

*Putting the lake back in Lake Stevens*

## **Downtown Lake Stevens**



## **Subarea Plan Final Environmental Impact Statement**

April 2018



# Contents

Appendices.....	ii	D. Changes from the Draft Environmental Impact Statement .	15
I. Fact Sheet.....	1	E. Responses to DEIS Comments.....	15
II. Summary.....	3	F. Benefits and Disadvantages of Delaying the Proposed Action	15
A. Introduction.....	3	G. Major Issues to be Resolved.....	16
B. Proposed Action and Alternatives.....	3	III. Background and Planning Context.....	16
1. Legislative Actions.....	3	A. Growth Management Act.....	16
2. Study Area.....	3	B. Lake Stevens Growth Strategy.....	16
3. Subarea Plan Goals.....	3	C. Planned Action Designation.....	16
4. Proposal Objectives.....	5	D. Environmental Review Process.....	17
5. Subarea Alternatives and Preferred Alternative.....	5	1. The State Environmental Policy Act (SEPA).....	17
6. Subarea Plan Design Guidelines.....	6	2. Prior Environmental Review.....	17
7. Development Regulations.....	7	3. Environmental Review for the Downtown Lake Stevens	
8. Planned Action.....	12	Subarea Plan.....	17
C. Environmental Review.....	13	E. Alternatives, Including the Preferred Alternative.....	18
1. Prior Environmental Review.....	13	1. Development of the Preferred Alternative.....	18
2. Scope of Environmental Review.....	13	IV. Comments on the Draft EIS & Responses to Comments.....	18
3. Summary of Impacts and Mitigation Measures.....	14	A. Comment Letters and Responses.....	19
4. Significant Unavoidable Adverse Impacts.....	15	B. Public Meeting Comments.....	19

## Tables

Table 1	Existing and Preferred Alternative Land Use Planning Assumptions.....	5
Table 2	Existing and Preferred Alternative Land Use Planning Assumptions.....	6
Table 3	Summary of Impacts and Mitigation Identified in the Draft EIS.....	14

## Figures

Figure 2-1	Downtown Subarea Plan Boundaries .....	4
Figure 2-2	Downtown Subarea Plan Proposed Comprehensive Plan Land Use.....	8
Figure 2-3	Downtown Subarea Plan Proposed Land Use Emphasis Areas .....	9
Figure 2-4	Downtown Subarea Plan Proposed Shoreline Designations	10
Figure 2-5	Downtown Subarea Plan Proposed Zoning Map .....	11

## Appendices

Appendix A	Draft Planned Action Ordinance
Appendix B	Tulalip Tribes Comment Letter

# I. Fact Sheet

## Project Title

Downtown Lake Stevens Subarea Plan Final EIS

## Proponent

City of Lake Stevens

## Proposed Action & Alternatives

The following actions are legislative in nature and require public hearing(s), recommendation by the Planning Commission and approval by the City Council.

1. Adoption of a final Lake Stevens Downtown Subarea Plan, pursuant to Revised Code of Washington (RCW) 36.70A.080. The adopted subarea plan would amend the Lake Stevens Comprehensive Plan and become a separate element.
2. Revising and adopting new zoning classifications and building codes as applicable; amend the zoning map to reflect these changes.
3. Adoption of the Planned Action ordinance, pursuant to the State Environmental Policy Act (SEPA, RCW 43.21C.031) and the Washington Administrative Code (WAC, 197-11-164 through 197-11-172), for the purposes of subsequent individual development projects within the subarea.

The EIS considers a Preferred Alternative as compared to the three alternatives, with variations of intensities of growth within the subarea, as analyzed in the Draft EIS:

- Alternative 1, No Action: Required by SEPA, would maintain the existing zoning as designated in the current Comprehensive Plan.
- Alternative 2, Low Growth: assumes a moderate concentration of street-oriented retail/commercial uses and housing within single-

use and some mixed-use development along Main Street and the intersection of 20th Street NE/Grade Road.

- Alternative 3, High Growth: assumes an increased concentration of street-oriented retail/commercial uses and housing within mixed-use projects along Main Street and the intersection of 20th Street NE/Grade Road.
- Preferred Alternative: is a modified version of Alternative 3, which increases the planning area boundary by 0.57 acres to include commercial properties between 20th Street NE and Lakeshore Drive; increases Retail/Commercial square footage from 170,000 square feet to 242,500 square feet to account for added parcels, as noted above; removes hotel use from the planning assumptions as a standalone threshold, rather it is assumed as part of retail/commercial growth; and reduces planned parking from 465 spaces to 300 spaces.

## Location

The City of Lake Stevens is located in Snohomish County, approximately six miles east of Downtown Everett. The Lake Stevens Downtown Subarea is roughly 200 acres centered along Main Street, bound by the lake to the west, wetland areas to the east, Lakeshore Drive to the south and 22nd Street NE to the north.

## Lead Agency

City of Lake Stevens Planning & Community Development Department

## Responsible Official

Russ Wright, Community Development Director  
City of Lake Stevens

## Contact Person

For additional information, please contact:

Russ Wright, Community Development Director  
City of Lake Stevens  
P.O. Box 257  
Lake Stevens, WA 98258  
(425) 212-3315  
[rwright@lakestevenswa.gov](mailto:rwright@lakestevenswa.gov)

## Final EIS Principal Authors & Contributors

The Final EIS was prepared under the direction of the City of Lake Stevens. Below are the firms and entities that participated in the preparation of the Final EIS.

- Crandall Arambula – lead to the Subarea Plan effort.
- ESA – preparation of the EIS/Planned Action Ordinance.
- Fehr & Peers – traffic and transportation analysis.

## Location of Background Material

Lake Stevens Planning & Community Development Department  
Permit Center  
1812 Main Street  
Lake Stevens, WA 98258

## Previous Environmental Review

City of Lake Stevens Comprehensive Plan 2015

## Date of Final EIS Issuance

April 27, 2018

## How to Appeal the Environmental Determination:

Appeals of the adequacy of the Final EIS must be received by the Hearing Examiner no later than 5:00 PM, May 11, 2018, delivered in person, or by mail, email or fax to:

Russ Wright, SEPA Responsible Official  
City of Lake Stevens  
P.O. Box 257  
Lake Stevens, WA 98258  
(425) 212-3315  
[rwright@lakestevenswa.gov](mailto:rwright@lakestevenswa.gov)

## Cost and Availability of Document

Copies of the Final EIS and/or notices of availability have been distributed to the agencies, tribes, organizations and individuals noted in the Distribution List.

The Final EIS is available for review at the Lake Stevens Planning and Community Development Department, at the address above, and on the City's website at: <http://www.lakestevensdowntown.com>.

Interested parties or affected agencies may purchase printed copies or compact discs (CDs) of the Final EIS from the City, pursuant to the City's adopted fees resolution.

## II. Summary

### A. Introduction

This chapter of the Final Environmental Impact Statement (FEIS) for the Downtown Lake Stevens Subarea Plan describes the background, purpose, location of the subarea, and information related to the State Environmental Policy Act (SEPA) process for the Downtown Lake Stevens Subarea Plan and Planned Action Ordinance.

### B. Proposed Action and Alternatives

#### 1. Legislative Actions

The following actions are legislative in nature and require public meetings, recommendation by the Planning Commission and approval by the City Council.

- Adoption of a final Downtown Lake Stevens Subarea Plan, pursuant to Revised Code of Washington (RCW) 36.70A.080. The adopted subarea plan would amend the Lake Stevens Comprehensive Plan and become a separate element.
- Revising and adopting new zoning classifications and building codes as applicable; amend the zoning map to reflect these changes.
- Adoption of the Planned Action ordinance, pursuant to the State Environmental Policy Act (SEPA, RCW 43.21C.031) and the Washington Administrative Code (WAC, 197-11-164 through 197-11-172), for the purposes of subsequent individual development projects within the subarea.

