

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of State Environmental Policy Act (SEPA) Development Code Amendments
DEPARTMENT:	Planning & Development Services
PRESENTED BY:	Jeff Forry, Permit Services Manager
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

The State Legislature has amended the Washington State Environmental Policy Act (SEPA) to allow local agencies to increase the exemption thresholds that trigger required environmental review. Effective July 10, 2012, the Washington State Legislature passed Senate Bill (SB) 6406 which mandated that the Department of Ecology (DOE) update SEPA rules (WAC197-11). The bill and subsequent rule making was undertaken to streamline the regulatory process and achieve program efficiencies while maintaining current levels of natural resource protection; increase SEPA thresholds; and integrate the SEPA process with provisions of the Growth Management Act (GMA). DOE began "rule making" on October 24, 2012 and completed the first phase of the process on December 28, 2012. The new rules took effect on January 31, 2013. The new thresholds must be formally adopted before the City can utilize them.

SB 6406 automatically raised SEPA thresholds for a variety of development scenarios for an interim period of time that concluded with the adoption of the new rules. On September 17, 2012 Council was briefed on the pending legislation and interim thresholds. The link to the staff report is included below.

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2012/staffreport091712-8b.pdf>

The following table provides a summary of the SEPA thresholds:

	Existing and Proposed Thresholds for Minor New Construction		
Project Type	Existing City Exemptions	State Interim Regulations – SB6406 (Used by the City in 2012)	Adopted Final Regulations(WAC) Exemptions
Single family	4 dwelling units	20 dwelling units	30 dwelling units
Multifamily	4 dwelling units	20 dwelling units	60 dwelling units
Office, school, commercial, recreational, service, storage building, parking facilities	4,000 square feet and 20 parking spaces	20,000 square feet and 40 parking spaces	30,000 square feet and 90 parking spaces
Landfill or excavation	500 cubic yards	500 cubic yards	1,000 cubic yards

In 2012 the Council adopted a series of goals that provide direction to departments and assistance in developing their respective work plans. Council Goal No. 1 includes continuing to implement efforts to make the permit process predictable, timely and competitive. In support of this goal staff is recommending that Council adopt the thresholds recently adopted by the DOE. Staff also proposes to eliminate the automatic environmental review for activities in critical areas and their buffers.

RESOURCE/FINANCIAL IMPACT:

No financial impacts are anticipated.

RECOMMENDATION

No action is required this evening as this item is for discussion. Council will review the proposed code amendment language and the Planning Commission recommendation and then consider adoption of the Development Code amendments on April 29, 2013.

Approved By: City Manager **JU** City Attorney **IS**

BACKGROUND

One “planning tool” relied upon by staff and the public is the State Environmental Policy Act (SEPA) and the City’s adopted environmental review procedures.

SEPA was adopted in 1971. The act established thresholds for when environmental review is required for different actions. SEPA gave the Department of Ecology (DOE) the authority to write regulations/rules. Among other things, the law and the rules required all state and local governments within the State to:

- “Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man’s environment;” and
- Ensure that “...environmental amenities and values will be given appropriate consideration in decision making along with economic and technical considerations...” [RCW 43.21C.030.(2)(a) and (2)(b)]

SEPA provides a framework to condition or deny a proposal when mitigations are not provided for in policies adopted by the City and incorporated into regulations, plans, or codes. The environmental review process in SEPA is designed to work with other regulations to provide a comprehensive review of a proposal. Most regulations focus on particular aspects of a proposal, while SEPA requires the identification and evaluation of probable significant impacts for all elements of the environment. Combining the review processes of SEPA and other laws reduces duplication and delay by combining study needs, comment periods and public notices, and allowing agencies, applicants, and the public to consider all aspects of a proposal at the same time. A proposal can be either project proposals (new construction, fill and grade, etc.) or nonproject proposals (Comprehensive plans, Zoning, Development regulations, etc.).

SEPA and subsequently enacted rules were intended to provide a way to evaluate the environmental impacts of projects in communities that had minimal development regulations prior to 1971. Since the City of Shoreline’s incorporation in 1995, it has employed the lowest thresholds (most conservative) allowed by the act. Due to changes in the Revised Code of Washington (RCW), Washington Administrative Code (WAC), and the Shoreline Municipal Code (SMC), the City’s environmental procedures are due for review and update. An adjustment to categorical exemptions will assist in providing for a clear, timely, and predictable permit process. “Categorical exemptions” are actions identified in state law which do not significantly affect the environment and therefore do not required review under SEPA.

