Planning Commission Report

To: City Council

From: Planning Commission

Staff Contacts: Robert G. Odle, Planning Director, 425-556-2417, rodle@redmond.gov

Kelsey Johnson, LEED AP BD+C, Assistant Planner, 425-556-2409, kmjohnson@redmond.gov

Kevin Murphy, LG, Environmental Scientist, 425-556-2756, kmurphy@redmond.gov

Date: June 26, 2013

File Number: PR-2013-00240, LAND-2013-00837, SEPA-2013-00838

Title: Wellhead Protection Zone Performance Standards Zoning Code Amendment

Planning Commission Recommendation: Approval pending receipt of final code language

Recommended Action: Adopt amendments to the Redmond Zoning Code as shown in *Attachment A.*

Summary: This proposal will allow alteration, expansion and intensification of existing legal non-conformances to enable property owners to implement City required stormwater modifications in the interest of

protecting the City's drinking water resource.

Reasons the Proposal should be Adopted:

The recommended amendments should be adopted because:

- It will facilitate the protection of the City's drinking water aquifer from risks posed by infiltration of untreated stormwater, and
- Reduce cost to businesses and the City for the design and construction of stormwater treatment retrofits required by the Wellhead Protection Ordinance

Recommended Findings of Fact

1. Public Hearing and Notice

a. Public Hearing Date

The Planning Commission held a public hearing on June 19, 2013. At that meeting, Judy Jewell testified on behalf of the stormwater Technical Advisory Group (TAG). Following these comments, the Commission closed the oral testimony period however, held the written testimony open to June 26, 2013 pending final receipt of the code language. Comments from Ms. Jewell are summarized below.

Judy Jewell, representing the Technical Advisory Group

Judy Jewell, a representative from the Technical Advisory Group (TAG), provided oral testimony attesting that the TAG has been in close communication with the City regarding the proposed code amendment. During development of the code modifications the TAG has requested that vested rights be protected. Ms. Jewell stated that the present language is contrary to the City's intent to allow existing legal non-conformances to be altered, expanded or intensified, to bring the system closer to current standards. The City has been supportive in helping make this process less cost prohibitive and the TAG is confident that both parties can come to resolution regarding the code language in question. Ms. Jewell also noted that attorneys for the TAG and City were working on fine-tuning the language of the code amendment to ensure that the intent is met for both parties.

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,

mailed 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

In summary, the Commission supports the proposal as it accomplishes the objective of providing a beneficial impact to the critical aquifer recharge area supported by groundwater flow by helping to ensure that stormwater is treated prior to infiltration to the ground.

No issues matrix was developed for this code amendment.

2. Recommended Conclusions of the Technical Committee

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

3. Planning Commission Recommendation

The Commission approved a motion to recommend approval of the proposed Zoning Code Amendment pending receipt of final code language by a vote of 5-0 at its June 19, 2013, meeting.

List of Attachments

Attachment A: Recommended Amendments to Redmond Zoning Code

Attachment B: Technical Committee Report with Exhibits

Attachment C: Approved Minutes

Robert G. Odle, Planning Director — Date: 6/21/13

Franz Wiechers-Gregory, Planning Commission Chairperson — Date: 6/24/13

Approved for Council Agenda — John Marchione, Mayor — Date: 6/27/13

21.64.050 Critical Aquifer Recharge Areas

A. **Classification and Rating of Critical Aquifer Recharge Areas.** To promote consistent application of the standards and requirements of this chapter, Critical Aquifer Recharge Areas within the City of Redmond shall be rated or classified according to their characteristics, function and value, and/or their sensitivity to disturbance.

1. Critical Aquifer Recharge Areas Classification. Critical aquifer recharge areas are those areas with a critical recharging effect on aquifers used for potable water. Wellhead protection involves the management of activities that have a potential to degrade the quality of groundwater produced by a supply well. The City of Redmond is classified into four wellhead protection zones that are based on proximity to and travel time of groundwater to the City's public water source wells, and are designated using guidance from the Washington Department of Health Wellhead Protection Program pursuant to Chapter 246-290 WAC.

   a. Wellhead Protection Zone 1 represents the land area overlying the six-month time-of-travel zone of any public water source well owned by the City.

   b. Wellhead Protection Zone 2 represents the land area that overlies the one-year time-of-travel zone of any public water source well owned by the City, excluding the land area contained within Wellhead Protection Zone 1.

   c. Wellhead Protection Zone 3 represents the land area that overlies the five-year and 10-year time-of-travel zones of any public water source well owned by the City, excluding the land area contained within Wellhead Protection Zones 1 or 2.

   d. Wellhead Protection Zone 4 represents all the remaining land area in the City not included in Wellhead Protection Zones 1, 2, or 3.

2. Classification of wellhead protection zones shall be determined in accordance with the City's adopted Wellhead Protection Zone Map, which serves to designate Zones 1 through 4. The Committee, at its discretion, may consider the following factors:

   a. Maps adopted pursuant to this chapter;

   b. Application of the criteria contained in these regulations; and

   c. Consideration of the technical reports submitted by qualified consultants in connection with applications subject to these regulations.

B. **Alteration of Critical Aquifer Recharge Areas.** Alteration of critical aquifer recharge areas may only be permitted subject to the criteria in RZC 21.64.020.D, RZC 21.64.020.E, RZC 21.64.030.C, RZC 21.64.040.B, RZC 21.64.050.B, and RZC 21.64.060.D.

C. **Prohibited Activities in Wellhead Protection Zones.**

1. Land uses or activities for new development or redevelopment that pose a significant hazard to the City's groundwater resources, resulting from storing, handling, treating, using, producing, recycling, or disposing of hazardous materials or other deleterious substances, shall be prohibited in Wellhead Protection Zones 1 and 2. These land uses and activities include, but are not limited to:
    a. Large on-site sewage systems, as defined in WAC Chapter 246-272A;
    b. Hazardous liquid pipelines as defined in RCW Chapter 81.88 and ~;
    c. Solid waste landfills;
    d. Solid waste transfer stations;
    e. Liquid petroleum refining, reprocessing, and storage;
    f. Bulk storage facilities as defined in ~, Definitions;
    g. The storage or distribution of gasoline treated with the additive MTBE;
    h. Hazardous waste treatment, storage, and disposal facilities except those defined under permit by rule for industrial wastewater treatment processes per WAC 173-303-802(5)(c);
    i. Chemical manufacturing, including but not limited to organic and inorganic chemicals, plastics and resins, pharmaceuticals, cleaning compounds, paints and lacquers, and agricultural chemicals;
    j. Dry cleaning establishments using the solvent perchloroethylene;
    k. Primary and secondary metal industries that manufacture, produce, smelt, or refine ferrous and nonferrous metals from molten materials;
    l. Wood preserving and wood products preserving;
    m. Mobile fleet fueling operations;
    n. Class I, Class III, Class IV, and the following types of Class V wells: 5A7, 5F1, 5D3, 5D4, 5W9, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 as regulated under RCW Chapter 90.48 and WAC Chapters 173-200 and 173-218, as amended;
    o. Permanent dewatering of the aquifer for new projects and redevelopment;
    p. Irrigation with graywater or reclaimed water;
2. Other land uses and activities that the City determines would pose a significant groundwater hazard to the City's groundwater supply.

