

**SOUND TRANSIT STAFF REPORT**  
**MOUNTLAKE TERRACE CONDITIONAL USE PERMIT**  
**(REFERENCE PERMIT NOS. PCU-18-0001, PSD-18-0001, & PSE-18-0005)**

**To:** Mr. Philip Olbrechts, City of MLT Hearing Examiner  
**From:** Sound Transit Staff  
**Date:** June 26, 2019

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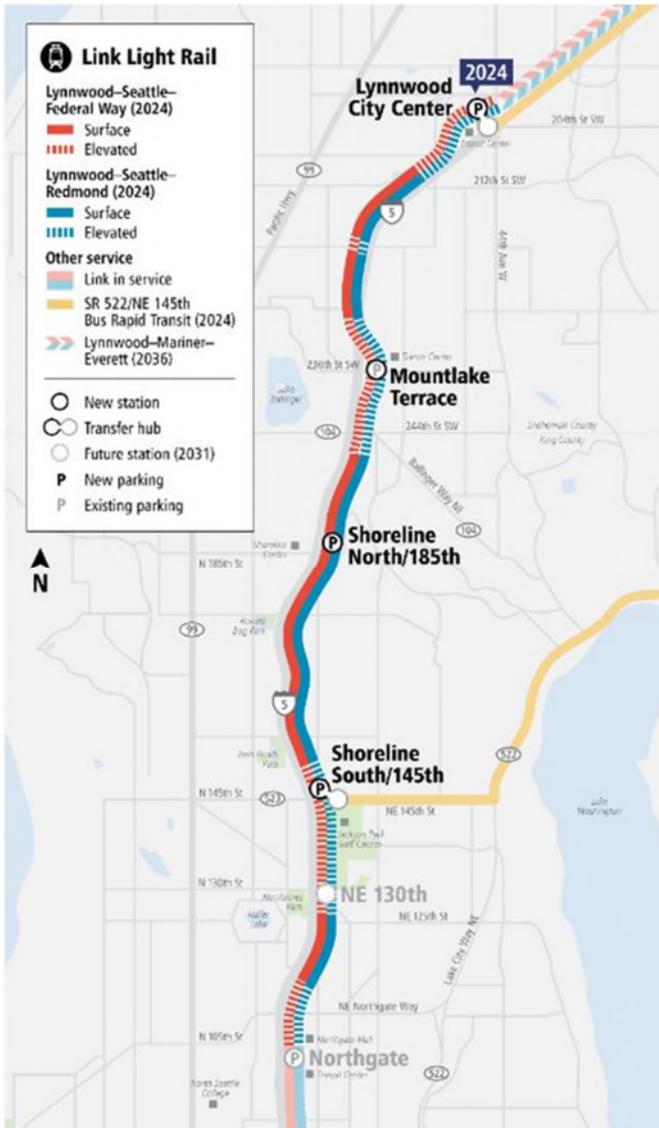
**I. Introduction; Additional Record Documents**

This Staff Report outlines key elements of the Lynnwood Link Extension facilities proposed for construction in the City of Mountlake Terrace (the “Project”) pursuant to the above-referenced Conditional Use Permit, which has been consolidated for review with Sound Transit’s proposed Site Development Plans and Reasonable Use Exception for the Project (referred to in this Report, collectively, as the “CUP”). The purpose of this Report is to supplement the Staff Report by City of Mountlake Terrace staff (the “City Staff Report”), submitted to the Examiner on June 13, 2019. Attachment 1 to this Staff Report includes a summary of additional exhibits Sound Transit pre-filed with the Examiner to complete the Project record and provide additional information on the matters to be addressed at the hearing.

For the reasons outlined in this Report, and in the application materials in the Examiner’s record, Sound Transit staff supports and requests that the Examiner issue the CUP as proposed in the application documents. As discussed further in Section V, below, Sound Transit requests that the Examiner modify certain conditions of approval that have been agreed upon with the City, and that the Examiner remove two conditions of approval that were initially recommended in the City Staff Report (*i.e.*, conditions 23.b and 24.c).

