Memorandum

To: Planning Commission

From: Eric McConaghy, Associate Planner, 425-556-2414

Cathy Beam, Principal Planner, 425-556-2429

Date: February 8, 2013

Subject: Tree Regulation Exception Notice and Tree Removal and Replacement

Amendments

INTRODUCTION/BACKGROUND

On January 9, 2013 the Planning Commission began discussion of proposed amendments to the Redmond Comprehensive Plan and Zoning Code. These amendments, known as the Tree Regulation Exception Notice and Tree Removal and Replacement Amendments, are privately-initiated amendments that are part of the 2012-13 Comprehensive Plan annual docket.

Planning Commission held a public hearing on the amendments on January 16, 2013 and discussed additional items for the issue matrix. On January 23, 2013, the Planning Commission closed discussion on all open issues related to the amendments and passed motions for recommendation in response to all of the applicant's proposals.

PREPARATION FOR PLANNING COMMISSION REPORT APPROVAL

Please review the enclosed Planning Commission Report in advance of your February 13, 2013 meeting. Additionally, please consider the staff's requests for clarification of the Planning Commission's recommendation described below.

The Planning Commission passed a motion to recommend approval of the Technical Committee Report with regard to the applicant's proposal dealing with the definition of the word, *Technical Committee*. The Technical Committee Report recommends no change to the Redmond Zoning Code (RZC); removing the current definition from Comprehensive Plan Glossary; and hyperlinking from the Comprehensive Plan to the definition of the Technical Committee provided in the Redmond Municipal Code (RMC) instead.

In discussion, the Planning Commission described also using hyperlinks from the RZC to the RMC for the same purpose. The Planning Commission's motion did not call for adding hyperlinks from the RZC to the RMC. Staff would support this addition and asks the Planning Commission to clarify whether their recommendation extends to hyperlinks from the RZC.

Also, the Planning Commission passed a motion to recommend the establishment of a means for the public to comment on requests for exceptions to development regulations, if such a means is not already provided. The effects of this recommendation could vary, depending upon the intent of the Planning Commission. The brief descriptions below are intended to specify the meaning of Planning Commission – Tree Regulation Exception Notice and Tree Removal and Replacement Amendments January 18, 2013
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the term, *exceptions*, as applied in the RZC and related terms from the RZC with separate meanings.

Exceptions: Where exceptional conditions exist that prevent full compliance with tree standards the applicant may request an *exception*. The request for an exception is a part of the complete development application and subject to public comment.

Also, an *exception* may be granted under an Alteration of Geologic Hazard Areas for the construction of streets and/or utilities that are identified on an adopted City plan, where no reasonable alternative to locating in a Landslide Hazard Area exists. For this, the Zoning Code requires a geotechnical evaluation and mitigation measures. This sort of exception relies on a technical evaluation, not necessarily informed by public comment.

A Reasonable Use *Exception* provides "a mechanism to allow relief from RZC 21.64, Critical Areas Regulations; RZC 21.26, Hazardous Liquid Pipelines; or RZC 21.28, High Capacity Transit Corridor Preservation, when strict adherence to such regulations would deny all reasonable economic use of private property, or in the case of a public project, where application of the Critical Areas regulations would prohibit construction of the public project."

Public comment relevant to reasonable use exceptions varies depending upon the type of the land use permit requested. The Zoning Code classifies "(l)and use and development decisions ... into six processes based on who makes the decision, the amount of discretion exercised by the decision maker, the level of impact associated with the decision, the amount and type of input sought, and the type of appeal opportunity" (RZC 21.76.050).

Variances: Variances "provide a mechanism by which the City may grant relief from certain regulations, where practical difficulty renders compliance with the provisions of that code an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property, and where the purpose of that code and of the Comprehensive Plan can be fulfilled." The variance procedures cannot be used deviate from the permitted use requirements of Redmond's zoning regulations.

Redmond's process for variances includes public comment. Variances are processed as Type III permits: the Hearing Examiner holds an open record public hearing on a Type III application after receiving a recommendation from the Technical Committee and, when required, the Design Review Board. Depending on the application, the Technical Committee may require a neighborhood meeting to obtain public input. Public notification is provided at the application, public hearing, and decision stages of application review.

Administrative Design Flexibility: The purpose of Administrative Design Flexibility (ADF) is to promote creativity in site design, allow flexibility in the application of standards in certain zones, and to achieve the creation of sites and uses that may benefit the public by the application of flexible standards not otherwise possible under conventional development regulations.

Administrative design flexibility shall only be considered for adjusting certain standards relevant to residential or commercial land use. The specific criteria for ADF are listed in RZC 21.76.070.C. Requests for adjustment to standards not specifically listed in the section on ADF in the RZC must be processed as a variances as set forth in RZC 21.76.070.BB, Variances.

The RZC requires that "(r)equests for administrative design flexibility shall be processed and decided as part of the decision on the underlying permit." The underlying permit may or may not have an established public comment process, depending upon its type (see above).

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Overall, public comment on a development proposal is related to the type of the permit being requested, not to the request for the application of different standards to the review of the proposal, whether the request takes the form of an exception, a variance, or administrative design flexibility. Bearing this in mind, staff seeks confirmation that the recommendation of the Planning Commission to provide for public comment does not extend to a change in the Zoning Code, but that it does call for successfully fulfilling the existing requirements for public comment in the RZC.

REVIEW SCHEDULE

Staff anticipates that Planning Commission will approve the Planning Commission Report to the City Council at the February 13, 2013 meeting. Staff will report to City Council regarding the amendments on April 2, 2013 and City Council will conduct a study session on Study Session April 9, 2013.

