

TO: Mayor Marchione and City Council

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DATE: February 1, 2011

**SUBJECT: STAFF REPORT: REDMOND CODE REWRITE, TOPICS FOR
FEBRUARY 15, 2011, PUBLIC HEARING**

This staff report outlines five proposed changes to Redmond's development regulations as part of the Redmond Code Rewrite effort. This effort began in early 2009 with an evaluation of the existing Redmond Community Development Guide, and continued with the drafting and review of updated code from September 2009 to November 2010. Staff has identified a small number of instances where regulations and maps should be updated to be brought into conformance with the Comprehensive Plan and code rewrite principles.

I. REQUESTED DIRECTION AND RECOMMENDED ACTION

At the February 1, 2011, City Council meeting staff will brief the City Council on the proposed zoning code amendments, and would like feedback from the City Council as to what issues or questions Councilmembers have, and whether Councilmembers would like to study these amendments at a future study session.

In spring 2011 when the City Council adopts the new Redmond Zoning Code, staff recommends that the Council include, as part of the adopting ordinances provisions that:

1. Rezone all properties zoned Agriculture (A) to Urban Recreation (UR);
2. Remove all "/C" designators from the official zoning map and replace them with a symbol that denotes when a property is subject to a concomitant agreement or development agreement;
3. Establish minimum and maximum parking standards for self-storage facilities;
4. Amend requirements for modifying binding site plans; and
5. Codify the requirement that boundary line adjustments be recorded.

II. OVERVIEW AND BACKGROUND

The CRC completed its review of packages of development regulations as part of the code rewrite effort in November 2010. Staff is now bringing forward five recommended changes to the zoning map and regulations in connection with the CRC's recommendations.

- 1) Staff recommends rezoning all properties zoned Agriculture (A) to Urban Recreation (UR). This is consistent with the CRC's recommendation as part of the Residential and Urban Recreation package to eliminate all zoning regulations pertaining to the Agriculture zone. In 2003, a Court of Appeals decision upheld the City's previous re-designation of these properties to Urban Recreation. Since that time, these parcels have been designated as Urban Recreation on the Comprehensive Land Use Map in the Land Use Element of the Comprehensive Plan. The proposed rezoning would simply make the zoning of the subject parcels consistent with the Comprehensive Plan.
- 2) Staff recommends removing all "/C" notations from the official zoning map. The notations have been inconsistently applied over the years, and they do not have a consistent meaning. Staff recommends replacing the "/C" notation with a symbol designating when a property is the subject of a concomitant agreement or development agreement.
- 3) Staff recommends establishing minimum and maximum parking standards for self-storage facilities. The minimum/maximum parking would be 0.25/0.30 stalls per 1,000 square feet of gross floor area. This recommendation is in response to a citizen request that came too late to be incorporated into the CRC's review process.
- 4) Staff recommends amending the procedural requirements for modifying approved binding site plans. The code currently requires Council action to amend a binding site plan. This process is more onerous than the process for reviewing and approving a binding site plan, which is administratively approved through the Type II process. Therefore, staff is recommending that amendments to a binding site plan also be approved through administrative action.
- 5) Staff recommends codifying the requirement that boundary line adjustments be recorded. In practice, the City requires boundary line adjustments to be recorded; however, the code does not reflect this requirement. Boundary line adjustments change property ownership characteristics, and it is imperative that they be recorded to provide a clear and permanent record for current and future property owners or other interested parties.

The balance of this memo describes the rationale for the above recommendations and the process for updating the zoning map and development regulations.