3. Wellhead Protection Zones. Development within the City of Redmond shall implement the performance standards contained in RZC 21.64.050.D below that apply to the zone in which it is located.

D. **Wellhead Protection Zone Performance Standards.**

1. Any uses or activities locating in the City of Redmond which involve storing, handling, treating, using, producing, recycling, or disposing of hazardous materials or other deleterious substances shall comply with the following standards that apply to the zone in which they are located. Residential uses of hazardous materials or deleterious substances are exempt from the following standards.
2. If a property is located in more than one wellhead protection zone, the Director of Public Works shall determine which standards shall apply based on an assessment evaluation of the risk posed by the facility or activity. The assessment evaluation shall include, but not be limited to: (a) the location, type, and quantity of the hazardous materials or deleterious substances on the property; (b) the geographic and geologic characteristics of the site; and (c) the type and location of infiltration on the site.
3. Development within Wellhead Protection Zones 1 or 2, and any facility or activity per RMC Chapter 13.07.100(A), shall implement the following performance standards:
   a. Secondary Containment.
      i. The owner or operator of any facility or activity shall provide secondary containment for hazardous materials or other deleterious substances in aggregate quantities equal to or greater than 20 gallons liquid or 200 pounds solid or in quantities specified in the Redmond Fire Code, RMC Chapter 15.06, whichever is smaller.
      ii. Hazardous materials stored in tanks that are subject to regulation by the Washington State Department of Ecology under WAC Chapter 173-360, Underground Storage Tank Regulations, are exempt from the secondary containment requirements of this section, provided that documentation is provided to demonstrate compliance with those regulations.
   b. Vehicle Fueling, Maintenance, and Storage Areas. Fleet and automotive service station fueling, equipment maintenance, and vehicle washing areas shall have a containment system for collecting and treating all runoff from such areas and preventing release of fuels, oils, lubricants, and other automotive fluids into soil, surface water, or groundwater. Appropriate emergency response equipment and spill kits shall be kept on-site during transfer, handling, treatment, use, production, recycling, or disposal of hazardous materials or other deleterious substances.
   c. Loading and Unloading Areas. Secondary containment or equivalent best management practices, as approved by the Director of Public Works, shall be

required at loading and unloading areas that store, handle, treat, use, produce, recycle, or dispose of hazardous materials or other deleterious substances in aggregate quantities equal to or greater than 20 gallons liquid or 200 pounds solid.

d. Stormwater Infiltration Systems. Design and construction of new stormwater infiltration systems must address site-specific risks of releases posed by all hazardous materials on-site. These risks may be mitigated by physical design means or equivalent best management practices in accordance with an approved Hazardous Materials Management Plan. Design and construction of said stormwater infiltration systems shall also be in accordance with RMC Chapter 15.24.020 and the City of Redmond Clearing, Grading and Stormwater Technical Notebook, and shall be certified for compliance with the requirements of this section by a professional engineer or engineering geologist registered in the State of Washington.

e. Well construction and operation shall comply with the standards in RMC Chapter 15.24.095.

f. Protection Standards During Construction. The following standards shall apply to construction activities occurring where construction vehicles will be refueled on-site and/or the quantity of hazardous materials that will be stored, dispensed, used, or handled on the construction site is in aggregate quantities equal to or greater than 20 gallons liquid or 200 pounds solid, exclusive of the quantity of hazardous materials contained in fuel or fluid reservoirs of construction vehicles. As part of the City's project permitting process, the City may require any or all of the following items:

   i. A development agreement;

   ii. Detailed monitoring and construction standards;

   iii. Designation of a person on-site during operating hours who is responsible for supervising the use, storage, and handling of hazardous materials and who has appropriate knowledge and training to take mitigating actions necessary in the event of fire or spill;

   iv. Hazardous material storage, dispensing, refueling areas, and use and handling areas shall be provided with secondary containment adequate to contain the maximum release from the largest volume container of hazardous substances stored at the construction site;

   v. Practices and procedures to ensure that hazardous materials left on-site when the site is unsupervised are inaccessible to the public. Locked storage sheds, locked fencing, locked fuel tanks on construction vehicles, or other techniques may be used if they will preclude access;

vi. Practices and procedures to ensure that construction vehicles and stationary equipment that are found to be leaking fuel, hydraulic fluid, and/or other hazardous materials will be removed immediately or repaired on-site immediately. The vehicle or equipment may be repaired in place, provided the leakage is completely contained;

vii. Practices and procedures to ensure that storage and dispensing of flammable and combustible liquids from tanks, containers, and tank trucks into the fuel and fluid reservoirs of construction vehicles or stationary equipment on the construction site are in accordance with the Redmond Fire Code, RMC Chapter 15.06; and

viii. Practices and procedures, and/or on-site materials adequate to ensure the immediate containment and cleanup of any release of hazardous substances stored at the construction site. On-site cleanup materials may suffice for smaller spills whereas cleanup of larger spills may require a subcontract with a qualified cleanup contractor. Releases shall immediately be contained, cleaned up, and reported if required under RMC Chapter 13.07.120. Contaminated soil, water, and other materials shall be disposed of according to state and local requirements.

g. Fill Materials. Fill material shall comply with the standards in RMC Chapters 15.24.080 and 15.24.095.

h. Cathodic Protection Wells. Cathodic protection wells shall be constructed following the standards in RMC Chapter 15.24.095.

i. Underground Hydraulic Elevator Cylinders. All underground hydraulic elevator pressure cylinders shall be constructed following the standards in RMC Chapter 15.24.095.

j. Best Management Practices. All development or redevelopment shall implement Best Management Practices (BMPs) for water quality and quantity, as approved by the Technical Committee, such as biofiltration swales and use of oil-water separators, BMPs appropriate to the particular use proposed, clustered development, and limited impervious surfaces.

4. Development Within Wellhead Protection Zone 3 shall implement the following performance measures:

a. Compliance with the performance standards for vehicle fueling, maintenance and storage areas; loading and unloading areas; well construction and operation; fill materials; cathodic protection wells; underground hydraulic elevator cylinders, and best management practices in subsections D.3.b, D.3.c, D,3.e, D.3.h, D,3.i, and D.3.j of this section; and

b. Development Within Wellhead Protection Zone 4 shall implement best management practices (BMPs) for water quality and quantity as approved by the Committee.

5. An incremental environmental improvement to a system protective of groundwater may proceed as follows:

a. Except as provided in subsection (b) below, an incremental environmental improvement to a system protective of groundwater shall not alter, expand, or intensify an existing legal nonconformance, but my proceed without having to meet the following city codes, with the approval of the Technical Committee.

i. Restrictions associated with critical areas and critical area buffers, if the footprint of the original system protective of groundwater is located within the same critical area buffer, and it can be demonstrated through best available science that there will be no significant adverse impacts to the critical area and its buffer;

ii. Any requirement to bring all or any portion of the facility or the development it serves up to current building, fire, or land use codes that is triggered by the value or design of the incremental environmental improvement to a system protective of groundwater; and

iii. The incremental improvement shall not qualify as a redevelopment that would otherwise be prohibited by RZC 21.64.050.C.1.

b. Improvements required through the Groundwater Protection Incentive Program in order to mitigate potential stormwater impacts to groundwater may alter, expand or intensify existing legal nonconforming uses and/or structures with the approval of the Technical Committee, where no reasonable alternative exists that meets the requirement to protect groundwater and fulfills the property's operational needs. By way of example and not by way of limitation, Groundwater Protection Incentive Program improvements may alter, expand, or intensify the nonconformity of existing landscaping, parking, and covered storage structures that are legally non-conforming as long as the requirements of this subsection are met.

