

CITY OF REDMOND
ORDINANCE NO. 2705

AN ORDINANCE OF THE CITY OF REDMOND,
WASHINGTON, AMENDING RZC 21.70.090,
CATEGORICAL EXEMPTIONS, THRESHOLD
DETERMINATIONS, AND ENFORCEMENT OF
MITIGATING MEASURES OF THE REDMOND ZONING
CODE; AND PROVIDING FOR SEVERABILITY AND
ESTABLISHING AN EFFECTIVE DATE

WHEREAS, in 2012 the State Legislature passed 2ESSB 6406, the Natural Resources Reform Bill, in order to streamline regulatory processes and achieve program efficiencies while at the same time maintaining current levels of natural resource protection; and

WHEREAS, the Washington State Department of Ecology, in response to 2ESSB 6406, has completed administrative updates to the State Environmental Policy Act (SEPA) rules aimed at improving both the quality and efficiency of the environmental review process; and

WHEREAS, the amendments to the SEPA rules set forth in section 197-11-800 of the Washington State Administrative Code include an increase to thresholds for categorically exempt actions which governmental entities may adopt. The City desires to amend its code for consistency with the updated state regulations; and

WHEREAS, the SEPA rules require documentation that the requirements for environmental analysis, protection, and

mitigation for impacts to elements of the environment have been adequately addressed (Exhibit 2); and

WHEREAS, the SEPA rules require findings in the adopting ordinance of the locally-established project-level public comment opportunities that are provided for proposals included in these increased exemption levels (Exhibit 3); and

WHEREAS, the Planning Commission conducted study sessions in May and June 2013; held a public hearing on June 12, 2013; and completed its recommendation that the Redmond City Council approve these amendments; and

WHEREAS, the Redmond City Council has considered the recommendations and findings of the Planning Commission and received a staff report on August 20, 2013; and

WHEREAS, the environmental review was issued on April 15, 2013, and completed on May 14, 2013; and

WHEREAS, after discussion, the City Council has determined to adopt the SEPA Exemption Threshold Zoning Code Amendment in the form established by this ordinance.

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

Section 1. RZC 21.70.090(A) - Amended. Subsection A of section 21.70.090 of the Redmond Zoning Code is hereby amended to read as set forth in Exhibit 1 attached to this ordinance and incorporated by this reference as if set forth in full.

Section 2. Findings. Exhibits 2 and 3, attached to this ordinance and incorporated by this reference as if set forth in full, demonstrate documentation for meeting the Department of Ecology's required findings with respect to environmental analysis and project level public comment opportunities. In addition, the City Council adopts the findings of the Planning Commission, as set forth in the Planning Commission Report dated June 26, 2013.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance or any code section 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 of any other section, sentence, clause, or phrase of this ordinance or the adopted or amended code section.

Section 4. Effective Date. This ordinance shall take effect five (5) days after publication of an approved summary thereof consisting of the title, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 3rd day of
September, 2013.

CITY OF REDMOND


JOHN MARCHIONE, MAYOR

ATTEST:


MICHELLE M. HART, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:


JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:	August 28, 2013
PASSED BY THE CITY COUNCIL:	September 3, 2013
SIGNED BY THE MAYOR:	September 3, 2013
PUBLISHED:	September 9, 2013
EFFECTIVE DATE:	September 14, 2013
ORDINANCE NO. 2705	

EXHIBIT 1

21.70.090 Categorical Exemptions, Threshold Determinations, and Enforcement of Mitigating Measures

The City of Redmond adopts WAC 197-11-300 through 197-11-390, WAC 197-11-800 through 197-11-890, and WAC 197-11-908 and RCW 43.21C.410 as now existing or hereinafter amended, by reference, subject to the following:

A. **Establishment of Thresholds for Categorically Exempt Actions.** The following exempt threshold levels are hereby established pursuant to WAC 197-11-800(1)(c) for the exemptions in WAC 197-11-800(1)(b):

1. The construction or location of any single-family residential structures of ~~[20]~~**30** or fewer dwelling units;
2. **The construction or location of any multifamily residential structures of 60 or fewer units;**
- ~~[2-]~~3. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering ~~[30,000]~~**40,000** square feet or less, to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;
- ~~[3-]~~4. The construction of an office, school, commercial recreational, service or storage building with ~~[12,000]~~**30,000** square feet or less of gross floor area, and with associated parking facilities designed for ~~[40]~~**90** or fewer automobiles;
- ~~[4-]~~5. The construction of a parking lot designed for ~~[40]~~**90** or fewer automobiles;
- ~~[5-]~~6. Any landfill or excavation of ~~[500]~~**1,000** cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder; provided, that the categorical exemption threshold shall be 100 cubic yards for any fill or excavation that is in a critical area.

