

**PLANNING COMMISSION AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** 145<sup>th</sup> Street Station Subarea Plan Planned Action Ordinance  
**DEPARTMENT:** Planning & Community Development  
**PRESENTED BY:** Miranda Redinger, Senior Planner, P&CD  
Steve Szafran, AICP, Senior Planner, P&CD  
Rachael Markle, AICP, Director, P&CD

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Public Hearing        | <input type="checkbox"/> Study Session | <input type="checkbox"/> Recommendation Only |
| <input checked="" type="checkbox"/> Discussion | <input type="checkbox"/> Update        | <input type="checkbox"/> Other               |

**BACKGROUND**

To effectuate the 145<sup>th</sup> Street Station Subarea Plan, numerous components are required, with each having been the subject of various public meetings. Most recently, during public meetings on May 5, June 2, and July 21, 2016, the Planning Commission discussed potential Development Code regulations applicable to the 145<sup>th</sup> Street Station Subarea. At the July 7, 2016 meeting, the Commission was presented with an overview of the recently published Final Environmental Impact Statement (FEIS) for this proposal. During meetings on May 19 and July 21, 2016 the Commission discussed draft policies for the Subarea Plan.

As has been envisioned since the light rail planning process began in 2013, tonight's meeting will discuss the use of a planned action ordinance for the 145<sup>th</sup> Street Station Subarea Plan.

**ISSUES RELATED TO THE PLANNED ACTION ORDINANCE**

1. Why adopt a planned action ordinance for the 145<sup>th</sup> Street Station Subarea Plan?
2. Why use a planned action ordinance and not an overlay?
3. How does the planned action ordinance correspond to the 20-year timeframe of the subarea plan?
4. Why does the planned action ordinance only include the Phase 1 boundary of the Compact Community Hybrid zoning scenario?

**1. WHY ADOPT A PLANNED ACTION ORDINANCE FOR THE 145<sup>TH</sup> STREET STATION SUBAREA?**

To support implementation of the 145<sup>th</sup> Street Station Subarea Plan, the City has long considered adopting a planned action ordinance. A planned action ordinance is a legislatively-authorized State Environmental Policy Act (SEPA), 43.21C RCW, procedural mechanism providing for streamlined environment review of qualified

**Approved By:** Project Manager \_\_\_\_\_ Planning Director \_\_\_\_\_

## 6a. Staff Report - 145th St Station Subarea Planned Action Ordinance

projects. At its most basic level, a planned action outlines mitigation measures for cumulative impacts of development and provides certainty in environmental review.

A planned action ordinance creates an alternative method of development approval for projects and allows subsequent projects within the parameters of the planned action ordinance to avoid or have limited further environmental review. SEPA expressly authorizes such an approach because the planned action ordinance is intended to simplify and expedite the permit process by relying on the fact that SEPA's procedural requirements were satisfied by the EIS prepared for the area in which it applies (here the 145<sup>th</sup> Street Station Subarea). An EIS discloses the environmental impacts for the subarea and integrates protections and mitigations directly into the regulations for the subarea. Since SEPA has been satisfied, there is no need for project-specific environmental review (although project-specific review does occur through the permit process). This is replaced by a Determination of Consistency with the adopted "planned action" project qualifications.

The planned action ordinance must include the following elements:

- Delineate a geographic area;
- Contain descriptions of the type(s) of project actions being designated as a planned action;
- Contain a description of how the planned action meets the criteria of WAC 197-11-164;<sup>1</sup>
- A finding that the environmental impacts have been identified and addressed in a specific EIS (here, the 145<sup>th</sup> Street Station Subarea Planned Action FEIS); and
- Identify any specific mitigation measures other than applicable development regulations that must be applied to a project to qualify as a planned action.

The ability to adopt a planned action ordinance has been available within Washington State since the mid-1990s. The City utilized a planned action ordinance for the 185<sup>th</sup> Street Station Subarea Plan, North City Subarea Plan, Town Center Subarea Plan, and the Aurora Square Community Renewal Area. Other local governments have utilized the procedure in industrial, downtown revitalization, and mixed-use scenarios dozens of times. Examples include the Southwest Everett/Paine Field Subarea Plan (1996); Mill Creek's SR 527 Subarea (1998); the Bothell Downtown Subarea Plan (2009); Richland's Badger Mountain Subarea (2010); Covington's Hawk Property Planned Action (2013); Kent's Downtown Subarea Plan (2013); Tacoma's North Downtown Subarea Plan (2014); and Sedro Wooley's Center for Innovation and Technology Planned Action (2015).

It is important to remember that the use of a planned action ordinance does not prohibit comment from the community. Of course, the ordinance itself is subject to public review and comment prior to its adoption. As noted above, when an application for development is proposed in the planned action area, a Determination of Consistency

---

<sup>1</sup> This WAC provision requires that there must be an ordinance, the environmental impacts have been addressed in an EIS, the projects are implementing the proposal analyzed in the EIS, the area is within an urban growth area, the projects are not essential public facilities, and the projects are consistent with the City's comprehensive land use plan.

## 6a. Staff Report - 145th St Station Subarea Planned Action Ordinance

must be issued by the City. The Determination of Consistency evaluates the proposal against the thresholds established in the planned action ordinance for such items as units, vehicular trips, and utility usage. Assuming the proposed development is under the thresholds established in the planned action ordinance, the City will approve the project as a “planned action” and issue the Determination of Consistency. Those who disagree with the determination may appeal it as provided in the Shoreline Municipal Code for Type A land use decisions.

To ensure that the environmental analysis that the planned action ordinance is based upon continues to be relevant, the planned action ordinance requires the tracking and reporting of all development within the subarea to ensure the thresholds for development are not exceeded. Specifically, the City is required to compile the results of all development within the subarea and prepare a report to City Council every six years. In this regard, the planned action ordinance can be seen as an evolving procedural mechanism as these reports may result in amendments to the ordinance or supplementation of the environmental review.

As the history of planned actions would demonstrate, in adopting a planned action ordinance there is increased certainty and predictability for the community and developers. This results in time and cost savings for both project proponents and the City, reduces duplicative environmental review, acknowledges mitigation for impacts, lessens the potential for project-level SEPA appeals, and complements economic development incentives as a marketing tool.

### **2. WHY NOT USE A ZONING OVERLAY DISTRICT INSTEAD OF A PLANNED ACTION ORDINANCE?**

Planned action ordinance and overlay zoning districts are two distinct planning tools, each having their own purpose.

As stated above, a planned action ordinance streamlines the environmental review process for qualified projects providing certainty in regards to environmental review. In contrast, a zoning overlay district is a regulatory tool that creates a special zoning layer over one or more previously established zoning district(s), establishing additional standards and criteria for covered properties, in addition to those of the underlying zoning district so as to meet specific community goals and policies. These standards and criteria can be either more restrictive or more expansive than those of the underlying zone, even providing for different uses or performance standards. Overlays are often used for environmental protection and historic preservation purposes, but have been used to protect airports and to promote economic development as well. An overlay typically addresses one topic and serves to enhance, not alter, the existing zoning.

For example, a City could adopt a historic preservation zoning overlay that would apply to areas zoned single-family residential. This overlay would then set specific use and development standards in addition to those of the underlying zone for all historic structures so as to preserve their historic character. Airport overlay zones generally modify density and development standards, primarily height, based on the safety zones for the airport. Thus, while all the uses in the base/primary zoning are still permissible,

## 6a. Staff Report - 145th St Station Subarea Planned Action Ordinance

certain specific standards are applied via the overlay to ensure the safe operation of the airport. A critical area overlay could similarly create additional standards that are applicable in the area to ensure the protection of the critical area at issue, for instance a wetland. In regards to economic development, the City's property tax exemption program serves as an overlay by allowing developers within delineated areas of the city to receive a tax exemption in exchange for providing affordable housing. It is worth noting that neither of the light rail station subareas are currently eligible for property tax exemption, but affordable housing is required regardless.

Public comment received in regards to an overlay zone related to its use for critical areas (environmental) protection. The City's Critical Areas Regulations, SMC 20.80, overlays all property within the city regardless of zoning district. As mandated by state law, SMC 20.80 must protect the functions and values of the critical area, which includes wetlands, streams, and fish and wildlife habitat. If a critical area exists on the property, SMC 20.80 applies and its functions and values must be protected from degradation. In essence, SMC 20.80 serves as a citywide overlay and has the potential to impact the density and dimensional components of a project.

While a zoning overlay may provide flexibility in the administration of the City's underlying zone by either imposing more restrictive or more relaxed standards, unlike a planned action ordinance, a zoning overlay district does not provide for an upfront analysis of environmental impacts of projects. Nor does the overlay provide certainty and predictability based on environmental review because neither impacts nor mitigations are addressed through an overlay.

### **3. HOW DOES THE PROPOSED PLANNED ACTION ORDINANCE CORRESPOND TO THE 20-YEAR TIMEFRAME OF THE SUBAREA PLAN?**

The 145<sup>th</sup> Street Station Subarea Plan Planned Action FEIS analyzes the impacts of projected 20-year growth through development of Phase 1 of subarea, and places appropriate mitigations on the growth within that timeframe. Required mitigations for Phase 1 of the potential zoning alternatives are listed below. See Attachment A, Exhibit A for details of Phase 1 mitigations.

