

ORDINANCE NO. 2025 _____

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE REDMOND MUNICIPAL CODE AND THE REDMOND COMMUNITY DEVELOPMENT GUIDE TO ADOPT A WASHINGTON STATE ENVIRONMENT POLICY ACT (SEPA) PLANNED ACTION FOR PART OF THE OVERLAKE NEIGHBORHOOD; ADOPTING STANDARDS, REQUIREMENTS AND PROCEDURES FOR THE PLANNED ACTION AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Growth Management Act, the State Environment Policy Act (SEPA), and the Redmond Comprehensive Plan require timely and efficient permit decisions and the reduction of duplicative review processes while providing for the protection of the environment and the maintenance of a high quality of life throughout the state and in Redmond and its neighboring jurisdictions, and

WHEREAS, the SEPA provides that where an environmental impact statement is prepared for a neighborhood plan that adequately addresses the significant environmental impacts of the development provided for in the neighborhood plan the city may adopt a planned action, and

WHEREAS, the City of Redmond has prepared the Overlake Neighborhood Plan and an environmental impact statement for the neighborhood plan, and

WHEREAS, the City of Redmond desires to increase efficiency and reduce public costs while protecting the environment and the high quality of life of the region, and

WHEREAS, adopting a SEPA Planned Action for the Overlake Neighborhood with appropriate standards and procedures will help achieve these objectives, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Findings. The following findings and conclusions are hereby adopted.

(a) The Overlake SEPA Planned Action meets the criteria for a planned action in WAC 197-11-164 for the following reasons:

- The City of Redmond is an optional municipal code city planning under the Growth Management Act and has adopted a comprehensive plan and development regulations that fully comply with the Growth Management Act, Chapter 36.70A RCW.
- The City of Redmond prepared the Overlake Neighborhood Plan under the Growth Management Act.
- The City of Redmond and the City of Bellevue, acting through a consultant, prepared the *Overlake Neighborhood Plan and Bellevue-Redmond Overlake Transportation Study Update Integrated GMA Document and Final Environmental Impact Statement*, May 1999. Redmond was the lead agency for the Overlake Neighborhood Plan parts of the environmental impact statement.
- The environmental impacts of the projects proposed as a planned action have been adequately identified and addressed in the *Overlake Neighborhood Plan and Bellevue-Redmond Overlake Transportation Study Update Integrated GMA Document and Final Environmental Impact Statement* taking into account the procedures and requirements of this ordinance.
- The planned action is for buildings and uses that are consistent with the Redmond Comprehensive Plan and the Overlake Neighborhood Plan and implement the Redmond Comprehensive Plan and the Overlake Neighborhood Plan. The Overlake Neighborhood Plan was one of the proposals analyzed in the *Environmental Impact Statement and Integrated SEPA/GMA Document for the Overlake Neighborhood Plan and the Bel-Red/Overlake Transportation Study Update*.
- The Overlake Neighborhood is located entirely within the existing corporate limits of the City of Redmond. King County has included the Overlake Neighborhood within an Urban Growth Area in the county's Growth Management Act comprehensive plan.

- The planned action does not include essential public facilities. This ordinance specifically prohibits essential public facilities from being included as part of the planned action.
- This ordinance specifically limits the planned action to certain types of development. The planned action is limited to buildings and improvements that will be occupied by uses allowed by the Overlake Business & Advanced Technology (OV), Retail Commercial (RC) or Design District (DD) zones. The ordinance sets a maximum amount of development that can be included in the planned action. The ordinance also limits the planned action to the Overlake Business & Advanced Technology (OV), Retail Commercial (RC) and Design District (DD) zones in the Overlake Neighborhood, a specific geographical area smaller than the boundaries of the City of Redmond.
- This ordinance specifically limits the planned action to a limited time period. The planned action cannot be used after December 31, 2012 unless a project vests before then.

(b) Extensive public involvement has been provided during the development of the neighborhood plan. This public involvement is summarized in the *Overlake Neighborhood Plan and Bellevue-Redmond Overlake Transportation Study Update Integrated GMA Document and Final Environmental Impact Statement*. The public involvement measures included a citizen advisory committee, a neighborhood meeting, a mailing to all residents and businesses in the neighborhood, a scoping meeting, and public hearings.

(c) Adoption of this ordinance has included substantial public involvement. The scoping notice said that a planned action was going to be adopted. This ordinance was included as an appendix to the draft EIS and the operative provisions of this ordinance were included in the draft EIS and summarized in the EIS. This ordinance will be included in hearings and public meetings on the Overlake Neighborhood Plan.

