



Planning Commission Report

To: City Council

From: Planning Commission

Staff Contacts: Robert G. Odle, Planning Director, 425-556-2417,
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Pete Sullivan, Senior Planner, 425-556-2415,
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Date: April 16, 2014

File Number: (LAND-2014-00275)

Title: Zoning Code Amendment: Procedures for Establishing Scope of
Annual Comprehensive Plan Amendments
(LAND-2014-00275)

**Planning
Commission
Recommendation:** Approval

**Recommended
Action:** Adopt an ordinance amending the Redmond Zoning Code as shown in
Attachment A.

Summary: The proposed amendment would 1) clarify docketing procedures, 2)
add a public hearing with Planning Commission during the sequence

of docketing review, and 3) add criteria that the Council can consider in establishing the scope of the annual Comprehensive Plan docket and that the Commission and staff can use in recommending the scope.

Reasons the Proposal should be Adopted:

The recommended amendments to the Redmond Zoning Code should be adopted in order to:

1. **increase transparency in how the docketing process works;**
2. **ensure consistency in how applications are evaluated for further consideration**
3. **provide a more direct forum for applicants to describe their proposals; and**
4. **provide a more efficient and effective process**

Recommended Findings of Fact

1. *Public Hearing and Notice*

a. Public Hearing Date

The Planning Commission held a public hearing on April 9, 2014. No written or oral public testimony was received.

b. Notice

The public hearing was published in the Seattle Times. Public notices were posted in City Hall and at the Redmond Library. Notice was also provided by including the hearing in Planning Commission agendas and extended agendas, distributed to various members of the public and various agencies, and posted on the City's web site.

Recommended Conclusions

1. Key Issues Discussed by the Planning Commission

Planning Commission review began on March 26, 2014. At the initial study session Commissioners asked questions and suggested minor edits to the proposed text amendments for clarity. The Commission also expressed support for this approach, and noted that it would increase transparency and consistency in docketing, improve access for private applicants and provide a more efficient and effective review process.

As captured in the issues matrix (Attachment B), the Commission observed that using the word “legal” in proposed new sub-section RZC 21.76.070(J)(2)(b)(iii) (Attachment A, page 3) did not fit with criteria #3. Commissioners felt that a future scenario could occur whereby the City wishes to add a proposed Comprehensive Plan amendment to the annual docket that is not strictly legal with all aspects of local, state and federal law, yet is otherwise consistent with other docketing criteria. Staff and City Attorney agreed that removing the word “legal” was acceptable, and the Commission supported the subsequent text modification as implemented.

2. Recommended Conclusions of the Technical Committee

The recommended conclusions in the Technical Committee Report (*Attachment D*) should be adopted as conclusions.

3. Planning Commission Recommendation

The Commission approved a motion to recommend approval of the proposed zoning code amendment by a vote of 6-0 at its April 9, 2014 meeting.

List of Attachments

Attachment A: Planning Commission-recommended Zoning Code amendment

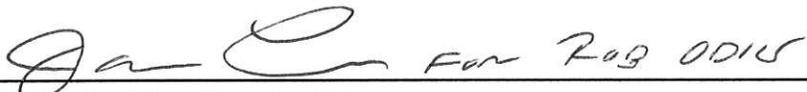
Attachment B: Final Planning Commission issues matrix

Attachment C: Planning Commission Minutes, April 9, 2014

Attachment D: Technical Committee Report with Exhibits

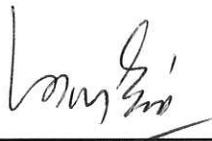
Exhibit 1: Proposed Zoning Code amendment

Exhibit 2: SEPA threshold determination



Robert G. Odle, Planning Director

4/11/14
Date



Vibhas Chandorkar, Planning Commission Chairperson

4/16/14
Date

Approved for Council Agenda 

John Marchione, Mayor

4/17/14
Date

Docketing Procedures Zoning Code Amendment

Proposed Edits to Zoning Code**ARTICLE VI – REVIEW PROCEDURES
CHAPTER 21.76.070 - LAND USE ACTIONS AND DECISION CRITERIA
SECTION J - COMPREHENSIVE PLAN MAP AND/OR POLICY AMENDMENT****PROPOSED EDIT TO RZC 21.76.070(J)(2)**