**II. Project Description**

The Project proposed for this CUP approval is unique in the City of Mountlake Terrace because it will extend a transportation facility of statewide significance (a type of essential public facility) into and through the City. The Project is expected to fundamentally change transportation options in the City and other cities in the Lynnwood Link alignment. Sound Transit is a regional transit authority authorized to implement high-capacity transit systems. In 2008, voters approved the Sound Transit 2 (“ST2”) Plan, which included 36 miles of additional light rail to form a 55-mile regional Link light rail system across the Central Puget Sound region. In order to implement the ST2 Plan, Sound Transit has been working with local, state, and federal partners to create a reliable and affordable transit system throughout the region. The Lynnwood Link Extension Project is a component of the ST2 Plan and extends the light rail system from Northgate in Seattle north for 8.5 miles into the Cities of Shoreline, Mountlake Terrace and Lynnwood. The Project alignment generally follows I-5 and will combine surface, elevated, and retained cut-and-fill configurations. Four stations are planned as part of Lynnwood



Link. The Lynnwood Link Project will help provide mobility, access, and transportation to Puget Sound Regional Council’s projected 20 percent population growth and 40 percent regional employment growth in our region. The City of Mountlake Terrace does not operate its own transit service and is reliant upon other agencies, including Sound Transit, Community Transit, and King County Metro for service. These three agencies serve the Mountlake Terrace Transit Center at 236th Street SW (the “Transit Center”), which is located at one of the City’s three access points along its two miles of frontage on I-5.

The Project will provide the City with access to a fast, efficient, and reliable transportation system that offers an alternative to single-occupancy vehicles. Of the four cities in the Lynnwood Link Extension, Mountlake Terrace has the highest percentage of single occupancy vehicle commuters at 74.2 percent. According to 2016 census data, 10.7 percent of Mountlake Terrace residents commute by transit with a comparable commute time of 28 minutes to driving alone. The project also links to other travel modes including rail, buses, cycling, and walking. The Mountlake Terrace Station will be located at the existing Transit Center, thereby promoting efficient travel to the numerous local businesses in the Town Center along 236<sup>th</sup>

Street SW and 56<sup>th</sup> Avenue W. The Station will be accessible to most of the population of Mountlake Terrace as 70 percent of the City is within a quarter mile of a bus route with a stop at the Transit Center.

The City’s 2035 population target is 24,767 with a jobs target of 9,486. Efficient land use and public transportation improvements from the project will support these targets by allowing more people to live and work in one place. As a component of a regional transportation system, the project will improve the mobility of Mountlake Terrace residents and increase the regional accessibility of the City. This accessibility includes attracting new businesses as potential employment center and connecting residents with employment in other areas.

The Lynnwood Link Extension Project will provide additional transportation options to those who live, work, and play in the City and beyond. It will also provide the following benefits, on both a local and regional level:

- Reliable 28-minute commute from Lynnwood to Westlake.

- Train arrivals every 4 minutes during peak service.
- An environmentally sustainable alternative to single occupancy vehicles.
- Supports and advances the City of Mountlake Terrace and the Central Puget Sound Region’s comprehensive, transportation, and economic development plans.
- Implementation of long-range vision, goals, and objectives for regional transit service connecting activity centers in Pierce, King, and Snohomish Counties.
- Once in operation, each weekday the stations will accommodate up to 4-car trains, carrying 63,000 to 74,000 riders north and south, with 4 minute intervals during peak and 8 minute intervals in off-peak.

The Lynnwood Link Project facilities to be constructed in the City include 2.2 miles of new light rail guideway, one light rail station, and associated facilities. The guideway runs along the east side of the Interstate 5 corridor from the city limits at State Route 104/NE 205<sup>th</sup> Street up to the station site at the existing Mountlake Terrace Park & Ride on 236<sup>th</sup> Street. The station site is on property owned by Washington’s Department of Transportation (“WSDOT”). The guideway continues north from the station, crossing over to the west side of Interstate 5 near milepost 178. The alignment then continues along the west side of Interstate 5, leaving city limits approximately at 212<sup>th</sup> Street. For purposes of the City’s review of the Project, the CUP application has been separated into several different sites. These sites are referred to in the application documents, as well as the City Staff Report, as Sites A through M, with the Guideway comprising one additional site, as shown in the graphic in Attachment 2.

At the new light rail station site, the existing bus loop and east surface parking lot will be redeveloped; the existing parking garage and small surface lot south of the garage will remain. Associated infrastructure, which is also described in Sound Transit’s CUP application, includes roadway and sidewalk reconstruction, traffic signals and roadway illumination systems, Traction Power Substations (TPSS), signal bungalows, stormwater facilities, retaining walls, access roads, and other light rail transit facilities associated with the Project.

### **III. Project Development and Legal Status**

Given the unique nature of the Project, its funding, development and permitting are unlike most land uses authorized by CUP or other discretionary land use approvals. The following sections outline some of the unique aspects of the Project, its legal status and authorizations under state and local laws, and several separate agreements.

