PLANNING COMMISSION REPORT

To: City Council

From: Planning Commission

Staff Contacts: Rob Odle, Planning Director, 425-556-2417, rodle@redmond.gov
Cathy Beam, AICP, Principal Planner, 425-556-2429, cbeam@redmond.gov

Date: June 26, 2013

File Numbers: PR-2013-00147, LAND-2013-00579, SEPA-2013-00580

Planning Commission Recommendation: Approval

Title: State Environmental Policy Act (SEPA) Exemption Thresholds Zoning Code Amendment

Recommended Action: Adopt the SEPA Exemption Thresholds Zoning Code Amendment which includes amendments to Section 21.70.090.A of the Redmond Zoning Code as shown in *Attachment A*.

Summary: The recommended amendment is in response to Department of Ecology administrative updates to the State Environmental Policy Act that resulted in a Rule-Making Order issued on December 28, 2012. This Order increased the flexible exemption thresholds that local governments may adopt. The proposed Zoning Code Amendment reflects these increased exemption levels, which are higher than those currently adopted by the City.

Reasons the Proposal Should be Adopted: The proposed amendments should be adopted because:

- SEPA has become an administrative procedural tool and is rarely used for its substantive authority since most, if not all, of the City's policies have been codified into regulations;
- This amendment fosters legislative streamlining for relatively small projects;
- It improves efficiency of the environmental review process; and
- This amendment still requires SEPA review for development projects, regardless of size, when critical areas are on site.
- SEPA exempt projects will continue to be subject to quality environmental review.

Recommended Findings of Fact

1. Public Hearing and Notice

a. Public Hearing Date

The City of Redmond Planning Commission held a public hearing on the proposed amendments on June 12, 2013. Both oral and written testimony was received at the public hearing. Oral testimony is summarized below and in the Commission's Issues Matrix. Written testimony is included as *Attachment C*.

Tom Hinman

Mr. Hinman testified that the SEPA checklist provides a comprehensive disclosure of information in one location and that it provides value to those wishing to review the land use application. He was concerned that the public would lose that source of project information with this proposal.

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. Additionally, hearing notification was posted on the City's web site and mailed to several citizens that have indicated interest in planning issues.

Recommended Conclusions

1. Key Issues Discussed by the Planning Commission

Attachment B includes a summary of the Planning Commission's discussion issues and staff responses. Below are key issues discussed by the Planning Commission.

SEPA Advisory Committee Rationale for New Exemption Levels

The Planning Commission spent some time discussing Ecology's rationale for the increased threshold exemption levels. Staff provided this information but not all commissioners were satisfied with the information, or lack thereof, from the Advisory Committee. The Committee is composed of a broad range of interests including environmental interests, tribes, the business community, agricultural interests, and local government. The exemption thresholds reflect a position of compromise among the members after discussing a range of threshold levels. The Commission generally understood that the threshold levels represent a compromise from the different interests of Advisory Committee members. However, there was some continued concern that the threshold numbers were established seemingly arbitrarily.

Consequences of Not Issuing a SEPA Threshold Determination

There was discussion concerning what would be lost if projects do not require a SEPA threshold determination All land development activities require rigorous environmental review, regardless of whether or not SEPA review is required. The City does not rely on SEPA's substantive authority largely because Redmond has comprehensive development regulations in the Zoning Code, in addition to the Municipal Code and various City technical notebooks. Increasing the exemption threshold levels does not change the City's desire or ability to require mitigation.

The City will require SEPA checklists for all land development applications (including exempt projects) since this provides a central repository for environmental information on a project. It will be part of the official file and accessible to anyone who wishes to view it. However, since a threshold determination is not required for exempt projects, the checklist will not be circulated in the manner done for those land development activities not exempt.

2. *Recommended Conclusions of the Technical Committee*

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

3. *Planning Commission Recommendation*

The Planning Commission adopted a motion to recommend approval of amendments to Redmond Zoning Code 21.70.090.A by a vote of 4-1 at its June 19, 2013 meeting.

List of Attachments

Attachment A: Recommended Amendments to the Redmond Zoning Code

Attachment B: Planning Commission Final Issues Matrix

Attachment C: Public Written Testimony

Attachment D: Technical Committee Report with Exhibits

Attachment F: Approved Minutes

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

Franz Wiechers-Gregory, Planning Commission Chairperson — Date: 6/26/13

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

PLANNING COMMISSION APPROVED SEPA LANGUAGE FOR RZC

21.70.090 Categorical Exemptions, Threshold Determinations, and Enforcement of Mitigating Measures

The City of Redmond adopts WAC 197-11-300 through 197-11-390, WAC 197-11-800 through 197-11-890, and WAC 197-11-908 and RCW 43.21C.410 as now existing or hereinafter amended, by reference, subject to the following:

A. **Establishment of Thresholds for Categorically Exempt Actions.** The following exempt threshold levels are hereby established pursuant to WAC 197-11-800(1)(c) for the exemptions in WAC 197-11-800(1)(b):

   1. The construction or location of any single family residential structures of 30 or fewer dwelling units;
   2. The construction or location of any multifamily residential structures of 60 or fewer units;
   3. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 40,000 square feet or less, to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;
   4. The construction of an office, school, commercial recreational, service or storage building with 30,000 square feet or less of gross floor area, and with associated parking facilities designed for 90 or fewer automobiles;
   5. The construction of a parking lot designed for 90 or fewer automobiles;
   6. Any landfill or excavation of 1,000 cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder; provided, that the categorical exemption threshold shall be 100 cubic yards for any fill or excavation that is in a critical area.

B. **Critical Areas.** The Shoreline Environments Map and the Critical Areas Maps adopted pursuant to RZC 21.64, Critical Areas Regulations, and the Redmond Comprehensive Plan designate the location of critical areas within the City and are adopted by reference. For each critical area, the exemptions within WAC 197-11-800 that are inapplicable for the area are 1, 2.d, 2.e, 6.a, 23.a through g, and 24.e,g, and h. All other exemptions shall continue to apply within environmentally critical areas of the City.

1. Lands Covered by Water. Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.
2. Treatment. The City shall treat proposals located wholly or partially within a critical area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The City shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally critical area.

C. **Responsibility for Determination of Categorical Exempt Status.** The determination of whether a proposal is categorically exempt shall be made by the Responsible Official.

Attachment B: Final Planning Commission Issues Matrix
SEPA Exemption Threshold Zoning Code Amendment
(LAND-2013-00579)

Issue	Discussion Notes	Status
1. Provide SEPA threshold data that goes back to 2004 (Biethan)	PC Preliminary Direction Provide SEPA data that goes back to 2004 so the Commission has a better understanding of the threshold determinations issued by the City prior to the economic downturn. Staff Recommendation & Reasoning Staff has provided this information in a separate document. Since 2004, 98.6% of the threshold determinations issued for the five general areas subject to increased threshold exemption levels were Determination of Non-Significances (DNS). This information shows a total of 146 threshold determinations issued, 144 of which were a DNS and 2 of which were a Mitigated Determination of Non-Significance (MDNS). Public Comments PC Discussion The commission was satisfied with the additional information presented regarding SEPA data from the years 2004 through 2012.	5/22 Information Request 6/12 CLOSED
2. What was the SEPA Advisory Committee's rationale for some of the new exemption level thresholds? (Gregory, Miller)	PC Preliminary Direction It would be helpful to know the rationale for the new exemption level thresholds. This background information could be useful to the Commission's deliberations. Staff Recommendation & Reasoning Staff has reviewed the DOE website for SEPA Advisory Committee minutes. There is some information on the rationale for the new exemption level thresholds, but there are no specifics to deriving the actual numbers, with the exception of landfilling and excavation. Different interest groups had differing rationales. In general, however, the input is summarized as follows. *Single Family Residential*: General interest in increasing levels in urban growth areas, and final number was in the range of various proposals discussed.	5/22 Information Request 6/13 Additional Information Requested 6/19 CLOSED

