



TECHNICAL COMMITTEE REPORT

To: Planning Commission

From: Technical Committee

Staff Contacts: David Lee, Senior Planner, 425-556-2462
Scott Reynolds, Planner, 425-556-2409

Date: March 3, 2017

File Numbers: LAND-2017-00052 and SEPA-2017-00109

Project Name: Redmond Zoning Code Amendment: Appeals to City Council & Reclassification of Conditional Use Permits

Reasons the Proposal should be Adopted: The Technical Committee recommends approving the amendment to allow Councilmembers to not be precluded from interactions with community members regarding quasi-judicial decisions and improve the timelines of the permit review and appeals process by removing the City Council as the second appeal body for Type I & Type II permits and change the Conditional Use Permit to a Type III.

I. APPLICANT PROPOSAL

A. APPLICANT

City of Redmond

B. BACKGROUND AND REASON FOR PROPOSAL

The City of Redmond Zoning Code, Section 21.76 Review Procedures lists the administrative appeal bodies that are appropriate to each permit type. Please see Exhibit D attached to this report for permit types and appeal bodies.

Currently, City Council is the second appeal body (appeals for Hearing Examiner appeal decision) for Type I and II permit types and for the primary administrative appeal body for Type III permits. A Type I process is an administrative review and

decision by the appropriate department. Appeals of Type I decisions are made to the Hearing Examiner. Appeal decisions of the Hearing Examiner may be appealed to the City Council.

A Type II process is an administrative review. Decisions regarding Type II process are made by the Technical Committee. Appeals of Type II decisions are made to the Hearing Examiner. Appeal decisions of the Hearing Examiner may be appealed to the City Council in a closed record appeal proceeding.

A Type III process is a quasi-judicial review. Decisions regarding Type III process is made by the Hearing Examiner. Appeals of Type III decisions are made to the City Council. Appeal decisions of the City Council may be appealed to King County Superior Court. Please see Exhibit D attached to this report for examples of Type III permits.

All appeals for Shoreline Substantial Development Permits, Shoreline Variances, and Shoreline Conditional Use Permits are appealable directly to the State Shorelines Hearing Board and do not follow the process listed above.

A Type IV process is also a quasi-judicial review. Decisions regarding Type IV process are rendered by the City Council with a recommendation by a Hearing Examiner. Appeals of Type IV decisions are made to the King County Superior Court. Please see Exhibit D attached to this report for examples of Type IV permits.

City Councilmembers have raised the question periodically of whether they should be the second appeal body for Type I and II permit types and whether they should be the decision maker for Conditional Use Permits given the issues associated with this approach as described below. After further consideration by City Council members at the January 10, 2017 Planning and Public Works meeting recommended Council consider removing Council from the Type I & Type II appeals process and also change the CUP process to a Type III process. At the January 17, 2017 City Council meeting, the Council directed staff to proceed with amendments to make this change by a vote of 6 to 1. The Technical Committee's analysis and recommendation on this topic is provided in this report.

II. RECOMMENDATION

The Technical Committee recommends amending the Zoning Code to: 1) remove the City Council as the second administrative appeal body for Type I and Type II permits and 2) classify Conditional Use Permits as a Type III permit instead of a Type IV permit. The Technical Committee recommends these Zoning Code amendments due to concerns regarding legal exposure of City Council during quasi-judicial proceedings and to streamline the review and appeals process.

The Technical Committee has considered this issue and recommends that removing City Council from the quasi-judicial review process would provide a benefit by

removing elected officials from quasi-judicial appeals, reduce staff processing timing and simplify City Council responsibilities. In addition, this approach would avoid the need for Council to abstain from discussion with community members regarding topics that could be appealed to them. The rest of this report describes the analysis for this recommendation and alternatives to this recommendation. Exhibit A contains the Technical Committee recommended amendments.

III. PRIMARY ISSUES CONSIDERED AND ALTERNATIVES

The primary issues considered for this amendment were to improve the permit review and appeals process, allow the Council to be able to engage in discussions with community members throughout the permitting process instead of having to abstain from discussion with community members regarding topics that could be appealed to them. In addition this amendment could provide a more rapid final conclusion to the appeals process.

IV. SUPPORTING ANALYSIS

A. EXISTING CONDITION, PROPOSAL, ALTERNATIVES AND FACTORS CONSIDERED

Existing condition. RZC.21.76 governs review procedures. As mentioned in section I.B. of this report, currently City Council is the second appeal body for Type I and II permit types; City Council is the first appeal body for Type III; and King County Superior Court is the appeal body for all City Council decisions including Type IV - VI. Additionally, the City Council is the decision making body for Conditional Use Permits.

