

# TECHNICAL COMMITTEE REPORT

**To:** Planning Commission

**From:** Technical Committee

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*Planning and Community Development*

**Date:** July 2, 2020

**File Numbers and Title:** RZC 21.76.070.J Docketing Process Amendments

**Reasons the Proposal should be Adopted:**

The proposed amendments clarify procedures for annual docketing of Comprehensive Plan amendments and associated Zoning Code amendments and should be adopted because amendments:

1. Set clear expectations and timelines for prospective applicants and staff regarding application submittals and review process;
2. Provide a transparent and predictable application review and decision-making schedule for ease of tracking by applicants and community members;
3. Refine threshold decision criteria by removing ambiguous terms and adding new relevant criteria to evaluate proposals;
4. Create process that allows City Council, Planning Commission and staff to add items to be considered for the annual docket.
5. Provides for application fees to capture staff time and material costs associated with processing proposals. (This would require a separate process adopted by Council Resolution and may require amending RZC 21.76.030 to address fee administration and refunds unique to the annual review docket process and pertinent Comprehensive Plan and RZC).

# **I. APPLICANT PROPOSAL**

## **A. APPLICANT**

City of Redmond

## **B. BACKGROUND, EXISTING CONDITIONS, AND REASON FOR PROPOSAL**

An amendment to the Comprehensive Plan is a mechanism by which Redmond may periodically modify its land use, development, or growth policies to reinforce the role of the Comprehensive Plan in guiding growth in the community. Annual amendments to the Comprehensive Plan and related zoning changes (“the docketing process”) are established and regulated under the state Growth Management Act (GMA) and are reviewed in accordance with RZC 21.76.070.J with final legislative action taken within the docket year.

To date, the approach used to develop the proposed docketing process code amendment has involved the following:

- A detailed review of the current docketing process;
- Identification of issues and concerns with the current process;
- Analysis of options to address these issues by gathering input and feedback from Planning Commissioners, input from Councilmembers (from the last two docket review periods); and
- A study of reference materials and interviews of staff from other jurisdictions.

### Overview of the current docketing process.

Redmond’s docketing process, last updated in 2015, is described in RZC 21.76.070.J and starts with notifying the community of the opening of the annual application period. There is no certain date when the application period opens but it generally occurs in the late spring or early summer. Prospective applicants (residents, business entities, Councilmembers, Planning Commissioners and City staff) can submit proposals at no charge to amend the Comprehensive Plan and associated zoning code. Notification occurs via various forms including e-mails, press releases, the City website, and social media.

Threshold Review is the first step in a two-part plan amendment review process. Staff, Technical Committee, and the Planning Commission review each application proposal against the threshold decision criteria. The Planning Commission reviews the Technical Committee analysis and recommendation, holds one or more public hearings to discuss the scope of the proposal, makes its own determination in the form of a recommendation to Council on which proposals should be given further consideration as a docketed item. Council takes final action by adopting an ordinance which establishes the Comprehensive Plan amendment docket.

Once a proposal is docketed, each proposal is evaluated by staff, the Technical Committee and Planning Commission. Again, the Technical Committee makes a recommendation but this time, it is on the merits of the proposal using a new set of criteria. The Commission

holds a public hearing on each proposal and makes a recommendation to the City Council to either accept the Technical Committee recommendation, reject the recommendation or accept it with condition(s).

Council reviews the Commission's recommendation and makes a final determination on the proposed amendment. The Council can accept the Planning Commission's recommendation provided in a written *Planning Commission Report*, reject the recommendation, or accept the recommendation with conditions. Also, Council can hold its own public hearing or send the proposal back to the Commission for further study. Council can request the Commission hold another public hearing when new information expands the original scope of the proposal to such an extent that it would be outside the realm of possibilities for community members when the initial public hearing was held.

## **II. RECOMMENDATION**

The Technical Committee recommends amending RZC 21.76 as shown in Attachment A.

## **III. PRIMARY ISSUES CONSIDERED**

### **A. IDENTIFICATION OF ISSUES**

During recent docket cycles, the following issues regarding the current docketing process were raised by Planning Commissioners, Councilmembers, applicants and staff.

On July 24, 2019, the Planning Commission met and reviewed zoning code regulations that apply to Redmond's docketing process codified in RZC 21.76.070. Concerns focused on the lack of clarity and understandability of current zoning code language and the lack of consistency and predictability in the application and review process. At the meeting, Commissioners expressed an interest in updating the regulation and asked staff to research potential code revisions.

