

**TO:** Mayor Marchione and City Council

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**SUBJECT: STAFF REPORT: REDMOND CODE REWRITE: PROPOSED CHANGES TO REDMOND MUNICIPAL CODE**

**OVERVIEW AND BACKGROUND**

In November 2010 the Code Rewrite Commission completed its review of all packages of the Redmond Community Development Guide Rewrite. Throughout the course of review, as reflected in the transmittals to Council for each package, the Commission recommended various elements of the Redmond Community Development Guide (RCDG) be placed within the Redmond Municipal Code (RMC).

In February of 2010, during its review of the Procedures Chapter, the CRC sought Council feedback with respect to what elements should be placed within the RMC. Staff provided Council with a memo outlining the proposed sections for the RMC, together with the rationale for each. The proposed changes, as described below, are consistent with Council direction given.

At this time, staff is preparing draft changes to the RMC that reflect a logical placement within the code, and edits necessary due to the transfer of regulations to the RMC. Minor substantive changes are also included, in keeping with the goals of the rewrite, to provide greater clarity and a more concise, user-friendly code. These changes are noted below under “Proposed Changes”.

**REQUESTED DIRECTION**

Staff requests that Council review the proposed changes noted and described below, and provide staff with direction as to whether these changes are generally acceptable. Staff also requests that Council indicate whether a study session on proposed changes would be beneficial. If so, a study session has been tentatively set for February 8, 2010. Specific code language can be provided in advance of that meeting for Council’s review and consideration.

## **PROPOSED CHANGES**

Below is an overview of each of the RMC changes.

- I. Duties Authorities and Qualifications of Decision Making Bodies (Existing RCDG 20F.50)**
  - A. Rationale for Moving to RMC: Because these provisions are not considered land use controls or regulations, it is not appropriate to place them within the Zoning Code. Additionally, including such provisions in the RMC would allow more expeditious amendments if needed. Accordingly, the CRC has recommended moving this section to the RMC.
  - B. Summary of Proposed Changes:
    1. Insert provisions for the Code Administrator and Building Official into Title 2, General Provisions.
    2. Create a new Title 4, Boards and Commissions. Provisions for Planning Commission, Design Review Board, Technical Committee, Hearing Examiner and Landmarks Commission will be listed under this Title.
    3. For Code Administrator, Technical Committee, Design Review Board, and Hearing Examiner, delete provisions that describe appeal procedures. These procedures will be provided within the Procedures Chapter of the Zoning Code.
    4. Under Code Administrator, the provision for “Liability of Code Administrator” is being deleted, as it is superseded by section 2.06 of the RMC.
    5. The provisions for Building Official have been clarified to reflect that the Building Official does not administer or enforce Chapters 15.04, 15.06 and 15.24 of the RMC.
    6. The provisions regarding composition of the Technical Committee have been clarified.
    7. Provisions relating to establishment of rules for the Technical Committee, Hearing Examiner, Planning Commission, Landmark Commission and Design Review Board have been modified to remove the rules from the

Zoning Code Appendices, with a provision that the rules be approved by the Council and kept on file with the appropriate office.

8. Significantly streamlined the purpose of the Design Review Board, providing reference to the purposes and design criteria outlined within the zoning code.
9. Eliminated procedural provisions for the Design Review Board that are duplicative of the Procedures Chapter of the Zoning Code.
10. Increased term of office for Design Review Board from two to four years
11. Provided consistent removal provisions for Design Review Board, Planning Commission and Landmark Commission.
12. Clarified conflict of interest provisions to specify “financial” conflict of interest.
13. Updated Hearing Examiner provisions to reflect new procedures of contracts versus appointment of hearing examiner.
14. Included Appearance of Fairness doctrine reference within Conflict of Interest provision.
15. Remove provision for Planning Commission to provide semi-annual report on the status of the RCDG and provisions for the Planning Commission to monitor the hearings of the Hearing Examiner.
16. Modified provision for Planning Commission applications to be submitted to Mayor’s office instead of the City Clerk.
17. Included provision for Mayor’s appointment of Planning Commission members where an insufficient number of applications has been received.
18. Clarified name of Landmark Commission to be consistent with Zoning Code (eliminate references to Landmark and Heritage Commission).
19. Eliminated provisions relating to the Code Rewrite Commission.

**II. Notice Requirements for Structure Movement Permits (Existing RCDG 20F.30.30-023)**

A. Rationale for Moving to RMC: Structure Movement Permits are currently authorized within the RMC. Therefore it is logical to include the respective notification requirements within that section of the RMC.

