

Docket Process Code Rewrite
Review Package #2 (7-05-20)
Replaces Review Package #1

Purpose of the Docket Process Code Rewrite: Evaluate RZC 21.76.070.J to identify areas that improve predictability and transparency for community members, elected and appointed officials, applicants and staff; streamline procedures, and provide greater compliance with state law.

Current Code RZC 21.76.070.J

Existing text	text
New text	<u>text</u>
Deleted existing text	text
Moved from existing place	text
Moved to a new place	<u>text</u>

Code Section	Objectives	Proposed Revisions
1. Purpose	<p>The Purpose section is revised to be clear and concise about the:</p> <ul style="list-style-type: none"> ➤ intent of the docket process, ➤ applicable enabling state legislation, and <p>(PC Mtg 7/23/20)</p>	<p>J. Comprehensive Plan Map and/or Policy Amendment</p> <p>1. Purpose. The purpose of this section is to <u>establish procedures, pursuant to Chapter 36.70A RCW, for the review and amendment of the comprehensive plan and implementing development regulations.</u> provide a mechanism to allow modifications to the City's Comprehensive Plan Map or policies.</p> <p>a. <u>The Annual Comprehensive Amendment Review Docket ("Annual Review Docket") will establish the annual list of proposed comprehensive plan amendments and related development regulations that the City Council determines, after review and consultation with the Planning Commission, to be included for review and consideration for any given year.</u></p> <p>a.b. Placement of an amendment request on the Annual Review Docket does not mean the amendment request will be approved by the City Council.</p>
2. Review Process and Approving Authority	<p>Commission concerns:</p> <ul style="list-style-type: none"> ➤ Amend the comprehensive plan no more than once per year to provide greater compliance with state law (PC Mtg. 7/23/20) ➤ Restructure the process to achieve a concurrent cumulative review of approved proposals. (PC Mtg. 7/23/20) ➤ Difficult to ascertain the cumulative effect of proposals that include docketed proposals as well as proposals that are not approved by Council for further consideration. (PC Mtg 7/23/20) ➤ Place exemptions under a new Review Process section. (PC Mtg. 10/23/19) ➤ Cite RCW and WAC that include other applicable exemptions (PC Mtg. 10/23/19) 	<p>2. <u>Review Process and Approving Authority.</u> Procedure for establishing the scope of annual Comprehensive Plan amendments and concurrent Zoning Code amendments (the "docketing process").</p> <p>a. The Growth Management Act, RCW 36.70A, provides that Comprehensive Plan amendments can occur no more than once a year with limited exceptions. For any given year, the City establishes an application process with due date, as shown in Figure 21.76.070A. Applications received after the due date may be considered as part of the following year's Comprehensive Plan docketing process.</p> <p><u>a. Sequence for establishing the annual docket. Figure 21.76.070A identifies major steps involved in establishing the annual Comprehensive Plan docket.</u></p>

