

Introduced: 2/20/24
Adopted: 2/20/24

CODE

**CITY OF REDMOND
ORDINANCE NO. 3156**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE REDMOND ZONING CODE CHAPTER 21.76 REVIEW PROCEDURES, A PART OF A PERIODIC REWRITING OF DEVELOPMENT REGULATIONS, HEREIN REFERRED TO AS THE REDMOND ZONING CODE (RZC) REWRITE PROJECT PHASE 2, TO PROVIDE TIMELY IMPROVEMENTS, CLARITY, AND MAINTENANCE TO THE REDMOND ZONING CODE, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Growth Management Act requires that development regulations be subject to continuing evaluation and review; and

WHEREAS, the Growth Management Act requires that development regulations must be consistent with and implement comprehensive plans adopted pursuant to the act; and

WHEREAS, the Growth Management Act clarifies that the use of implement in text context of WAC 365-196-800 connotes not only a lack of conflict but also a sufficient scope to fully carry out the goals, vision, policies, standards, and directions contained in the comprehensive plan; and

WHEREAS, City staff has identified, within the Redmond Zoning Code, opportunities for improvements to consistency between the Redmond Comprehensive Plan and development regulations, as well as to the format and structure, terminology, and narrative of the development regulations; for strategic and timely revisions to further reflect the City's goals, vision, functional and strategic plans, and priorities; and to portions of the development regulations for conformance with updated laws and regulations; and

WHEREAS, RZC 21.76 Review Procedures provides process steps for decisions issues by the City of Redmond Technical Committee; and

WHEREAS, RZC 21.76 Review Procedures also provides provisions concerning notification of public hearings and decisions; and

WHEREAS, state agencies received 60-day notice of the proposed amendments on August 18, 2023; and

WHEREAS, a State Environmental Policy Act (SEPA) checklist was prepared, and a Determination of Non-significance was issued on August 1, 2023, for the proposed amendments; and

WHEREAS, the Technical Committee reviewed and approved the proposed amendments and on August 30, 2023, made a recommendation for approval of the amendments to the Planning Commission; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed amendments on September 27, 2023, to receive public comment, and held the public hearing open through October 25, 2023, to receive additional written comment; and

WHEREAS, the Planning Commission received testimony from four individuals regarding the proposed amendments and requested resolution of the issues to be reflected in the Commission's issues matrix, approved by the Commission on October 25, 2023; and

WHEREAS, upon completion of the public hearing the Planning Commission issued findings, conclusions, and recommendations in a report to the Redmond City Council dated November 1, 2023; and

WHEREAS, the City Council held public meetings on December 5, 2023; January 16, 2024; January 23, 2024; and February 20, 2024, to consider the proposed amendments and the Planning Commission's recommendation; and

WHEREAS, notice of City Council action on this proposed amendment was provided on January 30, 2024; and

WHEREAS, the City Council desires to adopt the amendments set forth in this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Classification. The amendments set forth by this ordinance are of a general and permanent nature and shall become a part of the Redmond Zoning Code.

Section 2. Findings and Conclusions. In support of the proposed amendments to the Redmond Zoning Code, the City Council hereby adopts the findings and conclusions contained in the Planning Commission Report dated November 1, 2023, including all related attachments and exhibits.

Section 3. Amendments to Redmond Zoning Code (RZC) Chapter 21.76 Review Procedures. The provisions of RZC Chapter 21.76 Review Procedures, section 21.76.060 Process Steps and Decision Makers; and section 21.76.080 Notices are hereby amended to read as follows:

Chapter 21.76 Review Procedures.

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21.76.060 Process Steps and Decision Makers.

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F. Technical Committee Recommendations on Type II, IV, V, and VI Reviews.

1. Decision. The Technical Committee's recommendation shall be based on the decision criteria for the application set forth in the RZC. Based upon its analysis of the application, the Technical Committee may recommend approval, approval with conditions or with modifications, or denial.

2. Recommendations. The Technical Committee shall ~~[MAKE A]~~ transmit the following recommendations:

a. Recommendations involving Type III and Type IV permits shall be transmitted to the Hearing Examiner ~~[ON ALL TYPE III AND TYPE IV REVIEWS,]~~.

b. [A RECOMMENDATION] Recommendations involving Type V permits shall be transmitted to the City Council. ~~[ON ALL TYPE V REVIEWS,]~~

c. ~~[AND A RECOMMENDATION]~~ Recommendations involving Type VI permits shall be transmitted 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.]~~

3. Record. A written record of the Technical Committee's recommendation shall be prepared in each case. The recommendation shall summarize the Technical Committee's analysis with respect to the decision criteria and indicate approval, approval with conditions or modifications, or denial.

4. Recommendations of the Design Review Board and/or Landmark Commission. 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.

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21.76.080 Notices

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F. Notice of [~~PLANNING COMMISSION~~] Public Hearings on Type VI Reviews.

1. When the Planning Commission or City Council has scheduled a public hearing on a Type VI proposal, notice of the public hearing shall be provided 21 days prior to the scheduled hearing date in the manner set forth in [~~SUBSECTION F.2 OF THIS SECTION~~].

