

**ORDINANCE NO. 752**

**July 28, 2016 Draft**

**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 145th 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 145th 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: \_\_\_\_\_