Proposal. The Technical Committee recommends that the second appeal body be changed from the City Council to King County Superior Court for Type I & II permits. Additionally, it is proposed that the Conditional Use Permits be reclassified as a Type III permit.

The proposed code amendment would remove the City Council as an appeal body for Type I & II permits. Most jurisdictions do not have a second administrative appeal body, and any appeals of an appeal are heard by the King County Superior Court. Many jurisdictions rely on a hearing examiner to be the main appeals body as hearing examiners have backgrounds in land use law and planning. The hearing examiner's background better prepares them to avoid procedural or other errors that would potentially weaken legal positions on decisions issued. Currently, if the City Council hears a second appeal hearing, it is possible that the City Council's ruling may be appealed to the King County Superior Court. In the event that the King County Superior Court overturns the City Council's decision, it is possible, depending on the circumstances, that the Superior Court may impose financial judgments against the city.

City Council in their discussions preceding this direction to proceed with the proposed amendments focused on their desire to be able to have ongoing conversations with their constituents which are precluded when they are engaged in a quasi-judicial action such as an appeal. In this way they can also better understand through direct and ongoing communication which better informs them in identifying subsequent legislative/policy changes that may be appropriate. Some Councilmembers also feel that since the scope of a closed record appeal is so limited to issues of procedure that while it may give the impression to constituents of broad discretion in their appeal authority in reality by state law it is highly restricted. In the end this can lead to frustration on the part of the constituents as well as the City Council.

Staff believes that limiting the appeals process to only one professionally conducted administrative appeals process for Type I and Type II permits will remove the City from unnecessary risk, potentially speeds the review process in the event of an appeal, and also allow the public to have one less process to exhaust before receiving a final judgement. An appeals process is a time intensive action for the City Council and staff. To have two administrative appeals could be detrimental to both property owners with issued land use permits and the public that wish to exhaust administrative remedies before receiving a final judgment by the Superior Court. Currently, state law requires all administrative remedies be exhausted at the local jurisdiction level prior to filing an appeal with the Superior Court.

In terms of the change to the Conditional Use Permit from a Type IV to a Type III permit, many of the reasons listed for the Type I & II appeals amendment changes also apply. Conditional Use Permits are generally for more intensive land uses (i.e. regional utilities, heliports, telecommunication towers) or non-residential land uses within a residential zone (i.e. schools, daycares, golf course, etc;) and have specific criteria in the code that they need to meet. Building a record is one of the key components in a successful Conditional Use Permit, which a Hearing Examiner is trained to do. Additionally, a Hearing Examiner has professional expertise in land use law whereas Councilmembers focus on policy development. As proposed the Hearing Examiner as now would conduct the hearing and make a decision as opposed to a recommendation. Rarely has Council changed a Hearing Examiner's recommendation on a CUP.

Alternatives.

1. The City could choose to not incorporate the proposed amendment into the Zoning Code. This approach would maintain the City's current appeal process. The Technical Committee believes the current Zoning Code does not benefit the City, residents or developers as much as the proposed code amendment.
2. The City could choose to modify aspects of the proposed Zoning Code amendment such as keeping the Conditional Use Permit as a Type IV

review. Staff considered these issues and believes that the proposal is a balanced approach as presented and is in keeping with the general direction provided by the City Council. Keeping the Conditional Use Permit as a Type IV would get an appeal of the decision faster to the Superior Court as no administrative appeal body is necessary, unlike a Type III process which has an administrative appeal. However, a Type III permit process for Conditional Use Permits would offer one local administrative appeal for appellants which is less costly than an appeal before the Superior Court. Currently there is no local appeal for a CUP.

B. COMPLIANCE WITH CRITERIA FOR CODE AMENDMENTS

Redmond Comprehensive Plan Policies PI-16 directs the City to take several considerations into account as part of the decision on proposed amendments to the Comprehensive Plan. Items 1 through 5 apply to all proposed amendments. The following is an analysis of how this proposal complies with the requirements for amendments.

1. Consistency with Growth Management Act (GMA), State of Washington Department of Commerce Procedural Criteria, VISION 2040 or its successor, and the King County Countywide Planning Policies.

The proposed amendments are consistent with the Growth Management Act, Department of Commerce Procedural Criteria, Vision 2040 and King County Countywide Planning Policies. The proposed amendments seek to further specify and streamline existing code language for appeal processes.

2. Consistency with the Redmond Comprehensive Plan.

The proposed amendments are consistent with the following policies:

- PI-3 – Treat all members of the public fairly; respect and consider all citizen input as an important component of the planning and implementation process.
- PI-4 – Promote as part of Comprehensive Plan updates and implementation a culture of dialogue and partnership among residents, property owners, the business community, organizations, other interested citizens and City officials.
- PI-19 – Prepare and maintain development regulations that implement Redmond’s Comprehensive Plan and include all significant development requirements. Ensure that the development regulations are clearly written, avoid duplicative or inconsistent requirements, and can be efficiently and effectively carried out.
- PI-20 – Ensure that Redmond’s development review process provides applicants and the community a high degree of certainty and clarity in timelines and standards, and results in timely and predictable decision making on development applications.

