CITY OF SNOHOMISH
Snohomish, Washington

ORDINANCE 2210

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, ESTABLISHING A PLANNED ACTION FOR THE PILCHUCK DISTRICT SUBAREA PURSUANT TO THE STATE ENVIRONMENTAL POLICY ACT

WHEREAS, 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"); and

WHEREAS, the City has adopted a Comprehensive Plan complying with the GMA; and

WHEREAS, the City has prepared a subarea plan, development regulations, and design standards for the Pilchuck District land use designation; and

WHEREAS, the Pilchuck District Subarea Planned Action Environmental Impact Statement ("EIS") identifies impacts and mitigation measures associated with planned development in the subarea; and

WHEREAS, the City has adopted development regulations which will help protect the environment, and has adopted zoning regulations specific to the subarea which will guide the amount, location, form, and quality of desired development; and

WHEREAS, designation of a Planned Action expedites the permitting process for subsequent, implementing projects whose impacts have been previously addressed in a Planned Action EIS, and thereby encourages desired growth and economic development;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Purpose.

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

A. Address mitigation of environmental impacts in the City's development of plans and regulations;

B. Designate the Pilchuck District Subarea as a Planned Action for purposes of environmental review and permitting of subsequent, implementing projects pursuant to RCW 43.21C.031 of the State Environmental Policy Act (SEPA) and other applicable laws and regulations;

C. Determine that the EIS prepared for the Pilchuck District Subarea plan meets the requirements of a Planned Action EIS pursuant to SEPA;

D. Establish criteria and procedures, consistent with applicable State law and regulations, that will determine whether subsequent, implementing projects qualify as Planned Actions;

E. Provide the public with information about Planned Actions and how the City will process applications for implementing projects;

F. Streamline and expedite the land use review and approval process for qualifying projects by relying on the EIS completed for the Planned Action; and

G. Apply the City's development regulations together with the mitigation measures described in the EIS and this ordinance to address the impacts of future development contemplated by the Pilchuck District Subarea Planned Action.

Section 2. Findings.

The City Council finds as follows:

A. The City is subject to the requirements of the Growth Management Act, RCW Chapter 36.70A, and is located within an Urban Growth Area;

B. The City has adopted a Comprehensive Plan complying with the GMA. The Comprehensive Plan establishes the Pilchuck District land use designation and incorporates goals and policies specific to the Pilchuck District Subarea;

C. The City has adopted development regulations and design guidelines to implement the Pilchuck District land use designation;

D. The City has prepared an EIS for the area designated as a Planned Action ("Planned Action EIS"), and finds that this EIS adequately 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 Planned Action EIS and attached to this ordinance as Exhibit B, together with adopted City development regulations, will adequately mitigate significant impacts from development within the Planned Action area;

F. The Pilchuck District Subarea Plan and Planned Action EIS 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 has provided numerous opportunities for meaningful public involvement in the proposed Planned Action; has considered all comments received; and has appropriately modified the proposal or mitigation measures in response to comments;

I. The Pilchuck District Subarea Plan is not an essential public facility as defined by RCW 36.70A.200(1). Future improvements to facilities that meet the definition of essential public facility in RCW 36.70A.200(1) within the Pilchuck District Subarea are not eligible for review or permitting as Planned Actions. However, such future proposals may use the information contained in the Planned Action EIS, consistent with SEPA;

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

K. Public services and facilities are adequate to serve the proposed Planned Action.

Section 3. Procedures and Criteria for Evaluating and Determining Projects as Planned Actions.

A. *Planned Action Area*. The Planned Action designation shall apply to the area shown in attached and incorporated Exhibit A.

B. *Environmental Document*. A Planned Action determination for a site-specific implementing project application shall be based on the environmental analysis contained in the Draft EIS issued by the City on October 1, 2010, and the Final EIS published on March 7, 2011. The Draft EIS and Final EIS shall comprise the Planned Action EIS. The mitigation measures contained in attached and incorporated Exhibit B are based upon the findings of the Planned Action EIS and shall, along with adopted City regulations, provide the framework that the City will use to impose appropriate conditions on qualifying Planned Action projects.

C. *Planned Action Designated*. Land uses and activities described in the Planned Action EIS, subject to the thresholds described in subsection 3.D and the mitigation measures contained in Exhibit B, are designated Planned Actions or Planned Action Projects pursuant to RCW 43.21C.031. A development application for a site-specific Planned Action project located within the Pilchuck District Subarea shall be designated a Planned Action if it meets the criteria set forth in subsection 3.D of this ordinance and applicable laws, codes, development regulations, and standards of the City.

D. *Planned Action Qualifications*. The following thresholds shall be used to determine if a site-specific development proposed within the Pilchuck District Subarea is contemplated by the Planned Action and has had its environmental impacts evaluated in the Planned Action EIS:

(1) Land Use.

(a) The following general categories/types of land uses are considered Planned Actions:

(i) Retail uses;

(ii) Entertainment and recreational uses;

(iii) Office and personal and professional service uses;

(iv) Lodging;

(v) Civic and cultural uses; and

(vi) Residential dwelling units, including stacked-flat multi family, townhouse, and single family dwellings, bungalow court, as well as accessory dwelling units, adult family home, and senior citizen assisted living.

(b) Individual land uses considered as Planned Actions shall include:

(i) Those uses specifically listed as permitted or provisionally permitted in development regulations applicable to the zoning classifications applied to properties within the Planned Action area; and

(ii) Those unlisted uses determined by the City Planner to be similar to a listed use and/or consistent with the intent of the zoning classification and compatible with land uses in the vicinity in accordance with adopted criteria.

(2) Development Thresholds.

(a) The following amount of net new land uses are contemplated by the Planned Action:

Land Use	Development Amount
Residential	1,364 units
Retail	109,508 gross square feet
Office and Services, Public and Semi-Public; Civic and Cultural	76,688 gross square feet
Lodging	100 rooms (in lieu of 25,000 square feet of retail above)

(b) If future development proposals in the Planned Action area cumulatively exceed the development thresholds specified in this ordinance, further environmental review may be required pursuant to WAC 197-11-172 and

as hereafter amended. Further, if proposed development would alter the assumptions and analysis in the Planned Action EIS, further environmental review may be required. Shifting the total build-out between categories of uses may be permitted so long as the total build-out does not exceed the aggregate amount of development and trip generation as reviewed in the EIS, and so long as the impacts of that development have been identified in the Planned Action EIS and are mitigated consistent with Exhibit B.

(3) Building Height. Building height shall not exceed five stories measured consistent with the applicable definitions and standards of the Snohomish Municipal Code.

(4) Transportation.

(a) Trip Threshold. The number of net new p.m. peak hour trips anticipated in the Planned Action area and reviewed in the EIS is as follows:

Net new PM Peak Hour trips: 2004-2030	1,122

New or expanded uses or activities in excess of this cumulative maximum trip generation shall require additional SEPA review.

(b) Concurrency. The determination of project-specific transportation impacts shall be based on the City's concurrency management program contained in SMC Chapter 14.295.

(c) Traffic Impact Fees. The determination of traffic impact fees shall be based on the City's concurrency management program contained in SMC Chapter 14.295.

(d) EIS Mitigation. Planned Action applicants shall implement transportation mitigation measures identified in Appendix B when required to meet concurrency management regulations in SMC Chapter 14.295.

(e) Director Discretion. The Director of Public Works shall determine incremental and total trip generation, consistent with the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) or an alternative manual approved by the City Engineer, for each project permit application proposed as a Planned Action under this ordinance.

(5) Elements of the Environment and Degree of Impacts. A proposed project that would result in a significant change in the type or degree of impacts to any of the elements of the environment analyzed in the Planned Action EIS would not qualify as a Planned Action.

(6) Changed Conditions. Should environmental conditions change significantly from those analyzed in the 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.031, applications that meet all of the following conditions:

(a) The proposal is located within the Planned Action area defined in Section 3.A of this ordinance and described in Exhibit A;

(b) The proposed uses and activities are consistent with those described in the Planned Action EIS and Section 3.D of this ordinance;

(c) The proposal is within the Planned Action thresholds and other criteria of Section 3.D of this ordinance;

(d) The proposal is consistent with the City of Snohomish Comprehensive Plan and the Pilchuck District Subarea Plan;

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

(f) The proposal's significant impacts have been mitigated by application of the measures identified in Exhibit B, and all applicable City regulations, including, but not limited to, critical area regulations and the Shoreline Master Program, 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 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).

(2) The City shall base its decision on review of a SEPA checklist, or an alternative form approved by the Department of Ecology, and review of the application 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.031, WAC 197-11-164 et seq, and this ordinance.