ENCLOSURES

- Final Issue matrix
- Planning Commission Report

Please contact Eric McConaghy (emcconaghy@redmond.gov) with questions or concerns.

Tree Regulation and Exception Notice and Tree Removal and Replacement Amendments (L120159 and L120160)

Planning Commission Final Issues Matrix

Discussion Notes	Status
Planning Commission Discussion	Closed 01/23
Staff Response/Recommendation	
which the subject property has frontage, and placed outside the sight distance triangle. The	
obstruction of a motor vehicle operator's view at an intersection is prohibited within the sight	
distance triangle, a triangular area on a corner of an intersection.	
Dublic Comment	
	Class d 01 /22
Planning Commission Discussion	Closed 01/23
Staff Danie was /Danie was a latin w	
notice to any person requesting to receive maned notice for a proposal.	
Public Comment	
01/16: Mailings have been problematic in the past, particularly to renters. It's difficult to get on a	
mailing list for a proposal if you don't learn of it in the first place. (Tom Hinman, written	
comment)	
Planning Commission Discussion	Closed 01/23
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and the parties to the proposed failed and addition (trimer)	
01/16: Planning Commission requested that staff explore the redesign of notice signs for	
	Staff Response/Recommendation 01/09: Notice signs are required for proposed land use actions. One sign is required along each property frontage. Extraordinary notice signs are required for major land use actions. Appendix 6 of the Redmond Zoning Code requires that extraordinary notice signs be four feet by eight feet in size, placed no closer than five feet from the right-of-way, visible from each public street on which the subject property has frontage, and placed outside the sight distance triangle. The obstruction of a motor vehicle operator's view at an intersection is prohibited within the sight distance triangle, a triangular area on a corner of an intersection. Public Comment 01/16: Factually correct, not at issue. (Tom Hinman, written comment) Planning Commission Discussion Staff Response/Recommendation 01/09: Mailed notice is required to all property owners and occupants within 500 feet of the perimeter of the project. Also, the notice is made available online on the Land Use Actions Notice web page and by contacting the lead planner for the project. In addition, Redmond sends notice to any person requesting to receive mailed notice for a proposal. Public Comment 01/16: Mailings have been problematic in the past, particularly to renters. It's difficult to get on a mailing list for a proposal if you don't learn of it in the first place. (Tom Hinman, written

Issue	Discussion Notes	Status
accessibility to the public?	readability, use of icons and scannable codes, font selection and size, abbreviations and jargon,	
(Miller)	and the project information appropriate for display directly on the sign.	
	Staff Response/Recommendation 01/09: The purpose of the signs is to alert anyone passing by that there is a land use action; those interested need to stop to read the sign and to take away a notice sheet with information on how to contact staff and get more information. The intent is alert the public that a land use action is proposed for the parcel (property). Staff showed photos of actual notice boards and extraordinary notice boards currently posted on properties in Redmond as well as the schematics governing their design. 01/23: Staff will review the standards for notice signs and report back to the Planning Commission regarding that review and next steps. Public Comment 01/16: Don't agree that a solution cannot be found in the spirit of this amendment. (Tom Hinman, written comment)	
4. Is there a method for a	Planning Commission Discussion	Closed 01/23
citizen or someone else to register as a party of interest for a certain neighborhood or area or would the citizen need to follow all of the proposed land use actions in an area independent of one another? (Sanders)	Staff Response/Recommendation 01/09: Redmond provides free subscription to electronic newsletters, organized by topics of interest, such as news for a particular neighborhood. The link to the sign-up page is provided on Redmond's homepage. For reference, the application that staff uses to provide this service is called GovDelivery. Also, anyone can search and access information on permit applications via E-Track, a new tool made available as part of the implementation of the new permitting system, EnerGov. In addition, Redmond provides public information handouts online on topics such as public participation, the Technical Committee, and sign boards. Public Comment 01/16: Does not answer the question regarding proposed land use actions. Info is still hard to locate online. (Tom Hinman, written comment)	3.33cu 31, 2 3

Issue	Discussion Notes	Status
	While there is an online link [from the Land Use Actions Notices web page] to a Tree Preservation Plan (where applicable if tree removal is planned), oftentimes, it is difficult to read. It also does not clearly state whether exceptions to the Tree Protection regulation was requested. We are requesting that any exceptions to the Tree Protection regulation (RZC 21.72.090) be explicitly stated to better inform the public. (Yvonne Wang, written comment 01/15)	
5. Are urban center sites complex with many factors with requests for exceptions being only one of many factors to consider? Does the applicant want one of these factors, tree exceptions, called out specifically on notice signs? (Biethan)	Planning Commission Discussion Staff Response/Recommendation 01/09: A request for an exception to tree regulations would be only one of many factors related to a development proposal. Current requirements for notice boards do not require specific factors, such as tree exceptions, to be listed on the boards. This information is made available as part of the information posted online for public access, also available by contacting Planning staff. Public Comment 01/16: Same as Issue 3 – we should be able to work something out with more complete info. (Tom Hinman, written comment) Eastside Audubon calls for more explicit public notice whenever a project (City or private) seeks to remove any "landmark" trees or more than 35% of "significant" trees on a project site as well as a more complete project description should be provided at neighborhood meetings, in posted notices on-site and in mailings, web or media notices. (Letter to the Planning Commission 10/16)	Closed 01/23
6. Is the City of Redmond looking into adding QR codes to signs? (Miller)	Planning Commission Discussion Staff Response/Recommendation 01/09: Yes. Redmond is looking into various scannable formats to add to the way that people can connect to useful development information. Public Comment	Closed 01/23
	01/16: No comment. Some concerns about becoming overly tech-reliant. (Tom Hinman, written	