- Land use patterns and policies – This section includes such mitigations as incremental change over a long-period of time, capital investment to support implementation of the subarea plan, updates to the Shoreline Development Code to encourage design and transitions between uses, and phased zoning to focus development around the future light rail station.
- Population, housing, and employment - This section includes such mitigations as incremental change over a long-period of time and updates to the Development Code to encourage affordable housing.
- Multimodal transportation – Improvements to 145<sup>th</sup> Street, improvements to the bicycle and pedestrian network, improvements to non-arterial streets throughout the subarea, parking management strategies, and transit service.

## 6a. Staff Report - 145th St Station Subarea Planned Action Ordinance

- Public services – New schools, parks, police officers, fire and emergency services, solid waste, City employees, and libraries and other public services.
- Utilities – This section includes mitigation such as the upgrade to water lines, sewer lines, surface water facilities, electricity, natural gas, and communication facilities.

### 4. WHY DOES THE GEOGRAPHIC BOUNDARY FOR THE PLANNED ACTION ORDINANCE APPLY TO ONLY PHASE 1 OF THE SUBAREA?

Attachment A, Exhibit C illustrates the draft planned action boundary, which correlates to the Phase 1 boundary of the Compact Community Hybrid zoning scenario. The Compact Community Hybrid map is used throughout the draft subarea plan document; however, it should be noted that if the Commission were to recommend or Council to adopt a different zoning scenario, the subarea plan and all maps would be adjusted to reflect this decision.

There are several reasons that staff recommends using the Phase 1 boundary as the planned action boundary. With the 185<sup>th</sup> Street Station Subarea Plan, the planned action boundary included the first two (of three) phases of development because Phases 1 and 2 would be in effect prior to 2033 (in 2015 and 2021, respectively). Phase 3 in the 185<sup>th</sup> Street Station Subarea Plan and Phase 2 in the 145<sup>th</sup> Street Station Subarea Plan could both be activated in 2033 (10 years after the light rail station is operational). Using a planned action boundary that correlates more closely to a 20-year development timeframe represents a consistent approach to both subarea plans.

On May 2, Council directed that a phased approach to zoning be studied in the 145<sup>th</sup> Street Station Subarea Plan FEIS for all potential action alternatives (Connecting Corridors, Compact Community, and Compact Community Hybrid). This means that specific impacts and mitigation measures for a Phase 1 of any of the action alternatives were outlined in the FEIS. Because such mitigations are the basis of Attachment A, Exhibit A, there is a correlation between the first 20 years of growth and Phase 1 boundaries, which will help in determining consistency between proposed development projects and the planned action. Twenty years is a more common timeframe for a planned action ordinance, as opposed to one that would apply to the build-out of a zoning scenario, which could take 55-87 years for the Compact Community Hybrid, applying a growth rate of 1.5-2.5 percent.

Even if Council does not adopt phased zoning for the subarea plan, staff recommends using the Phase 1 boundary as the planned action boundary. This means that any projects proposed within the Phase 2 area of the zoning scenario that is adopted would not be covered by the planned action and would be subject to SEPA, unless the project was below the threshold where it would be exempt.

### NEXT STEPS

It is important to reiterate that even though the attached draft planned action ordinance references the Compact Community Hybrid zoning scenario, this should not be

## 6a. Staff Report - 145th St Station Subarea Planned Action Ordinance

interpreted as a foregone conclusion, as there are remaining opportunities for discussion and deliberation by both the Planning Commission and City Council, and for public comment. Commissioners and the public should consider subarea plan documents and maps as illustrative of requisite components at this time.

The public hearing on the full Subarea Plan package (Ordinances 750, 751, and 752), including the Subarea Plan, zoning map, implementing Development Code regulations, and the Planned Action Ordinance will take place during the regular Planning Commission meeting on August 18, 2016.

Following the hearing, the Commission may make a recommendation to the City Council regarding any and all components of the Subarea Plan Package:

- **Ord. No. 750** Adopting the 145th Street Station Subarea Plan and Amending the Comprehensive Plan and Land Use Map
- **Ord. No. 751** Amending the Unified Development Code, Shoreline Municipal Code Title 20, and the Official Zoning Map to Implement the 145th Street Subarea Plan
- **Ord. No. 752** Adopting a Planned Action Ordinance for the 145th Street Station Subarea pursuant to SEPA

The following meetings and topics should complete the process for adoption of the 145<sup>th</sup> Street Station Subarea Plan.

- August 18- Planning Commission PUBLIC HEARING: Discuss Ordinances 750, 751, and 752 for Subarea Plan package and make recommendation to the City Council
- September 12- City Council meeting: Study Session on Subarea Plan package
- September 26- City Council meeting: City Council adopts Ordinances 750, 751, and 752\*

\*Council adoption may extend into October depending on number of revisions from Planning Commission recommendation.

### ATTACHMENTS

Attachment A- Draft Planned Action Ordinance No. 752 and Exhibits

Exhibit A- Draft FEIS Mitigation Measures recommended for 20 year growth projection for Compact Community Hybrid scenario

Exhibit B- Draft Development Code regulations for 145SSSP

Exhibit C- Draft Planned Action boundary map

**ORDINANCE NO. 752**

**AN ORDINANCE OF THE CITY OF SHORELINE DESIGNATING A PLANNED ACTION FOR THE 145<sup>th</sup> STREET STATION SUBAREA PURSUANT TO THE STATE ENVIRONMENTAL POLICY ACT.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the State of Washington, and planning pursuant to the Growth Management Act (GMA), Chapter 36.70A RCW; and

WHEREAS, the City has adopted a Comprehensive Plan and a Unified Development Code, Shoreline Municipal Code (SMC) Title 20, to implement the Comprehensive Plan; and

WHEREAS, under the State Environmental Policy Act (SEPA), RCW 43.21C and its implementing regulations, the City may provide for the integration of environmental review with land use planning and project review so as to streamline the development process through the designation of a Planned Action in conjunction with the adoption of a subarea plan; and

WHEREAS, designation of a Planned Action may be for a geographic area that is less extensive than the City's jurisdictional boundaries and serves to expedite the permitting process for subsequent implementing projects whose impacts have been previously addressed in an Environmental Impact Statement (EIS), and thereby encourages desired growth and economic development; and

WHEREAS, the City prepared the 145<sup>th</sup> Street Station Subarea Plan after an extensive public participation and review process for both the Subarea Plan and its implementing development regulations, and, this process considered the establishment of a Planned Action; and

WHEREAS, the public participation and review process included open houses, community meetings, study sessions, public hearings, and public meetings before the Planning Commission and City Council; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C, the City conducted a thorough environmental review of the development anticipated within the 145<sup>th</sup> Street Station Subarea Plan area, and on January 17, 2015, issued a Draft Environmental Impact Statement (DEIS), that considered the impacts of the anticipated development within the Subarea Plan, provided for mitigations measures and other conditions to ensure that future development will not create adverse environmental impacts associated with the Planned Action; and

WHEREAS, after awaiting completion of the 145<sup>th</sup> Street Transportation Corridor Study and allowing for public comment on the DEIS, on July 18, 2016, the City issued the 145<sup>th</sup> Street Station Subarea Planned Action Final Environmental Impact Statement (FEIS) which responded to public comment and identifies the impacts and mitigation measures associated with the 145<sup>th</sup> Street Station Subarea; and

WHEREAS, the Planning Commission, after required public notice, on August 18, 2016, held a public hearing on the designation of the 145<sup>th</sup> Street Station Subarea as a Planned Action, reviewed the public record, and made a recommendation to the City Council; and

WHEREAS, the City Council, on September 12 and 26, 2016, after required public notice, held study sessions on the designation of the 145<sup>th</sup> Street Station Subarea as a Planned Action in which the Council considered the Planning Commission's recommendations and public comment; and

WHEREAS, the City Council has determined that the 145<sup>th</sup> Street Station Subarea is appropriate for designation as a Planned Action and designating this Subarea as such will achieve efficiency in the permitting process thereby encouraging economic growth and development while promoting environmental quality;

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

**Section 1. Findings.** The 145<sup>th</sup> Street Station Subarea Planned Action meets the criteria for a planned action as set forth in WAC 197-11-164 for the following reasons:

- A. The City of Shoreline is planning under the Growth Management Act (GMA), RCW 36.70A, and has adopted a Comprehensive Plan and development regulations to implement its Comprehensive Plan.
- B. A subarea plan has been prepared under the provisions of the GMA for the 145<sup>th</sup> Street Station Subarea. This subarea is located within the City of Shoreline's Urban Growth Area but is limited to a specific geographical area that is less extensive than the City's boundaries.
- C. Concurrent with this Ordinance, with the adoption of Ordinance No. 750, the City is amending its Comprehensive Plan to include the 145<sup>th</sup> Street Station Subarea Plan and, with the adoption of Ordinance No. 751, is amending the Unified Development Code, SMC Title 20, to implement development regulations and zoning specific to this subarea plan.
- D. The designation of the 145<sup>th</sup> Street Subarea Planned Action is consistent with the goals and policies of the City's Comprehensive Plan.
- E. The City of Shoreline has prepared the 145<sup>th</sup> Street Station Subarea Planned Action Draft Environmental Impact Statement (DEIS) and the 145<sup>th</sup> Street Station Subarea Planned Action Final Environmental Impact Statement (FEIS), collectively the Planned Action



EIS, which identifies and adequately addresses the environmental impacts of development in the Planned Action area.

