

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

| | | | |
|---|--|---|--|
| AGENDA TITLE: | Public Hearing on Raising SEPA Thresholds on Exempt Levels for Environmental Review | | |
| DEPARTMENT: | Planning & Community Development | | |
| PRESENTED BY: | Jeffrey Forry, Permit Services Manager Rachael Markle, AICP, Director | | |
| <input checked="" type="checkbox"/> Public Hearing | <input type="checkbox"/> Study Session | <input type="checkbox"/> Recommendation Only | |
| <input type="checkbox"/> Discussion | <input type="checkbox"/> Update | <input type="checkbox"/> Other | |

INTRODUCTION

The purpose of this meeting is to conduct a public hearing on proposed amendments to the environmental review procedures contained in Title 20 of the Shoreline Municipal Code (The Development Code). The Planning Commission conducted a study session on February 21, 2013. The staff report from the study session that provides the background and analysis for the proposal is included for reference as **Exhibit 2**. The purpose of this staff report is to respond to specific questions raised by the Commission.

PROPOSAL

The proposal includes amendments to SMC 20.30.560 SMC that raise the exempt levels for minor new construction as depicted in the table below and eliminate the automatic environmental review requirement for activities in critical areas and their buffers.

| | Existing and Proposed Thresholds for Minor New Construction | | |
|---|--|--|---|
| Project Type | Existing City Exemptions | State Interim Exempt Levels | 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 | 12,000 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 |

Approved By:

Project Manager 

Planning Director 

STUDY SESSION ITEMS

- *How do the numbers in the table on page 6 of the staff report relate to appeals?*

In the 18 years following the City's incorporation in 1995, the City has evaluated hundreds of development applications employing the adopted development regulations. Using the historical averages from the table on page 6 of the study session staff report an estimated 200 projects may have been subject to environmental review (SEPA). The environmental review used the mitigations provided in local, state, and federal regulations to mitigate the direct impacts of development. 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.

- *What do we lose by raising the thresholds?*

The numbers analyzed indicate that on average 23 proposals a year will be subject to environmental review. 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 would make it unlikely that proposals would surface that would approach the proposed thresholds for detached dwelling units. The 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 propose to 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 permit review of the proposal for consistency with the development regulations.

For residential development that only intends to maximize the density potential of an existing lot, many of the issues associated with development of the lot 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 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 land use designation and the 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 density, traffic, and other

infrastructure. "Greenfield" properties are not available in Shoreline. Development within the urban corridors identified in the Comprehensive Plan by definition must be consistent with the environmental analysis that has already been performed and vetted through the public processes that supported the adoption of the Comprehensive Plan and the Development Code. It is environmentally responsible for growth to be focused in cities that have effectively planned for development at the levels mandated by GMA and 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 of all new residential, commercial, and multifamily development to insure consistency with the City's development regulations provide level of analysis that identifies 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.

- *How are critical areas protected?*

If uses, activities or developments are 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 accepted 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. Applicants are required to disclose potential critical areas. Prior to permit approval for nonexempt activities 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 shall be mitigated. Mitigation actions shall be implemented in the preferred sequence:

Avoidance, minimization, restoration and replacement. Proposals which include less preferred and/or compensatory mitigation shall demonstrate that:

1. All feasible and reasonable measures will be taken to reduce impacts and losses to the critical area, or to avoid impacts where avoidance is required by these regulations; 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.

Based on these criteria staff believes that the proposal will not result in a loss of protections for critical areas.

RECOMMENDATION

Due to the extensive planning efforts that the City has undertaken to meet the requirements of the Growth Management Act and institute environmental protections that are implemented through the permit process, staff recommends that the environmental review thresholds for minor new construction be amended as proposed and eliminate the automatic environmental review requirement for activities in critical areas and their buffers. Exhibit 6 provides an overview of the milestone actions taken by the City that support this recommendation.

