



Planning Commission Report

To: City Council

From: Planning Commission

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Date: June 29, 2016

File Numbers: LAND-2016-00722; SEPA-2016-00723

Title: Updates to the Zoning Code to Support Low Impact Development

**Planning
Commission
Recommendation:** Approval

**Recommended
Action:** Adopt amendment to the Redmond Zoning Code

Summary: *The 2013 – 2018 Western Washington Phase II Municipal Stormwater Permit (The NPDES permit), requires Redmond to conduct a citywide process to “...review, revise and make effective their local development related codes, rules, standards, and other enforcement documents...” in order to eliminate barriers within City codes that inhibit the use of a stormwater management approach referred to as Low Impact Development (LID). According to the NPDES permit, the intent of such revisions “...shall be to make LID the preferred and commonly-used approach to site development.”*

The Planning Commission considered the Technical Committee's recommended amendments to the *Redmond Zoning Code* to address this mandate. The majority of proposed amendments are somewhat minor: clarifications of provisions to existing code, altering and adding definitions, and removal of incentives for LID-related actions that will be required as per NPDES permit, due December 31, 2016.

In addition to these minor changes, the recommended amendments also include a requirement for a Small Storm Infiltration Set Aside of 5 percent of a development site's Net Buildable Area. This proposed revision addresses a specific NPDES provision requiring the placement of LID-infiltration facilities at new and redeveloping sites. The provision provides clarification and predictability to developers regarding this specific NPDES mandate.

The Planning Commission recommends adoption of these LID-related amendments to the RZC.

Reasons the Proposal should be Adopted:

The recommended amendments to the RZC should be adopted because:

- The use of LID is consistent with Redmond's vision and is well supported within the Comprehensive Plan and other documents.
- Adoption of these amendments will help place the City in compliance with state requirements and provisions of the federal Clean Water Act.
- The proposed amendments to the RZC seem to be no more or less restrictive than those being proposed by neighboring jurisdictions.

Recommended Findings of Fact

1. Public Hearing and Notice

a. Public Hearing Date

The Planning Commission held a public hearing on June 8, 2016. The Commission closed the hearing later that evening.

b. Notice

Public Hearing notification was published in the *Seattle Times* on May 18, 2016. Public Notices were posted in City Hall and at the Redmond Library. Notice was also provided

by including the hearing in the Planning Commission agendas that are distributed to various members of the public and various agencies. The City announced the hearing at two stakeholder engagement presentations on April 25, 2016—one presentation to members of the project development community, and the other presentation to members of the non-profit organization *Sustainable Redmond*. The City also sent invitations to testify to 65 members of the development community one week prior to the public hearing, via email.

2. Public Comments

No members from the public or stakeholders groups testified at the June 8, 2016 Planning Commission Public Hearing.

Recommended Conclusions

1. Key Issues Discussed by the Planning Commission

Three key considerations arose during the Planning Commission’s discussions of the proposed LID-related Zoning Code amendments. These considerations concerned: (a) the degree of discretion the City has in meeting the LID-related NPDES permit requirements, (b) the financial impact of implementing LID, and (c) the Small Storm Infiltration Set Aside requirement. Attachment C includes the Planning Commission’s Issues matrix.

Discretion in meeting the LID-related NPDES permit

The Commission discussed NPDES-LID permit requirements and asked staff to investigate how Redmond’s response to these requirements compares to neighboring jurisdictions. Staff reported that SvR, a consultant assisting the City during this code review process, ranked Redmond’s response in comparison to other jurisdictions with which they have worked. On a scale from 1 (low) to 5 (high), the City rated a “3” (on the high side of average) in terms of regulatory rigor and acceptance of LID, the City rated as a “5” for the strength of conversations and interdepartmental collaborations. In response to the Commission’s inquiry, staff also held a meeting with NPDES permit coordinators from the City of Kirkland and the City of Sammamish, and reviewed reports from the City of Bellevue. These investigations found that the most significant zoning related changes proposed by these jurisdictions—while different in nature from Redmond’s *Small Storm Infiltration Set Aside*—did not appear to be any more or less restrictive than Redmond’s set aside requirement. The Planning Commission was satisfied with this information.

Financial Considerations

Planning Commission asked for further clarification and examples on the financial impacts to both private developers and to City operations.