#### 2. Study Area

The City of Lake Stevens is located in Snohomish County, approximately six miles east of Downtown Everett. The Lake Stevens Downtown Subarea is roughly 200 acres centered along Main Street, bound by the lake to the west, wetland areas to the east, Lakeshore Drive to the south and 22nd Street NE to the north (**Figure 2-1**).

### 3. Subarea Plan Goals

The Downtown Lake Stevens Subarea Plan seeks to create a downtown area that is distinct and attractive through creating a framework for land use and zoning, creating a multi-modal transportation network and assist with attracting new businesses, tourism and accommodating new residents while preserving the existing historically defined resources. The major goals of the plan are summarized below.

#### Community Character

Goal 1: Dramatically upgrade the appearance, function, identity and economic value of the area.

#### A Vibrant Downtown and Lakefront Destination

Goal 2: Establish downtown as a vibrant mixed-use destination and central gathering space for the community.

#### Land Use and Intensity

Goal 3: Encourage a mix of uses, including retail, office, entertainment, institutional, civic, tourism, and residential throughout the subarea that support the redevelopment of older properties into a more vibrant, intense and diverse center.

#### Circulation and Mobility

Goal 4a: Develop a complete and efficient transportation system that supports all modes of travel based on an attainable Level of Service.

Goal 4b: Acknowledge that designing a road network to accommodate the peak one hour of vehicle travel per day may not be economically feasible and has negative consequences for other modes of travel and the environment.

Figure 2-1 Downtown Subarea Plan Boundaries



## Sustainability and Natural Resources

Goal 5: Redevelopment and infill projects should apply best management practices, integrate site design with elements of natural environment such as existing vegetation and significant trees, and take advantage of lake and mountain views.

## Public Places and Community Facilities

Goal 6: Invest in and/or plan for public and semi-public open spaces to attract high-quality residential and employment development throughout the subarea.

The subarea plan also includes development typologies and street illustrations, outlined in Section IV.D of the Downtown Lake Stevens Subarea Plan.

## 4. Proposal Objectives

The SEPA requires a statement of objectives that addresses the purpose and need for the proposal, around which reasonable alternatives can be evaluated. Comprehensive Plan policies provide a basis for defining the objectives for the Lake Stevens Center Subarea Plan. In turn, the subarea plan objectives identified by the community and stakeholders provide a foundation for developing and evaluating the plan's land use and circulation alternatives. The subarea plan objectives are as follows.

### Land Use

- Ensure Downtown is a Vibrant Destination
- Increase Visibility, Use & Access to the Lake
- Preserve & Enhance Creeks/Wetland Areas
- Create a Public Gathering Space/Plaza
- Provide for Civic Uses Downtown
- Provide Adequate Parking for Businesses/Public Areas

## Circulation

- Enhance the Street Environment & Encourage Walking/Biking
- Improve Access to Centennial Trail
- Improve Neighborhood Connections & Vehicular Circulation

## Implementation

- Establish Design Standards & Limit Heights
- Preserve and Embrace History and Unique Character

## 5. Subarea Alternatives and Preferred Alternative

The Draft EIS considered three alternatives with variations of intensities of growth within the subarea, as follows:

**Table 1 Existing and Preferred Alternative Land Use Planning Assumptions**

Land Use	Existing	No Action Alternative	Low Growth Alternative	High Growth Alternative
Park (acres)	1.67	1.67	4.1	4.1
Retail/Commercial (gross sq. ft.)	73,365	15,000	40,000	170,000
Office (gross sq. ft.)	30,000	50,000	20,000	50,000
Community Facilities (gross sq. ft.)	40,000	40,000	11,150	21,150
Housing (dwelling units)	112-300	180	240	600
Hotel (rooms)	0	0	50	100
Open Space (acres)	3.9	3.9	3.9	3.9
Public Parking (spaces)	95	95	270	465

Alternative 1, No Action: Required by SEPA, would maintain the existing zoning as designated in the current Comprehensive Plan. The Planned Action Ordinance would not be enacted, nor would any new Goals or Policies be adopted. There would be no change in the growth projections; however, growth would still occur under the No Action Alternative in accordance with the current zoning. The current growth projections and those for the alternatives are shown in **Table 1** below, and in Chapter IV of the Draft EIS.

Alternative 2, Low Growth: assumes a moderate concentration of street-oriented retail/commercial uses and housing within single-use and some mixed-use development along Main Street and the intersection of 20th Street NE/Grade Road. Limited infill and some redevelopment would occur along 20th Street NE and portions of Main Street with most new development occurring on existing vacant parcels along Grade Road, 125th Avenue and redevelopment of city owned parcels adjacent to North Cove Park. The projected Alternative 2 (Low) growth rate for future development in the Downtown subarea is identified in **Table 1**.

Alternative 3, High Growth: assumes an increased concentration of street-oriented retail/commercial uses and housing within mixed-use projects along Main Street and the intersection of 20th Street NE/Grade Road. This concentration will establish the downtown as a local and regional destination for shopping, daily use needs and recreation. Improvements to North Cove Park and access to the lake offer a distinct amenity that is highly desirable for retail, commercial and housing redevelopment. Development is to occur within vacant sites and redevelopment of existing sites within proximity to North Cove Park along Main Street and at the highly visible intersection of Grade Road and 20th Street NE. The projected Alternative 3 (High) growth rate for future development in the Downtown subarea is identified in **Table 1**.

Preferred Alternative: is a modified version of Alternative 3, High Growth that includes the following changes to proposed boundaries, land uses, and parking:

- Planning area boundary increased 0.57 acres to include commercial properties between 20<sup>th</sup> Street NE and Lakeshore Drive;
- Retail/Commercial square footage increased from 170,000 square feet to 242,500 square feet to account for added parcels, as noted above;
- Removal of hotel use from the planning assumptions as a standalone threshold, rather it is assumed as part of retail/commercial growth; and
- Reduction of planned parking from 465 spaces to 300 spaces.

The planning assumptions for the Preferred Alternative are shown in **Table 2**.

**Table 2 Existing and Preferred Alternative Land Use Planning Assumptions**

Land Use	Existing	Preferred Alternative
Park (acres)	1.67	4.1
Retail/Commercial (gross sq. ft.)	73,365	242,500
Office (gross sq. ft.)	30,000	50,000
Community Facilities (gross sq. ft.)	40,000	21,150
Housing (dwelling units)	112-300	600
Open Space (acres)	3.9	3.9
Public Parking (spaces)	95	Up to 300

## 6. Subarea Plan Design Guidelines

Design Guidelines typically overlay development standards. Design Guidelines are divided between site and building elements. They are intended to initiate discussion about the types of design elements that create an aesthetically pleasing and vital subarea. The design elements described in this section comply with the City of Lake Stevens’s Vision Statement and Comprehensive Plan. Design guidelines provide a

framework for how the subareas look, function, and feel. They assist developers, property owners, architects, planners, elected officials, and interested citizens understand the types of projects that comply with the community's vision for a vibrant and attractive subarea.

## 7. Development Regulations

Based on the plan concept's land use framework, Comprehensive Plan land use designations and implementing zoning districts were assigned to all parcels within the subarea. In order to promote incremental development that is consistent with the preferred Downtown Subarea growth concept, future modifications to regulations and or design guidelines will be identified and considered for future amendments.

### Land Use and Zoning Designations

#### Land Use Designations

The Comprehensive Plan land use designation for a large portion of the subarea along Main Street, 20th Avenue NE and Grade Road would remain Downtown Local Commerce (D/LC). The following list summarizes proposed land use designation changes and are shown on **Figure 2-2**:

- Some areas west of Main Street are proposed to become Public/Semi-Public (P/SP) to Downtown Local Commerce (D/LC);
- The High Density Residential (HDR) area east of Main Street (south of 18th Street NE) are proposed to become Mixed Use (MU);
- The Downtown/Local Commerce (D/LC) areas, south of N Lakeshore Drive, to be included in North Cove Park are proposed to become Public/Semi-Public (P/SP); and
- The properties between 20<sup>th</sup> Street NE and North Lakeshore Drive are proposed to become Downtown Local Commerce (D/LC) from Mixed Use (MU).