Issue	Discussion Notes	Status
	Multi-Family Residential: Similar to single family, there was a range of numbers discussed. There was support to increase the exemption level since multi-family housing results in fewer environmental impacts, is more efficient to serve with infrastructure, and helps meet growth management targets. *Agriculture*: Greater maximum in designated agricultural lands to advance GMA goal of fostering long term commercial agriculture in such areas and support right to farming provisions. *Commercial*: Sizes discussed were considerable larger. Initially 60,000 sq. ft. was discussed as it is roughly the size of a Trader Joe's plus a few supportive uses. This supports walkable communities and reduces traffic within urban growth areas. However, ultimately half that size (30,000 sq. ft.) was the result. Similarly, number for parking spaces discussed were as high as 200, but ended up being 90 parking spaces in the new rule. *Landfill/Excavation*: 1,000 cubic yards is about what can be moved in two days. 6/12 Staff explained the difficulty in determining the specific reasons for the Advisory Committee's rational. This Committee discussed the threshold exemption levels over roughly a six month period, and included input from cities, counties, tribes, agricultural interests, the business community, plus other interests. These threshold levels were a compromise to a range numbers which ultimately resulted in two sets of levels, one for inside the urban growth area/boundary and one for outside the urban growth area/boundary. Staff is in the process of seeking further information from those involved with the Advisory Committee deliberations and will report orally to the Commission of any results at the June 19th study session. 6/19 Staff presented some additional findings from members of the SEPA Advisory Committee and Department of Ecology with respect to the commercial exemption threshold. This information confirmed that the	

Issue	Discussion Notes	Status
	numbers were a compromise of differing recommendations. <u>Public Comments</u> <u>PC Discussion</u> The Commission discussed the information provided by staff regarding the SEPA Advisory Group's rationale. In particular, Commissioner Miller took issue with the proposed exemption size (30,000 sq. ft.) for commercial developments. Although there is a balance between staff efficiencies and oversight, there is still some concern over this number. Commission Miller asked for yet further clarification from DOE. 6/19 The Commission generally understood the threshold levels represent a compromise from the different interests represented on the Advisory Committee. The discussion looped back to the legislative mandate and the desire to provide predictability, consistency and streamline review. Commission Miller expressed concern over the seemingly arbitrary numbers established by the Rule based on Advisory Committee input.	
3. What would we have in place (such as regulations) if we didn't use SEPA? (Biethan, Miller, Murray)	<u>PC Preliminary Direction</u> Commissioners raised the question of what would the City use in absence of SEPA. An example given was a 90-space parking lot and if we don't use SEPA to address impacts, what do we use? <u>Staff Recommendation & Reasoning</u> The City has regulations in place through the zoning code, stormwater technical notebook, and other documents to address development impacts. Table 3 of the Technical Committee Report to the Planning Commission outlines each category on the SEPA checklist and corresponding city regulations. The example above, a 90-space parking lot, would be subject to these code requirements, specifically the critical areas regulations, tree preservation regulations, landscaping and lighting standards, stormwater management code and technical notebook, and other citywide regulations, to name a few. <u>Public Comments</u> <u>PC Discussion</u> The Commission was satisfied with staff's response.	5/22 Open 6/12 CLOSED

Issue	Discussion Notes	Status
4. What are we losing by not having a SEPA checklist? In other words, how does this change impact our desire to mitigate? (Murray) Will this information still be accessible? (O'Hara)	PC Preliminary Direction Is the City losing any ability to review and mitigate development projects if we do not use SEPA's substantive authority? Staff Recommendation & Reasoning SEPA, as a tool for Redmond, is not as necessary as it was during its inception. This is due to the fact that the City has a very comprehensive set of development regulations in the Zoning Code, plus enforcement through the Municipal Code as well as Technical Notebooks. Increasing the threshold levels does not necessarily change our desire or ability to mitigate. (6/12) Staff suggested that administrative processes will be modified to require SEPA checklists on all land use development applications, regardless of whether or not a project would otherwise be exempt from SEPA. This checklist will become part of the project file and accessible to anyone wishing to view the official file. Public Comments The Commission received testimony stating that the SEPA checklist provides a comprehensive disclosure of information in one location and that it provides value to those wishing to review the land use application. PC Discussion The Commission discussed the merits of the public testimony and the value of data accessibility. It appeared to be general consensus that having the ability to view the SEPA checklist for a land use application would be beneficial and provide one central repository for environmental information.	5/22 Open 6/19 CLOSED

COMMENTS REGARDING DNS & CHECKLIST
SEPA EXEMPTION THRESHOLDS ZONING CODE AMENDMENT
(LAND2013-00580)

Ms Johnson -

Project description per paragraph A12 reads:

Zoning Code Amendment to increase the city's SEPA threshold exemption levels as permitted by Washington Department of Ecology rule-making order amending WAC 197-11-315, 800, 906, and 960. This includes increasing the threshold levels as follows:
- 30 units for single family residential;
- 60 units for multi-family residential;
- 40,000 square feet for barn, loafing shed, farm equipment storage, produce storage or packing structure;
- 30,000 square feet and 90 parking spaces for office, school, commercial, recreation, service, storage buildings, parking facilities; and
- 1,000 cubic yards for landfill or excavation.

Section D – Non-Project Action Supplement Sheet, paragraph 6 reads:

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.

It is difficult to understand how raising the SEPA threshold exemption as permitted (but not required) by recent rule-making can be achieved without increasing demand on transportation or public services and utilities, not to mention attendant green house gas emissions generated by additional trips to residential or commercial locations.

I understand and support the need for additional housing in Redmond but suggest that this is too extreme an increase in the SEPA thresholds. A community of Redmond's modest scale is not appropriate for an increase of this magnitude and I recommend that more study be given to enable a more realistic change to our Zoning Code.

Regards,
Tom Hinman

From: Cathy Beam
To: !_PLN Planning Commission
Cc: Pete P. Sullivan; Jodi L. Daub
Subject: Terry Lavender"s Comments on SEPA Threshold Determination
Date: Thursday, June 13, 2013 9:17:13 AM

Dear Commissioners,

Here is the second comment that the City received on the SEPA issued for the SEPA Threshold Zoning Code Amendment. It will also be included in your weekly mailing.

Sincerely,

Cathy Beam, AICP, Principal Environmental Planner
Department of Planning and Community Development
City of Redmond
15670 NE 85th Street
PO Box 97010
Redmond, WA 98073-9710

425.556.2429

IMPACT redmond
www.impactredmond.com

From: Kelsey Johnson (Planning)
Sent: Thursday, May 02, 2013 8:42 AM
To: Terry Lavender
Subject: RE: Change in SEPA Threshold

Hi Terry,

Any land development proposals such as site plan entitlements, short plats, and preliminary plats, require a 21-day public notice of application before any action can be taken by the City. Although it is true SEPA provides an avenue for public input, public notice is still required. Furthermore, any land development proposal occurring within a critical area will be subject to SEPA. This is the case now, and it will continue to be the case if the proposal is approved.

Thank you for taking the time to comment and we appreciate your input.

Sincerely,

Kelsey Johnson LEED AP BD+C, Assistant Planner
Planning & Community Development
Development Review
15670 NE 85th Street

PO Box 97010
Redmond, WA 98073-9710
425.556.2409

From: Terry Lavender [mailto:tlavender2@frontier.com]
Sent: Tuesday, April 30, 2013 11:22 AM
To: Kelsey Johnson (Planning)
Subject: Change in SEPA Threshold

I oppose the significant change in the City of Redmond SEPA threshold exemption levels. This is one of the few places where a citizen can have a real chance to comment on environmental issues like stream buffers and tree retention. I recognize that the State has allowed this change but the City of Redmond can opt to continue to provide citizens opportunity to comment on projects in their neighborhood and communities.

I have reviewed Redmond SEPA notices over the years and believe that my comments have resulted in positive changes for the environment in some cases. All but a couple of these would fall under this proposed threshold exemption and I would not have an opportunity to comment.

What is most troubling is the broad scope of this. I can see where an already paved over area may be reasonable to exempt but 30 new homes on a property that is currently fully forested, is very different. I specifically review properties near Bear Creek or one of its tributaries. These environmentally sensitive areas are as subject to the exemption as a downtown parking lot and this seems wrong. A lower threshold, while arguably unnecessary for some projects, ensures that very sensitive areas receive appropriate review.

I hope you will reconsider in favor of public involvement and access to the decision process. Thank you for considering my comments.