- F. The mitigation measures identified in the Planned Action EIS, attached hereto as **Exhibit A**, together with the City's existing development regulations and concurrently enacted development regulations set forth in Ordinance No. 751, specifically those regulations set forth in SMC Title 20 related to the 145<sup>th</sup> Street Station Subarea attached hereto as **Exhibit B**, will adequately mitigate significant impacts from development within the Planned Action area.
- G. The 145<sup>th</sup> Street Subarea Plan and the Planned Action EIS identify the location, type, and amount of development that is contemplated by the Planned Action and emphasize a transit-oriented development consisting of a mix of residential, retail/commercial, office, and public uses.
- H. Future development projects that are determined to be consistent with the Planned Action will protect the environment while benefiting the public and enhancing economic development within the city.
- I. The City has provided for meaningful opportunities for public involvement and review during the 145<sup>th</sup> Street Station Subarea Plan and the Planned Action EIS process, has considered all comments received, and, as appropriate, has modified the proposed action or mitigation measures in response to comments.
- J. The Planned Action does not include Essential Public Facilities, as defined in RCW 36.70A.200. These types of facilities are excluded from the Planned Action as designated herein and are not eligible for review or permitting as a Planned Action.

**Section 2. Planned Action Area Designation.** The Planned Action Area is hereby defined as that area set forth in Phase 1 of the 145<sup>th</sup> Street Station Subarea Plan, as shown on **Exhibit C** attached hereto.

**Section 3. Procedures and Criteria for Evaluating and Determining Projects as Planned Actions.**

- A. **Environmental Document.** A Planned Action project determination for a site-specific project application shall be based on the environmental analysis contained in the Planned Action EIS. The mitigation measures contained in **Exhibit A** of this Ordinance are based upon the findings of the Planned Action EIS and shall, along with the City's Unified Development Code, SMC Title 20, provide the framework the City will use to apply

appropriate conditions on qualifying Planned Action projects within the Planned Action Area.

- B. Planned Action Project Designation.** Land uses and activities described in the Planned Action EIS, subject to the thresholds described in Section 3(C) of this Ordinance and the mitigation measures contained in Exhibit A of this Ordinance, are designated “Planned Action Projects” pursuant to RCW 43.21C.440. A development application for a site-specific project located within the Planned Action Area shall be designated a Planned Action Project if it meets the criteria set forth in Section 3(C) of this Ordinance and all other applicable laws, codes, development regulations, and standards of the City, including this Ordinance, are met.

**C. Planned Action Qualifications.**

The 145<sup>th</sup> Street Station Subarea Planned Action FEIS analyzed the impacts associated with development in the Planned Action Area designated in Section 2 of this Ordinance. The FEIS contains mitigation measures to adequately address impacts associated with this development up to the thresholds identified below. An individual development proposals or combination of Planned Action Projects that would exceed any of these thresholds and/or would alter the assumptions and analysis in the Planned Action EIS would not qualify as a Planned Action and may be subject to additional environmental review as provided in WAC 197-11-172. The following thresholds shall be used to determine if a site-specific development proposed within the Planned Action Area was contemplated as a Planned Action Project and has had its environmental impacts evaluated in the Planned Action EIS:

(1) Qualifying Land Uses.

(a) Planned Action Categories: A land use can qualify as a Planned Action Project land use when:

- i. it is within the Planned Action Area as shown in **Exhibit C** of this Ordinance;
- ii. it is within one or more of the land use categories studied in the EIS: residential (attached single family, low-rise multi-family, mid-rise multi-family, high-rise multi-family), retail, commercial, public use; and
- iii. it is listed in development regulations applicable to the zoning classifications applied to properties within the Planned Action Area.

A Planned Action Project may be a single Planned Action land use or a combination of Planned Action land uses together in a mixed-use development. Planned Action land uses may include accessory uses.

(b) Public Services: The following public services, infrastructure, and utilities can also qualify as Planned Actions: roads designed for the Planned Action, stormwater, utilities, parks, trails, and similar facilities developed consistent with the Planned Action EIS mitigation measures, City and special district design standards, critical area regulations, and the Shoreline Municipal Code.

(2) Development Thresholds:

(a) Land Use: The following thresholds of new land use growth projections and building heights are contemplated within the Planned Action Area and reviewed in the FEIS for the subsequent 20 year planning period are as follows:

Table 1 – Land Use Growth Projections within the Planned Action Area

<b>Alternative 4 Compact Community Hybrid (2035)</b>	
	<b>Threshold Growth</b>
Population	5,314
Residential Units	2,214
Jobs	1,083
Total New Activity Units – Residential Units and Jobs	3,297

Table 2 – Maximum Building Height

<b>Zoning District</b>	<b>Maximum Building Height</b>
Mixed-Use Residential 35' (MUR 35')	35 feet
Mixed-Use Residential 45' (MUR 45')	45 feet
Mixed-Use Residential 70' (MUR 70')	70 feet
Mixed-Use Residential 70' (MUR 70') w/ development agreement	140 feet

(b) Shifting development amounts between land uses identified in Subsection 3(C)(2)(a) may be permitted when the total build-out is less than the aggregate amount of development reviewed in the Planned Action EIS; the traffic trips for the preferred alternative are not exceeded; and, the development impacts identified in the Planned Action EIS are mitigated consistent with this Ordinance.

(3) Transportation Thresholds:

(a) Trip Ranges and Thresholds. The number of new PM Peak hour and daily trips anticipated within the Planned Action Area and reviewed in the FEIS for the subsequent 20 year planning period are as follows:

Table 3 - Transportation

	Total PM Peak Trips Generated
Alternative 4 Compact Community Hybrid (2035)	18,061

(b) Concurrency. All Planned Action Projects shall meet the transportation concurrency requirements and the Level of Service (LOS) thresholds established in SMC 20.60.140 Adequate Streets. Applicants shall be required to provide documentation that the project meets concurrency standards.

(c) Access and Circulation. All Planned Action Projects shall meet access standards established in SMC 20.60.150 Adequate Access.

(d) Discretion.

i. The responsible City official shall have discretion to determine incremental and total trip generation, consistent with the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) or an alternative manual accepted by the City’s Public Works Director at his or her sole discretion, for each project permit application proposed under this Planned Action.

ii. The responsible City official shall have discretion to condition Planned Action Project applications to meet the provisions of this Planned Action Ordinance and the Shoreline Municipal Code.

iii. The responsible City official shall have the discretion to adjust the allocation of responsibility for required improvements between individual Planned Action Projects based upon their identified impacts.

(4) Utility Thresholds: The following thresholds for potable water and wastewater demand are contemplated within the Planned Action Area and reviewed in the FEIS for the subsequent 20 year planning period are as follows:

Table 4 – Utilities – Water/Wastewater

Utility Provider	Total Water Demand Threshold gallons per day (gpd)
North City Water District	1,043,000 gpd
Seattle Public Utilities	2,048,000 gpd
Wastewater	3,609,000 gpd

(5) Elements of the Environment and Degree of Impacts. A proposed project that would result in a significant change in the type or degree of adverse impacts to any element(s) of the environment analyzed in the Planned Action EIS would not qualify as a Planned Action Project.

(6) Changed Conditions. Should environmental conditions change significantly from those analyzed in the Planned Action EIS, the City's SEPA Responsible Official may determine that the Planned Action Project designation is no longer applicable until supplemental environmental review is conducted.

#### **D. Planned Action Project Review Criteria.**

(1) The City's SEPA Responsible Official, or authorized representative, may designate as a Planned Action Project, pursuant to RCW 43.21C.440, a project application that meets ALL of the following conditions:

(a) the project is located within the Planned Action Area identified in Exhibit C of this Ordinance;

(b) the proposed uses and activities are consistent with those described in the Planned Action EIS and Subsection 3(C) of this Ordinance;

(c) the project is within the Planned Action thresholds and other criteria of Subsection 3(C) of this Ordinance;

(d) the project is consistent with the Shoreline Comprehensive Plan including policies related to light rail planning and the 145<sup>th</sup> Street Station Subarea Plan and the Shoreline Municipal Code;

(e) the project's significant adverse environmental impacts have been identified in the Planned Action EIS;

(f) the project's significant impacts have been mitigated by application of the measures identified in Exhibit A of this Ordinance and other applicable City regulations, together with any conditions, modifications, variances, or special permits that may be required;

(g) the project complies with all applicable local, state and/or federal laws and regulations and the SEPA Responsible Official determines that these constitute adequate mitigation; and

(h) the project is not an essential public facility as defined by RCW 36.70A.200, unless the essential public facility is accessory to or part of a development that is designated as a Planned Action Project under this Ordinance.

(2) The City shall base its decision to qualify a project as a Planned Action Project on review of a standard SEPA Environmental Checklist form, unless the City later elects to develop a specialized form for this Planned Action, and review of the Planned Action Project submittal and supporting documentation, provided on City required forms.

