

**REDMOND CODE REWRITE COMMISSION  
MINUTES**

January 25, 2010

**COMMISSIONERS PRESENT:** Steve Nolen, Chair, Sue Stewart, Vice Chair, Robert Fitzmaurice, Nancy McCormick, Vibhas Chandorkar, Robert Pantley, Passion Julinsey

**COMMISSIONERS EXCUSED:** None

**STAFF PRESENT:** Steven Fischer, Jayme Jonas, Jeff Churchill, Lynda Aparicio

**RECORDING SECRETARY:**

**CALL TO ORDER:**

The meeting was called to order at 6:00 p.m. by Chairman Nolen in the Council Chambers at City Hall.

**APPROVAL OF THE AGENDA and MEETING MINUTES:**

The minutes for January 4, 2010 were approved.

**ITEMS FROM THE AUDIENCE:**

None.

**ACTION ON REPORT TO CITY COUNCIL, MISCELLANEOUS USES:**

Mr. Fischer reviewed the Code amendments the Commission made on January 4<sup>th</sup>, as well as changes to the matrix. The transmittal report is new to the Commission tonight. Mr. Pantley asked, after reviewing codes from other municipalities, that allowing the appraiser to appraise a property could be a challenge for Redmond. Other codes define how the appraiser should appraise a property, specifically talking about *replacement value* or *fair market value*. Ms. McCormick asked if those words, *replacement value*, could be added. That would mean replacement of the improvements to the structure, rather than the cost of the whole structure. The CRC agreed to talk about this topic during the Development Standards 1 portion of the meeting.

MOTION to approve the Miscellaneous Uses transmittal report to the City Council made by Ms. McCormick, seconded by Mr. Pantley. Motion carries unanimously.

**INTRODUCTION OF NEW COMMISSION MEMBER:**

Mr. Nolen formally introduced a new member of the Commission at this meeting, Ms. Passion Julinsey. She has been sworn in as an official member, and joins the CRC from the Planning Commission. Mr. Nolen thanked her for joining the group, and Ms. Julinsey told the Commission she was glad to be of service.

## **DEVELOPMENT STANDARDS 1, RECOMMENDATION AND APPROVAL OF REPORT:**

Ms. Jonas noted there were two remaining issues open after the last meeting, covered by Jeff Churchill on January 4<sup>th</sup> in Ms. Jonas' absence. One of these issues includes word changes in the sight clearance at intersections section. Staff has made those changes. The other issue deals with the treatment of street lighting and utility cabinets. Staff has checked with the City of Bellevue as to how those cabinets are dealt with, and Bellevue staffers say no such cabinets have been placed inside any buildings in the city. That city has been working to *place cabinets in less conspicuous locations if possible*. That would include placing the cabinets closer to buildings or in the street furnishing zone, which the Redmond staff had recommended last month. The CRC had also asked for a performance standard, noting where cabinets could be located if an alternate location were preferred. That has been reflected in the revised Code, with a note about allowing alternate locations, when all operational and maintenance needs for the City and other utilities were met. Mr. Pantley and Ms. Stewart say that is a nice solution.

Mr. Nolen suggested changing *alternate* to *less conspicuous*. Ms. Jonas says the City Attorney is not supportive of this, due to concerns about *less conspicuous* being a subjective term. Mr. Nolen is concerned that *alternate* gives no direction to an applicant; *less conspicuous* shows what the City is trying to achieve. He still wants to move along this Code tonight. Ms. Jonas says in Bellevue, staff members simply interpret the code, and do not have the words *less conspicuous* codified. Mr. Chandorkar echoed the idea that the Code should have some direction. Mr. Pantley reminded the staff to be careful, noting that sight distance or having a cabinet near a school could be deciding factors, as well as *less conspicuous*. He does not want the Code to limit the City in any way. Ms. Jonas noted that the motivation behind the Code is reflected in purpose statements rather than in specific code sections. Mr. Nolen proposed *less conspicuous or other alternate location* as a phrase to solve the problem. He confirmed with Ms. Jonas that the Council could talk with the City Attorney about this before issuing their final approval. Mr. Nolen recommended amending the Code language to say, *where this zone exists, or in a less conspicuous or other alternate location*.

MOTION to approve the memorandum as written, understanding that amendments will be occurring, made by Mr. Pantley. Motion seconded by Ms. McCormick.

Mr. Pantley AMENDED HIS MOTION to represent the whole package before the Commission, not just the memorandum. Motion seconded by Ms. McCormick.

Ms. Jonas reminded the Commission staff was looking for a motion on the Development 1 package before the CRC, and a motion on the report. The report discusses the action taken on the package, so those are separate items.