Terry Lavender
17304 208th Ave. N.E.
Woodinville, WA 98077

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Attachment D

TECHNICAL COMMITTEE REPORT

To: Planning Commission

From: Technical Committee

Staff Contacts: Rob Odle, Planning Director, 425-556-2417, rodle@redmond.gov
Cathy Beam, AICP, Principal Planner, 425-556-2429, cbeam@redmond.gov

Date: May 22, 2013

File Numbers: PR-2013-00147, LAND-2013-00579, SEPA-2013-00580

Title: SEPA Exemption Thresholds Zoning Code Amendment

Recommended Action: Adopt recommended amendments to Section 21.70.090 of the Redmond Zoning Code

Reasons the Proposal Should be Adopted: The proposed amendments should be adopted because:

- SEPA has become an administrative procedural tool and is rarely used for its substantive authority since most, if not all, of the City's policies have been codified into regulations;
- This amendment fosters legislative streamlining for relatively small projects;
- It Improves efficiency of the environmental review process; and
- This amendment does not change SEPA review when critical areas are on site.

I. APPLICANT PROPOSAL

A. APPLICANT

City of Redmond

B. BACKGROUND AND REASON FOR PROPOSAL

The State Department of Ecology has completed administrative updates to the State Environmental Policy Act (SEPA) rules aimed at improving both the quality and efficiency of the environmental review process. This Rule-Making Order was issued on December 28, 2012. The purpose of the rule-making was to amend Chapter 197-11 WAC (Washington Administrative Code), SEPA rules at the direction of the 2012 Legislature. This Order includes increasing the flexible exemption thresholds that local governments may adopt. The following table shows the City's existing exemption thresholds (which were also the former SEPA exemption thresholds) and the proposed exemption thresholds consistent with the new rule.

Existing and Proposed SEPA Categorical Exemption Threshold Levels City of Redmond (Table 1)

PROJECT TYPES	EXISTING THRESHOLD LEVELS	PROPOSED THRESHOLD LEVELS
Single family residential	20 or fewer dwelling units	30 or fewer dwelling units
Multi-family residential	20 or fewer dwelling units	60 or fewer dwelling units
Barn, loafing shed, farm equipment storage, produce storage or packing structure	30,000 square feet or less	40,000 square feet or less
Office, school commercial, recreational, service, storage building, parking facilities	12,000 square feet or less of gross floor area; parking facilities designed for 40 or fewer automobiles	30,000 square feet and 90 parking spaces
Landfill or excavation	500 cubic yards	1,000 cubic yards

The new SEPA rules set forth a process that must be met in order to raise the exempt levels (WAC 197-11-800(1)(c). The following steps must be met:

1. Documentation that the requirements for environmental analysis, protection and mitigation for impacts to elements of the environment have been adequately addressed for the development exempted. The requirements may be addressed in specific adopted development regulations, and applicable state and federal regulations.
2. Description in the findings or other appropriate section of the adopting ordinance or resolution of the locally established project-level public comment opportunities that are provided for proposals included in these increased exemption levels.
3. Before adopting the ordinance or resolution containing the proposed new exemption levels, the local government shall provide a minimum of twenty-one

days notice to affected tribes, agencies with expertise, affected jurisdictions, the Department of Ecology, and the public and provide an opportunity for comment.

The City of Redmond has filed a Zoning Code Amendment to modify Chapter 21.70.090, *Categorical Exemptions, Threshold Determinations, and Enforcement of Mitigating Measures*; specifically subsection 21.070.090(A*), Establishment of Thresholds for Categorically Exempt Actions*. (See Exhibit A for Proposed Language)

SEPA has become largely an administrative procedural tool and is rarely used for its substantive authority since most, if not all, of the city's policies have been codified into regulations. Increasing the threshold exemption levels fosters legislative streamlining, making the environmental review process more efficient.

The following table illustrates the City SEPA Threshold Determination Data for years 2010-2012. Note that all projects requiring a SEPA threshold determination were issued a Determination of Non-Significance (DNS). This is because elements of the environment are adequately covered by adopted city regulations.

City of Redmond SEPA Threshold Determination Data, 2010-2012
Number of Specific Threshold Determinations Issued For Project Type
(Table 2)

PROJECT TYPE	2010 THRESHOLDS DETERMINATIONS	2011 THRESHOLD DETERMINATIONS	2012 THRESHOLD DETERMINATIONS
Single family residential	DNS: 2 MDNS: 0 DS: 0	DNS: 2 MDNS: 0 DS: 0	DNS: 4 MDNS: 0 DS: 0
Multi-family residential	DNS: 0 MDNS: 0 DS: 0	DNS: 1 MDNS: 0 DS: 0	DNS: 5 MDNS: 0 DS: 0
Barn, loafing shed farm equipment storage, produce storage or packing structure	DNS: 0 MDNS: 0 DS: 0	DNS: 0 MDNS: 0 DS: 0	DNS: 0 MDNS: 0 DS: 0
Office, school, commercial, recreational, service, storage building, parking facilities	DNS: 1 MDNS: 0 DS: 0	DNS: 6 MDNS: 0 DS: 0	DNS: 9 MDNS: 0 DS: 0
Landfill or excavation	DNS: 0 MDNS: 0 DS: 0	DNS: 0 MDNS: 0 DS: 0	DNS: 0 MDNS: 0 DS: 0

DNS = Determination of Non-Significance
MDNS = Mitigated Determination of Non-Significant
DS = Determination of Significance

Note: Five projects are mixed use and are included in both the multi-family residential and commercial category.

II. RECOMMENDATION

The Technical Committee recommends amending section 21.70.090(A) of the Redmond Zoning Code as shown in Exhibit A.

III. PRIMARY ISSUES AND ALTERNATIVES CONSIDERED

A. Documentation adequately addressing environmental impacts

The newly amended SEPA rule requires documentation that the requirements for environmental analysis, protection and mitigation for impacts to elements of the environment have been adequately addressed for the development exempted. The requirements may be addressed in specific adopted development regulations, and applicable state and federal regulations.

The main categories of environmental elements identified in the SEPA checklist are: earth, air, water, plants, animals, energy and natural resources, environmental health, land use and shoreline, housing, aesthetics, light and glare, recreation, historic and cultural preservation, transportation, public services, and utilities. Each of these items represents a category of questions on the checklist. The table below identifies each key area and corresponding city adopted regulations as well as applicable state and federal regulations. Note that all city code references are from the Redmond Zoning Code unless otherwise noted. The abbreviation "RMC" stands for the Redmond Municipal Code. State and Federal agency abbreviations are as follows: Washington Department of Fish and Wildlife (WDFW); Washington Department of Ecology (DOE); Washington Department of Natural Resources (DNR); U.S Army Corps of Engineers (Corps); National Marine Fisheries Service (NMFS); and U.S. Fish and Wildlife Service (USFWS).

SEPA Checklist Category and Corresponding City, State, and Federal Regulations (Table 3)

SEPA Checklist Category	City of Redmond Regulation	State/Federal Regulation
Earth	21.64, Critical Areas; Clearing and Grading Regulations	
Air		Air Operating Permits; Puget Sound Air Quality Agency
Water	21.64, Critical Areas; 21.68 Shoreline Master Program; RMC 13.06, Stormwater Management Code; Stormwater Technical Notebook	Hydraulic Project Approval (HPA), WDFW; 401 Water Quality Certification, DOE; Section 404 Permit, Corps; Section 10 Permit, Corps; National Pollution Discharge Elimination System Permit, DOE
Plants	21.64, Critical Areas; 21.72, Tree Preservation; 21.68 Shoreline Master Program; 21.32, Landscaping	Forest Practices Permit, DNR
Animals	21.64, Critical Areas	Endangered Species Act Sections 4, 7, & 10 Regulations, NMFS and USFWS
Energy and Natural Resources	21.17, Adequate Public Facilities; 21.67, Green Building and Green Infrastructure	
Environmental Health	RMC 6.36, Noise Standards; RMC 13.07, Wellhead Protection	Model Toxics Control Act, DOE; Underground Storage Tank Permit, DOE
Land Use and Shoreline	Article I, Zoning Based Regulations; Article II, Citywide Regulations; 21.68, Shoreline Master Program	Shoreline Management Act, DOE
Housing	21.08, Residential Regulations; 21.20, Affordable Housing	
Aesthetics	21.60, Citywide Design Standards; 21.62 Urban Center Standards; 21.42, Public View Corridors	
Light and Glare	21.34, Lighting	
Recreation	21.36, Open Space; RMC 3.10, Impact Fees	
Historic and Cultural Preservation	21.30, Historic and Archaeological Resources	Section 106 Review, Dept. of Archaeology and Historic Preservation
Transportation	21.52, Transportation Standards; RMC 3.10, Impact Fees	
Public Services	21.17, Adequate Public Facilities; RMC 3.10, Impact Fees	
Utilities	21.17, Adequate Public Facilities	

B. Project level public comment opportunities

The newly amended SEPA rule requires a description in the findings or other appropriate section of the adopting ordinance or resolution of the locally established project-level public comment opportunities that are provided for proposals included in these increased exemption levels. Exhibit C describes the project level public comment opportunities for typical land use permits. This includes required Notice of Application, Notice of Public Meeting, Notice of Public Hearing, Notice of Decision, and Appeal opportunities specific to different types of land use actions. This information will be included in the adopting ordinance.