F. *Effect of Planned Action*.

(1) Designation as a Planned Action project means that a qualifying proposal has been reviewed in accordance with this ordinance and found to be consistent with its development parameters and thresholds, and with the environmental analysis contained in the Planned Action EIS.

(2) Upon determination by the City's SEPA Responsible Official that the proposal meets the criteria of Section 3.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 Snohomish Municipal Code (SMC). Applications for Planned Actions shall be made on forms provided by the City and shall include a SEPA checklist or an approved Planned Action checklist.

(2) The City Planner or designee shall determine whether the application is complete as provided in SMC Title 14.

(3) If the application is for a project within the Planned Action area, 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. The SEPA Responsible Official shall notify the applicant of his/her decision. If the project is determined to qualify as a Planned Action, it shall proceed in accordance with the applicable permit review procedures specified in SMC Title 14, except that no SEPA threshold determination, EIS, or additional SEPA review shall be required. The decision of the SEPA Responsible Official regarding qualification as a Planned Action shall be final.

(4) Public notice and review for projects that qualify as Planned Actions shall be tied to the underlying permit. The review process for the underlying permit shall be as provided in SMC Title 14. 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 an applicant may request consideration and execution of a development agreement for a Planned Action project. The development agreement may address review procedures applicable to a Planned Action project, permitted uses, mitigation measures, payment of impact fees and/or provision of improvements through other methods, design standards, phasing, vesting of

development rights, and/or any other topics that may properly be considered in a development agreement 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. The decision of the SEPA Responsible Official regarding whether a project qualifies as a Planned Action shall be final

(7) Projects that fail to qualify as Planned Actions may incorporate or otherwise use relevant elements of the 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 Planned Action EIS.

Section 4. 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 the assumptions of 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 Pilchuck District Subarea.

B. This Planned Action Ordinance shall be reviewed no later than five years from its effective date by the SEPA Responsible Official to determine the 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 on this review, the City may propose amendments to this ordinance and/or may supplement or revise the Planned Action EIS.

Section 5. Conflict.

In the event of a conflict between this ordinance and/or any mitigation measure imposed thereto and any ordinance and/or regulation of the City, the provisions of this ordinance shall control, except that the provision of any the various codes adopted under SMC Chapter 19.04 shall supersede and control in the event of such conflict.

Section 6. Severability.

Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance and/or its application be declared to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the constitutionality or validity of the remaining portions of this ordinance or its application to any other person or situation.

Section 7. Effective Date.

This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after its passage, approval, and publication as provided by law.

ADOPTED by the City Council and **APPROVED** by the Mayor this 5th day of July, 2011.

CITY OF SNOHOMISH

By_____
KAREN GUZAK, MAYOR

Attest:

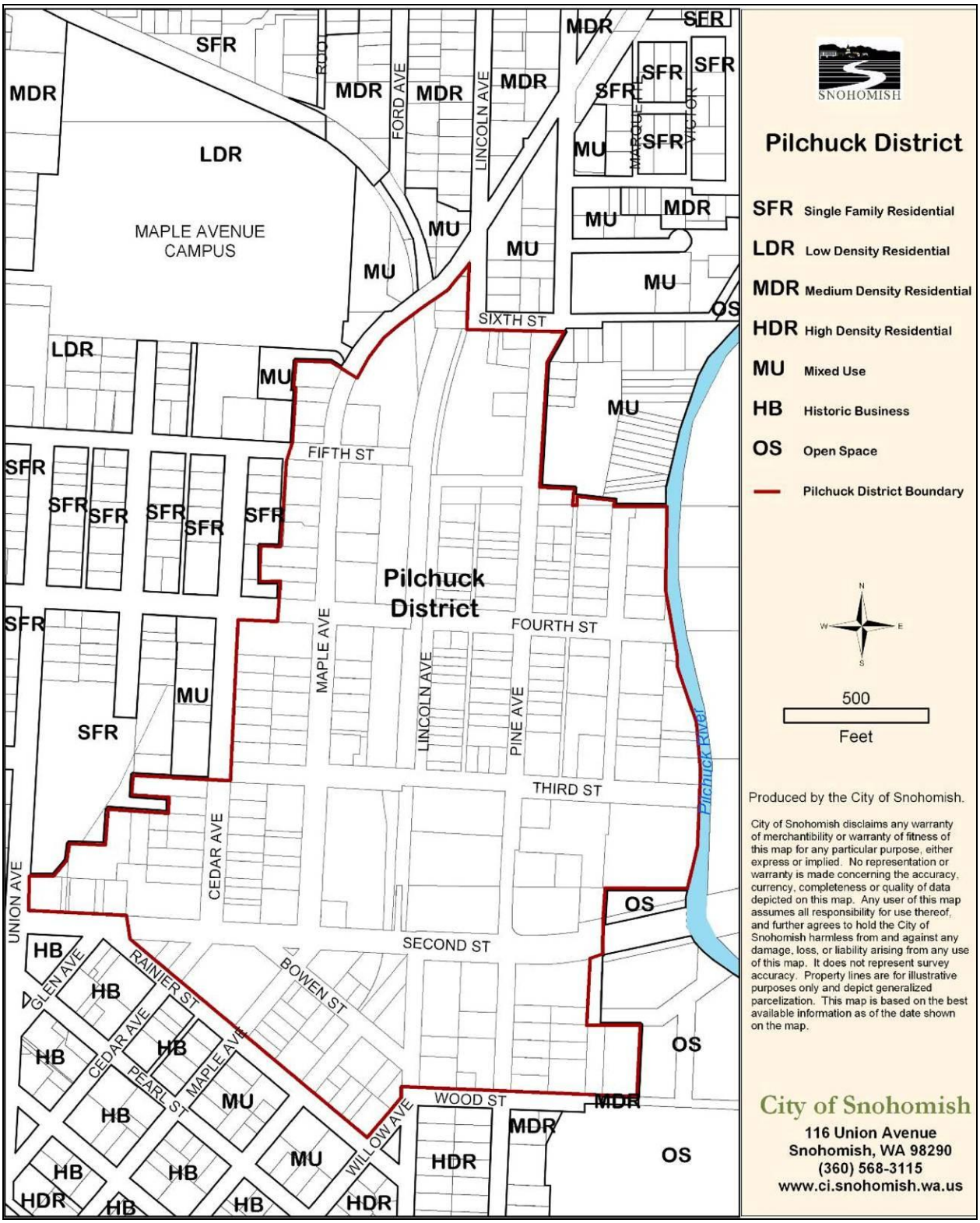
By_____
TORCHIE COREY, CITY CLERK

Approved as to form:

By_____
GRANT K. WEED, CITY ATTORNEY

EXHIBIT A

Pilchuck District Planned Action Area



Planned Action EIS Mitigation Measures
City of Snohomish Pilchuck District Planned Action Area

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Introduction and Purpose

The State Environmental Policy Act (SEPA) requires environmental review for project and non-project proposals that are likely to have adverse impacts upon the environment. In order to meet SEPA requirements, the City of Snohomish issued the *Pilchuck District Subarea Plan and Planned Action Draft Environmental Impact Statement* on October 1, 2010 and the *Pilchuck District Subarea Plan and Planned Action Ordinance Final Environmental Impact Statement (Final EIS)* on March 7, 2011. The Draft together with the Final Environmental Impact Statement is referenced herein as the "EIS". The EIS has identified significant 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 impacts.

The purpose of this Mitigation Document is to establish specific mitigation measures, based upon significant impacts identified in the EIS. The mitigation measures shall apply to future development proposals which are consistent with the Planned Action scenarios reviewed in the EIS, and which are located within the Pilchuck Planned Action Area (see Exhibit A).

SEPA Terms

As used in this document, the words action, planned action, or proposal are defined as described below.

- "Action" means projects or programs financed, licensed, regulated, conducted or approved by a governmental Agency. "Project actions" involve decisions on a specific project such as a construction or management activity for a defined geographic area. "Non-project" actions involve decisions about policies, plans or programs. (see WAC 197-11-704)
- "Planned Action" refers to types of project actions that are designated by ordinance for a specific geographic area and addressed in an EIS, in conjunction with a comprehensive plan or subarea plan, a fully contained community, a master planned resort, a master planned development or phased project. (see WAC 197-11-164)
- "Proposal" means a proposed action that may be an action and regulatory decision of an agency, or any action proposed by applicants. (see WAC 197-11-784)

General Interpretation

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.