MOTION made by Mr. Nolen for an amendment to the Code language to say, *in a less conspicuous or other alternate location*, as mentioned in previous discussion. Motion seconded by Ms. McCormick. Amendment passes unanimously.

Ms. Jonas noted that the *value of existing structure* issue raised by Mr. Pantley earlier could be amended by staff to be consistent with the other Codes mentioned, including the words *replacement value*.

MOTION made by Mr. Pantley to amend the Code, to read, *where the applicant disagrees with such value, the value established by a current appraisal of replacement value is made by a current appraiser in the State of Washington*. Motion seconded by Mr. Fitzmaurice. Amendment passes unanimously.

Ms. Jonas noted some other wording changes discussed on January 4<sup>th</sup>, to eliminate *parked vehicles*, add *opaque*, and add the word *significantly*. This is not an amendment, but a part of the recommendation. Mr. Nolen confirmed with the CRC that these changes were appropriate, and asked for a vote on the package as amended.

Mr. Nolen referred to the prior MOTION made by Mr. Pantley, and seconded by Ms. McCormick, to approve the Development Standards 1 package as presented, with the amendments and language changes noted at this meeting. Motion passes unanimously.

Ms. McCormick noted that there was a memo from Jim Stanton about some suggested changes to Development 1 Standards. Ms. Jonas noted those concerns were added to the issues matrix, addressed, and closed. There was no additional public testimony on this issue, either.

Ms. Jonas asked for a motion to approve the transmittal report of tonight's discussion to the City Council, with updates and amendments discussed this evening. Mr. Pantley commented the report style Ms. Jonas used is the most helpful, and he would like to see future reports formatted in this way. Ms. McCormick asked about the exterior lighting standards and updating the matrix. The CRC had discussed recommending to the Council that this update should be a separate work effort. The Commission was in general agreement with that idea, and staff agreed that would be a good section to add to the report template. Ms. Jonas said she would work on that section, and the CRC agreed to let her do that without reviewing this section again.

MOTION by Ms. McCormick to approve the report on Development Standards 1, for City Council review, with the changes discussed earlier with staff to be included in a future action recommendation. Motion seconded by Mr. Chandorkar. Motion passes unanimously.

### **PUBLIC HEARING AND STUDY SESSION, COMMERCIAL, INDUSTRIAL, DESIGN DISTRICT ZONES:**

Mr. Nolen noted that Mr. Churchill has another meeting to go to tonight, and he would like to handle this issue quickly. He has identified a number of issues from the issues matrix that the CRC could handle before the public hearing. The first one is the issue regarding setbacks and clarifying the definition of setbacks. Staff believes a few words could be added to the definition, to wit; *A line beyond which, toward a property line, no*

*structure greater than 30 inches in height may extend or be placed, except as permitted by the regulations of this title.* That should deal with parking lots and manholes.

Mr. Fitzmaurice likes the changes, but asks if *height above grade* should be the phrase added. Mr. Churchill says *height above grade* is a good suggestion. Mr. Pantley says the Code should match the language of the IBC or IRC, the national building codes, and Mr. Fitzmaurice and Mr. Churchill agreed that was a good idea. Mr. Churchill says the way height is measured in the zoning code, in most circumstances, is from finished grade, so *from finished grade* could be added. In shoreline jurisdictions, measurements go from existing grade, but that typically refers a scenario where an applicant is going to do development and the existing grade has to be known, as opposed to a finished grade. With the setbacks, that is probably not an issue. Mr. Fitzmaurice asked if docks would be included in this Code; Mr. Churchill noted there are specific Code notations for docks. Mr. Churchill will add *above grade*, and match the language with the existing national codes.

The next issue for the CRC was about how parking requirements looks in the zoning chapter charts. The format was a problem, and Mr. Churchill has borrowed an idea from Mr. Chandorkar to solve it. The unit of measurement is listed at left, with a minimum parking required and a maximum allowed ratio in parentheses. Mr. Churchill asked if this made sense. Mr. Nolen said he was satisfied with this, especially regarding the minimum and maximums listed. Hearing no other discussion, Mr. Churchill moved on to the next issue.

The concept of car sharing faced the CRC next, and Mr. Churchill and the staff are recommending that the zoning Code does not need to talk about car sharing, unless the Code is talking about the offices out of which flex car companies operate. Regarding parking space, car sharing spots are just parking spaces from the zoning code's perspective. Car sharing does not need to be specifically listed as a use. That should give flexibility to people who share cars, and car sharing companies. Mr. Pantley confirmed with staff that there was no prohibition against using flex cars and parking in whatever spaces drivers choose. Mr. Pantley asked about a group of businesses that wanted to use a flex car, and confirmed with Mr. Churchill that that use of the parking space would not need to be codified.