Effective July 10, 2012, the Washington State Legislature passed Senate Bill (SB) 6406 which mandated that (DOE) update SEPA rules (WAC197-11). The bill and subsequent rule making was undertaken to streamline the regulatory process and achieve program efficiencies while maintaining current levels of natural resource protection; increase SEPA thresholds; and integrate the SEPA process with provisions of the Growth Management Act (GMA). DOE began “rule making “on October 24, 2012 and completed

the first phase of the process on December 28, 2012. The new rules took effect on January 31, 2013. The new thresholds must be formally adopted before the City can utilize them.

The purpose of the revised rule is to create higher levels of flexibility for cities, counties, and agencies to exempt minor new construction projects.

SB 6406 automatically raised SEPA thresholds for a variety of development scenarios for an interim period of time that concluded with the adoption of new rules. On September 17, 2012 Council was briefed on the pending legislation. The link to the staff report is included below.

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2012/staffreport091712-8b.pdf>

DISCUSSION

Staff is recommending that the City adopt the new exemption thresholds for minor new construction as depicted in the table.

	Existing and Proposed Thresholds for Minor New Construction		
Project Type	Existing City Exemptions	State Interim Regulations – SB6406 (Used by the City in 2012)	Proposed Rule Based (WAC) Exemptions
Single family	4 dwelling units	20 dwelling units	30 dwelling units
Multifamily	4 dwelling units	20 dwelling units	60 dwelling units
Office, school, commercial, recreational, service, storage building, parking facilities	4,000 square feet and 20 parking spaces	20,000 square feet and 40 parking spaces	30,000 square feet and 90 parking spaces
Landfill or excavation	500 cubic yards	500 cubic yards	1,000 cubic yards

Staff is also recommending amendments to SMC section 20.30.560 that would eliminate the automatic environmental review requirement for activities in critical areas and their buffers. At first glance the changes may appear as a loss of regulatory tools to protect the environment, but in reality, many of the City's regulations have replaced or surpassed the tools availed through SEPA. Both amendments are supported by the City's newly adopted Comprehensive Plan goals and policies, the associated environmental analysis, and Council Goal No. 1.

Critical Areas and Buffers

When SEPA was first enacted protections for critical areas did not exist in state laws or local regulations. The act made provisions for cities and counties to use SEPA to

mitigate impacts. When the City incorporated in 1995 it had limited protections for critical areas and SEPA was a viable tool. Since incorporation the City has updated its regulations as required by GMA and incorporated best available science to protect wetlands streams, steep slopes and wildlife habitat. In 2006 a major update to the Comprehensive Plan, and subsequently the Development Code, identified regulations that protected critical areas and provided tools for staff to define mitigations for project impacts without the use of SEPA. SEPA has become redundant of the City's critical areas regulations and serves as a procedural hurdle rather than an asset.

For uses, activities or developments proposed within critical areas or their buffers, an applicant must provide site-specific information and analysis as determined by the City. The site-specific information must be obtained by expert investigation and analysis. The site-specific review is required to be performed by qualified professionals. Each critical area has defined performance and mitigation criteria that guide the qualified professional in the preparation of studies.

The City's development review methods incorporate a detailed review using available resources to identify critical areas and habitats. The qualified professional, using standardized methodology, must address the performance standards in the Critical Areas code, state, and federal regulations. The following considerations must also be incorporated into their analysis for mitigation.

Significant adverse impacts to critical area functions and values must be mitigated. Mitigations are to be implemented in the preferred sequence: Avoidance, minimization, restoration and replacement. Proposals which include less preferred and/or compensatory mitigation are required to demonstrate that:

1. All feasible and reasonable measures have been taken to reduce impacts and losses to the critical area, or to avoid impacts; and
2. The restored, created or enhanced critical area or buffer will be available and persistent as the critical or buffer area it replaces; and
3. No overall net loss will occur in critical areas functions and values.

After application of these criteria to development in a critical area, staff's position is that the proposal will not result in a loss of protections for critical areas.

SEPA and SMC Chapter 20

The City of Shoreline SEPA procedures are located in SMC Chapter 20. The City's original SEPA and critical area regulations were adopted in 1995. In order to comply with SEPA rules in WAC 197-11 and the model SEPA ordinance in WAC 173-806 the City adopted Ordinance No. 238 in 2000. The environmental ordinance in use today is essentially the same ordinance that was adopted 18 years ago, having undergone only two minor amendments. As the City has amended its development regulations to incorporate environmental protections and integrate the planning policies mandated by GMA, it has not reflected these changes by amending the requirements of the original SEPA and critical area requirements. **Attachment A** illustrates the elements of the environment and the respective local state and federal regulations that have been enacted over time that provide mitigations for the impacts from minor new construction.