Location

The Pilchuck Planned Action Area consists of approximately 86 acres in the southeastern portion of the City of Snohomish; it generally extends from Rainier and Wood Streets on the south to about Sixth Street on the north, and from the Pilchuck River on the east to about Union Avenue on the west. The western boundary generally follows the slopes west of Cedar Avenue.

Planned Action Description

The City of Snohomish (City) is planning for a mixed-use area adjacent to downtown and the Pilchuck River, called the Pilchuck District. The vision for the Pilchuck District is for it to be a lively, walkable neighborhood of shops, personal and business services, offices, single-family homes, townhouses, and stacked flat apartments.

The City proposed the following two related actions:

- Adopt the Pilchuck District Subarea Plan and related amendments to the City of Snohomish Comprehensive Plan (Comprehensive Plan), and adopt associated development code amendments and design standards. Comprehensive Plan amendments would include designation of the Pilchuck District as a land use designation on the Comprehensive Plan Land Use Designation Map; insertion of goals and policies describing the future vision for the Pilchuck District land use designation; amendment of existing policies to maintain internal consistency; and inclusion of policies to establish a transfer of development rights (TDR) program. Development code amendments would address the range of permitted uses, standards for building height and form, parking, subdivision, landscaping, and other land use regulations important to the implementation of the Pilchuck District Subarea Plan. Proposed integrated street standards would establish the future design of roadways and sidewalks within the Pilchuck District. Design standards would implement the subarea plan with standards addressing site and building design.
- Adopt an ordinance designating the Pilchuck District as a Planned Action for the purposes of State Environmental Policy Act compliance, pursuant to RCW 43.21C.031(2)(a) and WAC 197-11-164.

Two alternatives were analyzed in the Draft EIS: the Proposed Alternative includes adoption of a Pilchuck District Subarea Plan and Development Regulations and the Planned Action Ordinance; and the No Action Alternative, which is a continuation of the City's current Comprehensive Plan and development regulations applicable to the study area without amendment. The Final EIS

introduces and reviews another alternative called the Final EIS Preferred Alternative, which is similar to the Proposed Alternative studied in the Draft EIS.

Proposed Alternative. The Proposed Alternative would create a land use framework and implement development, design, and street standards to establish a cohesive vision for a livable and walkable district and encourage investment in the study area. Concepts include a more focused range of permitted land uses with emphasis on residential, office, retail, and service uses; increased residential density and building height in targeted areas; new street standards that provide greater pedestrian safety and comfort; and revisions to parking standards.

Under the Proposed Alternative, maximum heights in the study area would vary from 35 feet to 55 feet (three to five stories). Floor area for any bonus story—which may be the fourth or fifth story depending on the height allowed by right—would be subject to a special review and approval process [including bonus height criteria such as purchase of transfer of development rights (TDRs), structured parking, provision of special public amenities, or other requirements].

A Planned Action Ordinance was part of the Proposed Alternative to facilitate future development that qualifies as a planned action.

No Action Alternative. The evaluation of a No Action Alternative is required by SEPA. This alternative assumes that the Pilchuck District Subarea Plan would not be implemented with new development regulations and that future development would not be facilitated with a Planned Action Ordinance.

Final EIS Preferred Alternative. The Preferred Alternative, studied in the Final EIS, is similar to the Proposed Alternative, but provides more details about proposed Comprehensive Plan policy amendments, form based height, setback, and other zoning standards, and design standards intending to achieve the vision of the district. Similarities of the Preferred and Proposed Alternatives are the overall proposed land use pattern, land capacity, form-based code zoning approach, capital improvements, and a planned action ordinance. The Final EIS Preferred Alternative differs from the Draft EIS Proposed Alternative with a slight variation in the neighborhood townhouse district extent, the measurement of building height, and variations on street classifications though still proposing a similar hierarchy of street types.

The Planned Action addressed in this Exhibit B is based on the Final EIS Preferred Alternative.

Mitigation

Based on the EIS, this document identifies significant adverse environmental impacts that are anticipated to occur as a result of development of planned action projects. Mitigation measures identified in the EIS are reiterated here for inclusion in proposed projects to mitigate related impacts and to qualify as Planned Action projects.

Consistency review under the Planned Action, development plan review, and other permit approvals will be required for specific development actions under the Proposed Action pursuant to WAC 197-11-172. Additional project conditions may be imposed on planned action projects based upon the analysis of the proposal in relationship to independent requirements of the City, state or federal requirements or review criteria.

Any applicant for a project within the Planned Action area may propose alternative mitigation measures, if appropriate and/or as a result of changed circumstances, in order to allow equivalent substitute mitigation for identified impacts. Such modifications shall be evaluated by the City's SEPA Responsible Official prior to any project approvals by the City.

In combination, regulations applicable to each element of the environment and mitigation measures identified in the EIS and documented in this Mitigation Document that are applied to any planned action proposal will adequately mitigate all significant environmental impacts associated with planned action proposals, except for those impacts that are identified as "significant unavoidable adverse impacts."

Mitigation measures are identified in the following sections: "Incorporated Plan Features," "Applicable Regulations and Commitments," "Public Agency Actions," and "Environmental Impacts and Mitigation Measures."

Incorporated Plan Features

The Final EIS Preferred Alternative includes features that "self-mitigate" some anticipated impacts as follows:

- *Hazardous Materials:* The Final EIS Preferred Alternative includes a revision of current development standards to increase structure height to 4 or 5 stories in some locations from the existing maximum of three stories. Increasing the height could reduce the horizontal footprint of the structure (i.e., building up rather than out), thereby, reducing the impact of ground-disturbing activities and reducing the potential to encounter contaminated soil (i.e., worker exposure, cross-contamination of soil and groundwater).
- *Land Use Patterns/Plans and Policies.* The Final EIS Preferred Alternative includes adoption of the Pilchuck District Subarea Plan and associated development regulations and design standards that are intended to achieve an internally consistent Comprehensive Plan and development that meets the vision for the subarea plan as a lively, walkable neighborhood of shops, personal and business services, offices, single-family homes, townhouses, and stacked flat apartments.
- *Aesthetics - Scale.* While increasing allowable building heights above the current limit of 35 feet, the zoning amendments implementing the Final EIS Preferred Alternative would include provisions to minimize the impact of these increases on adjacent properties and streets. Five-

story buildings would be allowed in locations that are generally separated from lower intensity land uses and on larger sites where site-sensitive site planning would avoid incongruities of scale between juxtaposed buildings.

- *Aesthetics – Residential Character.* The Final EIS Preferred Alternative would limit future development in most of the single-family character blocks to single-family and townhouse development. This would preserve the existing, primarily residential character of these blocks.
- *Transportation.* A number of roadway improvements are assumed to be in place for the 2030 traffic analysis based on the City's adopted 6-Year Transportation Improvement Plan (TIP).
- *Cultural Resources – Historic:* The Final EIS Preferred Alternative includes design standards tailored to the study area, which are intended to produce compatible development and continue the historic character of the community. The Preferred Alternative would continue to apply historic resource policies found in the Comprehensive Plan.
- *Stormwater – Landscaping.* The Final EIS Preferred Alternative emphasizes landscaping along streets and the Centennial Trail through form based code standards.
- *Stormwater – Regional Open Space.* The Final EIS Preferred Alternative allows greater building height in the study area to allow for TDRs from rural areas to the City, thereby retaining more open space in the County.
- *Sewer and Water.* The Final EIS Preferred Alternative would provide greater incentive for mixed-use and commercial development in proximity to existing infrastructure, making more efficient use of available water and sewer capacity.
- *Sewer and Water – Goals and Plans.* The Final EIS Preferred Alternative would retain Comprehensive Plan goals regarding water and sewer service. The Comprehensive Plan incorporates adopted plans for its sewer and water systems. The Water System Element and Sewer Element identify public facility needs for existing and future development. The Utilities Element of the Comprehensive Plan specifically considers the general location, proposed location, and capacity of all existing and proposed utilities, including water and sewer systems.

