

ORDINANCE NO. 4096

AN ORDINANCE of the City Council of the City of Kent, Washington, establishing a Planned Action for the Downtown Subarea Action Plan pursuant to the State Environmental Policy Act.

RECITALS

A. On May 14, 2012, the Economic & Community Development Committee recommended to the City Council passage of a resolution declaring an emergency under the Growth Management Act, RCW 36.70A.130(2)(b), and 12.02.010.A.1 Kent City Code, to pursue an amendment to the Kent Comprehensive Plan to revise the 2005 Downtown Strategic Action Plan. The City Council passed Resolution 1857 on June 5, 2012 declaring an emergency.

B. The City of Kent has adopted a Comprehensive Plan complying with the GMA.

C. To guide Downtown's growth and redevelopment, the City has engaged in extensive planning for the Downtown Subarea and has adopted amendments to its Comprehensive Plan including the Downtown Subarea Action Plan (DSAP) Update. The DSAP supports the City Council's vision

statement and strategies for the creation of richly diverse neighborhood urban centers.

D. The State Environmental Policy Act (SEPA) and implementing rules provide for the integration of environmental review with land use planning and project review through designation of "Planned Actions" by jurisdictions planning under the Growth Management Act (GMA).

E. The City approved a Planned Action Ordinance for a portion of the Downtown Subarea in 2002 and has largely completed those actions.

F. The City desires to designate a new Planned Action for a portion of the Downtown Subarea.

G. Designation of a Planned Action expedites the permitting process for subsequent, implementing projects whose impacts have been previously addressed in a Planned Action environmental impact statement (EIS), and thereby encourages desired growth and economic development.

H. On October 9, 2012, the City's SEPA responsible official issued a Determination of Significance (DS)/Scoping Notice for the City of Kent Downtown Subarea Action Plan Planned Action Supplemental Environmental Impact Statement, solicited public comment through a November 1, 2012, open house meeting, and invited comments during the scoping period, which closed November 2, 2012. A Draft Supplemental Environmental Impact Statement (SEIS) was issued on June 21, 2013. The Draft SEIS was considered during a public hearing on the DSAP, which was held on July 8, 2013 and July 22, 2013. A Final Supplemental Environmental Impact Statement was issued on October 4, 2013.

I. The DSAP SEIS supplements the City of Kent Comprehensive Plan Review and Midway Subarea Planned Action Environmental Impact Statement completed in 2011 (2011 EIS).

J. The City of Kent Downtown Subarea Action Plan Planned Action Supplemental EIS (referenced as the 2013 SEIS) and the 2011 EIS jointly identify impacts and mitigation measures associated with planned development in the Downtown area. Together these are referenced as the Combined DSAP Planned Action EIS.

K. The City has adopted development regulations and ordinances that will help protect the environment, and is adopting regulations specific to the Downtown Subarea that will guide the allocation, form and quality of desired development.

L. The Kent City Code (KCC) 11.03.020 provides for Planned Actions within the City.

M. The City as lead agency provided public comment opportunities through an SEIS scoping period in October 2012, and for the DSAP Update in 2012 and 2013 as part of a coordinated DSAP public participation program.

- Extensive community visioning was conducted through individual interviews, three neighborhood meetings, and two online surveys.
- A Downtown Steering Committee consisting of community business and property owners, local developers, citizens, and city leadership, convened seven (7) times between July 2012 and April 2013 for the purpose of advising the DSAP update.

- The Land Use and Planning Board held workshops on June 25, 2012, October 22, 2012, March 11, 2013, May 13, 2013, May 28, 2013, and June 24, 2013, to review the DSAP update and associated comprehensive plan and zoning text and map amendments. On July 8, 2013, and July 22, 2013, the Land Use and Planning Board held a public hearing to consider the draft DSAP update, land use plan map amendments, rezones, comprehensive plan and zoning text amendments and the Draft SEIS.
- The City conducted three briefings and meetings with the City Council's Economic & Community Development Committee on June 11, 2012, March 11, 2013, and October 14, 2013.
- The City Council was briefed on the DSAP Update and recommendations at a workshop held on September 17, 2013.

N. The City Council's Economic & Community Development Committee hosted a community meeting on October 14, 2013 consistent with RCW 43.21C.440(3)(b).

O. On June 19 and June 21, 2013, the City provided the State of Washington the required sixty (60) day notification under RCW 36.70A.106 for the DSAP Update, Land Use Plan and Zoning District Map Amendments, Draft Planned Action and Infill Exemption Ordinances. On July 23, 2013, the City provided the State of Washington the required sixty (60) day notification under RCW 36.70A.106 for the Mixed Use Overlay Code Amendments and code reference correction for downtown design guidelines. The sixty (60) day notice periods have lapsed.

P. On October 4, 2013, the City's SEPA responsible official issued the Final Planned Action SEIS for the DSAP Update.

Q. After providing appropriate public notice, on November 12, 2013, the City Council's Economic & Community Development Committee for the City of Kent considered the planned action ordinance at a public hearing.

NOW, THEREFORE, the City Council of the City of Kent, Washington ordains as follows:

SECTION 1. - *Recitals.* The recitals set forth above are incorporated herein by reference.

SECTION 2. - *Purpose.* The City of Kent declares that the purpose of this ordinance is to:

A. Combine environmental analysis, land use plans, development regulations, Kent codes and ordinances together with the mitigation measures in the Combined DSAP Planned Action EIS to mitigate environmental impacts and process Planned Action development applications in the Planned Action Area.

B. Designate the central Downtown Subarea shown in Exhibit A as a Planned Action Area for purposes of environmental review and permitting of subsequent, implementing projects pursuant to SEPA, RCW 43.21C.031.

C. Determine that the 2013 SEIS prepared for the DSAP Update together with the 2011 EIS prepared for the Comprehensive Plan meet the requirements of a Planned Action EIS pursuant to SEPA (together referenced as the Combined DSAP Planned Action EIS).

D. Establish criteria and procedures, consistent with state law, that will determine whether subsequent projects within the Planned Action Area qualify as Planned Actions.

E. Provide the public with information about Planned Actions and how the City will process implementing projects within the Planned Action Area.

F. Streamline and expedite the land use permit review process by relying on the Combined DSAP Planned Action EIS.

G. Apply the City's development regulations together with the mitigation measures described in the Combined DSAP Planned Action EIS and this Ordinance to address the impacts of future development contemplated by this Ordinance.

SECTION 3. - Findings. The City Council finds as follows:

A. The City is subject to the requirements of the GMA (RCW 36.70A), and is applying the Planned Action to an Urban Growth Area (UGA).

B. The City has adopted a Comprehensive Plan complying with the GMA, and is amending the Comprehensive Plan to incorporate a subarea plan specific to the Downtown.

C. The City is adopting zoning and development regulations in a phased approach both concurrent with and subsequent to the DSAP Update to implement said Plan, including this ordinance.

D. The Combined DSAP Planned Action EIS has been prepared for the Planned Action Area, and the City Council finds that the EIS adequately

identifies and addresses the probable significant environmental impacts associated with the type and amount of development planned to occur in the designated Planned Action Area.

E. The mitigation measures identified in the Combined DSAP Planned Action EIS and attached to this ordinance as Exhibit B, incorporated herein by reference, together with adopted City development regulations, will adequately mitigate significant impacts from development within the Planned Action Area.

F. The DSAP Update and 2013 SEIS identify the location, type and amount of development that is contemplated by the Planned Action.

G. Future projects that are implemented consistent with the Planned Action will protect the environment, benefit the public and enhance economic development.

H. The City provided several opportunities for meaningful public involvement in the DSAP Update and 2013 SEIS, including a community meeting prior to the publication of notice for the Planned Action Ordinance; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments.

I. Essential public facilities defined in RCW 36.70A.200(1) are excluded from the Planned Action and are not eligible for review or permitting as Planned Actions unless they are accessory to or part of a project that otherwise qualifies as a Planned Action.

J. The Planned Action applies to a defined area that is smaller than the overall City boundaries.

K. Public services and facilities are adequate to serve the proposed Planned Action, with implementation of mitigation measures identified in the Combined DSAP Planned Action EIS.

