

TECHNICAL COMMITTEE REPORT

To: Planning Commission

From: Technical Committee

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Date: May 31, 2012

File Numbers: DEV120021; L120172; L120173 (SEPA)

Project Name: 2012 Stream Map Update

Reasons the Proposal should be Adopted: The proposed amendment should be adopted because:

- the updated stream map reflects the best available information and is a more accurate description of stream locations and classifications; and,
- the map provides the public with the City's most up-to-date information regarding stream classifications.

I. APPLICANT PROPOSAL

A. APPLICANT

City of Redmond

B. BACKGROUND AND REASON FOR PROPOSAL

The City's Critical Areas Ordinance includes a map portfolio, one of which is a stream map. In 2009, the City Council adopted an update to the stream map to include the best

available scientific information regarding the City's stream classifications. Since 2009, additional information has been compiled that has either shown physical location changes of streams or indicated a need to change an existing classification on the City's adopted stream map. Staff recommends an update to the stream map to reflect this gathered information. The update is based upon the following:

- Habitat studies submitted in conjunction with development applications;
- King County data on streams outside the City limits;
- Observations by trained staff gathered during field visits to streams; and,
- City and/or private construction projects resulting in stream enhancements, revised stream locations, and/or daylighted or recreated streams.

Class I waters of the State (Sammamish River, Lake Sammamish, Bear Creek and Evans Creek) have official names recognized by USGS. Several Class II streams within Redmond are also recognized with official USGS names (Clise, Colin, Mackey, Perrigo, Peters, Seidel and Willows Creeks). For the first time these names will appear on the City's Stream Classification map. In addition, the 2012 Stream Map also includes some informal stream names as a convenient reference and communications tool for staff and the public for those streams that have not been officially named.

II. RECOMMENDATION

The Technical Committee recommends adoption of the proposed 2012 Stream Map Update.

The Growth Management Act defines critical areas under WAC 365-190-080. The Best Available Science Rule, WAC 365-195-900, explains the statutory context of best available science, defines the purpose of the rule, explains what is considered to be best available science, offers recommendations in obtaining best available science, provides criteria to demonstrate best available science was used in code writing, and requires special consideration for anadromous fisheries.

The proposed stream map update addresses these requirements as they pertain to the uniqueness of Redmond's stream systems.

III. ALTERNATIVES

Do not adopt the recommended proposal.

The Planning Commission could recommend that the stream map not be amended at this time, thereby leaving the existing stream map in Redmond Zoning Code (RZC) Chapter 21.64 Critical Areas Regulations. If not amended, the City of Redmond would not be using the most up to date information regarding stream classification and locations and this information would not be available to the public.

IV. SUPPORTING ANALYSIS

A. EXISTING CONDITIONS

The Critical Areas Ordinance map portfolio includes a stream map that identifies stream classifications for known streams found in the City. It shows four different stream classes: Class I through Class IV. These classifications were mapped and identified at the time of the 2009 Stream Map Update and reflect the best available information at that time.

B. COMPLIANCE WITH CRITERIA FOR CODE AMENDMENTS

Redmond Comprehensive Plan Policies PI-16 direct the City to take several considerations, as applicable, into account as part of decisions on proposed amendments to the Comprehensive Plan and the Redmond Zoning Code. Items 1 through 6 apply to all proposed amendments. The following is an analysis of how this proposal complies with the requirements for amendments.

1. Consistency with Growth Management Act (GMA), State of Washington Department of Commerce Procedural Criteria, VISION 2040 or its successor, and the King County Countywide Planning Policies.

In considering adoption of comprehensive plan amendments and development regulations, local government decision makers must first consider consistency with the Growth Management Act. The comprehensive plan policies and development regulations must substantively comply with the Growth Management Act's goals. The GMA also contains substantive requirements that must be met for critical areas. The City of Redmond complied with the GMA critical areas requirements when it adopted the Critical Areas Ordinance in April 2005. The proposed stream map update is consistent with these GMA requirements and other identified regional documents.

In 1995, the Legislature added a new section to the GMA to ensure that counties and cities consider reliable scientific information when adopting policies and development regulations to designate and protect critical areas. The new section, RCW 36.70A.172, requires all counties and cities to include best available science in developing policies and development regulations to protect functions and values of critical areas. Building on the work of a technical team and extensive public dialogue, the State of Washington Office of Community Development adopted six new sections to the Procedural Criteria within WAC 365-195, which took effect in August, 2000. This is commonly referred to as the Best Available Science (BAS) Rule. The proposal furthers the intent of the BAS Rule by providing the most current and best available information the City has on stream classifications.

2. Consistency with the Redmond Comprehensive Plan.

The 2012 stream map update is consistent with the City's Comprehensive Plan because the Critical Areas Ordinance (CAO) regulations were adopted with policies and the map simply provides better information for implementing the regulations.

3. Potential general impacts to the natural environment, such as impacts to critical areas and other natural resources, including whether development will be directed away from environmentally critical areas and other natural resources.

Protection of critical areas is addressed in the City's CAO.

4. Potential general impacts to the capacity of public facilities and services. For land use related amendments, whether public facilities and services can be provided cost-effectively and adequately at the proposed density/intensity.

No land use designations are changed by this proposal.

5. Potential general economic impacts, such as impacts for business, residents, property owners, or City Government.

The stream map updates this portion of the CAO map portfolio. The City's adopted CAO, which acts as an overlay, regulates development in these areas. This map is for general planning purposes and provides the best available information the City has on stream classification. Any future development proposal will be required to submit a CAO report to classify the stream on site, which is current practice. No changes to the regulations are proposed.

6. For issues that have been considered within the last four annual updates, whether there has been a change in circumstances that makes the proposed amendment appropriate or whether the amendment is needed to remedy a mistake.

The 2012 stream map update is in response to gathered reconnaissance information on the City's streams.

V. AUTHORITY AND ENVIRONMENTAL, PUBLIC AND AGENCY REVIEW

A. Amendment Process

Redmond Zoning Code (RCZ) chapter 21.76 requires that amendments to the Zoning Code be reviewed under the Type VI process. Under this process, the Planning Commission conducts a study session(s), an open record hearing(s) on the proposed amendment, and makes a recommendation to the City Council. The City Council is the decision-making body for this process.

B. Subject Matter Jurisdiction

The Redmond Planning Commission and the Redmond City Council have subject matter jurisdiction to hear and decide whether to adopt the proposed amendment.

C. Washington State Environmental Policy Act (SEPA)

A SEPA checklist was prepared and a Determination of Non-Significance was issued for this non-project action on May 16, 2012.

D. 60-Day State Agency Review

State agencies received 60-day notice of this proposed amendment on May 18, 2012.

E. Public Involvement

The public has opportunities to comment on the proposed amendment through the Planning Commission review process on June 13 and June 27, 2012. The Planning Commission will receive oral and written testimony as part of a public hearing scheduled for June 27, 2012.

The City will publish a legal notice of the Planning Commission public hearing in the Seattle Times 21 days prior to the hearing. Notice of the Planning Commission hearing will be posted in City Hall and the Redmond Library. The City will place a notice on the Redmond Government Access TV Channel and City web site informing the public of the Planning Commission hearing. Notice of the hearing is given on the Planning Commission agendas and extended agendas. Staff will also notify known stakeholders regarding the proposed amendment.

F. Appeals

RZC 21.76 identifies Zoning Code Amendments as a Type VI permit. Final action is by the City Council. The action of the City Council on a Type VI proposal may be appealed by filing a petition with the Growth Management Hearing Board pursuant to the requirements

VI. LIST OF EXHIBITS

Exhibit A: Proposed Stream Classification Map

Exhibit B: Existing Stream Classification Map

Exhibit C: SEPA Threshold Determination

Robert G. Odle, Director of Planning and
Community Development

Date

Ronald D. Grant, Assistant Director of Public Works

Date