3. Potential general impacts to the natural environment, such as impacts to critical areas and other natural resources, including whether development will be directed away from environmentally critical areas and other natural resources.

The proposal is unlikely to have any adverse impacts on the natural environment. The proposed code amendment is procedural by nature.

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

The proposal is unlikely to have any significant impacts to the capacity of public facilities and services. The proposed code amendment is procedural by nature, and does not affect the cost effectiveness of public facilities/services or the density/intensity of a development.

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

The proposal is not anticipated to have any adverse significant economic impact on business, residents, property owners, or City Government. The proposal has a potential to decrease appeal timelines and provide for quicker final determinations.

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

The issue addressed in this proposal has not been considered in the last four annual updates. The proposed code amendment is intended to streamline the review/appeal process, and provide the City with more protection.

V. AUTHORITY AND ENVIRONMENTAL, PUBLIC AND AGENCY REVIEW

A. Amendment Process

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

B. Subject Matter Jurisdiction

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

C. Washington State Environmental Policy Act (SEPA)

A SEPA checklist was prepared and a Determination of Non-Significance was issued for this non-project action on March 1, 2017 (see Exhibit B).

D. 60-Day State Agency Review

State agencies were sent 60-day notice of this proposed amendment on March 1, 2017. Staff has requested a 14-day expedited review of the proposed code changes by the WA St. Department of Commerce.

E. Public Involvement

The public has opportunities to comment on the proposed amendment through the Planning Commission review process and public hearing which will be held on March 22, 2017. Public notice of the hearing was published in the Seattle Times on March 1, 2017 (see Exhibit C). Notice of the Planning Commission hearing was posted in City Hall and the Redmond Library. Notice of the hearing is given on the Planning Commission agendas and extended agendas.

F. Appeals

RZC 21.76 identifies Zoning Code and Comprehensive Plan Amendments as a Type VI permit. Final action is by the City Council. The action of the City Council on a Type VI proposal may be appealed by filing a petition with the Growth Management Hearing Board pursuant to the requirements of the Board.

VI. LIST OF EXHIBITS

- Exhibit A: Recommended Zoning Code Amendments
- Exhibit B: Public Hearing Notice
- Exhibit C: SEPA Threshold Determination
- Exhibit D: Permit Type & Permit Classification Chart

Conclusion in Support of Recommendation: The Technical Committee has found the proposal to be in compliance with the Redmond Zoning Code, Redmond Comprehensive Plan, Redmond Municipal Code, and State Environmental Policy Act (SEPA).



ROBERT G. ODLE,
Director of Planning and Community
Development



LINDA E. DE BOLDT,
Director of Public Works

EXHIBIT A – AMENDED CODE (ABRIDGED RZC CHAPTER 21.76)

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</u> Council	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 <u>City Council</u> <u>Superior Court</u>)	Hearing Examiner ¹ (Hearing Examiner decision on appeal may be appealed to <u>City Council</u> <u>Superior Court</u>)	City Council ¹	None (decision appealable to Superior Court)	None (decision appealable to Superior Court)	None (decision appealable to 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
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 Plan</u> 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	
Tree Removal Permit	I	
Variance	III	
Water Permit	I	RMC 13.08
Willows Rose Hill Demonstration Project	III	
Wireless Communication Facility 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.