SECTION 4. - Procedures and Criteria for Evaluating and Determining Planned Action Projects within Planned Action Area.

A. Planned Action Area. This Planned Action designation shall apply to the area shown in Exhibit A, incorporated herein by reference.

B. Environmental Document. A Planned Action determination for a site-specific project application within the Planned Action Area shall be based on the environmental analysis contained in the Draft City of Kent Downtown Subarea Action Plan Planned Action SEIS issued by the City on June 21, 2013 and the Final SEIS published on October 4, 2013 together with the City of Kent Comprehensive Plan Review and Midway Subarea Planned Action EIS completed in 2011 (considered together to be the Combined DSAP Planned Action EIS). The 2011 Draft and Final EIS as supplemented by the SEIS documents shall comprise the Planned Action EIS for the Planned Action Area. The mitigation measures contained in Exhibit B and attached to this Ordinance are based upon the findings of the Combined DSAP Planned Action EIS and shall, along with adopted City regulations, provide the framework that the City will use to apply appropriate conditions on qualifying Planned Action Projects within the Planned Action Area.

C. Planned Action Designated. Land uses and activities described in the Combined DSAP Planned Action EIS, subject to the thresholds described in subsection 4.D and the mitigation measures contained in Exhibit B, are designated Planned Actions or Planned Action Projects

pursuant to RCW 43.21C.440. A development application for a site-specific Planned Action Project located within the Planned Action Area shall be designated a Planned Action if it completes a SEPA Checklist and City application and evaluation form, and any other form required by the City, and meets the criteria set forth in Subsection 4.D of this Ordinance and all other applicable laws, codes, development regulations and standards of the City are met.

D. Planned Action Thresholds. The following thresholds shall be used to determine if a site-specific development proposed within the Planned Action Area was contemplated as a Planned Action and has had its environmental impacts evaluated in the Combined DSAP Planned Action EIS:

(1) Qualifying Land Uses.

(a) Planned Action Categories: The following general categories/types of land uses are defined the Downtown Subarea Plan and are considered Planned Actions:

i. Residential: High and medium density multifamily residential; townhouses; multiplexes; and higher density single-family detached dwellings;

ii. Employment: Dense and varied retail, office, commercial, and service activities;

iii. Civic, governmental, and recreational uses;

iv. Mixed use development with housing, employment, civic, governmental, and recreational uses.

(b) Planned Action Uses: A land use shall be considered a Planned Action Land Use when:

i. it is within the Planned Action Area as shown in Exhibit A;

ii. it is within the one or more of the land use categories described in subsection 1(a) above; and

iii. it is listed in development regulations applicable to the zoning classifications applied to properties within the Planned Action Area.

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

(c) Public Services: The following public services, infrastructure and utilities are also Planned Actions:

i. Pedestrian, bicycle, transit, and road improvements identified in the 2013 SEIS.

ii. Parks and recreation facilities and improvements identified in the 2013 SEIS.

(2) Development Thresholds:

(a) Land Use: The following amounts of various new land uses are contemplated by the Planned Action:

Growth Type	Base Year 2006	Alternative 2 Moderate Growth (2031)	
		Total	Net Growth
Households	683	2,403	1,720
Jobs ¹	1,867	3,033	1,166
Total Activity Units: Jobs and Households ²	2,550	5,436	2,886

Notes:

¹ Includes hotel rooms and university students as part of "jobs" consistent with the presentation of growth figures in the prior 2011 EIS. These elements make up about 6-9% of the job totals depending on alternative.

² Numbers in SEIS reflect formula results; above numbers are rounded.

Source: City of Kent 2011 and 2012

(b) Shifting development amounts between land uses in D(2)(a) may be permitted when the total build-out is less than the

aggregate amount of development reviewed in the 2013 SEIS; the traffic trips for Alternative 2 Moderate Growth are not exceeded; and, the development impacts identified in the 2013 SEIS are mitigated consistent with Exhibit B.

(c) To be considered a planned action, where a proposal includes the construction of a new building, the minimum height shall be two stories. The maximum height shall be consistent with those studied in the Combined DSAP Planned Action EIS and applicable in the subject zoning district.

(d) Further environmental review may be required pursuant to WAC 197-11-172, if any individual Planned Action or combination of Planned Actions exceed the development thresholds specified in this Ordinance and/or alter the assumptions and analysis in the Combined DSAP Planned Action EIS.

(3) Transportation Thresholds:

(a) Trip Ranges & Thresholds. The number of new PM peak hour trips anticipated in the Planned Action Area and reviewed in the 2013 SEIS is as follows:

Trip Generation – Planned Action Ordinance Area		
Alternative	Planned Action Area	
	Trip Ends*	Growth Compared to Existing
Existing Conditions (2006)	2,200	0
Alternative 2	3,800	1,600

Note: * PM peak hour vehicle trips.

Source: Fehr & Peers, 2013

(b) Concurrency. All Planned Actions shall meet the transportation concurrency requirements and the LOS thresholds

established in Chapter 12.11 KCC, as amended by the 2008 Transportation Master Plan, and the multimodal levels of service established in the 2013 DSAP SEIS.

(c) **Traffic Impact Mitigation.** Until the 2008 Transportation Master Plan and impact fee ordinance is updated, all Planned Actions shall pay their cost per trip for the street, pedestrian, and bicycle improvements identified in Exhibit B as part of the DSAP Study Area fee program in addition to the 2008 Transportation Master Plan and associated impact fee program, chapter 12.14 KCC.

(d) **Discretion.** The public works director or the director's designee shall have discretion to determine incremental and total trip generation, consistent with the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) or an alternative manual, accepted at the director's sole discretion, for each project permit application proposed under this Planned Action.

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

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

E. Planned Action Review Criteria.

(1) The City's SEPA Responsible Official may designate as "Planned Actions", pursuant to RCW 43.21C.440, applications that meet all of the following conditions:

(a) the proposal is located within the Planned Action Area identified in Exhibit A of this ordinance;

(b) the proposed uses and activities are consistent with those described in the 2013 SEIS and Section 4.D of this ordinance;

(c) the proposal is within the Planned Action thresholds and other criteria of Section 4.D of this ordinance;

(d) the proposal is consistent with the Kent Comprehensive Plan and the Downtown Subarea Action Plan;

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

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

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

(h) the proposal is not an essential public facility as defined by RCW 36.70A.200(1), unless the essential public facility is accessory to or part of a development that is designated as a Planned Action under this ordinance.

(2) The City shall base its decision on review of a SEPA checklist, or an alternative form approved in accordance with SEPA laws and rules,

and review of the Planned Action application and evaluation form and supporting documentation.

(3) A proposal that meets the criteria of this section shall be considered to qualify and be designated as a Planned Action, consistent with the requirements of RCW 43.21C.440, WAC 197-11-164 et seq, and this ordinance.

F. Effect of Planned Action.

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

(2) Upon determination by the City's SEPA Responsible Official that the proposal meets the criteria of Section 4.D and qualifies as a Planned Action, the proposal shall not require a SEPA threshold determination, preparation of an EIS, or be subject to further review pursuant to SEPA.

G. Planned Action Permit Process. Applications for Planned Actions shall be reviewed pursuant to the following process:

(1) Development applications shall meet all applicable requirements of the Kent City Code (KCC). Applications for Planned Actions shall be made on forms provided by the City and shall include the SEPA checklist.

(2) The City's SEPA Responsible Official shall determine whether the application is complete as provided in Chapter 12.01 KCC.

(3) If the application is for a project within the Planned Action Area defined in Exhibit A, the application will be reviewed to determine if it is consistent with the criteria of this ordinance and thereby qualifies as a Planned Action Project.

(a) The decision of the City's SEPA Responsible Official regarding consistency of a project as a Planned Action is a Type 1 decision. The SEPA Responsible Official shall notify the applicant of his/her decision.

(b) If the project is determined to qualify as a Planned Action, it shall proceed in accordance with the applicable permit review procedures specified in Chapter 12.01 KCC, except that no SEPA threshold determination, EIS or additional SEPA review shall be required.