The land use emphasis areas are shown in **Figure 2-3**.

#### Shoreline Designations

The plan calls for minor changes to Shoreline Environment designations within the subarea. North of Lakeshore Drive and west of North Cove Park, the Shoreline Environment designation would change from Shoreline Residential to High Intensity. South of Lakeshore Drive and within North Cove Park, the Shoreline Environment designation would change from Shoreline Residential to Urban Conservancy (**Figure 2-4**).

#### Zoning Designations

A large portion of the subarea along Main Street, 20th Avenue NE and Grade Road remains in the Central Business (CBD) zoning district. Specific proposed zoning changes are addressed below and shown on **Figure 2-5**:

- Areas west of Main Street currently zoned Public/Semi-Public (P/SP) and Waterfront Residential (WF) would be rezoned Central Business (CBD);
- The area that would be included in North Cove Park that is currently zoned Central Business (CBD) would be rezoned Public/Semi-Public (P/SP);
- Properties south of 18th Street NE and east of Main Street that are currently zoned Multi-Family Residential (MFR) would be rezoned Mixed Use Neighborhood (MUN); and
- Properties between 20<sup>th</sup> Street NE and North Lakeshore Drive that are currently zoned Mixed Use (MU) would be rezoned Central Business (CBD).

Figure 2-2 Downtown Subarea Plan Proposed Comprehensive Plan Land Use

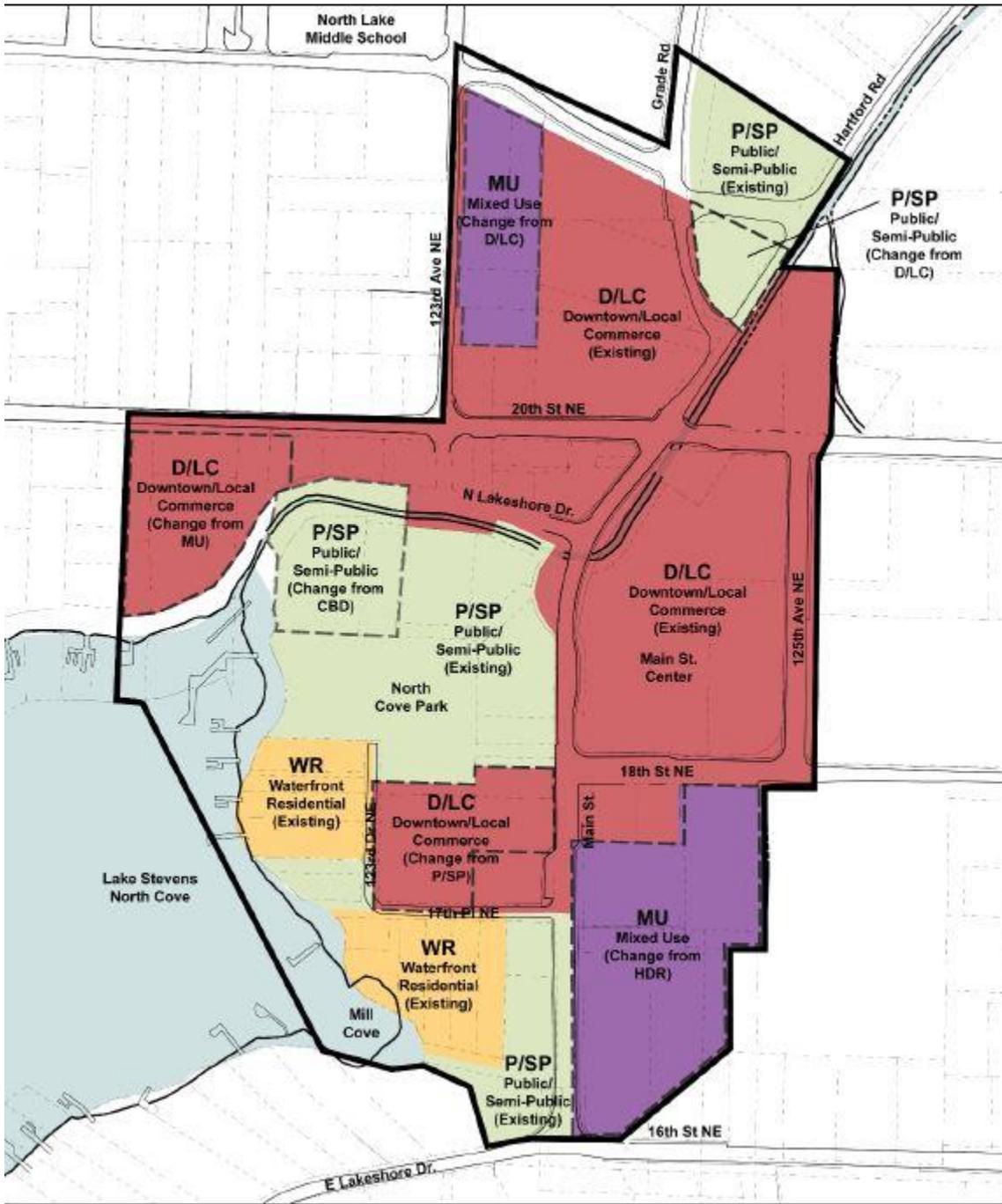


Figure 2-3 Downtown Subarea Plan Proposed Land Use Emphasis Areas

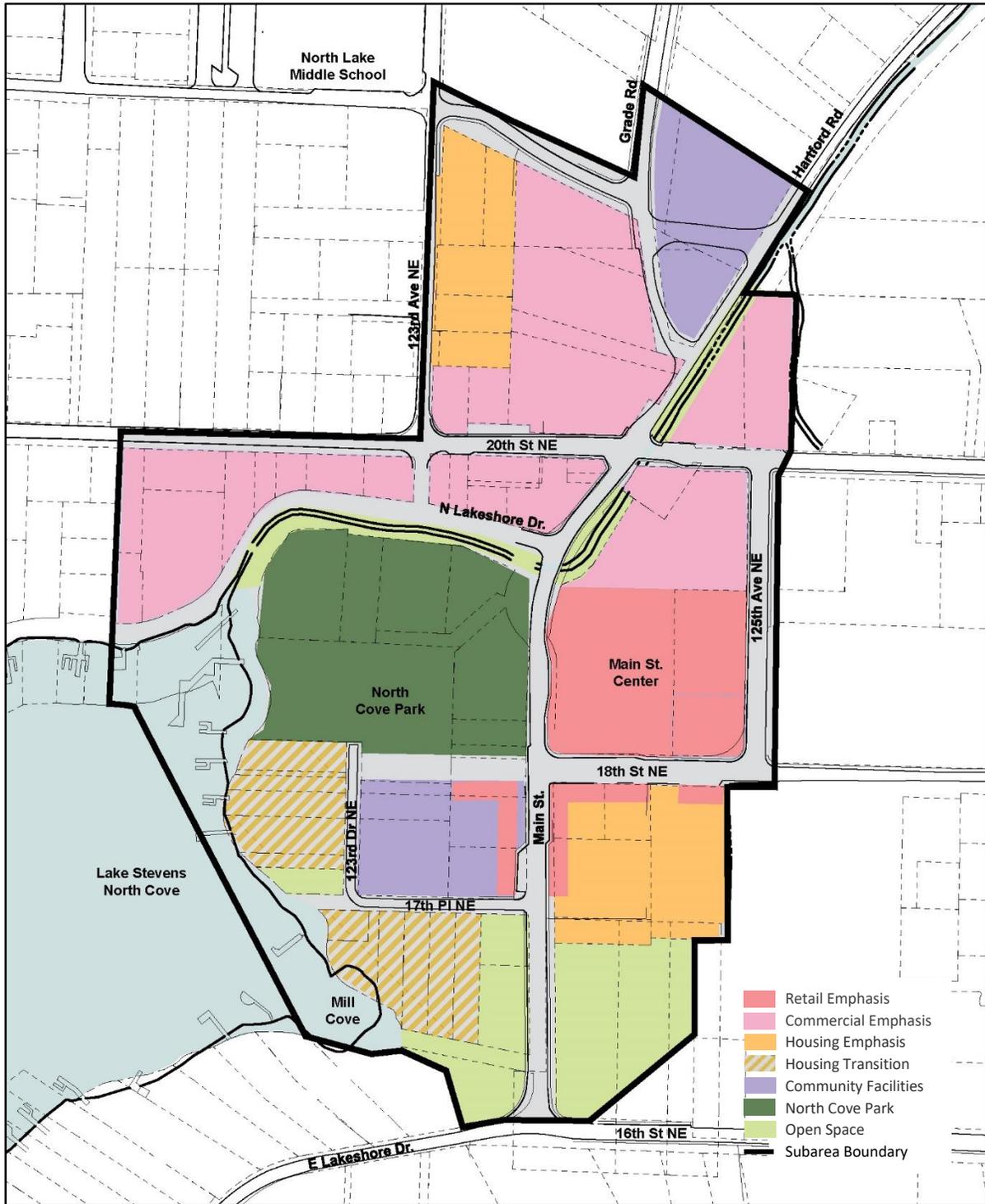
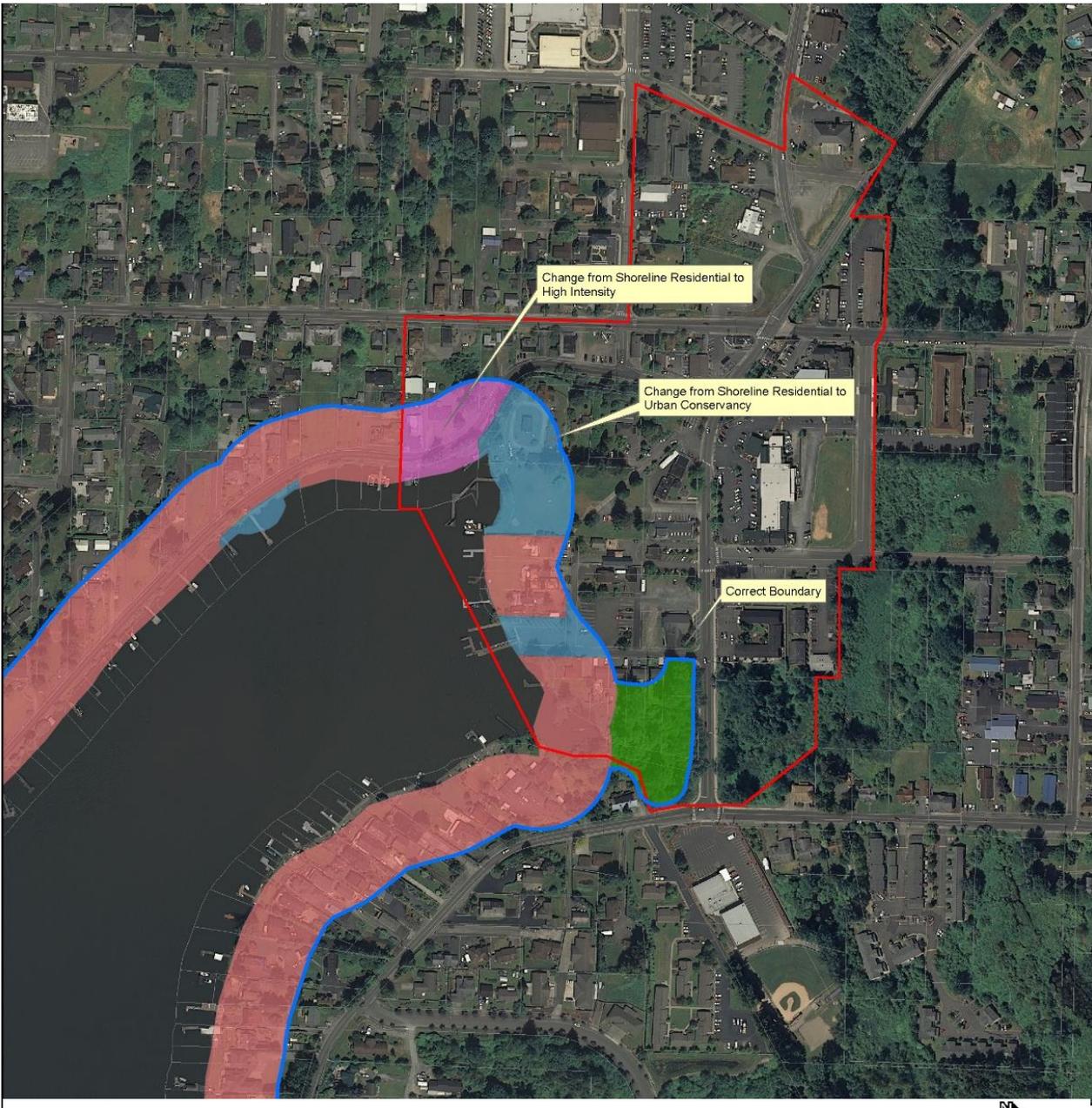