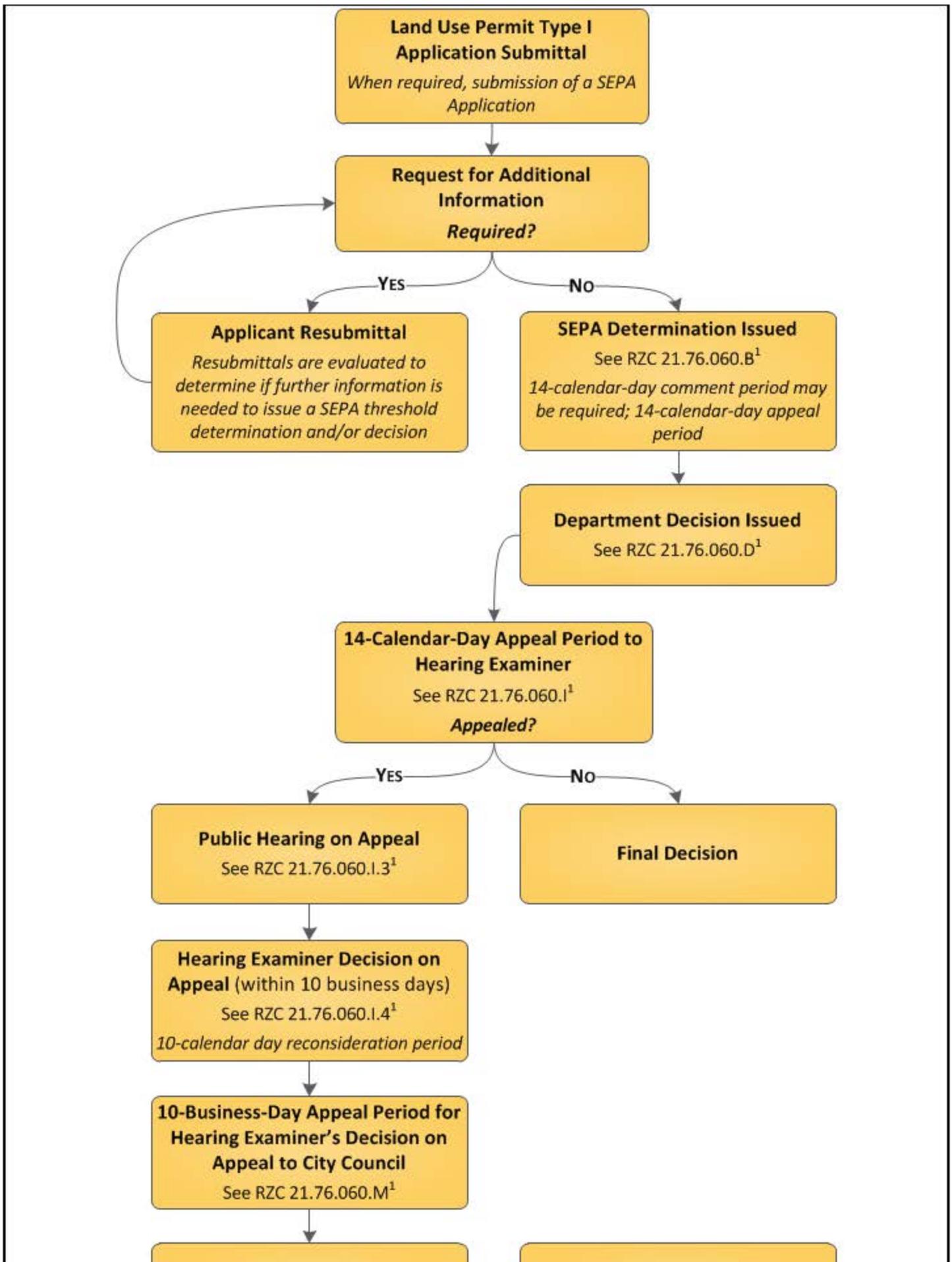
F. Type I Review.