(c) Notice of the application for a Planned Action Project shall be consistent with Chapter 12.01 KCC.

(4) If notice is otherwise required for the underlying permit, the notice shall state that the project has qualified as a Planned Action. If notice is not otherwise required for the underlying permit, no special notice is required by this ordinance.

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

(6) If a project is determined to not qualify as a Planned Action, the SEPA Responsible Official shall so notify the applicant and prescribe a SEPA review procedure consistent with the City's SEPA regulations and the requirements of state law. The notice shall describe the elements of the application that result in failure to qualify as a Planned Action.

(7) Projects that fail to qualify as Planned Actions may incorporate or otherwise use relevant elements of the Combined DSAP Planned Action EIS, as well as other relevant SEPA documents, to meet their SEPA requirements. The SEPA Responsible Official may limit the scope of SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Combined DSAP Planned Action EIS.

SECTION 5. – Monitoring and Review.

A. The City should monitor the progress of development in the designated Planned Action Area as deemed appropriate to ensure that it is consistent with the assumptions of this ordinance regarding the type and amount of development and associated impacts addressed in the Combined DSAP Planned Action EIS, and with the mitigation measures and improvements planned for the Planned Action Area in Exhibit B.

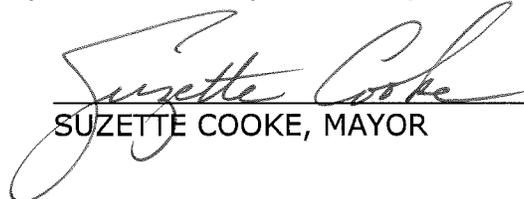
B. This Planned Action Ordinance shall be reviewed by the SEPA Responsible Official no later than five years from its effective date. The review shall determine the continuing relevance of the Planned Action assumptions and findings with respect to environmental conditions in the Planned Action Area, the impacts of development, and required mitigation measures. Based upon this review, the City may propose amendments to

this ordinance and/or may supplement or revise the Combined DSAP Planned Action EIS.

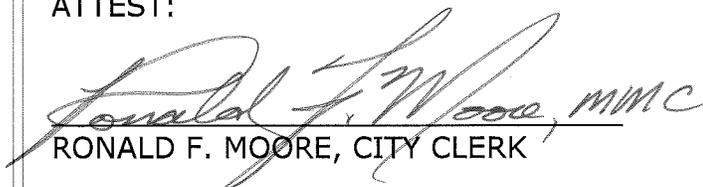
SECTION 6. - Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state or federal laws, codes, rules, or regulations.

SECTION 7. - Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, that decision shall not affect the validity of the remaining portion of this ordinance and that remaining portion shall maintain its full force and effect.

SECTION 8. - Effective Date. This ordinance shall be in force five (5) days after its passage and publication, as provided by law.


SUZETTE COOKE, MAYOR

ATTEST:


RONALD F. MOORE, CITY CLERK

APPROVED AS TO FORM:



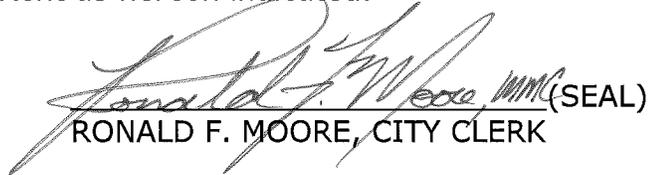
ARTHUR "PAT" FITZPATRICK, ACTING CITY ATTORNEY

PASSED: 10th day of December, 2013.

APPROVED: 10th day of December, 2013.

PUBLISHED: 13th day of December, 2013.

I hereby certify that this is a true copy of Ordinance No. 4096 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.



RONALD F. MOORE, CITY CLERK (SEAL)

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EXHIBIT B

COMBINED DSAP PLANNED ACTION EIS MITIGATION MEASURES

Section B-1. Mitigation Required for Development Applications

INTRODUCTION

The City of Kent issued the Draft Downtown Subarea Action Plan Planned Action SEIS on June 21, 2013 and the Final SEIS on October 4, 2013 (referenced as the 2013 SEIS). Previously, the City completed the City of Kent Comprehensive Plan Review and Midway Subarea Planned Action EIS in 2011 (referenced as the 2011 EIS). The Draft and Final EIS as supplemented by the SEIS documents comprise the Combined DSAP Planned Action EIS for the Planned Action Area (see Exhibit A). The Combined DSAP Planned Action EIS has identified significant beneficial and adverse impacts that are anticipated to occur with the future development of the Planned Action Area, together with a number of possible measures to mitigate those significant adverse impacts. Please see the Combined DSAP Planned Action EIS for a description of impacts, mitigation measures, and significant unavoidable adverse impacts.

A Mitigation Document is provided in this **Exhibit Section B-1**, and it establishes specific mitigation measures, based upon significant adverse impacts identified in the Combined DSAP Planned Action EIS. The mitigation measures in this **Exhibit B-1** shall apply to future development proposals which are consistent with the Planned Action scenarios reviewed in the Combined DSAP Planned Action EIS, and which are located within the Downtown Subarea Action Plan Planned Action Area (see **Exhibit A**). Exhibits B-2 and B-3 provide advisory notes on applicable regulations and commitments and city actions for monitoring purposes and may be consulted as appropriate.

Where a mitigation measure includes the words “shall” or “will,” inclusion of that measure in project plans is mandatory in order to qualify a project as a Planned Action. Where “should” or “would” appear, the mitigation measure may be considered by the project applicant as a source of additional mitigation, as feasible or necessary, to ensure that a project qualifies as a Planned Action. Unless stated specifically otherwise, the mitigation measures that require preparation of plans, conduct of studies, construction of improvements, conduct of maintenance activities, etc., are the responsibility of the applicant or designee to fund and/or perform.

MITIGATION MEASURES	Notes									
Land Use Patterns										
The following mitigation measures shall be applied to Planned Actions:										
<p>1. Solar Access: Until superseded by amended design standards or guidelines in the Kent City Code, solar access for public pedestrian spaces, pedestrian/bicycle pathways, parks, schools and other areas sensitive to shading shall be preserved by requiring upper-story or ground-level setbacks for adjacent development. To the greatest extent possible, new development shall minimize casting shadows on public spaces during their primary hours of daytime use.</p>										
<p>2. Public Views: The City may condition Planned Actions to incorporate site design measures that preserve significant public views from public areas.</p>										
Transportation										
<p>This section applies measures to mitigate the impacts of new development on transportation infrastructure, including streets, pedestrian facilities, bicycle facilities, and transit infrastructure and services.</p>										
<p>Until the 2008 Transportation Master Plan and impact fee ordinance are updated, all Planned Actions shall pay their cost per trip for the street, pedestrian, and bicycle improvements identified below as part of the DSAP Study Area fee program in addition to the 2008 Transportation Master Plan and associated impact fee program, KCC 12.14 Transportation Impact Fees.</p>										
3. Street Mitigation Measures										
<p>Table 1 summarizes the street mitigation projects that have been identified for the DSAP Study Area. The cost is shared between development inside the Planned Action Area and outside the Planned Action Area. The Planned Action Area cost per trip is shown in Mitigation Measure 6.</p>										
<table border="1"> <thead> <tr> <th colspan="3" data-bbox="199 1289 1252 1327">Table 1. Street Mitigation Measures – Alternative 2</th> </tr> <tr> <th data-bbox="199 1327 506 1381">Location</th> <th data-bbox="506 1327 1015 1381">Description</th> <th data-bbox="1015 1327 1252 1381">Cost Estimate¹</th> </tr> </thead> <tbody> <tr> <td data-bbox="199 1381 506 1488">Meeker Street & 4th Avenue</td> <td data-bbox="506 1381 1015 1488">Restripe roadway to reduce width of westbound receiving lane and allow eastbound left turn pocket</td> <td data-bbox="1015 1381 1252 1488">\$5,000-\$10,000</td> </tr> </tbody> </table> <p>Notes:</p> <p>1. The costs shown are estimates only and would vary based on the specific needs of each project.</p> <p>Fehr & Peers, 2013</p>		Table 1. Street Mitigation Measures – Alternative 2			Location	Description	Cost Estimate ¹	Meeker Street & 4th Avenue	Restripe roadway to reduce width of westbound receiving lane and allow eastbound left turn pocket	\$5,000-\$10,000
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Location	Description	Cost Estimate ¹								
Meeker Street & 4th Avenue	Restripe roadway to reduce width of westbound receiving lane and allow eastbound left turn pocket	\$5,000-\$10,000								

