From: Tom Hinman [mailto:hinmantt@yahoo.com]
Sent: Tuesday, April 11, 2017 6:18 PM
To: Planning Commission <planningcommission@redmond.gov>; David Lee <dlee@redmond.gov>
Subject: PC Agenda Item

Planning Commissioners -

As one who has been an appellant in several Redmond land use actions, I note with interest **Planning Commission Agenda Item #5 for April 12, 2017 - Public Hearing on Zoning Code appeal provisions.** Please accept these written comments in lieu of verbal testimony at the hearing.

In regard to Issue Matrix Item 5:

Staff's responses *"The cost implications to an appellant are difficult to determine" and "legal representation is not mandated by law"* are disingenuous at best. Sure, community members do not require an attorney, but in practice, their success largely demands one, as well as investment in certified professionals like traffic engineers and arborists for their testimony to have any credence. So in this sense, appellant cost implications are difficult to determine. Not only must community members determine who among them are willing to participate in an appeal, they must then determine what professional assistance they require, locate/recruit/hire same, determine a feasible budget and (most likely and most time consuming) engage in some sort of fundraising. This prospect is intimidating and tends to discourage appeals…not to mention the $500 fee the City now demands up front.

Staff responses that "reducing the timing for appeals will hopefully reduce cost for all" probably holds true for developer applicants and City staff, but not for community appellants. I find the "streamlining" effort featured throughout this proposal to be detrimental to community members. The planning process has already been "streamlined" internal to City Hall for the benefit of applicants through the LEAD process. A balance needs to be set between the desire to expedite processing for the developer while simultaneously ensuring that members of the public have sufficient time to learn of a project and voice their opinions – positive or negative. As noted above, the time it takes for citizens to mobilize an appeal if they have concerns about a project tends to be much longer than it takes the City/applicants, who have typically been in private consultation for some time prior to the permit application becoming public knowledge. Despite City assertions that they endeavor to make the process transparent, the

average citizen cannot easily penetrate the arcane world of planning, zoning and permitting.

Regarding the response regarding staff review hours and actual costs of a lead planner plus subject matter specialists -- their costs can be just as "difficult to determine" as those of an appellant. Still, ***as per Issue Matix Item 6***, staff does not seem to be overwhelmed by a case load that saw only 9 Type I & II appeals over the last 3 years.

In regard to Issue Matrix, Item 7: Thank you for the opportunity to provide these comments.

In regard to Issue Matrix Item 8 "Community" section:

"Quicker path to a final land use decision" – There is a misconception that community members are in a rush to judgement on land use issues, particularly when compared to applicants and City staff who want to complete the project at hand and move on to the next. The community does not generally have another project in the queue and, as noted above, needs time to respond to the permitting process. The same comment applies to bullet 3 *"Make it quicker to for the community to appeal to superior court."*

"Appeal process could be viewed as too quick for anyone used to the current process." – The pace of the current appeal process can already put the community at a disadvantage. The staff recommendation is not an improvement from the perspective of a community appellant.

"Free communication to elected officials regarding appeal matters…." – As one who has been on both sides of an appeal process, this is a major conundrum. All parties are frustrated by restrictions on communications. My recommendation for those demonstrably infrequent occasions when Council is the review authority would be to designate a (recusing) Councilmember ombudsman for the given appeal case as a focal point for community concerns and resource for questions others in the Council may have on appeal particulars. (Now that land use attorney and former Councilmember Allen is no longer on the dais, this does raise the question of whether the Council has the expertise needed to render judgements as raised in another public comment. That is no reason for Councilmembers to abrogate this responsibility to their constituents.)

Regarding Staff Memo, paragraph III SUPPORTING ANALYSIS, A. EXISTING CONDITION & PROPOSAL Proposal, second paragraph:

The heart of this issue does not revolve around streamlined processing. It actually revolves around legal exposure and risk of financial judgements against the City should our elected officials encounter difficulty when executing their review authority as currently prescribed. Once again, there is no reason for our elected Councilmembers to fob off these appeals on the Hearing Examiner and abrogate this responsibility to their constituents.

Thank you for your consideration of these comments...and for your service to the Redmond community.

Tom Hinman

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