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



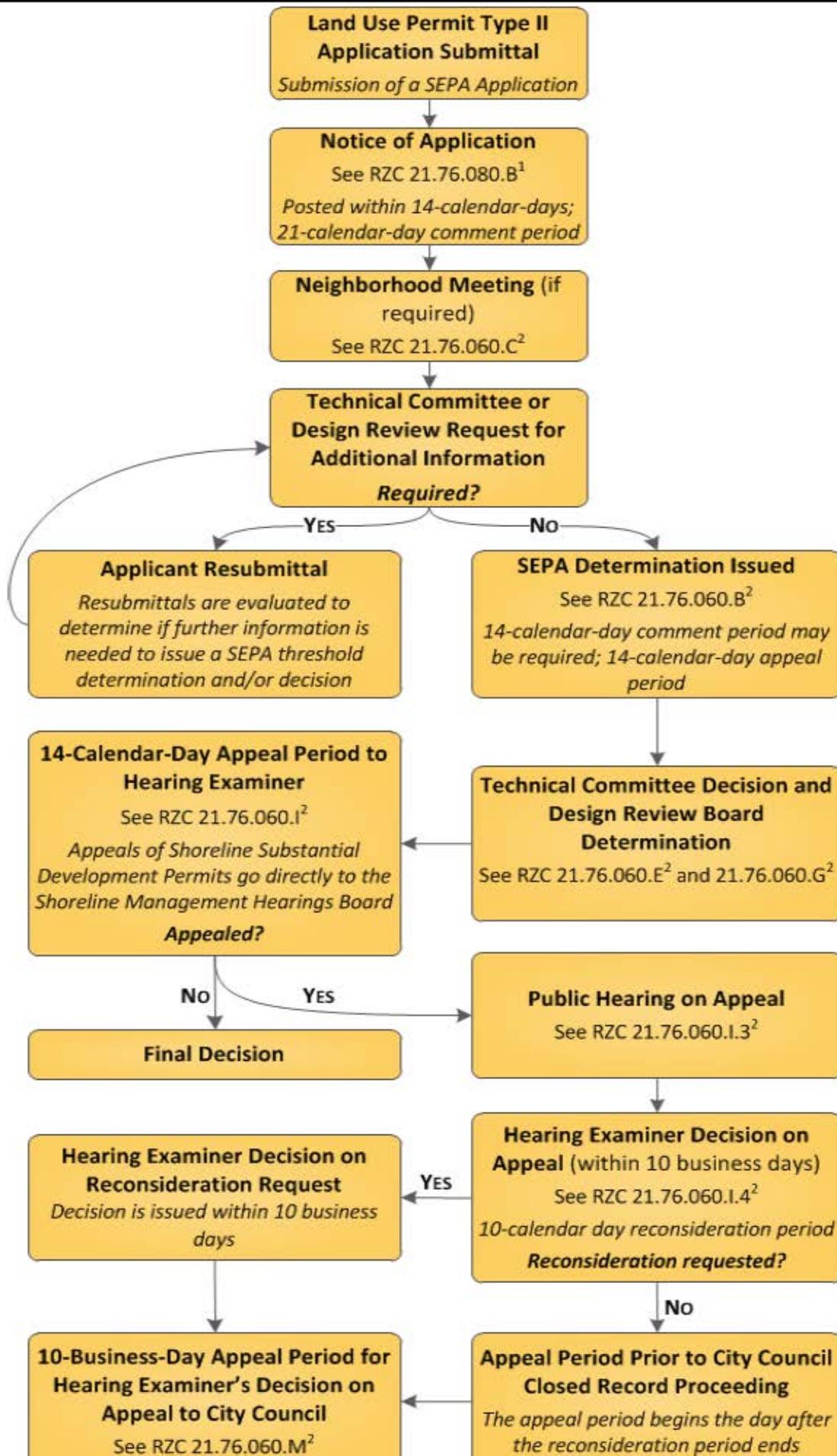
G. Type II Review.

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.

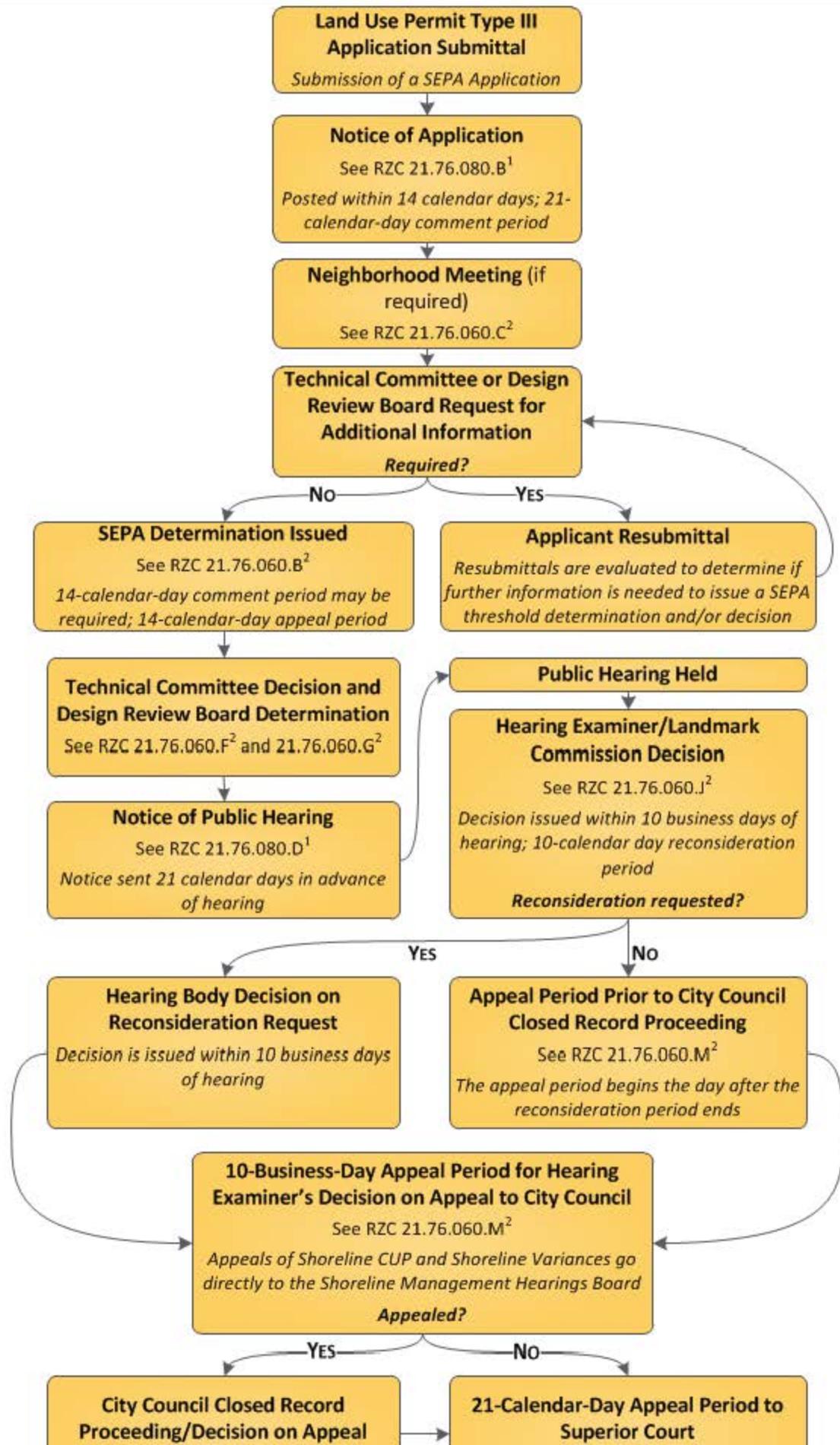
1. Overview of Type III Review. A Type III process is a quasi-judicial review and decision made by the Hearing Examiner or, in the case of Level III Certificates of Appropriateness on which a hearing is to be held under 70-090(4)(b) and in the case of Historic Landmark Designations for removal of Historic 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