C. Twenty-one day public notice prior to action

The newly amended SEPA rule requires before adopting the ordinance or resolution containing the proposed new exemption levels, the local government shall provide a minimum of twenty-one days notice to affected tribes, agencies with expertise, affected jurisdictions, the Department of Ecology, and the public and provide an opportunity for comment.

Adopted City procedures require 21-days public notice prior to the public hearing on the proposed amendment (RZC 21.76.080). The public hearing will be held by the Planning Commission and they will make a formal recommendation to the City Council. The City Council decides the final action.

IV. SUPPORTING ANALYSIS: FACTS AND CONCLUSIONS

A. EXISTING CONDITIONS

Redmond Zoning Code Section 21.70.900(A) identifies current thresholds for categorically exempt actions. As noted above under *Background and Reason for Proposal*, the current thresholds are:

- The construction or location of any residential structures of 20 or fewer dwelling units;
- The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 30,000 square feet or less, and to be used only by the property owners or his or her agent in the conduct of farming a property. This exemption shall not apply to feed lots;
- The construction of an office, school, commercial, recreational, service or storage building with 12,000 square feet or less of gross floor area, and with associated parking facilities designed for 40 or fewer automobiles;

- The construction of a parking lot designed for 40 or fewer automobiles; and
- Any landfill or excavation of 500 cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder; provided, that the categorical exemption threshold shall be 100 cubic yards for any fill or excavation that is in a critical area.

Note that currently all of the activities identified above do not qualify as an exempt activity if there are critical areas on site. This is so noted under RCZ 21.70.090(B), *Critical Areas*, which states, "For each critical area, the exemptions within WAC 197-11-800 that are inapplicable for the area are (1), (2)(d), (2)(e), (6)(a), (23)(a) through (g), and 24(e), (g), and (h). The exemptions cited in this section refer to WAC 197-11-800. All land use actions listed above fall under WAC 197-11-800(1*), Minor New Construction – Flexible Thresholds*.

The proposed thresholds for categorically exempt actions will still be subject to RZC 21.070.090; in other words, a SEPA threshold determination will be required for these minor new construction activities if there are critical areas on site.

B. COMPLIANCE WITH CRITERIA FOR ZONING CODE AMENDMENTS

Amendments to the Redmond Zoning Code must be consistent with the Comprehensive Plan as required by RZC 21.76.070.AE. Redmond Comprehensive Plan Policy LU-26 and RZC 21.76.070.J 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 the Growth Management Act (GMA), Washington Department of Commerce (DOC) procedural criteria, and the King County Countywide Planning Policies.

The recommended 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 the land, including the prevalence of critical areas.**

   The recommended amendment does not affect land capacity or critical areas.

5. **The capacity of public facilities and whether public facilities and services can be provide 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 amendment does not affect land use designations or uses.

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

   The recommended 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 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 recommended amendment does not impact the natural environment. Projects with critical areas on site will require a SEPA threshold determination and be subject to critical areas regulations.

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

    The recommended amendment will help make the environmental review more efficient for relatively minor land use actions by not requiring a SEPA threshold determination. This means one less permit (and fee) for qualifying land use proposals.

11. **Potential general impacts to the ability of the City to provide fair and equitable access to services.**

    The recommended amendment does not impact the City's ability to provide fair and equitable services.

12. **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)

The City issued a Determination of Non-Significance on April 15, 2013.

D. 60-Day State Agency Review

State agencies were sent 60-day notice of this proposed amendment on April 11, 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 June 12, 2013 was provided by posting in public locations, by newspaper listing on May 22, 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: Proposed Amendment Language for RZC
Exhibit B: SEPA Threshold Determination
Exhibit C: City of Redmond Project Level Public Comment Opportunities

5/3/13

Robert G. Odle, Director of Planning and Community Development — Date

5/6/13

Timothy K. Fuller, Director of Public Works — Date

EXHIBIT A

PROPOSED SEPA LANGUAGE FOR RZC

21.70.090 Categorical Exemptions, Threshold Determinations, and Enforcement of Mitigating Measures

The City of Redmond adopts WAC 197-11-300 through 197-11-390, WAC 197-11-800 through 197-11-890, and WAC 197-11-908 and RCW 43.21C.410 as now existing or hereinafter amended, by reference, subject to the following:

A. **Establishment of Thresholds for Categorically Exempt Actions.** The following exempt threshold levels are hereby established pursuant to WAC 197-11-800(1)(c) for the exemptions in WAC 197-11-800(1)(b):

1. The construction or location of any single-family residential structures of ~~20~~30 or fewer dwelling units;

~~1.~~2. The construction or location of any multifamily residential structures of 60 or fewer units;

~~2.~~3. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering ~~30,000~~40,000 square feet or less, to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;

~~3.~~4. The construction of an office, school, commercial recreational, service or storage building with ~~12,000~~30,000 square feet or less of gross floor area, and with associated parking facilities designed for ~~40~~90 or fewer automobiles;

~~4.~~5. The construction of a parking lot designed for ~~40~~90 or fewer automobiles;

~~5.~~6. Any landfill or excavation of ~~500~~ 1,000 cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder; provided, that the categorical exemption threshold shall be 100 cubic yards for any fill or excavation that is in a critical area.

B. **Critical Areas.** The Shoreline Environments Map and the Critical Areas Maps adopted pursuant to RZC 21.64, Critical Areas Regulations, and the Redmond Comprehensive Plan designate the location of critical areas within the City and are adopted by reference. For each critical area, the exemptions within WAC 197-11-800 that are inapplicable for the area are 1, 2.d, 2.e, 6.a, 23.a through g, and 24.e,g, and h. All other exemptions shall continue to apply within environmentally critical areas of the City.

1. Lands Covered by Water. Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.
2. Treatment. The City shall treat proposals located wholly or partially within a critical area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The City shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally critical area.

C. **Responsibility for Determination of Categorical Exempt Status.** The determination of whether a proposal is categorically exempt shall be made by the Responsible Official.

Exhibit B

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

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

PROJECT INFORMATION

PROJECT NAME: SEPA EXEMPTION THRESHOLDS ZONING CODE AMENDMENT

SEPA FILE NUMBER: SEPA-2013-00580

PROJECT DESCRIPTION: INCREASE THE CITY'S SEPA THRESHOLD EXEMPTIONS AS PERMITTED BY WA DEPARTMENT OF ECOLOGY RULE-MAKING ORDER AMENDING WAC 197-11-315, 800, 906, AND 960.

PROJECT LOCATION: CITY WIDE

SITE ADDRESS, IF APPLICABLE:

APPLICANT: CATHY BEAM, AICP, PRINCIPAL PLANNER

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: KELSEY JOHNSON
PHONE NUMBER: 425-556-2409
EMAIL: KMJOHNSON@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 APRIL 30, 2013

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 MAY 14, 2013, 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: APRIL 15, 2013
FOR MORE INFORMATION ABOUT THE PROJECT OR SEPA PROCEDURES, PLEASE CONTACT THE PROJECT PLANNER.