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CityofRedmond
WASHINGTON

TECHNICAL COMMITTEE REPORT TO THE PLANNING COMMISSION

To:	Planning Commission
From:	Technical Committee
Staff Contacts:	Robert G. Odle, Planning Director 425-556-2417 Kelsey Johnson, Assistant Planner LEED AP BD+C 425-556-2409 Kevin Murphy, Environmental Scientist LG 425-556-2756
Date:	May 29, 2013
Project File Number:	PR-2013-00240, LAND-2013-00837, SEPA-2013-00838
Project Name:	Wellhead Protection Zone Performance Standards Zoning Code Amendment
Recommended Action:	Adopt recommended amendments to Section 21.64.050(D) of the Redmond Zoning Code
Reason for Proposal Adoption:	The proposed amendment should be adopted because it will facilitate the protection of the City's drinking water aquifer from risks posed by infiltration of untreated stormwater.

I. APPLICANT PROPOSAL

A. APPLICANT

City of Redmond

B. BACKGROUND AND REASON FOR PROPOSAL:

Wellhead protection involves the management of activities that have potential to degrade the quality of groundwater. The City of Redmond has classified four wellhead protection zones that are based on proximity to and travel time of groundwater to the City's public water source wells.

Wellhead Protection Zones One and Two represents the land area that overlies the one-year time-of-travel zone of any public water source well owned by the City.

As required by RZC 21.64.050 (D) Wellhead Protection Zone Performance Standards, the City requires certain owners, with properties located in Wellhead Protection Zone One and Two to upgrade their existing stormwater systems. These existing stormwater systems are currently discharging untreated stormwater into the ground. Upgrades to these stormwater system may necessitate installation of stormwater treatment measures or structural separations of contaminants that require changes to landscaping or parking that are non-conforming to current zoning codes. This proposal will allow alteration, expansion and intensification of the existing legal non-conformance to enable the owner to implement the modifications in the interest of protecting the City's drinking water resource.

II. RECOMMENDATION

The Technical Committee recommends amending section 21.64.050(D) of the Redmond Zoning Code as shown in Exhibit A.

III. PRIMARY ISSUES AND ALTERNATIVES CONSIDERED

None at this time.

IV. SUPPORTING ANALYSIS

A. EXISTING CONDITIONS

Currently, RZC 21.64.050(D)(5) states that incremental environmental improvements to a system protective of groundwater shall not alter, expand, or intensify an existing nonconformance but may proceed without having to meet the following City codes, with prior approval from the Public Works Director.

a. Restrictions associated with critical areas and critical area buffers, if the footprint of the original system protective of groundwater is located within the same critical area buffer, and it can be demonstrated through best available science that there will be no significant adverse impacts to the critical area and its buffer;
b. Any requirement to bring a portion of the facility up to current building, fire or land use codes that is triggered by the value or design of the incremental environmental improvement to a system protective of groundwater;

c. The incremental improvement shall not qualify as a redevelopment that would otherwise be prohibited by RZC 21.64.050.C.1.

The proposed amendment modifies the section noted above to allow for alteration, expansion and intensification of an existing legal non-conformance provided no reasonable alternative exists that meets the requirement to protect groundwater and fulfills the property's operational needs.

B. COMPLIANCE WITH CRITERIA FOR PLAN AMENDMENTS

Amendments to the Redmond Zoning Code must be consistent with the Comprehensive Plan as required by RZC 21.76.070AE. Redmond Comprehensive Plan Policy and LU-26 direct the City to take several considerations, as applicable, into account as part of decisions on proposed amendments to the Zoning Code.

The following is an analysis of how this proposal complies with the requirements for amendments.

1. **Consistency with Growth Management Act (GMA), State of Washington Department of Commerce (DOC) Procedural Criteria, and the King County Countywide Planning Policies.**

   The recommend amendment is consistent with the Growth Management, DOC procedural criteria, and the King County Countywide Planning Policies.

2. **Consistency with Redmond's Comprehensive Plan policies and designation criteria.**

   The recommended amendment is consistent with the Goals, Vision and Framework Policy Element and designation criteria.

3. **Consistency with the preferred growth and development pattern in the Land Use Element of the Comprehensive Plan.**

   No changes are recommended that are directly relevant to the preferred land use pattern.

4. **The capability of land, including the prevalence of critical areas.**

   The proposal only affects lands within the Critical Aquifer Recharge Area designated as Wellhead Protection Zone One and Two which represents

the land area that overlies the one-year time-of-travel to the City's drinking water wells.

5. **The capability of public facilities and whether public facilities and services can be provided cost-effectively at the intensity allowed by the designation.**

   The recommended amendment presents no potential impacts to the capacity of public facilities and services.

6. **Whether the proposed land use designation or uses are compatible with nearby land use designations or uses.**

   The recommended amendments do not affect land use designations or uses.

7. **Whether the allowed uses are compatibility with nearby uses.**

   The recommend amendment does not include land uses; therefore, it does not impact nearby uses.

8. **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 and whether the amendment would result in the loss of capacity to meet other needed land uses, especially whether the proposed amendment complies with policy on no-net loss of housing capacity;**

   This question does not apply as no changes are proposed regarding allowed uses or densities.

9. **Potential general impacts to the natural environment, such as impacts to critical areas and other natural areas.**

   The proposal will provide a beneficial impact to the critical aquifer recharge area and natural areas supported by groundwater flow by helping to ensure that stormwater is treated prior to infiltration to the ground.

10. **Potential general economic impacts, such as impacts for business, residents, property owners or City government.**

    The impact of the proposal will result in a savings to the rate payers and businesses by making lower cost alternatives for stormwater treatment and pollution prevention available on parcels where they would otherwise be prohibited by current codes.

11. 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.

The proposed amendment has not been considered within the last four years.

V. AUTHORITY AND ENVIRONMENTAL, PUBLIC AND AGENCY REVIEW

A. AMENDMENT PROCESS

The Redmond Zoning Code, RZC 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 amendment.

C. WASHINGTON STATE ENVIRONMENTAL POLICY ACT (SEPA)

A Determination of Non-Significance and SEPA Checklist were issued for this non-project action on May 30, 2013.

D. 60-DAY STATE AGENCY REVIEW

State agencies were sent 60-day notice of this proposed amendment on May 22, 2013.

E. PUBLIC INVOLVEMENT

The public will have opportunities to comment on the proposed amendments during the Planning Commission review process and public hearing. Public notice of the hearing on May 29, 2013 was provided by posting in public locations, by newspaper listing on May 29, 2013 and is included on the City's web site. In addition, staff mailed notice of the public hearing date to a mailing list of people interested in planning issues. The recommended amendments to the Redmond Zoning Code are accessible through the City's web site and copies are also available at City Hall.

F. APPEALS

The Council shall consider and take action on all Planning Commission recommendations on Type VI reviews (RZC 21.76.060(P)). Final action is held by the City Council. The Council's decision may be appealed to the Central Puget Sound Growth Management Hearings Board.