Issue	Discussion Notes	Status
	comment)	
7. Do the applicant's	Planning Commission Discussion	Closed 01/23
proposals apply to any tree	01/09: Does the removal of a tree from a single-family lot (Mr. Biethan's property described in	Closed 01/25
exception request? Under	the example) require an exception? (O'Hara)	
the proposed amendments	the example) require an exception: (O hara)	
would a neighborhood	Staff Response/Recommendation	
meeting be required for		
	01/09: Yes and yes to the issue questions. Per the example in Mr. O'Hara's question, the removal	
any request for an	of a tree from a single-family lot would only require an exception if the tree was a landmark tree,	
exception? (Biethan)	(30 inches measured at diameter at breast height).	
	01/22. Dayslanment in Urban Centers would be most impacted by the proposed amondments	
	01/23: Development in Urban Centers would be most impacted by the proposed amendments.	
	There is a delicate balance of natural systems and the built environment in urban centers. This	
	balance is manifested through policies in the Redmond Comprehensive Plan, Countywide	
	Planning Policies, Vision 2040, and the Growth Management Act. Redmond has made some	
	fundamental choices on how to effectively manage development and provide infrastructure in	
	urban centers based on the planning vision. While the urban centers of Downtown and Overlake make up less than 10% of Redmond's city limits (not including the Watershed Preserve and	
	, , , , , , , , , , , , , , , , , , , ,	
	Farrel-McWhirter Park), they are anticipated to account for 33% of housing and 40% of	
	employment by 2030. See the staff report for discussion with regard to neighborhood meetings.	
	Public Comment	
	01/09: The applicant has stated that the "intended focus (of the amendments) was on	
	undeveloped property and redevelopment of properties other than single family lots." (Tom	
	Hinman, email 01/10/2013)	
	01/16: When tree exceptions are requested, a neighborhood meeting should be held to allow	
	the public to comment on it as well as its mitigation plan. The public needs to be included in the	
	process and its comments incorporated into the decision making process, particularly since this	
	impacts the surrounding environment in which we all live. (Yvonne Wang, written 10/15)	
8. Is the applicant seeking a	Planning Commission Discussion	Closed 01/23
"hard floor" for	01/16: Commission members asked for further discussion of a fixed minimum. (Chandorkar,	
percentages of tree	Gregory, Miller)	

Issue	Discussion Notes	Status
retention when an		
exception is granted to the	Staff Response/Recommendation	
standard of 35% retention?	01/09: The applicant expressed concern that there are no fixed minimum percentages for the	
(Gregory)	retention of trees when an exception to the 35% minimum is approved.	
	1/23: See pages 9-10 of Technical Committee report for discussion of issues associated with	
	setting a "hard floor".	
	Public Comment	
	01/16: Factually correct. If not a fixed percentage there may be other approaches or formulas to	
	preclude 0% solution. (Tom Hinman, written comment)	
	preciouse 670 solution. (Form Finnian, Written comments)	
	Eastside Audubon supports the fixed minimums proposed by the applicant as a "safety net" for	
	exceptions (Letter to the Planning Commission, 10/16)	
	The reduced thresholds would only be for cases where exceptions are specifically granted by the	
	Technical Committee, similar to the existing exceptions. Note that the summary in Exhibit D of	
	the Technical Committee Report indicates that the city of Sammamish has a similar system –	
	"Minimum of 30% may be reduced to 15% with administrative decision allowing exception." The	
	lower threshold does not negate the existing standard, but raises the absolute minimum	
	threshold from the existing default value of 0% (which has been granted in previous exceptions)	
	to 20%, for significant trees. (Cindy Jayne, written comment 01/14)	
9. Do Redmond's tree	<u>Planning Commission Discussion</u>	Closed 01/23
regulations apply to all		
trees (Gregory)	Staff Response/Recommendation	
	01/09: Yes. Any healthy tree with a diameter of six inches measured 4.5 feet from grade is a	
	significant tree and a permit is required for its removal.	
	Public Comment	
	01/16: Factually correct, not at issue. (Tom Hinman, written comment)	
10. Does Redmond have	Planning Commission Discussion	Closed 01/23
special protections for trees		

Issue	Discussion Notes	Status
along ridgelines? (Miller)	Staff Response/Recommendation 01/09: Trees on ridgelines are not specifically called out in the tree protection regulations. However, the Zoning Code specifies preferences for the consideration of tree retention, including existing stands of healthy trees; trees providing habitat value, such as riparian habitat; trees having a significant land stability function; trees adjacent to public parks and open space; trees within the required yard setbacks or around the site perimeter; and trees that have a screening function or provide relief from glare, blight, or commercial or industrial harshness. Also note that trees may not be removed from critical areas or critical area buffers. In addition, the transferrable development rights program provides an incentive for property owners to grant permanent protective easements to Redmond for forested areas in exchange for development rights that may be applied elsewhere in Redmond. Public Comment 01/16: Not a consideration in these amendments. (Tom Hinman, written comment)	
11. Does the 1:1 replacement ratio required for the removal of significant trees apply everywhere in Redmond? (Gregory)	Planning Commission Discussion Staff Response/Recommendation 01/09: Yes. The replacement ratio of 1:1 is required for the removal of significant trees and 3:1 for landmark trees throughout Redmond. If an exception to the tree protection regulations is granted, then the ratio must be 3 new trees for each tree removed. Tree replacement ratios may be modified for master plans within urban centers to allow for 1:1 replacement when accompanied by a three-tier vegetative replacement plan. Public Comment 01/16: Only the final sentence is at issue. (Tom Hinman, written comment) Since tree replacement is currently allowed offsite (outside of the urban center area), it is not clear why an exception is needed to allow flexibility. The result of this appears to be a financial benefit given to developers of urban centers, since they have to pay for fewer replacement trees (since the smaller tiers are typically less expensive.)(Cindy Jayne, written comment 01/14)	Closed 01/23

