

Memorandum

To: Planning Commission
From: Cathy Beam, AICP, Principal Planner, 556-2429
Date: June 19, 2013
Subject: **Study Session, Proposed Zoning Code Amendment to raise development-related State Environmental Policy Act (SEPA) exemptions
PR-2013-00147, LAND-2013-00579**

MEETING PURPOSE

The Planning Commission will continue discussing the proposed SEPA Zoning Code Amendment. The Commission may complete deliberations and recommendation at this meeting.

BACKGROUND

The Planning Commission held an initial study session on May 22, 2013 and a subsequent public hearing on June 12, 2013. At the study session following the hearing, the Commission asked clarifying questions about the proposal and identified items for further discussion as shown in the attached issues matrix. Also included as an attachment are two public comments that were received during the SEPA Threshold Determination issuance for this Zoning Code Amendment.

MEETING PREPARATION

Please review information attached.

REVIEW SCHEDULE

The Planning Commission's upcoming review schedule for this item is as follows:

- Public study session:June 19
- Report Approval.....June 26

QUESTIONS

Please contact Cathy Beam at (425) 556-2406, cbeam@redmond.gov

ATTACHMENTS

- A) Updated Issues Matrix
- B) Written Comments from Tom Hinman
- C) Written Comments from Terry Lavender

PC ISSUES MATRIX
SEPA Exemption Threshold Zoning Code Amendment
(LAND-2013-00579)

Issue	Discussion Notes	Status
<p>1. Provide SEPA threshold data that goes back to 2004 (Biethan)</p>	<p><u>PC Preliminary Direction</u> 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.</p> <p><u>Staff Recommendation & Reasoning</u> 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).</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The commission was satisfied with the additional information presented regarding SEPA data from the years 2004 through 2012.</p>	<p>5/22 Information Request 6/12 CLOSED</p>
<p>2. What was the SEPA Advisory Committee’s rational for some of the new exemption level thresholds? (Gregory, Miller)</p>	<p><u>PC Preliminary Direction</u> 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.</p> <p><u>Staff Recommendation & Reasoning</u> 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.</p>	<p>5/22 Information Request 6/13 Additional Information Requested</p>

Issue	Discussion Notes	Status
	<p><i>Single Family Residential:</i> General interest in increasing levels in urban growth areas, and final number was in the range of various proposals discussed.</p> <p><i>Multi-Family Residential:</i> 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.</p> <p><i>Agriculture:</i> 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.</p> <p><i>Commercial:</i> Sizes discussed were considerable larger. Initially 60,000 sq. ft. was discussed as it is roughly the size of a Trader Joes 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.</p> <p><i>Landfill/Excavation:</i> 1,000 cubic yards is about what can be moved in two days.</p> <p>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.</p>	

Issue	Discussion Notes	Status
	<p>Staff is in the process of seeking out 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.</p> <p><u>Public Comments</u></p> <p><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.</p>	
<p>3. What would we have in place (such as regulations) if we didn't use SEPA? (Biethan, Miller, Murray)</p>	<p><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.</p> <p><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.</p>	<p>5/22 Open 6/12 CLOSED</p>

Issue	Discussion Notes	Status
	<p><u>Public Comments</u></p> <p><u>PC Discussion</u> The Commission was satisfied with staff's response.</p>	
<p>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)</p>	<p><u>PC Preliminary Direction</u> Is the City losing any ability to review and mitigate development projects if we do not use SEPA's substantive authority?</p> <p><u>Staff Recommendation & Reasoning</u> 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.</p> <p>(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.</p> <p><u>Public Comments</u> The Commission received testimony from Tom Hinman 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.</p> <p><u>PC Discussion</u> 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.</p>	5/22 Open

**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: [I. 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



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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