VI. LIST OF EXHIBITS

Exhibit A: Recommended Amendment

Exhibit B: SEPA Threshold Determination

ROBERT G. ODLE,
Planning Director
Planning and Community Development Department

RONALD D. GRANT,
Assistant Director of Public Works
Public Works Department

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

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

PROJECT INFORMATION

PROJECT NAME: WELLHEAD PROTECTION ZONE PERFORMANCE STANDARDS (INCLUDES LIMITED SHORELINE MASTER PROGRAM AMENDMENT).

SEPA FILE NUMBER: SEPA-2013-00838

PROJECT DESCRIPTION: THE PROPOSAL REQUIRES MODIFICATION TO STORMWATER SYSTEMS THAT DISCHARGE UNTREATED STORMWATER. THE REQUIRED MODIFICATIONS MAY NECESSITATE INSTALLATION OF STORMWATER TREATMENT MEASURES OR STRUCTURAL SEPARATION OF CONTAMINANTS THAT REQUIRE CHANGES TO LANDSCAPING OR PARKING THAT ARE IN NON-CONFORMANCE TO CURRENT ZONING CODES. THIS PROPOSAL WILL ALLOW EXPANSION OF THE EXISTING LEGAL NON-CONFORMANCE TO ENABLE THE OWNER TO IMPLEMENT THE MODIFICATIONS IN THE INTEREST OF PROTECTING THE CITY'S DRINKING WATER RESOURCE.

ROJECT LOCATION: CITYWIDE

SITE ADDRESS, IF APPLICABLE:

APPLICANT: KELSEY JOHNSON, CITY OF REDMOND PLANNING DEPT.

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: CATHY BEAM, AICP
PHONE NUMBER: 425-556-2429
EMAIL: CBEAM@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 6/13/13**

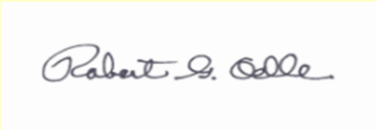
APPEAL PERIOD:

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 6/27/13**, 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.

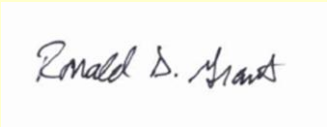
DATE OF DNS ISSUANCE: 5/30/13

FOR MORE INFORMATION ABOUT THE PROJECT OR SEPA PROCEDURES, PLEASE CONTACT THE PROJECT PLANNER.

RESPONSIBLE OFFICIAL: ROBERT G. ODLE, PLANNING DIRECTOR



RESPONSIBLE OFFICIAL: RONALD D. GRANT, PW ASSIST. DIRECTOR



ADDRESS: 15670 NE 85TH STREET REDMOND, WA 98052

CITY OF REDMOND

ENVIRONMENTAL CHECKLIST
Non-Project Action

Purpose of Checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the City of Redmond identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply" and indicate the reason why the question "does not apply". It is not adequate to submit responses such as "N/A" or "does not apply"; without providing a reason why the specific section does not relate or cause an impact. Complete answers to the questions now may avoid unnecessary delays later. If you need more space to write answers attach them and reference. The references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively due to the fact this is a non-project action.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. When you submit this checklist the City may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

For Agency Use Only

Planner Name

Date of Review

To be completed by applicant	Evaluation for Agency Use only
A. BACKGROUND	
1. Name of proposed project, if applicable: Wellhead Protection Zone Performance Standards Zoning Code Amendment; includes Limited Shoreline Master Program Update	CB
2. Name of applicant: Kelsey Johnson, Assistant Planner LEED AP BD+C City of Redmond - Planning Department	CB
3. Address and phone number of applicant and Contact person: 15670 NE 85th Street PO Box 97010 Redmond, WA 98073-9710 425-556-2409	CB
4. Date checklist prepared: 05/13/2013	CB
5. Agency requesting checklist: City of Redmond	CB
6. Give an accurate, brief description of the proposal's scope and nature: i. Acreage of the site: Non-Project Action ii Number of dwelling units/ buildings to be constructed: 0 iii Square footage of dwelling units/ buildings being added: 0 iv. Square footage of pavement being added: 0 v. Use or Principal Activity: Non-Project Action vi. Other information:	CB

To be completed by applicant	Evaluation for Agency Use only
7. Proposed timing or schedule (including phasing, if applicable):	
Proposed estimate schedule includes Planning Commission review/action in mid summer with Council review and action late summer.	CB
8. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? ☐ Yes ☑ No If yes, explain	
	CB
9. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.	
None other than this checklist.	CB
10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? ☐ Yes ☑ No If yes, explain.	
	CB

To be completed by applicant	Evaluation for Agency Use only
11. List any government approvals or permits that will be needed for your proposal, if known. City of Redmond Zoning Code Amendment.	CB
12. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) The City requires certain owners, with properties located in the critical aquifer recharge area, that operate stormwater systems that discharge untreated stormwater into the ground, to modify their stormwater systems. The required modifications may necessitate installation of stormwater treatment measures or structural separation of contaminants that require changes to landscaping or parking that are in non-conformance to current zoning codes. This proposal will allow expansion of the existing legal non-conformance to enable the owner to implement the modifications in the interest of protecting the City's drinking water resource.	CB
13. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. City-wide	CB

To be completed by applicant	Evaluation for Agency Use only
☐ Other b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.	

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Kelsey Johnson Digitally signed by Kelsey Johnson DN: cn=Kelsey Johnson Date: 2013.05.13 15:21:37 -07'00'

Date Submitted: 05/14/2013

Relationship of signer to project: Applicant

To be completed by applicant	Evaluation for Agency Use only
D. **SUPPLEMENTAL SHEET**	
Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.	
When answering these questions, be aware of the extent the proposal or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.	
1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise:	
The proposed zoning code amendment will not increase discharge to water; emissions to air, productions; storage; or release of toxic or hazardous substances; or production of noise. It will reduce the risk of contamination to the groundwater.	CB
Proposed measures to avoid or reduce such increases are:	
No measures necessary.	CB
2. How would the proposal be likely to affect plants, animals, fish, or marine life?	
The proposal will not affect plants, animals, fish or marine life.	CB
Proposed measures to protect or conserve plants, animals, fish or marine life are:	
No measure necessary.	CB

To be completed by applicant	Evaluation for Agency Use only
3. How would the proposal be likely to deplete energy or natural resources?	
The proposal will not deplete energy or natural resources.	CB
Proposed measures to protect or conserve energy and natural resources are:	
No measures necessary.	CB
4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands:	
The proposal will not use or affect any of the referenced sensitive areas and will help to protect the critical aquifer recharge area.	CB
Proposed measures to protect such resources or to avoid or reduce impacts are:	
No measures necessary.	CB
5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?	
The proposal will not affect land and shoreline uses.	CB

To be completed by applicant	Evaluation for Agency Use only
Proposed measures to avoid or reduce shoreline and land use impacts are: No measures necessary.	CB
6. How would the proposal be likely to increase transportation or public services and utilities? The proposal will not increase transportation or public services and utilities.	CB
Proposed measures to reduce or respond to such demand(s) are: No measures necessary.	CB
7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. The proposal will facilitate the implementation of stormwater treatment measures that are intended to protect groundwater and stormwater receptors.	CB

21.64.050 Critical Aquifer Recharge Areas

A. **Classification and Rating of Critical Aquifer Recharge Areas.** To promote consistent application of the standards and requirements of this chapter, Critical Aquifer Recharge Areas within the City of Redmond shall be rated or classified according to their characteristics, function and value, and/or their sensitivity to disturbance.