2. Procedure for establishing the scope of annual Comprehensive Plan amendments and concurrent Zoning Code amendments (the “docketing process”. 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 is assigned for receiving applications, as shown in Figure 21.76.070A. Applications received after the due date may be ~~will be~~ considered as part of the following year’s added to the Comprehensive Plan docketing process. ~~and considered for the following year’s amendments.~~ ~~All Comprehensive Land Use Plan Map amendments shall also be accompanied by concurrent Zoning Map amendments.~~

PROPOSED NEW SUB-SECTION**RZC 21.76.070(J)(2)(a)**

a. Sequence for establishing the annual docket. Figure 21.76.070A identifies major steps involved in establishing the annual Comprehensive Plan docket.

Figure 21.76.070A:
Flow Chart for Annual Docketing Process



1. Intent of amended language – add new proposed pre-screen mechanism

Within the Comp Plan Amendment application, the applicant would need to describe why the proposal warrants further consideration. Proposed criteria shown below

PROPOSED NEW SUB-SECTION: Chapter 21.76.070(J)(2)(b)

b. Criteria for including proposed Comprehensive Plan amendments in a given docket cycle. The following criteria will be used in determining which proposed Comprehensive Plan amendments will be given further consideration. Applications not included in an annual docket may be submitted in subsequent annual docketing processes, 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;

iv. The proposed Comprehensive Plan amendment is timely with respect to other City and community initiatives, and planned public and private development activity;

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;

vi. The proposed Comprehensive Plan amendment is consistent with overall vision, policies, and adopted functional plans; and

vii. The proposed Comprehensive Plan amendment or similar amendment has not been recently considered or rejected within the last four years.

PROPOSED EDIT TO Chapter 21.76.070(J)(3)

3. Criteria for evaluation and action on proposed Comprehensive Plan Amendments Criteria. Once the scope of annual Comprehensive Plan amendments is confirmed via the docketing process described in RZC 21.76.070(J)(2), each item is reviewed individually and acted on using the criteria below per Redmond Comprehensive Plan Policy PI-16. The review process shall follow Type VI (legislative) permit procedures as described in RZC 21.76.050. Redmond Comprehensive Plan Policy PI-16 sets out the following Comprehensive Plan amendment criteria:
- a. 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. Consistency with the Comprehensive Plan policies and the designation criteria;
 - c. Consistency with the preferred growth and development pattern in Section B of the Land Use Element of the Comprehensive Plan;
 - d. The capability of the land, including the prevalence of critical areas;
 - e. The capacity of public facilities and whether public facilities and services can be provided cost-effectively at the intensity allowed by the designation;
 - f. Whether the allowed uses are compatible with nearby uses;
 - g. 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
 - h. 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.

PROPOSED EDIT TO RZC 21.78 Definitions

Dock. A structure that floats on the surface of the water, without piling supports, but which is attached to land. Typically used for boat moorage, swimming, public access, and other activities that require access to deep water. (SMP). This term also applies Citywide.

Docket (or Comprehensive Plan Docket). The package of Comprehensive Plan amendments to be considered by the community, Planning Commission, and City Council over the following year as provided for in the Growth Management Act (GMA). The City or any individual, organization, business, or other group may propose an amendment to the Comprehensive Plan and associated Zoning Code.

Proposed Zoning Code Amendment: Procedures for Establishing Scope of Annual Comprehensive Plan Amendments (LAND-2014-00275)

| Issue / Commissioner | Discussion Notes | Status |
|---|--|---|
| <p>1. Using the word “legal” does not seem to fit well in criteria #4 in the proposed Zoning Code amendment. A future scenario could occur whereby the City wishes to add a proposed Comprehensive Plan amendment to the annual docket that is not strictly legal with all aspects of local, state and federal law, yet otherwise consistent with other docketing criteria. Suggest removing the word “legal” to avoid this dilemma, but retain the criteria to ensure that general compliance with existing laws is a consideration in future docketing.</p> <p><i>Miller</i></p> | <p><u>Staff comments</u></p> <p>Staff and City Attorney discussed the suggestion and concur. Proposed text changes to the Zoning Code will be modified accordingly.</p> <p><u>Commission Comments:</u></p> | <p>Opened 3/26/14</p> <p>Closed</p> |

Minutes for the Planning Commission Meeting on April 9, 2014
were not available at the time of this posting.