#### **A. Public Process and Stakeholders**

Public involvement was a key component of Sound Transit’s work during the planning and design phases of the Lynnwood Link Extension in the City of Mountlake Terrace and beyond. Public involvement goals during the planning and design phases included:

- Developing public awareness and reinforcing the purpose and need for the Project.
- Identifying a range of alternatives for the alignment and informing the public of the potential impacts associated with those alternatives.
- Engaging a broad audience to strengthen collaboration between the communities

- surrounding the Project and the project team.
- Providing multiple ways for the public to offer comments on what Sound Transit should consider in the planning and design of the Project.
  - Building relationships with key stakeholders, particularly those who live or work in close proximity to the Project.

Since the Project design began, Sound Transit has engaged with over 75,000 people. Sound Transit has held 58 public meetings or community briefings (including several public meetings held in the City of Mountlake Terrace), attended 35 local fairs and festivals (including the Tour de Terrace in MLT that ST Staff attended), performed door-to-door outreach to 1,534 households, and hosted online open houses attracting more than 10,000 visitors. Sound Transit's public engagement during final design of the Project, and the public notices issued for the Project are outlined in Exhibit ST-O<sup>1</sup>. *See also* City Staff Report at 4-5 (discussing Project permit processing and public notices) and 9-10 (History of Community Outreach). The City has separately requested that Sound Transit address some of the public comments submitted to the City. *See* MLT-11 (City request), MLT-12 (Public Comment Summary Matrix). Sound Transit's response to these public comments is included in Attachment 3 of this Report.

Through ongoing collaboration with the City, direct agency outreach, formal and informal City review of design submittals, and its ongoing public outreach, Sound Transit has worked extensively with stakeholders to maximize the public benefits of the Project and to ensure its consistency with City and Sound Transit goals. The following elements are among the changes incorporated into the Lynnwood Link Extension Project to advance stakeholder objectives and in response to City requests for Project enhancements:

- Screened emergency stairwells on the north and south ends of the station platform to the plaza,
- Transparent noise wall on the west side of the station platform,
- Engagement of a public advisory group in development of colors, themes and locations for station art, and
- Upgraded fencing from black coated chain link to black wrought iron in various Project locations.

In addition to the Project changes outlined above, Sound Transit entered into the following additional agreements with the City to provide enhancements and ensure an efficient permitting and construction process for the Project:

- An Access Enhancements Funding Agreement (Exhibit ST-06), which provides for up to \$2,000,000 in additional funding for multimodal access enhancements in and around the proposed station,
- A Permit and Project Review Reimbursement Agreement (Exhibit ST-04), and a First Amendment thereto for design review and construction services funding reimbursements to the City for up to \$2,895,443 (Exhibit MLT-18), and
- A Construction Agreement (Attachment 1, Item 4) to coordinate the construction of

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<sup>1</sup> References to Exhibits in this Staff Report use the labels assigned these documents on the City's website, where the Project documents have been made available to the public. *See* <http://cityofmountlaketerrace.com/597/Sound-Transit-Light-Rail-Service>.

certain Project improvements with the City's Main Street Reconstruction Project for roadway improvements on 236<sup>th</sup> Street, with funding reimbursement to the City of up to \$417,952.

**B. The Project Will Operate on Private Parcels and in Public Rights-of-Way**

In addition to operating on many “private” parcels of land acquired by Sound Transit, the Project will operate in dedicated City rights-of-way and in WSDOT rights-of-way. While construction on private parcels is typically authorized through a land use approval process (like the CUP Sound Transit is seeking in this proceeding), Sound Transit has separate agreements in place with both the City and WSDOT to permit the construction and operation of light rail facilities in their respective rights-of-way. *See* City of Mountlake Terrace Transit Way Agreement, Exhibit ST-05. Sound Transit selected and designed the alignment of the Lynnwood Link Extension to result in the least amount of private parcels necessary for the guideway. Sound Transit has worked with WSDOT and the City to locate the remaining Project facilities in public right-of-way.