Applicable Regulations and Commitments

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

Hazardous Materials

- *Federal Resource Conservation and Recovery Act.* The Resource Conservation and Recovery Act provides requirements for handling, transporting, treating, storing, and disposing hazardous materials and wastes. It includes provisions for identifying and classifying hazardous materials and wastes, and creates treatment standards for specific wastes through the Hazardous and Solid Waste Amendments.
- *Federal Toxic Substances Control Act.* The Toxic Substances Control Act provides requirements for the handling, transportation, treatment, storage, and disposal of hazardous materials and wastes containing a limited number of specific compounds, including PCBs.
- *Federal Occupational Safety and Health Act.* The Occupational Safety and Health Act (OSHA) establishes requirements for site safety procedures, worker training, worker safety, and health standards for employees engaged in work where hazardous materials are encountered. All work relating to the handling of, and potential exposure to, hazardous substances by workers on construction projects must be in compliance with the relevant sections of OSHA.
- *Federal Clean Water Act.* The Clean Water Act provides for comprehensive federal regulation of all sources of water pollution. Any future activities associated with the redevelopment within the study area that could introduce hazardous substances to surface waters of the United States (including wetlands), must be in compliance with the Clean Water Act. Several federal and state permit programs have been established to address CWA issues.
- *Federal Safe Drinking Water Act.* The Safe Drinking Water Act provides administrative and legal authority to protect public drinking water systems including groundwater.
- *National Pollutant Discharge Elimination System Construction Stormwater Permit.* Many construction permits will require NPDES Construction Stormwater Permits from Ecology which typically includes a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP must include a spill prevention plan and best management practices (BMPs) for storing and using fuels and other chemicals. If properly implemented, the SWPPP will minimize the potential for erosion, sedimentation, spread of pre-existing contamination, or fuel spills during construction.
- *State Model Toxic Control Act Cleanup Regulation.* WAC Chapter 173-340 implements the MTCA, Revised Code of Washington (RCW Chapter 70.105D). MTCA sets requirements for site discovery and reporting, site assessments, and hazardous site listing. This regulation defines standard methods to assess whether a site is contaminated or clean, and it specifically relates to any hazardous materials and waste investigations associated with a project.
- *State Dangerous Waste Regulations.* WAC Chapter 173-303 implements the Resource Conservation and Recovery Act and the Hazardous Waste Management Act, RCW Chapter 70-105. These regulations provide waste identification procedures unique to Washington State.

Detailed requirements for forms and rules related to preparing manifests and transporting hazardous waste are also included.

- *State Water Pollution Act.* RCW Chapter 90.48 implements two administrative regulations that control pollution in state waters.
- *Water Quality Standards for Surface Waters of the State.* WAC Chapter 173-201A establishes standards for toxic substances, conventional parameters (e.g., pH, dissolved oxygen, temperature), and aesthetic values for marine and fresh surface waters.
- *Water Quality Standards for Groundwater of the State.* WAC Chapter 173-200 establishes standards for groundwater similar to those mentioned above for surface water with special emphasis on radionuclides and carcinogens because of portability issues.
- *Wastewater Discharges to Surface Waters.* WAC Chapter 173-220 regulates discharge to surface water from construction projects. Under this program, it is unlawful to discharge polluting matter to surface waters without an NPDES permit.
- *Wastewater Discharges to Ground Waters.* WAC Chapter 173-216 regulates discharge of stormwater to detention basins if this water contains unacceptable concentrations of polluting matter.
- *Washington Industrial Safety and Health Act.* RCW Chapter 49-17 implements the Occupational Health Standards, WAC 296 62, and Safety Standards for Construction Work, WAC Chapter 296 155. These standards cover operations at known hazardous waste sites and initial investigations of sites identified by the government, which are conducted before the presence or absence of hazardous substances has been determined. Rules on site assessment and control, training, personal protective equipment, and emergency response are included.

Land Use

- In 2007, the City adopted its first strategic plan, entitled *Imagine Snohomish: Promoting Vitality and Preserving Character* (City of Snohomish 2007). The plan contains guidance for the City Council in prioritizing the use of resources to promote community vitality and character. It also lays out a series of goals and action items for promoting the long-term vitality and character of the City. The Preferred Alternative would implement the following goals and directives contained in the plan:
    - Encourage urban densities near downtown.
    - Support a livable, pedestrian-friendly community.
    - Support downtown redevelopment potential and options, including redevelopment potential for Second Street.
    - Support a vibrant live/work community.

- Strengthen the community's orientation to its rivers.

- Development in the study area is subject to development regulations and design standards substantially similar to those evaluated as the Preferred Alternative in the Final EIS, which regulate the form, scale, use, location and appearance of buildings, parking, access, and other site features.

Aesthetics

Development will be required to comply with all applicable form based regulations and urban design standards, which, as adopted, are substantially similar to those evaluated as the Preferred Alternative in the Final EIS.

Transportation

RCW 36.70A.070(6)(b) requires that "local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level-of-service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development." SMC Chapter 14-295 is consistent with and implements the Comprehensive Plan adopted pursuant to RCW Chapter 36.70A.

Cultural Resources

- As required by the GMA, the City must consider areas of archaeological and historic value (SMC 14.255.020; RCW 36.70A.020).

- Development will be required to comply with all applicable form based regulations and urban design standards, which, as adopted, are substantially similar to those evaluated as the Preferred Alternative in the Final EIS and are intended to address the character of the subarea.

- Washington State has a number of laws that oversee the protection and proper excavation of archaeological sites (RCW Chapter 27.53, WAC Chapter 25-48), human remains (RCW Chapter 27.44), and historic cemeteries or graves (RCW Chapter 68.60). 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.

- Under RCW Chapter 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.

- The historic preservation goals required of cities planning under the GMA include archaeological resources as well as historic resources. Areas of archaeological value must be considered, designated and conserved (SMC 14.255.010; RCW 36.70A.020).

Stormwater

- *Federal Clean Water Act.* The Clean Water Act governs the discharge of pollutants into the waters of the United States and regulates water quality standards for surface water. The discharge of any pollutant from a point source into navigable waters without a proper permit is unlawful, under the act; therefore, the NPDES permit program controls these discharges. Ecology, under chapter RCW 90.48 is the permitting agency for NPDES permits.
- Additionally, under Section 401, any activity requiring a Section 404 permit (placement of fill or dredging within waters of the U.S.) or a Section 10 permit (placing a structure within the waters of the United States) which may result in any discharge into the navigable waters of the United States must obtain a certification from the state certifying that such discharge will comply with the applicable provisions of the Clean Water Act. Ecology, under chapter RCW 90.48, is the certifying agency for 401 permits.
- *Department of Ecology.* Ecology is responsible for implementing and enforcing surface water quality regulations in Washington. The current water quality standards are established in state regulations (WAC 173-201A) and guidance from Ecology in the *Stormwater Management Manual for Western Washington* (SMMWW) (Ecology 2005). Federal standards are established in the federal National Toxic Rule and Human Health Criteria (40 CFR 131).

  Ecology's SMMWW is not a regulation or set of regulations. This manual provides guidance on methods of achieving compliance with state and federal standards. It lists BMPs to minimize stormwater impacts on water quality and quantity. Ecology's regulations require local agencies to adopt stormwater treatment regulations and many local agencies, including the City of Snohomish, chose to adopt the SMMWW rather than develop a similar but unique set of regulations.

  If project construction would disturb more than 1 acre of ground and would discharge stormwater to surface waters, redevelopment projects within the study area would require a NPDES Construction General Permit from Ecology. This permit requires implementation of various BMPs and monitoring activities to minimize construction-related impacts on water quality.

- *City of Snohomish Municipal Code.* Local laws require stormwater discharges to meet water quality standards. Through SMC Chapter 15.16, the City has adopted the SMMWW, as amended by Sections 1-6 of Appendix 1 of the Western Washington Phase II Municipal

Stormwater Permit (SMC 15.16.020). The SMC allows and encourages low impact development alternative standards.

Sewer and Water

- SMC Title 15 relates to sewer and water. The following chapters are applicable:
    - SMC Chapter 15-04: Connection and Rates,
    - SMC Chapter 15-05 Billing and Collection of Utility Charges,
    - SMC Chapter 15-06 Septic Tanks,
    - SMC Chapter 15-08 Discharge of Wastes,
    - SMC Chapter 15-10 Cross-Connection Control Program Regulations,
    - SMC Chapter 15-12 Side Sewer Installation, and
    - SMC Chapter 15-14 Enforcement.
- The City's adopted Engineering Design and Construction standards apply whenever any public or private work is performed within public rights-of-way or public easements of the City. The standards are enforced under authority granted by ordinance of the Snohomish City Council or permit process of the City of Snohomish Public Works Department. Applicable standards include:
    - Section 5: Water Distribution, and
    - Section 6: Sanitary Sewers.