RESPONSIBLE OFFICIAL: ROBERT G. ODLE, PLANNING DIRECTOR

Robert G. Odle

RESPONSIBLE OFFICIAL: RONAL D. GRANT, ASSIST P W DIRECTOR

Ronald D. Grant

ADDRESS: 15670 NE 85TH STREET REDMOND, WA 98052

EXHIBIT C

City of Redmond Project Level Public Comment Opportunities

Permit Process Type	Typical Land Use Project "Permits"	Decision Maker	Notice of Application	Notice of Public Meeting	Notice of Open Record Public Hearing	Notice of Decision	Appeal Process
II (Admin.)	Short plat, site plan entitlement, shoreline substantial development permit, binding site plan	Technical Committee	▪ 21 days prior to decision ▪ Mailed to property owners within 500 feet of site ▪ Posted notice on site (sign) ▪ Posted notice at City Hall and library	▪ Required for short plats that have 3 or more lots, critical areas, or are 75% forested ▪ Notice given in same manner as Notice of Application	Administrative approval. Hearing not required for this permit process type.	Mailed to all parties of record.	Parties of record can appeal decision.
III (Quasi-Judicial)	Preliminary plat, shoreline conditional use permit, variance	Hearing Examiner	▪ 21 days prior to decision ▪ Mailed to property owners within 500 feet of site	▪ Required for preliminary plats ▪ Notice given in same manner as	▪ 21 days prior to hearing ▪ Notice published in newspaper ▪ Mailed to property	Mailed to all parties of record.	Parties of record can ask for reconsideration and can also appeal decision.

Permit Process Type	Typical Land Use Project "Permits"	Decision Maker	Notice of Application	Notice of Public Meeting	Notice of Open Record Public Hearing	Notice of Decision	Appeal Process
			▪ Posted notice on site (sign) ▪ Posted notice at City Hall and library	Notice of Application	owners within 500 feet of site and parties of record ▪ Posted notice on site (sign) ▪ Posted notice at City Hall and library		
IV (Quasi-Judicial)	Conditional use permit, essential public facilities permit	City Council	▪ 21 days prior to decision ▪ Mailed to property owners within 500 feet of site ▪ Posted notice on site (sign) ▪ Posted notice at City Hall and library	▪ Required for essential public facilities ▪ Notice given in same manner as Notice of Application	▪ 21 days prior to hearing ▪ Notice published in newspaper ▪ Mailed to property owners within 500 feet of site and parties of record ▪ Posted notice on	Mailed to all parties of record.	Parties of record can ask for reconsideration and can also appeal decision.

Permit Process Type	Typical Land Use Project "Permits"	Decision Maker	Notice of Application	Notice of Public Meeting	Notice of Open Record Public Hearing	Notice of Decision	Appeal Process
					site (sign) ▪ Posted notice at City Hall and library		

REDMOND PLANNING COMMISSION
MINUTES

June 12, 2013

COMMISSIONERS PRESENT:	Chairman Franz Wiechers-Gregory, Commissioners O'Hara, Murray, Miller, Biethan, and Sanders
COMMISSIONERS EXCUSED:	Commissioner Chandorkar
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 Resources 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.

APPROVAL OF MEETING SUMMARY:
Chairman Gregory asked if there were any edits, comments, or additions to the May 22nd, 2013 meeting summary. Without objection, Chairman Gregory approved the summary.

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

Chair Gregory opened the public hearing and called on Cathy Beam, City of Redmond Planning Department, for the staff presentation. Ms. Beam said this issue was before the Commission about three weeks ago for a study session. The State Environmental Policy Act was adopted by the state in 1971. Then, in 1984, new rules were adopted and those are, in general, the rules that are followed today. SEPA is intended to ensure environmental values are considered during the decision making process and it supplements a jurisdiction's review processes on any sort of land use application. The rule making order by the Department of Ecology was adopted at the end of 2012, and allows jurisdictions to raise the exemption levels. The WAC citation, 197.11.800.1c, is titled *Minor New Construction* under the exemption sections of the SEPA rule. Jurisdictions may increase those levels provided they meet three criteria:

1. Jurisdictions need to document that the requirements for environmental analysis are adequately protected.
2. Jurisdictions need to demonstrate that there are locally established processes for project level commenting.
3. Prior to any action of adopting an ordinance, there needs to be 21 days of public notice.

Redmond's procedures are set up in this manner. Ms. Beam next reviewed the categorical exemptions under minor new construction. Single family residential and multi-family residential projects are included. She reviewed the existing threshold levels, which are in the City's Zoning Code. She presented the proposed threshold levels as well. Single-family residential and multi-family residential were formally combined as just residential, and currently, that means 20 or fewer dwelling units. The staff proposal is to increase the threshold to 30 or fewer dwelling units for single-family residential, and multi-family residential would be increased to 60 or fewer dwelling units.

Barns, sheds, farm equipment, etc. are designated as 30,000 square feet or less, and that is proposed to be increased to 40,000 square feet. Office, school, commercial recreation, and similar uses have a current exemption level of 12,000 square feet or less. Parking facilities have a threshold level of 40 or fewer automobiles. Those levels are proposed to be increased to 30,000 square feet or less and 90 or fewer parking spaces. Lastly, Ms. Beam reviewed landfill and excavation, which typically make up a standalone category. This standard is currently 500 cubic yards, and is proposed to be increased to 1,000 cubic yards. In reviewing three years of data on SEPA threshold determinations, from 2010-2012, Ms. Beam found that there were 30 determinations of non-significances (DNS) issued in that time period. No mitigated determination of non-significances (MDNS) or determination of significances (DS) were issued during this timeframe.

The City is proposing these changes because SEPA has become more of an administrative procedural tool. SEPA policies have been codified into City regulations. Redmond, comparatively speaking, has very comprehensive regulations, between the Zoning Code, the Municipal Code, and technical notebooks. SEPA review is still required if critical areas are onsite, which is a very important point. A project that otherwise would qualify as an exemption would fall under SEPA review if a critical area is involved. There are no proposals to change this situation. Ms. Beam said increasing the threshold levels helps foster legislative streamlining and improves the efficiency of the environmental review process.

Ms. Beam displayed how jurisdictions need to document how the elements of the environment are addressed through regulations, either city, federal, or state. The SEPA checklist includes several categories of questions that speak to each of these levels of regulation. Ms. Beam showed an example of a public notice process, a Type 3 permit for a preliminary plat in the City of Redmond with a subdivision of ten or more lots. She showed this example to illustrate that there is a public notice process outside of the SEPA process.

In summary, Ms. Beam said the City's tool for implementing traditional SEPA matters has essentially become the Zoning Code and other adopted codes and technical notebooks. Developments occurring on sites with critical areas are still subject to SEPA review. The City proposal is in response to the SEPA rule, and the SEPA rule is in response to Senate Bill 6406, which is often referred to as the Natural Resources Reform Bill. The City has consistently issued determination of non-significance (DNS) thresholds over the last several years. The three criteria in the revised rule are met, which include demonstrating there is a local public notice process; demonstrating that there are adopted regulations, state, local, or federal; and demonstrating that 21 days of public notice will occur prior to any adoption.

Chair Gregory asked for public testimony regarding the proposed amendment. Tom Hinman spoke to the Planning Commission and stated that he provided a written comment on the SEPA threshold matter on May 22nd as part of the public SEPA comment process for the amendment and wanted to follow up with verbal testimony. Mr. Hinman questioned that the SEPA checklist, Section D-6, for the Zoning Code amendment stated that the proposal would not increase demand on transportation, public services, and utilities. He said that impact fees in the City's comprehensive regulatory environment would exercise control over the development process that SEPA was intended to do, but he still felt uncomfortable. He said that the statewide measure that permits, but does not require, maximizing SEPA thresholds may not be entirely appropriate for a city of Redmond's modest scale.

Mr. Hinman recommended more thought be given to the values or numbers recommended by staff for multi-family residential, commercial, and parking projects. Finally, regarding opportunities for public comment, he would like to see more rather than less public engagement. He recognized the value of streamlining the development process, particularly from a staff perspective, but asserted that the SEPA checklist provides a valuable cross-check on posted developer plans and assembles valuable environmental information in a standardized and readily accessible format that is valued by the community.

Commissioner Biethan asked which information on the SEPA checklist would not be readily available and would be very useful to have. Mr. Hinman said the checklist speaks to environmental issues, including biodiversity, air quality, and water quality, and noise quality, and light as well as infrastructural issues regarding whether a particular project would impact city services, facilities, or transportation. Thus, the checklist deals with environmental concerns and overall community concerns. Commissioner O'Hara noted that he did not receive a written copy of Mr. Hinman's testimony.

Ms. Beam responded that Mr. Hinman had commented on the SEPA threshold determination that was issued for the Zoning Code amendment. Two written comments were submitted on this issue, and those comments were attached to SEPA, not the actual Zoning Code amendment. She apologized for not sending those comments forward, but promised to do so. Mr. Hinman noted that the other written public comment on this issue

had concerns similar to his, in that it asked for additional understanding of projects as well as opportunities to comment in the SEPA process.