The rule-based categorical exemptions for SEPA review in WAC 197-11-800 should be employed in the City in light of the increased environmental protections in chapters RCW 36.70A (GMA) and 90.58 (Shoreline Management Act). This is supported by the level of environmental protections and mitigations incorporated into the City's development regulations.

Projects and Threshold Exemptions

The majority of projects reviewed by the City result in the issuance of a "Determination of Non-Significance." This is because the City is fully planning under GMA and is no longer a jurisdiction with minimal development regulations that needs to rely solely on the support of SEPA. In fact, the City is viewed by many in the region as a place to study progressive and complete environmental regulations.

Adoption of higher exemption thresholds will affect the type and number of projects that require additional environmental review. Staff has reviewed projects that have been submitted historically to get a sense of what effect the proposed exemption thresholds may have on the review requirements of future projects.

Between 2004 and 2012 the City had 194 projects that were subject to environmental review. The following table identifies the projects by project type and the number of projects that would have been subject to environmental review under the new exemption thresholds.

Project Type	Count (Avg. Number per year)	Projects still subject to SEPA per year
Miscellaneous structures	104 (12)	12
Multifamily (over 4 dwelling units)	17 (2)	2
Nonresidential (over 4,000 sq ft)	21 (2)	2
Site development	41 (5)	0
Single family	11 (1)	0
Total	194 (22)	17

In the 18 years following the City's incorporation the City has evaluated hundreds of development applications employing the City's adopted development regulations. Based on the trend between 2004 and 2012, we estimate that there may have been 200 projects subject to environmental review since incorporation. The environmental review of these projects used mitigations provided in local, state, and federal regulations to mitigate the direct impacts of development. Only a handful required SEPA mitigations above the protections provided by the development regulations.

Of the projects requiring environmental review, fifteen (15) of the decisions were appealed to the Hearing Examiner or Superior Court. Under appeal, none of the threshold determinations were reversed and no substantive mitigations were required beyond those supported by the development regulations.

The numbers analyzed indicate that an average of seventeen (17) proposals a year will be subject to environmental review under the recommended new threshold exemptions. Depending on the scope of the applications received this number may vacillate. It is anticipated that the majority of permit requests will fall within two (2) categories:

1. New and infill residential development.

The size of available vacant residential property will make it unlikely that proposals will surface that would approach the proposed thresholds for detached dwelling units. Permitted density and property size are the controlling factors. The majority of single family development occurs on established lots created through a formal subdivision process. To maximize use of existing properties some infill developments subdivide the property into two or more lots. Regardless of the exempt status under SEPA, the subdivision of property is subject to a public process that supplements the review of the proposal for consistency with development regulations.

For residential development that only intends to maximize the density potential of an existing lot, many of the issues associated with the site have been addressed through a prior subdivision process. In addition, the existing regulations provide an appropriate level of evaluation for the nature of development projected in residential land use designations. This is further supported in the environmental documents evaluated with the adoption of the Comprehensive Plan and Development Code.

2. New and infill commercial /multifamily

The policies contained in the Land Use Element of the Comprehensive Plan and the adopted Land Use Map focus new development in the Mixed Use designation, Town Center, and North City Districts. These areas have been designated based on their capacity to absorb or mitigate the impacts of new commercial and multifamily development including, traffic, and other required infrastructure. “. By definition, development within the urban corridors identified in the Comprehensive Plan must be consistent with the environmental analysis that has been performed and vetted through the public processes. It is environmentally responsible for growth to be focused in cities that have effectively planned for development at the levels mandated by GMA and the growth targets promulgated by the Puget Sound Regional Council. The environmental studies performed during the development of the Comprehensive Plan and supporting regulations anticipated a level of development that is consistent with the proposed thresholds.

Additionally, the studies required for permit review (e.g. traffic studies, analysis necessary to determine adequate water for domestic service and fire protection, soil stability, stormwater drainage, tree retention, historical and cultural resources, etc.) combined with the necessity for a comprehensive review to insure consistency with the City's development regulations provides the level of analysis that identifies required mitigation for the direct impacts of the development.

In the areas where development is directed by the Comprehensive Plan and the Development Code, the need for a public study component for minor new construction is minimized due to the protections in place, procedural review criteria for all permits including activity in and around critical areas, and the required studies that establish consistency with the adopted levels of service for traffic, water, sewer, and surface water.