III. FACTS AND CONCLUSIONS

Topic	Facts	Conclusions
Properties zoned Agriculture	<ol style="list-style-type: none"> 1. There are four contiguous parcels in the City of Redmond zoned Agriculture, totaling about 74 acres. 2. Of the four parcels, three are owned either by King County or the City of Redmond. 3. The Comprehensive Land Use Map in the Land Use Element of the Comprehensive Plan identifies the land use designation for these properties as Urban Recreation. 4. The City's zoning map is not consistent with the Comprehensive Land Use Map. 5. Development regulations reviewed and endorsed by the City Council as part of the Code Rewrite project do not include any reference to an Agriculture zone. 	<ol style="list-style-type: none"> 1. Development regulations should be consistent with the City's Comprehensive Plan, consistent with Growth Management Act requirements and sound planning practice. 2. Development regulations should be internally consistent, consistent with Growth Management Act requirements and sound planning practice. 3. All properties zoned Agriculture should be rezoned Urban Recreation to accomplish the above conclusions.
Use of "/C" on the Official Zoning Map	<ol style="list-style-type: none"> 1. "/C" is typically used to indicate that there are special development regulations that apply to a zone or portion of a zone. 2. "/C" sometimes refers to an uncodified ordinance (such as a concomitant agreement) and other times refers to zoning code language. 3. Sometimes there are development regulations that apply that are not denoted with a "/C" on the zoning map. 4. The City has entered into a number of development agreements that are not shown on the zoning map with a "/C". 5. The use of "/C" has been inconsistent over time. 	<ol style="list-style-type: none"> 1. The haphazard use of "/C" terminology is not friendly to code users. 2. The zoning map should have a consistent way of indicating when a property is subject to a concomitant agreement or development agreement.

Topic	Facts	Conclusions
<p>Parking Requirements for Self Storage Facilities</p>	<ol style="list-style-type: none"> 1. The City does not currently have a minimum or maximum parking standard for self storage facilities. 2. Parking requirements for self storage facilities are set on a case-by-case basis based on parking studies completed by project applicants. 3. There are self storage facilities in Redmond that have been permitted and constructed in the last ten years. The Marymoor self storage facility has a parking ratio of approximately 0.26 stalls per 1,000 square feet gross floor area. 4. Some neighboring cities establish parking standards for self storage facilities. Woodinville and Issaquah have set standards of 0.28 and 0.36 stalls per 1,000 square feet gross floor area, respectively. 5. A business community member requested that the City establish parking standards for self storage facilities to provide predictability in the zoning code. 	<ol style="list-style-type: none"> 1. Establishing minimum and maximum parking standards for self storage facilities would improve predictability for zoning code users. 2. Establishing a minimum of 0.25 and a maximum of 0.30 stalls per 1,000 square feet gross floor area is reasonable based on experience in Redmond and standards in nearby jurisdictions.
<p>Procedures for Amending Binding Site Plans</p>	<ol style="list-style-type: none"> 1. Binding site plans are administratively reviewed and approved. 2. The code currently requires amendments to binding site plans to obtain City Council approval through the Type V process. 3. State law requires that codes include provisions for amending binding site plans. 	<ol style="list-style-type: none"> 1. Procedures for amending binding site plans should not be more onerous than approving binding site plans. 2. Procedures for amending binding site plans should be clear.

Topic	Facts	Conclusions
Recording Boundary Line Adjustments	1. In practice, the City requires applicants to record boundary line adjustments in order to retain a clear record of parcel history over time. 2. The requirement to record boundary line adjustments is not codified in the zoning code.	1. Recording boundary line adjustments is a sound practice that benefits current and future property owners. 2. The requirement to record boundary line adjustments should be codified, and the requirements should be clear.

Consistency with Code Rewrite Principles

The proposed amendments are consistent with Code Rewrite Principles as follows:

Principle	Applies	Explanation
Principles pertaining to code organization		
<i>Group and consolidate regulations in a simple, logical, and efficient structure, and provide clear references to relevant code sections when they are separated from core information.</i>		
<i>Provide visual aids to guide the user and to explain the relationship between various sections of the document.</i>	X	Removing the “/C” notation and replacing it with a symbol that designates when special regulations apply will aid code users.
<i>Place basic regulations in obvious locations, outside of footnotes and other easy-to-miss places.</i>		
<i>Separate definitions, procedures, and regulations.</i>		
<i>Clearly identify when citywide regulations apply and when unique regulations apply.</i>	X	Removing the “/C” notation and replacing it with a symbol that designates when special regulations apply will aid code users.