**C. The Project Is an Essential Public Facility under State Law, though Subject to Local Land Use Review.**

The Project is an essential public facility (“EPF”) under Washington law. *See* RCW 36.70A.200(1) (including regional transit authority facilities). Washington’s Growth Management Act, codified at Chapter 36.70A, RCW (“GMA”) has been interpreted to allow local governments—such as cities and counties—to require EPFs to undergo discretionary land use permitting processes. However, local requirements that make the siting of an essential public facility impossible or impracticable, or otherwise preclude EPFs, are prohibited. *See, e.g., Central Puget Sound Regional Transit Authority v. City of Tukwila*, Case No. 99-3-0003, 1999 WL 33100213, Final Decision and Order (September 15, 1999), at \*4. Support activities necessary for the construction or operation of EPFs are also protected under State law. *See, e.g., City of Des Moines v. Puget Sound Regional Council*, 98 Wn. App. 23, at 34-35 (1999) (finding that hauling of dirt is a “necessary support activity” for construction of an essential public facility).

If an EPF has already undergone a regional siting process, a city or county may not review this siting decision. *See, e.g., King County v. Snohomish County*, Final Decision and Order, Case No. 03-3-0011, 2003 WL 22896425, at \*11 (October 13, 2002). Once this regional decision is made, local governments have a “duty to accommodate” and not preclude the EPF in the selected location. *See Central Puget Sound Regional Transit Authority v. City of Tukwila*, 1999 WL 33100213, at \*4. The Lynnwood Link Project was sited through a regional process culminating with an alignment selection by the Sound Transit Board. *See* Sound Transit Board Resolution No. R2015-05 at Attachment 1, Item 5 (Selecting the Route, Profile, and Stations for the Project). Thus, while the Code calls on the Examiner to review the Project for consistency with the Mountlake Terrace Municipal Code (the “Code” or “MTMC”), the Code cannot be used to revisit this siting decision nor be applied in a way that could preclude the Project facilities from the City.

The EPF status of the Project is acknowledged in the City's Code, which categorizes the Project as a Type A Essential Public Facility. *See* MTMC 18.15.020(I) (defining Type A EPFs to include "transportation facilities of statewide significance). Type A EPFs are allowed in any zoning district, though they are subject to a CUP process. *See* MTMC 18.15.030.A (transportation facilities of statewide significance permitted in any district unless otherwise provided in Titles 18 or 19, MTMC); 18.15.050.A (Type A EPFs subject to CUP review). The Code recognizes that EPFs "cannot be precluded under state law," and "describes specific City requirements for reasonably accommodating essential public facilities." *See* MTMC 18.15.010. It further provides that this state law controls over any conflicting provision of the City Code. *See* MTMC 18.15.050.A ("In case of a conflict between the City's municipal code and state law, *the state law shall prevail.*") (emphasis provided).

#### **D. The City's Authority to Condition Its CUP Approval Is Limited by State and Federal Law.**

Well-accepted doctrines under state statute and the federal and state constitutions prohibit municipal governments from using the local permitting process to impose conditions not related to impacts caused by the development. *See, e.g.,* RCW 82.02.020; *Benchmark Land Co. v. City of Battle Ground*, 146 Wn.2d 685, 695, 49 P.3d 860 (2002) (en banc); *see also* *Benchmark Land Co. v. City of Battle Ground*, 94 Wn. App. 537, 541, 972 P.2d 944 (1999) (arriving at the same result using the U.S. Supreme Court's prohibition on unconstitutional conditions set forth in *Dolan v. City of Tigard*, 114 S. Ct. 2309, 129 L. Ed. 2d 304 (1994) and *Nollan v. Cal. Coastal Comm'n*, 107 S. Ct. 3141, 97 L. Ed. 2d 677 (1987)). Land use conditions must serve "to mitigate a direct impact that has been identified as a consequence of a proposed development." *See* RCW 82.02.020. The Washington State Supreme Court has "repeatedly held, as the statute requires, that development conditions must be tied to a specific, identified impact of a development on a community." *Isla Verde Int'l Holdings, Inc. v. City of Camas*, 146 Wn.2d 740, 761, 49 P.3d 867, 879 (2002) (en banc). Under these authorities, the City may not include conditions in its CUP approval that are not "tied to a specific, identified impact" of the Project.