Tree Regulation and Exception Notice and Tree Removal and Replacement Amendments (L120159 and L120160)

Planning Commission Final Issues Matrix

Issue	Discussion Notes	Status
12. How do Redmond's tree	Planning Commission Discussion	Closed 01/23
regulations compare to	01/09: How do comparable places in other places in the country provide for tree protection in	
tree preservation best	their regulations? What do advocates and experts say with regard to the best practices for tree	
practices?(Miller)	preservation? (Gregory)	
	Staff Response/Recommendation	
	01/09: The specifications in Redmond's tree regulations regarding determining the size and	
	condition of trees, the qualities of replacement trees, the techniques to protect trees during	
	construction, and the like, all follow best arboriculture practice. Staff will prepare more	
	information regarding how Redmond's regulations compare to examples beyond its neighboring	
	cities for a future study session.	
	Public Comment	
	01/16: We are likewise proud of Redmond's tree regulations and the high bar we have set	
	relative to other communities, but that does not resolve the exception issue. (Tom Hinman,	
	written comment)	
13. For the discussion,	<u>Planning Commission Discussion</u>	Closed 01/23
clarify the terminology of	01/09: The criteria seem subjective (Miller). The Technical Report explains that the application	
the criteria for exceptions	for a tree exception is required by code to substantiate the request with data in the form of	
to tree standards,	plans, maps and a written explanation. As well, the Administrator making the decision may	
especially "reasonable use"	require a report from an arborist on the request (Gregory). The standard to meet for an	
and "special	exception to tree regulations should be tough. It should be demonstrated that Redmond's	
circumstances." (Sanders)	process to make decisions on exceptions is clear, accessible and understandable (Miller).	
	Staff Response/Recommendation	
	01/09: Staff will prepare to discuss "reasonable use" at the next study session. The special	
	circumstances described in an application for an exception must be described in terms of the	
	size, shape, topography, location, or surroundings of the subject property.	
	Dublic Commont	
	Public Comment 01/16: We are leaking forward to learning more on this point. Another term worth defining is	
	01/16: We are looking forward to learning more on this point. Another term worth defining is	
	"meaningful public participation." (Tom Hinman, written comment)	

Tree Regulation and Exception Notice and Tree Removal and Replacement Amendments (L120159 and L120160)

Planning Commission Final Issues Matrix

Issue	Discussion Notes	Status
14. How would the	Planning Commission Discussion	Closed 01/23
proposed changes have		
affected the Group Health	Staff Response/Recommendation	
decision or some other	01/09: Staff won't revisit a completed decision. However, time at a study session can be set aside	
example proposal? (Miller)	for discussing the impacts of the applicant's requested changes to minimum required percentages for tree retention for exceptions.	
	percentages for tree retention for exceptions.	
	Public Comment	
	01/16: We are trying to learn from, not rehash, the Group Health decision. (Tom Hinman, written	
	comment)	
15. How does the Technical	Planning Commission Discussion	Closed 01/23
Committee balance the		
many relevant factors	Staff Response/Recommendation	
besides trees,	01/09: The Technical Committee reviews development applications for approval or	
transportation,	recommendations based on the criteria established in the Zoning Code.	
employment, land use,		
etc, in making decisions?	Public Comment	
(Miller)	01/16: It would be instructive for the public to witness this process. (Tom Hinman, written comment)	
16. Who is the Technical	Planning Commission Discussion	Closed 01/23
Committee, how do they		
receive information and	Staff Response/Recommendation	
how do they make	01/09: See the response to issue #17 below.	
decisions? How can the		
public know about the	01/23: "A request for any exception shall be submitted in writing by the property owner for	
recommendations of the	consideration by the Administrator, and shall accompany the application for a permit reviewed	
Technical Committee?	under this section." (RZC 21.72.090 Exceptions) The Planning Director is the Administrator.	
Miller)		
	Public Comment	
	10/16: Eastside Audubon calls for more complete information on how a decision was made to	
	grant exceptions to tree protection regulations by improving access to and understanding of	
	administrative "Technical Committee" deliberations (Letter to the Planning Commission, 10/16)	

Issue	Discussion Notes	Status
17. What impact does the Technical Committee have? (Gregory)	Planning Commission Discussion 01/09: The Technical Committee Report is a recommendation to the Planning Commission. The Technical Committee Report is not policy. (Gregory). The Technical Committee is a driver of policy, though; has extraordinary influence. The Tech Committee makes decisions, for example, on SEPA (Miller). Access and clarity and receiving information is pretty good. The method to input information is very good; lots of information is available. The question is who has a vote at the table (of the Technical Committee) (Biethan). Information regarding the Technical Committee is harder to obtain than for other aspects of development review. (Miller)	Closed 01/23
	Staff Response/Recommendation 01/09: The Technical Committee consists of Director of Planning and Community Development and the Director of Public Works, with other city staff participating at their discretion. City Council sets the rules for the Technical Committee. The recommendations of the Technical Committee are made available as the Technical Committee Report to the Planning Commission. The Report is always posted with the Planning Commission materials online and is available otherwise to those who wish to review it. The Planning Commission discusses during their public meetings the recommendations of the Technical Committee in the process of preparing their own recommendation to Council.	
	The meetings of the Technical Committee are documented in meeting notes; these materials are public documents available upon request. Technical Committee meetings are not public meetings, though; they are staff meetings to coordinate the review of technical aspects of proposals per Redmond's Zoning Code.	
	The applicant proposes to add the definition of the Technical Committee to the Comprehensive Plan and to the Redmond Zoning Code. The staff recommendation in response to the proposal is to link the word, "Technical Committee," when it occurs in the Comprehensive Plan and in the Redmond Zoning Code, to the Redmond Municipal Code (RMC Chapter 4.50) where a complete definition is provided.	
	01/23: The Technical Committee, in accordance with the Redmond Municipal Code, does not make policy decisions. The Technical Committee is charged with the review of Type II land use permit applications. Type II permits only require administrative review. The Technical	