Police, Fire, Park, and School Services

- All residential development in the city is subject to a park impact fee. The park impact fee is adopted in SMC Chapter 14.300. Park impact fees may be used only for capital facilities identified in the Parks and Recreation Capital Facilities Plan to address LOS capacity impacts of new development.
- The Washington State Shoreline Management Act, as implemented by the City's Shoreline Master Program, places great emphasis on providing public access, both physical and visual, to shoreline areas. Where applicable, the City could require that development along the Pilchuck River include a trail accessible to the public to provide visual access to the shoreline. Alternatively, development within the shoreline jurisdiction could contribute to street-end parks within the existing Third Street or Fourth Street rights-of-way adjacent to the Pilchuck River.
- To provide funds for relocating portable classrooms and constructing new permanent facilities, the City has adopted a school impact fee consistent with the CFP. As implemented in SMC

Chapter 14.290, the impact fee is intended to mitigate a portion of the cost to the district of accommodating increased enrollment generated by new residential development.

Public Agency Actions

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 in Table 1, organized by the pertinent EIS element of the environment in which they are discussed. Actions identified as "Proposed Synchronous Amendments" reference legislative actions proposed for adoption together with the *Pilchuck District Subarea Plan.* Actions identified as docket review are expected to be completed in 2011 as part of the City's docket review. Ongoing actions are part of a regular agency review or permit process or will occur in the future, depending on need. The projected timeframe and responsible departments are identified and will be used in monitoring the implementation of the Planned Action Ordinance.

Table 1. Agency Actions Serving as Mitigation Measures

Agency Action	Proposed Synchronous Amendments	Docket Review	On-going	Responsibility
The Final EIS Preferred Alternative includes adoption of the Pilchuck District Subarea Plan, form based height, setback, and other zoning standards, and design standards.	■			2011 Planning and Development Services Department
The Final EIS Preferred Alternative includes associated Comprehensive Plan policy amendments, as follows: • The City will amend its Land Use Designation Map to include the new land use Pilchuck District designation applied to the study area. • The City will clarify or delete Land Use Policy MF 5.3, which states that apartment densities should not exceed 24 units. • The City will clarify or delete Land Use Policy MF 5.14, which states that apartments taller than three stories are not allowed. • The City will amend the Housing Element of the Comprehensive Plan to reflect updated land capacity figures and housing mix information. • The City will amend the Land Use Element of the Comprehensive Plan to reflect revised acreages of each land use designation and capacities as appropriate.	■			2011 Planning and Development Services Department

Agency Action	Proposed Synchronous Amendments	Docket Review	On-going	Responsibility
The new transportation improvement projects necessitated by adoption of the Proposed/Preferred Alternative, as relatively minor, low-cost improvements, will be required of specific development project approvals for consistency with adopted concurrency requirements. As appropriate, the City intends to amend the Transportation Element to describe the minor improvements as part of its docket process.		■		2011 Planning and Development Services Department
Additional transit measures could be incorporated to accommodate increased transit ridership. These measures include: • Coordinating with Community Transit to closely monitor transit usage and ensure that bus routes and scheduling is optimized for the City residents; and • Coordinating with WSDOT and Community Transit to design and implement transit-specific improvements along Second Street. One example would be to enhance the bus stop at Lincoln Street, and possibly create a bus queue jump lane that would give bus movements priority through the new signal at the Second Street/Lincoln Avenue intersection.			■	Ongoing Public Works Department
It is recommended that the City adopt a historic preservation ordinance, in addition to SMC Chapter 14.225, that considers the treatment of historic resources located outside the Historic District that are listed in or determined eligible for listing in the National Register of Historic Places (NRHP) or the Washington Heritage Register, or locally designated.			■	Ongoing Planning and Development Services Department
The City could complete its Water System Plan Update. Based on the draft model prepared by RH2, and current zoning, all piping within the study area needs to be replaced with 12-inch ductile iron pipe (approximately 9,800 lineal feet of piping to be replaced) to meet the 3,000 gpm fire flow requirement, except the following: • The existing 16-inch pipe in Maple Avenue. • The existing 16-inch pipe in Fourth Street from Maple Avenue to Cedar Avenue. • The existing 12-inch pipe in Second Street from Union Avenue to Pine Avenue. Additionally, • 100 lineal feet of 12-inch pipe is required to connect the existing water main in the Boys and Girls Club parking lot to the existing 12-inch diameter water main at the intersection of Second Street and Lincoln Avenue; and • 330 lineal feet of 12-inch pipe is required to loop the water main between Cypress Avenue and Pine Avenue at			■	Ongoing Public Works Department

Agency Action	Proposed Synchronous Amendments	Docket Review	On-going	Responsibility
Fifth Street. Backflow prevention assemblies are recommended at each metered connection to protect the system. For the Preferred Alternative, whether fire flow requirements are increased to 3,500 gallons per minute (gpm) or remain at 3,000 gpm, the improvements required are the same as those listed above. The City could complete its Engineering Report update to the 2005 Facility Plan and address regional solutions to wastewater treatment to serve the study area and UGA. The City could implement improvements such as the Rainer Lift Station improvements dependant on both demand and standard repair and replacement needs based on current use.				
The School District updates its Capital Facilities Plan (CFP) and requested impact fees on a biannual basis to reflect revised projections for capacity needs and costs. The City updates the impact fee rates in SMC Chapter 14.290 consistent with the updated CFP. As currently adopted in SMC Chapter 14.290, impact fees reflect the 2010–2015 CFP.			■	Ongoing Planning and Development Services Department
As the Snohomish School District grows, there will be additional pressure on school capacity. To meet the needs of increase enrollment resulting from the Preferred Alternative, the district has the option of moving relocatable classrooms for a short-term accommodation, making boundary changes for school attendance areas, constructing new permanent facilities, and modifying the educational programs.			■	Snohomish School District

Environmental Impacts and Mitigation Measures

Hazardous Materials

Impacts

Under all studied alternatives, the City as a whole, and the study area in particular, would experience growth and thus an increase in the potential to encounter soil and/or groundwater contamination from historic or current use of hazardous materials.

Since much of the study area is currently developed, most of the impacts related to hazardous substances would result from redevelopment activities for all alternatives. Future redevelopment, under any studied alternative, would be allowed.

Ground-disturbing activities during construction such as grading, excavation, and/or placement of structures or structure supports sub-grade could disturb known or unknown contaminated areas. If contaminated areas are disturbed, workers, soil, groundwater, and/or surface water could

be affected by exposing workers to contamination, spreading contaminates to clean soil, or create a pathway for contaminated soil to travel to groundwater or nearby surface water.

Demolition of current structures during redevelopment activities could pose a risk of exposure to workers from asbestos-containing materials (ACM) or lead-based paint, depending on the age of the structure.

During construction activities, contractors may use and store a variety of hazardous materials that could cause problems if they were spilled (i.e., fuel, cleaning solvents, and paint). Impacts resulting from a spill could be exposure of workers to hazardous materials and soil, groundwater, and/or surface water contamination from uncontrolled hazardous materials.

Significant Unavoidable Adverse Impacts. With implementation of the mitigation measures, there would be no unavoidable significant adverse effects related to hazardous materials.

Mitigation Measures

In addition to incorporated plan features and applicable regulations and commitments, the following mitigation measures shall apply to planned actions:

Mitigation Measures for Construction Activity

Unless determined inapplicable by the SEPA Responsible Official, the following mitigation measures shall apply to planned actions:

- Since encountering unreported spills or unreported underground fuel tanks is a risk when performing construction in an urban setting, contractors shall be required to provide hazardous materials awareness training to all grading and excavation crews on how to identify any suspected contaminated soil or groundwater, and how to alert supervisors in the event of suspected contaminated material. Methods to identify potential contaminated soil would include stained soil, odors, oily sheen, or the presence of debris.
- Contractors shall be required to implement a contingency plan to identify, segregate, and dispose of hazardous waste in full accordance with the MTCA.
- Contractors shall implement a Stormwater Pollution Prevention Plan (SWPPP), best management practices (BMPs), and other permit conditions to minimize the potential for a release of hazardous materials to soil, groundwater, or surface water during construction.
- All asbestos-containing material (ACM) and lead-based paint shall be identified in structures prior to demolition activities. If ACM or lead-based paint is identified, appropriately trained and licensed personnel shall contain, remove, and properly dispose of the ACM and/or lead-based paint material according to federal and state regulations prior to demolition of the affected area.

Mitigation Measures Related to Property Acquisition or Development Applications

The following mitigation measure shall apply to planned actions:

- Applicants for development on properties identified as having potential for contamination as listed in Tables 3.1-1 and 3.1-2 (Figure 3.1-1) and included in Attachment 1 of this Exhibit B shall conduct a thorough site assessment. If contamination is discovered then the applicant shall comply with all state and federal regulations for contaminated sites.

Land Use Patterns/Plans and Policies

Impacts

All alternatives would result in changes in land use conditions in the study area. The study area is anticipated to experience growth under both alternatives, including the conversion of some single-family dwellings to multifamily or commercial uses. The study area would continue to host a mix of residential and commercial development and public uses, arranged along the Centennial Trail.