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<p>Review Process and Approving Authority – continued</p>	<ul style="list-style-type: none"> ➤ Whenever possible, only cite the RCW or WAC rather than provide a list, in this case, of exemptions. This ensures that the Redmond Municipal Code stays compliant in the event the RCW or WAC changes. (PC Mtg. 10/23/109) <p>What the revisions do:</p> <ul style="list-style-type: none"> ➤ Affirms compliance with the GMA by citing the exact language in the RCW related to “no more than once a year...” ➤ Ensures cumulative effect of various proposals are more in accordance to RCW 36.70A.130. ➤ Moves the exemption provision from the back of the current code to the front. ➤ Adds two new references to exemptions under the RCW and WAC (rather than listing all the exemptions) 	<p>b. The Growth Management Act further provides that all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained.</p> <p>c. The City Council has decision-making authority over all Comprehensive Plan and development regulation amendment proposals considered for inclusion on the annual review docket.</p> <p>d. Exemptions. The following amendments shall be exempt from all procedural requirements of this section.</p> <ul style="list-style-type: none"> i. Changes in the organization, format, appearance, profiles, narrative, illustrations, examples or other nonmaterial changes to the Comprehensive Plan may be made by the Department of Planning and Community Development and are exempt from this section. Amendments to facility plans for City-managed utilities shall follow those procedures described in the Capital Facilities Element of the Redmond Comprehensive Plan. ii. Comprehensive Plan Amendments exempt under RCW 36.70A.130. <p>e. Sequence for establishing the annual docket. Figure 21.76.070A identifies major steps involved in establishing the annual Comprehensive Plan docket.</p> <div style="border: 1px solid black; padding: 5px; text-align: center; margin: 10px auto; width: fit-content;"> <p>INSERT FLOW CHART HERE</p> </div>
<p>3. Who May Apply</p>	<p>Commission concerns:</p> <ul style="list-style-type: none"> ➤ Address ability of Councilmembers and Planning Commissioners to introduce a proposal to amend the Comprehensive Plan, requiring a majority vote to place it on the docket for consideration. (PC Mtg. 10/23/19) ➤ Consider language that would allow Council to include non-emergency city-initiated amendments on an already-approved docket. There is an existing policy that allows Council to add city-initiated amendments for emergencies only. (PC Mtg 7-24/19) ➤ Provide provisions for Planning Commission to introduce or “sponsor” items for the docket. Develop process to address 	<p>3. Who May Apply. Members of the public or persons or entities other than the City Council and the City Planning Commission (hereinafter referred to collectively as “the public”) may initiate Comprehensive Plan amendment proposals subject to the provisions of this chapter. A property owner or authorized agent of the property owner may propose a site-specific amendment to the Comprehensive Plan.</p> <p>a. City Council.</p> <ul style="list-style-type: none"> i. Proposals to amend the Comprehensive Plan may be made by the City Council at any time. An affirmative vote of not less than a majority of the total members of the Council is required to initiate consideration of an amendment. Amendment proposals initiated by

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<p>3. Who May Apply con't</p>	<p>inclusion – item has majority of Commissioners’ support; abides by the minimum threshold criteria, no fee.... (PC Mtg. 10/23/19)</p> <p>What the revisions do:</p> <ul style="list-style-type: none"> ➤ Introduces a new section ➤ Clearly describes roles of Planning Commission and City Council 	<p><u>City Council are not subject to the two-year limitation of this section that apply to amendment proposals initiated by the public.</u></p> <p><u>ii. Review Amendment proposals initiated by City Council will be reviewed by the Planning Commission and acted upon by Council as set forth in this section.</u></p> <p><u>b. Planning Commission.</u></p> <p><u>i. Initiation. Proposals to amend the Comprehensive Plan may be made by the Planning Commission at any time and submitted to the City Council for consideration for inclusion in the annual review docket.</u></p> <p><u>Review. The Council will review the Planning Commission proposals and determine which will be included in the annual review docket in accordance with the procedural requirements set forth in this section. Amendment proposals initiated by the Planning Commission are subject to the two-year limitations of this section.</u></p>
<p>4. Minimum Application Requirements</p>	<p>Commission concerns:</p> <ul style="list-style-type: none"> ➤ Codify a pre-application meeting; currently the requirement for a staff consultation is written on the application form and is often dismissed by Applicants. (PC Mtg. 10/23/19) <p>Request that Applicants provide sufficient information or adequate detail. (PC Mtg. 10/23/19)</p> <ul style="list-style-type: none"> ➤ Allow the City to request additional information as part of the application review process and request additional information at a later time. (PC Mtg. 10/23/19) ➤ Wherever possible, revise to include phrases such as, “shall consider” or “must meet” (PC Mtg. 10/23/19) ➤ Continue exploring application fee options (PC Mtg. 10/23/19) <p>What the revisions do:</p> <ul style="list-style-type: none"> ➤ Introduces a new section ➤ Communicates clear expectations to applicants. ➤ Allows staff to redirect proposals to alternate city processes when appropriate. ➤ Ensures more complete applications. ➤ Encourages efficient uses of resources for applicant and staff. 	<p><u>4. Minimum Application Requirements.</u></p> <p><u>a. Applicants must schedule and attend a pre-application meeting with Planning staff before submitting an application. The meeting is designed to provide early feedback and direction on the applicant’s proposal.</u></p> <p><u>b. Applications must provide sufficient information or adequate detail to review and assess whether or not the proposal meets the applicable approval criteria identified in this section.</u></p> <p><u>c. The City may request additional information as part of the application review process. A determination that the proposal contains sufficient information and adequate detail for the purpose of docketing does not preclude the City from requesting additional information at a later time.</u></p> <p><u>d. Fee. The applicable application fee is listed on the Development Review fee schedule. Payment of the fee is required when the application is submitted.</u></p>