Issue	Discussion Notes	Status
	Committee also makes recommendations to City Council, Mayor, Hearing Examiner, and Planning Commission and implements the State Environmental Policy Act (SEPA) as the SEPA responsible official.	
	Public Comment 01/16: We agree with Commissioners that a single Technical Committee report may not represent policy and we also agree that the Technical Committee is a driver of policy with extraordinary cumulative influence on the way our community develops. We shouldn't have to submit a public records request to understand their deliberations. We are not looking for a public vote, but a seat at the table in an observer status and better meeting notification would be steps in the right direction. (Tom Hinman, written comment)	
18. How can the public provide input into the Technical Committee? How can the public follow the decision-making process of the Technical Committee? (Biethan)	<u>Staff Response/Recommendation</u> 01/09: The activity of the Technical Committee is routine and documented. The notes of the Technical Committee are documents subject to public request. Many means are available for public input into the development review process: written, public hearings, and neighborhood meetings. Most land use actions have a notice of application that specifically provides for a	Closed 01/23
	comment period before a decision is made on an application. Public Comment 01/16: Public comment begins with sufficient public notice, but that doesn't answer the second question other than making a public records request. (Tom Hinman, written comment)	
19. Is the Technical Committee subject to the Open Public Meetings Act? What is the nature of the Technical Committee? (Gregory)	Planning Commission Discussion 01/09: The staff meeting to prepare the Technical Committee Report, like the one prepared for the Sustainable Redmond amendments, does not include public attendance because that meeting is not subject to the Open Public Meetings Act (Biethan). The Technical Committee Report is essentially a staff report that provides background, analysis and recommendation to the Planning Commission. The Planning Commission, in turn, uses the information in the Report for their recommendation to the City Council. The City Council is the policy-making body (Gregory).	Closed 01/23

Issue	Discussion Notes	Status
	Staff Response/Recommendation	
	01/09: See the response to issue #17 above.	
	<u>Public Comment</u>	
	01/16: See #17 above on cumulative impact as significant as a policy body despite what it's	
	called. SEPA authority only adds to the impact. (Tom Hinman, written comment)	
20. Are the meetings of the	Planning Commission Discussion	Closed 01/23
Technical Committee		
related to State	Staff Response/Recommendation	
Environmental Protection	01/09: The meetings of the Technical Committee regarding SEPA decisions are not public	
Act (SEPA) subject to the	meetings. However, SEPA determinations are publicized and some decisions have a 14-day	
Open Public Meetings Act?	comment period. SEPA threshold determinations can be appealed within 14 days of the decision.	
(Miller)		
	Public Comment	
	01/16: See comments on #17 and #19 above. (Tom Hinman, written comment)	
21. How were the	Planning Commission Discussion	Closed 01/23
replacement ratios and		
retention percentages	Staff Response/Recommendation	
established for Redmond's	01/23: Requiring 35% tree retention for development, without other regulation, was not	
tree regulations? (Murray)	considered sufficient to accomplish no net loss of trees in Redmond. So, the 1:1 replacement	
	ratio was established. The 3:1 replacement ratio was set as a disincentive to exceptions.	
	Prior to the adoption of the current tree regulations in 1998, Redmond's regulations required	
	tree protection "to the maximum extent possible." An Administrative Interpretation, issued by	
	the Planning Director on 07/24/96, defined "maximum extent possible" and included a tree	
	protection target of 35% of the existing healthy tree on the site.	
	The Planning Commission majority vote (5 to 1), their recommendation to City Council on the	
	proposed regulation before adoption in 1998, did not include a tree protection target. Instead,	
	the tree protection standard was written as a qualitative guideline. The Planning Commission	
	minority vote was for a target of at least 35%.	

Issue	Discussion Notes	Status
	Public Comment Public Comment	
22. Are there permit review	Planning Commission Discussion	Closed 01/23
processes that could		
warrant mailed notice	Staff Response/Recommendation	
beyond the required 500	01/23: The Redmond Zoning Code requires that mailed Notice of Application be sent "to owners	
feet from the perimeter of	and occupants of property within 500 feet of the project site or 20 property owners, whichever is	
the proposal? (Chandorkar)	greater." State law requires that "local government shall use reasonable methods to give the	
	notice of application to the public and agencies with jurisdiction and may use its existing notice	
	procedures. A local government may use different types of notice for different categories of	
	project permits or types of project actions." (RCW 36.70B.110) The minimum distance required	
	under state law for notice of application for preliminary plat approval is 300 feet. (RCW	
	58.17.090). Staff believes the 500 feet is an appropriate distance for notice.	
	Some of Redmond's neighboring cities mail to within 300 feet of the project site, some to within	
	500 feet of the project site.	
	<u>Public comment</u>	