Mr. Churchill says the flex car office would have office use requirements, but in all other cases, a parking space is simply a parking space. Mr. Pantley noted that the parking requirements for a flex car company would be quite different than a standard office. Mr. Churchill says he is not sure how the flex car model works, but he believes it might turn into a car storage situation, like a car rental operation. The regulations on car rental, Mr. Churchill says, would not preclude a flex car operation. The car rental definition would not extend to where a space would be marked for a flex car. Mr. Pantley wanted to make sure this conversation was noted in the minutes, which Mr. Churchill confirmed. The issues matrix will go to the City Council as well.

Moving on to the next issue, Mr. Churchill brought up the idea to italicize words that will be defined in the Code. Staff says that is a good idea, but that process will be taken care of at the end of the rewrite so that defined words do not have to be tracked through the whole process. The Code reviser will be able to handle that, fairly simply. Mr. Pantley wanted to see a list of the component changes that are critical, and show that list to the Council in the final briefing on Code revisions.

The next issue deals with the business park zone, from Exhibit C. The CRC had a question about the phrase *75% of business activity*, and what that meant. Staff research shows that outdoor storage related to the business activity is included in the definition. That percentage is a land area measure. Staff is proposing the idea that 75% of business activity, by area, must be conducted indoors, including storage of materials used in business activity. Ms. McCormick noted that was a good change. Mr. Nolen asked about a definition of *indoors*, and Mr. Churchill noted that was defined elsewhere in the Code. Mr. Fitzmaurice asked about the drive lanes between storage areas, and if that square footage was included in this measurement. He says without that clarity, there is not direction to this part of the Code. Mr. Nolen agreed this language was open to interpretation.

Mr. Churchill will research for more details, but he believes in a business park zone, the amount of outdoor activity would be limited, with an aesthetic intent. He does not believe drive lanes are un-aesthetic, but he will check on that. He also noted that there is an ease of measurement component to this part of the Code, and measuring each wooden pallet can be a waste of time. Mr. Fitzmaurice would support measuring the actual area of storage, and limiting that to 25% of the business activity, for example. Mr. Churchill noted how that percentage could change, with multiple stacks of pallets. Mr. Fitzmaurice agreed, and wanted to make sure the Code was reasonable; the 25% is a significant limit in a business zone. Mr. Churchill will research this issue and bring it back to the CRC. Mr. Fitzmaurice warned that if drive lanes were included, developers would end up crowding those lanes really tightly around buildings, which would defeat the purpose of this Code.

Mr. Churchill asked if there were any follow-up questions from the CRC. Mr. McCormick asked about the limitation on hours of operation in the neighborhood commercial zone. She remembers when the Council gave approval for the Bridle Trails neighborhood commercial area, the Council put hours of restriction on businesses. She cannot remember what type of permit was issued, and if the zoning was changing at the same time. Mr. Churchill is not sure about that exact example, but says it is possible the Council did a zoning change with conditions. Ms. McCormick says those business hours should be limited, for the sake of neighbors. The ability to limit those hours is available in the Code, but Ms. McCormick would like to demarcate the hours of closing as 10 p.m. to 6 a.m.

Mr. Chandorkar asked how a 24-hour store like a 7-11 would be allowed to open in such areas. Ms. McCormick says those types of stores are not allowed in neighborhood commercial zones. Mr. Pantley says he likes this zone, but he does not know what the

exact hours should be. Mr. Churchill asked if he could research what the City Council has done before with this limitation of hours and come back to the CRC with that information, such that the Commission could be consistent with the Council. Ms. McCormick says the Commission owes it to the citizens to uphold those limits. Mr. Churchill does not know what decisions the Council has made in the past, and how those would impact all of the neighborhood commercial zones as opposed to individual cases.

Mr. Fitzmaurice asked if limiting deliveries would be the impetus behind this rule. He asked if deliveries could be limited to certain hours, but the business itself could operate outside those hours. He would like to get a good definition on *hours of operation*, and identify the issues of noise or light pollution rather than a simple, zone-wide ban. Mr. Pantley says selecting a site for such a business is very important, in that putting alleys behind those sites can create trouble for delivery trucks backing up, and thus can create a noise problem for neighbors. Ms. Stewart says limiting hours of delivery can have a negative impact on businesses. Mr. Chandorkar echoed Mr. Fitzmaurice's concern to focus on deliveries rather than hours of operation. If deliveries can be limited, restrictions on businesses could be lifted, which could help them.