While the number and types of proposals subject to SEPA will decrease, the majority of larger proposals will still be subject to a public process. See **Attachment B** for activities that currently require public notice regardless of their exempt status under SEPA.

The City has taken preliminary steps in relying on development regulations in lieu of project level SEPA review through the use of planned actions. Planned actions are evaluated using the EIS process. The Town Center and North City planned actions were designed to absorb the majority of new commercial and mixed use development. The environmental analysis was performed through Supplemental Environmental Impact Statements (SEIS). This process evaluated the impacts of future commercial, mixed use, and multifamily development. Subsequent environmental analysis in these districts is not required for proposals that are consistent with the planned action approval.

Similarly, the environmental analysis performed by the City in conjunction with the Comprehensive Plan, the implementing regulations, and Development Code anticipates the impacts of new development. The environmental review of the commercial design standards and the newly adopted Comprehensive Plan also evaluated impacts of development at the proposed new thresholds. Enhanced mitigations were incorporated into the plan and regulations in such areas as transportation, densities, building design, transitions, provisions for pedestrian infrastructure, and utilities.

Environmental review performed at the planning stage allowed the City to analyze impacts and determine mitigation system-wide, rather than project by project. This allows cumulative impacts to be identified and addressed, and provides a more consistent framework for the review, conditioning, or denial of future projects. Adopted regulations effectively integrate the goals and requirements of SEPA and GMA and contribute to environmental protection, and fiscal efficiency. Benefits of this integrated approach include:

- A decrease in the time and cost associated with obtaining permit approvals for appropriate projects in suitable locations resulting from early decisions on land use, services, and mitigation.
- To the extent that plans and implementing regulations are more comprehensive, detailed, and consistently relied upon, environmental review for individual project proposals can be reduced. Environmental review at the project phase would then entail:
 - 1) Determining the project's consistency with the Comprehensive Plan, development regulations, and other local, state, and federal laws; and

- 2) Using SEPA to address any gaps that may remain by focusing on any project-specific environmental impacts not addressed under other regulations.

Adopting New Thresholds

The following process must be met in order to raise the exempt levels:

1. Agencies must document that the requirements for environmental analysis, protection and mitigation for impacts to elements of the environment (listed in WAC 197-11-444) have been adequately addressed for the development exempted. The requirements may be addressed in specific adopted development regulations, and applicable state and federal regulations (**See Attachment A**).
2. Before adopting the ordinance or resolution containing the proposed new exemption levels, the local government shall provide a minimum of twenty-one day notice to affected tribes, agencies with expertise, affected jurisdictions, DOE, and the public and provide an opportunity for comment.

STAKEHOLDER INPUT

The public process for this proposal includes:

- February 15, 2013 - Press release
- February 21, 2013 - Planning Commission Study Session (link to staff report) <http://cosweb.ci.shoreline.wa.us/uploads/attachments/pcd/pc/2013/0221/7.A.pdf>
- March 1, 2013 - Project page was posted on the City's website
- March 4, 2013 - Notice of the Planning Commission's public hearing published in the Seattle Times
- March 4, 2013 - Notice of hearing was mailed to agencies and interested parties, including neighborhood groups
- March 21, 2013 - Planning Commission Public Hearing (link to staff report) <http://cosweb.ci.shoreline.wa.us/uploads/attachments/pcd/pc/2013/0321/6.A.pdf>
- March 21st- April 28, 2013 Mandatory agency and public comment period

FINDINGS

The City Council adopted the City's initial Comprehensive Plan in 1998 and significant updates in 2005 and 2012. To implement the Comprehensive Plan, the City has enacted appropriate zoning.

The City Council also adopted the Shoreline Development Code in 2000 which included the minimum SEPA categorical exemptions listed in WAC 197-11-800 (1).

After the Comprehensive Plan, zoning and the Development Code were adopted the City enacted additional environmental standards and regulations for: stormwater; shorelines; tree retention, protection and replacement; motorized and nonmotorized transportation; sewer and water concurrency; critical areas (wetlands, streams, wildlife habitat areas, geologic hazard areas, flood hazard areas and aquifer recharge areas) based on the best available science; and design and transition area standards in commercial zones.