Principle	Applies	Explanation
<i>Reduce complexity and eliminate excessive detail to make the code easier to use, navigate, and search.</i>	X	Eliminating the Agriculture (A) zone reduces code complexity. Streamlining the binding site plan amendment and vacation process reduces code complexity.
Principles pertaining to code regulations		
<i>Carry out the Comprehensive Plan with a clear connection to adopted policies.</i>	X	Eliminating the Agriculture (A) zone is consistent with the Comprehensive Land Use Map.
<i>Convey expectations of quality clearly and succinctly with illustrations and examples.</i>		
<i>Identify opportunities to promote sustainable development practices.</i>		
<i>Provide flexibility and predictability within defined limits as a method of meeting the intent of regulations.</i>	X	Establishing parking standards for self storage facilities improves code predictability.
<i>Use easily-understood language, with defined legal and technical terms where useful. Avoid multiple definitions of terms.</i>		
<i>Clearly convey maximum development potential.</i>		
Principles pertaining to permit review procedures		
<i>Incorporate legal review into the early stages of code revision.</i>	X	The City Attorney has reviewed all recommended code updates.
<i>Provide early notice, and opportunities for timely input corresponding to the land use action proposed.</i>		
<i>Ensure that decision-making timelines meet or are quicker than statutory requirements, without compromising opportunities for public input.</i>		
<i>Use an administrative review process for certain permits where there are clear approval criteria that ensure the City's goals and visions are being met.</i>	X	Streamlining the process for binding site plan amendments meets this principle.

Principle	Applies	Explanation
<i>Describe the code's procedures clearly and succinctly. Use brochures and online information to help users understand the review processes.</i>	X	Clearly requiring that boundary line adjustments be recorded meets this principle.
<i>Consolidate multiple permits, related to a proposal to make the process more understandable and accessible.</i>		

Consistency with the Comprehensive Plan

The proposed amendments are consistent with the Comprehensive Plan as follows:

- Eliminating the Agriculture (A) zone is consistent with the Comprehensive Land Use Map in the Land Use Element, and policy PI-13, which directs the City to resolve conflicts between the zoning code and Comprehensive Plan by basing decisions on the Comprehensive Plan.
- Eliminating the “/C” notation and replacing it with a consistently-applied symbol is consistent with policy PI-21, which directs the City to ensure that the development review process has a “high degree of certainty and clarity in timelines and standards.”
- Establishing a minimum and maximum parking standard for self storage facilities is also consistent with policy PI-21. It is also consistent with policy TR-39, which directs the City to establish minimum and maximum parking standards consistent with land use and transportation objectives of the Comprehensive Plan.

IV. PROCESS

A. Conduct Public Hearing. A public hearing on these amendments is scheduled for February 15, 2011. The purpose of the public hearing is to hear oral testimony and enter any written testimony into the record. A notice of public hearing was published on January 25, 2011, in the Seattle Times and also posted at Redmond City Hall and the Redmond Library. In addition, notice was sent to all Code Rewrite parties of record and to a minimum of 20 properties surrounding the area recommended to be rezoned from Agriculture (A) to Urban Recreation (UR).

B. Continue Review at a Study Session. Staff has tentatively scheduled time for review of these amendments at the February 22, 2011, study session. Staff is seeking feedback from the City Council on February 1, 2011, as to whether Councilmembers would like to review these amendments further during a study session.

C. Incorporate these Amendments into the Redmond Zoning Code. In April 2011, the City Council is expected to take final action on the new Redmond Zoning Code. Staff recommends that the Council incorporate the amendments recommended in this memo into the Redmond Zoning Code adopting ordinances.

V. LIST OF ATTACHMENTS

Attachment A.1: Proposed Amendment: Locations of Existing Agricultural Zone

Attachment A.2: Proposed Amendments: Locations of "C" Designation

Attachment A.3: Proposed Amendments: Manufacturing Park Allowed Uses

Attachment A.4: Proposed Amendments: Land Division Chapter Relating to Binding Site Plan Amendments