Figure 2-4 Downtown Subarea Plan Proposed Shoreline Designations

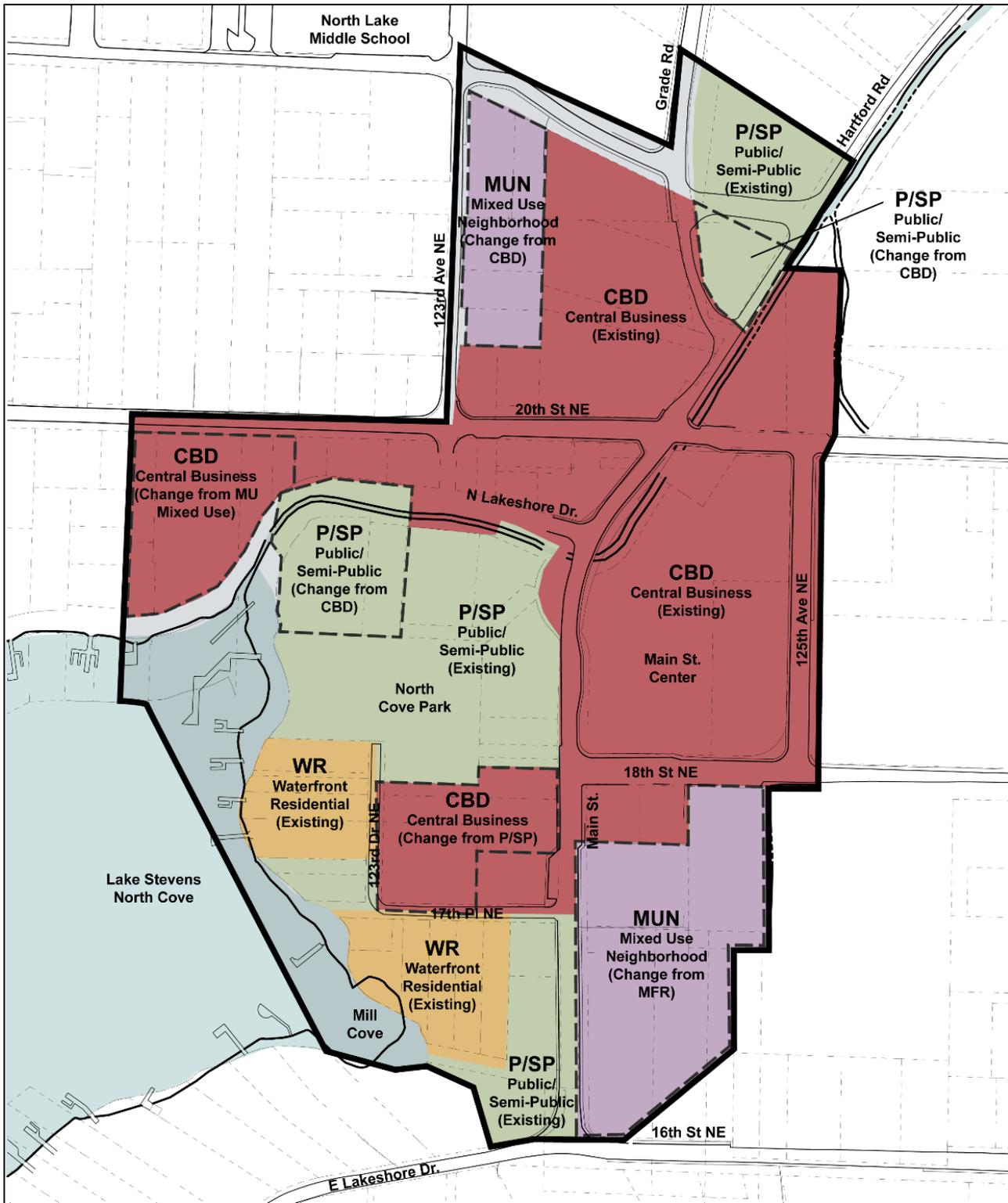


**Boundaries and Features**

- |                    |                               |                       |
|--------------------|-------------------------------|-----------------------|
| Shoreline Boundary | <b>Shoreline Environments</b> | Shoreline Residential |
| Downtown Subarea   | High Intensity                | Urban Conservancy     |
|                    | Natural                       |                       |



Figure 2-5 Downtown Subarea Plan Proposed Zoning Map



The Floor Area Ratio (FAR) controls the intensity of development for each zoning district. The FAR is the ratio of the allowable building floor area to the lot area, expressed as a fraction. The FAR for each zone is included in the “Form, Massing and Setback” information in the Lake Stevens Subarea Plan, IV Plan Concept.

The proposed plan also contains standards for parking, landscaping, lighting, and signs for each land use emphasis as well as an overall development character for North Cove Park.

Chapter 14.38.020 of the Lake Stevens Municipal Code (LSMC) outlines the zoning districts that are intended to “implement the goals, policies and distribution of land uses set forth in the subarea plans.” The zoning districts include principal uses, secondary uses, and special regulations that apply to the subareas. Principal uses are the preferred uses of the zoning district, while secondary uses are also allowed uses, but should be subordinate in a mixed-use configuration.

The Business District (BD), Commercial District (CD), Main Street District (MS), Mixed Use Neighborhood (MUN), Neighborhood Business (NB) are all included, and Urban Residential (UR), High Urban Residential (HUR), and Public/Semi-Public zoning districts as modified in the code. With creation of the Downtown Lake Stevens Subarea, the City will add the Central Business District (CBD) to the list of land uses currently applied to subareas.

The CBD principal uses include recreation, arts and entertainment, food services, hospitality and lodging, and small to mid-size retail trade. Secondary uses include parking structures/lots, financial/insurance, health care, personal services, professional services, and public administration. Mixed use multi-family residential would also be allowed in the CBD districts. The proposed special regulations for CBD within the subarea include:

- Automotive, boat, and recreational vehicle sales and services are not allowed.

- Drive-through uses are not allowed between the building and right-of-way and are subject to screening requirements found in the applicable design guidelines.
- Theaters and performing arts venues are limited to a maximum size of 500 seats.
- The footprint of small to mid-size retail trade uses, in any single-use structure, may not exceed 30,000 gross square feet.
- Health care, professional, scientific, or technical service structures’ footprints may not exceed 5,000 gross square feet.
- Wireless and cellular communications facilities require an administrative conditional use permit per Section 14.16C.015.
- Marijuana facilities are not allowed.

## 8. Planned Action

The planned action designation provides a framework for development in the Downtown Lake Stevens Subarea. It allows each development proposal or phase within the Downtown Lake Stevens Subarea Plan to forego further environmental review under SEPA if the project meets the description of projects designated as a planned action by ordinance or resolution; the probable significant adverse environmental impacts were adequately addressed in the Draft EIS; and the project includes any conditions or mitigation measures outlined in the ordinance or resolution.

Future proposals, however, would be subject to application notification and permit process requirements. The Draft EIS identified potential impacts and appropriate mitigation measures that the City or project applicants would have to meet to qualify as a project under the planned action process. Applications for development in the Downtown Lake Stevens Subarea will be evaluated by city staff for compliance. The City will determine if the application meets the criteria in the Planned Action Ordinance, the application is a type of project anticipated in the EIS and if it meets the conditions and mitigation requirements of the planned action.

In addition to the land use development thresholds listed in Table 1, future development would have to comply with the following development thresholds outlined in the Preferred Alternative and planned action ordinance:

Land Use <sup>1</sup>	Development Thresholds
Park	4.1 acres
Retail/Commercial <sup>2</sup>	170,000 gross square feet
Office	50,000 gross square feet
Community Facilities <sup>3</sup>	21,150 gross square feet
Residential	600 dwelling units
Public Parking	300 spaces
Traffic Trip Generation	1,740 trips

<sup>1</sup> A building with multiple uses will be designated by the majority use.

<sup>2</sup> Retail/Commercial includes accommodation services, arts and entertainment, food services, retail trade, etc.

<sup>3</sup> Community facilities may include emergency services such as a fire station; public/semi-public buildings used for community, corporate or private events; or other traditional land uses that support government operations.

## C. Environmental Review

The City intends to adopt the subarea plan as a supplementary document to its Comprehensive Plan and incorporate associated regulations as part of the municipal code. The subarea plan will identify the land use goals and policies for the area that in turn will frame the regulatory development regulations attached as appendices. The plan will also be the primary mechanism to identify actions and capital investments necessary to implement the plan.

The City will also adopt subarea plan as a planned action. A planned action is a tool that cities can use to provide regulatory certainty and encourage economic development, as allowed under the State Environmental Policy Act (RCW 43.21C.031 and WAC 197-11-164).

Performing early environmental review as part of a subarea plan will streamline SEPA review for subsequent projects that are consistent with the plan.

### 1. Prior Environmental Review

In 2006, the City adopted its first major update to its original 1994 Lake Stevens Comprehensive Plan, which identified Downtown Lake Stevens area as a specific growth area and recommended developing a subarea plan. In 2015, the City updated the comprehensive plan, including specific amendments to maps, figures and text to reflect the current citywide conditions, demographics and statistical information. The 2015-2035 Comprehensive Plan states the following goal and policies for the Downtown Subarea:

GOAL 2.5: Develop a subarea plan for downtown Lake Stevens that encourages a compact commercial district that facilitates easy pedestrian access between shops and buildings, allows mixed-use development, promotes economic development compatible with the character of Lake Stevens, and stimulates a diverse array of business types to attract visitors and meet the needs of residents.

### 2. Scope of Environmental Review

The City published a Determination of Significance (DS) on July 5, 2017. Agencies, affected tribes and members of the public were invited to comment on the scope of the EIS, including potential project alternatives, probable significant adverse impacts and mitigation measures. The City held a public scoping meeting on July 18, 2017. The scoping comment period ended on July 26, 2017. Potential issues were eliminated from detailed study in the EIS based on review of existing environmental information and conclusions that projects under the Planned Action Ordinance were not likely to have a significant impact on those elements of the environment, therefore not warranting a full review under SEPA. Those elements and the rationale for not analyzing them further are described in the Draft EIS.