Planning Commission Report

To: City Council

From: **Planning Commission**

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Eric McConaghy, Associate Planner, 425-556-2414

Date: February 13, 2013

File Number: L120159 and L120160 Tree Regulation Exception Notice and

Tree Removal and Replacement Amendments

Planning Revise the Comprehensive Plan Glossary to replace the

Commission

definition for Technical Committee with a reference to the **Recommendation:** Redmond Municipal Code, Chapter 4.50 and use hyperlinks to

point to the definition of Technical Committee in the Redmond

Municipal Code (Attachment A); and

Deny the applicant's requested amendments to the

Comprehensive Plan and Zoning Code. (Attachment D,

Exhibit B)

Recommended Adopt an ordinance revising the Glossary of the Comprehensive

> Action: Plan as shown on Attachment A. Deny the applicant's

> > requested Comprehensive Plan and Zoning Code amendments.

Summary:

The applicant is Neighbors and Citizens for a Sustainable Redmond (Sustainable Redmond). Tom Hinman, Board Member, is representing Sustainable Redmond for the amendments. Sustainable Redmond submitted one application for amendments to Redmond's Zoning Code and another application for amendments to Redmond's Zoning Code and Comprehensive Plan. In summary, the applications request the following:

Comprehensive Plan Amendment

• Add definition for Technical Committee to the Glossary

Zoning Code Amendments

- Add definition for Technical Committee
- Revise code provisions regarding tree protection exceptions: notice boards, neighborhood meetings, and replacement ratios and retention percentages

Zoning Code Appendix 6

 Revise standards for extraordinary notice boards to include proposed tree exceptions

Reasons the Proposal should not be Adopted:

The applicant's requested amendments should not be adopted because:

- Existing tree protection regulations are effective; and
- Existing regulations and permit process provide for meaningful public participation.

A separate definition of "Technical Committee" is not needed in the Comprehensive Plan or Zoning Code because the Technical Committee is well-defined in Redmond Municipal Code (RMC), Chapter 4.50 and the digital documents enable hyperlinking to the RMC.

The Technical Committee has the authority to adopt and amend technical regulations and standards in order to implement the provisions of the RZC (RZC 21.02.050). These technical regulations and standards are found in the appendices to the RZC. One of the requested amendments would require explicitly stating provisions of exceptions to tree protections on extraordinary notice boards as specified in Appendix 6 of the RZC. The Technical Committee considered and denied this amendment. The Planning Commission, therefore, does not make recommendation with respect to this amendment. However, the Planning Commission does make a recommendation with respect to standard notice boards as provided in the *Recommended Conclusions* below.

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 January 16, 2013. The written portion of the hearing closed on January 23, 2013.

b. Notice.

Notice of the public hearing was published in the <u>Seattle Times</u>. Public notices were posted in City Hall and at the Redmond Library. Notice was also given by including the hearing in Planning Commission agenda and extended agendas mailed to various members of the public and various agencies. Additionally, hearing notification was posted on the City's web site.

2. Public Comments.

Oral Testimony

Ten people testified during the public hearing. Their comments are summarized below in the order they testified. A full record of oral testimony is provided as Attachment C.

Ms. Katherine Low, Mr. Tom Hinman, and Mr. Bob Berg testified on behalf of Sustainable Redmond, in support to the proposal.

Ms. Low acknowledged staff review of the amendment proposal. She also noted Redmond's leadership in tree protection regulations while looking for improvement in particular to granting of exceptions to tree regulations (exceptions). She also spoke regarding public notice and participation in exceptions; minimum percentage for tree retention for exceptions; and the definition of the Technical Committee.

Mr. Hinman specifically addressed public participation; notice boards for exceptions; neighborhood meetings for exceptions; public comment on exceptions; the value of tree protection; the tree replacement ratio (for exceptions granted) master plans in urban centers; minimum tree percentages for exceptions; and the definition of the Technical Committee.

Mr. Berg related Sustainable Redmond's intention to convene a community-based stakeholder group regarding tree protection and other natural resource conservation matters and the group's interest in testing the new E-Track application and helping to educate interested parties on the value of E-Track. Summary

Ms. Rianne BeCraft testified in support to the proposal. She specifically addressed notice boards, and the attached flyer boxes and the City's responsibility for public notice.

Mr. Gary Smith testified in support of the proposal on behalf of Water Tenders. He said that it is the role of citizens to hold the City accountable to regulations in the review of development and that the City must make information accessible and provide for public input.

Ms. Ella Elman, a forest ecologist and member or Eastside Audubon, testified in support to the proposal. She described the ecological and economic value of trees to the community. She said that large tree provide more benefit than small trees and cited references. She presented a letter from Eastside Audubon (see below) and noted that the organization supports minimum tree retention percentages for exceptions.

Ms. Mary Wirta testified in support of the proposal. She expressed her concern that sufficient notice of development proposals be provided to the public.

Ms. Marcia Magee testified in support of the proposal. She also expressed her concern that sufficient notice of development proposals be provided to the public.

Ms. Wirta and Ms. Magee spoke during the public hearing against the master plan for the Group Health site in Overlake. The Chair asked them to address the proposal at hand.

Ms. Jeannine Sielinski testified in support of the proposal.

Ms. Barbara Thompson testified in support of the proposal.

Written Testimony

Thirteen parties submitted written testimony. Their testimony is summarized below in alphabetical order. Written testimony is provided in full as Attachment D.

<u>Ms. Rianne BeCraft</u> supports the proposal. She submitted written copy of her oral testimony.