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5. Annual Review Docket Application Procedures

5. Annual Review Docket Application Procedures - continued

Commission concerns:

- Truly amend the comprehensive plan no more than once per year. (PC 7/24/19) (PC Mtg. 10/23/19)
- Revisit the schedule – is a two-month period enough time for the Planning Commission to review a scaled down docket? (PC Mtg. 10/23/19)
- Redesign the process to include a predictable application period/schedule. (PC Mtg. 10/23/19)
- Set annual intake of proposed amendments at the same time each year legislatively. (PC Mtg. 10/23/19)
- Reduce the number of carryover items to items that are truly ready for Planning Commission review in the docket year. (PC 10/24/19) (PC Mtg. 7/23/19)
- In developing criteria consider city priorities, and staff capacity to complete proposed amendments within the docket year. (PC Mtg. 7/24/19)
- Re-write criteria to include phrases such as, “shall consider” or “must meet” - wherever possible. (PC Mtg. 10/24/19)
- Consider revisiting the minimum threshold criteria to clarify terms including time, timely, consistent, concurrent. (PC Mtg. 10/24/19)
- Eliminate where possible ambiguous criteria. Threshold criteria should be clear and unambiguous including the terms: time, timely, consistent, concurrent. (7/24/19 and 10/24/19 PC Mtgs.)

What the revisions do:

- Sets annual intake of proposed amendments during first week of April.

5. Annual Review Docket Application Procedures

a. Schedule. The Annual Review Docket Application schedule will occur pursuant to the schedule below.

<u>DUE BY</u>	<u>PROCESS</u>
<u>Prior to April 1</u>	<u>Any time prior to the application due date applicants are required to initiate and attend a pre-proposal meeting with Planning staff.</u>
<u>April 1</u>	<u>Applications due</u>
	<u>Planning Commission reviews proposed amendments and hold public hearing(s)</u>
<u>By August 31</u>	<u>Council determines proposed amendment outcomes (include, exclude, or defer) and approves the Annual Review Docket no later than the end of August</u>

b. Frequency. The Growth Management Act, RCW 36.70A, provides that Comprehensive Plan amendments can occur no more than once a year with limited exceptions and as such the City Council may exercise its discretion to not open an annual docket under certain circumstances to include years for which a periodic review of the Comprehensive Plan is required under RCW 36.70A.

c. Threshold Decision Criteria. ~~Criteria for including proposed Comprehensive Plan amendments in a given docket cycle.~~ The following threshold decision criteria will be used in determining which proposed Comprehensive Plan amendments will be given further consideration in a given docket cycle. Applications not included in an Annual Review Docket may be submitted in subsequent annual docketing processes, subject to criterion XX below and would be evaluated again for consistency with criteria.

i. Amending the Comprehensive Plan is the most appropriate mechanism available, as the desired outcome cannot be addressed as a regulatory, budgetary, or programmatic measure;

ii. The proposed Comprehensive Plan amendment is best addressed as an individually docketed item, instead of evaluating as part of a periodic update to Redmond’s Comprehensive Plan, neighborhood plan update, or other planning processes such as those ~~led by neighboring jurisdictions,~~ regional, or state agencies;

iii. The proposed ~~Comprehensive Plan~~ amendment is consistent with ~~existing local, state, and federal laws~~ policy implementation in the Countywide Planning Policies, the Growth Management Act, other state or federal law, and the Washington Administrative Code;

iv. The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later neighborhood plan review or as part of a periodic comprehensive plan review cycle and