#### **E. The Project Has Undergone Environmental Review at the State and Federal Level.**

The Project has undergone federal environmental review, with the Federal Transit Administration (FTA) acting as lead federal agency under the National Environmental Policy Act (NEPA). FTA issued its Record of Decision (ROD) for Lynnwood Link Extension in July 2015. *See* Record of Decision, Exhibit MLT-22. The Federal Highway Administration (FHWA), as a cooperating agency under NEPA, issued its ROD for the Lynnwood Link Extension Project in August 2015. *See* Exhibit MLT-23. Sound Transit completed environmental review for the overall Lynnwood Link Project as lead agency under Washington's State Environmental Policy Act (SEPA). *See generally* Exhibits MLT-19 (North Corridor Transit Project Alternatives Analysis Report and SEPA Addendum, dated September 2011), MLT-20 (Lynnwood Link Extension Draft EIS, dated July 2013), MLT-21 (Final EIS, dated April, 2015), and Exhibit MLT-24 (May 2018 SEPA Addendum). This environmental review process covers the City's issuance of permits for the Project, and established a comprehensive

environmental mitigation package for the Project. Pursuant to a separate agreement with Sound Transit, the City has agreed to use and rely on the existing environmental documents to satisfy its SEPA responsibilities consistent with WAC 197-11-600. *See* Exhibit MLT-17 (Permit and Project Review Reimbursement Agreement) at Recital C and Section 3. In its Staff Report, the City concluded that the above-cited environmental project documents were final, and that further environmental review of the Project is not required. *See* City Staff Report at 6.

**IV. APPROVAL CRITERIA**

In this proceeding, the Examiner is charged with reviewing the Project for consistency with approval criteria found in several provisions of the MTMC—namely, the approval criteria for CUPs (found in MTMC 19.110.200), Site Development Plans (found in MTMC 19.110.220), and Reasonable Use Exceptions (MTMC 16.15.360). As noted above, Sound Transit and the City have been working together for several years to coordinate the specific location and design of the proposed facilities, in order to assimilate the Project into the character of the surrounding area and ensure the Project’s consistency with these approval criteria.

**A. CUP and Site Development Plan Criteria.**

The CUP and Site Development Plan approval criteria focus on the consistency of the Project with City Codes and policies, potential impacts on the surrounding vicinity of the Project, adequacy of public facilities serving the Project, and general health, safety, and welfare. *See generally* MTMC 19.110.200.D (CUP criteria); MTMC 19.110.220.C.1—4 (Site Development Plan Criteria). The Project’s consistency with these criteria is addressed in the application narratives submitted by Sound Transit for each site. The table below lists each site along with a citation to the corresponding Sound Transit site narrative analyzing the site’s consistency with CUP and Site Development Plan approval criteria.

<b>Site</b>	<b>Exhibit</b>	<b>CUP Criteria</b>	<b>SDP Criteria</b>
<b>Site A</b>	ST-A01	pages 21–27	pages 27–29
<b>Site B</b>	ST-B01	pages 27–35	pages 35–37
<b>Site C</b>	ST-C01	pages 21–27	pages 27–29
<b>Site D</b>	ST-D01	pages 21–27	pages 27–29
<b>Site E</b>	ST-E01	pages 21–27	pages 27–29
<b>Site F</b>	ST-F01	pages 23–29	pages 29–31
<b>Site G</b>	ST-G01	pages 19–25	pages 25–27
<b>Site H</b>	ST-H01	pages 19–25	pages 25–27
<b>Site I</b>	ST-I01	pages 19–25	pages 25–27
<b>Site J</b>	ST-J01	pages 21–27	pages 27–29
<b>Site K</b>	ST-K01	pages 21–27	pages 27–29
<b>Site L</b>	ST-L01	pages 17–23	pages 23–25
<b>Site M</b>	ST-M01	pages 21–27	pages 27–29
<b>Guideway</b>	ST-N01	pages 27–31	pages 31–33

The City Staff Report also contains a thorough analysis of each of the CUP and Site Development Plan approval criteria, which are as follows:

### CUP Approval Criteria

1. The proposal is in accordance with the goals, policies and relevant land use designations of the Comprehensive Plan.
2. The proposal will not adversely impact the established character of the surrounding vicinity. For purposes of this section, “character” shall mean:
  - a. The distinctive features or attributes of buildings and site design, including but not limited to building facade, scale, building modulation, tree cover, landscaping, size and location of signs, amount and location of parking, fencing and walkability;
  - b. The level of noise, vibrations or odors; and
  - c. The type of vehicular traffic and traffic patterns associated with the permitted uses in the zoning district.
3. The proposed use will not endanger the public health, safety, and general welfare of the community or create obstacles to neighborhood circulation.
4. The proposal complies with the purpose and all requirements of the zoning district classification in which it is located and with the general provisions of the municipal code.
5. The proposal will be served by existing public facilities as may be necessary. This standard may be met if the applicant pays the cost of or installs any additional facilities needed.

MTMC 19.110.200.D.1—5; *see* City Staff Report at 28-67.