Mr. Bob Berg supports the proposal. He submitted written copy of his oral testimony.

Mr. Gary Smith supports the proposal. He submitted written copy of his oral testimony.

Mr. John Haro, President of Sherwood Forest Community Club expressed support for the proposal on behalf of his organization. He submitted a letter.

Mr. Tom Hinman supports the proposal. He submitted an email in response to the staff recommendation; provided comments regarding issues on hard copy of a working version of the issue matrix dated January 16, 2013, with suggestions for

additional issues; submitted written copy of his oral testimony; and a provided a copy of his letter to Redmond Planning Director Rob Odle dated November 30, 2011 regarding "Proposed Group Health Master Plan and Development Agreement."

Ms. Cindy Jayne supports the proposal. She submitted a letter with attachment.

<u>Ms. Katherine Low</u> supports the proposal. She submitted written copy of her oral testimony.

Ms. Marcia Magee supports the proposal. She submitted written copy of her oral testimony.

Mr. Andrew McCormick, President of Eastside Audubon, expressed support for the proposal on behalf of his organization. He submitted a letter.

Mr. John Reinke submitted suggestions for improvement to access for development information. He submitted a letter with attachments.

Ms. Sue Stewart supports the proposal. She submitted an email.

Yvonne Wang supports the proposal. She submitted a letter.

Ms. Mary Wirta supports the proposal. She submitted written copy of her oral testimony.

Recommended Conclusions

1. Key Issues Discussed by the Planning Commission

A summary of the key issues follows. Additional discussion can be found in the Final Issues Matrix, which is Attachment B. The Planning Commission organized their discussion of the proposed amendments around three headings: public participation, tree replacement ratios and minimum percentages for exceptions, and the definition of the Technical Committee.

❖ Public Participation

<u>Notice boards</u>: The Planning Commission did not support the addition of explicit statements regarding tree protections to the notice boards for proposed land actions because their recommendation was more encompassing, involving redesign of notice boards with regard to all exceptions.

The Planning Commission's opinion was that notice boards are currently ineffective and could be redesigned to improve their effectiveness. They did ask staff to review the City's standards for notice boards with regard to specific aspects of design and content, such as the use of icons to note exceptions and QR codes, or similar technology, to make easy links to more information. Planning Commission

recommends that a new means of calling out exceptions, not only from tree protections, be added to notice boards.

Neighborhood meetings: The Planning Commission emphasized the need for public comment on tree protection exceptions and recognized that neighborhood meetings held as part of development proposals are an appropriate forum engaging the public. They did not, however, find necessary the applicant's proposal that a neighborhood meeting be required for requests for exceptions to tree protections in addition to any already required meeting for a development proposal reasoning that neighborhood meetings should not be held for a single topic of a development proposal.

Tree protection exceptions: Planning Commission discussed the applicant's proposal to require a public comment process, in particular, for requests for exceptions to tree protections in tandem with the proposal for neighborhood meetings described above. The Planning Commission expressed their interest that notice for a development proposal should make very clear to the public any exceptions known at that time that differ from the standard requirements. They emphasized that the public needs clear notice and complete information in order to have the opportunity to provide comment on requests for exceptions. The Planning Commission did not support the addition of a public comment process for requests for exceptions for tree protections, in particular.

Staff clarified that not all development proposals require public meetings. Granting this, Planning Commission agreed that public comment on exceptions did not need to take the form of neighborhood meetings and that an extended period of written comment or some other means of providing comment to the decision maker would be appropriate. They recommended that public comment be included in the considerations of all exceptions that do not already have requirements for public comment in the Zoning Code.

They further clarified that their recommendation extends only to exceptions related to land development permits, not other requests for exceptions, such as a single-family homeowner requesting to remove a landmark tree. This was consistent with the intent communicated by the applicant to the Planning Commission.

***** Tree Replacement Ratios and Minimum Percentages for Exceptions

Tree replacement rations for exceptions: Overall, the Planning Commission expressed support for Redmond's vision for two vibrant urban centers planned for higher density of jobs, housing, transportation options, amenities and other infrastructure as the means to accommodate growth while maintaining the character of Redmond's residential neighborhoods and the community overall. The Planning Commission considered the provision in the Redmond Zoning Code allowing for 1:1 replacement of trees removed under tree exceptions as part of master plans in urban centers in the context of this balance of growth and character.

Citywide, the required minimum percentage for tree retention, without an exception, is 35% of all significant trees and all landmark trees. When the City allows an exception regarding tree retention, the typical citywide tree replacement ratio is 3:1. The Code Rewrite Commission and the City Council adopted the provision that allows 1:1 replacement as part of exceptions for master plans in urban centers in 2011 as part of the Zoning Code rewrite.

The majority of the Planning Commission concluded that the lower ratio required for master plans in urban centers is consistent with Redmond's vision, policies and zoning and did not recommend its removal as proposed by the applicant. The minority supported revising the code to return to a 3:1 replacement ratio as a discouragement for requests for exceptions.

<u>Minimum tree retention</u>: Citywide, the required minimum percentage for tree retention, without an exception, is 35% of all significant trees and all landmark trees. With the granting of an exception, these thresholds may not be achieved.

The Planning Commission agreed that on one hand, the idea of establishing a minimum percentage for tree retention for development proposals makes sense. However, the Commissioners also noted that they could not confidently recommend specific threshold percentages. The Planning Commission majority recommended no change to current regulation in this regard reasoning that minimum required retention percentages for exceptions could preclude development of property entirely for parcels in Redmond's urban centers, in opposition to Redmond's planned vision. Furthermore, the majority believed that minimum percentages under exceptions would likely necessitate a means for exception for development proposals stymied under the minimums, effectively resulting in an "exception to the exception."