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.~~M~~N.
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.~~M~~N.

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, 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.

**NOTICE OF PUBLIC HEARING
CITY OF REDMOND**

Citywide - Redmond Zoning Code Amendment for Appeals to City Council and reclassification of Conditional Use Permits, LAND-2017-00052.

The City of Redmond **Planning Commission** will hold a Public Hearing in the **City Hall Council Chambers, 15670 NE 85th Street, Redmond, Washington** on **March 22, 2017 at 7:00 p.m.** or as soon thereafter as possible, on:

SUBJECT:

Per the Redmond Zoning Code, Type I and Type II permits involve administrative decisions by either the appropriate City Department or the Technical Committee. Appeals of these decisions are heard and decided on by the City's Hearing Examiner. This Zoning Code amendment proposes to remove the City Council as the administrative appeal body of the Hearing Examiner decisions on appeals for Type I and Type II permits and reclassify Conditional Use Permits to a Type III permit from a Type IV. Reclassification of the Conditional Use Permits would mean that the Hearing Examiner would be the decision body rather than City Council. The proposed Zoning Code amendment has been recommended by the Technical Committee due to discussions of the City Council's role in quasi-judicial proceedings and the streamlining of the review and appeals process. These proposed amendments would affect portions of RZC 21.76, Review Procedures.

Alternatives to the proposed code amendments may include retaining the current Conditional Use Permit classification, removing the City Council as an appeals body from only the Type I or only from the Type II process, or keeping the appeals process as-is within the Type I & II permit review process.

REQUESTED ACTION: Planning Commission recommendation on the proposed amendments. All persons are invited to comment in person at the hearing, or in writing prior to the hearing, to the Planning Department at City Hall, P.O. Box 97010, Redmond, Washington, 98073-9710. Comments may also be provided by e-mail to planningcommission@redmond.gov or by fax to (425) 556-4242. **Contact David Lee at 425-556-2462 or dlee@redmond.gov and visit www.redmond.gov/overlake for more information.**

A copy of the proposal is available from the Planning Department, 4th Floor of City Hall and also on the web at www.redmond.gov/planningcommission. If you are hearing or visually impaired, please notify the Planning Department at 425-556-2440 one week in advance of the hearing in order to be provided assistance.

LEGAL NOTICE: FEBURARY 24th, 2017



STATE ENVIRONMENTAL POLICY ACT (SEPA) DETERMINATION OF NON-SIGNIFICANCE

For more information about this project visit www.redmond.gov/landuseapps

PROJECT INFORMATION

PROJECT NAME: RZC 21.76 Zoning Code Amendment

SEPA FILE NUMBER: SEPA-2017-00109

PROJECT DESCRIPTION:

Replacing City Council with King County Superior Court for second appeal for Type I & Type II process. Reclassifying Conditional Use Permit process from Type IV to Type III.

PROJECT LOCATION: City Wide

SITE ADDRESS:

APPLICANT: Scott Reynolds

LEAD AGENCY: City of Redmond

The lead agency for this proposal has determined that the requirements of environmental analysis, protection, and mitigation measures have been adequately addressed through the City's regulations and Comprehensive Plan together with applicable State and Federal laws.

Additionally, the lead agency has determined that the proposal does not have a probable significant adverse impact on the environment as described under SEPA.