Based on review of comments received and other available information, the City identified the following topics for that were discussed in the Draft EIS:

- Water Resources: Groundwater, Surface Water, Wetlands, and Frequently Flooded Areas.
- Plants and Animals: Vegetation, Wildlife and Fish.
- Land Use, Population, Housing and Employment: Land Use Character, Shoreline Master Program, and Population, Housing and Employment.
- Transportation: Existing Transportation, Roadway Network, Traffic Operations, Transit Services, Existing Pedestrian and Bicycle System.
- Utilities: Stormwater and Drainage, Water Supply, Sanitary Sewer, and Electrical.

A Draft EIS for the Downtown Lake Stevens Subarea was published on January 6, 2018, with appropriate notice and advertisement. The comment period for the Draft EIS was through February 6, 2018. A public meeting on the Draft EIS and subarea plan alternatives was held on January 17, 2018, and provided opportunity for public comment.

### 3. Summary of Impacts and Mitigation Measures

**Table 3** summarizes the impacts of the EIS Development Alternatives and the proposed measures to mitigate those impacts. The summary statements are based on Chapter IV of the Draft EIS, which includes a complete analysis for each of the listed elements of the environment. Chapter V in the Draft EIS details additional applicable regulations and mitigation commitments that would be required of all future development within the Downtown Lake Stevens Subarea.

**Table 3 Summary of Impacts and Mitigation Identified in the Draft EIS**

Area of the Environment	Impacts	Mitigation Measures
Water Resources	Increased stormwater runoff, decreased water quality, and wetland impacts due to increased impervious surface.	Implementation of Low Impact Development (LID) standards and BMPs included in LSMC 11.06 and the Department of Ecology's <i>Stormwater Manual for Western Washington</i> . Specific LID measures will be developed and applied, as appropriate, to development projects and approved by the City prior to construction.
Plants and Animals	Clearing of vegetation; potential impacts to aquatic habitat from decreased water quality.	Existing federal, state and city regulations would adequately protect vegetation, wildlife and habitat and limit the potential for impacts from development.
Land Use, Population, Housing and Employment	None. Proximity of a mix of land uses provides benefits by reducing auto trips and increasing the proximity of housing to goods and services.	Existing/ revised development regulations would adequately limit potential impacts from development.

Area of the Environment	Impacts	Mitigation Measures
Transportation	Alternative 3-High Growth would decrease LOS to F at 20 <sup>th</sup> St NE/Main Street	The City currently uses LOS E as the standard for arterials and collectors; however, given the vision for a mixed-use neighborhood that functions as a local and regional destination, with multimodal transportation elements, it is reasonable to consider modifying the standard to LOS F Downtown for the PM peak and emphasize safe pedestrian amenities to maintain the character of the district.
Utilities	<p>Drainage: Increased quantity &amp; quality of runoff from increased impervious surface.</p> <p>Sewer: Planned sanitary sewer capacity will not meet predicted peak flows.</p>	<p>Drainage: options may include regional detention facilities and LID techniques. Compliance with existing regulations would adequately limit potential impacts.</p> <p>Sewer: Development would be required to replace/upgrade existing infrastructure as needed to provide adequate service. Compliance with existing regulations would adequately limit potential impacts.</p>

#### 4. Significant Unavoidable Adverse Impacts

There were no significant unavoidable adverse impacts identified for the affected environment (Water Resources; Plants and Animals; Land Use, Population, Housing and Employment; Transportation and Utilities). The application of appropriate mitigation measures, described above and in Chapter V of the Draft EIS, would mitigate potential impacts.

#### D. Changes from the Draft Environmental Impact Statement

This FEIS includes a Preferred Alternative that is a modified version of Alternative 3, described above, to implement the Downtown Lake Stevens Subarea Plan that was analyzed in the Draft EIS. The Preferred Alternative considers community input received during the public comment period for the Draft EIS. The potential impacts from the Preferred Alternative do not differ substantially from those identified for Alternative 3 – High Growth in the Draft EIS.

#### E. Responses to DEIS Comments

The City received two comments during the public comment period. Verbal comments were also received during a public open house. The dominant theme of both the oral testimony and the written comments was protection of critical areas and natural resources and traffic/transportation issues that could be associated with development of the Downtown Lake Stevens Subarea. More detail about these comments and the City’s responses are found in Chapter IV, below.

#### F. Benefits and Disadvantages of Delaying the Proposed Action

The existing Downtown Lake Stevens Subarea provides retail and park space to adjacent residents. Strategies to expand existing goods and services in the Downtown Lake Stevens Subarea while enhancing the area would support citywide growth with mixed-uses of new stores and restaurants.

The City is committed to downtown through revitalization of Main Street that would improve the streetscape appearance, improve traffic and pedestrian/bike circulation; expansion of North Cove Park as a central community gathering space with improved access and visibility to Lake Stevens; and transforming underutilized and vacant parcels with storefront retail, a greater array of restaurants, visitor lodging, family-

oriented entertainment, and a community meeting/conference center. These actions will make the subarea a destination for recreation, shopping, services, dining, and entertainment. One of the most important benefits of redeveloping Downtown Lake Stevens is capitalizing on its lakeside location. Waterfront developments in several other communities are appealing to businesses and residents. The plan should balance existing and future commercial, housing and community uses in the greater downtown area and in proximity to Lake Stevens.

### **G. Major Issues to be Resolved**

Adoption of the Downtown Lake Stevens Subarea Plan and a Planned Action ordinance would allow changes to the land use patterns through proposed changes to the Comprehensive Plan land use designations and zoning district designations. Together with capital improvements, development in the area would become more concentrated, with associated amenities including a complete street system and a mixed-use commercial area consistent with the vision of the Comprehensive Plan. These changes would advance the downtown area and its environs as an area of vitality, character and attraction. Key environmental issues that would be resolved on a project-by-project basis include utilities and water resources, among others (see Chapter IV and V of the Draft EIS).

## **III. Background and Planning Context**

### **A. Growth Management Act**

The Growth Management Act (RCW 36.70(A)) is a Washington States law that requires state and local governments to plan for growth and development by requiring jurisdictions to develop and adopt comprehensive plans. Implementation of comprehensive plan policies and goals occurs through capital investments and development regulations. The Downtown Lake Stevens Subarea Plan is a supplementary document to the City's Comprehensive Plan, framing the development regulations and identifying capital investments to implement the plan.

### **B. Lake Stevens Growth Strategy**

The City's overall growth strategy envisions residential, commercial and employment growth occurring in "growth centers," with available infrastructure and services to increase employment, improve the jobs to housing balance citywide, conserve environmental resources, and provide efficient services and facilities. One of the most important benefits of redeveloping Downtown Lake Stevens is capitalizing on its lakeside location. Waterfront developments in several other communities are appealing to businesses and residents. The plan should balance existing and future commercial, housing and community uses in the greater downtown area and in proximity to Lake Stevens.

### **C. Planned Action Designation**

The City of Lake Stevens would adopt the Lake Stevens Downtown Subarea Plan as a Planned Action. A Planned Action is a tool that cities can use to provide regulatory certainty and encourage economic development by streamlining SEPA review for subsequent projects consistent with the plan. The SEPA authorizes this tool. Planned actions operate by allowing jurisdictions to perform up-front SEPA review for specific areas, such as subareas.

The Planned Action Ordinance identifies the criteria for project to satisfy, as described in Chapter I.B.8, above. These criteria relate to the type of land use proposed, whether its impacts have been addressed in the EIS, and whether proposed mitigation measures are sufficient. A development proposal that meets these criteria qualifies as a planned action project within the adopted subarea plan and does not have to go through an independent SEPA process.

Development projects submitted within the adopted subarea must request review as a Planned Action Project and apply for a Pre-Application Meeting. A Planned Action Submittal Packet is available for interested applicants to assist them in developing within the subarea in a

timely manner. An updated Draft Planned Action Ordinance is included in **Appendix A**.

## **D. Environmental Review Process**

### **1. The State Environmental Policy Act (SEPA)**

This Final EIS is an information document, developed to ensure that the public, agencies, decision makers, and other interested parties are informed about any potential significant environmental impacts expected from the proposed Lake Stevens Downtown Subarea Plan alternatives. This Final EIS has been prepared in compliance with the State Environmental Policy Act (SEPA, Chapter 43.21C of the Revised Code of Washington (RCW)), the state SEPA rules (Chapter 197-11 of the Washington Administrative Code (WAC)), and the City's SEPA Procedures (LSMC 16.04).

The Downtown Lake Stevens Subarea Plan and the Planned Action were concurrently developed with public review and input. This approach generated information and public comments early in the process, enabling and informing decision makers to make planning decisions, including the identification of a Preferred Alternative.

### **2. Prior Environmental Review**

The Downtown Subarea Plan was identified in the 2015-2035 Final Comprehensive Plan (2015). The focus of the Downtown Subarea Plan was to provide a mixed-use development within the City, consistent with Goal 2.5 of the Comprehensive Plan, as well as the revised population and employment targets.

### **3. Environmental Review for the Downtown Lake Stevens Subarea Plan**

The City initiated the SEPA process for the Downtown Lake Stevens Subarea Plan in July 2017, by issuing a determination of significance (DS), indicating that an environmental impact statement would be prepared and requesting comments on the scope of the EIS. A public scoping

meeting was held on July 18, 2018. The scoping comment period was open through July 26, 2017. Based on its review of comments received and other available information, the City identified the following topics for discussion in the EIS.

- Water Resources: Groundwater, Surface Water, Wetlands, and Frequently Flooded Areas.
- Plants and Animals: Vegetation, Wildlife and Fish.
- Land Use, Population, Housing and Employment: Land Use Character, Shoreline Master Program, and Population, Housing and Employment.
- Transportation: Existing Transportation, Roadway Network, Traffic Operations, Transit Services, Existing Pedestrian and Bicycle System.
- Utilities: Stormwater and Drainage, Water Supply, Sanitary Sewer, and Electrical.

Potential issues, such as earth, air quality, hazardous materials/ environmental health, aesthetics, historic and cultural resources, noise and vibration, and public services were eliminated from detailed study in the EIS based on review of existing environmental information and conclusions that projects under the Planned Action Ordinance were not likely to have a significant impact on those elements of the environment, therefore not warranting a full review under SEPA. Those elements and the rationale for not analyzing them further in this Final EIS, are described in the Downtown Lake Stevens Draft EIS.

This EIS is an informational document, developed to ensure that the public, agencies, decision makers and other interested parties are informed about any potential significant environmental impacts expected from the proposed Downtown Lake Stevens Subarea Plan alternatives. The Draft EIS was prepared in compliance with SEPA (Chapter 43.21C of the RCW), the state SEPA rules (Chapter 197-11 of the Washington Administrative Code [WAC]) and the City's SEPA Procedures (Lake Stevens Municipal Code [LSMC 16.04]).

The Downtown Subarea Plan EIS is a programmatic evaluation of impacts from implementation of the proposed Downtown Subarea Plan. It is

intended to provide decision makers with information on potential impacts that could result from implementation of projects outlined in the plan, along with mitigation strategies to ensure that implementation of the planned action would not have significant impacts.

The Subarea Plan includes a “Projects Schedule,” which would ensure action on projects within the first five years, including the North Cove Park Expansion, Retail Main Street Enhancements, 16<sup>th</sup> Street Mixed-use Path, Community/Conference Center, 20<sup>th</sup> Street Mixed Use Path and Main Street Extension.

## **E. Alternatives, Including the Preferred Alternative**

The Downtown Lake Stevens Subarea plan is a key tool for the city to revitalize and expand its core downtown area. Specifically, the plan will create a framework to refine the area’s land uses and zoning; analyze required improvements to the street network and other capital facilities; establish a vision for upgrading the aesthetic environment; and help attract new businesses and residents. The plan’s vision for revitalization provides the foundation for developing a planned action, establishing regulations and standards, and identifying desired outcomes necessary to realize the overall vision for the downtown, North Cove Park and the lakefront and direct its subsequent redevelopment. Additionally, the plan will provide conceptual guidance as to the intent of subsequent regulations and actions.

The plan concept for downtown Lake Stevens respects existing development patterns, reflects community desires, real estate market trends and projected growth capacity. Existing healthy or desirable uses are strengthened while sites with potential for infill and redevelopment are maximized. The anticipated development capacity of the downtown is represented through an analysis of two Action Alternatives that include a low-development scenario and a high-development scenario to compare growth assumptions to a no-action scenario in this EIS.

There would be no change in the growth projections; however, growth would still occur under the No Action Alternative in accordance with the current zoning. The land use characteristics of the different growth alternatives are shown in **Tables 1 and 2**, and land use emphasis areas are portrayed in **Figure 2-3**. As shown, depending on the alternative, the proposed density of each land use would change, but the general land use patterns of each alternative within the study area are not changing.

Central plan concepts emphasize the expansion of North Cove Park to create direct visual and physical access to Lake Stevens and the reconstruction of Main Street as a destination for pedestrian friendly and street-oriented retail storefronts. The plan’s proposed land use framework provides an emphasis on establishing distinctive mixed-use housing and commercial areas and providing for community-oriented facilities that have historically defined the downtown.

### **1. Development of the Preferred Alternative**

Development of the Preferred Alternative included input from the public and stakeholder groups received at community meetings and throughout the Scoping and Draft EIS process. This input helped guide the development of alternatives analyzed in the Final EIS. As a result, the Preferred Alternative was developed to include the input from the community.

## **IV. Comments on the Draft EIS & Responses to Comments**

This chapter summarizes public comments received by the City during the public comment period for the proposed Downtown Lake Stevens Subarea Plan, Draft Environmental Impact Statement (EIS). Two written comment letters were received from the public.

## A. Comment Letters and Responses

### Comment from Mr. Zachary Lamebull, the Tulalip Tribes

A comment letter was received from Mr. Zachary Lamebull, Ecologist for the Tulalip Tribes. Mr. Lamebull requested that the City include the previous letter that was submitted by the Tulalip Tribes during the EIS scoping period be included in the record for the Final EIS. That comment letter, included in this document as **Appendix B**, requested coordination between the Tulalip Tribes and the City on assessing potential impacts to critical areas and Catherine Creek, which is outside and downstream of the Downtown Lake Stevens Subarea Plan boundaries.

### Response to Comment from Mr. Zachary Lamebull, the Tulalip Tribes

The City shares the concern related to the protection of critical areas and natural resources. Sections IV.A, IV.B, and V of the Draft EIS incorporated expanded discussions related to an inventory of critical areas within the boundaries of the Downtown Lake Stevens Subarea, potential impacts, and mitigation measures.

Most of the development that may occur with the implementation of this plan will be redevelopment of existing sites. All development will be subject to adopted regulations protecting the shoreline and associated critical areas (see Section V of the Draft EIS).

It is correct that the City maintains a weir at the outlet of the lake to help control seasonal fluctuations in the lake level. Under the Downtown Lake Stevens Subarea Plan, there is no proposal to alter this existing structure.

### Comment from Mr. Tom Williams

“I wanted to add my thoughts and tell you I very much support Alternative #3 for Higher Growth. This plan truly revolutionizes Lake Stevens and it appears it has been very well thought out. So, please put my support down and I know many others that do as well.”

### Response to Comment from Mr. Tom Williams

Thank you for your comment; it is included in this Final EIS as part of the official project record.