### Site Development Plan Approval Criteria

1. Type of Land Use. The proposal is in accordance with the goals and policies of the Comprehensive Plan and the type of land use that is permitted in the zone;
2. The level of development is consistent with the Comprehensive Plan and zoning;
3. Development Standards. The proposal complies with all requirements of the zone classification and general provisions of this title, except in the case where a variance has been approved in accordance with the requirements of MTMC 19.110.210;
4. Infrastructure. The proposal will be served by existing public facilities as may be necessary. This standard may be met if the applicant pays the cost of or installs any additional facilities needed;

MTMC 19.110.220.C; *see* City Staff Report at 52-53.

City staff found the Project to be generally consistent with section and subsection of these criteria. *See* City Staff Report at 34 (finding the Project consistent with CUP Criterion D.1, above, based on Sound Transit’s separate Comprehensive Plan Review at Exhibit ST-18)<sup>2</sup>, 48 (finding consistency with CUP Criterion D.2 and its sub-parts), 49 (CUP Criterion D.3), 51 (CUP Criteria D.4 and D.5), and 52-52 (finding the Project consistent with the Site Development

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<sup>2</sup> This conclusion contains an apparent typo, as it references the Comprehensive Plan Review as “Exhibit MLT-18,” though it is found in the record at Exhibit ST-18.

Plan criteria). This section of the City Staff Report also includes the director’s decision to grant waivers for street improvements that would otherwise be required on Sites H, K, M, pursuant to MTMC 19.95.030.C and D. *See* City Staff Report at 50-51. The City has proposed conditions of approval for the CUP to ensure the Project’s consistency with the above criteria. *See id.*

Sound Transit staff concur that the Project, as designed, satisfies the City’s CUP and Site Development Plan approval criteria, and that the site design waivers granted by the Director are appropriate. As discussed in Section V, below, Sound Transit and the City have reached agreement on all but two conditions of approval for the Project (*i.e.*, conditions 23.b and 24.c).

**B. Reasonable Use Exception**

Sound Transit’s request for a reasonable use exception is detailed in each associated site narrative in the application materials. The table below lists each site along with a citation to the corresponding Sound Transit site narrative discussing the request for a reasonable use exception.

Site	Exhibit	Reasonable Use Exception Discussion
Site A	ST-A01	pages 37–40
Site B	ST-B01	pages 48–52
Site C	ST-C01	pages 38–42
Site D	ST-D01	pages 37–41
Site E	ST-E01	pages 37–39
Site F	ST-F01	pages 40–42
Site G	ST-G01	pages 36–38
Site H	ST-H01	pages 35–39
Site I	ST-I01	pages 35–37
Site J	ST-J01	pages 37–39
Site K	ST-K01	pages 38–41
Site L	ST-L01	pages 32–34
Site M	ST-M01	pages 37–41

These requests relate to the alteration of Critical Wildlife Habitat near the Mountlake Terrace Transit Center, and the alternation of Class IV Landslide Hazard Areas along the corridor associated with the WSDOT I-5 embankment. The Code permits reasonable use exceptions for public projects where strict application of the City’s critical areas regulations “would unreasonably prohibit the provision of a public service,” so long as the detailed approval criteria set forth in MTMC 16.15.360.C are met. While these approval criteria are not reproduced here, City Staff’s detailed analysis of these criteria appears in pages 53 through 67 of the City Staff Report. In addition to the matters discussed in the City Staff Report, the reasonable use exception will permit Sound Transit to provide a project that avoids and minimizes impacts to the extent practicable and mitigates impacts in accordance with city code and the mitigation package established for the overall Project in the environmental documents discussed above. For example, Sound Transit and the City have executed a Priority Habitat Tree Mitigation Agreement, under which Sound Transit will pay the City a fee in the amount of \$256,793 for planting 654 replacement trees. *See* Attachment 1, Item 8. These measures will ensure that

Sound Transit will meet its obligations associated with unavoidable impacts to Critical Wildlife Habitat within the City.

Sound Transit staff concur with the City Staff Report's conclusion that the requested Reasonable Use Exception meets all applicable criteria, and should be granted for the Project. *See* City Staff Report at 56 (finding the Project eligible for the requested public agency reasonable use exception); *see also* City Staff Report at 58, 60, 61, 65, and 67 (finding the Project, as conditioned, meets each of the seven criteria for a reasonable use exception). As discussed in Section V, below, Sound Transit and the City have reached agreement on all but two conditions of approval for the Project (*i.e.*, conditions 23.b and 24.c).