Staff responded that although the financial impact to private developers is somewhat difficult to quantify because of the lack of region-specific case studies on this topic, and because the cost of implementing LID varies based on development site conditions. Nonetheless, some generalizations can be made:

- The cost to conduct pre-construction site analysis and planning will increase.
- In some cases, where soils readily soak up stormwater, the added expense of analysis and planning may be off-set by savings resulting from a reduction in the size of traditional detention facilities—i.e., smaller stormwater ponds and vaults.
- In areas where soil infiltrates poorly, the use of LID could increase the costs to plan and build stormwater management facilities.

Staff pointed out that there are cases in Western Washington where applicants for private development projects have voluntarily chosen to use a LID approach because it was less expensive relative to traditional stormwater management techniques (e.g., pipes, vaults, ponds). Yet at other locations, if stormwater does not soak into the ground at a specified rate, the site is exempt from the NPDES on-site LID infiltration requirements. It is likely the greatest financial burden will fall on development projects that have soils that drain poorly, but not so poorly as to trigger the infeasibly criteria thresholds for LID infiltration facilities. The Planning Commission was satisfied that this issue had been adequately addressed.

The Commissioners also discussed the various ways the NPDES on-site LID infiltration requirements could financially impact City operations. The cost of constructing capital improvement projects (CIP) may increase or decrease due to the site soil conditions. Project costs for CIP have been updated to account for the use of LID where needed. It was noted that revisions to the CIP budget do not necessarily equate to an increase in costs. The Overlake Neighborhood, for example, provides an example of a situation in which the use of regional detention facilities and the use of LID provide a financial benefit to the City. By incorporating a “moderate level” of LID into the neighborhood, the City will be able to reduce the size and the amount of land for regional facilities. This will result in a cost savings to Redmond of tens of millions of dollars and provides additional future savings in facility maintenance. These savings will be passed on to the development projects and to stormwater utility rate payers who utilize the regional facilities to help meet their stormwater detention requirements.

Incorporating LID into the City’s daily operations other than CIP will require additional time, energy, and equipment. LID uses a greater degree of pre-construction analysis and numerous, small, dispersed stormwater facilities at individual development sites. As a result, additional staff time will be needed to: review project development submittals, inspect facilities during construction, monitor facilities after construction, and maintain

facilities so that they properly function. These considerations have been included within the Stormwater Utility and the Development Services 2017 – 2018 budget offers. The Planning Commission was satisfied with that this issue had been adequately addressed.

The Small Storm Infiltration Set Aside

Commission discussed two aspects of this topic: (a) what infiltration facilities would look like when placed at a development site and (b) how and where the 5% set aside might be incorporated in the overall site design. To aid the Commission discussion, staff provided examples of some more common infiltration facilities that might be used to satisfy the set aside requirement: bioretention (rain gardens), pervious pavement, and stormwater infiltration trench. Staff also provided examples using existing development projects as a means to explain how the set aside would be implemented on the development site.

These examples illustrated how the set aside requirement would be used as a communication tool alerting developers early on in the project review process of NPDES LID-related requirements. The calculation of 5% net buildable area is based on hydrological modeling using conservative estimates that assumed poor soil infiltration. As a result, in most cases—and particularly in Downtown Redmond—the 5% can be reduced when development projects conduct the engineering analysis necessary to properly size stormwater facilities. The set aside also clarifies how much land developers should expect to set aside to meet the NPDES LID infiltration requirements for new and redeveloping project sites—a topic for which there is no guidance from the Washington State Department of Ecology. The Planning Commission was satisfied with this information.

2. *Recommended Conclusions of the Technical Committee*

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

3. *Planning Commission Recommendation*

The Planning Commission unanimously recommended the Technical Committee's proposed amendments to the Redmond Zoning Code

List of Attachments

Attachment A: Recommended Amendments to the Zoning Code

Attachment B: Planning Commission Meeting Minutes for June 8, 2016

Attachment C: Final Planning Commission Issue Matrix

Attachment D: Technical Committee Report with Exhibits

Colleen Kelly for Rob Odle
Robert G. Odle, Planning Director

6-24-16
Date

Scott Biethan, Planning Commission Chairperson

Date

Approved for Council Agenda _____
John Marchione, Mayor

Date