**E. Effect of Planned Action Designation.**

(1) Designation as a Planned Action Project by the City's SEPA Responsible Official means that a qualifying project application has been reviewed in accordance with this Ordinance and found to be consistent with the development parameters and thresholds established herein and with the environmental analysis contained in the Planned Action EIS.

(2) Upon determination by the City's SEPA Responsible Official that the project application meets the criteria of Subsection 3(C) and 3(D) and qualifies as a Planned Action Project, the project shall not require a SEPA threshold determination, preparation of an EIS, or be subject to further review pursuant to SEPA. Planned Action Projects shall still be subject to all other applicable City, state, and federal regulatory requirements. The Planned Action Project designation shall not excuse a project from meeting the City's code and ordinance requirements apart from the SEPA process.

**F. Planned Action Project Permit Process.** Applications submitted for qualification as a Planned Action Project shall be reviewed pursuant to the following process:

(1) Development applications shall meet all applicable requirements of this Ordinance and the Shoreline Municipal Code in place at the time of the Planned Action Project application. Planned Action Projects shall not vest to regulations required to protect public health and safety.

(2) Applications for Planned Action Projects shall:

(a) be made on forms provided by the City;

(b) include a SEPA Environmental Checklist;

(c) include a conceptual site plan pursuant to SMC 20.30.315 Site Development Permit; and

(d) meet all applicable requirements of the Shoreline Municipal Code and this Ordinance.

(3) The City's SEPA Responsible Official shall determine whether the application is complete and shall review the application to determine if it is consistent with and meets all of the criteria for qualification as a Planned Action Project as set forth in this Ordinance.

(4) (a) If the City's SEPA Responsible Official determines that a proposed project qualifies as a Planned Action Project, he/she shall issue a "Determination of Consistency" and shall mail or otherwise verifiably deliver said Determination to the applicant; the owner of the property as listed on the application; and federally recognized tribal governments and agencies with jurisdiction over the Planned Action Project, pursuant to RCW 43.21C.440.

(b) Upon issuance of the Determination of Consistency, the review of the underlying project permit(s) shall proceed in accordance with the applicable permit review procedures specified in SMC Chapter 20.30 Procedures and Administration, except that no SEPA threshold determination, EIS, or additional SEPA review shall be required.

(c) The Determination of Consistency shall remain valid and in effect as long as the underlying project application approval is also in effect.

(d) Public notice and review for qualified Planned Action Projects shall be tied to the underlying project permit(s). If notice is otherwise required for the underlying permit(s), the notice shall state that the project qualifies as a Planned Action Project. If notice is not otherwise required for the underlying project permit(s), no special notice is required by this Ordinance.

(5) (a) If the City's SEPA Responsible Official determines that a proposed project does not qualify as a Planned Action Project, he/she shall issue a "Determination of Inconsistency" and shall mail or otherwise verifiably deliver said Determination to the applicant; the owner of the property as listed on the application; and federally recognized tribal governments and agencies with jurisdiction over the Planned Action Project, pursuant to RCW 43.21C.440.

(b) The Determination of Inconsistency shall describe the elements of the Planned Action Project application that result in failure to qualify as a Planned Action Project.

(c) Upon issuance of the Determination of Inconsistency, the City's SEPA Responsible Official shall prescribe a SEPA review procedure for the non-qualifying project that is consistent with the City's SEPA regulations and the requirements of state law.

(d) A project that fails to qualify as a Planned Action Project may incorporate or otherwise use relevant elements of the Planned Action EIS, as well as other relevant

SEPA documents, to meet the non-qualifying project's SEPA requirements. The City's SEPA Responsible Official may limit the scope of SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Planned Action EIS.

(6) To provide additional certainty about applicable requirements, the City or applicant may request consideration and execution of a development agreement for a Planned Action Project, consistent with RCW 36.70B.170 et seq.

(7) A Determination of Consistency or Inconsistency is a Type A land use decision and may be appealed pursuant to the procedures established in Chapter 20.30 SMC. An appeal of a Determination of Consistency shall be consolidation with any pre-decision or appeal hearing on the underlying project application.

**Section 4. Mitigation Measures for the 145<sup>th</sup> Street Station Subarea Planned Action.**

Any proposed project within the Planned Action Area must be consistent with the City's Unified Development Code, Title 20, specifically those provisions expressly related to the 145<sup>th</sup> Street Station Subarea Plan, and the mitigation measures set forth in Exhibit A, attached hereto.

**Section 5. Monitoring and Review of Planned Action.**

- A. The City shall monitor the progress of development in the 145<sup>th</sup> Street Station Planned Action area to ensure that it is consistent with the assumptions of this Ordinance, the Subarea Plan, and the Planned Action EIS regarding the type and amount of development and associated impacts, and with the mitigation measures and improvements planned for the 145<sup>th</sup> Street Station Subarea.
- B. The Planned Action shall be reviewed by the SEPA Responsible Official no later than six (6) years from the effective date of this ordinance and every six (6) years thereafter. The reviews shall determine the continuing relevance of the Planned Action assumptions and findings with respect to environmental conditions in the Planned Action Area, the impacts of development, and the effectiveness of required mitigation measures. Based upon this review, the City may propose amendments to this Planned Action or may supplement the Planned Action EIS.

**Section 6. Severability.** Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation.

**Section 7. Effective Date of Publication.** A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five (5) days after publication.



**Section 8. Expiration Date.** This Ordinance shall expire twenty (20) years from the date of adoption unless otherwise repealed or readopted by the City Council following a report from the Director of Planning and Community Development and a public hearing.

**PASSED BY THE CITY COUNCIL ON \_\_\_\_\_, 2016.**

\_\_\_\_\_  
Christopher Roberts  
Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jessica Simulcik Smith  
City Clerk

\_\_\_\_\_  
Margaret King  
City Attorney

Date of Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_

# Exhibit A - Mitigation Measures Phase 1

Mitigation Measures for Phase 1 of Compact Community Hybrid Zoning Scenario  
Attachment A- Ordinance 752, Exhibit A

<p>3.1 Land Use Patterns and Policies</p>	<ul style="list-style-type: none"> <li>• Incremental change over many decades.</li> <li>• Proactive planning, management of development, and capital investment to support implementation of the adopted Station Subarea Plan over time.</li> <li>• Updates to Shoreline Municipal Code, Development Code standards to encourage best design practices and design features that enhance the neighborhood and provide suitable transitions between uses.</li> <li>• Potential implementation of phased zoning to provide more focus and predictability for initial decades of change.</li> </ul>
<p>3.2 Population, Housing, and Employment</p>	<ul style="list-style-type: none"> <li>• Incremental growth over many decades.</li> <li>• Proactive planning, management of development, and capital investment to support implementation of the adopted Station Subarea Plan over time.</li> <li>• Updates to Shoreline Municipal Code, Development Code standards to encourage a greater level of affordable housing and housing choices.</li> <li>• Potential implementation of phased zoning to provide more focus and predictability for initial decades of growth.</li> </ul>
<p>3.3 Multimodal Transportation</p>	<p>Implement Transportation Master Plan (TMP) planned improvements:</p> <ul style="list-style-type: none"> <li>• Meridian Ave N: two-way left-turn lane from N 145th Street to N 205th Street</li> <li>• NE 155th Street: two-way left-turn lane extended from 5th Avenue NE to 15th Avenue NE</li> <li>• 5th Avenue NE/I-5 NB on-ramp; relocation of on-ramp and intersection to north; signalize intersection</li> <li>• NE 145th Street/5th Avenue NE: add protected WB and NB right-turn lane</li> <li>• Implement Lynnwood Link Extension FEIS mitigation measures.</li> <li>• Monitor traffic conditions, determine development responsibilities for traffic improvements, and implement the following as needed.</li> </ul> <p>N-NE 145th Street Multimodal Corridor Study improvements, including:</p> <ul style="list-style-type: none"> <li>• Traffic signal improvements at intersections on Meridian Avenue and 1st Avenue</li> <li>• Improved signalized intersections with new left turn lanes, right turn lanes, and signal timing changes on 145th between Aurora Avenue and 15th Avenue NE</li> <li>• Transit signal priority along the corridor</li> <li>• Revised interchange at I-5 and on-ramp improvements</li> <li>• Additional left-turn storage on existing bridge over I-5</li> <li>• N-NE 145th Street Multimodal Corridor Study improvements, including:             <ul style="list-style-type: none"> <li>• EB right turn lane @ SB I-5</li> <li>• SB off-ramp right turn lane</li> <li>• WB right turn lane at 5th Avenue</li> <li>• Grade-separated crossing for non-motorized traffic over SB I-5 off-ramp</li> </ul> </li> </ul>

# Exhibit A - Mitigation Measures Phase 1

Mitigation Measures for Phase 1 of Compact Community Hybrid Zoning Scenario  
Attachment A- Ordinance 752, Exhibit A