## **V. CONDITIONS OF APPROVAL; CONCLUSION**

The City Staff Report (filed with the Examiner on June 13, 2019) recommends approval for the Project, as proposed in the CUP application documents, subject to 65 conditions of approval. *See* City Staff Report, Attachment 4 (Final Conditions of Approval). Sound Transit and City staff have since discussed these conditions, and have agreed to modify 20 of these conditions as shown in the separate, joint memorandum submitted to the Examiner today.

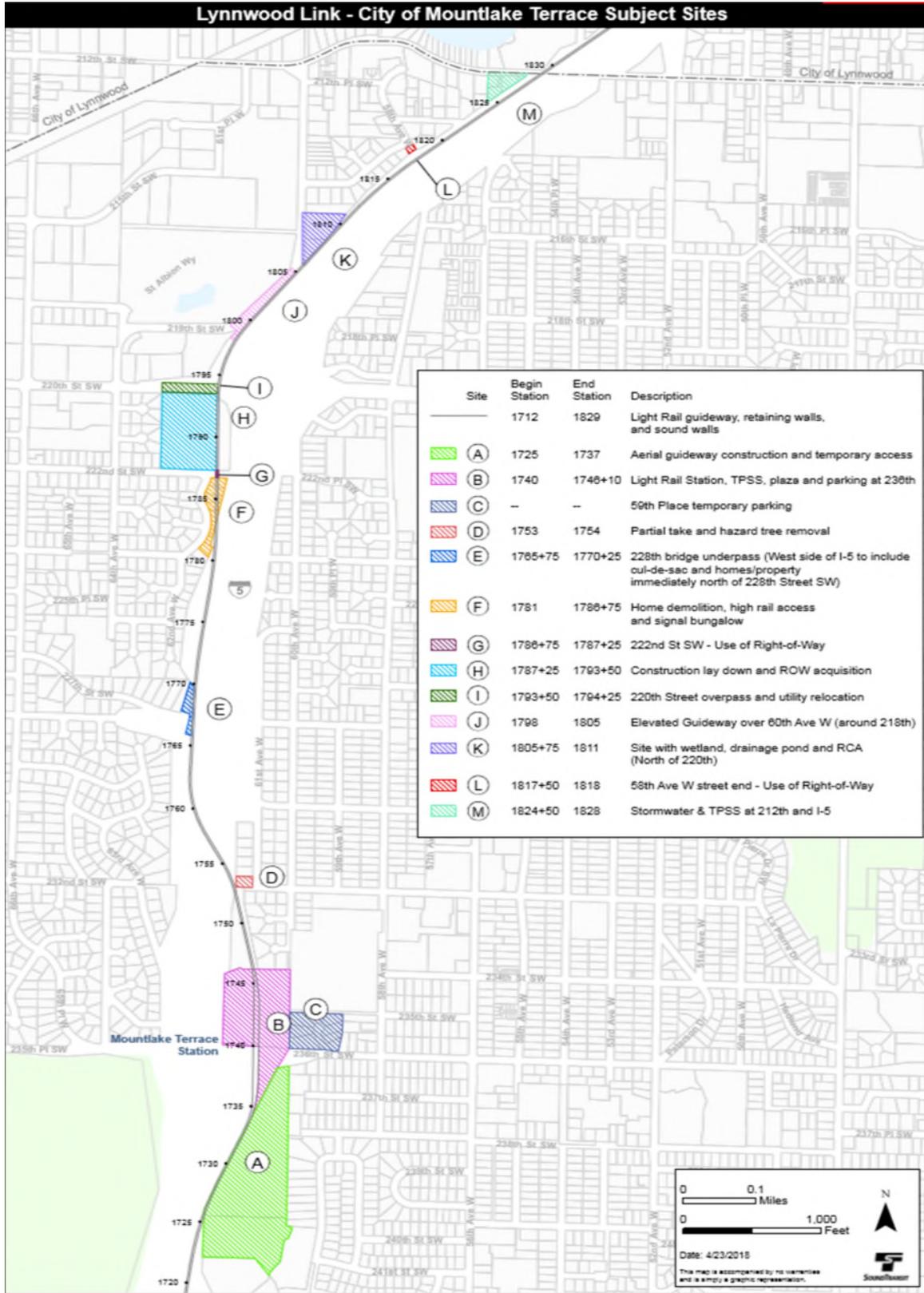
Sound Transit and the City were not able to agree on changes to Conditions 23.b and 24.c, which appear in page 10 of the City Staff Report. These conditions will be the subject of additional evidence to be submitted by both Sound Transit and the City at the CUP hearing.