MITIGATION MEASURES		Notes
4. Pedestrian Mitigation Measures		
<p>Key arterial and collector sidewalk links are identified in the 2013 SEIS and could be used by all pedestrians within Downtown Kent. In addition, there are several sidewalk need areas along local streets in Downtown Kent. Sidewalks will be completed by new development consistent with the City's frontage design standards.</p> <p>Specifically, under the preferred alternative (Alternative 2), development within the Planned Action Area will be responsible for a cost of \$340,000 to \$470,000. Each new development's proportional share will be calculated based on the amount and type of land use proposed.</p> <p>The following sidewalk segments in Table 2 are identified for improvement in the Planned Action Area. The cost per trip is identified in Mitigation Measure 6.</p>		
Table 2. Sidewalk Improvements – Alternative 2		
Roadway Classification	Planned Action Area	
	Feet of Sidewalk	Cost Estimate
Principal Arterial	1,220	\$290,000-\$400,000
Minor Arterial	200	\$50,000-\$70,000
Collector	N/A	N/A
Total	1,420	\$340,000-\$470,000
<p>Note: The costs shown are estimates only and would vary based on the specific needs of each project.</p> <p>Fehr & Peers, 2013</p>		
5. Bicycle Mitigation Measures		
<p>Bicycle facilities identified in the 2013 SEIS are needed to complete the 2008 Transportation Master Plan. The bicycle routes will serve the needs of all Downtown travelers. New development will share the cost of implementing these facilities. Specifically, under the preferred alternative (Alternative2), development within the Planned Action Area will be responsible for a cost of \$25,000. Each new development's proportional share shall be calculated based on the amount and type of land use proposed. The cost per trip is identified in Mitigation Measure 6. The following bicycle segments in Table 3 are identified for improvement.</p>		
Table 3. Bicycle Facility Improvements – Alternative 2		
Bicycle Facility Type	Planned Action Area	
	Feet of Bicycle Facility	Cost Estimate
Restriping for Bicycle Lane	1,400	\$7,000
Shared Bicycle Facility	6,110	\$18,000
Total	7,510	\$25,000
<p>Note: The costs shown are estimates only and would vary based on the specific needs of each project.</p> <p>Fehr & Peers, 2013.</p>		

MITIGATION MEASURES	Notes																			
<p>6. Planned Action Per Trip Fee to Implement Street, Pedestrian, and Bicycle Improvements</p>																				
<p>Table 4 includes the Planned Action Area costs per trip based on the estimates included in Mitigation Measures 3-5 for Alternative 2. For those estimates that were given as a range, the tables below use the upper end of the range.</p>																				
<p style="text-align: center;">Table 4. Alternative 2 - Mitigation Measure Cost Estimates per Trip</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="3" style="text-align: left;">Mitigation Measure Type</th> <th colspan="2" style="text-align: center;">Planned Action Area</th> </tr> <tr> <th colspan="2" style="text-align: center;">1,600 Trip Growth over Existing</th> </tr> <tr> <th style="text-align: center;">Cost</th> <th style="text-align: center;">Cost per Trip</th> </tr> </thead> <tbody> <tr> <td>Street</td> <td style="text-align: right;">\$3,000¹</td> <td style="text-align: right;">\$1.88</td> </tr> <tr> <td>Pedestrian</td> <td style="text-align: right;">\$470,000</td> <td style="text-align: right;">\$293.75</td> </tr> <tr> <td>Bicycle</td> <td style="text-align: right;">\$25,000</td> <td style="text-align: right;">\$15.63</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$498,000</td> <td style="text-align: right;">\$311.26</td> </tr> </tbody> </table> <p>Notes:</p> <p>1. The total cost of \$10,000 is shared proportionately between the Planned Action Area and Infill Exemption Areas according to the number of trips generated (30 percent by the Planned Action Area and 70 percent by the Infill Exemption Area).</p> <p>Fehr & Peers, 2013</p>	Mitigation Measure Type	Planned Action Area		1,600 Trip Growth over Existing		Cost	Cost per Trip	Street	\$3,000 ¹	\$1.88	Pedestrian	\$470,000	\$293.75	Bicycle	\$25,000	\$15.63	Total	\$498,000	\$311.26	
Mitigation Measure Type		Planned Action Area																		
		1,600 Trip Growth over Existing																		
	Cost	Cost per Trip																		
Street	\$3,000 ¹	\$1.88																		
Pedestrian	\$470,000	\$293.75																		
Bicycle	\$25,000	\$15.63																		
Total	\$498,000	\$311.26																		
<p>7. Transit: New development shall be required to provide convenient pedestrian connections to bus stops.</p>																				
Parks																				
<p>Until such time as the City adopts a new Parks and Open Space Plan, and adopts Kent City Code amendments addressing public and private open space and recreation standards and requirements applicable to the Planned Action Area, the following mitigation measures shall apply. Following adoption of a new Parks and Open Space Plan Kent City Code amendments such standards shall supersede the measures below.</p>																				
<p>8. Urban Park Space: Each Planned Action shall dedicate onsite two hundred and fifty (250) square feet of public park area per dwelling unit or provide a fee in lieu of dedication consistent with Mitigation Measure 10.</p>																				
<p>9. Private Onsite Recreation and Open Space: Each Planned Action shall provide private onsite recreation space for leisure, play, and sport activities at a ratio of two hundred (200) square feet per dwelling unit. Each residential or mixed-use development is required to provide the private space in one or more of the following arrangements.</p> <ul style="list-style-type: none"> • An individual balcony or screened patio for each unit • Small, shared courtyards and a furnished children’s play area 																				

MITIGATION MEASURES	Notes
<ul style="list-style-type: none"> • Roof-top open space – roof garden or game court <p>The recreation space proposed by the applicant shall be approved by the parks and community services director. Alternatively up to fifty percent (50%) of the private open space may be accomplished offsite or through a fee in lieu consistent with Mitigation Measure 10.</p>	
<p>10. Through a negotiated voluntary agreement the City may allow fifty percent (50%) of the private recreation space and 100% of the public recreation space in Mitigation Measures 8 and 9 to be: 1) accomplished offsite as approved by the parks and community services director; or 2) a fee-in-lieu of providing the space onsite following the procedures in KCC 12.04.065.</p>	
Air Quality	
<p>11. The City shall require all construction contractors to implement air quality control plans for construction activities. The air quality control plans will include best management practices (BMPs) to control fugitive dust and odors emitted by diesel construction equipment, including but not limited to the following measures.</p> <ul style="list-style-type: none"> A. Develop a fugitive dust control plan. B. Use water sprays or other non-toxic dust control methods on unpaved roadways. C. Minimize vehicle speed while traveling on unpaved surfaces. D. Prevent track out of mud onto public streets. E. Cover soil piles when practical. F. Minimize work during periods of high winds when practical. G. Maintain the engines of construction equipment according to manufacturers' specifications. H. Minimize idling of equipment while the equipment is not in use. I. Burning of slash or demolition debris will not be permitted without express approval from the Puget Sound Clean Air Agency (PSCAA). No slash burning is anticipated for any construction projects in the study area. 	
<p>12. The City shall require Planned Action applicants to identify the reduction measures in Table 5 that are being implemented in their projects, and explain why other measures found in the table are not included or are not applicable. The City shall, as appropriate, condition Planned Action applications to incorporate reduction measures determined (by the City based on the development application) feasible and appropriate for site conditions.</p>	

MITIGATION MEASURES		Notes
Table 5. Potential Greenhouse Gas Reduction Measures		
Reduction Measures	Comments	
Site Design		
Plant large-caliper trees and mature vegetation near structures to shade buildings	Trees and vegetation that directly shade buildings decrease demand for air conditioning. By reducing energy demand, trees and vegetation decrease the production of associated air pollution and GHG emissions. They also remove air pollutants and store and sequester carbon dioxide. Thus trees and vegetation reduce onsite fuel combustion emissions and purchased electricity plus enhance carbon sinks.	
Minimize building footprint.	Reduces onsite fuel combustion emissions and purchased electricity consumption, materials used, maintenance, land disturbance, and direct construction emissions.	
Design water efficient landscaping.	Minimizes water consumption, purchased energy, and upstream emissions from water management.	
Minimize energy use through building orientation.	Reduces onsite fuel combustion emissions and purchased electricity consumption	
Building Design and Operations		
Apply LEED (Leadership in Energy and Environmental Design) standards (or equivalent) for design and operations	Reduces onsite fuel combustion emissions and offsite/indirect purchased electricity, water use, waste disposal	
Purchase Energy Star equipment and appliances for public agency use.	Reduces onsite fuel combustion emissions and purchased electricity consumption	
Incorporate onsite renewable energy production, including installation of photovoltaic cells or other solar options.	Reduces onsite fuel combustion emissions and purchased electricity consumption.	
Design street lights to use energy efficient bulbs and fixtures	Reduces purchased electricity.	
Construct "green roofs" and use high-albedo roofing materials.	Reduces onsite fuel combustion emissions and purchased electricity consumption	
Install high-efficiency HVAC systems.	Minimizes fuel combustion and purchased electricity consumption.	
Eliminate or reduce use of refrigerants in HVAC systems.	Reduces fugitive emissions. Compare refrigerant usage before/after to determine GHG reduction.	
Maximize interior day lighting through floor plates, increased building perimeter and use of skylights, clerestories and light wells.	Increases natural/day lighting initiatives and reduces purchased electrical energy consumption.	
Incorporate energy efficiency technology such as: super insulation motion sensors for lighting and climate control efficient, directed exterior lighting	Reduces fuel combustion and purchased electricity consumption.	

MITIGATION MEASURES		Notes
Reduction Measures	Comments	
Use water conserving fixtures that surpass building code requirements.	Reduces water consumption.	
Re-use gray water or collect and re-use rainwater.	Reduces water consumption with its indirect upstream electricity requirements.	
Recycle demolition debris and use recycled building materials and products.	Reduces extraction of purchased materials, possibly reduces transportation of materials, encourages recycling and reduction of solid waste disposal.	
Use building materials that are extracted or manufactured within the region.	Reduces transportation of purchased materials	
Use rapidly renewable building materials.	Reduces emissions from extraction of purchased materials	
Conduct 3rd party building commissioning to ensure energy performance.	Reduces fuel combustion and purchased electricity consumption.	
Track energy performance of building and develop strategy to maintain efficiency.	Reduces fuel combustion and purchased electricity consumption.	
Transportation		
Size parking capacity to not exceed local parking requirements and, where possible, seek reductions in parking supply through special permits or waivers.	Reduced parking discourages auto dependent travel, encouraging alternative modes such as transit, walking, biking etc. Reduces direct and indirect vehicle miles travelled (VMT)	
Develop and implement a marketing/information program that includes posting and distribution of ridesharing/transit information.	Reduces direct and indirect VMT	
Subsidize transit passes. Reduce employee trips during peak periods through alternative work schedules, telecommuting, or flex-time. Provide a guaranteed ride home program.	Reduces employee VMT	
Provide bicycle storage and showers/changing rooms.	Reduces employee VMT	
Utilize traffic signalization and coordination to improve traffic flow and support pedestrian and bicycle safety.	Reduces transportation emissions and VMT	
Apply advanced technology systems and management strategies to improve operational efficiency of local streets.	Reduces emissions from transportation by minimizing idling and maximizing transportation routes/systems for fuel efficiency.	
Develop shuttle systems around business district parking garages to reduce congestion and create shorter commutes.	Reduces idling fuel emissions and direct and indirect VMT	
Source: City of Kent 2011		

MITIGATION MEASURES	Notes
Water Resources	
<p>13. By December 31, 2016, regulations will be in place to address water quality treatment and promote low impact development measures that are equivalent to the 2012 Department of Ecology Western Washington Stormwater Management Manual. Prior to 2016, the City shall require that applicants identify any low impact development (LID) techniques described in the 2012 Ecology manual and demonstrate why unincorporated LID techniques are not feasible. Flow reduction credits provided in the Ecology stormwater manual for use in LID facilities will translate into smaller stormwater treatment and flow control facilities over those which use conventional methods. In certain cases, use of various LID techniques can result in elimination of stormwater mitigation facilities entirely. As part of required land use, building, or construction permits, the City may condition applications to incorporate feasible and site-appropriate LID techniques.</p>	
Noise	
<p>14. To reduce construction noise at nearby receptors, the following mitigation measures shall be incorporated into construction plans and contractor specifications:</p> <ul style="list-style-type: none"> A. Locating stationary equipment away from receiving properties will decrease noise from that equipment. B. Erecting portable noise barriers around loud stationary equipment located near sensitive receivers will reduce noise. C. Limiting construction activities between 10:00 p.m. and 7:00 a.m. to avoid sensitive nighttime hours. D. Turning off idling construction equipment to eliminate unnecessary noise. E. Requiring contractors to rigorously maintain all equipment to potentially reduce noise effects. F. Training construction crews to avoid unnecessarily loud actions (e.g., dropping bundles of rebar onto the ground or dragging steel plates across pavement) near noise-sensitive areas to reduce noise effects. 	
<p>15. At its discretion, the City may require all prospective Planned Action developers to use low-noise mechanical equipment adequate to ensure compliance with the City's daytime and nighttime noise ordinance limits. Depending on the nature of the proposed development, the City may require the developer to conduct a noise impact study to forecast future noise levels and to specify appropriate noise control measures.</p>	

MITIGATION MEASURES	Notes
<p>16. To address traffic and transit noise, the City may, at its discretion, require new residential development to install triple-pane glass windows or other building insulation measures using its authority under the Washington State Energy Code (KCC 14.01.010).</p>	
<p>Cultural Resources</p>	
<p>17. In the event that a future development project in the study area is proposed on or immediately surrounding a site containing an archaeological resource, as defined in Chapter 27.53 RCW, the potential impacts on the archaeological resource shall be considered and, if needed, a study conducted by a professional archaeologist shall be required to be conducted at the applicant's expense to determine whether the proposed development project would materially impact the archaeological resource.</p>	
<p>18. If the impacts on archaeological resources cannot be avoided, the City shall require that an applicant obtain all appropriate permits consistent with state and federal laws and that any required archaeological studies are completed before permitting any project that would disturb archaeological resource(s). Under Chapter 27.53 RCW, a permit must be obtained from the department of archaeology and historic preservation (DAHP) prior to disturbing a known archaeological resource or site. The avoidance of archaeological resources through selection of project alternatives and changes in design of project features in the specific area of the affected resource(s) would eliminate the need for measuring or mitigating impacts.</p>	
<p>19. Developers and property owners shall immediately stop work and notify the City, DAHP, and affected tribes if archaeological resources are uncovered during excavation. Following such notification, the City may require implementation of Mitigation Measures 17 and 18.</p>	
<p>20. If impacts cannot be avoided on a historic resource that is determined eligible for listing on either state or national historic registers, the applicant shall consult with DAHP regarding mitigation options and shall provide documentation of consultation to the City.</p>	
<p>21. To include DAHP in the review of historic properties within the Planned Action Area, the City will notify the state historic preservation officer (SHPO) regarding proposals involving eligible or designated historic properties through the evaluation of proposals under the Planned Action Ordinance consistent with Chapter 12.01 KCC.</p>	

Section B-2. Advisory Notes to Applicants: Applicable Regulations

The Combined DSAP Planned Action EIS identifies specific regulations that act as mitigation measures. These are summarized below by EIS topic. All applicable federal, state, and local regulations shall apply to Planned Actions. Planned Action applicants shall comply with all adopted regulations where applicable including those listed in the EIS and those not included in the EIS.

TOPIC/REGULATION	Notes
EARTH	
<ul style="list-style-type: none"> The Kent Critical Areas Ordinance (KCC 11.06) would apply to development and redevelopment in the Study Area. For example, KCC 11.06.760.E.1.b of the code specifies the following mitigation required for seismic hazard areas: <i>Mitigation based on the best available engineering and geotechnical practices shall be implemented which either eliminates or minimizes the risk of damage, death, or injury resulting from seismically induced settlement or soil liquefaction. Mitigation shall be consistent with the requirements of Ch. 14.01 KCC and shall be approved by the building official.</i> 	
<ul style="list-style-type: none"> The Kent Surface Water and Drainage Code (KCC 7.07) requires a drainage plan for surface and pertinent subsurface water flows entering, flowing within and leaving the subject property both during and after construction, and would address measures to minimize erosion. 	
<ul style="list-style-type: none"> The International Building Code (KCC Chapter 14.01 Building Codes) includes standards intended to reduce risks associated with seismic activity, and it allows the City to require geotechnical studies. 	
<ul style="list-style-type: none"> The City administers grading permits through various codes (e.g. the construction standards in KCC Chapter 6.02 Required Infrastructure Improvements). 	
AIR QUALITY	
<ul style="list-style-type: none"> All stationary emissions sources associated with new commercial facilities will be required to register with PSCAA (Regulation I and Regulation II). 	

TOPIC/REGULATION	Notes
<ul style="list-style-type: none"> As part of future project-specific NEPA documentation for individual new roadway improvement projects, the City will be required to conduct CO hot-spot modeling (as required under WAC 173-420) for state-funded or federally-funded projects to demonstrate that the projects would not cause localized impacts related to increased CO emissions from vehicle tailpipes at congested intersections. 	
<ul style="list-style-type: none"> Mobile source air toxics include benzene, 1,3-butadiene, formaldehyde, acetaldehyde, acrolein, polycyclic organic matter (POM), naphthalene, and diesel particulate matter. Because of potential health and environmental effects, the US Environmental Protection Agency developed a rule in 2007 to reduce hazardous air pollutants from mobile sources. The rule will limit the benzene content of gasoline and reduce toxic emissions from passenger vehicles and gas cans. The rule is expected to reduce total emissions of mobile source air toxics by 330,000 tons as well as reduce other emissions (such as precursors to ozone and PM2.5). (EPA September 2012) 	
WATER	
<ul style="list-style-type: none"> In Washington, compliance with the federal Clean Water Act is administered by the Washington State Department of Ecology (Ecology). Development and redevelopment projects would generally be covered by and subject to the restrictions of National Pollutant Discharge and Elimination System (NDPES) construction permits. 	
<ul style="list-style-type: none"> The Washington State Hydraulic Code Rules (WAC 220-110) apply to any project that takes place within or over the bed and banks of waters of the state. Aquatic projects require a hydraulic project approval (HPA) from the Washington Department of Fish and Wildlife (WDFW). 	
<ul style="list-style-type: none"> All alternatives would be subject to existing policies and regulations enacted to avoid, reduce, or minimize impacts on natural environment. These regulations include the Kent Critical Areas Code (KCC 11.06) addressing wetlands, streams, wildlife and fisheries habitat, geologic hazard areas, frequently flooded areas, and aquifer recharge areas. Adverse impacts on critical areas must be mitigated and the mitigation sequence applied is avoidance, minimization, and mitigation per the Kent Critical Areas Code (KCC 11.06.550). 	

TOPIC/REGULATION	Notes
<ul style="list-style-type: none"> • KCC 14.09, Flood Hazard Regulations, regulates building in special flood hazard areas and requires building standards to protect structures from flood damage as well as requires compensation for loss of flood storage. Any development or redevelopment would be subject to these rules. 	
<ul style="list-style-type: none"> • The Kent Surface Water and Drainage Code (KCC 7.07) would apply to development and redevelopment in the Study Area. 	
<ul style="list-style-type: none"> • All development is required to comply with the standards set forth in the Kent Surface Water Design Manual (City of Kent 2002). These standards have been adjusted to meet equivalency requirements of the Washington State Department of Ecology’s Stormwater Management Manual for Western Washington (2005). Section 5.8 of the City of Kent 2009 Design and Construction Standards encourages the use of non-structural preventive actions and source reduction approaches such as Low Impact Development (LID) techniques, measures to minimize the creation of impervious surfaces, and measures to minimize the disturbance of native soils and vegetation. The city recognizes that LID techniques are not practical for all locations, depending on soil type and other factors. Approval for LID techniques will be on a case-by-case basis. 	
PLANTS	
<ul style="list-style-type: none"> • All alternatives would be subject to existing policies and regulations enacted to avoid, reduce, or minimize impacts on the natural environment. These regulations include the Kent Critical Areas Code (KCC 11.06). Adverse impacts on critical areas must be mitigated and the mitigation sequence applied is avoidance, minimization, and mitigation per the Kent Critical Areas Code (KCC 11.06.550). 	
<ul style="list-style-type: none"> • KCC Chapter 15.07, Landscaping Regulations, provides landscape standards for the perimeter of properties, parking areas, and transition areas between higher intensity zones and lower density zones. 	
ANIMALS	
<ul style="list-style-type: none"> • Projects with federal nexus are subject to review and interagency consultation under Section 7 of the federal Endangered Species Act (ESA). Federal review applies to any project with federal nexus, such as projects with federal funding or that require federal permits. Impacts on ESA listed species must be avoided and minimized, and in some cases mitigation is required. 	

TOPIC/REGULATION	Notes
<ul style="list-style-type: none"> All alternatives would be subject to existing policies and regulations enacted to avoid, reduce, or minimize impacts on natural environment. These regulations include the Kent Critical Areas Code (KCC 11.06) addressing wetlands, streams, wildlife and fisheries habitat, geologic hazard areas, frequently flooded areas, and aquifer recharge areas. Adverse impacts on critical areas must be mitigated and the mitigation sequence applied is avoidance, minimization, and mitigation per the Kent Critical Areas Code (KCC 11.06.550). 	
<ul style="list-style-type: none"> See also stormwater and drainage regulations. 	
ENERGY AND NATURAL RESOURCES	
<ul style="list-style-type: none"> The City has adopted the Washington State Energy Code in KCC Chapter 14.01, Building Codes. 	
ENVIRONMENTAL HEALTH	
<ul style="list-style-type: none"> The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) established prohibitions and requirements concerning closed and abandoned hazardous waste sites. The act provides funding and governs cleanup of identified contaminated Superfund sites. 	
<ul style="list-style-type: none"> The Model Toxics Control Act (MTCA) sets standards for cleanup of lower levels of contaminants that are incorporated into new development and redevelopment parcels noted to have contamination potential. 	
<ul style="list-style-type: none"> The City of Kent specifically regulates hazardous substances or waste through performance standards contained in KCC 15.08.050. Future site-specific activities will comply with City Fire and Zoning Codes. 	
NOISE	
<ul style="list-style-type: none"> Certain noise-control measures would be required to comply with current City regulations (Chapter 8.05 KCC). Chapter 8.05 of the KCC establishes limits on the noise levels and durations of noise crossing property boundaries. Permissible noise levels at a receiving land use depend on its environmental designation for noise abatement (EDNA). These required measures would be the use of low-noise mechanical equipment at office and retail facilities adequate to comply with the City noise ordinance limits. 	

TOPIC/REGULATION	Notes
<ul style="list-style-type: none"> If nighttime construction is requested by developers, then a noise control study would need to be submitted for City approval, demonstrating compliance with the City's nighttime noise ordinance limits. 	
<ul style="list-style-type: none"> Any roadway improvements in the Kent Planning Area that use state or federal funding would be required to prepare a traffic noise analysis to identify noise impacts at noise sensitive receivers and to assess whether state or federal funds could be used to abate identified impacts. 	
<ul style="list-style-type: none"> City rules for the EDNA system in WAC 173-60 fully exempts railroad noise (KCC 8.05.140 Other exemptions) 	
<ul style="list-style-type: none"> State rules, WAC 173-60, exempt railroad noise, except at night. 	
<ul style="list-style-type: none"> Federal regulations address railroad noise emissions, particularly noise defective railroad equipment. 	
LAND USE AND AESTHETICS	
<ul style="list-style-type: none"> Downtown Design Review Guidelines (2003): Design review guidelines set parameters for review, and give guidance to City staff performing administrative reviews of new development proposals. The guidelines address a broad range of urban design topics, including context-sensitive site planning, pedestrian amenities, parking lot landscaping, human-scaled architectural design, and building materials and details. 	
<ul style="list-style-type: none"> KCC 15.04.200, 205: Contain design guidelines, development standards, and conditions for development within areas covered by a mixed-use overlay, such as GC-MU. These design guidelines and development standards include limits on FAR, site coverage, and height, as well as setback and parking requirements. 	
<ul style="list-style-type: none"> KCC 15.08.210: Addresses the buffer between commercial or industrial districts, and residential zoning districts. Development standards include additional setbacks, building offsets, parking, noise, glare, landscaping, heights, and building size. 	
<ul style="list-style-type: none"> KCC 15.08.215: Addresses multifamily transition standards where multifamily residential districts abut single family districts. Development standards include additional setbacks, building offsets, and heights, as well as landscaping. 	

TOPIC/REGULATION	Notes
HOUSING	
<ul style="list-style-type: none"> Any housing proposed for the study area will be in compliance with the City of Kent land use and development codes, and Title 14, Buildings and Construction. 	
LIGHT AND GLARE	
<ul style="list-style-type: none"> A purpose of the City's Landscape Regulations in KCC Chapter 15.07 is to buffer dwelling units from light and glare. 	
<ul style="list-style-type: none"> The Downtown Design Guidelines include "Site Design for Safety" measures that address confining site lighting to the project site. 	
RECREATION	
<ul style="list-style-type: none"> The City's 2010 Park & Open Space Plan provides policies and recommended parks improvements. 	
<ul style="list-style-type: none"> The Downtown Design Guidelines and Standards require new development to locate corner buildings with a setback to allow for the corner to be a pedestrian attractive use (e.g. outdoor dining). 	
<ul style="list-style-type: none"> The Downtown Design Guidelines require residential open space such as individual balconies, shared courtyards, or rooftop space. 	
CULTURAL RESOURCES	
<ul style="list-style-type: none"> Chapter 14.12 of the KCC adopts King County Code Chapter 20.62 to designate and act as a landmarks commission for Kent. 	
<ul style="list-style-type: none"> Washington State has a number of laws that oversee the protection and proper excavation of archaeological sites (RCW 27.53, WAC 25-48), human remains (RCW 27.44), and historic cemeteries or graves (RCW 68.60). Under RCW 27.53, DAHP regulates the treatment of archaeological sites on both public and private lands and has the authority to require specific treatment of archaeological resources. All precontact resources or sites are protected, regardless of their significance or eligibility for local, state, or national registers. Historic archaeological resources or sites are protected unless DAHP has made a determination of "not-eligible" for listing on the WHR and the NRHP. 	

TOPIC/REGULATION	Notes
<ul style="list-style-type: none"> The Governor's Executive Order 05-05 requires state agencies to integrate DAHP, the Governor's Office of Indian Affairs, and concerned tribes into their capital project planning process. This executive order affects any capital construction projects and any land acquisitions for purposes of capital construction not undergoing Section 106 review under the National Historic Preservation Act of 1966. 	
TRANSPORTATION	
<ul style="list-style-type: none"> Through Chapter 6.12 KCC, Kent requires employers of a certain size to encourage employees to reduce vehicle miles of travel and single-occupant vehicle commute trips. 	
<ul style="list-style-type: none"> Chapter 6.02 KCC requires developers to install public infrastructure improvements as conditions of permit. Infrastructure improvements include, but are not limited to rights-of-way and paved streets, street lighting systems; curbs, gutters, sidewalks, and landscaping; storm drainage systems; sanitary sewer systems; domestic water and fire systems; traffic control systems; and conduit for fiber optic systems. 	
<ul style="list-style-type: none"> Chapter 12.11 KCC sets forth specific standards providing for city compliance with the concurrency requirements of the Washington State Growth Management Act (GMA) and for consistency between city and countywide planning policies under the GMA. This chapter establishes a transportation concurrency management system (TCMS) to ensure that the necessary facilities or programs needed to maintain a minimum level of service can be provided simultaneous to, or within a reasonable time of new development as required in the GMA. 	
<ul style="list-style-type: none"> The City of Kent Transportation Master Plan includes capital improvement projects designed to help the City maintain transportation concurrency. 	
<ul style="list-style-type: none"> Chapter 12.14 KCC requires development to pay its fair share for capital improvement projects in the City's Transportation Master Plan and provides guidance for how impact fees are to be assessed. 	
PUBLIC SERVICES	
<ul style="list-style-type: none"> The City will monitor growth and demand through its regular Comprehensive Plan reviews, capital facility plan preparation, and budget process. 	

TOPIC/REGULATION	Notes
<ul style="list-style-type: none"> • Service providers could add facilities and staff to serve the growing population. Service providers should monitor growth and demand through their regular planning and budgeting processes. 	
<ul style="list-style-type: none"> • The Kent Regional Fire Authority will apply its Concurrency Management Plan process to new development permits. 	
<ul style="list-style-type: none"> • The Downtown Design Guidelines include safety measures such as “eyes on the street” and “safe landscaping designs” that are based on Crime Prevention through Environmental Design concepts. 	
<ul style="list-style-type: none"> • KCC Title 13 contains the City’s fire code and enforcement provisions. 	
<ul style="list-style-type: none"> • The City assesses school impact fees to help school districts pay for a development’s proportionate share of school district facilities serving the development. The City collects impact fees for the Kent School District that serves the Study Area (KCC 12.13). 	
UTILITIES	
<ul style="list-style-type: none"> • Utilities will monitor growth and demand through their regular capital facility planning and budgeting processes. 	
<ul style="list-style-type: none"> • The City will apply adopted functional plans for sewer and water systems. 	
<ul style="list-style-type: none"> • The King County Solid Waste Management Plan includes measures to help facilitate and increase the amount of recyclable materials being diverted from the waste stream. These measures should reduce the amount of waste going to landfills via transfer stations and residential/commercial collection. 	

Section B-3: Public Agency Actions and Commitments

Under some elements of the environment, specific City or other agency actions are identified. Generally, incorporation of these actions is intended to provide for consistency within the Comprehensive Plan or between the Plan and implementing regulations; to document pending City actions; to establish a protocol for long-term measures to provide for coordination with other agencies; or to identify optional actions that the City may take to reduce impacts. These actions are listed below, organized by the pertinent EIS element of the environment in which they are discussed.

This Section B-3 will be used in the monitoring process established in Section 5 of the Planned Action Ordinance.

Public Agency Mitigation Measures

Mitigation Measures	Short Term: Next Comp Plan Amendment Cycle or within 5 years	Long Term	Other Agency	Estimated Year of Completion and Responsible Department
Land Use Patterns and Plans and Policies				
The current DSAP is included as Appendix B of the Comprehensive Plan and some dates and references to the Downtown Plan may need to be amended (some references to Appendix B say the "1989 Downtown Plan).	X Concurrent Amendment			Economic & Community Development
The City will extend design guidelines and regulatory incentives for mixed-use development, particularly in the GC-MU district.	X Completion in 2013			
With the DSAP Update, the City will implement new zones. Following the DSAP Update, the City will prepare regulations to implement DSAP Land Use Element goals and policies.	X Completion in 2013-14			Economic & Community Development
The DSAP Update will serve as a new plan for the designated Urban Center consistent with Policy LU-14.1. VISION 2040 and CPPs for King County guide the contents of the DSAP Update to ensure plan consistency. PSRC will conduct a consistency review.	X Document provided to PSRC through comment period.		X	
If Alternative 2 Urban Center boundaries are locally approved, approval may be needed at the county and four-county level (PSRC).	X			Economic & Community Development

Mitigation Measures	Short Term: Next Comp Plan Amendment Cycle or within 5 years	Long Term	Other Agency	Estimated Year of Completion and Responsible Department
The Transportation and Capital Facilities Elements would be updated to be consistent with revised household and employment growth estimates/targets for the Urban Center, DSAP Study Area, and the Planning Area to ensure that adequate facilities are in place in time to accommodate growth, or the Land Use Element would be revisited as called for in Policy CF-1.4 of the Comprehensive Plan.	X			Economic & Community Development
Transportation				
Incorporate street, pedestrian, and bicycle improvements developed as mitigation in the 2013 SEIS into the next TMP and impact fee update.	X			Public Works Department
New development will impact the need for transit service and bus stop amenities. As demand grows at bus stops, the City can negotiate with King County for bus shelters.		X	X	Public Works Department
Implementation of Transportation Demand Management (TDM) measures can facilitate use of alternative transportation modes. The City should consider creating a Transportation Management Association (TMA) within Downtown Kent. TMAs are non-profit, member-controlled organizations that provide transportation services in a particular area, such as Downtown Kent. They are generally public-private partnerships, consisting primarily of area businesses with local government support. TMAs provide an institutional framework for TDM Programs and services and allow small employers to provide Commute Trip Reduction services comparable to those offered by large companies.		X		Public Works Department
Parks				
Develop updated Parks and Open Space Plan including standards for Urban Park.	X			Parks, Recreation & Community Services

Mitigation Measures	Short Term: Next Comp Plan Amendment Cycle or within 5 years	Long Term	Other Agency	Estimated Year of Completion and Responsible Department
Develop private open space and recreation space for multifamily and mixed use development.	X			Economic & Community Development

Section B-4: Example DSAP Planned Action Application and Evaluation Form

The following form is proposed for use as an application and evaluation form. The City may modify it as appropriate to ensure adequate information and analysis is provided to make a Planned Action determination.



SAMPLE DOWNTOWN SUBAREA ACTION PLAN – PLANNED ACTION APPLICATION AND EVALUATION FORM

A. PROPOSAL DESCRIPTION

Date:		
Applicant:		
Parcel Number:		
Property Owner:		
Property Address	Street:	City, State, Zip Code:
Give a brief, complete description of your proposal.		
Property Size in Acres		
Property Zoning	District Name:	Building Type:
Permits Requested (list all that apply)	<input type="checkbox"/> Land Use: _____	<input type="checkbox"/> Engineering: _____
	<input type="checkbox"/> Building: _____	<input type="checkbox"/> Other: _____
	SEPA Environmental Checklist Submitted? Yes ___ No ___	All Applications Deemed Complete? Yes ___ No ___
	Are there pending governmental approvals of other proposals directly affecting the property covered by your proposal? Yes ___ No ___ Explain:	
Existing Land Use	Describe Existing Uses on the Site:	

Proposed Land Use – Check All That Apply	<input type="checkbox"/> Residential: High and medium density multifamily residential; townhouses; multiplexes; and higher density single-family detached dwellings [these are in the Planned Action Area – they wouldn’t need the benefit of a Planned Action – may want to include them for acknowledgement of current uses]; <input type="checkbox"/> Employment: Dense and varied retail, office, commercial, and service activities; <input type="checkbox"/> Civic, governmental, and recreational uses; <input type="checkbox"/> Mixed use development with housing, employment, civic, governmental, and recreational uses; <input type="checkbox"/> Other uses listed in KCC Title 15 Zoning Code as a permitted use in a zoning district studied in the 2013 SEIS.		
Dwellings	# Existing Dwellings: # ___ Dwelling Type _____ # ___ Dwelling Type _____	# Proposed Dwellings Units: # ___ Type _____ # ___ Type _____	Proposed Density (du/ac):
Non-residential Uses: Building Square Feet	Existing: Jobs in Ordinance: 1,166 - 4,332	Proposed: Jobs Remainder (prior to application) as of _____ 20__ _____ square feet	
Building Height	Existing Stories: Existing Height in feet	Proposed Stories: Proposed Height in feet:	
Parking Spaces	Existing:	Proposed:	
Impervious Surfaces	Existing Square Feet:	Proposed Square Feet:	
PM Peak Hour Weekday Vehicle Trips	Existing Estimated Trips Total: Source of Trip Rate: ITE Manual ___ Other ___	Future Estimated Trips Total:	Net New Trips: Transportation Impacts Determined Consistent with KCC Chapter 12.11 Transportation Concurrency Management: Yes ___ No ___
Proposed timing or schedule (including phasing).			
Describe plans for future additions, expansion, or further activity related to this proposal.			

List any available or pending environmental information directly related to this proposal.

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B. APPLICANT SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:	
Date:	

C. REVIEW CRITERIA

Review Criteria

The City’s SEPA Responsible Official may designate “Planned Actions” consistent with criteria in Ordinance ~~XXX~~ Subsection 3.F.

Criteria	Discussion
(a) the proposal is located within the Planned Action Area identified in Exhibit A of Ordinance XXX ;	
(b) the proposed uses and activities are consistent with those described in the Combined DSAP Planned Action EIS and Section 4.D of Ordinance XXX ;	
(c) the proposal is within the Planned Action thresholds and other criteria of Section 4.D of Ordinance XXX ;	

Criteria	Discussion
(d) the proposal is consistent with the Kent Comprehensive Plan and the Downtown Subarea Action Plan;	
(e) the proposal's significant adverse environmental impacts have been identified in the Combined DSAP Planned Action EIS;	
(f) the proposal's significant impacts have been mitigated by application of the measures identified in Exhibit B of Ordinance XXX, and other applicable City regulations, together with any modifications or variances or special permits that may be required;	
(g) the proposal complies with all applicable local, state and/or federal laws and regulations, and the SEPA Responsible Official determines that these constitute adequate mitigation;	
(h) the proposal is not an essential public facility as defined by RCW 36.70A.200(1), unless the essential public facility is accessory to or part of a development that is designated as a Planned Action under this ordinance.	

Determination Criteria

Applications for Planned Actions shall be reviewed pursuant to the process in Ordinance XXX Section 3.E.

Requirement	Discussion
Applications for Planned Actions were made on forms provided by the City including the SEPA Checklist and this Application and Evaluation Form.	

Requirement	Discussion
The application has been deemed complete in accordance with KCC Chapter 12.01 Administration of Development Regulations.	
The proposal is located within the Planned Action Area pursuant to Exhibit A of Ordinance XXX.	
The proposed use(s) are listed in Section 4.D of Ordinance XXX and qualify as a Planned Action.	

D. SEPA RESPONSIBLE OFFICIAL DETERMINATION

A. Qualifies as a Planned Action: The application is consistent with the criteria of Ordinance XXX and thereby qualifies as a Planned Action Project. It shall proceed in accordance with the applicable permit review procedures specified in KCC Chapter 12.01 Administration of Development Regulations, except that no SEPA threshold determination, EIS or additional SEPA review shall be required.

Notice shall be made pursuant to KCC Chapter 12.01 Administration of Development Regulations as part of notice of the underlying permits and shall include the results of the Planned Action determination. If notice is not otherwise required for the underlying permit, no special notice is required.

The review process for the underlying permit shall be as provided in KCC Chapter 12.01 Administration of Development Regulations.

NOTE: If it is determined during subsequent detailed permit review that a project does not qualify as a Planned Action, this determination shall be amended.

Signature	
Date:	

B. Does not Qualify as Planned Action: The application is not consistent with the criteria of Ordinance XXX, and does not qualify as a Planned Action Project for the following reasons:

Projects that fail to qualify as Planned Actions may incorporate or otherwise use relevant elements of the Combined DSAP Planned Action EIS, as well as other relevant SEPA documents, to meet their SEPA requirements. The SEPA Responsible Official may limit the scope of SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Combined DSAP Planned Action EIS.

SEPA Process Prescribed: _____

Signature:	
Date:	