1. Critical Aquifer Recharge Areas Classification. Critical aquifer recharge areas are those areas with a critical recharging effect on aquifers used for potable water. Wellhead protection involves the management of activities that have a potential to degrade the quality of groundwater produced by a supply well. The City of Redmond is classified into four wellhead protection zones that are based on proximity to and travel time of groundwater to the City's public water source wells, and are designated using guidance from the Washington Department of Health Wellhead Protection Program pursuant to Chapter 246-290 WAC.

    a. Wellhead Protection Zone 1 represents the land area overlying the six-month time-of-travel zone of any public water source well owned by the City.

    b. Wellhead Protection Zone 2 represents the land area that overlies the one-year time-of-travel zone of any public water source well owned by the City, excluding the land area contained within Wellhead Protection Zone 1.

    c. Wellhead Protection Zone 3 represents the land area that overlies the five-year and 10-year time-of-travel zones of any public water source well owned by the City, excluding the land area contained within Wellhead Protection Zones 1 or 2.

    d. Wellhead Protection Zone 4 represents all the remaining land area in the City not included in Wellhead Protection Zones 1, 2, or 3.

2. Classification of wellhead protection zones shall be determined in accordance with the City's adopted Wellhead Protection Zone Map, which serves to designate Zones 1 through 4. The Committee, at its discretion, may consider the following factors:

    a. Maps adopted pursuant to this chapter;

    b. Application of the criteria contained in these regulations; and

    c. Consideration of the technical reports submitted by qualified consultants in connection with applications subject to these regulations.

B. **Alteration of Critical Aquifer Recharge Areas.** Alteration of critical aquifer recharge areas may only be permitted subject to the criteria in RZC 21.64.020.D, RZC 21.64.020.E, RZC 21.64.030.C, RZC 21.64.040.B, RZC 21.64.050.B, and RZC 21.64.060.D.

C. **Prohibited Activities in Wellhead Protection Zones.**

1. Land uses or activities for new development or redevelopment that pose a significant hazard to the City's groundwater resources, resulting from storing, handling, treating, using, producing, recycling, or disposing of hazardous materials or other deleterious substances, shall be prohibited in Wellhead Protection Zones 1 and 2. These land uses and activities include, but are not limited to:
    a. Large on-site sewage systems, as defined in WAC Chapter 246-272A;
    b. Hazardous liquid pipelines as defined in RCW Chapter 81.88 and ~ ;
    c. Solid waste landfills;
    d. Solid waste transfer stations;
    e. Liquid petroleum refining, reprocessing, and storage;
    f. Bulk storage facilities as defined in ~ , Definitions;
    g. The storage or distribution of gasoline treated with the additive MTBE;
    h. Hazardous waste treatment, storage, and disposal facilities except those defined under permit by rule for industrial wastewater treatment processes per WAC 173-303-802(5)(c);
    i. Chemical manufacturing, including but not limited to organic and inorganic chemicals, plastics and resins, pharmaceuticals, cleaning compounds, paints and lacquers, and agricultural chemicals;
    j. Dry cleaning establishments using the solvent perchloroethylene;
    k. Primary and secondary metal industries that manufacture, produce, smelt, or refine ferrous and nonferrous metals from molten materials;
    l. Wood preserving and wood products preserving;
    m. Mobile fleet fueling operations;
    n. Class I, Class III, Class IV, and the following types of Class V wells: 5A7, 5F1, 5D3, 5D4, 5W9, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 as regulated under RCW Chapter 90.48 and WAC Chapters 173-200 and 173-218, as amended;
    o. Permanent dewatering of the aquifer for new projects and redevelopment;
    p. Irrigation with graywater or reclaimed water;
2. Other land uses and activities that the City determines would pose a significant groundwater hazard to the City's groundwater supply.

3. Wellhead Protection Zones. Development within the City of Redmond shall implement the performance standards contained in RZC 21.64.050.D below that apply to the zone in which it is located.

D. **Wellhead Protection Zone Performance Standards.**

1. Any uses or activities locating in the City of Redmond which involve storing, handling, treating, using, producing, recycling, or disposing of hazardous materials or other deleterious substances shall comply with the following standards that apply to the zone in which they are located. Residential uses of hazardous materials or deleterious substances are exempt from the following standards.

2. If a property is located in more than one wellhead protection zone, the Director of Public Works shall determine which standards shall apply based on an assessment evaluation of the risk posed by the facility or activity. The assessment evaluation shall include, but not be limited to: (a) the location, type, and quantity of the hazardous materials or deleterious substances on the property; (b) the geographic and geologic characteristics of the site; and (c) the type and location of infiltration on the site.

3. Development within Wellhead Protection Zones 1 or 2, and any facility or activity per RMC Chapter 13.07.100(A), shall implement the following performance standards:

   a. Secondary Containment.

      i. The owner or operator of any facility or activity shall provide secondary containment for hazardous materials or other deleterious substances in aggregate quantities equal to or greater than 20 gallons liquid or 200 pounds solid or in quantities specified in the Redmond Fire Code, RMC Chapter 15.06, whichever is smaller.

      ii. Hazardous materials stored in tanks that are subject to regulation by the Washington State Department of Ecology under WAC Chapter 173-360, Underground Storage Tank Regulations, are exempt from the secondary containment requirements of this section, provided that documentation is provided to demonstrate compliance with those regulations.

   b. Vehicle Fueling, Maintenance, and Storage Areas. Fleet and automotive service station fueling, equipment maintenance, and vehicle washing areas shall have a containment system for collecting and treating all runoff from such areas and preventing release of fuels, oils, lubricants, and other automotive fluids into soil, surface water, or groundwater. Appropriate emergency response equipment and spill kits shall be kept on-site during transfer, handling, treatment, use, production, recycling, or disposal of hazardous materials or other deleterious substances.

   c. Loading and Unloading Areas. Secondary containment or equivalent best management practices, as approved by the Director of Public Works, shall be

required at loading and unloading areas that store, handle, treat, use, produce, recycle, or dispose of hazardous materials or other deleterious substances in aggregate quantities equal to or greater than 20 gallons liquid or 200 pounds solid.

d. Stormwater Infiltration Systems. Design and construction of new stormwater infiltration systems must address site-specific risks of releases posed by all hazardous materials on-site. These risks may be mitigated by physical design means or equivalent best management practices in accordance with an approved Hazardous Materials Management Plan. Design and construction of said stormwater infiltration systems shall also be in accordance with RMC Chapter 15.24.020 and the City of Redmond Clearing, Grading and Stormwater Technical Notebook, and shall be certified for compliance with the requirements of this section by a professional engineer or engineering geologist registered in the State of Washington.

e. Well construction and operation shall comply with the standards in RMC Chapter 15.24.095.