Current and proposed land use regulations have the potential to alter the pattern of land uses in the study area as new development occurs or old properties redevelop in accordance with the regulations.

While the introduction of higher densities and higher-intensity uses in the Pilchuck District has the potential to create incompatibilities with adjacent development outside the district or with low-intensity uses within the district, these can be mitigated through application of the design standards and form-based code that would be adopted simultaneously with the Subarea Plan.

Significant Unavoidable Adverse Impacts. The studied alternatives would result in greater density and intensity of land use and higher levels of employment in the study area than current conditions; though City plans generally encourage mixed use development. Implementation of the studied alternatives could have adverse impacts on land use compatibility with single-family neighborhoods to the west of the study area, but these impacts would be mitigated through the use of design standards and the adopted form-based zoning code.

Mitigation Measures

Please see incorporated plan features, applicable regulations and commitments, and public agency actions.

Aesthetics

Impacts

Under all alternatives, the study area is expected to experience gradual growth through redevelopment. This redevelopment will result in a change to the current aesthetic conditions of the area, affecting the following aspects:

- *Visual Character* – Redevelopment and public improvements would likely change the quality of the visual character. These changes would potentially alter the existing, generally suburban appearance of the study area to a more urban character. Additionally, studied alternatives would allow replacement of historic buildings that currently contribute to the character of portions of the study area. Public improvements for streets, sidewalks, and recreation areas, which are typically programmed to meet the ongoing and evolving needs of the community, would occur.
- *Height and Bulk* – New development would have smaller setbacks and greater heights in portions of the study area relative to current conditions. Aesthetic incongruities or conflicts of scale between adjacent new and existing buildings could occur due to differences in height, setbacks, and overall massing.
- *Light and Glare* –Redevelopment would gradually increase the residential population of the study area and the number of businesses. More people and an increased concentration of businesses would generate more ambient lighting through internal and external building lights, pedestrian lighting, street lights, commercial signage, and vehicle headlights.
- *Views* – No significant adverse view impacts would occur under studied alternatives. Increased building heights under either alternative would potentially create views that are not currently available. Intensification of development along the Pilchuck River may also make views east available to a wider audience. The creation of views is considered a potential positive impact.
- *Shading Conditions* – New development would have greater height and lot coverage than under existing condition in portions of the study area, resulting in the potential for increased shade impacts.

Significant Unavoidable Adverse Impacts. The overall character and significance of visual impacts on the study area depend in large part on the quality of the architectural and urban design features incorporated into the development and the values of those viewing the changes. New development and redevelopment would result in a change to the current aesthetic conditions of the study area. Under all alternatives, temporary character and shading impacts would result from differential building heights between adjacent properties as development of individual sites occurs. The temporary impacts may be greater under the studied action alternatives due to the greater structural height. Impacts would diminish as redevelopment becomes more widespread throughout the study area. All alternatives would be subject to mitigation measures such as

design standards. Therefore, no significant unavoidable adverse impacts on aesthetics are anticipated.

Mitigation Measures

In addition to incorporated plan features, applicable regulations and commitments, and public agency actions, the following mitigation measure shall apply to planned actions:

- Where new development in the Pilchuck District would exceed 55 feet and would be located across the street from property zoned as single-family or adjacent to a public park, the planned action applicant shall submit a site-specific shading study at the time of development application. Based on the results of the study, the SEPA Responsible Official may require additional fourth-story or fifth-story setbacks in addition to those required by the applicable zoning standard.

Transportation

Impacts

Under all alternatives, traffic volumes would increase, resulting in a lower LOS for certain intersections. Existing truck routes through the study area would continue, including Pine Avenue north of Second Street, Second Street west of Pine Avenue, and Lincoln Avenue south of Second Street. The Centennial Trail segment within the study area would be constructed, providing improved non-motorized mobility within and through the study area. Improved mobility is a positive impact.

The following four study intersections are projected to exceed the City's adopted level of service (LOS) standard (LOS E) during the PM peak hour in 2030:

- Third Street/Pine Avenue
- Fourth Street/Maple Avenue
- Fourth Street/Pine Avenue, and
- Maple Avenue/Pine Avenue.

Table 2 presents PM peak hour LOS at these four study intersections after implementation of the mitigation measures described below. All study intersections would operate at an acceptable LOS after implementation of the mitigation measures.

Table 2. 2030 Preferred Alternative with Mitigation—PM Peak Hour Intersection Level of Service

Intersection	Traffic Control	2030 Preferred Alternative LOS	Average Delay (sec/veh)
Third Street/Pine Avenue	Eastbound/ Westbound Stop-Control	D/E	29/40
Fourth Street/Maple Avenue	All-Way Stop-Control	E	40
Fourth Street/Pine Avenue	Eastbound/ Westbound Stop-Control	C/E	24/48
Maple Avenue/Pine Avenue	All-Way Stop-Control	E	38

Note: For two-way stop controlled intersections, the LOS and average delay are presented for each stop-controlled movement.

Significant Unavoidable Adverse Impacts. Implementation of studied alternatives would result in increased traffic in the study area. Although the effects of additional vehicles on traffic conditions can be mitigated through the proposed transportation improvements, the actual increase in traffic under either alternative is considered a significant unavoidable adverse impact. A significant adverse impact would also result if one or more mitigation measures that have been identified to address expected impacts are not implemented.

Mitigation Measures

In addition to incorporated plan features, applicable regulations and commitments, and public agency actions, the following mitigation measures shall apply to planned actions:

Planned Action applicants shall implement transportation mitigation measures identified below when required to meet concurrency management regulations in SMC Chapter 14.295:

- The intersection of Third Street and Pine Avenue: The mitigation for this intersection consists of adding a westbound left-turn lane on Third Street.
- The Fourth Street/Maple Avenue intersection: The mitigation for this intersection consists of changing the intersection control to an all-way stop control.
- The Fourth Street/Pine Avenue intersection: The mitigation for this intersection consists of adding a westbound left-turn lane on Fourth Street.
- The Maple Avenue/Pine Avenue intersection: The mitigation for this intersection includes adding a left-turn lane for eastbound and westbound approaches on Maple Avenue, and adding a right-turn lane for northbound and southbound approaches on Pine Avenue.

Cultural Resources

Impacts

Typical project impacts that could disrupt or adversely affect cultural resources include:

- demolition, removal, or substantial alteration without consideration of historic and archaeological sites and/or features;
- incompatible massing, size, scale, or architectural style of new development on adjacent properties;
- obstruction or extensive shading of significant views to and from a resource by new development;
- incompatible use of an existing building or structure;
- disruption of integrity of setting; and
- long-term loss of access to the property.

Development to accommodate anticipated growth could occur on any property in the study area under any of the studied alternatives. Therefore, potential impacts on unknown cultural resources would be the same under studied alternatives.

Significant Unavoidable Adverse Impacts. The impacts on cultural resources caused by new development associated with studied alternatives could be significant and unavoidable, depending on the nature and proximity of any proposed development. If potential impacts on cultural resources are identified in the context of a future development project in the study area, implementation of the identified mitigation measures would reduce impacts to less than significant.

Historic Resources –Mitigation Measures

In addition to incorporated plan features, applicable regulations and commitments, and public agency actions, the following mitigation measures shall apply to planned actions:

- Until a historic preservation ordinance is adopted, structures fifty years or older proposed for modification or removal shall be evaluated for eligibility for the National Register of Historic Places (NRHP) or the Washington State Heritage Register (WSHR). Modifications to structures determined eligible for the NRHP or WSHR shall be subject to SMC 14.225.030(A)(1). Removal of structures determined eligible for the NRHP or WSHR shall be subject to SMC 14.225.080.
- If impacts cannot be avoided on a historic resource that is determined eligible for listing on either state or national historic registers, consultation with the Washington State Department of Archaeology and Historic Preservation (DAHP) shall be made regarding mitigation options.