EXHIBITS

The attachments include a copy of the original and proposed amending language shown in legislative format. Legislative format uses ~~strikethroughs~~ for proposed text deletions and underlines for proposed text additions.

- Exhibit 1** March 21, 2013 Staff Report "Public Hearing on Raising SEPA Thresholds on Exempt Levels for Environmental Review"
- Exhibit 2** February 21, 2013 Staff Report "Raising SEPA Thresholds on Exempt Levels for Environmental Review"
- Exhibit 3** Element and Regulation Matrix
- Exhibit 4** Table of Actions with Public Process
- Exhibit 5** Proposed Development Code Amendments
- Exhibit 6** Historical Summary

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INTRODUCTION

The state legislature has amended the environmental statutes. In the period since the legislature's adoption of the amendments the City has been operating under interim thresholds established by the state. The legislature set the interim thresholds at the highest exempt levels currently allowed in the regulations. The exempt levels included proposals up to 20 dwelling units and commercial buildings up to 12,000 square feet. The City has operated under these levels during the interim period and review of development proposals indicated that the rules and regulations in effect provide appropriate levels of mitigation of the anticipated impacts. When the period for the interim thresholds expired the state established new thresholds. The new thresholds must be formally adopted to employ them.

In 2012 the Council adopted a series of goals that provide direction to departments and assistance in developing their respective work plans. Included in Council goal number one is a desire to implement the Community Vision by updating key development regulations and to make the permit process clear, timely and predictable through appropriate planning tools. In support of this goal and to implement the new environmental review thresholds staff is proposing:

1. Raising the thresholds on the exempt levels for environmental review under SEPA as follows:
 - 4 detached dwelling units to 30 detached dwelling units
 - 4 multifamily dwelling units to 60 multifamily dwelling units
 - Commercial buildings 4,000 sq ft and 20 parking stalls to 30,000 sq ft and 90 parking stalls
 - Standalone parking lots for 20 parking spaces to 90 parking spaces
 - Landfill or excavation 500 cubic yards to 1,000 cubic yards

2. Consider elimination of automatic environmental review for activities in and around critical areas.

Approved By:

Project Manager 

Planning Director 

BACKGROUND

One “planning tool” relied upon by staff and the public is SEPA and the City’s adopted environmental review procedures. At first glance the above changes may appear as a loss of regulatory tools to protect the environment. The purpose of this staff report is to demonstrate how through years of improving our local regulations we have met or surpassed the tools availed through SEPA.

Due to changes in the Revised Code of Washington (RCW), Washington Administrative Code (WAC), and the Municipal Code, the 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.

The Washington State Environmental Policy Act (SEPA) was adopted in 1971. The act established thresholds for when environmental review is required for different actions. SEPA (RCW 43.21(C) (the law) granted DOE the authority to write regulations (WAC 197-11) (the 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 adopted 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 non project 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

Exhibit 2

regulations prior to 1971. Information obtained during the SEPA process can be used to change a proposal to reduce likely impacts or condition or deny a proposal when adverse environmental impacts are identified. Both the law and the rules identify exempt activity (thresholds). Since the City of Shoreline's incorporation in 1995, it has employed the lowest thresholds allowed by the Act.

No substantive reforms to SEPA have been enacted by the legislature in the past 41 years. 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 intend 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 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 the new rules. The exemption thresholds for environmental review were placed at the highest categorical exemption levels available to local government. Planning Commission was informed of the legislation and interim thresholds on July 19, 2012.

On September 17, 2012 Council was briefed on the pending legislation. For Council to consider staff recommendations the Planning Commission must first evaluate them and hold a public hearing and form its own recommendation for Council consideration. Adoption of the new rules is optional.

This action will support City Council Goal #1 to strengthen Shoreline's economic base by streamlining development regulations and making the permit process predictable, timely and competitive.

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

Exhibit 2

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 and standards will provide adequate mitigation for the environmental impacts of projects up to the maximum exemptions allowed by WAC 197-11-800(1)(d).