f. Protection Standards During Construction. The following standards shall apply to construction activities occurring where construction vehicles will be refueled on-site and/or the quantity of hazardous materials that will be stored, dispensed, used, or handled on the construction site is in aggregate quantities equal to or greater than 20 gallons liquid or 200 pounds solid, exclusive of the quantity of hazardous materials contained in fuel or fluid reservoirs of construction vehicles. As part of the City's project permitting process, the City may require any or all of the following items:

   i. A development agreement;

   ii. Detailed monitoring and construction standards;

   iii. Designation of a person on-site during operating hours who is responsible for supervising the use, storage, and handling of hazardous materials and who has appropriate knowledge and training to take mitigating actions necessary in the event of fire or spill;

   iv. Hazardous material storage, dispensing, refueling areas, and use and handling areas shall be provided with secondary containment adequate to contain the maximum release from the largest volume container of hazardous substances stored at the construction site;

   v. Practices and procedures to ensure that hazardous materials left on-site when the site is unsupervised are inaccessible to the public. Locked storage sheds, locked fencing, locked fuel tanks on construction vehicles, or other techniques may be used if they will preclude access;

vi. Practices and procedures to ensure that construction vehicles and stationary equipment that are found to be leaking fuel, hydraulic fluid, and/or other hazardous materials will be removed immediately or repaired on-site immediately. The vehicle or equipment may be repaired in place, provided the leakage is completely contained;

vii. Practices and procedures to ensure that storage and dispensing of flammable and combustible liquids from tanks, containers, and tank trucks into the fuel and fluid reservoirs of construction vehicles or stationary equipment on the construction site are in accordance with the Redmond Fire Code, RMC Chapter 15.06; and

viii. Practices and procedures, and/or on-site materials adequate to ensure the immediate containment and cleanup of any release of hazardous substances stored at the construction site. On-site cleanup materials may suffice for smaller spills whereas cleanup of larger spills may require a subcontract with a qualified cleanup contractor. Releases shall immediately be contained, cleaned up, and reported if required under RMC Chapter 13.07.120. Contaminated soil, water, and other materials shall be disposed of according to state and local requirements.

g. Fill Materials. Fill material shall comply with the standards in RMC Chapters 15.24.080 and 15.24.095.

h. Cathodic Protection Wells. Cathodic protection wells shall be constructed following the standards in RMC Chapter 15.24.095.

i. Underground Hydraulic Elevator Cylinders. All underground hydraulic elevator pressure cylinders shall be constructed following the standards in RMC Chapter 15.24.095.

j. Best Management Practices. All development or redevelopment shall implement Best Management Practices (BMPs) for water quality and quantity, as approved by the Technical Committee, such as biofiltration swales and use of oil-water separators, BMPs appropriate to the particular use proposed, clustered development, and limited impervious surfaces.

4. Development Within Wellhead Protection Zone 3 shall implement the following performance measures:

a. Compliance with the performance standards for vehicle fueling, maintenance and storage areas; loading and unloading areas; well construction and operation; fill materials; cathodic protection wells; underground hydraulic elevator cylinders, and best management practices in subsections D.3.b, D.3.c, D,3.e, D.3.h, D,3.i, and D.3.j of this section; and

b. Development Within Wellhead Protection Zone 4 shall implement best management practices (BMPs) for water quality and quantity as approved by the Committee.

5. An incremental environmental improvement to a system protective of groundwater may proceed as follows:

    a. Except as provided in subsection (b) below, an incremental environmental improvement to a system protective of groundwater shall not alter, expand, or intensify an existing legal nonconformance, but my proceed without having to meet the following city codes, with the approval of the Technical Committee.

        i. Restrictions associated with critical areas and critical area buffers, if the footprint of the original system protective of groundwater is located within the same critical area buffer, and it can be demonstrated through best available science that there will be no significant adverse impacts to the critical area and its buffer;

        ii. Any requirement to bring all or any portion of the facility or the development it serves up to current building, fire, or land use codes that is triggered by the value or design of the incremental environmental improvement to a system protective of groundwater; and

        iii. The incremental improvement shall not qualify as a redevelopment that would otherwise be prohibited by RZC 21.64.050.C.1.

    b. Improvements required through the Groundwater Protection Incentive Program in order to mitigate potential stormwater impacts to groundwater may alter, expand or intensify existing legal nonconforming uses and/or structures with the approval of the Technical Committee, where no reasonable alternative exists that meets the requirement to protect groundwater and fulfills the property's operational needs. By way of example and not by way of limitation, Groundwater Protection Incentive Program improvements may alter, expand, or intensify the nonconformity of existing landscaping, parking, and covered storage structures that are legally non-conforming as long as the requirements of this subsection are met.

Attachment C

REDMOND PLANNING COMMISSION
MINUTES

June 19, 2013

COMMISSIONERS PRESENT: Chairman Franz Wiechers-Gregory, Commissioners O'Hara, Murray, Miller, and Biethan

COMMISSIONERS EXCUSED: Commissioners Chandorkar and Sanders

STAFF PRESENT: Pete Sullivan, City of Redmond Planning Department, Cathy Beam, City of Redmond Planning Department, Kelsey Johnson, City of Redmond Planning Department, and Kevin Murphy, City of Redmond Natural Resource Division.

RECORDING SECRETARY: Lady of Letters, Inc.

CALL TO ORDER
The meeting was called to order at 7:00 p.m. by Chairman Gregory 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, Proposed Zoning Code Amendment related to Wellhead Protection regulations,

Chair Gregory opened the public hearing and called on Kelsey Johnson and Kevin Murphy, City of Redmond, for the staff presentation. Ms. Johnson noted that the Commission was briefed last week on this text amendment, and Commissioners did not have any issues with the proposed changes. She said there is one business owner at the meeting who is prepared to give testimony.

Judy Jewell testified to the Commission. She lives in Woodinville at 12120 202nd Avenue NE. Her business, Olympian Precast, is in Redmond. She is also the president and treasurer of a small business coalition that has worked on wellhead issues for the last 10 to 15 years. The group has used several names, but it is now called the Redmond Businesses for Environmentally Sustainable Team. She said her group has been working on this issue for some time. She has been working with some people in the City's Technical Advisory Group. Businesses have come up with some issues with the proposed changes to wellhead regulations, and Ms. Jewell says those issues are close to resolution.

She has been asking for protection of vested rights that come with this issue, and recently involved an attorney to make sure the language was proper. That private attorney has

been working with the City Attorney. The private attorney has told Ms. Jewell it is safe to say that the City Attorney admits the present language is contrary to the City's intent to allow existing non-conforming stormwater systems to be altered, expanded or intensified so long as the changes bring the system closer to conforming to current standards. Present terms, the attorney continued, require an owner to show no reasonable alternative exists, which is a difficult but not impossible standard to meet, especially if City staff members say that cost is not a consideration in determining reasonableness. Ms. Jewell said that the City staff has been helpful in finding ways to make this process more cost-effective for all parties involved. She said she was confident a resolution could be reached and she hoped to hold this hearing open for another week to allow for the processing of the legal language referred to above. Commissioner Biethan confirmed that staff would cover this concern in its presentation.

Chairman Gregory said he would keep the time for public comment open until next week and see how the legal issues are resolved over the language of the amendment. Ms. Johnson and Mr. Murphy gave a brief overview of the topic. Mr. Murphy noted that the City is charged with protecting the drinking water aquifer around the City's five drinking water wells. He pointed out the aquifer protection area, with the primary concern being the area closest to the drinking water well, Wellhead Protection Zones 1 and 2. Those areas encompass the one-year time of travel for groundwater to reach a drinking water well. Groundwater in Redmond is very shallow, about 10 to 15 feet below the surface. That groundwater provides for good quality drinking water, but because of its shallow nature, it is susceptible to contamination, and the City has experienced some incidents over the years where challenges with groundwater quality have occurred.