Ms. Stewart says some franchises are limited in their delivery hours, which could cause a problem. Mr. Pantley says those businesses do not fit in this zone, really. He would like an overall limitation on hours. He does not want an all-night store next to a neighborhood, but admits there could be some flexibility if delivery hours were modified. Ms. Stewart says some natural barriers like green belts can help with noise and light abatement. Mr. Nolen says staff will research the issue and come back with some options.

Mr. Nolen opened the public hearing on seven different district zones at this point, beginning with a presentation by Mr. Churchill. The objective is to get written and oral testimony regarding the updates proposed, and identify issues. There will be two more study sessions on this section of Code on February 8<sup>th</sup> and February 22<sup>nd</sup>. Staff is anticipating wrapping up this section of the rewrite on March 1<sup>st</sup>. There are seven zones included in this package of updates: neighborhood commercial, general commercial, business park, manufacturing park, industry, gateway design district, and Bear Creek design district. The zone chapters include allowed uses and basic site requirements. Many of the other standards are not part of this update. The key aspects of the proposal are to reorganize the zone chapters using combined use and site requirement chart, and to model the uses on the land-based classification system. The whole idea is to make this consistent with the Code Rewrite principles, and make the Code easy to use, predictable, user-friendly, and streamlined. More information is on the CRC's website.

Todd Woosley, who works with a local properties company, spoke to the CRC as part of the public hearing. He spoke on behalf of PS Business Parks, the Overlake Business Center, and the Building Owners and Managers Association of Seattle King County. He says he does not see any particular problems with using a new definition of permitted uses, as long as there is a reference, as recommended by some CRC members, to help define what the use is. Mr. Woosley is concerned about a new business coming to locate

in a vacant space, and wants to make sure the City will very easily allow the permit process and business license process to happen.

He would also like to make sure the commercial real estate community also has a very easily understood Code in that regard. Mr. Woosley spoke in support of adding the performance criteria for why these businesses are allowed in each of the zones in Redmond. He does not want to throw out the list of uses; he would like to see that list supplemented with the region's first true flexible use zoning code. He says this is a successful approach in some other jurisdictions, and the City of Redmond should use a pioneering, hybridized approach of a performance-based zoning code and a permitted use zoning code. Mr. Woosley wants to make sure businesses are not turned away from the empty spaces Redmond has, especially in light of an uncertain economic forecast.

Mr. Nolen asked Mr. Woosley about the lists of zoning codes in the overall Code and if he would support a more standardized list, or a *map* showing the old uses and their links to the new uses. Mr. Woosley would support that, and would also support a link between the old definitions and the new definitions of terms. That could help the City as well as the commercial real estate industry. Mr. Woosley wants to make sure that current businesses types do not fall off the permitted use chart.

The Commission decided to close the public hearing for oral testimony, but written testimony will continue to be accepted. Mr. Fitzmaurice asked about businesses that move into certain zones, and in one case, noted an engineering firm he worked with had to move across the street on 154<sup>th</sup>, in West Park for a reason he was unclear about. Mr. Fitzmaurice was notified the engineering group was a non-conforming use, but asked Mr. Churchill to investigate this matter further. Mr. Churchill agreed to do this and said on February 8<sup>th</sup>, he would return to the CRC with new zone chapters that reflect all the changes discussed at this meeting. Graphics may not be ready at that time, however, as they are difficult to render, at times.

Mr. Pantley asked about performance standards, and Mr. Churchill noted there are already certain performance elements in the Code, regardless of use, such as noise, storage, and vibration standards. In moving into a revised Code, staff has broadened the use categories, as in the manufacturing use zones. That does not take the concept as far as Mr. Woosley suggested, but the staff has been parsimonious with the use categories and make them broad, to make sure not as many businesses have to deal with contorted definitions of the Code. Those businesses would still have to meet noise standards and others in the Code.

Mr. Nolen asked, philosophically, about adding performance standards to a code in general, and how those standards, in most cases, limit the code. He brought up the idea of adding performance standards so as to allow for an increase in uses, if some of the positive standards were met. Such a concept would be expansive rather than limiting. Mr. Churchill says having performance standards in addition to the list of uses the Code could result in permitted uses that are excluded in the Comprehensive Plan. Mr. Churchill says broadening the zones allows for the flexibility Mr. Nolen is talking about. Mr.

Chandorkar asked if a list of non-permitted uses should be added; Mr. Churchill says that might be a very long list. He says the Comprehensive Plan is not set up that way. The Plan shows what uses are appropriate, and Mr. Churchill wants to keep the Code consistent with that. Mr. Chandorkar says new uses will always develop with new technology, and he is concerned how that would change the Code. Mr. Churchill admitted new businesses have been developed, and he says by broadening the zones, staff has extended the life of the Code through the rewrite as long as possible. New businesses either fit in a category, or the Comprehensive Plan gets revised.

Ms. Stewart noted that generating noise and light are not always use-driven, in that several businesses can generate those issues. New technology could reduce those problems, in fact. She would like to list what the limits, the City does not want businesses to do. Mr. Churchill and Ms. Aparicio pointed out that is not the framework of the Code, or the Comprehensive Plan. Those speak to uses, not performance standards. Outcome-based regulations could severely limit manufacturing uses, for example. Mr. Pantley says there is still room to put in performance standards; the City could lose some businesses with rigid thinking on this issue. He recommended the CRC coming up with changes to the Comprehensive Plan to suggest to the Council.

Mr. Chandorkar agreed with that sentiment. He finds the Code limiting in this regard. Mr. Nolen philosophically agrees with Mr. Pantley and Mr. Chandorkar, but realizes implementing performance standards is a serious challenge for staff. Mr. Churchill will look into this discussion. Ms. Aparicio asked about the issues table matrix; the CRC says the format looks good. Mr. Churchill will come back to the CRC with a corrected version of the Code with the suggestions made at this evening's meeting. Mr. Churchill left the meeting at this time, and the CRC decided to take a short break.

### **STUDY SESSION, ADMINISTRATION AND PROCEDURES**

Mr. Nolen resumed the meeting, beginning with a staff presentation of the Administration and Procedures Chapter. Ms. Aparicio noted there will be study sessions on this issue on February 1<sup>st</sup>, and a public hearing on February 8<sup>th</sup>. Another study session will happen on February 22<sup>nd</sup>, with a wrap-up and recommendation on March 8<sup>th</sup>. Tonight, the CRC will learn about the deficiencies in the Code regarding overall organization, and give feedback to staff. Ms. Aparicio says the Code has a general lack of user information and flowcharts to help applicants through the process of the Code. The Code is also very repetitive. The design review process is not well defined, and it is located in three different parts of the Code. There are some conflicts between texts and tables, as well. There are dispersed procedural notes throughout the Code, and several inconsistencies with the purpose statements and defined decision criteria.

The Code will be reorganized into clear, logical elements, and a user guide has been added. Flow charts will be important to understanding the process, and those have been added for every process type. Process information has been consolidated to shorten the length of the Code. Permit information dealing with the Redmond Municipal Code has been eliminated. Duties and qualifications of decision-making bodies will most likely be

placed into the Redmond Municipal Code. Those are not related to land use actions; they are more administrative information.

Key substantive changes include eliminating the Type 7 process as well as the special use permit and concurrency exemption. Staff has added development agreement, administrative interpretation, review of impacts to archeological sites, and converted administrative design flexibility from Type 2 approval to be considered along with the underlying permit. Staff has also proposed moving the land division modification permits to the Redmond Municipal Code. Staff has deleted annexations and right of way vacations altogether, mainly because those are covered by state law. Information has been added on the City's prep process, and the permit consolidation option has been modified as well. That option allows applicants to combine Type 2 and higher permits. When consolidated, the higher review type applies, but the review criteria from each permit type would be considered. If that option is not chosen, but the permit with the highest review type must be considered first. Staff has proposed to extend the effect of approval from one to two years. A provision has been added to allow the Technical Committee to require a neighborhood meeting for a Type 2 through Type 5 permit. The public comment period has been increased on the notice of application and hearing notices from 14 to 21 days.

A provision has been added that any person attending a neighborhood meeting can be a party of record, and has standing to appeal. A provision has been removed that allowed the City Council to remand appeals back to the hearings examiner, which is not consistent with state law. There is a limit on how many hearings can be held, so that provision violates the state law. Ms. Aparicio noted, in general, that staff reviewed all the purpose statements to make sure they were clear. All the criteria have been reviewed as well, to make sure those were indeed design review criteria and not policy statements. For public notification, staff has fulfilled the legal notice requirements for this section of code. All applicants and parties of records with land use entitlements for the past three years, about 400 people, were notified. Ms. Aparicio wants to ask the CRC if the changes are logical and help clarify the Code.

Mr. Chandorkar asked about certain authorities referred to in the Development Code, and why that was moved into the Municipal Code. He asked if the Development Guide is the place a person goes first to figure out what permit is needed, and what kind of process should be followed. Ms. Aparicio said yes. In reply, Mr. Chandorkar asked if a little reference to those duties, authorities, and qualifications of the decision-making bodies should be included. Ms. Aparicio says a reference to the Municipal Code could indeed be added, such that applicants could find that information. Mr. Nolen echoed that thought, and wanted to make sure there was a reference for users in the Development Code, such that they could go to the RMC section involved. That would keep the Development Code current, and would leave no question in the user's mind as to what is directing that topic. Ms. Aparicio said that was a point well taken.