An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. **This information is available to the public on request.**

CITY CONTACT INFORMATION

PROJECT PLANNER NAME: David Lee

PHONE NUMBER: 425-556-2462

EMAIL: dlee@redmond.gov

IMPORTANT DATES

COMMENT PERIOD

Depending upon the proposal, a comment period may not be required. An "**X**" is placed next to the applicable comment period provision.

There is no comment period for this DNS. Please see below for appeal provisions.

'X' This DNS is issued under WAC 197-11-340(2), and the lead agency will not make a decision on this proposal for 14 days from the date below. Comments can be submitted to the Project Planner, via phone, fax (425)556-2400, email or in person at the Development Services Center located at 15670 NE 85th Street, Redmond, WA 98052. **Comments must be submitted by 03/17/2017.**

APPEAL PERIOD

You may appeal this determination to the City of Redmond Office of the City Clerk, Redmond City Hall, 15670 NE 85th Street, P.O. Box 97010, Redmond, WA 98073-9710, **no later than 5:00 p.m. on 04/03/2017**, by submitting a completed City of Redmond Appeal Application Form available on the City's website at www.redmond.gov or at City Hall. You should be prepared to make specific factual objections.

DATE OF DNS ISSUANCE: March 1, 2017

For more information about the project or SEPA procedures, please contact the project planner.

RESPONSIBLE OFFICIAL: Robert G. Odle
Planning Director

SIGNATURE: 

RESPONSIBLE OFFICIAL: Linda E. De Boldt
Public Works Director

SIGNATURE: 

Address: 15670 NE 85th Street Redmond, WA 98052

CITY OF REDMOND**ENVIRONMENTAL CHECKLIST****NON-PROJECT ACTION***(Revised 5/27/15)***Purpose of the Checklist:**

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the City of Redmond identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply" and indicate the reason why the question "does not apply". It is not adequate to submit responses such as "N/A" or "does not apply"; without providing a reason why the specific section does not relate or cause an impact. Complete answers to the questions now may avoid unnecessary delays later. If you need more space to write answers attach them and reference the question number.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the City can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. When you submit this checklist the City may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Planner Name: David LeeDate of Review: 02/13/17

To Be Completed By Applicant	Evaluation for Agency Use Only
<p>7. Proposed timing or schedule (including phasing, if applicable):</p> <p>Final Planning Commission meeting by March 1st, 2017 with adoption by City Council at closest available meeting.</p>	DL
<p>8. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, explain.</p>	DL
<p>9. List any environmental information you know about that has been prepared or will be prepared directly related to this proposal.</p> <p>N/A - Non Project Action</p>	DL
<p>10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, explain.</p>	DL

To Be Completed By Applicant	Evaluation for Agency Use Only
<p>11. List any government approvals or permits that will be needed for your proposal, if known.</p> <p>Zoning code amendment</p>	<p>DL</p>
<p>12. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.</p> <p>Code amendment to RZC 21.76: Currently, City Council acts as a second appeal body for type I and II reviews as well as first appeal for type III. The intent of the proposal is to remove the City Council as an appeal body for Type I & II permits, and have Type I & II permit hearing examiner appeals appealed to King County Superior Court. Conditional Use Permits (CUP) will be changing from type IV to III reviews.</p>	<p>DL</p>
<p>13. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist</p> <p>City Wide</p>	<p>DL</p>

To Be Completed By Applicant	Evaluation for Agency Use Only
<p>B. <u>SUPPLEMENTAL</u></p> <p>Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.</p> <p>When answering these questions, be aware of the extent the proposal or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.</p> <p>1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?</p> <p style="padding-left: 40px;">N/A - Non Project Action. Proposed actions does not increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise any more than what is already permitted.</p> <p>Proposed measures to avoid or reduce such increases are:</p> <p style="padding-left: 40px;">N/A - Non Project Action; As this is a procedural code amendment, no impacts are expected.</p> <p>2. How would the proposal be likely to affect plants, animals, fish, or marine life?</p> <p style="padding-left: 40px;">N/A - Non Project Action. Proposed does not affect plants, animals, fish, or marine life any more than what is currently permitted.</p> <p>Proposed measures to protect or conserve plants, animals, fish or marine life are:</p> <p style="padding-left: 40px;">N/A - Non Project Action; As this is a procedural code amendment, no impacts are expected.</p>	<p style="text-align: center;">DL</p> <p style="text-align: center;">DL</p> <p style="text-align: center;">DL</p> <p style="text-align: center;">DL</p>

