

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON APPROVING A PLANNED ACTION FOR THE CENTER FOR INNOVATION AND TECHNOLOGY (FORMERLY KNOWN AS THE NORTHERN STATE CAMPUS).**

**WHEREAS**, the City of Sedro-Woolley (City), in partnership with the Port of Skagit and Skagit County initiated the preparation of a subarea plan for the redevelopment of The Center for Innovation and Technology (Center) consistent with the comprehensive plan; and

**WHEREAS**, the City passed Resolution No. 913-15 on April 8, 2015 declaring its intent to initiate a Planned Action Environmental Impact Statement in accordance with RCW 43.21C.440 and WAC 197-11-164 the purpose of which is to emphasize quality environmental review of early planning efforts and early public input to shape decisions concurrent with the preparation of the subarea plan. The basic steps in designating planned action projects are to prepare an environmental impact statement (EIS), designate the planned action projects by ordinance, and review permit applications for consistency with the designated planned action. The intent is to provide more detailed environmental analysis during formulation of planning proposals, rather than at the project permit review stage; and

**WHEREAS**, the 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; and

**WHEREAS**, to ensure a robust and transparent public process, a Public Participation Plan which outlines opportunities for public involvement at the various stages of the Annexation, Subarea Plan and the Planned Action EIS processes was prepared and added as an exhibit to Resolution No. 913-15; and

**WHEREAS**, the State Environmental Policy Act (SEPA) and implementing rules provide for the integration of environmental review and land use planning and project review through the designation of “Planned Actions” by jurisdictions planning under the Growth Management Act (GMA); and

**WHEREAS**, a Draft Environmental Impact Statement (DEIS) was issued on September 18, 2015 with a 45-day public comment period. A public hearing on the DEIS was held on September 29, 2015; and

**WHEREAS**, the City received comments during the 45-day public comment period and those comments are addressed in the Final Environmental Impact Statement (FEIS) issued \_\_\_\_\_, 2015; and

**WHEREAS**, the City adopted a Subarea Plan to help guide development within the Planned Action Area; and

**WHEREAS**, the Center Planned Action EIS identifies impacts and mitigation measures associated with planned development in the Center; and

**WHEREAS**, the City, with approval of this Planned Action Ordinance, will adopt development regulations and conditions which will help protect the environment and are specific to the Center, which will guide the location, form, and quality of desired development; and

**WHEREAS**, the City Council finds that adopting this ordinance is in the interest of the public and will advance public health, safety, and welfare;

**NOW, THEREFORE, THE CITY OF SEDRO-WOOLLEY, WASHINGTON DOES ORDAIN AS FOLLOWS:**

**SECTION ONE:** The City Council does hereby adopt the above listed recitals as set forth fully herein.

**SECTION TWO: PURPOSE**

The City Council declares that the purpose of this ordinance is to:

- A. Combine analysis of environmental impacts with the City's development of plans and regulations;
- B. Designate The Center as a Planned Action area and the land uses and activities described in the Center's Subarea Plan and EIS as planned actions for purposes of environmental review of subsequent implementing projects pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C.440;
- C. Establish criteria and procedures, consistent with state law, that will determine whether subsequent projects will qualify as Planned Actions;
- D. Provide the public with information about Planned Actions and how the city will process implementing projects;
- E. Streamline and expedite the land use review and approval process by relying on the environmental impact statement (EIS) completed for the planned action; and

F. Apply the City's development regulations together with the mitigation measures and conditions described in the EIS and this ordinance (**Mitigation Decision Document, Attachment A**) to address the impacts of future development contemplated by the Planned Action.

### **SECTION THREE: FINDINGS**

The City Council finds that:

A. The Center Subarea Plan and Planned Action Environmental Impact Statement have addressed all anticipated significant environmental impacts associated with the land uses and activities allowed and described in the plan except where stated that additional review may be required;

B. The thresholds described in the EIS are adequate to identify significant adverse impacts analyzed in The Center Subarea Plan and EIS;

C. The mitigation measures and conditions contained in **Mitigation Decision Document, Attachment A** of this ordinance, together with the City's development standards, are adequate to mitigate significant adverse environmental impacts, except where stated that additional review may be required;

D. The expedited permit review procedure for Planned Action projects described in the City's Consolidated Planning Procedures, Chapter 2.90 SWMC, will be a benefit to the public, provide protection to the environment and enhance economic development;

E. It is in the public interest to adopt the Planned Action ordinance;

F. Public involvement and review of the Center Subarea Plan and Planned Action EIS have been thorough, robust and adequate to ensure that the plan bears a substantial relationship to the public interest, health, safety and welfare; and

G. The uses and conditions described in **Mitigation Decision Document, Attachment A**, together with city development regulations, will implement the Subarea Plan.