	<ul style="list-style-type: none"><li>• New bridge deck for 145th Street over I-5 that includes multi-use trail on north side</li><li>• Sidewalks upgraded to meet City standards</li><li>• WB BAT lane/queue jump lane east of 5th Avenue</li><li>• EB BAT lane/queue jumps east of 15th Avenue NE</li><li>• Wheelchair accessible bus stops</li><li>• Restricted left-turn access mid-block east of 5th Avenue</li></ul> <p>Adoption of phasing boundaries has minimal influence on the level of mitigation needed because use of the transportation network extends beyond the Phase 1 boundary.</p> <p>N-NE 155th Street improvements, including:</p> <ul style="list-style-type: none"><li>• Consistent with the TMP, extend the two-way left turn lane from 5th Avenue NE to 15th Avenue NE with bicycle lanes</li><li>• Construct NB right-turn pocket at the intersection of N-NE 155th Street and 1st Avenue NE</li><li>• Consider signalization or a roundabout at the intersection of N-NE 155th Street and 1st Avenue NE</li></ul> <p>5th Avenue NE improvements:</p> <p>Construct two-way left turn lane from I-5 NB on-ramp to N-NE 155th Street</p> <p>Meridian Avenue N:</p> <p>Consistent with TMP, convert Meridian Avenue N to three lane profile with two-way left turn lane and bicycle lanes</p> <p>Monitor the need for intersection improvements including roadway widening near intersections.</p> <p>Employ access management strategies for new development to reduce the number of curb cuts and access points along N-NE 145th Street and other key corridors.</p> <p>Encourage access from side streets and/or rear alleyways.</p> <p>Consider revising concurrency standards to include measures that consider pedestrian, bicycle, and transit measures of effectiveness.</p> <p>Expand signal coordination and other intelligent transportation systems (ITS) strategies.</p> <p>Work with Sound Transit on the design of the light rail station and park-and-ride structure to integrate these facilities into the neighborhood and ensure that adequate space is provided for all uses (bus transfers/layovers, kiss and ride, shuttle spaces, bike parking ,etc.) to avoid spill over into the neighborhood.</p>
--	--

# Exhibit A - Mitigation Measures Phase 1

Mitigation Measures for Phase 1 of Compact Community Hybrid Zoning Scenario  
Attachment A- Ordinance 752, Exhibit A

	<p>Parking management strategies:</p> <ul style="list-style-type: none"><li>• Consider implementation of a residential parking zone (RPZ) to help discourage long-term parking within residential areas by light rail station or retail customers.</li><li>• Consider implementing variable time limits and restrictions on specific streets to help limit spillover into residential areas and improve parking turnover near commercial use.</li><li>• Provide parking location signage and information to direct drivers to available off-street parking locations to improve vehicle circulation and efficient utilization of parking.</li><li>• Consider changes in parking rates (variable parking pricing) based on time period and demand to manage available supply.</li><li>• If existing parking facilities are being used efficiently, City or property owners may consider adding off-street parking to ease the pressure off of on-street supply.</li></ul> <p>Traffic calming:</p> <p>Monitor the need for traffic calming on non-arterial streets to discourage cut-through traffic working through the Neighborhood Traffic Safety Program.</p> <p>Transit service improvements:</p> <ul style="list-style-type: none"><li>• Support implementation of recommendations of the King County Metro Transit Metro Connects Long range Plan.</li><li>• City to coordinate with area transit agencies on transit service integration strategies and improvements over time.</li><li>• Strategies the City may employ include construction of signal priority systems, queue jumps, and bus bulbs.</li><li>• Support on-demand transport services by King</li><li>• County Metro Access, Hyde Shuttles, and others.</li><li>• Analyze the potential demand for other services (car and bike sharing programs, ridesourcing services, etc.).</li></ul> <p>Pedestrian &amp; Bicycle Facilities:</p> <ul style="list-style-type: none"><li>• Implement recommended pedestrian and bicycle improvements in Lynnwood Link FEIS, 145th Multimodal Corridor Study (including off-corridor bike network), Shoreline Transportation Master Plan, and other plans, completing the pedestrian and bicycle network for efficient access to and from the station, within the subarea, and to surrounding neighborhoods and destinations.</li><li>• Coordinate ongoing expansion of the bicycle and pedestrian network with transit service priority measures.</li><li>• Implement the Green Network concept described in the FEIS in a phased approach with development.</li><li>• Coordinate with Sound Transit on bike facilities at the station.</li><li>• Require bike parking and pedestrian and bicycle facilities as part of redevelopment projects.</li></ul>
--	---

# Exhibit A - Mitigation Measures Phase 1

Mitigation Measures for Phase 1 of Compact Community Hybrid Zoning Scenario  
Attachment A- Ordinance 752, Exhibit A

	<ul style="list-style-type: none"> <li>• Consider opportunity to implement bike sharing program and additional bike storage near station.</li> <li>• Continue to require and implement pedestrian and bicycle facilities and improvements.</li> </ul> <p>Implement transportation demand management (TDM) strategies and actions to minimize traffic congestion along N-NE 145th Street and other key corridors.</p>
<p>3.4 Streams, Wetlands, Subsurface and Groundwater Conditions and Surface Water Management</p>	<p>In areas proposed for upzoning, streams, wetlands, and buffers on sites proposed for redevelopment would be delineated and protected in accordance with the City’s Critical Areas Ordinance (CAO).</p> <p>Public parks and open space areas would continue to be retained as under existing conditions. Trees would be protected in these areas and in critical areas (streams, wetlands, buffers, and other designated critical areas) per the City’s CAO requirements.</p> <p>Surface water runoff would increase with redevelopment, but is required to be mitigated by various treatments and facilities in accordance with applicable local and state regulations. Flow control, preservation of hydrologic (surface and groundwater) systems, water quality treatment, and habitat protection are inherent elements of these regulations.</p> <p>There is the potential to restore and enhance stream corridors and habitat areas as mitigation requirements of redevelopment.</p> <p>Concentrations of peat laden soils appear to be located primarily in existing publicly owned park lands.</p> <p>Liquefaction susceptible areas mapped by the City appear to be located primarily in public park areas.</p> <p>Geotechnical, critical areas, and drainage reports are typical requirements of redevelopment projects subject to site development and building permits. These site-specific technical analyses will determine the exact extent of critical areas. Geotechnical reports would address soil suitability for redevelopment and recommended engineering techniques. Streams, wetlands, and buffers would be delineated, classified, and surveyed. Drainage reports will address City and Department of Ecology (DOE) requirements and determine methods for surface water management, including infiltration, green stormwater infrastructure and low impact development techniques, dispersion, conveyance, or other actions.</p> <p>To serve the Phase 1 area over the next twenty years, approximately 5,200 feet of conveyance improvements may be needed in the subarea for surface water management; however this would likely be mitigated and significantly reduced in compliance with regulations related to green stormwater infrastructure and low impact development (LID).</p> <p>If phasing boundaries are not adopted, surface water management improvements</p>

# Exhibit A - Mitigation Measures Phase 1

Mitigation Measures for Phase 1 of Compact Community Hybrid Zoning Scenario

Attachment A- Ordinance 752, Exhibit A

	<p>over a broader area in the next twenty years could add approximately another 5,000 to 6,000 feet of conveyance improvement needs (but likely would be mitigated/reduced).</p>
<p>3.5 Parks, Recreation, Open Space, Natural Areas, and Priority Habitat Areas</p> <p>Public Services</p>	<p>By 2035: Estimated total population of 11,207 to 13,635 residents would generate demand for one new neighborhood park (in addition to the existing parks in the subarea), as well as other recreation and cultural services to serve the growing populations.</p> <p>Public parks and open space areas would continue to be retained as under existing conditions.</p> <p>Additional potential mitigation measures to be implemented over time, include:</p> <ul style="list-style-type: none"> <li>• Implement PROS Plan projects/improvements.</li> <li>• Acquire additional park land.</li> <li>• Develop a park impact fee program.</li> <li>• Ensure that pedestrian connections through parks to light rail station are designed and constructed in character with the parks.</li> <li>• Address increased activity in existing parks with capital investment/maintenance funding program.</li> <li>• Continue to plan and determine specific needs for spaces, facilities and programs to accommodate anticipated growth.</li> <li>• Adopt Subarea Plan policies that address parks, recreation, and the natural environment (see Section 3.5 of the FEIS).</li> <li>• Implement the Green Network concept plan described in this FEIS.</li> </ul>
<p>3.6 Schools, Police, Fire, and Other Public Services</p>	<p>An estimated 1,541 to 1,875 total new students would create additional demand for school facilities/services, as follows:</p> <p>793-965 elementary students  242-295 middle school students  506-615 high school students</p> <p>An estimated 2.5 to 4.5 new commissioned officers would be needed, as well as more equipment, vehicles, and facilities/space.</p> <p>An estimated 287 to 664 additional annual calls (staff, equipment, and facilities to support increase).</p> <p>An estimated 1,226 to 2,257 more customers* would generate 28,198 to 51,911 additional pounds of solid waste per week.</p> <p>An estimated 2,886 to 5,314 more people would require 7.71 to 14.19 FTE additional City employees.</p> <p>An estimated 5.2 percent to 9.6 percent increase in demand for museum, library,</p>

# Exhibit A - Mitigation Measures Phase 1

Mitigation Measures for Phase 1 of Compact Community Hybrid Zoning Scenario  
Attachment A- Ordinance 752, Exhibit A