TECHNICAL COMMITTEE REPORT

To: Planning Commission

From: Technical Committee

Staff Contacts: Robert G. Odle, Planning Director, (425) 556-2417
Colleen Kelly, Assistant Planning Director, 425-556-2423
Lori Peckol, AICP, Policy Planning Manager, 425-556-2411
Pete Sullivan, Senior Planner, 425-556-2406

Date: March 14, 2014

File Numbers and Title: Zoning Code Amendment: Procedures for Establishing Scope of Annual Comprehensive Plan Amendments (LAND-2014-00275)

Reasons the Proposal should be Adopted:

The proposed amendment is recommended because it would:

- (A) Clarify procedures for annual docketing of Comprehensive Plan amendments and associated Zoning Code amendments;
- (B) Provide applicants with an opportunity to directly address the Planning Commission via public hearing regarding the scope of a proposed Comprehensive Plan amendment;
- (C) Optimize the list of proposed Comprehensive Plan amendments to be given further consideration in a given docket cycle; and
- (D) Provide additional information and transparency for applicants and the community as a whole.

I. APPLICANT PROPOSAL

A. APPLICANT

City of Redmond

B. BACKGROUND AND REASON FOR PROPOSAL

The proposed Zoning Code amendment follows up on City Council discussion and direction in 2013 regarding the scope of the 2013-14 Comprehensive Plan docket. Staff had recommended not including one of the amendments proposed by a property owner on the docket because it was not consistent with utility plans, and a similar amendment proposed by another property owner had been rejected by City Council during the previous year. City Council was not comfortable excluding the item from the 2013-14 docket due to the lack of criteria in the Zoning Code regarding establishment of the docket and because excluding the item would change past practice to consider all proposed amendments through the Technical Committee, Planning Commission and City Council review and decision process. City Council decided to include the item on the 2013-14 docket and also asked staff to develop proposed criteria related to docketing procedures, for Council consideration for future dockets.

Though Council may elect to add (or not add) public or privately-proposed amendments to the annual docket, one of the primary benefits of including criteria in the Zoning Code is that it would clarify the factors to be considered in establishing the annual docket for applicants and the community as a whole.

II. RECOMMENDATION

The Technical Committee recommends adopting the proposed Zoning Code amendment as shown in Exhibit 1.

III. PRIMARY ISSUES CONSIDERED

A. ISSUES CONSIDERED AND ALTERNATIVES

Comparisons With Other Jurisdictions

Staff examined docketing procedures in seven other jurisdictions, including review of zoning code procedures and conversations with policy planning staff. Staff found that Redmond's Comprehensive Plan docketing procedures are substantially aligned with those in six of the surrounding jurisdictions.

The City of Seattle uses a different approach however. Since the mid-1990's, Seattle has used criteria for further consideration of privately proposed Comprehensive Plan amendments. Due to its larger population, Seattle receives a higher volume of proposed amendments, so the criteria help optimize the list of proposals. According to City of Seattle staff, about one-third of the proposed amendments do not move forward for consideration in a typical annual docket cycle.

The Seattle process also includes a docketing public hearing with Seattle City Council, allowing applicants to describe their proposals directly to the City Council. The hearings are to discuss the scope of the proposal only, in order to determine whether to add the item to the docket. The specific merits of the proposal are only considered later, after an item has been included in the docket.

The proposed amendment to Redmond's Zoning Code is informed by Seattle's example, with some variations. First, a public hearing would be held by Redmond's Planning Commission, not City Council, as the Commission is the City's typical hearing body. As with any item before City Council, if Council wishes to hold an additional public hearing it may elect to do so.

Second, the criteria for consideration are based on Seattle's example, but have been adapted to better suit Redmond's docketing processes, policy and regulatory framework, and City priorities. For example, the proposal is to apply the criteria in consideration of all proposed amendments for the annual docket, not just those that are privately initiated.

IV. SUPPORTING ANALYSIS

A. EXISTING CONDITIONS

The current docketing process is to invite members of the community, other interested parties and City staff to propose changes to the Comprehensive Plan and Zoning Code on an annual basis. Parties are notified via various forms of communication, including e-mails, press releases, social media, and articles.