### **SECTION 4: PROCEDURE AND CRITERIA FOR EVALUATING AND DETERMINING PROJECTS AS PLANNED ACTIONS**

A. This Planned Action Ordinance will apply to project proposals within the approximately 225-acre area depicted in **Mitigation Decision Document, Attachment A**.

B. Land uses and activities described in The Center Subarea Plan and EIS, subject to the thresholds described therein and the mitigation measures and conditions described in **Mitigation Decision Document, Attachment A**, are Planned Actions pursuant to RCW 43.21C.440, except where stated that additional review under SEPA may be required.

C. A land use permit application for a site-specific project shall be designated as a planned action if it meets the criteria set forth in Sections 3, 4 and 7 of this ordinance and is otherwise consistent with the provisions of this ordinance and applicable laws, codes, and standards of the state and city.

D. Planned action projects will not require a SEPA threshold determination or the preparation of an environmental impact statement, but shall be conditioned on the basis of the **Mitigation Decision Document, Attachment A** to this ordinance and framework described in Sections 3, 4 and 7 of this ordinance and other applicable City development regulations.

E. The Director of the City of Sedro-Woolley Department of Building and Planning (Director), or the Director's designee, is hereby authorized to designate a project described in and proposed by a land use permit application as a planned action pursuant to RCW 43.21C.440 if the project application meets the following conditions:

(1) The project is located within the boundaries of the Center Subarea Plan and as adopted by the City Council on \_\_\_\_, 2015, or as thereafter amended;

(2) The use described in and proposed by the project application is among or consistent with the uses and intensities of uses described as permitted within the Center Subarea Plan and by the table of uses, conditions and mitigation measures listed in **Mitigation Decision Document, Attachment A**;

(3) The project's significant environmental impacts are among or consistent with those that have been adequately addressed in The Center Planned Action EIS and the Center Subarea Plan (except where stated that additional review under SEPA may be required), and the project is determined by the Director to be a use that implements the Subarea Plan and the Comprehensive Plan;

(4) The Director has determined that the project's significant environmental impacts, if any, have been mitigated through the application of the **Mitigation Decision Document, Attachment A**, and the framework described in this ordinance, and that mitigation measures as well as other city requirements and conditions constitute sufficient mitigation for any significant environmental impacts associated with the proposed project unless otherwise stated in the Planned Action EIS and the **Mitigation Decision Document, Attachment A**;

(5) The proposed project is in compliance with all applicable local, state and federal regulations and development standards; and

(6) The proposed project is not an essential public facility as defined in RCW [36.70A.200](#), unless an essential public facility is accessory to or part of a residential, office, school, commercial, recreational, service, or industrial development that is designated a planned action under this subsection; and

F. Upon designation by the Director that the project qualifies as a planned action, the project shall not be subject to a SEPA threshold determination, an environmental impact statement, or any additional review under SEPA.

G. All uses listed in **Mitigation Decision Document, Attachment A** to this Ordinance shall be considered as planned actions. In addition to the uses listed in **Mitigation Decision Document, Attachment A**, all land subdivisions, short plats, long plats and binding site plans shall be considered as planned actions. Future development, as described in the Subarea Plan and Planned Action EIS shall be considered planned actions unless otherwise stated in the Planned Action EIS and **Mitigation Decision Document, Attachment A**. If future development is not considered a planned action, then additional review under SEPA may be required to evaluate impacts that were not considered in the Planned Action EIS. A determination that a project qualifies as a planned action shall be defined as a Review Process II decision, per Chapter 2.90 SWMC, Consolidated Planning Procedures. No appeal of a Director's determination that a project listed in **Mitigation Decision Document, Attachment A** qualifies as a planned action is provided.

H. The determinations and notice for land use applications shall be provided in Chapter 2.90 SWMC or other applicable land use permit or regulatory requirements under City ordinances, unless explicitly modified by this ordinance, and state or federal laws. However, projects which qualify as planned actions will not be subject to further procedural review under SEPA.

I. The planned actions authorized and designated by this ordinance shall be limited to those land uses which are located within the Center Subarea Plan and addressed in the EIS.

J. Being designated a planned action means that a proposed project has been reviewed in accordance with this ordinance and procedures and found to be consistent with the Subarea Plan and environmental analysis. The significant environmental impacts have been analyzed as a part of the plan, and mitigation measures have been identified, including but not limited to compliance with existing City ordinances and codes except as specifically modified for the Center Subarea Plan in this planned action ordinance and contained within **Mitigation Decision Document, Attachment A**.