The Wellhead Protection Zones were designated in the Municipal Code and Zoning Code for the protection of the aquifer recharge area and adopted into law in 2003. A portion of that code recognized specific uses that were potentially harmful to the aquifer. Untreated stormwater infiltrating into the ground was noted as a potential risk. The Code directs the City to evaluate those risks from stormwater infiltration as well as the potential to modify stormwater systems at existing facilities to reduce those risks. The original code had a requirement to complete that evaluation by 2008. The City has identified more than 120 parcels, both private and public, that are of primary concern. These are facilities built from 1970 through the early 1990's. Since then, stormwater building codes have changed and treatment has been put in place on subsequent systems.

To align the City's code with the state code that also regulates stormwater infiltration systems, the City came up with an evaluation process for determining the site-specific risk from stormwater systems at each facility. An assessment program and modification schedule was adopted in 2010. Since then, the City has been working with businesses to implement that program and, more recently, address their concerns about implementing the program, including dealing with the costs of modifying their stormwater systems. A small group of four pilot businesses has been put together to evaluate their sites and work with the City to design stormwater systems that would help them reduce the risks to groundwater at their facilities.

Since all of these sites were designed 20-30 years ago, many have used all the space they have and so, there is no room for improvement, including new stormwater treatment technologies. There is often no room for a small building where hazardous materials could be handled, and there may be too few trees already or not enough parking. Any requirements from the City for modifications would potentially lead to a non-conformance situation. To protect groundwater quality, these businesses need to install a treatment system such as a rain garden or a bioswale. To do that, a tree or a parking space might need to be taken out. That is not possible under the City's pre-existing non-conforming use codes.

Ms. Johnson said the Zoning Code text amendment was needed to remedy this situation. The Code currently states that a non-conforming use, such as parking, landscaping, or setbacks cannot be expanded, altered, or intensified in any way. The City would like to allow some flexibility when there is no alternative location for placing the required stormwater improvements on site. The amendment would provide an option to intensify, alter, or increase the degree of non-conformity for uses or structures such that the stormwater improvements can be built and thus provide an environmental benefit to the City. The outcome of the change, hopefully, would create an improvement in groundwater protection in Redmond.

Ms. Johnson showed the Commission the section of Code language that is in question, which talks about the increase and degree of non-conformity. Since she last spoke to the Commission, the staff has been communicating with Ms. Jewell, her attorney, and the City Attorney to determine the actual changes in the text. As Ms. Jewell mentioned, the City and the businesses agree on the intent of the proposed change, but an agreement has not yet been reached on the actual language to be used. The two attorneys have met and agree that the language needs to be clarified with minor adjustments so that the interpretation is more in line with the intent of the City and businesses. The City would like to keep the public hearing open for another week to resolve this situation.

Commissioner O'Hara said he did not want to debate the language in question. He asked if the language issue could be resolved in a week. Ms. Johnson said she believed that would happen, and the attorneys were on board with that. Commissioner Biethan would have preferred to see this language before the meeting. Ms. Johnson said this was the same language the Commission saw last week. She simply showed the paragraph to the Commission that needs clarifying. Chairman Gregory summarized that the City and businesses agree on the intent of the language and asked the Commission if they would support going forward with recommending an approval of the amendment pending the final wording change, so as to approve the report at the next meeting. Otherwise, that could delay the approval another week.

Commissioner Biethan said he was concerned about having public testimony and that those concerns were properly addressed. He mainly wanted to see the new language before the next meeting. To prepare a report, Chairman Gregory noted, the Commission would have to recommend approval of the amendment. He said he was satisfied that the business group is on board with the changes proposed, but that there are simply some

language issues that need resolution. Commissioner Murray said he had no problem with giving a preliminary approval as long as the language is agreeable between the City and the business group. Commissioners O'Hara and Biethan agreed with that.

MOTION by Commissioner Murray to give a preliminary recommendation of approval to the proposed Zoning Code amendment related to wellhead protection regulations as long as the language is agreed upon between the City and the business group. MOTION seconded by Commissioner O'Hara. The MOTION passed unanimously for tentative approval.

STUDY SESSION, Proposed Zoning Code Amendment to raise thresholds for development-related State Environmental Policy Act (SEPA) exemptions thresholds

Chairman Gregory noted that he had reviewed this topic with regard to determining the rationale behind why the state has established certain SEPA thresholds. He was not able to find any expansion beyond what staff has presented on that topic. He was struck that the statement about creating walkable communities was simply placed in a matrix put together by the state's SEPA Advisory Committee. Chairman Gregory noted that the committee's mission statement squarely focused on the legislative mandate to raise the thresholds and reduce the SEPA workload, especially for communities who, in essence, do not need SEPA thresholds.

Cathy Beam, Planning Department, clarified that just because a project is SEPA-exempt it is not exempt from an environmental review process. She noted that SEPA exemptions would not involve weakening the review process. Ms. Beam said the City is following the Department of Ecology's directions in responding to the state legislature's mandate to streamline, save costs, and avoid redundancy. The City is opting for the maximum thresholds because staff believes the environmental review process is in place in Redmond to address any environmental issues through the development review process. That process is laid out in the Zoning Code, Municipal Code, and various technical notebooks, such as the stormwater technical notebook. Ms. Beam said raising the SEPA thresholds does not increase environmental impact because it is called a non-project action. Those projects will come in and the land development activity will still be subject to review.

Ms. Beam was able to find out a little more about the proposed exemption for commercial structures. She contacted the SEPA lead responsible for moving this through the rule making process, as well as the City's lobbyist, Doug Levy, and Carl Schroeder with the Association of Washington Cities. The response back was that cities and counties preferred a 40,000 square foot threshold while the environmental community preferred 20,000 square feet. That number was split down the middle at 30,000. That reaffirms the idea of a compromise of different positions. Ms. Beam also found that the Department of Ecology has 105,000 records in a SEPA register on this matter. The register reveals, in looking at all the SEPA thresholds in every city and county in the state, roughly 25% of projects would be eligible for exemption under the new rule as opposed to the former rule.

In Redmond, going through three years of data, Ms. Beam found four projects that would be exempt under the proposed rules as opposed to the existing rules. That number would be less than the 25% figure the state is using. She added that there are exceptions to the exemptions, including the involvement of critical areas. Any land development application with critical areas in it, no matter what size, is subject to SEPA. Exceptions in the state law also include water, which the City would be covered on anyway due to its Critical Areas Code. For a project in, over, or under water, there would be no SEPA exemption possible. Also, when an air quality permit is required, a SEPA exemption is not possible either. Plus, if a portion of a project is SEPA exempt, but part is not, it does not matter. SEPA would still be applied for that entire project. She reiterated that the 30,000 number with regard to commercial structures was simply a compromise.