Development applications are reviewed for compliance with the environmental regulations, and also for consistency with the Shoreline Municipal Code, including Title 13 (Stormwater Manual), Chapter 20.30 Subchapter 7 (Subdivisions), and other applicable standards, all of which have been determined to be consistent with the Comprehensive Plan goals and policies. Nonproject environmental analysis was performed on the Comprehensive Plan and implementing development standards. Increases in the SEPA categorical exemption thresholds are supported by local conditions, in view of the fact that compliance with adopted and updated regulations will provide adequate mitigation for the environmental impacts of projects up to the maximum exemptions allowed by WAC 197-11-800(1)(d)(SEPA rules). Attachment C provides an overview of the milestone actions taken by the City that support this recommendation.

Increasing the SEPA exemption threshold levels in accordance with the rules will increase certainty for applicants and the public, while maintaining environmental standards. This action will also support City Council goal number one to strengthen Shoreline's economic base by streamlining development regulations and making the permit process predictable, timely, and competitive.

Staff has evaluated the goals of GMA in RCW 36.70A.020 and determined that the proposed amendments reflect the appropriate balancing of the public interests served by the planning goals of GMA and WAC 197-11 (SEPA Rules) which permits local agencies to raise the exempt levels up to the maximum levels provided for in the rules. Amendments to local ordinances implementing SEPA are procedural. Accordingly they are not considered official controls as defined in RCW 36.70. Amending local rules/procedures is not a GMA action. Non GMA actions do not necessitate 60 day notice to Department of Commerce and the action is SEPA exempt pursuant WAC 197-11-800(19).

The proposed amendments to SMC Chapter 20.30.560 are included as Attachment D. On March 21, 2013 the Planning Commission conducted a public hearing on the amendments. The Commission voted to recommend approval as proposed. The Planning Commission recommendation is included as Attachment E.

RECOMMENDATION

No action is required this evening as this item is for discussion. Council will review the proposed code amendment language and the Planning Commission recommendation and then consider adoption of the Development Code amendments on April 29, 2013.

ATTACHMENTS

Attachment A Element and Regulation Matrix
Attachment B Actions with Public Processes
Attachment C Historical Summary
Attachment D Proposed amendments to Title 20
Attachment E Planning Commission Recommendation

ELEMENT AND REGULATION MATRIX

Summary of environmental protections in codes/rules (Substantive Authority)

SEPA Authority by Element of the Environment (20.50. Shoreline Municipal Code(SMC))	How Addressed by Other Codes/Rules*
Earth	<ul style="list-style-type: none"> • Chapter 13.10 (Surface Water), Chapter 20.80 (Critical Areas Code), Best Management Practices, and general development standards in chapter 20.50 (General Development Standards) together with restrictions on impervious surfaces, hardscape, tree protection and site coverage by buildings provide protection to steep slope areas and control erosion. • Chapter 15.05 (Construction and Building Codes) provide mitigation of impacts to slopes
Air Quality	<p>Three agencies have air quality jurisdiction in the City: the United States Environmental Protection Agency (EPA), the Washington State Department of Ecology (Ecology), and the Puget Sound Clean Air Agency (PSCAA). Although their regulations are similar in stringency, each agency has established its own standard. Unless the state or local agency has adopted a more stringent standard, the EPA standards apply. Development is subject to applicable federal (EPA), regional (PSCAA), and State (DOE) air quality regulations. Washington DOE air quality regulations applicable to the City are found at Chapter 173-400 WAC. Particularly relevant air quality regulations.</p> <p>Construction and demolition activity must comply with Puget Sound Clean Air Agency (PSCAA) regulations requiring reasonable precautions to minimize dust emissions (Regulation I, Section 9.15).</p> <p>Stationary equipment used for the construction activities must comply with PSCAA regulations requiring the best available measures to control the emissions of odor-bearing air contaminants (Regulation I, Section 9.11).</p> <p>Commercial facilities could use stationary equipment that emits air pollutants (e.g., fumes from gas stations, ventilation exhaust from restaurants, and emissions from dry cleaners). These facilities would be required to register their</p>