K. Planned actions will not be subject to further procedural review under SEPA. However, projects will be subject to conditions designed to mitigate significant adverse environmental impacts which are likely to result from the project proposal, and projects will be subject to permit requirements as appropriate under state and City laws and ordinances. The planned action designation shall not excuse a project from meeting the City's applicable land use permit requirements apart from the SEPA process.

## **SECTION FIVE: DISQUALIFIED PROJECTS**

Projects which are not consistent with the subarea plan and the environmental analysis of the Planned Action EIS shall not be considered as planned actions, but may continue through another permit process, and may use or incorporate relevant elements of the environmental review analysis completed for the Center Subarea Plan.

## **SECTION SIX: ENVIRONMENTAL DOCUMENTS**

A planned action for a site-specific land use permit application shall be based on the environmental analysis contained in the Center Planned Action EIS, or as hereafter amended. This Planned Action EIS, including potential mitigation measures, is hereby incorporated in this ordinance and adopted by reference. The **Mitigation Decision Document, Attachment A** to this ordinance, is based upon the analysis in the EIS. **Mitigation Decision Document, Attachment A**, together with the existing City codes, ordinances, and standards, shall provide the framework for the decision by the City to impose conditions on a planned action project. Other environmental documents and studies listed in the EIS and the Center Subarea Plan may also be used to assist in analyzing impacts and determining appropriate mitigation measures in accordance with Section 4 of this ordinance.

## **SECTION SEVEN: PLANNED ACTION AND PROCESS**

Applications for planned actions shall be reviewed pursuant to the following process:

- A. Development applications shall meet the application requirements of the City's planned action review procedure, Chapter 2.90 SWMC. Applications shall be made on forms provided by the City and shall include a SEPA Checklist or revised SEPA Checklist or such other environmental review forms provided by the City. The Checklist may be incorporated into the form of the application;
- B. The Director shall determine whether the application is complete as provided for in Chapter 2.90 SWMC.
- C. If the project application is within the area designated for planned actions in this ordinance, the application shall be reviewed to determine whether the proposed development is consistent with and meets all of the qualifications specified in Section 4E of this ordinance.
- D. Upon review of a complete application by the City, the Director shall determine whether the project qualifies as a planned action. If the project does qualify, the Director shall notify the applicant, and the project should proceed in accordance with the appropriate permit procedure. No additional SEPA review, threshold determination or EIS shall be required.

E. A proposal that qualifies as a planned action shall not require public notice unless the underlying project permit requires that the City notify the public of a pending application. If notice is required, the notice shall state that the project has qualified as a planned action.

F. If the project is determined not to be a planned action, the Department shall notify the applicant and prescribe a SEPA review procedure consistent with the City of Sedro-Woolley's SEPA procedures and state laws. The notice shall describe the elements of the application that result in disqualification as a planned action. The Department may choose to limit the scope of the SEPA review to those issues and environmental impacts not previously addressed in the EIS and Subarea Plan. Furthermore, the Department and the applicant shall have access to the EIS and Subarea Plan, as well as other environmental documents, to assist in meeting SEPA requirements.

#### **SECTION EIGHT: PROMULGATION AND RULES**

The Director is authorized to promulgate rules and procedures necessary for the implementation of this ordinance.

#### **SECTION NINE: MONITORING AND REVIEW**

A. The City shall monitor the progress of development in the designated Planned Action area to ensure that it is consistent with this ordinance and the Planned Action EIS regarding the type and amount of development and associated impacts, and with the mitigation measures and improvements planned for the Center.

B. This Planned Action ordinance shall be reviewed no later than December 31, 2020 by the Director to determine continuing relevance of its 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 Planned Action EIS.

#### **SECTION TEN: CONFLICT**

In the event of a conflict between the ordinance or any mitigation measures imposed pursuant thereto and any ordinance or regulation of the City, the provisions of this Ordinance shall control.

#### **SECTION ELEVEN: EFFECTIVE DATE**

This Ordinance, being an exercise of a power specifically delegated to the City legislative body shall be deemed annexed to the City (5) five days after its passage, approval and publication as provided by law.

**SECTION TWELVE. SEVERABILITY**

Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances

**SECTION THIRTEEN: CORRECTIONS**

The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener’s or clerical errors, references, ordinance numbering, section and subsection numbers and any references thereto.

**PASSED AND ADOPTED** this \_\_\_th day of \_\_\_, 2015.

**SIGNED AND APPROVED THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2015

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MIKE ANDERSON, Mayor

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PATSY NELSON, Finance Director

Approved as to form:

\_\_\_\_\_  
ERON BERG, City Attorney

Published \_\_\_\_\_