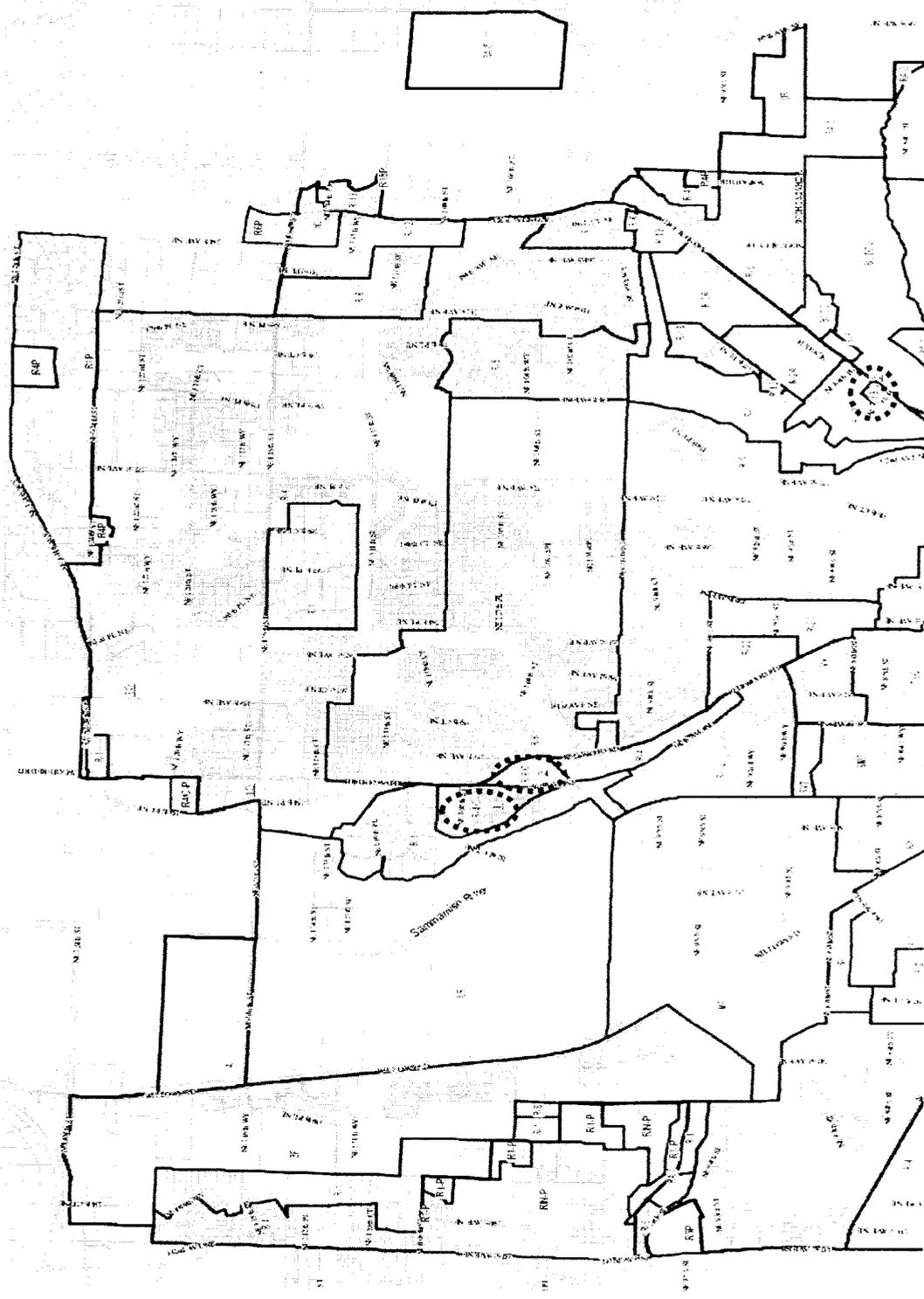
Attachment A.5 Proposed Amendments: Land Division Chapter Relating to Recording of Boundary Line Adjustments

Attachment B: Public Hearing Notice

Attachment A.2

Locations of “/C” designation (denoted by ○)

for
info
filed
1.F
2.F
3.C
4.C
5.F
6.C
7.C
8.F
9.C
10.



Attachment A.3

Proposed Modification to CRC Recommendation On Manufacturing Park Allowed Uses Chart (Excerpt)

020	Real estate services	4	5	0.5	1.0	1000 sq ft gfa (2.0, 3.0) <u>.25-</u> <u>.30</u>	X*	II	1. Mini-warehouses/self-storage only.
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Attachment A.4

Proposed Amendment to CRC Recommendation on new Land Division Chapter relating to Binding Site Plan Amendments (Excerpt-changes shown in underline/strikethrough)

30-110 Binding Site Plans.

- (4) Post-approval Requirements. The following requirements shall apply to proposals submitted under this section:
- (a) Approved binding site plans shall be submitted for recording with the King County Department of Records and Elections;
 - (b) All provisions, conditions and requirements of the binding site plan shall be legally enforceable on the purchaser or any person acquiring a lease or other ownership interest of any lot, parcel or tract created pursuant to the binding site plan. A sale, transfer, or lease of any lot, tract or parcel that does not conform to the requirements of the binding site plan approval, shall be considered a violation of this chapter.
 - (c) All development shall be in conformity with the approved binding site plan and any existing or subsequent applicable permit approval. Each binding site plan document shall reference the requirement for compliance with any existing or subsequent permit approval.
 - (d) Amendments to an approved binding site plan shall follow the process established in Section 90-040 of Administration and Procedures Chapter of the Zoning Code for an Administrative Modification. ~~Amendments to or~~ Vacations of an approved binding site plan shall be made through the subdivision vacation process; and
 - (e) Approved binding site plans may contain any easements, restrictions, covenants, or conditions as would a subdivision approved by the City.

Attachment A.5

Proposed Amendment to CRC Recommendation on new Land Division Chapter relating to Recording of Boundary Line Adjustments (Excerpt- changes shown in underline)

30-120 Boundary Line Adjustments.

- (5) Recording. All boundary line adjustments shall be recorded in compliance with the following:
- (a) Fees and Recording Procedure. Prior to recording, the applicant shall submit the original boundary line adjustment drawings for approval and signatures by the Planning Director and the City Engineer.
 - (b) Recording Required. No boundary line adjustment shall be recorded unless approved as provided in this chapter. A copy of an approved boundary line adjustment shall be filed for record with the King County Department of Records and Elections and one reproducible copy shall be furnished to the City Engineer.

Attachment B

Public Hearing Notice

NOTICE OF PUBLIC HEARING CITY OF REDMOND

2009/2011 Redmond Code Rewrite; File Number L090380

The City of Redmond **City Council** will hold a Public Hearing in the **City Hall Council Chambers, 15670 NE 85th Street, Redmond, Washington** on **February 15, at 7:00 p.m.** or as soon thereafter as possible, on:

SUBJECT: A public hearing will be held for the City Council to consider 5 specific changes to the code as part of the 2009-2011 Code Rewrite. The changes are as follows:

- 1) Property within the City currently zoned Agriculture will be rezoned to Urban Recreation. This change affects four contiguous properties within the North Redmond Neighborhood. This change would make the zoning of these properties consistent with the Redmond Comprehensive Plan and is consistent with a court case ruling upholding the City's designation of these properties as Urban Recreation.
- 2) Certain properties on the City of Redmond Zoning Map have a "/C" designation denoting that the property is subject to a concomitant agreement. The "/C" symbol is used inconsistently. The recommendation includes eliminating the "/C" designation and replacing the designation with another symbol that would be used for any property subject to a development agreement or concomitant agreement. This change has no effect on applicable regulations.
- 3) Modify the CRC recommended changes to the Land Division Chapter to include a provision allowing administrative approval of Binding Site Plan Amendments.
- 4) Modify the CRC recommended changes to the Land Division Chapter to include a provision requiring recording of Boundary Line Adjustments.
- 5) Modify the CRC recommended changes to the Manufacturing Park zone to provide specific parking requirements for mini-storage facilities of .25-.30 spaces per 1000 square feet.

REQUESTED ACTION: Staff is requesting that the Council approve these amendments as part of the 2009-2011 Code Rewrite, scheduled for Adoption in the Spring of 2011.

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. Telephone number: (425) 556-2440, Fax Number: (425) 556-4242, or e-mail citycouncil@redmond.gov. **Contact Lynda Aparicio at (425) 556-2438 or Laparcio@redmond.gov for more information.**

A copy of the proposal is available from the Planning Department, 2nd Floor of City Hall. 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: January 25, 2011