Based on the foregoing, Sound Transit respectfully requests that the Examiner remove Conditions 23.b and 24.c and modify the remaining conditions as set forth in the parties' joint memorandum to the Examiner, but otherwise approve the CUP for the Project with the conditions set forth in the City's Staff Report.

**ATTACHMENT 1: Additional Materials for Inclusion in the Examiner's Record**

1. Completed Conditional Use Application form, signed and dated 9/11/18
2. Completed Site Plan Application form, signed and dated 9/11/18
3. Completed Reasonable Use Exception Application form, signed and dated 9/11/18
4. Construction Agreement
5. Sound Transit Board Resolution No. R2015-05
6. Updated Melody Hill Site Plan and Work Area Description
7. Priority Habitat Tree Mitigation Agreement
8. Veteran's Park Trail Connector Graphic

**ATTACHMENT 2: Graphic Depiction of Guideway and Site Packages**



## **ATTACHMENT 3: Response to Public Comments**

### **ST Staff Memorandum Regarding City of Mountlake Terrace: Sound Transit Response to Public Comments re: Conditional Use Permit, Site Development Plan and Critical Areas Reasonable Use Exception Applications (Permit numbers PCU-18-0001, PSD-18-0001, & PSE-18-0005), (“CUP APPLICATION”).**

This memorandum serves as Sound Transit’s response to public comments the City received during the 30-day comment period, and the City’s public open house, regarding the CUP application. Sound Transit has reviewed the public comments along with the submitted application materials and has determined the materials submitted to the City sufficiently address the public comments, which addressed parking, trees, Community Transit Bus Service, and construction staging

#### *Expanded Parking Facilities*

As a regional transit authority, Sound Transit is only permitted to construct capital projects consistent with the plan approved by voters. The ST2 plan, which included the Lynnwood Link Extension Project, did not include any additional parking for transit patrons as part of the Mountlake Terrace Station. Sound Transit is only permitted to add scope to projects if that scope was supported as part of the ST2 planning process and project specific funding is sufficient to cover the scope increases or if project partners cover the cost of the additional scope (Sound Transit Scope Control Policy 2009-24). Additional improvements to expand parking over and above what exists today at the Mountlake Terrace Station were not expressly authorized by the voter approved ST 2 plan.

#### *Tree Removal*

Sound Transit analyzed tree removal and mitigation in the site narratives and Mountlake Terrace Tree Summary and Inventory (Exhibit 29) submitted for the CUP applications, and the Final Environmental Impact Statement. Sound Transit will mitigate for tree removal by planting replacement trees according Project plans described in the CUP application. Furthermore, Sound Transit has entered into a Priority Habitat Area Tree Mitigation Agreement to pay the City directly a fee in the amount of \$256,793 for planting 654 replacement trees. *See* Attachment 1, Item 8.

#### *Community Transit Bus Service*

Sound Transit has collaborated with Community Transit to ensure that implementation of parking changes due to the Project will have a robust rider outreach and noticing well in advance to inform commuters of their transit options. When the surface parking lot at the Mountlake Terrace Transit Center closes, Community Transit routes 810 and 871 will serve the interim temporary parking lot located at Roger’s Market. Bus routes will not be eliminated; however, some service may be re-routed due to temporary road closures. In addition, Sound Transit will provide supplemental shuttle service as required by the site development plan permit recently approved by the City for the Rogers Market interim temporary parking lot More information about parking changes specific to Mountlake Terrace is available at:

<https://www.soundtransit.org/sites/default/files/documents/lynnwood-link-extension-april-2019-mountlake-terrace-open-house-displays.pdf#page=3>

*Construction staging*

The Lynnwood Link Extension Project is preparing to enter construction this spring, with work and construction staging site preparations starting this summer. The narratives submitted for the CUP application describe the construction staging and activities that will be required for the construction of the light rail station, guideway, and associated structures. Sound Transit will restore pre-construction conditions with landscape buffer planting and tree replacement where appropriate. Sound Transit is committed to being a good neighbor and has a robust community outreach team to provide a point of contact for residents affected by construction noise. Sound Transit Community Outreach can be reached by phone (206) 398-5300 or by email [Lynnwoodlink@soundtransit.org](mailto:Lynnwoodlink@soundtransit.org) for questions or comments.