2. Notice of Public Hearing. The administrator shall provide public notice using communication methods in accordance with the corresponding land use action as listed in Table 21.76.080A.

<u>Table 21.76.080A Notice of Public Hearing</u>			
Land Use Action	Publish	Mail	Post
Comprehensive Plan Amendment	X		
Zoning Code Amendment - Text	X		
Zoning Code Amendment - Zoning Map	X	X	<u>Refer to criteria of RZC 21.76.080.5 Posted Notice for Zoning Map Amendments</u>

3. Published Notice. [~~WHEN REQUIRED, THE APPLICABLE DEPARTMENT DIRECTOR~~] The administrator shall publish a notice in a newspaper of general circulation in the City. The notice shall contain the following information:

- a. The name of the applicant, and, if applicable, the project name;
- b. If the application requires owner signatures under RZC 21.76.070.AF.4, the street address of the subject property, a description in nonlegal terms sufficient to

identify its location, and a vicinity map indicating the subject property;

c. Brief description of the action or approval requested;

d. The date, time, and place of the public hearing; and

e. A statement of the right of any person to participate in the public hearing as provided in RZC 21.76.060.L.2.b.

f. The location and instructions for obtaining a copy of the written record of the Technical Committee's recommendation.

4. Mailed Notice **for Zoning Map Amendments.**

a. [~~ZONING MAP AMENDMENTS.~~] If the application requires owner signatures under RZC 21.76.070.AF.4, notice of the public hearing, containing the same information set forth in subsection F.3 of this section, shall be mailed to each person establishing themselves as a party of record prior to notice of hearing

being issued, and to each owner and occupant of real property within 500 feet of any boundary of the subject property or to 20 property owners and residents/tenants, whichever is greater.

i. The records of the King County Department of Assessments [~~DEPARTMENT~~], or its successor agency shall be used for determining the property owner of record. Addresses for a mailed notice required by this code shall be obtained from the King County real property tax records. The approval authority shall issue a certificate of mailing to all persons entitled to notice under this chapter. The approval authority may provide notice to other persons than those required to receive notice under the code.

b. Notice shall be mailed to each person who has established themselves as a party of

record prior to issuance of the notice of hearing.

c. No proceeding of any procedure established in this chapter shall be found to be invalid for failure to provide mailed notice as required in this section as long as the other methods of notice have met their respective requirements and there was a good faith attempt to comply with the mailed notice requirements.

d. All public notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.

5. Posted Notice for Zoning Map Amendments.

a. [~~ZONING MAP AMENDMENTS.~~] If the application requires owner signatures under RZC 21.76.070.AF.4, at least one public notice board shall be posted on the site or in a location immediately adjacent to

the site that provides visibility to motorists using the adjacent street(s).

b. [~~TYPE VI ZONING CODE AMENDMENT~~] A Zoning Map amendment is considered a major land use action. In addition to the general notice requirements, major land use actions shall comply with the extraordinary signage requirements outlined in Appendix 6.

6. Responsibility for Notice. The Administrator is responsible for providing published legal notices, mailed notice, and posted notice in public buildings. The applicant is responsible for complying with on-site posted notice requirements.

7. Alternative Means of Notification. In the case of the following actions initiated by the City, which affect large areas of the city, the Administrator may elect to use alternative means of public notification in addition to the newspaper publication required by RCW 35A.63.070, provided

such notification is likely to achieve equal or greater actual public notification:

- a. Adoption or amendment of a neighborhood or other area-wide community plan;
- b. Zoning Map amendments adopted on a neighborhood or other area-wide basis.

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J. Notice of [~~CLOSED RECORD CITY COUNCIL PROCEEDING~~] **Potential City Council Action** on Type IV and [~~CITY COUNCIL PROCEEDING ON~~] Type VI Reviews. The Administrator shall mail notice of the [~~PROCEEDING~~] **meeting** at which the City Council [~~WILL CONSIDER THE RECOMMENDATION, THE SEPA THRESHOLD DETERMINATION, AND THE AVAILABILITY OF THE RECOMMENDATION~~] **may take final action on a Type IV and Type VI recommendation** to each person who established themselves as a party of record prior to the close of public hearing by either the Hearing Examiner or Planning Commission. Notice shall be provided a minimum of 21 days prior to the meeting[/~~proceeding~~] **and shall include the date, time,**

and location of the meeting; instructions for obtaining a copy of the Hearing Examiner or Planning Commission's written recommendation.

Section 4. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.


Section 5. Effective Date. This ordinance shall become effective five days after its publication, or publication of a summary thereof, in the city's official newspaper, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 20th day of
February, 2024.

CITY OF REDMOND


ANGELA BIRNEY, MAYOR

ATTEST:


CHERYL XANTHOS, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

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DANIEL P. KENNY, CITY ATTORNEY

FILED WITH THE CITY CLERK: February 6, 2024
PASSED BY THE CITY COUNCIL: February 20, 2024
SIGNED BY THE MAYOR: February 23, 2024
PUBLISHED: February 26, 2024
EFFECTIVE DATE: March 2, 2024
ORDINANCE NO. 3156

YES: ANDERSON, FIELDS, FORSYTHE, KRITZER, NUEVACAMINA, SALAHUDDIN,
STUART

NO: NONE