	<p>postal, and human services.</p> <p>All service providers would monitor the need for additional services and facilities as population growth occurs in the subarea.</p> <p>The School District would continue to retain existing properties for future potential uses.</p> <p>Consider opportunities for satellite facilities (police, library, etc.).</p> <p>Certain service providers could explore eligibility to charge impact fees.</p> <p>Seek to reduce demand for services based on outreach, behavioral choices, planning, and design.</p> <p>City may consider increases in development application review fees.</p> <p>Provide outreach to and coordinate with service providers (City and non-City) to proactively plan for additional facilities and services from the outset of adoption of rezoning to address needs, which will increase incrementally over many decades.</p> <p>Increases in households and businesses would result in increased tax and fee revenue to help offset cost of providing additional services and facilities.</p> <p>Consider the need for potential increases in fees for services to address growth.</p> <p>In some cases, behavioral changes may help to offset some demand for services (e.g., less waste generated, more recycling, etc.).</p>
<p>3.7 Utilities</p>	<p>Specific 20-year projects will be identified through updates to the comprehensive plans of individual service providers.</p> <p>The following mitigations will be required at Full Build-out:</p> <p>Water: 3,091,000 total gallons per day compared to 690,000 current usage; 348% growth in demand.</p> <ul style="list-style-type: none"> <li>• Utility providers would need to implement already planned improvements and update service planning and comprehensive plans to address potential growth as a result of rezoning.</li> <li>• Evaluate/verify long-term storage and facilities needs.</li> <li>• Upgrade approximately 5,000 to 6,000 LF of existing SPU 4” and 6” mains to 8” (see Section 3.7 of FEIS for details).</li> <li>• Upgrade approximately 12,000 LF of existing North City Water 6” mains to 8” (see Section 3.7 for details).</li> </ul> <p>Wastewater:</p>

# Exhibit A - Mitigation Measures Phase 1

Mitigation Measures for Phase 1 of Compact Community Hybrid Zoning Scenario

Attachment A- Ordinance 752, Exhibit A

	<p>3,609,000 gpd compared to 813,000 gpd current usage; 344% increase in demand for service compared to current service level.</p> <ul style="list-style-type: none"><li>• Utility providers would need to implement already planned improvements and update service planning and comprehensive plan to address potential growth as a result of rezoning.</li><li>• Upgrade 1,400 LF of 30" trunk main, 130 LF of 18" trunk main, 2,300 LF of 18" or larger mains, and 8,100 LF of 12" to 15" mains.</li></ul> <p>Electricity: 360% increase in demand for electricity; undergrounding.</p> <p>Natural Gas: Major increase in demand at build-out.</p> <p>Communications (Phone, Internet, Cable): Major increase in demand at build-out.</p> <p>Provide outreach to and coordinate with service providers to proactively plan for additional facilities and services from the outset of adoption of rezoning to address needs, which will increase incrementally over many decades.</p> <p>Increases in households and businesses would result in increased fee revenue to help offset cost of providing additional services and facilities.</p> <p>Consider the need for potential increases in fees for services to address growth.</p> <p>Explore district energy options and incentivize green building.</p> <p>Behavioral changes may offset some demand for services.</p>
--	--





# Exhibit B - Development Code Amendments

## Amendment # 1

### 20.30.336 Critical areas reasonable use permit (CARUP)(Type C action).

A. Purpose. The purpose of the critical areas reasonable use permit is to allow development and use of private property when the strict application of the critical area regulations would otherwise deny all reasonable use of a property. This type of permit does not apply to flood hazard areas or within the shoreline jurisdiction.

B. Decision Criteria. A reasonable use permit shall be granted by the City only if the applicant demonstrates that:

1. The application of the critical area regulations, Chapter 20.80 SMC, Critical Areas, would deny all reasonable use of the property; and
2. There is no other reasonable use of the property with less impact on the critical area; and
3. Any alterations to the critical area would be the minimum necessary to allow for reasonable use of the property; and
4. The proposed development does not create a health or safety hazard on or off the development site, will not be materially detrimental to the property or improvements in the vicinity, is consistent with the general purposes of this title and the public interest, and all reasonable mitigation measures have been implemented or assured; and
5. The inability to derive reasonable economic use is not the result of the applicant's action unless the action 1) was approved as part of a final land use decision by the City or other agency with jurisdiction; or 2) otherwise resulted in a nonconforming use, lot or structure as defined in this title;
6. Any alterations permitted to the critical area are mitigated in accordance with SMC 20.80.082 and relevant mitigation standards for the impacted critical area(s);
7. Consistent with SMC 20.80.050, Alteration of critical areas, the proposal attempts to protect the existing critical area functions and values consistent with the best available science and attempts to mitigate adversely impacted critical area functions and values to the fullest extent possible; and
8. The proposal is consistent with other applicable regulations and standards.
9. If the proposal is located in a Mixed-Use Residential zone, then reasonable use shall be based on the allowable uses and standards for the R-6 zone.

C. Development Standards. To allow for reasonable use of property and to minimize impacts on critical areas, the decision making authority may reduce setbacks by up to 50 percent, parking requirements by up to 50 percent, and may eliminate landscaping requirements. Such reductions shall be the minimum amount necessary to allow for reasonable use of the property, considering the character and scale of neighboring development.

# Exhibit B - Development Code Amendments

**Amendment # 2**  
**20.40.160 Station area uses.**

**Table 20.40.160 Station Area Uses**

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
<b>RESIDENTIAL</b>				
	Accessory Dwelling Unit	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i
	Apartment	P	P	P
	Bed and Breakfast	P-i	P-i	P-i
	Boarding House	P-i	P-i	P-i
	Duplex, Townhouse, Rowhouse	P-i	P-i	<del>P-i</del>
	Home Occupation	P-i	P-i	P-i
	Hotel/Motel			P
	Live/Work	P (Adjacent to Arterial Street)	P	P
	Microhousing			
	Single-Family Attached	P-i	P-i	<del>P-i</del>
	Single-Family Detached	P-i	<u>P-i</u>	
	Tent City	P-i	P-i	P-i
<b>COMMERCIAL</b>				
	Book and Video Stores/Rental (excludes Adult Use Facilities)	P (Adjacent to Arterial Street)	P (Adjacent to Arterial Street)	P
	Collective Garden			
	House of Worship	C	C	P

## Exhibit B - Development Code Amendments

**Table 20.40.160 Station Area Uses**

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Daycare I Facilities	P	P	P
	Daycare II Facilities	P	P	P
	Eating and Drinking Establishment (excluding Gambling Uses)	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i
	General Retail Trade/Services	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i
	Individual Transportation and Taxi			P -A
	Kennel or Cattery			C -A
	Marijuana Operations – Medical Cooperative	P	P	P
	Marijuana Operations – Retail			
	Marijuana Operations – Processor			
	Marijuana Operations – Producer			
	Mini-Storage		C -A	C -A
	Professional Office	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P
	Research, Development and Testing			P-i
	Veterinary Clinic and Hospital			P-i
	Wireless Telecommunication Facility	P-i	P-i	P-i
<b>EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION</b>				
	Amusement Arcade		P -A	P -A
	Bowling Center		P-i (Adjacent to Arterial Street)	P
	College and University			P

# Exhibit B - Development Code Amendments

**Table 20.40.160 Station Area Uses**

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Conference Center		P-i (Adjacent to Arterial Street)	P
	Elementary School, Middle/Junior High School	C	C	P
	Library		P-i (Adjacent to Arterial Street)	P
	Museum		P-i (Adjacent to Arterial Street)	P
	Parks and Trails	P	P	P
	Performing Arts Companies/Theater (excludes Adult Use Facilities)		P -A	P -A
	School District Support Facility		C	C
	Secondary or High School	C	C	P
	Specialized Instruction School		P-i (Adjacent to Arterial Street)	P
	Sports/Social Club		P-i (Adjacent to Arterial Street)	P
	Vocational School		P-i (Adjacent to Arterial Street)	P
<b>GOVERNMENT</b>				
	Fire Facility	<u>C-i</u>	C-i	C-i
	Police Facility	<u>C-i</u>	C-i	C-i
	Public Agency Office/Yard or Public Utility Office/Yard	S	S	S
	Utility Facility	C	C	C
<b>HEALTH</b>				

# Exhibit B - Development Code Amendments

**Table 20.40.160 Station Area Uses**

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Hospital	C	C	C
	Medical Lab	C	C	C
	Medical Office/Outpatient Clinic		P-i (Adjacent to Arterial Street)	P
	Nursing and Personal Care Facilities		P-i (Adjacent to Arterial Street)	P
<b>OTHER</b>				
	Animals, Small, Keeping and Raising	P-i	P-i	P-i
	Light Rail Transit System/Facility	S-i	S-i	S-i
	Transit Park and Ride Lot		S	P
	Unlisted Uses	P-i	P-i	P-i

**P = Permitted Use** C = Conditional Use

**S = Special Use** -i = Indexed Supplemental Criteria

**A= Accessory = Thirty percent (30%) of the gross floor area of a building or the first level of a multi-level building.**

---

**Amendment # 3**  
**20.40.506 Single-family detached dwellings.**

Single-family detached dwellings that do not meet the minimum density are permitted in the MUR-35' zone subject to the R-6 development standards in SMC 20.50.020.

Multiple single-family detached dwellings are permitted in the MUR-35' and MUR-45' zone subject to minimum density standards in SMC 20.50.020(2) and single-family attached and multifamily design standards in SMC 20.50.120.