Section 2. Planned Action. The following new section entitled

“Overlake SEPA Planned Action” is hereby added to Division 20C.70.35 of the Redmond Municipal Code and the Redmond Community Development Guide to read as follows:

20C.70.035–070 Overlake SEPA Planned Action

- (1) Purpose. The preparation of the Overlake Neighborhood Plan and Bel-Red/Overlake Transportation Study Update has required the investment of a significant amount of time and money by the cities of Redmond and Bellevue. These planning processes have also benefited from a significant investment in public involvement by neighborhood residents, property owners, businesses, employees, and others. The purpose of the Overlake SEPA Planned Action is to efficiently use these investments of time and money by the public, neighborhood residents, businesses and property owners to make development review more timely, cost-effective, and predictable. The Washington State Environmental Policy Act (SEPA) provides that where an environmental impact statement on a neighborhood plan has adequately addressed the significant environmental effects of a project, that environmental impact statement may be used as the SEPA analysis for that project. If a project complies with the requirements of this section, the environmental impact statement prepared for the Overlake Neighborhood Plan and Bel-Red/Overlake Transportation Study Update may be used as the environmental review document for that project and no further environmental review is required.
- (2) Requirements for Coverage Under the Overlake SEPA Planned Action. To be covered by this SEPA Planned Action, a proposed project shall comply with all of the following requirements:
 - (a) The project shall be located on land within the Overlake Neighborhood and zoned Overlake Business & Advanced Technology (OV), Retail Commercial (RC), or Design District (DD).
 - (b) The project shall consist of building(s), site improvements, and onsite and offsite improvements to support the building(s) that will be occupied by uses that are allowed by the Overlake Business & Advanced Technology (OV), Retail Commercial (RC) or Design District (DD) zones. Only transportation improvements that meet the transportation management definition of project improvements shall be covered by the Overlake SEPA Planned Action. No transportation facility system improvement shall be covered by the Overlake SEPA Planned Action. If a project includes transportation

facility system improvements, the system improvements shall not be planned actions, but the remainder of the project may if it otherwise complies with the requirements of this section. Essential public facilities shall not be included in the covered improvements.

- (c) For non-residential projects and the non-residential component of mixed-use projects, the proposed project together with the projects already approved as planned actions shall not exceed the following gross square footage limits for the zone in which the project is located:

Zone	Total Non-Residential Gross Square Feet
Overlake Business & Advanced Technology (OV)	3,233,708
Retail Commercial (RC)	156,984
Design District (DD)	28,000

- (d) For residential projects and the residential component of mixed-use projects, the project and the projects already approved as planned actions shall not exceed 1,336 housing units.
- (e) The project shall comply with the floor area ratios (FARs), inclusive of allowable TDRs, and density limits set by the Overlake Business & Advanced Technology (OV) zone, the Retail Commercial (RC) zone, or the Design District (DD).
- (f) The application for coverage under the Overlake SEPA Planned Action must be submitted by June 1, 2012. If the application is approved, the project must vest under the statutes and case law of the State of Washington by December 31, 2012 or the approval shall expire.
- (g) The project shall not be an essential public facility. Essential public facilities shall not be covered by the Overlake SEPA Planned Action.
- (h) The Overlake SEPA Planned Action has not been suspended under the monitoring provisions in Subsection 20C.70.035-070(5), *Overlake SEPA Planned Action*. If the Administer has determined that the Overlake SEPA Planned Action covers a project, a suspension of the planned action shall not revoke that determination.

- (3) Required Mitigating Measures. A proposed project that is covered by the Overlake SEPA Planned Action shall comply with all of the following:
- (a) The City of Redmond Comprehensive Plan and the Overlake Neighborhood Plan.
 - (b) All applicable development regulations.
 - (c) If the Technical Committee determines that the traffic generated by the project will require the construction or modification of the transportation facilities of another local government, the State of Washington, or the United States, the project shall provide the mitigation to that government required by the Technical Committee. The payment of impact fees that cover this the impact will satisfy this requirement.
 - (d) For properties within the Lake Sammamish Basin or that discharge stormwater into the Lake Sammamish Basin and are required to obtain approved plans and permits by Section 20E.90.10-050, *Activities Requiring Permits*; the proposed project shall comply with the Sensitive Lake Protection Standard in the *Lake Sammamish Water Quality Management Plan* (1996) and all adopted clearing, grading, and stormwater requirements of the City of Redmond.
 - (e) The proposed project shall provide all offsite and onsite public facilities that the Technical Committee determines are necessary to serve the project including, but not limited to, water facilities, wastewater facilities, stormwater facilities, transportation facilities, fire protection facilities, police facilities, and park and recreation facilities.
- (4) Determining if a Project is Covered by the Overlake SEPA Planned Action.
- (a) An applicant seeking coverage under the Overlake SEPA Planned Action shall complete a SEPA Environmental Checklist and submit the checklist to the Administrator together with any fee for a Planned Action Coverage Determination set by the City of Redmond City Council. The applicant shall note on the checklist that he or she is requesting an Overlake Planned Action Coverage Determination. If the Administrator has prepared a SEPA Environmental Checklist specific to the Overlake SEPA Planned Action, that checklist shall be used.
 - (b) To be covered by the Overlake SEPA Planned Action, the project shall comply with all of the following criteria:
 - (i) The project complies with all of the requirements for coverage under the Overlake SEPA Planned

Action in Subsection 20C.70.035-070(2),
Overlake SEPA Planned Action.