The minority believed that it was never the intention of Redmond to allow zero retention of trees under exceptions and that reasonable use could be preserved for property with some minimum tree retention percentages under exceptions. The minority also cited the important ecological service provided by mature trees, the success of replacement trees is uncertain and that trees provide history to Redmond.

The Planning Commission considered, but did not add, a friendly amendment to the motion for approval of the applicant's proposal that would remove specific percentages and replace them with percentages "to be determined."

Definition of the Technical Committee

The Planning Commission discussed leaving the definition of the Technical Committee as recently adopted into the Glossary of the Comprehensive Plan until

a later date when the Glossary might be updated with regard to other definitions. They also considered the need for clarity and that the definition for the Technical Committee should be complete and provided in one place to avoid confusion.

Ultimately, the Planning Commission recommended approval of the recommendation of the Technical Committee to remove the definition as provided in the Glossary of the Comprehensive Plan and hyperlink the term, "Technical Committee," from the digital version of the Comprehensive Plan to RMC Chapter 4.5 defining the Technical Committee. The reasons for this recommendation were to prevent loss of synchronicity between instances of the definition as documents are updated and provide one place to look for the definition.

The Planning Commission deemed complete the definition of the Technical Committee as provided in the Redmond Municipal Code. Through oral and written testimony, the applicant asked for more than the definition proposed in the original amendment application. The applicant argued for the need to make the meetings of the Technical Committee public meetings. The Planning Commission did not agree; making clear that the meetings of the Technical Committee are staff meetings not subject to the Open Public Meetings Act.

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.

Planning Commission considered each of the amendments of this proposal separately on January 23, 2013. The Planning Commission Report was approved on February 13, 2013.

 Motion to recommend staff reassessment and improvement to notice boards, inclusive of icons, inclusive of known exceptions, inclusive of the use of technology and with easier readability.

Passed: 5-0

This motion is the Planning Commission's response to the applicant proposal:

Addition to RZC 21.76.080 Notices (B) (4) Explicitly state provisions of tree protection exception on notice board.

 Motion to recommend the establishment of a means for the public to comment on requests for exceptions to development regulations, if such a means is not already provided. This recommendation does not equate to calling for the requirement of a neighborhood meeting for exceptions. In addition, this recommendation covers only proposals for the development or redevelopment of land, not to other requests for exceptions, such as exceptions to tree regulations requested by single-family homeowners.

Passed: 5-0

This motion is the Planning Commission's response to the applicant proposals:

Addition to RZC 21.76.060 Process Steps and Decision Makers (C) (2), Require neighborhood meeting for Tree Protection Exceptions.

and

Addition to RZC 21.72.090 Exceptions (A)

The Administrator's decision to grant a tree protection exception shall also be informed by a public comment process to validate consistency with the vision for the neighborhood and that mitigation plans benefit affected portion of neighborhood.

• Motion to recommend approval of the applicant proposal:

Remove from RZC 21.72.090 Exceptions (B) (2)

"Tree replacement ratios may be modified for master plans within urban centers to allow for 1:1 replacement when accompanied by a three-tier vegetative replacement plan."

Failed: 1-4

Motion to recommend approval of applicant proposal:

Addition to RZC 21.72.090 Exceptions (B) (4)

"Exceptions granted shall result in retention of at least 50% of landmark trees and 20% of significant trees."

Failed: 2-3

 Motion to recommend approval of the recommendation of the Technical Committee with regard to the applicant's proposal dealing with the definition of the Technical Committee

Passed: 5-0

This motion is the Planning Commission's response to the applicant proposal:

Addition to Definitions in RZC and Glossary in Comprehensive Plan Define "Technical Committee"

- Membership
- Decision process
- Means to report outcomes for both Planning and Parks Dept.'s

List of Attachments

Attachment A: Amendment to Comprehensive Plan Glossary

Attachment B: Planning Commission Final Issues Matrix

Attachment C: Planning Commission Minutes from January 16, 2013

Attachment D: Written Testimony

Exhibit 1: Hinman Email Exhibit 2: Jayne Letter Exhibit 3: Wang Letter

Exhibit 4: Hinman Comments on Matrix

Exhibit 5: Low written copy of oral testimony

Exhibit 6: Hinman written copy of oral testimony

Exhibit 7: Berg written copy of oral testimony

Exhibit 8: BeCraft written copy of oral testimony

Exhibit 9: Smith written copy of oral testimony Exhibit 10: Wirta written copy of oral testimony

Exhibit 11: Magee written copy of oral testimony

Exhibit 12: McCormick Letter

Exhibit 13: Stewart Email

Exhibit 14: Haro Letter

Exhibit 15: Hinman Letter

Exhibit 16: Reinke Letter

Attachment D: Technical Committee Report with exhibits

Exhibit A: Staff Recommended Amendment to the Comprehensive Plan Glossary

Exhibit B: Applicant's Requested Comprehensive Plan and Zoning Code and Comprehensive Plan Amendments

Exhibit C: RZC 21.72, Tree Protections

Exhibit D: Summary of Local Jurisdictions' Tree Regulations

Exhibit E: SEPA Threshold Determination, Exception Notice

Exhibit F: SEPA Threshold Determination, Tree Removal and Replacement

Robert G. Odle, Planning Director	Date
Franz Wiechers-Gregory, Planning Commission Chairperson	Date
Approved for Council Agenda John Marchione, Mayor	Date