Archaeological Resources – Mitigation Measures

In addition to incorporated plan features, applicable regulations and commitments, and public agency actions, the following mitigation measures shall apply to planned actions:

- For future projects that involve significant excavation in the study area, consultation with the Washington State Department of Archaeology and Historic Preservation (DAHP) shall be made to determine the likelihood of and recommendations for addressing potential archaeological resources. As a result of consultation, the City may require an applicant to complete archaeological testing prior to significant excavation in the study area, such as digging for footings or utilities. In the portions of the study area near existing waterways, and as a result of consultation with DAHP, the City may require an applicant to complete archaeological testing for projects that involve changes to vegetation and landforms. Such changes could include, but are not limited to, any ground disturbance required to plant new vegetation, the removal of existing vegetation, and landform grading. Archaeological project monitoring may be recommended for subsurface excavation and construction in these high probability areas.
- In the event that a future development project in the study area is proposed on or immediately surrounding a site containing an archaeological resource, the potential impacts on the archaeological resource must be considered and, if needed, a study conducted by a professional archaeologist to determine whether the proposed development project would materially impact the archaeological resource.
- If the impacts on archaeological resources cannot be avoided, the City will ensure that applicants are required to 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 RCW Chapter 27.53, a permit must be obtained from DAHP prior to impacting 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.

Stormwater

Impacts

Since the study area is largely developed and much of the development does not include stormwater runoff treatment BMPs, the primary potential source for impacts on the quality of stormwater runoff would occur from construction activities during redevelopment of existing improved land. This occurs under all alternatives.

Development of currently unimproved land would also affect stormwater quantity and quality in the study area by removing what remains of natural ground cover and pervious surface area and by further increasing impervious surface area.

Significant Unavoidable Adverse Impacts. Given the extensive development already in the study area and associated adverse impacts to surface waters from existing untreated runoff, it is expected that mitigation measures associated with redevelopment under studied alternatives would lead to an overall improvement of stormwater runoff quality from the study area. If infiltration best management practices (BMPs) are used extensively throughout the study area and properly designed, there should be no unavoidable adverse impacts from stormwater runoff.

Mitigation Measures

In addition to incorporated plan features, applicable regulations and commitments, and public agency actions, the following mitigation measures shall apply to planned actions:

- Mitigation of stormwater runoff impacts resulting from redevelopment of the study area will be accomplished by incorporating stormwater treatment BMPs into the redevelopment projects. The Stormwater Management Manual for Western Washington (SMMWW) has been adopted by the City, and will provide the methodology used for designing stormwater treatment BMPs for redevelopment projects within the study area.
- Planned Action projects shall include infiltration BMPs a where infiltration is technically viable, and shall include low impact development techniques to the maximum extent allowed by the specific characteristics of the site and proposed development.
- Planned Action applicants should reference Draft EIS Section 3.6.3 which includes a discussion of potentially suitable infiltration and low impact development BMPs.

Sewer and Water

Impacts

Under all studied alternatives, the City as a whole, and the study area in particular, would experience growth and thus an increase in demand for water and sewer collection and treatment services. Anticipated impacts include:

- *Water:* Due to the concentration of new development in the study area under the Preferred Alternative, increases in water demand would be felt primarily in the 222 pressure zone, which contains the study area.
- *Fire Flow:* Under the Preferred Alternative, replacement and additional water mains would be necessary to meet fire flow requirements under the International Fire Code for the type and scale of potential development identified for the Pilchuck District. Inadequate fire flow would be an impact to implementation of the Pilchuck District Subarea Plan and development regulations. Implementation of water system improvements similar to the No Action Alternative would reduce impacts.

- *Wastewater:* The 2005 Facility Plan recommends an improvement plan to the Rainer Lift Station, which would address the additional growth in the study area, meeting the Final EIS Preferred Alternative's additional growth demand.

Significant Unavoidable Adverse Impacts. Although demand for utilities would increase, the application of existing and proposed plans and codes and other mitigation measures can reduce impacts associated with future growth under studied alternatives. Advanced water and sewer system planning and capital facility planning should minimize the possibility of unavoidable impacts.

Mitigation Measures

Please see incorporated plan features, applicable regulations and commitments, and public agency actions.

Police, Fire, Park, and School Services

Impacts

Under all studied alternatives, the City as a whole, and the study area in particular, would experience growth and thus an increase in demand for police, fire, parks, and schools services. Increases in population density under all studied alternatives could increase the number of calls for police and medical emergency services and the use of existing school and park and recreation facilities. Increases in traffic related to growth under both alternatives could affect the response time of emergency vehicles. Increases in vehicle and pedestrian traffic could result in the need for additional traffic enforcement. Anticipated impacts include:

- *Police Protection:* Future development would result in an incremental increase in calls for emergency service. Increased retail and office establishments could result in increased crimes of shoplifting and fraud at a rate similar to other city businesses.
- *Fire and Emergency Medical Service:* Future development and commensurate increases in population and jobs could result in increases in the Fire District 4 fire and EMS call load. Additional building height could make fire suppression and extraction of residents more difficult.
- *Parks and Recreation:* A larger resident and employment population would increase the demand for park and recreation facilities in the area; based on anticipated growth levels, there appears to be a need for two additional softball diamonds and one additional basketball court beyond the current deficits.
- *Schools:* Development is anticipated to occur gradually. Furthermore, district-wide, classroom capacity is currently available to absorb the additional increment of student growth.

Significant Unavoidable Adverse Impacts. With mitigation measures, no significant unavoidable adverse impacts are expected under studied alternatives for police protection, fire and emergency management services, parks and recreation, and schools.

Mitigation Measures

Fire and Emergency Services

In addition to incorporated plan features, applicable regulations and commitments, and public agency actions, the following mitigation measures shall apply to planned actions:

- Buildings over three stories shall conform to the most restrictive building and fire codes for the type and construction of such buildings.
- Buildings in excess of three stories shall have fire and life inspections annually and in accordance with the International Fire Code.
- Buildings over three stories where a garden court or deck is provided on the roof shall provide a place of safety for occupants awaiting emergency responders. In addition to required exiting systems from the occupied roof, a minimum of two means of roof access shall be provided for emergency responders. At least one roof access shall be accomplished by a stairwell.
- The City shall maintain a standard that elevators have adequate dimensions to accommodate an ambulance stretcher.
- Streets adjacent to buildings over three stories shall provide a width of 26 feet of unobstructed access to accommodate ladder trucks or an alternative that provides equal or better fire district access.

Attachment 1: Hazardous Materials Excerpt – Draft EIS

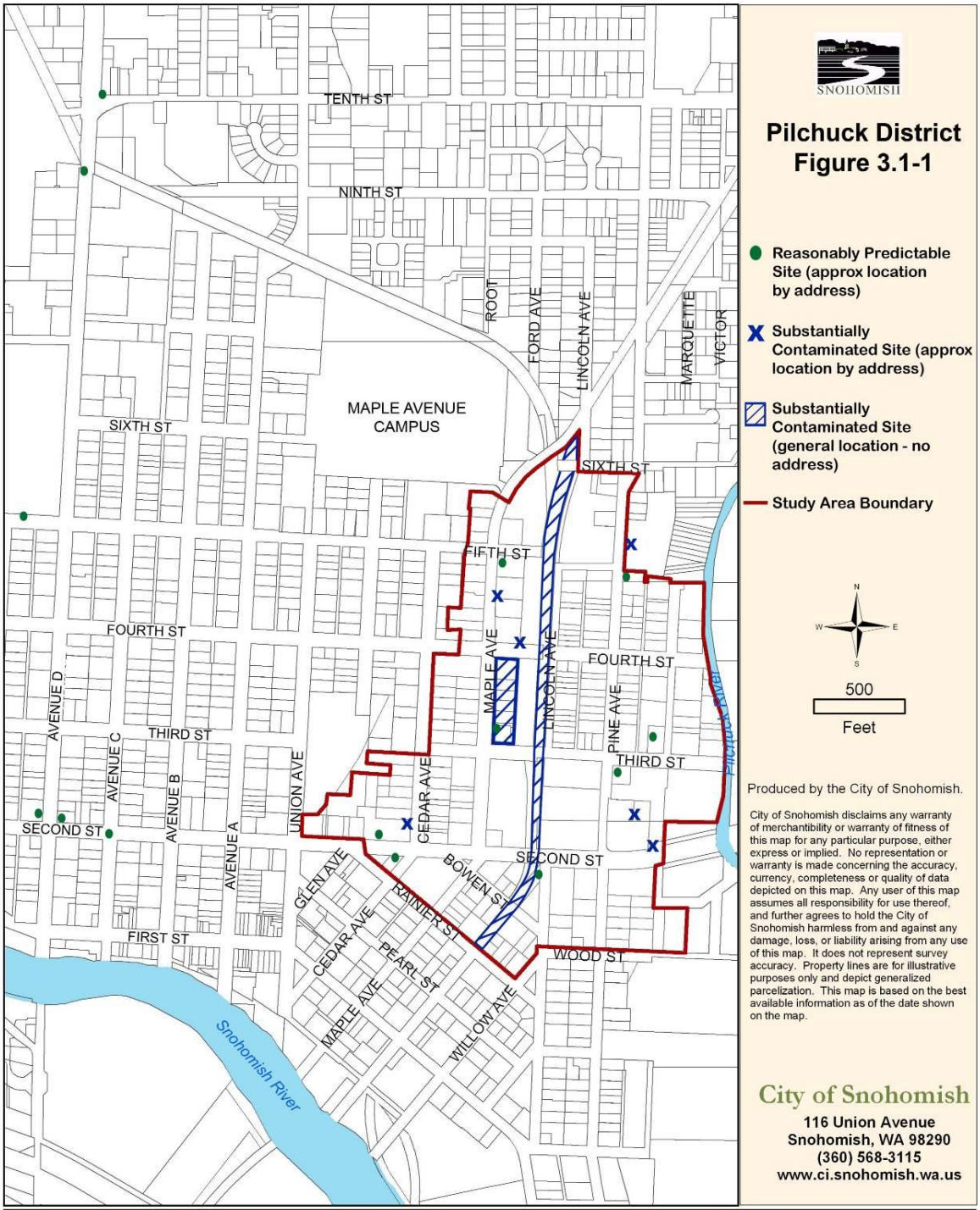

Figure 3.1-1: Sites Where the Presence of Soil Contaminants is Known, Expected, or Suspected