SEPA Authority by Element of the Environment (20.50. Shoreline Municipal Code(SMC))	How Addressed by Other Codes/Rules*
	<p data-bbox="824 268 1429 617">pollutant-emitting equipment with PSCAA (Regulation I and Regulation II). PSCAA requires all commercial and industrial facilities to use the Best Available Control Technology (BACT) to minimize emissions. The agency may require applicants for high-emission facilities to conduct an air quality assessment to demonstrate that the proposed emissions would not expose offsite areas to odors or air quality concentrations exceeding regulatory limits.</p> <p data-bbox="824 659 1429 1008">Transportation roadway projects must be included in the Regional Transportation Plan (RTP) or TIP prior to start of construction to show that they conform to the Puget Sound region's Air Quality Maintenance Plans and would not cause or contribute to the region exceeding the federal standards. Once included in the RTP or TIP, the projects must meet all transportation conformity requirements and demonstrate regional conformity.</p> <p data-bbox="824 1050 1429 1398">Project-Level Transportation Conformity Analyses for Future Roadway and Intersection Improvements: As part of future project-specific NEPA documentation for individual new roadway improvement projects, the City would be required to conduct CO hot-spot modeling (as required under WAC 173-420) to demonstrate that the projects would not cause localized impacts related to increased CO emissions from vehicle tailpipes at congested intersections.</p>

Air Quality – Construction Impacts	<ul style="list-style-type: none"> • International Building and Fire Codes contain provisions for the removal of hazardous and combustible materials (Section 3303). • PSCAA rules and best practices apply to mitigate impacts from fugitive dust and other potentially hazardous demolition waste materials, such as lead. • PSCAA permit required for asbestos removal and includes survey and mitigation measures for dust control techniques and use of toxic air control technologies.
Water Surface Ground Runoff	<ul style="list-style-type: none"> • 20.80 Critical Area Code and Chapter 13.12 Floodplain Management contain regulations that provide for mitigation of impacts to landslide hazards areas, steep slopes, unstable soils, wetlands, streams, flood prone areas, aquifer recharge areas, and fish/wildlife habitat Chapter 20.200. • Shoreline Master Program contains regulations for preservation and enhancement of shorelines consistent with DOE rules regarding no net loss • Chapter 13.10 Surface Water Code include environmental & water quality protections. • Best Management Practices included in the Department of Ecology Stormwater Management Manual for Western Washington and NPDES permitting provide stormwater pollution prevention measures. • State Hydraulic Project Approvals provide for protection of freshwater resources.
Plants and Animals	<ul style="list-style-type: none"> • Tree preservation and landscaping regulations provide protections for natural areas and wildlife habitat, and promote use of native plants. Chapters 20.50, 20.80, and Low Impact Development, Technical Guidance for Puget Sound Puget Sound. • Federal and state regulations provide protection for endangered species (16 U.S.C. §1531 et seq. and Chapter 77.12 RCW).
Energy and Natural Resources	<ul style="list-style-type: none"> • Energy Codes WAC 51-11 adopted by the City and chapter 15.05 mandate high levels of energy efficiency. • Critical Areas Ordinance (SMC 20.80) protects streams, wetlands and flood prone areas.
Environmental Health	<ul style="list-style-type: none"> • Federal, state and regional regulations, as well as locally adopted Fire and Building Codes, are

	<p>the primary means of mitigating risks associated with hazardous and toxic materials.</p> <ul style="list-style-type: none"> • WAC 365-230 Lead Based Paint Abatement
Noise	<ul style="list-style-type: none"> • Chapter 19.05 Noise provides for daytime/nighttime noise level limits, exemptions, variances and public nuisances and authority to mitigate impacts related to exceeding noise level limits and specific noise generating activities.
Land and Shoreline Use	<ul style="list-style-type: none"> • Zoning and Development standards and Shoreline Master Program SMC Chapter 20.20, Subdivision regulations, Design and Construction Standards, and Critical Areas code address the scale of development and other aspects related to compatibility, environmental protection and uses.
Housing	<ul style="list-style-type: none"> • Zoning and development standards provide for a broad range of housing types in the City, zoning for a range of densities, and flexible development standards to achieve the allowable density. • Design and transition criteria provide for compatibility.
Aesthetics	<ul style="list-style-type: none"> • 20.50 General Design Standards include transition criteria. A design review process applies to, mixed-use and commercial zones providing a consistency review of height, bulk, and scale.
Light and Glare	<ul style="list-style-type: none"> • 20.50 Development Code standards for screening and landscaping, shading of lighting, and performance standards related to glare provide mitigation.
Recreation	<ul style="list-style-type: none"> • Policies contained in the Parks Recreation and Open Space Element of the Comprehensive Plan • Shoreline Master Program addresses public access to shoreline Chapter 20.200). • Multifamily and mixed-use performance criteria require common open space (SMC 20.50.160).
Historic and Cultural Preservation	<ul style="list-style-type: none"> • The Landmark Designation and Preservation code is in place for landmark preservation (15.20). • Federal and state regulations address protection of cultural/archaeological resources (including RCW Chapters 27.34, 27.53, and 27.44 RCW; and WAC Chapter 25.48)