To Be Completed By Applicant	Evaluation for Agency Use Only
<p>3. How would the proposal be likely to deplete energy or natural resources?</p> <p>N/A - Non Project Action. Proposal will not deplete energy or natural resources any more than what is already permitted.</p> <p>Proposed measures to protect or conserve energy and natural resources are:</p> <p>N/A - Non Project Action; As this is a procedural code amendment, no impacts are expected.</p>	<p>DL</p> <p>DL</p>
<p>4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?</p> <p>N/A - Non Project Action. Proposal does not affect environmentally sensitive areas or areas designated for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic, or cultural sites, wetlands, floodplains or prime farmlands any more than what is currently permitted.</p> <p>Proposed measures to protect such resources or to avoid or reduce impacts are:</p> <p>N/A - Non Project Action; As this is a procedural code amendment, no impacts are expected.</p>	<p>DL</p> <p>DL</p>

To Be Completed By Applicant	Evaluation for Agency Use Only
<p>5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?</p> <p>N/A - Non Project Action; As this is a procedural code amendment, no impacts are expected.</p>	<p>DL</p>
<p>Proposed measures to avoid or reduce shoreline and land use impacts are:</p> <p>N/A - Non Project Action; As this is a procedural code amendment, no impacts are expected.</p>	<p>DL</p>
<p>6. How would the proposal be likely to increase demands on transportation or public services and utilities?</p> <p>N/A - Non Project Action; As this is a procedural code amendment, no impacts are expected.</p>	<p>DL</p>
<p>Proposed measures to reduce or respond to such demand(s) are:</p> <p>N/A - Non Project Action; As this is a procedural code amendment, no impacts are expected.</p>	<p>DL</p>

To Be Completed By Applicant	Evaluation for Agency Use Only
<p>7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.</p> <p>N/A - Non Project Action. The proposed code amendment does not conflict with local, state, or federal laws or requirements for the protection of the environment.</p>	<p>DL</p>

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Scott Reynolds Digitally signed by Scott Reynolds
DN: CN=Scott Reynolds
Reason: I am the author of this document
Date: 2017.01.30 10:42:11-08'00'

Name of Signee: Scott Reynolds

Position and Agency/Organization: Planner / City of Redmond

Relationship of Signer to Project: Applicant

Date Submitted: January 30th, 2017

EXHIBIT D

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	Type VI Legislative
Level of Impact and Level of Discretion Exercised by decision maker	<p>Least level of impact or change to policy/regulation. Least level of discretion.</p> 					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 short plats meeting certain criteria.	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 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, City Council	Yes, Planning Commission
Decision Maker	Appropriate Department	Technical Committee	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 City Council)	Hearing Examiner ¹ (Hearing Examiner decision on appeal may be appealed to City Council)	City Council ¹	None (decision appealable to Superior Court)	None (decision appealable to Superior Court)	None (decision appealable to Superior Court)
<p>TABLE NOTES:</p> <p>1. Shoreline Substantial Development Permits, Shoreline Variances, and Shoreline Conditional Use Permits are appealable directly to the State Shorelines Hearings Board.</p> <p>2. Landmarks Commission makes decisions for Certificate of Appropriateness Level III permits.</p>						

**Table 21.76.050B
Classification of Permits and Decisions**

Permit Type	Process Type	RMC Section (if applicable)
Administrative Interpretation	I	
Administrative Modification	II	
Alteration of Geologic Hazard Areas	III	
Binding Site Plan	II	
Boundary Line Adjustment	I	
Building Permit	I	RMC 15.06
Certificate of Appropriateness Level I	I	
Certificate of Appropriateness Level II	II	
Certificate of Appropriateness Level III	III	
Clearing and Grading Permit	I	RMC 15.24
Comprehensive Plan Map and/or Policy Amendment	VI	
Conditional Use Permit	IV	
Development Agreement	V	
Electrical Permit	I	RMC 15.12
Essential Public Facility	IV	
Extended Public Area Use Permit	I	RMC 12.08
Flood Zone Permit	I	RMC 15.04
Historic Landmark Designation	III	
Home Business	I	
Hydrant Use Permit	I	RMC 13.16.020
International Fire Code Permit	I	RMC 15.06
Master Planned Development See RZC 21.76.070.P	II, III, IV or V	
Mechanical Permit	I	RMC 15.14
Plat Alteration	V	
Plat Vacation	V	
Plumbing Permit	I	RMC 15.16
Preliminary Plat	III	
Reasonable Use Exception See RZC 21.76.070.U	I,II, III, IV or V	
Right-of-Way 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	
Sign Permit/Program	I	
Site Plan Entitlement	II	
Special Event Permit	I	RMC 10.60
Structure Movement Permit I-IV	I	RMC 15.22
Temporary Use Permit (Long-Term)	V	
Temporary Use Permit (Short-Term)	I	
Tree Removal Permit	I	
Variance	III	
Water Permit	I	RMC 13.08
Willows Rose Hill Demonstration Project	III	
Wireless Communication Facility 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	