Following the due date for applications, Technical Committee, Planning Commission and City Council review the proposed scope of the docket. In part, the purpose of this review is to determine if any additional Comprehensive Plan amendments should be considered during the course of the year. City Council then adopts a blanket ordinance, establishing which items will be considered for approval. All items adopted as part of this blanket ordinance will be analyzed and acted upon, including Technical Committee and Planning Commission review and recommendation and ultimately City Council review and decision. For the 2012-13 docket, the three privately initiated amendments included on the docket each involved seven to eight months of evaluation and discussion from the start of the Technical Committee's review through City Council action. During the past several docketing processes, the number of privately initiated amendments has ranged from two to five.

B. COMPLIANCE WITH CRITERIA FOR CODE TEXT AMENDMENTS

RZC 21.76.070(FF) provides that all amendments to the Redmond Zoning Code must be consistent with the Redmond Comprehensive Plan. The following is an analysis of how this proposal complies with the requirements for code text amendments.

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 by adding a public hearing with the Planning Commission.

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 clarifying the procedures for annual docketing for applicants and the community as a whole, and continues to support 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 requires that 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)

The Technical Committee issued a Determination of Non-Significance on March 5, 2014 (Exhibit B).

D. 60-Day State Agency Review

State agencies received 60-day notice of this proposed amendment on March 11, 2014.

E. Public Involvement

The Planning Commission's public hearing on April 9, 2014 is an opportunity for people to provide oral and written testimony.

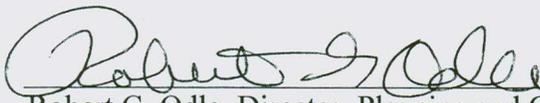
F. Appeals

RZC 21.76 identifies Zoning Code 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 EXHIBITS

Exhibit A: Proposed Zoning Code Amendment

Exhibit B: State Environmental Policy Act Determination of Non-Significance (SEPA DNS)


Robert G. Odle, Director, Planning and Community Development 3/14/14
Date

for 
Linda De Boldt, Director, Public Works 3-14-14
Date

Docketing Procedures Zoning Code Amendment

Proposed Edits to Zoning Code**ARTICLE VI – REVIEW PROCEDURES
CHAPTER 21.76.070 - LAND USE ACTIONS AND DECISION CRITERIA
SECTION J - COMPREHENSIVE PLAN MAP AND/OR POLICY AMENDMENT****PROPOSED EDIT TO RZC 21.76.070(J)(2)**

2. Procedure for establishing the scope of annual Comprehensive Plan amendments and concurrent Zoning Code amendments (the “docketing process”). 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 is assigned for receiving applications, as shown in Figure 21.76.070A. Applications received after the due date may be ~~will be~~ considered as part of the following year’s added to the Comprehensive Plan docketing process. ~~and considered for the following year’s amendments.~~ ~~All Comprehensive Land Use Plan Map amendments shall also be accompanied by concurrent Zoning Map amendments.~~

PROPOSED NEW SUB-SECTION**RZC 21.76.070(J)(2)(a)**

a. Sequence for establishing the annual docket. Figure 21.76.070A identifies major steps involved in establishing the annual Comprehensive Plan docket.

Figure 21.76.070A:
Flow Chart for Annual Docketing Process



1. Intent of amended language – add new proposed pre-screen mechanism

Within the Comp Plan Amendment application, the applicant would need to describe why the proposal warrants further consideration. Proposed criteria shown below

PROPOSED NEW SUB-SECTION: Chapter 21.76.070(J)(2)(b)

b. Criteria for including proposed Comprehensive Plan amendments in a given docket cycle. The following criteria will be used in determining which proposed Comprehensive Plan amendments will be given further consideration. Applications not meeting the criteria may be submitted for consideration in subsequent annual docketing processes.

i. The proposed Comprehensive Plan amendment is not better addressed as a regulatory, budgetary or programmatic measure;

ii. The proposed Comprehensive Plan amendment is not better addressed through another planning process, such as 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 legal, consistent with existing local, state, and federal laws;

iv. The proposed Comprehensive Plan amendment is timely with respect to other City and community initiatives, and planned public and private development activity;

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;

vi. The proposed Comprehensive Plan amendment is consistent with [the](#) overall vision, policies, and adopted functional plans; and

vii. The proposed Comprehensive Plan amendment or similar amendment has not been considered or rejected within the last four years.