Transportation	<ul style="list-style-type: none"> • Transportation Master Plan Establishes Master Street Plan coupled with the Transportation Element of the Comprehensive Plan identify a multimodal transportation network and establish minimum levels of service impacts of development must be mitigated. • Six year Capital Facility Plan identifies growth related project and mitigations. • Infrastructure Improvements Code SMC 20.70. • Chapter 20.60 Adequacy of Public facilities provides mitigation for impacts to infrastructure, including transportation. • 14.10 Commute Trip Reduction code requires affected employers to make a good faith effort to develop and implement a CTR program that will encourage employees to reduce VMT and drive-alone commute trips. • SMC (Chapter 20.50) includes authority to requires or reduce parking requirements according to land use, considering unique circumstances and temporary parking needs.
Public Services/Facilities and Utilities	<ul style="list-style-type: none"> • Authority for requiring utility improvements is identified in SMC 20.60 Adequacy of Public Facilities based on adopted levels of service applied during permit review. This includes water, sewer, storm drain, and electrical improvements. Development must offset direct impacts. • Fire codes mitigate impacts of built environment on emergency services (SMC 15.05). • Solid waste code SMC 13.14 also addresses recycling and yard waste collection • Water and sewer service providers Comprehensive Service Plans provide for mitigation of the direct impacts of development

*All citations are from the City of Shoreline Municipal Code (SMC), unless otherwise indicated. RCW = Revised Code of Washington. WAC= Washington Administrative Code.

ATTACHMENT B
ACTIONS WITH PUBLIC PROCESS

Action	Noticing & Public Comment
Accessory Dwelling Unit	
Lot Line Adjustment including Lot Merger	
Building Permit	
Final Short Plat	
Home Occupation, Bed and Breakfast, Boarding House	
Right-of-Way Use	
Shoreline Exemption Permit	
Sign Permit	
Site Development Permit	
Deviation from Engineering Standards	
Temporary Use Permit	✓
Clearing and Grading Permit	
Planned Action Determination	
Administrative Design Review	✓
Floodplain Development Permit	
Floodplain Variance	✓
Binding Site Plan	✓
Conditional Use Permit (CUP)	✓
Preliminary Short Subdivision	✓
Shoreline Substantial Development Permit	✓
Shoreline Variance and Shoreline CUP	✓
Zoning Variances	✓
Preliminary Formal Subdivision	✓
Rezone	✓
Special Use Permit (SUP)	✓
Critical Areas Special Use Permit	✓
Final Formal Plat	
SCTF – Special Use Permit	✓
Street Vacation	✓
Master Development Plan	✓

HISTORICAL SUMMARY

- SEPA was enacted in 1971 when the nation's awareness of environmental problems was emerging. Many laws and procedures for environmental protection, land use planning and the provision of infrastructure have been implemented since SEPA was first adopted. The City has made a concerted effort to adopt and implement environmental protections

- CITY INCORPORATION 1995

The City adopted King County regulations and environmental procedures that reflected the 1971 thresholds

- COMPREHENSIVE PLAN 1998

The first Comprehensive Plan was adopted. An Environmental Impact Statement (EIS) was used to analyze impacts

- DEVELOPMENT CODE 2000

The Development Code implements the policies and mitigations identified in the Comprehensive Plan

- North City District Subarea Plan 2001

The subarea plan was approved as a Planned Action. A Supplemental EIS was issued for this action. As a Planned Action additional environmental review is not required for proposals that are consistent with the plan

- COMPREHENSIVE PLAN 2005 / CRITICAL AREAS 2006

As directed by the Growth Management Act (GMA) a major update to the Comprehensive Plan was completed in 2005. The update established LOS for sewer and water and concurrency standards for traffic. LOS standards require that adequate facilities are available at the time of development. The update provided protections for natural environment and defined best available science in policies and local regulations. To support the policies and integrate best available science the Critical Areas Code was adopted in 2006.