Mr. Nolen noted that the staff is taking on a lot in this particular section of rewrite, and he suspects the Commission will find some missing details. But he is glad the staff is

working on this, because this is the way the public knows how to interact with the City to get a project done. Mr. Fitzmaurice asked about removing the reference to those permits currently authorized in the Redmond Municipal Code, and moving other provisions to the RMC. Mr. Fitzmaurice asked if the CRC would look at those provisions, or if the Development Code items would be moved, as is, to the RMC. Ms. Aparicio says these items, dealing mainly with land division, will undergo some changes for ultimate adoption by the Council, but would not be reviewed by the CRC.

Some of the CRC members were concerned about this; Mr. Nolen called this “interesting.” Mr. Pantley says short plats and properties are a major part of the Development Code, and of Redmond’s history. He questioned the wisdom of taking that away from the casual user, and says that does not seem right. He has not seen that in other land use codes in other cities. Ms. McCormick is troubled by this as well. Ms. Aparicio says the idea to move these items to the RMC was proposed because other jurisdictions had another completely separate subdivision ordinance that was wholly contained in one location. Mr. Pantley says this part of the Code affects the neighborhoods the most, and that is where the City needs to be the most sensitive. He does not believe this concept fits with what the CRC is trying to do. Ms. McCormick noted that intuitively, the public would not go to the RMC for this information. She believes requiring the public to have two notebooks or binders would be more cumbersome. Ms. Stewart says this idea goes against the ideas of simplicity and transparency.

Mr. Fitzmaurice also questioned the idea of removing provisions that are wholly addressed in state statutes, including annexations and right of way vacations. The City has a number of nuances about right of way vacations that are not in the state code. He brought up an example of abandoning easements, and dealing with utilities like Puget Sound Energy. There is a question of payment to the City with that issue, too. Mr. Chandorkar says it is not clear what exactly is moving into the RMC, and he is not comfortable with it. Ms. Aparicio says the intent was not to over-simplify the subdivision process. That process would remain the same; it is just that these Development Code items would be housed in the Municipal Code. Mr. Chandorkar would like to know what exactly is going into the RMC, and then make a decision as a Commission as to what Code items should be where.

Mr. Pantley says the big picture issue still exists of the true purpose of moving these Development Code items. Mr. Nolen pointed out that in regard to vacations, it would be a policy change in terms of how this is handled just to cite the RCW. Mr. Nolen, echoing Mr. Chandorkar, wants to hear the rationale for each of the items that would be moved. Mr. Nolen does not believe this would make the Code document more concise and understandable by moving large amounts of language. Ms. Aparicio says she believes state law requires the City to define what the submittal requirements are, in order to be a complete application. A preliminary plat would be vested once an application is complete. With all those requirements in the Development Code, if any modifications were made to the submittal requirements, it would need an amendment to the Development Code.

Mr. Pantley believes a more compelling argument on this topic comes from site plan entitlement, in the development guide. He wants all this information in one spot. The way the Development Code is set up now, a site plan entitlement on a pretty large project can go through an easier process than a two-lot short plat, both of which are in the downtown. Mr. Pantley wants the CRC to understand the downtown and Overlake areas may have a separate kind of understanding; he is focused on the scope and size of the project, not just the path of the project. In his mind, a two-lot short plat downtown should not have the same arduous process that a nine-lot plat would have in the neighborhoods. Mr. Pantley wants the CRC to explore that, so that the City does not have a semi truck to carry one box of oranges. Mr. Fitzmaurice says for many short plat projects, the City will most likely see developers use the binding site plan process in the future. That is tied in with the design review process. The land use actions drive the short plat, not the short plat provisions driving the land use. He is not even sure if a person can do a short plat in the City of Redmond without a public notice over what is being done.

Mr. Nolen says it makes sense to him to move the things required by state law to be part of the Municipal Code. But he sees nothing in the Development Code that relates to division of private property, so he wonders what the legal rationale is to put those items in the RMC. Ms. Aparicio says the original idea was the issue of the requirements to identify what constitutes a complete application, which has to be identified in the subdivision ordinance. If the Development Code has to be updated every time the submittal requirements are updated, then that would become an arduous process. Mr. Nolen asked if that could not just become a reference in the Development Code, or if that specific issue needs to be dealt with in the Municipal Code. Ms. Aparicio says no, but if the language in the Development Code referred to the RMC, and if the submittal requirements were placed in the RMC, that could possibly work. Mr. Nolen would like to move the part that is required to be in the RMC in accordance with state law, and have that specific aspect controlled by the RMC provision. If the RMC is amended related to that provision, then that would automatically apply into the Development Code.