Commissioner Biethan said that from 2004-2012, basically all of the SEPA thresholds issued were determinations of non-significance. He asked if raising the threshold would turn into a data issue or would speak to other protective issues. Mr. Hinman said it is helpful to have additional information, but how that is balanced in the public good with streamlining processes is what the Commission is wrestling with. Commissioner O'Hara confirmed with staff that in the years 2004-2012, none of the projects that applied had a determination of significance. Ms. Beam said that, in that period, the City issued 146 SEPA threshold determinations on several categories of projects. Of those, two were mitigated determination of non-significance (MDNS), meaning that 144 were determined to be non-significant. The two that were mitigated were specifically two subdivisions in North Redmond in 2006 that had transportation improvements required which, at the time, were outside Redmond city limits. In order to require the developer to complete the transportation improvements, the City issued the MDNS.

Commissioner O'Hara asked if the newly proposed thresholds would have changed the numbers on the projects reviewed from 2004-2012. Ms. Beam said there would be a few more. She said that in 2010-2012, four fewer projects would have had SEPA review, namely the Redmond Fire Station on 116th, an office building on 166th, Robert Pantley's multi-family project called The Retreat, and Brookfield Veterinary near Whole Foods. She said that the bigger projects downtown would still be subject to review. She said that many areas, such as Grass Lawn and Educational Hill, often have critical areas and, by default, would be required to have a SEPA threshold determination made.

Commissioner Biethan asked Ms. Beam if the four projects she spoke of would have had their issues reviewed as part of the zoning review process. Ms. Beam confirmed that was indeed the case, and said that those projects would have had one fewer process to go through. She said that Mr. Hinman did make a good point regarding providing information, and said that staff has spoken internally that even though some projects would be exempt, those projects are still required to submit the SEPA checklist. That way, the collective information Mr. Hinman spoke of would be included. Mr. Hinman asked if that information would be available to the public and circulated in the same way SEPA is now. Ms. Beam said that information would not be circulated. Seeing no other persons who wished to testify, Chairman Gregory closed the public testimony on this topic. He suggested that Mr. Hinman's point could be included in Issue 4 for the Commission on this topic, namely, what the City would lose by not having a SEPA checklist. Chairman Gregory said the Commission could finalize its discussion on this topic at next week's meeting and make a recommendation to City Council at that point.

Mr. Sullivan said there was a report approval scheduled for next week, and asked if further discussion would be needed next week. Ms. Beam noted that the comment from Mr. Hinman was about a SEPA threshold determination for the proposed Zoning Code amendment, which typically is not included in Planning Commission items. Commissioner Murray said the discussion period did not need to be extended, but he

would like to see Mr. Hinman's letter. Mr. Sullivan said that staff will review how SEPA comments are attached to Planning Commission materials in the future. Chairman Gregory noted that the issues regarding this topic would be resolved at this meeting, and said there should be a report approval on June 19th. Commissioner Miller said he would like to see Mr. Hinman's testimony, and if that meant holding back that report approval one week, then so be it. Chairman Gregory agreed with that sentiment and said he would see how far the Commission got on the issues matrix at this meeting.

The first issue in the matrix was an information request from Commissioner Biethan. He said his concerns were answered in the staff response. Chairman Gregory closed that issue. The second issue was an information request from Chairman Gregory about the SEPA Advisory Committee's rationale for some new exemption level thresholds. He was satisfied with the staff answer. Commissioner Miller asked about commercial projects, and said there was quite a bit of language that seemed to indicate such projects really are not linked to land use classifications. He asked how certain SEPA thresholds would support walkable communities and reduce traffic in urban areas, and he was troubled about that issue.

Ms. Beam said she could not find a definitive answer regarding the range of SEPA thresholds and how certain numbers were derived. The walkable community's language was taken, verbatim, from the SEPA Advisory Working Group. She could not find a definitive answer to Commissioner Miller's question. Commissioner Miller said he could accept the argument posed on this topic with regard to multi-family projects. He was not certain how it impacted single-family projects and was concerned about the proposed changes regarding commercial projects. Commissioner Miller wanted to know that there was some link between the SEPA values and the goals of the City. He wanted staff to have an efficient process, but also wanted a balance with regard to the City's need to fulfill its responsibilities for oversight.

Commissioner Murray agreed with Commissioner Miller that walkability and the size of a project are difficult to connect in the rationale presented by staff. However, he said some of the rationales provided are appropriate. He did not know how to justify the commercial rationale, but saw this as one small point in a larger picture. He asked if the issue matrix would be recorded as defining an ultimate answer, thus providing a point for discussion and review by the City Council. If so, then he suggested taking out the language that did not make sense. Ms. Beam said that language could be struck. Commissioner Murray supported the idea of striking this issue, in that it does not make sense how certain thresholds would support walkable communities and reduce traffic within urban growth areas. He asked what the rationale truly was and said there was a missing link in the answer to this comprehensive question.

Chairman Gregory said that the original question dealt with the SEPA Advisory Committee's rationale, and Ms. Beam did her best to answer that question. However, he noted that the City's rationale needed to be determined for a project of a certain size. Commissioner Murray said the language did not necessarily need to be struck, in that Ms. Beam did her research properly, but he said that the Commission still had a lack of

understanding about why this rationale exists. Mr. Sullivan added that the issue matrix is attached to the final report sent by the Commission to the City Council, and Council members do rely on this information as a way to track this discussion. Commissioner Murray asked if Commissioner Miller needed this rationale to be explained to make a vote on this point. Commissioner Miller said yes. Commissioner Murray said, before moving forward, the Commission would need a better understanding of what the SEPA Advisory Committee did in terms of the commercial regulations. Ms. Beam said she did not think she would find an answer to that question.

Commissioner O'Hara said the main threshold the Commission appears to be concerned about was the one that dealt with an office, school, or recreational service. Commissioner Biethan asked if there could be a way to contact the person who drafted this language to get more information. Chairman Gregory said aside from the SEPA Advisory Committee, the Commission needed to learn why the threshold in question should be recommended. He said that he shared Commissioner Miller's concerns. He asked if any details could be gleaned from the Technical Committee's reports or minutes. Ms. Beam said she would contact the Department of Ecology and a few SEPA Advisory Committee members to see if she could find any further information. She said the Technical Committee wanted to take this threshold to the maximum, in that the City's laws are so comprehensive that an application of a larger size would not be treated any differently. Commissioner Murray said he wanted Ms. Beam to do additional research to determine the rationale of the threshold. Commissioner Miller wanted to make sure the threshold was focused on Redmond rather than a statewide assessment.

Mr. Sullivan said he looked for this exact clarification back on May 22nd. With regard to issue matrix Item 2, the question was about the state SEPA Advisory Committee's rationale for the threshold. The state went through a statewide process and determined a range of available numbers to a range of available cities, so one size, by definition, would not fit all. Mr. Sullivan asked if the Commission wanted to track down the rationale or if the Commission accepted the established numbers and wanted to know Redmond's rationale for applying the numbers proposed. This also speaks to issue matrix Item 3, which asks what the City would lose by having a project slightly above the current threshold. Commissioner Miller said he was curious as to how the state determined its values. Commissioner Murray said he was mainly concerned about Redmond's values, as noted in Item 3, and how they were upheld. He said the fact that SEPA does or does not match Redmond's thresholds leads him to believe the Commission is doing its due diligence. Commissioner Murray said he did not need the information about the state that Commissioner Miller was looking for.

Chairman Gregory said the Redmond considerations were more important to him than the state Advisory Committee's considerations of SEPA. He said the legislative intent of SEPA was to give cities the opportunity to pick, within a certain range of values, the items that would apply to them. He said the overarching rationale behind the staff proposal is to streamline the process, lower costs, and reduce redundancy. Chairman Gregory said many cities are most likely dealing with this situation. He said it would be more useful for the Commission to know why Redmond picked this particular threshold

versus why the state came up with that range. Commissioner Murray asked if Chairman Gregory wanted the staff to go back and research the history behind this issue. Commissioner Murray did not think Item 3 really answered the questions regarding rationale, other than that the rationale was taken into consideration as the Zoning Code was put together for what Redmond thought was best.