Increasing the SEPA exemption threshold levels in accordance with WAC 197-11-800(1) will increase certainty for applicants and the public while maintaining environmental standards.

Staff has evaluated the goals of GMA as set forth 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 the GMA. WAC 197-11 (SEPA Rules) 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 following process must be met in order to raise the exempt levels.

- 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 (**See Attachment A**). The requirements may be addressed in specific adopted development regulations, and applicable state and federal regulations.
- 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.

PROPOSAL & ANALYSIS

The proposal includes amendments to section 20.30.560 SMC to raise the exempt levels for minor new construction and eliminate the automatic environmental review requirement for activities in critical areas and their buffers as depicted in the table below and **Attachment C**.

| Existing and Proposed Thresholds for Minor New Construction | | | |
|---|---|--|---|
| Project Type | Existing City Exemptions | State Interim Exempt Levels | 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 | 12,000 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 |

Both amendments are supported by the City’s newly adopted Comprehensive Plan Goals and Policies, the associated environmental analysis, and Council goal #1.

The City of Shoreline SEPA procedures are located in Title 20 of Shoreline’s Municipal Code (SMC). The City’s original SEPA regulations were adopted in 1995. In order to comply with SEPA rules in WAC 197-11 and 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 under gone only two minor amendments. As with SEPA, no comprehensive evaluation of the local procedures has been performed as development regulations have been refined to incorporate environmental protections and integrate the planning policies mandated by the GMA **Attachment A** identifies the elements of the environment and the respective local state and federal regulations that provide mitigations for the impacts from minor new construction.

GMA cities and counties considering adjustments to their critical areas categorical exemptions should consider whether the exemption would apply to a project proposed within a critical area. It is generally recommended that a new exemption not apply in critical areas unless the city or county has updated its critical areas policies and regulations to include best available science under RCW 36.70A.172.

The City’s critical area regulations were originally adopted under Ordinance 238 and subsequently amended by Ordinance 324 and 398. The City’s critical areas regulations include best available science. The City also employs qualified professionals as necessary in reaching its decisions on development in or adjacent to critical areas. The regulations also allow the City to impose mitigations based on the recommendations of the qualified professional. The City has not needed to use its substantive authority under SEPA to mitigate impacts to critical areas. There is no net loss of environmental evaluation caused by eliminating automatic environmental review requirement. The

Exhibit 2

Comprehensive Plan policies were enhanced in the 2011 update to further protect the natural environment.

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 place in chapters RCW 36.70A (GMA and 90.58 (SMA)). This is supported by the level of environmental protections and mitigations incorporated into the City's development regulations.

The majority of projects reviewed by the City result in 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 need 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 thresholds will affect the type and number of projects that require additional environmental review.

Number of projects that were subject to review 2004 – 2012 = 103

| Project Type | Count (Number per year) | Projects still subject to SEPA per year |
|--------------------------------------|-------------------------|---|
| Miscellaneous structures | 13 | 13 |
| Multifamily (over 4 dwelling units) | 17 (2) | 3 |
| Nonresidential (over 4,000 sq ft) | 21 (3) | 3 |
| Site development | 41 (5) | 4 |
| Single family | 11 (1) | 0 |
| Total | 103(11) | 23 |

While number and types of proposals subject to SEPA will decrease the majority of larger proposals processed by the City will still be subject to a public process. Only the projects whose impacts are not anticipated in the adopted regulations and plans will still require public notice under SEPA (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. As planned actions, 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 for in these districts is not required for proposals that are consistent with the planned action approval.

Similarly the environmental analysis the City has undertaken in conjunction with the Comprehensive Plan, the implementing regulations, and Development Code anticipate

the impacts of new development. The environmental review of the commercial standards and the newly adopted Comprehensive Plan also evaluated impacts of development at the proposed new thresholds and enhanced mitigations were incorporated into the plan and regulations such as transportation, densities, building design transitions, provisions for pedestrian infrastructure, and utilities.