On October 23, 2019, Beverly Mesa-Zendt, Planning Manager, followed up with a staff presentation to the Planning Commission. Ms. Mesa-Zendt provided a *Docket Study White Paper* and a presentation that addressed issues and concerns shared at the July 2019 meeting, an overview of the state and regulatory context for comprehensive plan amendments, a benchmark comparative study of the neighboring jurisdictions - Bellevue, Kirkland, Issaquah, and Sammamish – and initial suggestions for potential new code language. Commissioners provided staff with guidance to ensure that proposed amendments would improve implementation and predictability of the docketing process and compliance with the GMA. Commission discussion resulted in additional suggestions for staff consideration while developing the code rewrite.

Under the research and fact-finding roles of the Planning Commission afforded under RCW 35.63.060, staff scheduled two follow-up study sessions on June 16 and June 24, 2020, for Commissions to inform the scope of the code rewrite, review and identify

preferred language and options for code revisions. In addition, staff sought input from planning staff and now seeks a recommendation from the Technical Committee on the draft code amendments for the Planning Commission's formal review and recommendation to City Council.

## **B. EXPLANATION OF PROPOSED CODE REVISIONS**

The items in the list below describe how the identified issues are addressed by the proposed code to achieve clear expectations, predictability, transparency, and efficiency.

1. Revise code to be clear and concise about the intent of the docket process and applicable enabling state legislation.

Proposed Code Revision:

The proposed code includes a revised *Purpose* section. Affirms compliance with GMA by citing exact language in RCW. Ensures cumulative effect of proposals are more in accord with RCW 36.70A.130.

2. Non-codified requirement to attend a pre-application meeting is often overlooked by applicants which often results in incomplete applications and amendment proposals that are not actual comprehensive plan amendments.

Proposed Code Revision:

Proposed new code section, *Minimal Application Requirements*. Communicates clear expectations of applicants. Provides early opportunity to refer proposals to alternate city processes that could consider the applicants' requests. Ensures more complete applications and an efficient use of applicant and staff resources.

3. For Application submittals, require applicants to submit sufficient information and adequate detail. Allow City to request additional information

Proposed Code Revision:

Proposed new code section, *Minimal Application Requirements*. Communicates clear expectations of applicants and staff. To support staff's ability to do meaningful analysis the applicant is expected to be available from time to time to provide insight and information to assist staff to prepare the appropriate level of analysis for the proposed amendment and to stay within the predetermined schedule for the Annual Review Docket.

4. Develop a fee structure to recover the significant staff time and material costs associated with processing proposals.

Proposed Code Revision: New provision refers applicants to the Development Services Fee Schedule. Fees are proposed for a Comprehensive Plan amendment, a site-specific map amendment (i.e. rezone) and a site-specific zoning text amendment (e.g. change of use). Also, SEPA fees currently charged to applicants for land use permits outside the

annual docket process are proposed to extend to applicants requesting Comprehensive Plan amendments.

5. Introduce formal procedure for Council and the Commission to initiate and consider a proposal to amend the Comprehensive Plan. Introduce a procedure for the Commission to consider requests from applicants who cannot afford to pay the application fee(s).

Proposed Code Revision:

A new proposed section *Who May Apply*, clearly describes roles of Planning Commission, City Council, and staff in terms of initiating amendment proposals. Includes a provision to allow both Council and Planning Commission to initiate proposals with an affirmative vote of not less than a majority of the total members.

6. Currently, the application review and decision-making schedule is unpredictable which places a burden on the community and applicants to keep abreast of when proposals matriculate through the docketing process.

Proposed Code Revision: New code section, *Annual Review Docket Application*, sets annual intake of proposed amendments during first week of April. The new schedule shows major milestones in the annual review docket process and can realistically accommodate a concurrent cumulative review of approved proposals.

7. Reduce the number of docketed items carried over to future dockets. In recent years, Councilmembers have questioned the need for so many items proposed for carrying forward to the next docket.

Proposed Code Revision: Proposed code provisions including a mandatory pre-application meeting, application fees, an option to defer items not ready to a future docket, and a new criterion that includes an evaluation of city priorities and staff resources. Also, proposed code revisions introduce a timeline for annual approval of amendments to be considered for their cumulative impact.

8. Truly amend the comprehensive plan no more than once per year.

Proposed Code Revision: The proposed code includes two schedules – one for the review of applications, and the second is for final review of each docketed item. The intent is to have all docketed items ready for Council action at the same time.

9. Review and revise threshold decision criteria that include terms that are ambiguous or cumbersome to apply when evaluating proposals. (During the 2018-19 docket review process, Councilmembers also identified this as an area of concern).

Proposed Code Revision: Criteria have been revised; references to *timeliness and time consistent* and *concurrent* have been deleted. In striving to be clear of intent, the criteria include phrases such as, “shall consider” or “must meet” whenever possible.

10. In developing criteria consider city priorities, and staff capacity to complete proposals within the docket year.

Proposed Code Revision: New criterion proposed.