## Exhibit B - Development Code Amendments

**Amendments #4-7:** *There are several proposed amendments to Table 20.50.020(2). The proposals are discussed below:*

**Table 20.50.020(2) Dimensional Standards for MUR Zones**

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Base Density: Dwelling Units/Acre	N/A	N/A	N/A
Min. Density	<u>12 du/ac(16)</u>	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	<u>20,000 sq ft</u>
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street 10 ft on nonarterial street <u>20 ft maximum if located on 145<sup>th</sup> Street (14)</u>	15 ft if located on 185th Street 0 ft if located on an arterial street 10 ft on nonarterial street <u>20 ft maximum if located on 145<sup>th</sup> Street (14)</u>	15 ft <u>maximum</u> if located on 185th Street <u>(14)</u> <u>20 ft maximum if located on 145<sup>th</sup> Street (14)</u> 0 ft if located on an arterial street 10 ft on nonarterial street
Min. Rear Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Base Height (9)	35 ft <u>(15)</u>	45 ft <u>(15)</u>	70 ft (11) (12) <u>(15)</u>
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	85%	90%	90%

*Exceptions to Table 20.50.020(1) and Table 20.50.020(2):*

(1) *Repealed by Ord. 462.*

(2) *These standards may be modified to allow zero lot line developments. Setback variations apply to internal lot lines only. Overall site must comply with setbacks, building coverage and hardscape limitations; limitations for individual lots may be modified.*

(3) *For single-family detached development exceptions to front yard setback requirements, please see SMC 20.50.070.*

(4) *For single-family detached development exceptions to rear and side yard setbacks, please see SMC 20.50.080.*

## Exhibit B - Development Code Amendments

(5) For developments consisting of three or more dwellings located on a single parcel, the building setback shall be 15 feet along any property line abutting R-4 or R-6 zones. Please see SMC 20.50.130.

(6) The maximum building coverage shall be 35 percent and the maximum hardscape area shall be 50 percent for single-family detached development located in the R-12 zone.

(7) The base density for single-family detached dwellings on a single lot that is less than 14,400 square feet shall be calculated using a whole number, without rounding up.

(8) For development on R-48 lots abutting R-12, R-18, R-24, R-48, NB, CB, MB, CZ and TC-1, 2 and 3 zoned lots the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.

(9) Base height for high schools in all zoning districts except R-4 is 50 feet. Base height may be exceeded by gymnasiums to 55 feet and by theater fly spaces to 72 feet.

(10) Dimensional standards in the MUR-70' zone may be modified with an approved development agreement.

(11) The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.

(12) All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Alternatively, a building in the MUR-70' zone may be set back 10 feet at ground level instead of providing a 10-foot step-back at 45 feet in height. MUR-70' fronting on 185th Street shall be set back an additional 10 feet to use this alternative because the current 15-foot setback is planned for street dedication and widening of 185th Street.

(13) The minimum lot area may be reduced proportional to the amount of land needed for dedication of facilities to the City as defined in Chapter 20.70 SMC.

(14) The exact setback along 145<sup>th</sup> Street and 185<sup>th</sup> Street, up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.

(15) Base height may be exceeded by 15 feet for rooftop structures such as arbors, shelters, barbeque enclosures and other structures that provide open space amenities.

(16) Single-family detached dwellings that do not meet the minimum density are permitted in the MUR-35' zone subject to the R-6 development standards.

---

### Amendment #8 20.50.020 Dimensional requirements



## Exhibit B - Development Code Amendments

**B. Base Density Calculation.** The base density for an individual site shall be calculated by multiplying the site area (in acres) by the applicable number of dwelling units. When calculation results in a fraction, the fraction shall be rounded to the nearest whole number as follows:

1. Fractions of 0.50 and above shall be rounded up except for lots less than 14,400 square feet in R-6 zones. See Exception (7) to Table 20.50.020(1).
2. Fractions below 0.50 shall be rounded down.

Example #1 – R-6 zone, 2.3 acres site:  $2.3 \times 6 = 13.8$   
The base density for this site would be 14 dwelling units.

Example #2 – R-24 zone, 2.3 acres site:  $2.3 \times 24 = 55.2$   
The base density for the site would be 55 dwelling units.

Example #3 – R-6 zone, 13,999-square-foot site:  $(13,999/43,560 = .3214 \text{ acres})$  so  $.3214 \times 6 = 1.92$ . The base density for single-family detached dwellings on this site would be one unit.

Example #4 – R-6 zone, 14,400-square-foot site  $(14,400/43,560 = .331 \text{ acres})$  so  $.331 \times 6 = 1.986$ . The base density for the site would be two units.

3. For development in the MUR zones: minimum density calculations resulting in a fraction shall be rounded up to the next whole number.

---

### Amendment #9

#### 20.50.120 Purpose

The purpose of this subchapter is to establish standards for multifamily and single-family attached residential development in TC-4, PA 3, and R-8 through R-48 zones, and the MUR-35' zone when located on a nonarterial street, and the MUR-45' zone when developing single-family attached and detached dwellings as follows:

- A. To encourage development of attractive residential areas that are compatible when considered within the context of the surrounding area.
- B. To enhance the aesthetic appeal of new multifamily residential buildings by encouraging high quality, creative and innovative site and building design.
- C. To meet the recreation needs of project residents by providing open spaces within the project site.
- D. To establish a well-defined streetscape by setting back structures for a depth that allows landscaped front yards, thus creating more privacy (separation from the street) for residents.
- E. To minimize the visual and surface water runoff impacts by encouraging parking to be located under the building.
- F. To promote pedestrian accessibility within and to the buildings. (Ord. 706 § 1 (Exh. A), 2015; Ord. 654 § 1 (Exh. 1), 2013; Ord. 238 Ch. V § 3(A), 2000).

### **Amendment # 10**

#### **20.50.125 Thresholds – Required site improvements.**

The purpose of this section is to determine how and when the provisions for full site improvement standards apply to a development application in TC-4, PA 3, and R-8 through R-48 zones and, the MUR-35' zone when located on a nonarterial street, and the MUR-45' zone when developing single-family attached and detached dwellings. Site improvement standards of signs, parking, lighting and landscaping shall be required:

- A. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing land and structure(s) on the parcel. This shall include all structures on other parcels if the building under permit review extends into other parcels; or
  - B. When aggregate building construction valuations for issued permits, within any five-year period after March 30, 2013, exceed 50 percent of the County assessed or an appraised value of the existing land and structure(s) at the time of the first issued permit.
- 

### **Amendment #11**

#### **20.50.220 Purpose.**

The purpose of this subchapter is to establish design standards for all commercial zones – neighborhood business (NB), community business (CB), mixed business (MB) and town center (TC-1, 2 and 3), the MUR-45', and MUR-70' zones and the MUR-35' zone when located on an arterial street. Refer to SMC 20.50.120 when developing single-family attached and detached dwellings in the MUR-35' and MUR-45' zones. Some standards within this subchapter apply only to specific types of development and zones as noted. Standards that are not addressed in this subchapter will be supplemented by the standards in the remainder of Chapter 20.50 SMC. In the event of a conflict, the standards of this subchapter will prevail.

---

### **Amendment #12**

#### **20.50.230 Threshold – Required site improvements.**

The purpose of this section is to determine how and when the provisions for site improvements cited in the General Development Standards apply to development proposals. Full site improvement standards apply to a development application in commercial zones NB, CB, MB, TC-1, 2 and 3, the MUR-45', and MUR-70' zones and the MUR-35' zone when located on an arterial street. Refer to SMC 20.50.120 when developing single-family attached and detached dwellings in the MUR-35' and MUR-45' zones. Site improvements standards of signs, parking, lighting, and landscaping shall be required:

## **Amendment #13**

### **20.50.230 Threshold – Required site improvements**

The purpose of this section is to determine how and when the provisions for site improvements cited in the General Development Standards apply to development proposals. Full site improvement standards apply to a development application in commercial zones NB, CB, MB, TC-1, 2 and 3, the MUR-45', and MUR-70' zones and the MUR-35' zone when located on an arterial street. Site improvements standards of signs, parking, lighting, and landscaping shall be required:

- A. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing land and structure(s) on the parcel. This shall include all structures on other parcels if the building under permit review extends into other parcels; or
- B. When aggregate building construction valuations for issued permits, within any five-year period after March 30, 2013, exceed 50 percent of the County assessed or an appraised value of the existing land and structure(s) at the time of the first issued permit.
- C. When a single family land use is being converted to a commercial land use then full site improvements will be required.