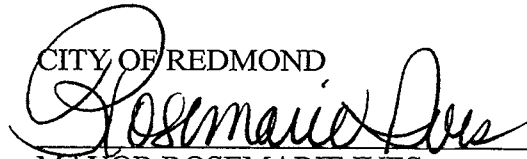
- (ii) The *Draft and Final Environmental Impact Statement and Integrated SEPA/GMA Documents for the Overlake Neighborhood Plan and the Bel-Red/Overlake Transportation Study Update* adequately addressed the project's significant adverse impacts.
 - (iii) The project is a subsequent or implementing project for the proposals analyzed in the *Draft and Final Environmental Impact Statement and Integrated SEPA/GMA Documents for the Overlake Neighborhood Plan and the Bel-Red/Overlake Transportation Study Update.*
 - (iv) The project is consistent with the City of Redmond Comprehensive Plan and the Overlake Neighborhood Plan, both of which have been adopted under the Growth Management Act.
 - (v) The project shall implement the required mitigating measures in Subsection 20C.70.035-070(3), *Overlake SEPA Planned Action.*
- (c) If the Administrator determines the Overlake SEPA Planned Action covers the project, a project threshold determination or environmental impact statement shall not be required.
- (d) If the Administrator determines the Overlake SEPA Planned Action does not cover the project, a project threshold determination is required. In conducting the additional SEPA environmental review, the lead agency may use information and analysis in the *Draft and Final Environmental Impact Statement and Integrated SEPA/GMA Documents for the Overlake Neighborhood Plan and the Bel-Red/Overlake Transportation Study Update* and other documents prepared as part of these planning processes.
- (e) The Administrator's determination that a project is or is not covered by the Overlake SEPA Planned Action may be appealed as provided in Section 20F.30.250, *SEPA Appeals*. The appeal shall be filed on a Redmond Appeal Form and be received by the Administrator within 10 working days of the date the Administrator makes his or her decision.
- (f) If public notice is required for the project, the notice shall state the project is covered by the Overlake SEPA Planned Action.

- (5) Monitoring the SEPA Planned Action.
- (a) Each year, the Administrator shall monitor the amount and type of development in the Overlake Neighborhood, the amount and type of development covered under the Overlake SEPA Planned Action, and the construction of the transportation facilities provided for in the Bel-Red/Overlake Transportation Study Update. These monitoring efforts shall be integrated with the Bel-Red/Overlake Transportation Study Update monitoring activities.
 - (b) Based on these monitoring efforts, the Administrator shall consider whether the Overlake SEPA Planned Action should be updated or modified at least once every five years. This review should take place during the five-year evaluation of the Overlake Neighborhood Plan called for by the Redmond Comprehensive Plan. It may also take place more frequently. If the Administrator determines an update or modification is needed, the Administrator shall begin the process of conducting the update or modification or request funds to do so through the city's budgeting process.
 - (c) Suspension of the Planned Action.
 - (i) If the Administrator determines that the transportation facilities adequate to serve the projects allowed under the planned action are not likely to be constructed in a timely fashion and that substitute facilities or programs cannot be provided or that continuing implementation of the Overlake SEPA Planned Action would result in probable significant environmental harm, the Administrator may suspend the Overlake SEPA Planned Action for up to one year.
 - (ii) During the suspension, the Administrator shall work with the Planning Commission and City Council to modify the Overlake SEPA Planned Action to address these deficiencies or to repeal the planned action.
 - (iii) During the suspension, no new applications for projects to be covered by the Overlake SEPA Planned Action shall be approved by the Administrator. Applicants may withdraw their requests to be covered by the planned action and the project may be reviewed under the standard SEPA environmental review process and the city's permitting processes during any suspension.

- (iv) The Administrator's decision to suspend the Overlake SEPA Planned Action may be appealed as provided in Section 20F.20.200, *Appeals*. The appeal shall be filed on a Redmond Appeal Form and be received by the Administrator within 10 working days of the date the Administrator makes his or her decision.

Section 3. Severability. If any section, sentence, clause, or phrase of this ordinance or any regulation adopted or amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance or any regulation adopted by amended hereby.

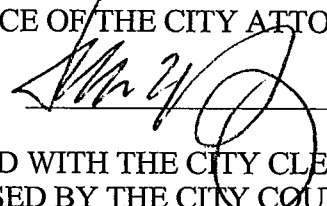
Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the city legislative body, is not subject to referendum, and shall take effect five days after passage and publication of an approved summary thereof consisting of the title.

CITY OF REDMOND

MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:


CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:	May 28, 1999
PASSED BY THE CITY COUNCIL:	June 1, 1999
SIGNED BY THE MAYOR:	June 1, 1999
PUBLISHED:	June 5, 1999
EFFECTIVE DATE:	June 10, 1999
ORDINANCE NO.: <u>2025</u>	