Table 3.1-1. Reasonably Predictable Sites

Location/Address	Business Name	Data Source and Findings	Summary
308 Third Street	Steuber Distributing Co	FTTS INSP: For-cause violation observed during a federal inspection.	An EPA inspector noted the presence of highly toxic chemicals such as insecticide, fungicide, and rodenticide. Due to the toxicity of the substance, a reported violation and long history of the business being located within the study area—tracing back to at least 1965—there is potential for soil and/or groundwater contamination.
Fifth Street and Pine	Carl Niebuhr	UST: Two USTs installed in 1964, closed in place in 1996	Contents of former tanks unknown. According to the EDR, the tank was installed in 1964 and closed in place in 1996.
168 Lincoln Avenue	Snohomish Coop Inc	LUST: Soil contamination from a petroleum UST. UST: Nine historical USTs installed in 1947 and 1964 and removed in 1996; five operational tanks installed in 1992	A soil release from the USTs (LUST) was reported in 1992. The site has been reported as cleaned up by the owner (or owner's representative) as of 1995.
431 Maple Avenue	Snohomish City Shop Yard	UST: Three historical USTs	Two USTs were installed in 1980 and removed in 1996 and one UST was installed in 1964 and decommissioned in place.
Avenue C/Second Street Intersection	Southland 21464	CSCSL: Confirmed soil and groundwater contamination from petroleum products. SPILLS: Reported surface water spill of diesel fuel.	The site has confirmed soil and groundwater contamination. The site is located outside of the study area however—three blocks to the west. Groundwater flow direction has not been confirmed but would likely flow to the south toward Snohomish River.
201 Avenue D	Duffy's Speed Dee Mart	CSCSL: Confirmed soil and groundwater contamination from petroleum products. UST: Four historical USTs	The site has confirmed soil and groundwater contamination. The site is located outside of the study area—0.25 mile to the west. Groundwater flow direction has not been confirmed but would likely flow to the south toward the Snohomish River.
202 Avenue D	UNOCAL SS 4165	CSCSL: Confirmed soil and groundwater contamination from petroleum products. UST: Two historical USTs and two operational USTs	According to the EDR listing, the site has confirmed soil and groundwater contamination. The site is located outside of the study area—0.25 mile to the west. Groundwater flow direction has not been confirmed but would likely flow to the south toward Snohomish River.

FTTS INSP = federal inspection under the Federal Insecticide, Fungicide and Rodenticide Act/Toxic Substance Control Act; LUST = leaking underground storage tank; UST = underground storage tank; CSCSL = Confirmed or Contaminated Site List; SPILLS = reported spills to surface waters; EDR = Environmental Data Resources.

Table 3.1-2. Substantially Contaminated Sites

Location/Address	Business Name	Database Findings	Summary
203 Cypress Avenue	Cascade Cleaners Snohomish	CSCSL: Confirmed groundwater contamination for halogenated organic compounds and suspected soil contamination from halogenated organic compounds.	The site is located in the study area and has confirmed groundwater contamination. The extent of contamination is not fully defined. The site is awaiting a risk assessment and has not received a NFA. Halogenated organic compounds can be difficult and costly to fully remediate; therefore, caution should be considered before performing ground-disturbing activities in the area.
205 Pine Avenue	Rite Aid 5249	ICR: Confirmed groundwater and soil contamination for petroleum products and solvents.	The site is located in the study area and has confirmed groundwater and soil contamination for solvents and petroleum products. The site is currently in cleanup and extent of contamination is not fully defined. Groundwater cleanup, especially for solvents could be difficult and costly. Caution should be taken before performing ground-disturbing activities in this area.
506 Fourth Street	Parcel 28061800207800	CSCSL: Confirmed soil contamination for petroleum products, metals and cyanide, and non-halogenated solvents. Suspected soil contamination for PAHs.	The site is located in the study area and has confirmed soil contamination for petroleum products, metals and cyanide, non-halogenated solvents, and suspected contamination for PAHs. The site is currently awaiting site hazard analysis and the extent of contamination is not fully defined. Depending on the level and extent of contamination, remediation could be costly. Caution should be taken before performing ground-disturbing activities in this area.
415 Maple Avenue	Sea Alaska Industrial Electric	CSCSL: Confirmed soil contamination for petroleum products, metals and cyanide, PCBs, and below cleanup levels for non-halogenated solvents.	The site is located in the study area and has confirmed soil contamination for petroleum products, metals and cyanide, and PCBs with non-halogenated solvents below cleanup levels. The site is currently awaiting site hazard analysis and the extent of contamination is not fully defined. Depending on the level and extent of contamination, remediation could be costly. Caution should be taken before performing ground-disturbing activities in this area.

Location/Address	Business Name	Database Findings	Summary
511 Pine Avenue	Shinoda Floral (Former)	ICR: Confirmed soil contamination for petroleum products.	The site is located in the study area and has confirmed soil contamination for petroleum products. The site is currently undergoing cleanup activities, and the extent of contamination is not fully defined. Depending on the level and extent of contamination, remediation could be costly. Caution should be taken before performing ground-disturbing activities in this area.
214 Cedar Avenue	GTE Snohomish Central Office	LUST: Soil contamination from leaking UST reported in 1989. UST: Two historical USTs and one operational UST. ICR: Soil contamination reported for VOCs.	Two USTs were installed in 1964 and removed in 1996; one UST was installed in 1989 and is still operational. Soil contamination was reported in 1989 and the site was remediated. The LUST has been reported as cleaned up. Soil contamination was also reported for VOCs in 1998. It is not clear if the site is still undergoing remediation and/or monitoring, and the extent of contamination is not fully defined. Depending on level and extent of contamination, remediation could be costly. Caution should be taken before performing ground-disturbing activities in this area.
Along Lincoln Avenue	Snohomish Trail	US Brownfields (Orphan site)	The site is listed as an Orphan site as it does not have a specific address. Previous investigations conducted in the study area have concluded soil contamination exists along portions of the former Northern Pacific and BNSF railroad tracks and potentially continues throughout much of railroad tracks and spurs (URS Corp 2003:7-1; HWA 2006:11-13). Costs of investigation and remediation along the entire line of railroad within the study area could delay development and could be costly.

Location/Address	Business Name	Database Findings	Summary
West side of Maple Avenue between Third Street and Fourth Street	Friese's Cannery and Feed Mill/Snohomish Feed Mill and Feed Mill and Warehouse	N/A (Identified on Sanborn Fire Insurance Maps)	The database report did not have a listing for the Friese Cannery and Feed Mill/Snohomish Feed Mill historically located at the NE corner of Fourth Street and Maple Avenue or the Feed Mill and Warehouse located north of Third Street and Maple Avenue (as identified on Sanborn Fire Insurance Maps). Contamination was discovered and remediated at the Central Feed Mill, which was located in the vicinity of these mills. These mills would presumably have similar operations as the Central Feed Mill, so it is probable that similar contamination would be present at these locations as well. Depending on the level and extent of contamination, remediation could be costly. Caution should be taken before performing ground-disturbing activities in this area.

CSCSL = Confirmed or Contaminated Site List; NFA = No Further Action; PAH = polycyclic aromatic hydrocarbons; LUST = leaking underground storage tank; UST = underground storage tank; VOC = volatile organic compound; BNSF = Burlington Northern Santa Fe.