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		<p>iv. The proposed Comprehensive Plan amendment is timely with respect to other City and community initiatives, and planned public and private development activity;</p> <p><u>v. The proposal is located in a neighborhood for which a neighborhood plan has not been recently adopted (generally not within two years); and</u></p> <p>v. City Council, Planning Commission, and staff will have sufficient information necessary to analyze the proposal, develop a recommendation, and make an informed decision within the docket year;</p> <p>vi. The proposed Comprehensive Plan amendment <u>addresses the interests and changed needs of the entire City as identified in its long-range planning and policy documents; and is consistent with the overall vision and goals of the Comprehensive Plan.</u>is consistent with overall vision, policies, and adopted functional plans; and</p> <p><u>vii. The proposal is located in a neighborhood for which a neighborhood plan will not be reviewed in the near future (generally not in the next two years).</u></p> <p><u>viii. The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan.</u></p> <p><u>ix. The proposed amendment, in light of all proposed amendments being considered, can be reasonably reviewed within the resources and time frame of the annual Comprehensive Plan work program.</u></p> <p>x.viii. The proposed Comprehensive Plan amendment or similar amendment has not been considered or rejected within the last two years.</p>
<p>6. Council Review</p>	<p>Commission concerns:</p> <ul style="list-style-type: none"> ➤ Consider options for deferring an application for the next docket if, for instance, the item has merit but there is insufficient staff capacity. (PC Mtg. 10/24/19) <p>What the revisions do:</p> <ul style="list-style-type: none"> ➤ Introduces a new section ➤ Describes the three types of actions the Council can make on any proposal request, including the decision to defer a proposal to the next docket cycle. 	<p>6. Council Review. <u>The City Council shall review the recommendation of the Planning Commission and consider whether any proposed amendment should be included in, or excluded from the Annual review docket, or be deferred.</u></p> <p><u>a. Include. The City Council’s decision to include an application in the annual docket is procedural only and does not constitute a decision by the City Council as to whether the proposed amendment will ultimately be approved.</u></p> <p><u>b. Exclude. The City Council’s decision to exclude an application from the docket terminates the application. Proposals excluded from the annual review docket may not be considered again for a period of two years.</u></p> <p><u>c. Defer. The City Council’s decision to defer an application means the application may be considered, as specified by the Council, for the next annual docket cycle, neighborhood plan review and update, a previously established work program, or the next periodic review cycle.</u></p>

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7. Final Review of Docketed Proposals	<p>Commission concerns:</p> <ul style="list-style-type: none"> ➤ xxxx <p>What the revisions do:</p> <ul style="list-style-type: none"> ➤ xxx 	<p>7. Final Review of Docketed Proposals. The final review process will evaluate the proposed amendments included in the Annual Review Docket and culminate in Council action on the proposed amendments.</p> <p style="padding-left: 40px;">a. <u>Planning Commission Review.</u> The Planning Commission will review the proposed amendments included in the Annual Review Docket, hold a public hearing, and make a recommendation to the City Council as to each proposed amendment, using the criteria set forth below.</p> <p style="padding-left: 40px;">b. <u>City Council Action.</u> The City Council will review the Planning Commission recommendations and the criteria set forth below and take action on each proposed amendment in the Annual Review Docket.</p> <p style="padding-left: 40px;">c. <u>Schedule.</u> The review of docketed proposals will occur pursuant to the schedule below.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; padding: 2px;"><u>DUE BY</u></th> <th style="text-align: left; padding: 2px;"><u>PROCESS</u></th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;"><u>By August 30 of prior year</u></td> <td style="padding: 2px;"><u>Annual Review Docket approved</u></td> </tr> <tr> <td style="padding: 2px;"><u>Throughout the year</u></td> <td style="padding: 2px;"><u>Planning Commission to hold public hearing(s) on each docketed proposed amendment(s)</u></td> </tr> <tr> <td style="padding: 2px;"><u>No later than first week of April</u></td> <td style="padding: 2px;"><u>Docket Approval. Council to review and make a decision to approve, deny, or defer action on each item on the docket. This may include identification of items that will be continued into next docket cycle.</u></td> </tr> </tbody> </table> <p style="padding-left: 40px;">3d. Criteria for evaluation and action on proposed Comprehensive Plan Amendments. Once the scope of annual Comprehensive Plan amendments is confirmed via the docketing process described in RZC 21.76.070.J-2, Each docketed proposal item is reviewed individually and acted on using the following criteria below per listed in Redmond Comprehensive Plan Policy PI-16. The review process shall follow Type VI (legislative) permit procedures as described in RZC 21.76.050.</p> <ul style="list-style-type: none"> a.i. Consistency with the Growth Management Act (GMA), the State of Washington Department of Commerce Procedural Criteria, and the King County Countywide Planning Policies (CPPs); b.ii. Consistency with the Comprehensive Plan policies and the designation criteria; e.iii. The capability of the land, including the prevalence of critical areas; d.iv. The capacity of public facilities and whether public facilities and services can be provided cost-effectively at the intensity allowed by the designation; 	<u>DUE BY</u>	<u>PROCESS</u>	<u>By August 30 of prior year</u>	<u>Annual Review Docket approved</u>	<u>Throughout the year</u>	<u>Planning Commission to hold public hearing(s) on each docketed proposed amendment(s)</u>	<u>No later than first week of April</u>	<u>Docket Approval. Council to review and make a decision to approve, deny, or defer action on each item on the docket. This may include identification of items that will be continued into next docket cycle.</u>
<u>DUE BY</u>	<u>PROCESS</u>									
<u>By August 30 of prior year</u>	<u>Annual Review Docket approved</u>									
<u>Throughout the year</u>	<u>Planning Commission to hold public hearing(s) on each docketed proposed amendment(s)</u>									
<u>No later than first week of April</u>	<u>Docket Approval. Council to review and make a decision to approve, deny, or defer action on each item on the docket. This may include identification of items that will be continued into next docket cycle.</u>									

