which meets the requirements set forth in RCW Chapter 36.70C. No action to obtain judicial review may be commenced unless all rights of administrative appeal provided by the RZC or state law have been exhausted. The petition for review must be filed and served upon all necessary parties as set forth in state law and within the 21-day time period as set forth in RCW 36.70C.040.

- RS.** **Appeal of Council Decisions on Type VI Reviews to Growth Board.** The action of the City Council on a Type VI proposal may be appealed together with any SEPA threshold determination by filing a petition with the Growth Management Hearings Board pursuant to the requirements set forth in RCW 36.70A.290. The petition must be filed within the 60-day time period set forth in RCW 36.70A.290(2).
- ST.** **Appeal of Shoreline Master Plan Amendments and Decisions.** Appeal of Shoreline Master Plan amendments and decisions must be made to the Shoreline Hearings Board.

RZC 21.76 REVIEW PROCEDURES

21.76.070 LAND USE ACTIONS AND DECISION CRITERIA

K. Conditional Use Permit.

1. Purpose. The purpose of this section is to establish the criteria that the City will use in making a decision upon an application for a Conditional Use Permit. A conditional use is a use which may be appropriate on a specific parcel of land within a given zoning district under certain conditions, but which is not appropriate on all parcels within the same zoning district. A Conditional Use Permit allows the City to consider the appropriateness of the use on a specific parcel in terms of compatibility with other uses in the same zone and vicinity and to impose conditions to ensure such compatibility.
2. Scope. A Conditional Use Permit shall be required for any land use designated as requiring a Conditional Use Permit in the applicable permitted use chart, unless otherwise noted in the chart.
3. Phasing. A project may be developed in phases. If more than three years have lapsed since final approval of the project, uncompleted divisions shall be subject to the current City standards.
4. Decision Criteria. The City may approve or approve with modifications the conditional use only if the applicant demonstrates that:
 - a. The conditional use is consistent with the RZC and the Comprehensive Plan;
 - b. The conditional use is designed in a manner which is compatible with and responds to the existing or intended character, appearance, quality of development, and physical characteristics of the subject property and immediate vicinity;
 - c. The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
 - d. The type of use, hours of operation, and appropriateness of the use in relation to adjacent uses minimize unusual hazards or characteristics of the use that would have adverse impacts;
 - e. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
 - f. The conditional use will be supported by adequate public facilities or services, and will not adversely affect public services to the surrounding area or conditions are established to mitigate adverse impacts on such facilities.