EXHIBIT 2

SEPA Checklist Category and Corresponding City, State, and Federal Regulations

SEPA CHECKLIST CATEGORY	CITY OF REDMOND REGULATION	STATE/FEDERAL REGULATION
Earth	21.64, Critical Areas; Clearing and Grading Regulations	
Air		Air Operating Permits; Puget Sound Air Quality Agency
Water	21.64, Critical Areas; 21.68 Shoreline Master Program; RMC 13.06, Stormwater Management Code; Stormwater Technical Notebook	Hydraulic Project Approval (HPA), WDFW; 401 Water Quality Certification, DOE; Section 404 Permit, Corps; Section 10 Permit, Corps; National Pollution Discharge Elimination System Permit, DOE
Plants	21.64, Critical Areas; 21.72, Tree Preservation; 21.68 Shoreline Master Program; 21.32, Landscaping	Forest Practices Permit, DNR
Animals	21.64, Critical Areas	Endangered Species Act Sections 4, 7, & 10 Regulations, NMFS and USFWS
Energy and Natural Resources	21.17, Adequate Public Facilities; 21.67, Green Building and Green Infrastructure	
Environmental Health	RMC 6.36, Noise Standards; RMC 13.07, Wellhead Protection	Model Toxics Control Act, DOE; Underground Storage Tank Permit, DOE
Land Use and Shoreline	Article I, Zoning Based Regulations; Article II, Citywide Regulations; 21.68, Shoreline Master Program	Shoreline Management Act, DOE
Housing	21.08, Residential Regulations; 21.20, Affordable Housing	
Aesthetics	21.60, Citywide Design Standards; 21.62 Urban Center Standards; 21.42, Public View Corridors	
Light and Glare	21.34, Lighting	
Recreation	21.36, Open Space; RMC 3.10, Impact Fees	
Historic and Cultural Preservation	21.30, Historic and Archaeological Resources	Section 106 Review, Dept. of Archaeology and Historic Preservation
Transportation	21.52, Transportation Standards; RMC 3.10, Impact Fees	
Public Services	21.17, Adequate Public Facilities; RMC 3.10, Impact Fees	
Utilities	21.17, Adequate Public Facilities	

EXHIBIT 3

City of Redmond Project Level Public Comment Opportunities

PERMIT PROCESS TYPE	TYPICAL LAND USE PROJECT “PERMITS”	DECISION MAKER	NOTICE OF APPLICATION	NOTICE OF PUBLIC MEETING	NOTICE OF OPEN RECORD PUBLIC HEARING	NOTICE OF DECISION	APPEAL PROCESS
II (Admin.)	Short plat, site plan entitlement, shoreline substantial development permit, binding site plan	Technical Committee	<ul style="list-style-type: none"> ▪ 21 days prior to decision ▪ Mailed to property owners within 500 feet of site ▪ Posted notice on site (sign) ▪ Posted notice at City Hall and library 	<ul style="list-style-type: none"> ▪ Required for short plats that have 3 or more lots, critical areas, or are 75% forested ▪ Notice given in same manner as Notice of Application 	Administrative approval. Hearing not required for this permit process type.	Mailed to all parties of record.	Parties of record can appeal decision.
III (Quasi-Judicial)	Preliminary plat, shoreline conditional use permit, variance	Hearing Examiner	<ul style="list-style-type: none"> ▪ 21 days prior to decision ▪ Mailed to property owners within 500 feet of site 	<ul style="list-style-type: none"> ▪ Required for preliminary plats ▪ Notice given in same manner as 	<ul style="list-style-type: none"> ▪ 21 days prior to hearing ▪ Notice published in newspaper ▪ Mailed to property 	Mailed to all parties of record.	Parties of record can ask for reconsideration and can also appeal decision.

PERMIT PROCESS TYPE	TYPICAL LAND USE PROJECT “PERMITS”	DECISION MAKER	NOTICE OF APPLICATION	NOTICE OF PUBLIC MEETING	NOTICE OF OPEN RECORD PUBLIC HEARING	NOTICE OF DECISION	APPEAL PROCESS
			<ul style="list-style-type: none"> ▪ Posted notice on site (sign) ▪ Posted notice at City Hall and library 	Notice of Application	owners within 500 feet of site and parties of record <ul style="list-style-type: none"> ▪ Posted notice on site (sign) ▪ Posted notice at City Hall and library 		
IV (Quasi-Judicial)	Conditional use permit, essential public facilities permit	City Council	<ul style="list-style-type: none"> ▪ 21 days prior to decision ▪ Mailed to property owners within 500 feet of site ▪ Posted notice on site (sign) ▪ Posted notice at City Hall and library 	<ul style="list-style-type: none"> ▪ Required for essential public facilities ▪ Notice given in same manner as Notice of Application 	<ul style="list-style-type: none"> ▪ 21 days prior to hearing ▪ Notice published in newspaper ▪ Mailed to property owners within 500 feet of site and parties of record ▪ Posted notice on 	Mailed to all parties of record.	Parties of record can ask for reconsideration and can also appeal decision.

PERMIT PROCESS TYPE	TYPICAL LAND USE PROJECT “PERMITS”	DECISION MAKER	NOTICE OF APPLICATION	NOTICE OF PUBLIC MEETING	NOTICE OF OPEN RECORD PUBLIC HEARING	NOTICE OF DECISION	APPEAL PROCESS
					site (sign) <ul style="list-style-type: none"> ▪ Posted notice at City Hall and library 		