

# Legislative Update for SEPA regulations and TDR Program

Planning Commission Meeting

July 19, 2012



# ESSB 6406

- An act relating to modifying programs that provide for the protection of the state's natural resources.
- Senate passed bill on March 5, 2012 and law is effective July 10, 2012.



# Brief Summary

- NPDES (Natural Pollutant Discharge Elimination System)
- HPA (Hydraulic Project Approvals)
- FPA (Forest Practice Applications)
- SEPA (State Environmental Policy Act)



# Natural Pollutant Discharge Elimination System

- NPDES – Permit Timelines and Requirements
- Key deadlines are shifted from 2013 to 2016.
- Establishes a LID training fund
- Delays the removal of the “one acre threshold” by 3 years



# Hydraulic Project Approval

- HPA is required for any project that will use, divert, obstruct, or change the natural flow of any waters of the state.
- Establishes fees and exemptions for HPA's
- Allows multi-site permits



# Forest Practice Applications

- An FPA allows certain activities on public/private forest lands (logging, building roads, rock pits, etc...)
- Extends the duration of an FPA
- Increases FPA fees
- Integrates HPA's into an associated FPA.



# SEPA

- Increase the categorical exemption for single-family, multi-family, commercial, and agricultural developments.



# SEPA Continued...

- Categorical exemptions for non-project actions such as Comprehensive Plan Amendments and Development Code Amendments that do not lessen environmental impact.





## SEPA Continued...

- Infill development of up to 65,000 square feet (excluding retail development) is made eligible for a categorical exemption where consistent with planning and environmental review criteria.



## SEPA continued...

- And finally, ESSB 6406 allows the City to recover certain costs for a nonproject EIS regarding planned actions and infill development.



# Transfer of Development Rights

- The Landscape Conservation and Local Infrastructure Program was enacted into law during the 2011 session of the Washington State Legislature through ESSB 5253.



# What The Law Does

- The law creates a voluntary infrastructure financing tool that is predicated upon accepting TDR's from designated natural resource and rural lands



# Why Participate?

- Using the new TDR program allows the City of Shoreline to collect taxes that normally go to the County to fund infrastructure improvements in a “district” that the City defines.



# New source of funding

- Funds generated by new taxes may be spent on infrastructure including streets, sidewalks, parks, open space, or any other amenity within the district that is defined by the City.



# Allocation

- Eligible counties (King, Snohomish, Pierce) report to PSRC the total number of development rights available on natural resource and rural lands.
- The PSRC allocates that number between eligible cities.



# Allocation Continued...

- PSRC worked with King Co. to identify the total number of development rights available to eligible cities.
- Shoreline was assigned 231 development rights based on regional growth targets and other determining factors.





# Brief Outline of Process

- City commits to TDR goal (at least 20% of allocation)
- City develops a infrastructure plan and TDR regs
- Adopt district boundary through an ordinance
- The City would finance infrastructure and begin collecting revenue
- Meet thresholds to continue revenue collection

# Why are we discussing this?

- The City's Comprehensive Plan had policies supporting TDR but were proposed to be deleted in the most current draft of the Land Use Element.



# Questions

- Should the Planning Commission add policies to the Comp Plan to encourage TDR's within the City of Shoreline?