---

## **Amendment #14**

### **20.50.240 Site Design**

#### **C. Site Frontage.**

- 1. Development in NB, CB, MB, TC-1, 2 and 3, the MUR-45', and MUR-70' zones and the MUR-35' zone when located on an arterial street shall meet the following standards:
  - a. Buildings and parking structures shall be placed at the property line or abutting public sidewalks if on private property. However, buildings may be set back farther if public places, landscaping and vehicle display areas are included or future right-of-way widening or a utility easement is required between the sidewalk and the building;
  - b. All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Reference dimensional Table 20.50.020(2) and exceptions;
  - c. Minimum space dimension for building interiors that are ground-level and fronting on streets shall be 12-foot height and 20-foot depth and built to commercial building code. These spaces

## Exhibit B - Development Code Amendments

may be used for any permitted land use. This requirement does not apply when developing a residential only building in the MUR-35' and MUR-45' zones;

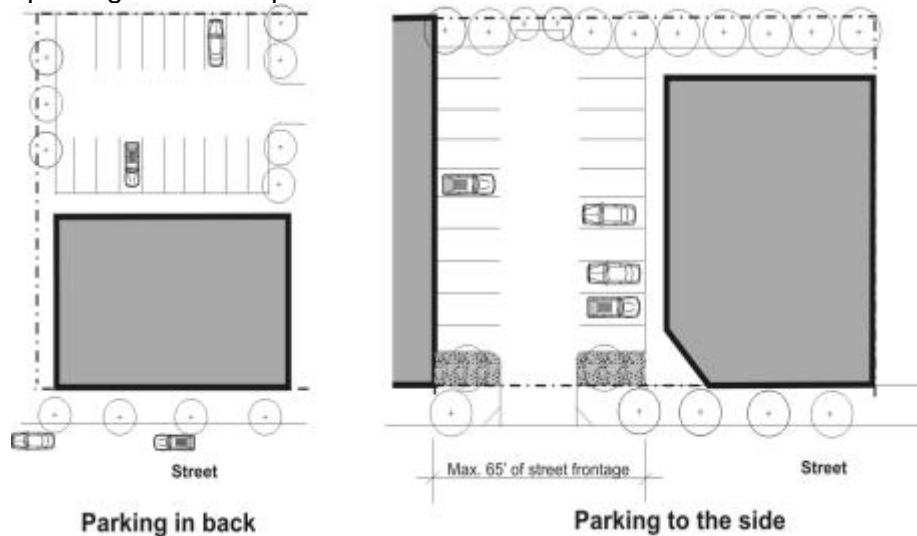
d. Minimum window area shall be 50 percent of the ground floor facade for each front facade which can include glass entry doors. This requirement does not apply when developing a residential only building in the MUR-35' and MUR-45' zones;

e. A building's primary entry shall be located on a street frontage and recessed to prevent door swings over sidewalks, or an entry to an interior plaza or courtyard from which building entries are accessible;

f. Minimum weather protection shall be provided at least five feet in depth, nine-foot height clearance, and along 80 percent of the facade where over pedestrian facilities. Awnings may project into public rights-of-way, subject to City approval;

g. Streets with on-street parking shall have sidewalks to back of the curb and street trees in pits under grates or at least a two-foot-wide walkway between the back of curb and an amenity strip if space is available. Streets without on-street parking shall have landscaped amenity strips with street trees; and

h. Surface parking along street frontages in commercial zones shall not occupy more than 65 lineal feet of the site frontage. Parking lots shall not be located at street corners. No parking or vehicle circulation is allowed between the rights-of-way and the building front facade. See SMC 20.50.470 for parking lot landscape standards.



### Parking Lot Locations Along Streets

i. New development on: 185<sup>th</sup> Street; NE 145<sup>th</sup> Street; and 5<sup>th</sup> Avenue between NE 145<sup>th</sup> Street and NE 148<sup>th</sup> Street shall provide all vehicular access from a side street or alley. If new development is unable to gain access from a side street or alley, an applicant may provide alternative access through the administrative design review process.

j. Garages and/or parking areas for new development on 185<sup>th</sup> Street shall be rear-loaded.

## Amendment #15

### 20.70.320 – Frontage improvements

A. Standard frontage improvements shall be upgraded or installed pursuant to standards set forth in the Transportation Master Plan Street Classification Map, the Master Street Plan adopted in Chapter 12.10 SMC, and the Engineering Development Manual for the specific street which is substandard to satisfy adequate public roadways required for subdivisions by Chapter 58.17 RCW and Chapter 20.30 SMC, Subchapter 7, and to mitigate direct impacts of land use approvals.

B. Standard frontage improvements consist of right-of-way dedication, curb, gutter, sidewalk, amenity zone and landscaping, drainage improvements and pavement overlays up to one-half of each right-of-way abutting a property as defined in the Master Street Plan. Additional improvements may be required to ensure safe movement of traffic, including pedestrians, bicycles, transit, and nonmotorized vehicles. The improvements can include transit bus shelters, bus pullouts, utility undergrounding, street lighting, signage and channelization.

C. Frontage improvements are required:

1. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing structure(s) on the parcel (except for detached single-family homes). This shall include all structures on other parcels if the building under permit review extends into other parcels; or

2. When aggregate building construction valuations for issued permits, within any five-year period after March 30, 2013, exceed 50 percent of the County assessed or an appraised value of the existing structure(s) at the time of the first issued permit;

3. For subdivisions;

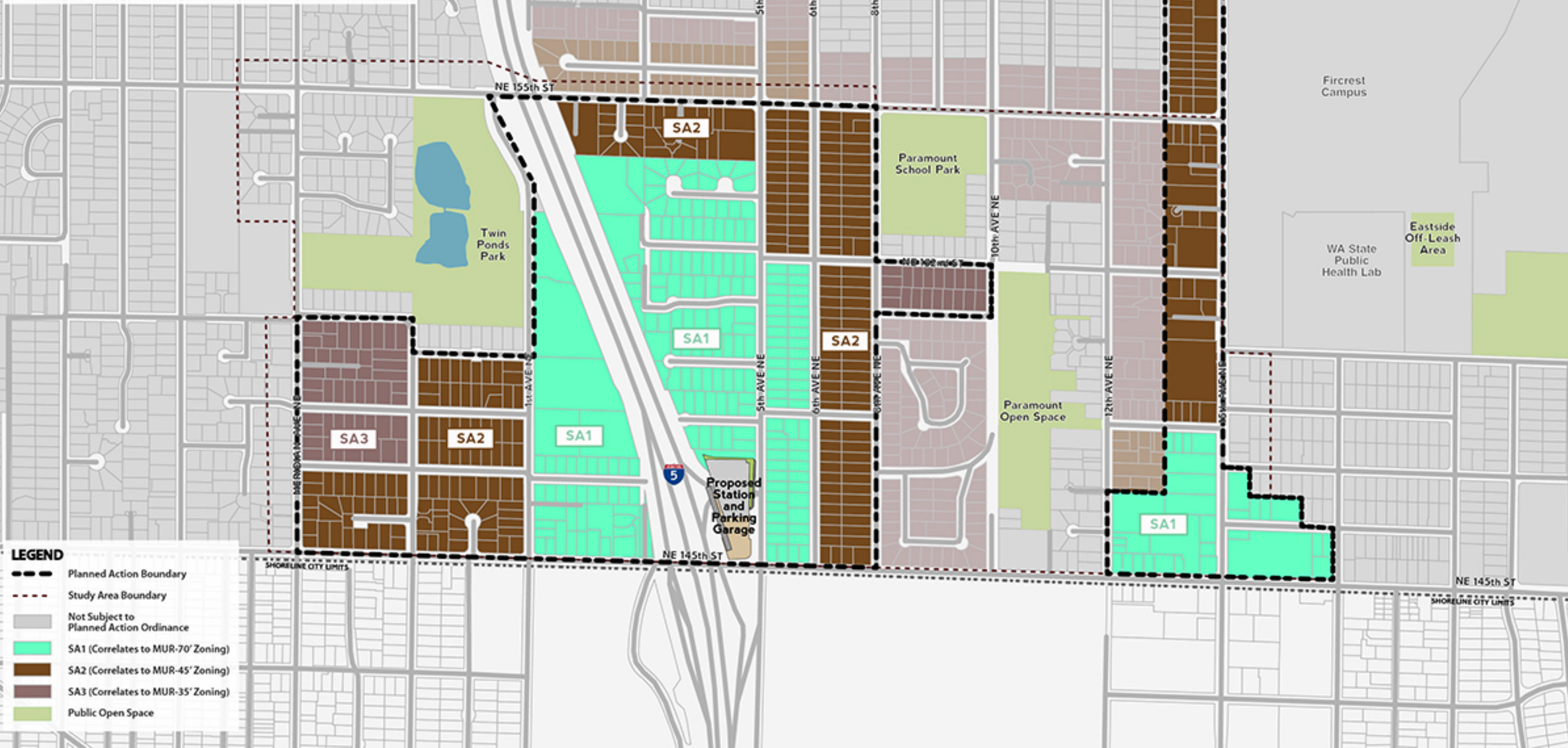
4. For development consisting of more than one dwelling unit on a single parcel (accessory dwelling units are exempt);

5. One detached single-family dwelling in the MUR zones; or

6. When a single family land use is being converted to a commercial land use then full frontage improvements will be required.

**145<sup>TH</sup> STREET STATION SUBAREA PLAN  
DRAFT PLANNED ACTION BOUNDARY  
JULY 21, 2016**

**Attachment A Exhibit C Planned Action Boundary**



- LEGEND**
- Planned Action Boundary
  - Study Area Boundary
  - Not Subject to Planned Action Ordinance
  - SA1 (Correlates to MUR-70' Zoning)
  - SA2 (Correlates to MUR-45' Zoning)
  - SA3 (Correlates to MUR-35' Zoning)
  - Public Open Space