

**REDMOND PLANNING COMMISSION
MINUTES**

December 7, 2011

COMMISSIONERS PRESENT: Chairman Hinman, Vice Chair Wiechers-Gregory, Commissioners Biethan, Flynn, O'Hara and Miller

COMMISSIONERS EXCUSED: Commissioner Chandorkar

STAFF PRESENT: Jeff Churchill, Lynda Hall, and Sarah Stiteler, Redmond Planning Department

RECORDING SECRETARY: Lady of Letters, Inc.

CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Chairman Hinman in the Council Chambers at City Hall.

APPROVAL OF THE AGENDA:

There were no changes to the agenda.

ITEMS FROM THE AUDIENCE:

There were no items from the audience.

PUBLIC HEARING AND STUDY SESSION, Zoning Code Amendments, presented by Jeff Churchill, Senior Planner, City of Redmond Planning Department.

No members of the public were in the audience to testify on this issue. Mr. Churchill noted that this was a collection of clarifications and fixes for the Code. He noted that after this public hearing, there would be an opportunity for a continued study session, and potentially a recommendation from the Commission.

Ms. Hall, Senior Planner, added that during the Zoning Code rewrite process, the City kept track of issues that were raised by the staff and the public and noted which items required substantive change by the Planning Commission. The idea is to create a Code that is clear and more user-friendly. In keeping with the goals of the rewrite, the City is looking for opportunities to consolidate and streamline the Code where possible. Mr. Churchill said there were three major categories of updates that were part of the proposal. First, there were a number of definitions revised, added, or deleted. In some cases, there were duplicative definitions; others need to be revised or added to speak to allowed uses that are not defined. In some cases, definitions need further clarification, and are thus proposed to be revised. In other cases, chapter names have been changed to reflect the actual content.

Regarding review procedures, the main bulk of what will be changed is tightening up some language regarding the process for notification of decision and clarifying who can

appeal project decisions throughout the course of review. There will also be minor changes to the master plan development section. Mr. Churchill noted that there were two pieces of written testimony on this issue, from Mr. Scott Gremmert and Mr. John Betrozoff, both regarding the amendments to the neighborhood green building standards. Staff responded to both pieces of testimony, and no further comments have been received from Mr. Gremmert or Mr. Betrozoff. No other testimony has been received.

Commissioner Flynn asked about Mr. Gremmert's email, which did not seem to include his original question. Mr. Churchill noted that Mr. Gremmert's email was a response to an email sent out by City staff to all of the stakeholders that were part of the North Redmond Wedge area. Chairman Hinman noted again that there were no members of the public who had signed up to speak. He closed the public hearing and opened the study session.

Chairman Hinman asked about the green building and green infrastructure incentives, an issue that Commissioner Biethan had asked about beforehand. Commissioner Biethan accepted the changes that were made. Mr. Churchill noted that there was also an expedited permit processing program that is run administratively by the Planning Department for residential building permits. That program requires certification, and so will be different from the green building and green infrastructure incentive program. If an applicant demonstrates an ability to meet a green building certification, that person can receive the incentives noted in the Code. But for the priority building permit processing, an applicant would have to have certification. Commissioner Biethan asked how an applicant could have certification in advance of a building being constructed. Mr. Churchill noted that this process would happen during the inspection of a project, before a home would be occupied. For a larger building, in the LEED program, there is a commissioning process which takes some time. But for a single-family home, that certification can happen during the inspection process.

Commissioner O'Hara asked if the incentives applied to specific neighborhoods. Mr. Churchill said no, the incentives would apply citywide. What is different about the neighborhoods discussed at this meeting is that these neighborhood citizen advisory committees wanted more standards to apply than what was in place citywide. In the North Redmond Wedge, for example, all of the green techniques on the list that Mr. Churchill has provided are required. Beyond that, this is an optional or voluntary program. Commissioner Biethan asked about the LEED standards, and noted that those standards are not necessarily the goal; the goal would be to simply create sustainable development and incentives to do that. The Zoning Code names the specific certification of LEED. The Comprehensive Plan is more conceptual, and notes that standards like LEED will change. Mr. Churchill noted that the green building code language has the phrase *or a program with similar standards*, which gives an applicant an option to choose a program other than LEED.

The second comment on this section was a reference to temporary signs. There were no comments from the Commission. The third comment dealt with flexibility of sight distance in consideration of pedestrians. There has been a language change, and

Commissioner Miller, who originally had an issue with this point, said he was fine with the change.

The final comment was from Chairman Hinman, regarding the topic of the notice of appeals provisions. Ms. Hall showed the Commission a chart that represented the Type 2 process, an administrative review that does not require a public hearing or City Council approval. It is an approval by the Technical Committee. At the beginning of the process, the City's Notice of Application is issued. The City sends it to people within 500 feet of the subject property. Site posting and Internet posting are completed as well. Going through the review process, the Notice of Decision is sent to all the parties of record. The definition for parties of record includes the applicant and anybody who submits written or verbal comments prior to the decision being issued. On a Type 3 project, a hearing examiner's approval, anyone who participates in an open record hearing for a project is considered a party of record. Also, anyone who signs in at a neighborhood meeting that is required for a project per the Redmond Zoning Code is considered a party of record. Anyone who specifically requests to be a party of record will be considered a formal party of record. For each of these categories, one must provide a complete mailing address to be considered a party of record. Official notification happens via U.S. Mail.