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		<p>ev. Consistency with the preferred growth and development pattern in Section B of the Land Use Element of the Comprehensive Plan;</p> <p>vi. Whether the proposed land use designations or uses are compatible with nearby land use designations or uses;</p> <p>gvii. <u>When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and</u>Whether the allowed uses are compatible with nearby uses;</p> <p>hviii. If the purpose of the amendment is to change the allowed use in an area, the need for the land uses that would be allowed by the Comprehensive Plan amendment and whether the amendment would result in the loss of the capacity to meet other needed land uses, especially whether the proposed amendment complies with the policy on no net loss of housing capacity; and</p> <p><u>ix. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent plan map or text; where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole</u>For issues that have been considered within the last four annual updates or Comprehensive Land Use Plan amendments, whether there has been a change in circumstances that makes the proposed plan designation or policy change appropriate or whether the amendment is needed to remedy a mistake.</p> <p>4. Exemptions. Changes in the organization, format, appearance, profiles, narrative, illustrations, examples or other nonmaterial changes to the Comprehensive Plan may be made by the Department of Planning and Community Development and are exempt from this section. Amendments to facility plans for City managed utilities shall follow those procedures described in the Capital Facilities Element of the Redmond Comprehensive Plan.</p> <p>5. Approval by Ordinance. All amendments shall be approved by ordinance by the Redmond City Council.</p>
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SUGGESTIONS REQUIRING FURTHER CONSIDERATION:

Group A:

- Consider a list of criteria that are required and then another list of criteria for *other considerations*. (PC 10/23/19)
- Continue exploring application fee options (flat fee, minimum “gate” fee plus hourly fee, flexible fee, partial fee refunds for undocketed items, fees based on intensity of the proposal; two different processes – one of privately-initiated and another for businesses/organizations (PC 10/23/19)
- Consider weighting applications at the pre-application stage to demonstrate how an application meets the criteria. (PC 10/23/19)

Group B:

Suggestions that could potentially be implemented administratively:

- Consolidate items for public hearing to strengthen efficiency – (PC Mtg 7-24-19)
 - Staff could bundle two or more docket items for public hearings held on the same date, reducing the number and advertising cost of hearings.
- Consider an online workflow application process where the application cannot advance if the applicant does not take certain steps. (PC 10/23/19)
 - Staff can further explore this with IT staff who would have to include development of this effort in its own work plan.
- Develop an FAQ sheet to explain process, and intent of minimum threshold criteria, useful examples like “Neighborhood plans address policies such as...” (PC 10/23/19)
 - Staff appreciates the benefits that this suggestion could provide to applicants and is exploring ideas for suitable content for a companion guide to supplement the application.