11. Consider potential efficiencies that may be gained by a streamlined process.

Response:

The proposed docketing process is well-suited for gaining efficiencies in several administrative and operational procedures related to the docketing process including: consolidating items for public notices, holding public hearings for more than one docketed item during the same Planning Commission meeting, and opportunities to combining docketed times in one ordinance for final Council action. Also, city-initiated proposals will only be considered for the docket year in which they have a high likelihood of being ready for Planning Commission review.

## **IV. ALTERNATIVES AND SUPPORTING ANALYSIS**

### **A. CROSS-JURISDICTION COMPARISONS**

Staff explored alternative processes by examining docketing procedures from several Washington jurisdictions, including review of their zoning code procedures and conversations with policy planning staff. Staff found that Redmond's Comprehensive Plan docketing procedures are aligned in some areas but diverge in others, particularly, relating to:

- Pre-application meeting requirement
- A predictable application and review schedule
- Ability to recover staff time and material costs through application fees
- Threshold decision criteria that are meaningful and clear
- An efficient process that addresses docketed items within a given docket cycle.

In addition, staff developed a Docket Study - White Paper (Attachment B) that covered the following topics to assist in developing appropriate revisions to RZC 21.76.070.

- Current issues and concerns:
  - State regulatory context
  - Local regulatory context
  - Benchmark study of the following jurisdictions: Bellevue, Kirkland, Issaquah, and Sammamish

#### Fee Proposals

Attachment C reflects an updated fee comparison chart. A proposal to apply fees to will track under a separate process outside of this code amendment process and would require Council action by Resolution. Currently, staff is researching a fee structure that would include three types of application fees:

- Comprehensive Plan amendment
- Comprehensive Plan amendment with zoning map amendment

- Comprehensive Plan amendment with zoning text amendment (e.g. expand allowed uses)

In addition, if fees are adopted, this would require a separate process adopted by Council Resolution and may require amending RZC 21.76.030 to address fee administration and refunds unique to the annual review docket process and pertinent Comprehensive Plan and RZC updates.

## **B. COMPLIANCE FOR CODE TEXT AMENDMENTS**

RZC 21.76.070.AE.4 requires that all amendments to the Redmond Zoning Code be in conformance with the Comprehensive Plan. The following is an analysis of how the proposed text amendment complies with relevant policies of the Participation, Implementation and Evaluation element of the Comprehensive Plan.

### Policy PI-1

*PI-1: Value public participation and promote broad-based involvement by members of the Redmond community in the update and implementation of the Comprehensive Plan, as well as in other issues and opportunities of significance to the City.*

The proposal supports the above policy by providing additional involvement opportunities in a direct, personal format.

### Policy PI-14

*PI-14: Establish the docket for any proposed amendments to the Redmond Comprehensive Plan once a year, considering the Plan amendments as a package in order to better evaluate their cumulative impact. Recognize that the need for emergency amendments may require modification to this process.*

The proposal supports the above policy by further clarifying the procedures for annual docketing and refining the procedure to better understanding the cumulative impact of proposed Comprehensive Plan amendments.

## **V. AUTHORITY AND ENVIRONMENTAL, PUBLIC AND AGENCY REVIEW**

### **A. Amendment Process**

Redmond Zoning Code (RCZ) chapter 21.76.070.AE.3 requires that text amendments to the Zoning Code be reviewed under the Type VI process. Under this process, the Planning Commission conducts a study session(s), an open record hearing(s) on the proposed amendment, and makes a recommendation to the City Council. The City Council is the decision-making body for this process.

**B. Subject Matter Jurisdiction**

The Redmond Planning Commission and the Redmond City Council have subject matter jurisdiction to hear and decide whether to adopt the proposed Zoning Code Amendment.

**C. Washington State Environmental Policy Act (SEPA)**

This proposed amendment is a procedural action exempt from SEPA. (WAC 197-11-800.19).

**D. 60-Day State Agency Review**

Washington Department of Commerce, Growth Management Services will be sent a 60-day notice of this proposed amendment on July 1, 2020.

**E. Public Involvement**

The public has opportunities to comment on the proposed amendment through the Planning Commission review process and public hearing which will be held on July 22, 2020. Public notice of the public hearing was published in the Seattle Times on July 1, 2020.

**F. Appeals**

RZC 21.76 identifies Comprehensive Plan Amendments as a Type VI permit. Final action is by the City Council. The action of the City Council on a Type VI proposal may be appealed by filing a petition with the Growth Management Hearing Board.

**VI. LIST OF ATTACHMENTS**

**Attachment A:** [Proposed Zoning Code Amendment](#)

**Attachments B:** [Docket Study - White Paper \(Oct. 2019\)](#)

**Attachments C:** [Fee Comparison Chart \(June 2020\)](#)

**Conclusion in Support of Recommendation:** The Technical Committee has found the proposal complies with the Redmond Zoning Code, Redmond Comprehensive Plan, Redmond Municipal Code, and State Environmental Policy Act (SEPA).

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