When the Notice of Decision goes out, any party of record may appeal the decision. In the example presented to the Commission, the Technical Committee issues a decision, the decision gets sent out to all the parties of record, and the hearing examiner would be the body that would hear any appeal. At the appeal hearing, the Code states who can participate and what participation means. For instance, a person sitting in the audience would not be considered as participating in the appeal hearing. The appellant and the City are designated parties to the appeal and only they may participate either through written or verbal comments at the hearing. Once the appeal hearing is held, the hearing examiner will issue a decision on the appeal. Following that decision, there is a reconsideration period and then an appeal period. So, one could request reconsideration of the hearing examiner's decision on the appeal. This is limited to the people who are designated parties to the appeal; therefore, that would only be the City and the appellant in the example given. They are also the parties who have the right to further appeal the hearing examiner's decision on an appeal to the City Council.

Overall, the process is inclusive at the beginning. The right to appeal subsequently gets narrower and narrower as the process continues. Commissioner Miller asked about the change in the language proposed regarding those who can appeal. Ms. Hall noted the real change was providing a definition for the term *party of record*. Chairman Hinman said this whole topic was an informational opportunity for the public about how the process works. Commissioner Miller asked if the goal was to make the process more predictable and to eliminate random appeals. Commissioner Biethan asked if this was not merely articulating what the current practice is. Ms. Hall agreed with Commissioner Biethan, that this was simply a formalized version of what the City has done in the past. Some people, in the past, have thought that simply by sitting in the audience, they have a right to appeal a decision on appeal. Commissioner Miller confirmed that what the

Commission would be approving with this revision would not actually be a change to the process or any constraint on public involvement in the hearings process.

Chairman Hinman said the main change was to define the parties of record. Mr. Churchill added that the City Council has a desire that *party of record* should be defined broadly. One example was Redmond's Tent City decision a few years ago. Basically, if you sign in at a meeting and provide an address, you will be a party of record and have a right to appeal. Commissioner Miller said he has no issue with that, and wanted to make sure that the City rededicated itself to make sure everyone in the public had upfront notification about projects in process. He would like the City to consider expanding the notification area on a project early in the process if there was a consideration for larger impacts later in the process.

Ms. Hall noted that after the first decision on appeal is issued, the ability to appeal further is limited to those who appeal the initial project decision. At the end, any party may appeal to Superior Court provided they meet certain legal requirements. Chairman Hinman asked if there were no further questions regarding the party of record definition and process information. Commissioner Flynn confirmed that people who get involved at the beginning of a decision could be a party of record. If someone did want to appeal a decision at the beginning point, that person could go all the way through the process. An appellant is someone who files an appeal on the initial project decision. In that case, a party of record could become an appellant if that party of record filed an appeal.

The term *property owner* is not spelled out in this language; the *applicant* is noted, but not a *property owner*. Commissioner Biethan encouraged adding the property owner to the list of people who could appeal in this process. He said the intent of that was perhaps understood with the term *applicant*, but he would like to see that written out. Ms. Hall said that she could add *property owner* to the definition of party of record in this language and get that back to the Commission. Chairman Hinman made a few minor revisions to the language, such as capitalizations, that he sent to the staff earlier. Mr. Churchill raised a question about an evaluation plan, but the Commission did not have any issues related to that.

Commissioner Flynn asked about the green building language, which includes the term *demonstrability*. He asked if there was a process in place from the City for property owners to do that. Mr. Churchill said this means development review staff would use the checklists provided through LEED and match those with a building plan. The City has already taken on this task, as it is already in the green building and green infrastructure incentive program.

MOTION by Commissioner Flynn, and seconded by Commissioner O'Hara, to approve the Zoning Code amendments with the additional language provided at this evening's meeting. Motion approved unanimously (6-0). Chairman Hinman confirmed that a Planning Commission report on this topic will go to the City Council in February 2012 which will reflect all four of the comments involved on this topic, especially regarding green building and sightlines.

REPORTS/SCHEDULING/TOPICS FOR NEXT MEETING(S):

Ms. Stiteler, Senior Planner, noted that the City Council recently approved the 2011 Comprehensive Plan update. The item was taken off Consent Agenda, as requested by Councilmember Cole, and there was some discussion regarding animal husbandry. The ultimate vote was (5-2) and approval of the Comprehensive Plan after two years of effort. Ms. Stiteler added that the green building and green infrastructure building program were approved, also on Consent. After the Consent Agenda items, Group Health and the Community Indicators program were discussed as well. Chairman Hinman noted that there was a lengthy public hearing regarding the Group Health proposal, focused largely on tree preservation and retention. The hearing has been continued for another week to allow the Council to review information during the hearing and written comment section. Mr. Churchill, commenting on Community Indicators, noted that the Council approved the update the Planning Commission looked at in October and November.

Commissioner O'Hara noted that he recently attended the short course on local planning at the University of Washington. There was a session on the legal basis of planning and an interesting historical talk on planning and zoning laws, which were discussed as early as the 1850's in Seattle. He found it to be a well-spent afternoon. Chairman Hinman said the Commission's last official action was to wish Commissioner Flynn well in his next endeavor as a City Councilmember. He also wished the staff and the viewing audience a happy holiday season. Commissioner Flynn thanked all the Commissioners for their hard work. He said after coming off the Arts Commission, and then the Planning Commission, that he had quite a learning experience. Commissioner Flynn said he learned quite a bit more about Redmond and the City process, but also learned a real respect for everyone involved in planning, from the Commission to the hardworking staff. He said the staff cares a lot about Redmond, and it really shows. He said the Commission and staff prepared him well to be on the City Council. Commissioner Flynn thanked Chairman Hinman for his leadership and impressive dedication to the planning process. Chairman Hinman thanked Commissioner Flynn in return.

ADJOURN

Chairman Hinman adjourned the meeting at approximately 7:36 p.m.

Minutes Approved On:

Planning Commission Chair: