

Memorandum

To: Planning Commission
From: Jeff Churchill, AICP, Senior Planner, 425-556-2492
Date: January 23, 2013
Subject: **Overlake SEPA Planned Action Update**

INTRODUCTION/BACKGROUND

The City of Redmond proposes to update the Overlake SEPA Planned Action to incorporate environmental review documents that have been completed since 2007. The Planning Commission began review of the Overlake SEPA Planned Action update on January 16, 2013. At that meeting the Planning Commission held a public hearing and identified discussion issues.

PREPARATION FOR STUDY SESSION

Please review the enclosed issues matrix. It is based on discussion at the January 16, 2013 meeting. The issues matrix includes a primer on different environmental review processes that Redmond uses, and also includes a SEPA vocabulary list.

REVIEW SCHEDULE

Staff anticipates that the Commission will be ready to make a recommendation at the end of its discussion on January 23, 2013. City Council review would follow.

ENCLOSURES

Issues Matrix for January 23, 2013

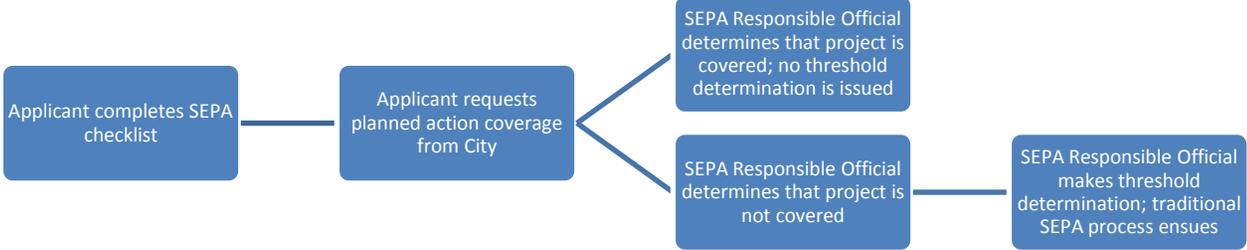
Please contact Jeff Churchill (jchurchill@redmond.gov) with questions or concerns.

Overlake SEPA Planned Action Update (L120495)

Planning Commission Issues Matrix for January 23, 2013

Issue	Discussion Notes	Status
<p>1. What is a Planned Action? What is the process for adopting it? (Miller)</p>	<p><u>Planning Commission Discussion</u> (1/16) Commissioners wished to better understand planned actions generally.</p> <p><u>Staff Response/Recommendation</u> (1/23) This response addresses Planned Actions generally. For specific application in Redmond, see Issue 2.</p> <p>From the SEPA Handbook, Chapter 7, a planned action is a form of environmental review under SEPA that: <i>“[S]hifts environmental review of a project from the time a permit application is made to an earlier phase in the planning process. The intent is to provide a more streamlined environmental review process at the project stage by conducting more detailed environmental analysis during planning. Early environmental review provides more certainty to permit applicants with respect to what will be required and to the public with respect to how the environmental impacts will be addressed.”</i></p> <p>The steps a city follows to establish a planned action are as follows:</p> <ol style="list-style-type: none"> 1. Draft the plan document, such as a neighborhood plan 2. Complete an EIS that addresses the likely significant environmental impacts of the planned action (implementation of the plan, e.g.) 3. Seek community input during the plan development and environmental analysis process 4. Adopt an ordinance or resolution that specifies what kind of projects can qualify as planned actions; the ordinance may also set an expiration of the planned action <p>For a planned action, environmental review and all associated notice occurs during the completion of the EIS. EIS adoption includes many opportunities for public review and input, including:</p> <ul style="list-style-type: none"> • Scoping: the public is invited to comment on what topics the EIS should address • Draft EIS: the public is invited to comment on the Draft EIS • Final EIS: a party may administratively appeal the adequacy of a Final EIS <p>The planned action ordinance (or resolution) itself is adopted by the governing body of the jurisdiction. This, too, is a public process with comment opportunities.</p> <p><u>Public Comment</u></p>	<p>Opened 1/16</p>

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Issue	Discussion Notes	Status
<p>2. How does a Planned Action get applied? What is the process? (Miller)</p>	<p><u>Planning Commission Discussion</u> (1/16) Commissioners wished to better understand the difference between how projects are reviewed for environmental impacts using a planned action vs. a traditional process.</p> <p><u>Staff Response/Recommendation</u></p> <p>(1/23) Please review Issue 1 for important background information.</p> <p>Redmond adopted a planned action ordinance for Overlake in 1999 (Ord. 2025) and updated it in 2007 (Ord. 2493). The ordinance specifies that qualifying projects must meet a number of criteria, most of which ensure that the project is consistent with the Overlake Neighborhood Plan, and that the project's likely impacts have already been evaluated.</p> <p>The flow chart below illustrates how the planned action ordinance is applied. Remember that this flowchart begins after the completion of an EIS, which has its own process described in Issue 1.</p>  <pre> graph LR A[Applicant completes SEPA checklist] --> B[Applicant requests planned action coverage from City] B --> C[SEPA Responsible Official determines that project is covered; no threshold determination is issued] B --> D[SEPA Responsible Official determines that project is not covered] D --> E[SEPA Responsible Official makes threshold determination; traditional SEPA process ensues] </pre>	<p>Opened 1/16</p>

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	<p>By contrast, the traditional SEPA review process begins when a project is submitted for a permit. The process is illustrated below.</p>  <pre> graph LR A[Applicant completes SEPA checklist] --> B[SEPA Responsible Official makes threshold determination] B --> C[If DS*, proceed to EIS preparation and publication] B --> D[If DNS*, environmental review is complete] B --> E[If MDNS*, require measures to mitigate significant impacts] </pre> <p><i>*see SEPA Vocabulary following end of matrix</i></p> <p>A threshold determination can be appealed administratively, as can a Final EIS. Some, but not all, threshold determinations have comment periods. As described in Issue 1, EIS processes have multiple comment opportunities.</p> <p>Projects covered under the planned action ordinance do not require a threshold determination. That is because the premise of planned actions is that all environmental review and associated public notice is completed at the plan level with the original EIS or follow-on environmental documents. Making a threshold determination would duplicate the earlier work and undermine the effectiveness of a planned action. This intent is clear from excerpt from the SEPA Handbook in Issue 1. For projects covered by the planned action, no additional environmental review is required. There are no administrative appeals of determinations of planned action coverage.</p> <p>Under either a traditional SEPA process or planned action, Redmond applies a wide range of development standards and analyses related to transportation, critical areas, design and many other topics to ensure that the proposed development meets City code.</p>	

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	<u>Public Comment</u>	
3. What documents underlie the Overlake SEPA Planned Action (Miller)	<u>Planning Commission Discussion</u> (1/16) Commissioner Miller expressed concern about the age of environmental documents that form the foundation of the planned action. <u>Staff Response/Recommendation</u> (1/23) Currently there are two environmental documents that are part of the Overlake SEPA Planned Action: the Integrated SEPA/GMA documents for the Overlake Neighborhood Plan and BROTS published in May 1999, and the Final Supplemental EIS for the Overlake Neighborhood Plan Update published in August 2007. Each document covers much the same topics, which is expected since both are governed by the same law. The main difference is that the 1999 FEIS evaluates environmental impacts of the 1999 Overlake Neighborhood Plan and associated development regulations, while the 2007 FSEIS evaluates environmental impacts of the 2007 Overlake Neighborhood Plan update and associated regulations. The horizon year of the 1999 FEIS is 2012; the horizon year of the 2007 FSEIS is 2030. As a practical matter, the analysis in the 2007 FSEIS replaces the analysis of the 1999 FEIS. However, as a technical matter, the 2007 FSEIS is a “supplement” to the 1999 FEIS and so they should remained paired in the planned action ordinance. <u>Public Comment</u>	Opened 1/16

SEPA Vocabulary

Definitions are taken from the Washington Administrative Code (WAC) Chapter 197-11 and supplemented where necessary.

Addendum

An environmental document used to provide additional information or analysis that does not substantially change the analysis of significant impacts and alternatives in the existing environmental

document. The term does not include supplemental EISs. An addendum may be used at any time during the SEPA process.

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Determination of Nonsignificance (DNS)

The written decision by the responsible official of the lead agency that a proposal is not likely to have a significant adverse environmental impact, and therefore an EIS is not required.

Determination of Significance (DS)

The written decision by the responsible official of the lead agency that a proposal is likely to have a significant adverse environmental impact, and therefore an EIS is required.

Environmental impact statement (EIS)

Environmental impact statement. The term "detailed statement" in RCW 43.21C.030 (2)(c) refers to a final EIS. The term "EIS" as used in these rules refers to draft, final, or supplemental EISs (WAC 197-11-405). [The SEPA Handbook is more helpful, describing the purpose of an EIS as follows: “[T]o provide an impartial discussion of significant environmental impacts, and reasonable alternatives and mitigation measures that avoid or minimize adverse environmental impacts. This environmental information is used by agency officials—in conjunction with applicable regulations and other relevant information—to make decisions to approve, condition, or deny the proposal.”]

Environmental Document

Any written public document prepared under this chapter [such as an EIS, a checklist, or an addendum]. Under SEPA, the terms environmental analysis, environmental study, environmental report, and environmental assessment do not have specialized meanings and do not refer to particular environmental documents (unlike various other state or federal environmental impact procedures).

Lead Agency

The agency with the main responsibility for complying with SEPA's procedural requirements. [For most projects in Redmond, the lead agency is the City of Redmond.]

Mitigated DNS

A DNS that includes mitigation measures.

SEPA Checklist (Environmental Checklist)

The form in WAC 197-11-960. [In other words, the initial environmental document completed by an applicant to disclose characteristics of the project and impacts to various elements of the environment, such as air, water, etc.]

Responsible Official

That officer or officers, committee, department, or section of the lead agency designated by agency SEPA procedures to undertake its procedural responsibilities as lead agency. [In Redmond, the Responsible Official is the Technical Committee.]

Threshold determination

The decision by the responsible official of the lead agency whether or not an EIS is required for a proposal that is not categorically exempt.