



MEMO TO: Members of the City Council

FROM: Mayor John Marchione

DATE: December 5, 2017

SUBJECT: Reclassifying the Appeal Body for all Type III Quasi-Judicial Land Use Permits

I. RECOMMENDED ACTION

Adopt the attached ordinance to amend the Redmond Zoning Code Section 21.76 Review Procedures to remove the City Council as the appeal body for all Type III permits and establish a date for a public hearing.

II. DEPARTMENT CONTACTS

Karen Anderson, AICP, Director, Planning and Community Development 425-556-2497
Steven Fischer, Manager, Development Review 425-556-2432
David Lee, Senior Planner 425-556-2462

III. DESCRIPTION/BACKGROUND

On June 20, 2017, the Redmond City Council adopted Ordinance No. 2889, which amended Section 21.76 of the Redmond Zoning Code. This action removed the City Council as an appeal body for all Type I and Type II permits and reduced the review type for Conditional Use Permits from a Type IV to a Type III review.

City Council Members have raised the question of whether they should be the appeal body for Type III permits, as they would like to be able to advocate for their constituents without creating a conflict of interest and, thus; possibly endangering their ability to hear the appeal.

Currently, the City Council is the primary administrative appeal body for Type III permits. A Type III process is a quasi-judicial review. Decisions regarding Type III process are made by the Hearing Examiner and appeals of Type III decisions are made to the City Council. Appeal decisions of the City Council may be appealed to the King County Superior Court. Type III permits, such as Conditional Use Permits, are enumerated in the Redmond Zoning Code in Table 21.76.050B and include:

- Alteration of Geologic Hazard Areas
- Certificate of Appropriateness Level III
- Conditional Use Permit

- Historic Landmark Designation
- Master Planned Development (RZC 21.76.070P)
- Preliminary Plat
- Reasonable Use Exception (RZC 21.76.070U)
- Variance
- Willows Rose Hill Demonstration Project

There are two other Type III permits, the Shoreline Conditional Use Permit and the Shoreline Variance Permit, which are the exception to the rule. Following an appeal to the City Council, rather than be appealed to Superior Court they are appealable to the State Shorelines Hearing Board.

The proposed ordinance removes the City Council as the appeal body for Type III permits. Any appeal of a Type III permit would then be heard by King Council Superior Court, or by the State Shorelines Hearing Board as noted above. Additionally, the interim ordinance establishes a six-month period during which staff and the Planning Commission could prepare a permanent zoning code amendment. As an interim ordinance, the City Council must set a public hearing date within 60 days.

IV. PREVIOUS DISCUSSIONS HELD

Planning and Public Works Committee-November 14, 2017

V. IMPACT

A. Service/Delivery:

None

B. Fiscal Note:

None

VI. ALTERNATIVES TO STAFF RECOMMENDATION

If no action is taken, the Council will remain the appeal body for Type III permits

VII. TIME CONSTRAINTS

None

VIII. LIST OF ATTACHMENTS

Attachment A: Ordinance

Exhibit 1: RZC 21.76 Amendments

Exhibit 2: Figure 21.76.050C Flow Chart for Type III Process

Karen Anderson

Karen Anderson, Director of Planning and Community Development

John Marchione

Approved for Agenda _____

John Marchione, Mayor