Chairman Gregory asked if staff was able to determine some answers about why the state thresholds were established. Ms. Beam said her research shows the state did its work with the various interests involved, including city, county, and business representatives, among other groups. The state then came up with maximum thresholds based on whether one is in an urban growth area or if one is outside the urban growth area. She said the state has done the heavy lifting with the discussions over this topic, and Redmond has followed suit with its thresholds. Commissioner Murray asked if the City has adopted the thresholds not necessarily because of City values, but because of the SEPA Committee's work on the topic. Ms. Beam responded that the state did some valuable work. That, coupled with the City's comprehensive regulations, brings up the question again about what would be lost or gained with a streamlined process. Commissioner Murray clarified that the City has invested in adopting what the SEPA Committee has suggested. Thus, the City should know why the state adopted its thresholds if the City is going to adopt those thresholds.

Commissioner Biethan said the Commission was way down in the weeds. He said the City has a process in place with a variety of regulations. He thought, basically, raising the thresholds would create less redundancy in the land use permit process. Commissioner Murray agreed, but wanted to get Commissioner Miller's concerns answered so that the Commission could move on. Chairman Gregory said the sticking point here was over the idea that raising the thresholds would support walkable communities and reduce traffic within the urban growth areas. That did not seem to be supported anywhere. Commissioner Sanders agreed with Commissioner Biethan that the Commission is getting down in the weeds. She asked if the Commission could look at the SEPA issue from a higher level and see where there might be disagreements on specific points rather than approaching the discussion from the bottom up. She did not think a lot of staff work was necessary if there was only minor detail that needed clarification. She wanted to keep moving forward.

Commissioner Miller said major statements were being made to justify the intended action, and those statements were not justified from the material presented to the Commission. He said that is a big, high altitude issue and that was a major concern for him. He noted, echoing Mr. Hinman's concerns, that SEPA has not offered proper protection for certain properties. Commissioner Miller said loosening up the reins too much with SEPA could remove an important safety net. Ms. Beam said she believed Mr. Hinman's testimony dealt more with the environmental checklist and the information it provides. Commissioner Miller said there would be public concern if the thresholds were raised, and public confidence in the system could waiver. He wanted, basically, to understand how the state's values have been applied to meet Redmond's needs. The Commission decided to keep this issue open.

Issue 3 was raised by Commissioners Biethan, Miller, and Murray. Commissioner Murray said he was satisfied that the City has comprehensive zoning codes in place, and was satisfied with staff's work on that issue. Chairman Gregory closed the issue.

Issue 4 spoke to the issue of what the City would lose by not having a SEPA checklist. Ms. Beam asked if the category of public comment should be added to this issue. Chairman Gregory said yes, and noted that this was the point raised by Mr. Hinman. The access to particular data might be lost if SEPA checklists were not used. Commissioner Murray said Mr. Hinman's response to Issue 4 was valuable. Commissioner Murray had asked if, without SEPA, the City had the ability to go in and control the process. He was satisfied that was indeed the case due to the City's comprehensive policies. He wanted to make sure Mr. Hinman's testimony would be attached to this issue.

Commissioner Biethan asked if the information in the SEPA checklist was easily accessible right now to the public. Chairman Gregory said another issue was that the SEPA checklist was a well known process, and did not know if another process would be able to replace it. Commissioner Biethan said the issue was more about information, not the type of checklist or process used. Ms. Beam said the City could modify its processes to require SEPA checklists, even if projects are exempt, to have the data that checklist provides. Commissioner O'Hara said he would like to know, mainly, that the information would not be buried. Chairman Gregory kept this issue open, and said the report approval for the matrix issues could be set for June 26th. Commissioner Biethan asked if a lot of cities have adopted the changes to SEPA regulations. Ms. Beam said Redmond is in the front of the pack on this point, but many cities are starting to deal with it. Mr. Sullivan asked about the oral and written comment period. Chairman Gregory said both were closed, but Mr. Hinman's letter and the other letter received during the SEPA comment period would be added to the record.

STUDY SESSION, Proposed Zoning Code Amendment related to Wellhead Protection regulations

Kelsey Johnson, City of Redmond Planning Department, and Kevin Murphy, City of Redmond Natural Resource Division provided the introduction for this study session. Ms. Johnson said that wellhead protection is about protecting City drinking water aquifer. She noted that Mr. Murphy works with the City's Wellhead Protection Program. She said that there are some risks surrounding the stormwater infiltration systems that can affect the groundwater aquifer. She also said she would review the wellhead protection zone performance standards with the Commission, which is in the critical areas code of the Redmond Zoning Code. The amendment proposed is consistent with the Comprehensive Plan; thus, there is no Comprehensive Plan amendment associated with the text amendment. Ms. Johnson said staff believes this amendment is necessary to facilitate the protection of the City's groundwater.

Mr. Murphy, a geologist with Natural Resources for the City and the wellhead protection lead. He is often asked what wellhead protection is. He said it is the protection of the

City's drinking water aquifer, the headwaters of the City's drinking water wells. The City has five drinking water wells that supply the area east of the Sammamish River. The protection areas are designated as wellhead protection zones, based on the time it takes for groundwater to reach one of the drinking water wells. Wellhead Protection Zone 1 is the closest area to the wells. The closest area to Downtown is over at the Public Safety Building, which is Well #4. Mr. Murphy illustrated a six-month time of travel for the water with Wellhead Protection Zone 1. Wellhead Protection Zone 2 is the one-year time of travel, so a drop of water would take one year to reach the well from anywhere within that area. Wellhead Protection Zone 3 is the full expanse of the critical aquifer recharge area and has a ten-year time of travel. Anything outside of that, but still in the City of Redmond, is in Wellhead Protection Zone 4.

The protection zones are included in the Municipal Code and the Zoning Code as ways to protect the drinking water aquifer, and were adopted by ordinance in 2003. In that code, in 2003, there was recognition that specific land uses may be harmful to water quality. Among the many risks identified was the infiltration of untreated stormwater. Stormwater can land on a parking lot, pick up contaminants, infiltrate into the ground and carry those contaminants into the drinking water aquifer. So, in 2003, the Code required an evaluation of the risks from the various facilities that have stormwater infiltration systems and what potential modifications might need to be made to those stormwater systems to address those risks. The Code also allowed the City to require both private and public facilities to change their stormwater systems and operations if there was a risk to groundwater.

The City has identified more than 120 parcels, private and public, that have stormwater infiltration systems. Most of those systems were designed from the 1960's to the very early 1990's, at which point stormwater regulations changed and the majority of stormwater infiltration stopped throughout the City, at least infiltration without treatment. The Code required that the evaluation and modification of these systems should be completed by 2008. However, to align the City code with codes adopted by the state during this same time frame, and to work with businesses to make it more easily implemented, the City created an evaluation modification process for these stormwater infiltration systems with businesses. An assessment program was developed by the City, and a new schedule was adopted in 2010. Since that time, the City has been implementing the assessment program and the vast majority of these systems have been evaluated. The City has now made changes and is requiring facilities to change their stormwater filtration systems.

Several businesses came to the City two years ago and were very concerned about the cost of implementation and the potential impacts on their businesses, so the City is reevaluating the program and working with businesses to develop specific implementation processes. The City is working with four businesses in a pilot program to develop engineering, designs, and modifications for their sites while working them through the entire permitting process. Thus, the City should be able to find out exactly what it would take to make the modifications at these businesses. The City Council has supported this effort. Mr. Murphy is also looking at a reimbursement schedule where the

City would help to offset some of the costs of the modifications, as it is a direct benefit to the drinking water aquifer.

All of the sites in the pilot program were developed 20 or 30 years ago, and one of the challenges is the businesses have used up the majority of the space on their sites with their operations. Some of them even have existing non-conformances, such as not enough parking or no room for a small building, if a hazardous materials covered storage unit was required. Room for rain gardens or other improvements to clean up the stormwater or remove hazardous materials is not available either.

Ms. Johnson spoke to the intent of the proposed changes. In the Zoning Code, the wellhead protection performance standards specifically address non-conformities, such as parking and landscaping. The intent of the changes would be to provide more flexibility with regard to the stormwater improvements onsite, which is the preferred alternative. The current regulations specify that an existing legal non-conforming structure cannot be expanded, altered, or intensified in any way. However, staff wants to provide the flexibility to allow a structure to intensify, alter, or expand a legal non-conformance because the improvements create a net benefit to City groundwater.