B. Summary of Proposed Changes:

There are no substantive changes to the notification provisions existing within the RCDG. The notification provisions are being inserted into RMC Title 15.22, Moving Buildings.

**III. Impact Fees and Related Definitions (Existing RCDG 20D.60 and 20D.210)**

A. Rationale for Moving to RMC: Impact fees are not development regulations or land use controls, nor do they limit or change the way land may be developed. Therefore, the CRC has recommended to move impact fees to the RMC.

B. Summary of Proposed Changes:

1. Reorganization of the chapter for purposes of clarity and streamlining.
2. Including a provision for Authority.
3. Including a provision to define “reasonable service area” as required by RCW 82.02.060.
4. Clarify provisions regarding impact fee credits and exemptions.

**IV. Limitations on External Effects of Uses (Existing RCDG 20D.95)**

A. Rationale for Moving to RMC: Impacts such as vibration, heat and glare relate to operation of land uses and not the development of land. Therefore the CRC recommended that these regulations be moved out of the zoning regulations and into the RMC.

B. Summary of Proposed Changes:

There are no substantive changes to the provisions existing with the RCDG, except that the impact of vibration is being omitted as it has been determined that measuring vibration is problematic. The External Effects of Permitted Uses regulations are being inserted into RMC Title 6, Health and Sanitation.

## **V. Noise Standards (Existing RCDG 20D.100)**

### **A. Rationale for Moving to RMC:**

The noise standards were reviewed by the Code Rewrite Commission as part of the Environmental package which came before the Council last summer. In keeping with the recommendation for External Effects, the Code Rewrite Commission recommended that these standards be moved to the RMC as they are not related to development.

### **B. Summary of Proposed Changes:**

Language stating that recurrent or continuous noise is not to be perceptible is not enforceable and has been removed.

## **VI. Annexation Notice Procedures (Existing RCDG 20F)**

**A. Rationale for Moving to RMC:** Annexations are covered by State Statute and are recommended to be removed from the Zoning Code as part of the Code Rewrite. Adding annexation notice procedures to the Municipal Code provides clarity regarding requirements beyond those called for in the RCW.

### **B. Summary of Proposed Changes:**

1. Identifying where Annexation procedures are authorized (RCWs)
2. Including annexation notice provisions that are above and beyond those required by state law.

## **VII. Prohibition on Storage of Inoperable Vessels**

**A. Rationale for Moving to RMC:** As there is already an RMC provision that regulates the storage of disabled and junk vehicles, it makes sense to also include vessels in this category.

### **B. Summary of Proposed Changes:**

Vessels are added to RMC Title 9.44, Abandoned Vehicles, and the title is being expanded to “Abandoned or Disabled Vehicles and Vessels”.

### **VIII. Establish Zoning Code as Title 21, Deleting References to Title 20 and Redmond Community Development Guide**

- A. Rationale for Moving to RMC: The new Redmond Zoning Code must be included within the RMC as a new title, Title 21. As such, all references in the RMC to the Redmond Community Development Guide, and its current title number, Title 20, must be deleted.
- B. Summary of Proposed Changes:
  - 1. Create Title 21, Redmond Zoning Code.
  - 2. Delete all references throughout RMC to Redmond Community Development Guide (including abbreviations) and Title 20.

### **IX. Other Topics**

During the course of CRC review, there were two items that were recommended for the RMC, which after further consideration, staff believes are not necessary.

- A. Christmas Tree Lot Permits. The RCDG currently provides that Christmas Tree Lot Permits are a Type I permit. The CRC recommended that this permit type be authorized in the RMC. After further analysis, Christmas Tree Lot permits are specifically listed as an allowed Temporary Use in the RCDG (and in the proposed Zoning Code). As such, it would be redundant to require a separate permit for Christmas Tree Lots, when a Temporary Use Permit would serve to ensure the same level of compliance as would the Christmas Tree Lot Permit. Therefore, staff proposes to remove the permit type for Christmas Tree Lot Permit altogether.
- B. Process for Right-of-Way Dedication. During the course of review the CRC noted that the process for Right-of-Way Dedication is not clearly defined in writing. At the time, staff recommended that the process be placed within the RMC. However, after further analysis, the process for Dedication of Right-of-Way is best placed within a User Guide, as it is process specific rather than regulation pertaining to right of way dedications.

If the Council finds the proposed changes acceptable, the new sections for the RMC will be included in a separate ordinance and scheduled for adoption the same date as the new zoning code.