

Chapter 21.76
REVIEW PROCEDURES

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- 21.76.090 Post-Approval Actions. (*Administrative note: this portion only, paragraphs A through D proposed as addendum to recommendation*)**
- 21.76.100 Miscellaneous.

21.76.090 Post-Approval Actions.

A. Purpose. The purpose of this chapter is to detail actions that a development applicant or the City may take after approval of the development application.

B. Commencement of Activity. ~~Except for Master Planned Development approvals, a~~ Approvals for Shoreline Substantial Development, Shoreline Conditional Use, and Shoreline Variance approvals, approval of a Type I, Type II, Type III, Type IV, and Type V permits are assumed valid unless overturned by an appeal decision. Project activity commenced prior to the end of any appeal period, or withdrawal of, or final decision on, an appeal, may continue at the sole risk of the applicant; provided, however, that:

1. Where the applicant begins project activity prior to the end of any applicable appeal period, site restoration performance assurance in an amount sufficient to restore the site to the predevelopment state shall be required.
2. Where the applicant begins or continues project activity after an appeal has been filed, only project activity that will be unaffected in any way by the outcome of the appeal will be allowed.
3. If the appeal concerns project activities that alter or affect a natural or undeveloped area, such activities shall not be allowed pending withdrawal of, or final decision on, the appeal.

4. If the appeal concerns project activities that alter or affect a historic landmark, such activities shall not be allowed pending withdrawal of, or final decision on, the appeal. If project activity has begun and is subsequently discontinued pending the withdrawal of or final decision on an appeal, then proper erosion control measures shall be maintained in accordance with the provisions of local, state, and federal law. Project infrastructure improvements in progress at this time shall be secured and shall be maintained in a safe condition pending withdrawal of, or final decision on, the appeal. For Shoreline Substantial Development Permit approvals, Shoreline Conditional Use Permit approvals, and Shoreline Variance approvals, see RZC 21.68, Shoreline Master Program.

C. ~~Termination of Approval of~~ **Expiration of Vested Status of** Type I, II, ~~and III,~~ **IV, and V Permits and Approvals.**

1. Type I, II, and III Permits and Approvals:

a. The vested status of a Type I, II, or III permit or approval will expire as provided in subsection C.2 of this section; provided, that:

i. Variances run with the land in perpetuity if recorded with the King County Recorder’s Office, or its successor agency, within 90 days following the final decision of the City;

ii. Preliminary plats are subject to expiration under the terms of RZC 21.74.030.E Preliminary Subdivision Procedures;

iii. Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances are subject to expiration under the terms of RZC 21.68.200.C.9 Termination of Approval; and

iv. When permit expiration timelines apply pursuant to the terms of Redmond Municipal Code Title 15 Buildings and Construction, the provisions of this Section C do not apply.

~~**2 b.** Approval of a Type I, II, or III application shall expire two years from the date approval was final unless: ~~–significant action proposed in the application has been physically commenced– and remains in progress. This expiration excludes preliminary plats subject to expiration under RZC 21.74.030.E.~~~~

1. A complete Building Permit application is filed before the end of the two-year term. In such cases, the vested status of the Type I, II, or III permit or approval shall be automatically extended for the time period during which the Building Permit application is pending prior to issuance; provided, that if the Building Permit application expires or is canceled pursuant to RZC 21.76.040 Time Frames for Review, RMC 15.08.050 Amendments to the International Building Code, the vested status of a Type I, II, or III permit or approval shall also expire or be canceled;

2. For short plats and binding site plans, the final plat or approved binding site plan is recorded;

3. For projects which do not require a Building Permit, the use allowed by the permit or approval has been established prior to the expiration of the vested status of the Type I, II, or III permit or approval and is not terminated by abandonment or otherwise;

4. When a Building Permit is issued, the vested status of a Type I, II, or III permit or approval shall be automatically extended for the life of the Building Permit. If the Building Permit expires or is revoked or canceled pursuant to RMC 15.08.050 or otherwise, then the vested status of a Type I, II, or III permit or approval shall also expire, or be revoked or canceled.

~~2~~ 5. The period may be extended on a yearly basis. A single one year extension may be granted by the decision maker of the permit approval authority upon showing if the applicant documents proper justification and a good faith effort. Proper justification consists of one or more of the following conditions:

~~a~~ i. Economic hardship;

~~b~~ ii. Change of ownership;

~~c~~ iii. Unanticipated construction and/or site design problems;

~~d~~ iv. Other circumstances beyond the control of the applicant determined acceptable by the Technical Committee.

~~3-6.~~ Once the time period and any extensions have expired, approval shall terminate; and the application is void and deemed withdrawn.

~~4. Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances. See RZC 21.68.200.C.9.~~

7. Type IV and V Permits and Approvals. Type IV and V permits and approvals are subject to expiration under the terms of the City Council Final Decision.

D. Administrative Modifications.

1. Purpose. The purpose of this section is to establish a procedure to allow modification to an approved project.
2. Scope. This section governs requests to modify any final approval on a project granted pursuant to this chapter of the RZC, excluding all approvals granted by passage of an ordinance or resolution of the City Council. For Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances, see RZC 21.68.200.C.8.
3. Procedure.
 - a. Applications that seek administrative modification that meet the criteria below shall follow the procedures established in RZC 21.76.050.G for a Type ~~II~~ permit process, ~~without the requirement for public notification~~
 - b. Applications that seek administrative modification for additional square footage shall follow the procedures established in RZC 21.76.050.G for a Type II permit process, without the requirement for public notice.
4. Decision Criteria.
 - a. The Administrator may determine that an addition or modification to a previously approved project or decision will require review as a new application rather than an administrative modification, if it exceeds the criteria in subsection D.4.b below.
 - i. If reviewed as a new application rather than an administrative modification, the modification shall be reviewed by the same body(ies) that reviewed the original application. If the application resulting in the approval which is the subject of the request for modification was reviewed by the Design Review Board, then the Board shall review the request and make its recommendations to the appropriate body. The criteria for approval of such a modification shall be those criteria governing original approval of the permit which is the subject of the proposed modification.
 - b. A proposed modification or addition will be decided as a Type I administrative modification, if the modification meets the following criteria:

- i. The modification requires upgraded fire access or fire suppression; or
- ii. No increase in the total square footage of structures to be developed is proposed; and
- iii. No new land use is proposed; All changes to land use(s) comply with the requirements of the underlying zone; and
- iiiv. No increase in density, number of dwelling units, or lots is proposed. All changes to the existing building and site comply with the requirements of the underlying zone; and
- iiiv. No changes in location or number of access points are proposed. All changes to the location or number of access points comply with applicable standards; and
- iiiv. All modifications to landscaping and/or removal of trees comply with applicable standards. No reduction in the amount of landscaping is proposed; and
- vii. No reduction in the amount of parking is proposed. Any changes to the amount of parking comply with applicable standards; and
- viii. Any increase in height of structures complies with applicable standards. No increase in the total square footage of structures to be developed is proposed; and
- vii. No increase in height of structures is proposed to the extent that additional usable floor space will be added.

5. A modification that ~~does not~~ meets the criteria in subsection D.4.b.iii through D.4.b.viii of this section, but ~~does not add~~ increases the total square footage of existing structures by more than the lesser of 10 percent or 6,000 gross square ~~footage~~ feet, may be reviewed as an Type II administrative modification, ~~as approved by the Administrator~~ without the requirement for public notice.

6. A modification that increases the total square footage of existing structures by more than the lesser of 10 percent or 6,000 gross square shall be reviewed as a new Type II Site Plan Entitlement application.