PROPOSED EDIT TO Chapter 21.76.070(J)(3)

3. Criteria for evaluation and action on proposed Comprehensive Plan Amendments Criteria. Once the scope of annual Comprehensive Plan amendments is confirmed via the docketing process described in RZC 21.76.070(J)(2), each item is reviewed individually and acted on using the criteria below per Redmond Comprehensive Plan Policy PI-16. The review process shall follow Type VI (legislative) permit procedures as described in RZC 21.76.050. Redmond Comprehensive Plan Policy PI-16 sets out the following Comprehensive Plan amendment criteria:
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 - b. Consistency with the Comprehensive Plan policies and the designation criteria;
 - c. Consistency with the preferred growth and development pattern in Section B of the Land Use Element of the Comprehensive Plan;
 - d. The capability of the land, including the prevalence of critical areas;
 - e. The capacity of public facilities and whether public facilities and services can be provided cost-effectively at the intensity allowed by the designation;
 - f. Whether the allowed uses are compatible with nearby uses;
 - g. 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
 - h. 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.

PROPOSED EDIT TO RZC 21.78 Definitions

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Docket (or Comprehensive Plan Docket). The package of Comprehensive Plan amendments to be considered by the community, Planning Commission, and City Council over the following year as provided for in the Growth Management Act (GMA). The City or any individual, organization, business, or other group may propose an amendment to the Comprehensive Plan and associated Zoning Code.



STATE ENVIRONMENTAL POLICY ACT (SEPA) DETERMINATION OF NON-SIGNIFICANCE

Exhibit 2

For more information about this project visit www.redmond.gov/landuseapps

PROJECT INFORMATION

PROJECT NAME: Zoning Code Amendment: Annual docketing procedures

SEPA FILE NUMBER: SEPA-2014-00276

PROJECT DESCRIPTION:

SEPA related to Zoning Code Amendment: Docketing procedures

The proposed amendment would revise RZC 21.76.070(J) in order to clarify annual docketing procedures

PROJECT LOCATION: city wide

SITE ADDRESS:

APPLICANT: Pete Sullivan

LEAD AGENCY: City of Redmond

The lead agency for this proposal has determined that the requirements of environmental analysis, protection, and mitigation measures have been adequately addressed through the City's regulations and Comprehensive Plan together with applicable State and Federal laws.

Additionally, the lead agency has determined that the proposal does not have a probable significant adverse impact on the environment as described under SEPA.

An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. **This information is available to the public on request.**

CITY CONTACT INFORMATION

PROJECT PLANNER NAME: Steve Fischer

PHONE NUMBER: 425-556-2432

EMAIL: sfischer@redmond.gov

IMPORTANT DATES

COMMENT PERIOD

Depending upon the proposal, a comment period may not be required. An "**X**" is placed next to the applicable comment period provision.

There is no comment period for this DNS. Please see below for appeal provisions.

'X' This DNS is issued under WAC 197-11-340(2), and the lead agency will not make a decision on this proposal for 14 days from the date below. Comments can be submitted to the Project Planner, via phone, fax (425)556-2400, email or in person at the Development Services Center located at 15670 NE 85th Street, Redmond, WA 98052. **Comments must be submitted by 03/24/2014.**

APPEAL PERIOD

You may appeal this determination to the City of Redmond Planning Department, Redmond City Hall, 15670 NE 85th Street, P.O. Box 97010, Redmond, WA 98073-9710, **no later than 5:00 p.m. on 04/07/2014**, by submitting a completed City of Redmond Appeal Application Form available on the City's website at www.redmond.gov or at City Hall. You should be prepared to make specific factual objections.

DATE OF DNS ISSUANCE: March 11, 2014

For more information about the project or SEPA procedures, please contact the project planner.

RESPONSIBLE OFFICIAL: Robert G. Odle
Planning Director

SIGNATURE: 

RESPONSIBLE OFFICIAL: Linda E. De Boldt
Public Works Director

SIGNATURE: 

Address: 15670 NE 85th Street Redmond, WA 98052