- SURFACEWATER CODE 2009

Surfacewater Code implemented the DOE Stormwater Manual and sets standards for Low Impact Development

TRANSPORTATION MASTER PLAN 2011

- TMP identified levels of service for transportation, defined the transportation network, and developed the transportation component of the six and 20 year Capital Facility Plans. The

HISTORICAL SUMMARY

plans are intended to identify infrastructure improvements that mitigate the long term impacts of development

- Town Center Subarea Plan 2011
- The subarea plan was approved as a Planned Action. A Supplemental EIS was issued for this action. As a Planned Action additional environmental review is not required for proposals that are consistent with the plan
- SURFACEWATER MASTER PLAN 2011
The SWMP sets the Levels of Service (LOS) for stormwater facilities both for the utility and new development
- SHORELINE MASTER PROGRAM 2012
The Shoreline Master Program (SMA) put in place the “no net loss of environmental protection” policies of the Shoreline Management Act. The SMA and GMA are examples of new regulation that DOE has used in support for reevaluating and proposing new thresholds
- VEGETATION AND TREE PROTECTION 2012
Enhanced mitigation to provide protection for the urban tree canopy and understory vegetation was adopted
- FLOODPLAIN MANAGEMENT 2012
FEMA mandated that local floodplain ordinances incorporate provisions of the Endangered Species Act
- COMPREHENSIVE PLAN UPDATE 2012
GMA mandated update. During the update process the impacts of future development were analyzed. A wide range of impacts that may result from the implementation of the policies and future development were considered.
- LEGISLATIVE AMENDMENTS 2012
The 2012 legislature directed Ecology to modernize the rules that guide state and local agencies in conducting SEPA reviews, in light of the increased environmental protections in local, state, and federal regulations
- COMMERCIAL DESIGN STANDARDS 2013
Commercial design standards were adopted to implement policies in the land use element of the Comprehensive Plan and further support Council goal #1
The focus of the environmental review and analysis for both the Comprehensive Plan and the CDS was system wide at the plan level which will form the basis for “on the ground” project decisions

20.30.560 Categorical exemptions – Minor new construction.

The following types of construction shall be exempt, except when: 1) ~~when~~ undertaken wholly or partly on lands covered by water; 2) ~~the proposal would alter the existing conditions within a critical area~~; 3) a rezone is requested; or ~~4~~3) any license governing emissions to the air or discharges to water is required.

A. The construction or location of: ~~any residential structures of four dwelling units.~~

1. Any residential structures up to thirty dwelling units.

2. A multifamily structure with up to sixty dwelling units.

B. The construction of an office, school, commercial, recreational, service or storage building with ~~4,000~~ 30,000 square feet of gross floor area, and with associated parking facilities designed for ~~20~~ 90 automobiles.

C. The construction of a parking lot designed for ~~20~~ 90 automobiles. This exemption includes stand-alone parking lots.

D. Any landfill or excavation of ~~500~~ 1,000 cubic yards throughout the total lifetime of the fill or excavation not associated with an exempt project in sections, A, B, or C and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations there under. (Ord. 591 § 1 (Exh. A), 2010; Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 238 Ch. III § 9(h), 2000).



Memorandum

DATE: March 21, 2013
TO: Shoreline City Council
FROM: Shoreline Planning Commission
RE: Planning Commission Recommendation on Amendments to the City's Environmental Review Procedures

The Planning Commission held a study session (February 21) and public hearing (March 21) on amendments to SMC 20 Subchapter 8, Environmental Procedures. The Commission concluded the hearing and is forwarding the following recommendation and attached Development Code amendments for City Council's consideration.

The Planning Commission believes that the amendments meet the applicable criteria in 20.30.350 SMC.

A. Purpose. An amendment to the Development Code is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City.

B. Decision Criteria. The City Council may approve or approve with modifications a proposal for the text of the Land Use Code if:

1. The amendment is in accordance with the Comprehensive Plan.

The amendment is intended to support the planning efforts of the City and implement policies in the Land Use and Economic Development Elements of the Comprehensive Plan.

LU5: Review and update infill standards and procedures that promote quality development, and consider the existing neighborhood.

ED17: Provide fast, predictable, and customer service-oriented permitting processes for commercial improvements, expansions, and developments.

2. The amendment will not adversely affect the public health, safety or general welfare.

The proposal entails amending the categorical exemptions for minor new construction in 20.30.560 SMC to reduce procedural redundancies. Amending the procedures will not adversely affect the public health, safety, or general welfare.

3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

The amendments are consistent with the community vision and Council goals.

LU13: Encourage the assembly and redevelopment of key, underdeveloped parcels through incentives and public/private partnerships.

ED22: Provide incentives for land uses that enhance the city's vitality through a variety of regulatory and financial strategies.

The Planning Commission reviewed the proposal in light of the criteria and determined that the proposal met the criteria for an amendment to Title 20 of the Shoreline Municipal Code.

Date: 3/27/2013

By: Norina M. Mon
Planning Commission Chair

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