Commissioner Sanders asked for an example of a legal, non-conforming structure. Ms. Johnson brought up an example of a business in the MP zone, where the Code says that a business has to have one parking stall per 1,000 square feet. If the building were 10,000 square feet, 10 parking stalls would be required, but the building in Ms. Johnson's example only has eight. Back when the building was constructed, eight was allowed. So, today, this would be an existing legal non-conformance. With this example, if a rain garden was required, the City and business could determine the best alternative location would be to take up two parking stalls, reducing the parking even further. Thus, the proposed amendment would allow for the intensifying of a legal non-conformity. This would allow the business to install the rain garden and provide an environmental benefit to the groundwater.

The City has been meeting with a group of four businesses once a month for the last few months to go over not only the amendment but also other updates to the groundwater protection incentive program. The City and the business owners agreed on the intent of the language. However, the businesses are not completely satisfied with the text, so at this point, the City Attorney will talk with the businesses' attorney to go over the language itself. Any refinements to the language would be forwarded to the Commission.

Chairman Gregory asked what the concern over the language was. Ms. Johnson said the language addresses the improvements the City is requiring, and says if there is no alternative location, that the City would allow the business to increase, intensify, or expand the non-conformity. The businesses agree on the intent, but they think the language does not address this properly and did not explain exactly why. Chairman Gregory asked about where the City got its drinking water. Mr. Murphy confirmed that the wells he mentioned earlier supply the east part of the City. The west part of Redmond, west of the Sammamish River, is supplied Cascade Water Alliance, the Tolt supply.

Commissioner O'Hara asked if the changes proposed apply throughout the City or just to the areas supplied by the wells. Mr. Murphy illustrated the wellhead protection zones again to show the parcels affected by the amendment proposed. Commissioner O'Hara noted that Overlake Village was not within the wellhead protection zones, and confirmed that the amendments were not applicable to them. Mr. Murphy said the text change proposed would indeed apply only to facilities within Wellhead Protection Zones 1 and 2 and only to facilities that are affected by this particular piece of code. This is limited to, generally, those 120 parcels noted on the map and a few others recently inspected that were found to have infiltration systems.

Commissioner Biethan asked about the pilot program and if its intent was to find ways to encourage property owners who are not helping the groundwater in the wellhead areas to mitigate any contamination. He asked if the proposed amendment would give the City more flexibility in how a business would be allowed to mitigate water that is running off, potentially, into the wells the City uses. Mr. Murphy said that was correct. Commissioner Biethan asked which businesses were involved. Ms. Johnson said Olympian Pre-Cast, IDD Aerospace, Bear Creek Shopping Center, and Redmond Office Center were the businesses involved. Mr. Murphy said these were large, established businesses. Bear Creek Shopping Center did not have a stormwater filtration system. IDD Aerospace had hazardous materials handled outside, but created a program so that the materials never go outside and would eliminate the risk of contamination. To do that, however, a small structure would need to be built, which would not be possible in their current non-conforming situation. The amendment would allow them to build that structure.

Chairman Gregory noted that there would be some costs involved for property owners, and asked why the stormwater issues are a concern now versus in the past. Mr. Murphy said that the code requirement has been in place since 2003. The requirement is recognized by the City, the state, and federal agencies as a risk to groundwater. The City has recognized this issue since 1997, and there has been a lot of diligent work to move forward on this topic for nine years. The City has hit a number of hurdles, but it is progressing. Two private businesses have completed this work as well as two City facilities. Redmond has very good groundwater quality with some isolated incidents in the past. The hope is to maintain that quality for a long time to come. Water moves in the Redmond aquifer quickly, but it is a large aquifer. Thus, the City needs to make sure that groundwater going into the aquifer is clean. With no questions from Commissioners, Ms. Johnson noted that the Commission would hold the public hearing on this issue at next week's meeting. Chairman Gregory closed the study session.

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

Chairman Gregory noted that the Mayor met with him and with all the chairs of the various boards and commissions in the City a few weeks ago to discuss the annual boards and commissions dinner to recognize the civic service involved in these groups. Attendance for this event has been dwindling. The Mayor asked if the dinner should continue, and how it would be best to recognize the public service of board and commission members. The chairs and the Mayor discussed some basic objectives:

1. Recognizing and offering gratitude for the volunteer work being done.
2. Raising public awareness about the different boards and commissions.
3. Creating a recruiting tool to bring more people into volunteer public service.

Chairman Gregory asked for some input from the Commission about these topics. Commissioner O'Hara said he enjoyed the dinner, but was disappointed that others have not shown up. Commissioner Biethan noted that he sat with the Arts Commission, which was far more interesting than sitting with the Planning Commission. Commissioner Murray said the dinner is not really a recruiting tool. About raising awareness, he noted that few people watch the Commission on television, and he said the dinner would not significantly impact awareness of public issues.

Chairman Gregory asked what would be more effective to reach those goals. One idea was to have a reception during Derby Days, in that a lot of members of the public show up to that event and might be impacted more with a booth or some other public display for boards and commissions. Chairman Gregory said the event that One Redmond does each year could involve some recognition for board or commission members. He agreed that the dinner was not as effective as it could be. He asked for ideas from the Commission. Commissioner Biethan said he did not truly care about the recognition, but he would like to have an event that would help the Commission network with people. Commissioner Sanders said she has been to two of the dinners, and said she gained something from each event, especially in talking with members from other commissions. She said it was valuable to see the breadth of interests and people involved in City government, and she felt reconnected and recommitted after the dinner event. She felt there were positive aspects to the dinner, but it should be more casual and shorter.

Commissioner Miller said he did not necessarily need a night for a pat on the back, but supported the idea of having a better chance to network. Commissioner O'Hara noted that he was able to sit with the Fire Chief of Redmond at the last dinner, which he would have never had the opportunity to do otherwise. He said that networking was good. He agreed with Commissioner Sanders that a three-hour dinner was not needed. A less formal reception would be a good idea, and the event could be combined with another event, such as One Redmond's gala. Commissioner Murray said he was on the board of One Redmond, and he did not believe that was the right venue to pair up with, as it is an investor and stakeholder dinner. He said having a tent up during Derby Days with a display for each Commission could be valuable, with the possibility of co-sponsorship with One Redmond. Making the work of the commissions and boards more visible would help draw in public interest.

Chairman Gregory summarized that interacting with other commissions and other boards, as well as other City leaders, was of interest to the Planning Commission. He said he would tell the Mayor that the dinner was not a great idea, but the City should continue to have the boards and commissions get together in some way. Chairman Gregory asked for more input from the Commission in the future, and said he would pass along the main points of this discussion to the Mayor.

Mr. Sullivan noted that the City Council held a study session on the Transportation Master Plan (TMP) the night before the Planning Commission meeting. Some members of the Commission were there. Commissioner O'Hara said Commissioner Miller did a great summary of the Commission's discussion of the TMP. Commissioner Miller said Commissioner O'Hara did a good job of explaining the process and how the Commission reached out to the community. The Council members, as a whole, have a lot of work to do in the coming weeks, but Commissioner Miller said they were better for the effort the Commission put into the process.

Mr. Sullivan said he would follow up with the Commissioners for the second study session on the 2013-14 Comprehensive Plan amendment docket next Wednesday. The agenda on that day will show that it is a study session for the SEPA exemptions, not the report approval. On July 10th, the Commission will hear from staff member Sarah Stiteler on two items, not three, because one privately initiated Comprehensive Plan amendment still on the 2012-13 docket, has been withdrawn by the applicant. The amendment request that was withdrawn involved a proposal to allow standalone restaurants with drive-through service in the Manufacturing Park zone. The applicant's property is on Willows Road near 91st. That applicant has since rented that property to a new tenant, and therefore no longer seeks the proposed amendment.

Commissioner Miller asked if the wellhead protection regulations report approval, public hearing, and recommendation could happen on June 19th instead of going over two sessions, on the 19th and 26th. Mr. Sullivan said that it would be unusual to go through all of those processes in one night. There will be two report approvals on the 26th, SEPA as well as wellhead protection. Chairman Gregory said next week's meeting could be shortened, and some items could be moved to the following week to balance out the meeting times. Mr. Sullivan said the briefing on administrative changes to land use notice boards could likely be rescheduled to balance topics across upcoming meetings.

ADJOURN

MOTION by Commissioner Miller to adjourn the meeting. MOTION seconded by Commissioner Murray. Chairman Gregory adjourned the meeting at approximately 8:47 p.m.

Minutes Approved On: Planning Commission Chair

July 10, 2013