Mr. Pantley asked about the appeals process, and where that information was in the Development Code. He would like to see the graphic box with the appeal period expanded to improve public understanding. Ms. Aparicio says there are charts for each permit that have more details on the steps and options for appeal. Mr. Nolen would like to see the time period limitations for those steps listed, as well. Mr. Pantley likes the drawings, but wants them expanded. Ms. McCormick asked if the staff gets comments from citizens about the six types of processes, and if there should be fewer types of processes. Ms. Aparicio says the City went from seven to six, and considered eliminating the Type 5 process. . Type 5 involves a public hearing with the Council, followed by City Council decision. Development Agreements were added into the code, because they are becoming more common. Staff felt it was appropriate to keep Type 5, because it is a contract entered into between the City and the property owner, and each agreement is a unique negotiation. Ms. Aparicio has not heard complaints about the amount of process types; Redmond has about the same amount as most other municipalities.

Mr. Nolen asked if collapsing Type 7 into Type 3 was possible, and Ms. Aparicio says that has been proposed. All the permits identified as Type 7, historic landmark designation and certificate of appropriate Level 3, are now proposed under Type 3. They both require a public hearing, and both have a provision for appeal to City Council. The difference is the hearing body. So really, staff expanded Type 3 to include the Landmarks Commission as a possible hearing body.

Mr. Pantley wants to decide where the short plats go in this part of the Code. He also wants to ask the City Attorney if the development agreement even has to be in a Type 5. He asked if the Hearing Examiner could be involved in some larger way to help collapse the types of processes, too. Mr. Pantley says condensing these types would make the Code easier to read. He is concerned about appeals on short plats; they go to hearings examiners first, then the decision can be appealed to the Council. Some neighboring cities are taking the short plats and letting the hearing examiner make the decision. From there, it goes to Superior Court. Mr. Pantley says the City is growing, with a number of big issues. He wonders if taking the politics out of these decisions might not be a good idea, meaning, taking the Redmond City Council out of this process to allow its members to focus on things like the budget, transportation, and other issues. Ms. McCormick says the Council did tackle this issue last year. In a split decision, the Council decided to keep things the way they are. The idea is, even though an item is quasi-judicial, Council members should be able to respond to citizens and hear their concerns. Regardless, Mr. Pantley says the number of processes could be reduced and thus, the Code simplified.

Ms. Stewart asked if moving some Development Code items into the RMC would have negated the quasi-judicial status. Ms. Aparicio says no. Mr. Fitzmaurice commented that he liked the flow charts, but said they were too linear. He noted that he had never been through a process that went as smoothly as indicated in these charts, and more loops are needed. Ms. Aparicio says the goal was to keep those charts very general. Mr. Pantley says from a neighbor's perspective, these charts are not as helpful as they could be. Ms. Aparicio showed the CRC some comments on a notice sent out, and how those loops of additional information were displayed. She believes that there would be additional flow charts, outside the Code, that would be developed as part of user guides. Staff did not want to get so specific in the flow charts so as to constrict the City if it wants to change the process.

Mr. Fitzmaurice says the prep process chart is a good example of the way a chart should look. He says the Technical Committee recommendation and the Design Review Board recommendation should not be in the same box. Those are completely different processes with different agendas. Ms. Aparicio renamed the DRB decision as determination, because that determination is incorporated into the final decision that is made. That can be appealed, as well as the decision made by the Technical Committee. Ms. Aparicio noted there is only one formal "decision" on a project, which comes from the decision letter the City issues. That letter incorporates conditions of approval from both the DRB and Technical Committee. Mr. Pantley confirmed with Ms. Aparicio that the Technical Committee takes the design recommendations, but has the right to modify those to meet the overall needs of the application. That is why he believes this is a separate process, but

he realizes the overall process flows through the Technical Committee. The DRB and the Technical Committee are not equal bodies, Mr. Fitzmaurice says, and one follows the other. Mr. Fitzmaurice would like the flow charts to look similar to each other, to improve clarity.