Commissioner Miller asked if the City could eliminate thresholds altogether. Ms. Beam said the City is so sophisticated, she highly doubted SEPA was needed. Right now, SEPA is more of an administrative tool. The City has not had to rely on its substantive authority. She noted that some project might come along to challenge that idea, but she felt confident that the City was covered. Ms. Beam said the state law would not allow those thresholds to be eliminated. The new rules adopted by the state allow a jurisdiction to do a planned action coverage, such as what's been used in the Overlake neighborhood, for an entire city. In that instance, threshold levels would not be issued.

Commissioner Miller noted that the public is looking for predictability and consistency. At the same time, there is a concern over waiving any of the City's oversight responsibilities. He said people should know when a checklist is required, but should also know that the review process can be accelerated. Such a predictable process might be a win-win for groups like Sustainable Redmond as well as permit applicants. Commissioner Miller thought that would be a good idea, in light of the fact that the thresholds, if they were legally challenged, probably would not hold up in court. Commissioner Murray asked if Commissioner Miller would recommend approval of the threshold changes on the books. Commissioner Miller said this issue would not go away until the state made major changes with regard to the authority of SEPA.

Commissioner Murray suggested recommending approval of the threshold changes with the understanding that the City code regarding environmental protections has a good rationale behind it. Commissioner Miller said he wanted a better process for applicants and yet preserve the ability to use the tools provided by SEPA to recognize impacts on projects regardless of their size. Commissioner Murray said that ability would not be inhibited with the changes proposed, and said the process would be easier for applicants and the staff if thresholds were higher. Commissioner Miller said this could create a win-lose situation, with the losers being those seeking to preserve the City's oversight over the environmental aspects of the permits.

Commissioner Biethan noted that there is still a 21-day notice for all projects, and he disagreed that the City's oversight is lost. He said the oversight would simply happen in a different place and it potentially does not happen twice when it is not necessary. When

the oversight happens twice, that could allow for more people to catch problems, but that can be redundant and the loser is the applicant, with more uncertainty, process, and cost. Commissioner Miller said he would like to see review periods consolidated and use a review tool like the SEPA checklist in a way that is defined for Redmond's needs. Commissioner O'Hara said the existing code does define Redmond's needs. Commissioner Miller said he did not like the arbitrary expansion of parking lots. He would like to create a process determined by Redmond's values, not state values that appear to be arbitrary. He noted that he would probably vote against the proposed changes, simply to record his thoughts about these values.

Chairman Gregory closed the two remaining open issues on the issues matrix. He said the issues have been aired out sufficiently and he appreciated Commissioner Miller's concerns. Chairman Gregory said the environmental review is in place, and agreed with Commissioner Miller that a process should fit Redmond. Item 3 has been closed. Item 4 was the question, what is lost by not having a SEPA checklist? Chairman Gregory closed that issue as well. Commissioner Biethan brought up some concerns about Mr. Hinman's letter, sent in as a part of the public comment. Chairman Gregory pointed out that Mr. Hinman objected to the notion that the SEPA exemption itself does not have any impact, in and of itself. Commissioner Biethan said he was ready to move on. He simply wanted to clarify what Mr. Hinman had written. Chairman Gregory said the new proposal does not have an impact on traffic, per se. Any project underneath it would have the impact. He called for a motion of approval.

MOTION by Commissioner O'Hara, to recommend approval of the proposed Zoning Code Amendment to raise thresholds for development-related State Environmental Policy Act (SEPA) exemptions thresholds. MOTION seconded by Commissioner Murray. The MOTION passed with a 4-1 vote, with Commissioner Miller casting the nay vote. Chairman Gregory thanked the staff and Commissioner Miller for their work and input on the SEPA thresholds.

STUDY SESSION, Content of 2013-2014 Annual Update to the Comprehensive Plan, presented by Pete Sullivan, City of Redmond Planning Department.

Mr. Sullivan noted that this was the second study session on the proposed 2013-2014 Comprehensive Plan amendments and associated Zoning Code amendments, otherwise known as the annual docketing cycle. He said the City is not proposing to add a significant amount of new items, given the carry-over items from 2012-2013. The important addition for this study session is the discussion of the interrelationships of the amendments. Redmond's docketing allows for a rolling cycle, such that the City Council can take action on individual Comprehensive Plan amendments both from the City and from privately initiated parties throughout the year. Cumulative effects of the proposed changes are considered up front to make sure that the City is looking at the larger impacts of the amendments. This process is different than what some other cities do.

Mr. Sullivan explained that the themes of this year's inter-relationships include economic development, transportation, utilities, and public safety. In narrative form, those impacts

have been discussed. Mr. Sullivan noted that in the list of 18 items, a few changes have occurred since the Commission last reviewed them. Those include, a Comprehensive Plan land use map cleanup that will take place on the eastern boundary of the City near Bear Creek to remove an overlay zone that is actually for a parcel outside current City limits that does not need to be there. Another cleanup change is to a right of way parcel in North Redmond that has been erroneously labeled but will also require a Comprehensive Plan amendment to change the map.

Another recent change to the list is in regard to a private amendment that came through, to change the City's General Sewer Plan and Water System Plan. Staff has had several meetings on that request, which is highly technical and involves a parcel that is difficult to develop due to slope and critical area concerns. Based on staff's initial consideration of the proposal, staff will recommend to City Council that this item not be added to the 2013-2014 Comprehensive Plan docket because a critical connection is needed for the infrastructure in the NE 124th Street basin. The development of that property would extend water and sewer all the way up 154th Place NE and across North 116th Street to the King County wastewater transmission mainline. Without that connection, the system would not be complete. Other properties would be disenfranchised by this improvement not being made and would not have the benefit of connecting to water and sewer.

Mr. Sullivan said that this the applicant's request is in the opposite direction of what the City plans call for. Also, the City Council has made a decision on a similar sewer plan amendment and has considered a similar set of issues between the benefit of the neighborhood and the request of an applicant. Thus, staff is recommending that this should not be added to the docket. The City Council could choose to add this to the docket and it would be included for full review and recommendation. Mr. Sullivan asked if the Commission had any concerns about that issue that he could forward to the City Council.

Commissioner Biethan asked if there was any comment from the applicant about staff recommendation. Mr. Sullivan noted that the applicant is aware of the process just discussed and has asked where he can go from here. Mr. Sullivan has told the applicant that a staff report will occur on July 2nd and Council's final decision to set the docket will come on July 30th. Chairman Gregory noted that the Commission heard similar concerns on a previous sewer extension amendment, which would make including this new amendment on the docket a redundant exercise for them. Mr. Sullivan agreed with that assessment. He asked for a recommendation from the Commission to transmit the list of amendments and interrelationships as described on to City Council.

MOTION by Commissioner Murray to recommend the transmittal of the list of amendments and interrelationships, as described above, regarding the content of the 2013-2014 Annual Update to the Comprehensive Plan, on to City Council. MOTION seconded by Commissioner Biethan. The MOTION passed unanimously.

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

Chairman Gregory noted that there were two report approvals coming at the next meeting for the Commission. He said an interesting briefing would also be happening next week on the various administrative actions related to public notice of development activity. The Commission discussed this issue earlier this year, and Ms. Johnson will give an update on this topic.

ADJOURN

MOTION by Commissioner Miller to adjourn the meeting. MOTION seconded by Commissioner O'Hara. Chairman Gregory adjourned the meeting at approximately 7:53 p.m.

Minutes Approved On: Planning Commission Chair

July 10, 2013