It is not possible to meet the goals or requirements of GMA or to make informed planning decisions without giving appropriate consideration to environmental factors. The GMA nonproject actions such as the adoption of policies, plans, and regulations form the basis for subsequent "on the ground" project decisions that directly affect our environment.

Environmental review that the City has performed at 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 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 entails:
 - 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 the gaps that may remain, by focusing on any project-specific environmental impacts not addressed under other regulations.

TIMING AND SCHEDULE

Summary of noticing, project review and adoption (next steps)

- Public hearing tentatively scheduled for March 21, 2013;
- Council Study Session – April 8, 2013;
- Council considers adoption – April 29, 2013; and
- Notice of the study session was provided on the website February 7, 2013.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval to the City Council on the proposal.

ATTACHMENTS

The attachments include a copy of the original and proposed amending language shown in legislative format. Legislative format uses ~~striketroughs~~ for proposed text deletions and underlines for proposed text additions.

Attachment A - Element and Regulation Matrix

Attachment B - Actions with Public Process

Attachment C - Proposed Amendment

ELEMENT AND REGULATION MATRIX

Summary of environmental protections in codes/rules (Substantive Authority) compared to a complete list of topics addressed by environmental review pursuant to the SEPA:

| SEPA Authority by Element of the Environment (20.50. SMC) | How Addressed by Other Codes/Rules* |
|--|---|
| <p>Earth</p> | <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 |
| <p>Air Quality</p> | <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</p> |

| SEPA Authority by Element of the Environment (20.50. SMC) | How Addressed by Other Codes/Rules* |
|--|--|
| | <p>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 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>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 regional exceedances of the federal standards. Once included in the RTP or TIP, the projects must meet all transportation conformity requirements and demonstrate regional conformity. 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> |

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| <p>Air Quality – Construction Impacts</p> | <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. |
| <p>Water Surface Ground Runoff</p> | <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. |
| <p>Plants and Animals</p> | <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). |
| <p>Energy and Natural Resources</p> | <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. |
| <p>Environmental Health</p> | <ul style="list-style-type: none"> • Federal, state and regional regulations, as well as locally adopted Fire and Building Codes, are |

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| | <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 |

| | |
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| <p>Transportation</p> | <p>27.44 RCW; and WAC Chapter 25.48)</p> <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. |
| <p>Public Services/Facilities and Utilities</p> | <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.

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| 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 | ✓ |
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20.30.560 Categorical exemptions – Minor new construction.

The following types of construction shall be exempt, except: 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) ~~any license governing emissions to the air or discharges to water is required.~~

- A. The construction or location of any residential structures up to ~~of four~~ thirty dwelling units.
- B. The construction of a multi family structure with up to sixty dwelling units.
- C. 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).

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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

- 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

HISTORICAL SUMMARY

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 Level of Service (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 the Critical Areas Code was adopted in 2006.

- **SURFACEWATER CODE 2009**

Surfacewater Code implemented the Department of Ecology (DOE) Stormwater Manual and sets standards for Low Impact Development.

TRANSPORTATION MASTER PLAN (TMP) 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 plans are intended to identify

HISTORICAL SUMMARY

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 (SWMP) 2011

- SWMP sets the Levels of Service (LOS) for stormwater facilities both for the utility and new development.

SHORELINE MASTER PROGRAM

- The Shoreline Master Program (SMA) put in place the “no net loss of environmental protection” policies of the Shoreline Management Act. The SMA and Growth Management Act (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.

HISTORICAL SUMMARY 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 (CDS) 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

HISTORICAL SUMMARY

plan level which will form the basis for “on the ground” project decisions.

Due to the extensive planning efforts that this body has undertaken to meet the requirements of the Growth Management Act and institute environmental protections that are implemented through the permit process, we recommend that the environmental review thresholds for minor new construction be amended as proposed.