Mr. Nolen pointed out an error in that he did not see arrows between boxes in the flow charts. He also noted that if a process is appealed, it could go to Superior Court. But it also appears a case can go straight to Superior Court, according to the chart. Ms. Aparicio is not sure if an applicant has to exhaust the administrative appeal process to get to Superior Court; Mr. Pantley says, from experience, that that is indeed the case. Mr. Nolen would like to see a *decision is final* arrow pointing away from the final appeal box. Mr. Nolen also pointed out some discrepancies between the prep and pre-application flow charts, and suggested some possible connections between the two. On the prep diagram, he saw a fundamental issue with how people read documents. Mr. Nolen would like the boxes at the bottom put at the top, because people read right to left, top to bottom, and clockwise. That would be a better way to organize the content, in his opinion. Other members echoed that thought.

Mr. Pantley says the neighborhood meeting section is lacking in its understanding of how much it can help the process. He says in his experience, meetings are invaluable in creating good neighbors. He would like applicants to understand meeting with neighbors does not have to be organized by the City; he often has a dozen meetings or more with neighbors next to his project. Mr. Pantley says this idea needs to be expressed, but not necessarily put in a flow chart. He does not want this exercise of dealing with neighbors to turn into a simple box that needs to be checked. Mr. Pantley would like to see the City help the applicants reach the neighbors, specifically helping applicants with mailings to neighbors.

Mr. Chandorkar asked how multiple meetings could be addressed in the Code. Mr. Pantley would like to encourage the meetings, rather than *neighborhood meeting, if required*, as stated in the Code now. Ms. Stewart is concerned about notifications as well, and would like to see specific language to encourage meetings. Mr. Nolen asked if the Code could say, *neighborhood meetings encouraged (and may be required)*. Ms. Aparicio says the Technical Committee has the authority to require the neighborhood meetings for Types 2, 3, 4, and 5. Ms. Aparicio is concerned over the use of *encourage*, because it is not binding in any way. Mr. Pantley asked if the number of comments filed would trigger a meeting requirement.

Mr. Chandorkar agrees with the sentiments expressed, but wonders how the Code could do anything in dealing with non-process elements like multiple meetings. He suggested notating, in the Code, that these are the absolutely essential process elements that have to be followed. The concept of holding multiple meetings is anecdotal, and may be part of the user guide, in Mr. Nolen's opinion. Mr. Pantley says helping applicants and neighbors meet and find common ground is crucial for development projects. Ms. Stewart says it is difficult for neighbors to deal with large developments, and she would like to encourage

developers to make those connections. She does not think the spirit of meeting with the neighborhood is properly expressed in the Code.

Ms. Aparicio says there is City policy that would require a neighborhood meeting for short plats that meet certain criteria. The intent with this rewrite was to incorporate that into the new Code. The proposed Code goes above and beyond the current Code, incorporating the meeting provision into new types of projects and permits. Ms. Aparicio is trying to find a balance between providing an opportunity for meaningful public input and providing predictability for developers. She would like to define, for the neighborhood meeting component, when it is required, and what are the criteria under which that meeting would be required. She would also like to lay out public expectations for participating in those meetings.

Mr. Chandorkar wondered if this meeting concept would be placed well in the user guide, not in the regulatory language. This would not replace the meeting requirement Code, but would help the public understand why and when these meetings happen. Mr. Pantley says there could be examples given how public meetings helped a project go forward. Mr. Nolen says some developers would agree with the multiple meeting concepts; some would not. The City has listed the legal requirements, and this Code does indicate how members of the public can provide meaningful input to the developer and the City. Beyond that, Mr. Nolen does not know how much the Code could legislate the idea of reaching consensus between neighborhoods and developers. Ms. Stewart notes that making sure public notices are truly *public*, and accessible to the public, is an important part of this conversation, too. Mr. Pantley says the placement of signs might be best in one place, but brochures might be placed in another. He says sign placement every 150' can be too much, in some cases. Ms. Stewart would rather see a smaller sign with larger numbers, as another alternative.

Mr. Pantley says the CRC is making a great start, and he appreciated all the great work done by the staff on the details of the rewrite. Mr. Fitzmaurice asked again if there were new things in the Code, or things taken out, those should be enumerated for the CRC members. Ms. Aparicio says those substantive changes are noted in the Code crosswalk. Mr. Nolen would like to see any text that is getting moved out of the Code notated in the crosswalk as well. Next week, the CRC will see the draft Planning and Public Works Committee report. That Committee will meet on the first Thursday of each month. That first meeting will be February 4<sup>th</sup>. The idea would be the Commission would see the summary report that is going to them. Also, the Commission members would receive the monthly report, identifying lists of issues and questions for City Council.

**ADJOURNMENT:**

Chairman Nolen adjourned the meeting at approximately 8:53 p.m.

Minutes Approved On:

Code Rewrite Commission Chair

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