## B. Public Meeting Comments

The City held a public meeting on January 18, 2017, from 6:00 pm to 8:00 pm at the Lake Stevens Community Center, at 1808 Main Street in Lake Stevens. City staff and the consultant team presented the Downtown Subarea Plan, and described the SEPA process, the major elements in the Draft EIS, and ways to comment on the Draft EIS. Participants were given an opportunity to ask questions and provide comments on the content of the Draft EIS.

Oral testimony focused primarily on potential impacts to critical areas and natural resources and traffic/transportation issues that could be associated with development of the Downtown Lake Stevens Subarea. Other concerns included: the presence of underground storage tanks or other hazardous materials on-site from previous site activities; concern over risk of flooding, flood storage and stormwater run-off; existing businesses and potential structure relocation; opportunities for pedestrian and bike access and sidewalk connectivity; community character and the design/scale of buildings; boat launch access at North Cove Park; economic impacts to local businesses and existing site users; land and shoreline use; and consistency with the City’s Comprehensive Plan.



**Appendix A**  
**Draft Planned Action Ordinance**



**ORDINANCE NO. XXX**

**AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON  
ESTABLISHING A PLANNED ACTION FOR THE DOWNTOWN LAKE  
STEVENS SUBAREA PURSUANT TO THE STATE ENVIRONMENTAL  
POLICY ACT (CHAPTER 43.21C RCW AND WAC 197-11-164)**

**WHEREAS**, the State Environmental Policy Act (SEPA) (Chapter 43.21C RCW) and implementing rules (WAC 197-11-164) 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) (Chapter 36.70A RCW); and

**WHEREAS**, on September 22, 2015 the Lake Stevens City Council enacted Ordinance No. 937 adopting an updated Comprehensive Plan and Land Use Map for the City of Lake Stevens complying with the GMA; and

**WHEREAS**, the Growth Management Act allows jurisdictions to amend comprehensive plans once a year, except in those situations enumerated in RCW 36.70A.130(2)(a); and

**WHEREAS**, RCW 36.70A.130(2)(a)(i) and (v) allows jurisdictions to amend the comprehensive plan with initial adoption of a subarea plan and adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.031(2); and

**WHEREAS**, the City is concurrently adopting a subarea plan, zoning map, zoning classifications and building code amendments, and comprehensive plan amendments (**Ord No. XXX**) in association with this Planned Action Ordinance; and

**WHEREAS**, the City held community meetings to elicit public input on the subarea plan on June 30, September 7 and November 1, 2016; January 25 and March 7, 2017; and

**WHEREAS**, the City held a scoping meeting on July 18, 2017 to elicit public input on the Environmental Impact Statement (EIS) and a follow-up meeting on January 17, 2018 to review the Draft EIS; and

**WHEREAS**, the City has prepared a subarea plan for Downtown Lake Stevens, which is referred to as the Planned Action Area; and

**WHEREAS**, the City issued a Determination of Significance and request for comments on the scope of the environmental impact statement on July 5, 2017 and held a Scoping Meeting on July 18, 2017; and

**WHEREAS**, on January 6, 2018 the City issued a Draft Environmental Impact Statement (EIS) for the Downtown Lake Stevens Subarea Plan which identifies environmental impacts and mitigation measures associated with planned development in the subarea; and

**WHEREAS**, staff briefed City Council on the Draft EIS land use alternatives on February 6, 2018 and City Council adopted a preferred alternative on February 13, 2018; and

**WHEREAS**, on April 27, 2018 the City issued a Final environmental impact statement (EIS) for the Downtown Lake Stevens Subarea Plan which identifies impacts and mitigation measures associated with planned development in the subarea; and

**WHEREAS**, on May 16, 2018 the City held a community meeting on the Planned Action Ordinance, pursuant to Chapter 43.21C RCW, prior to issuing notice for the adoption of the planned action ordinance; and

**WHEREAS**, in taking the actions set forth in this ordinance, the City has complied with the requirements of the State Environmental Policy Act, Ch. 43.21C RCW; and

**WHEREAS**, the City is concurrently adopting updated design guidelines, development regulations and capital facilities plan for the subarea which will help protect the environment; and

**WHEREAS**, on April 27, 2018 the City submitted the proposed Downtown Lake Stevens Subarea Plan, Zoning Map amendments, Subarea Land Use Map, proposed development regulations and design guidelines, and other comprehensive plan and land use code amendments to the Washington State Department of Commerce for its 60-day review and received a letter dated [Date] stating the procedural requirements were met; and

**WHEREAS**, the Department of Commerce's 60-day review period was completed on June 27, 2018 and any Department comments are addressed in this Ordinance; and

**WHEREAS**, the City held a Planning Commission public hearing on June 20, 2018 and two public hearings with City Council on July 10 and July 24, 2018; and

**WHEREAS**, the Lake Stevens Planning Commission, after review of the proposed Downtown Lake Stevens Subarea Plan, Planned Action, Comprehensive Plan Land Use Map and Zoning Map amendments, Subarea Land Use Map, proposed development regulations and design guidelines, and other related amendments, held a duly noticed public hearing on the amendment, and all public testimony was given full consideration before making a recommendation to the City Council to approve the proposed Subarea Plan, Planned Action and related documents; and

**WHEREAS**, the Lake Stevens City Council reviewed the Planning Commission's recommendation relating to the proposed Downtown Lake Stevens Subarea Plan, Planned Action Comprehensive Plan Land Use Map and Zoning Map amendments, Subarea Land Use Map and Subarea Zoning Map, proposed development regulations and design guidelines, and related amendments, and held a duly noticed public hearing, and all public testimony and arguments have been given full consideration; 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; and

**WHEREAS**, the Downtown Lake Stevens Subarea is deemed to be appropriate for designation of a Planned Action.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE STEVENS, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**SECTION 1.** Purpose. The City Council declares that the purpose of this ordinance is to:

A. Combine analysis of environmental impacts with the City's development of plans and regulations;

B. Designate the Downtown Lake Stevens Subarea as a Planned Action for purposes of environmental review and permitting of subsequent, implementing projects pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C.031;

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

D. Establish criteria and procedures, consistent with state law, 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 environmental impact statement (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 Planned Action.

**SECTION 2.** Findings. The City Council finds as follows:

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

B. The City has adopted a Comprehensive Plan complying with the GMA, and is amending the Comprehensive Plan to incorporate a subarea element specific to the Downtown Lake Stevens Planned Action Area;

C. The City is adopting development regulations and design guidelines concurrent with the Subarea Plan to implement said Plan;

D. The City has prepared an EIS for the Downtown Lake Stevens Subarea 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, together with adopted subarea land use regulations and design guidelines, will adequately mitigate significant impacts from development within the Planned Action Area;

F. The 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 within the City;

H. The City has provided numerous opportunities for meaningful public involvement in the proposed Planned Action; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments;

I. The Downtown Lake Stevens Subarea Plan is not an essential public facility as defined by RCW 36.70A.200(1);

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

K. Public services and facilities will be adequate to serve the proposed Planned Action with implementation of mitigation measures identified in the EIS.

**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 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 January 6, 2018 and the Final EIS issued on April 27, 2018. The Draft and Final EISs together shall comprise the Planned Action EIS. The mitigation measures contained in 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 project located within the Downtown Lake Stevens 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 Downtown Lake Stevens Subarea is contemplated by the Planned Action and has had its environmental impacts evaluated in the Planned Action EIS:

(1) Land Use. The following general categories/types of land uses, which are permitted or conditionally permitted in zoning districts applicable to the Downtown Lake Stevens Planned Action Area, are considered Planned Actions:

- (a) Park;
- (b) Retail/Commercial;
- (c) Office;
- (d) Community Facilities;
- (e) Housing (residential dwelling units);
- (f) Lodging, such as hotels and motels;
- (g) Open Space;
- (h) Public Parking; and
- (i) Infrastructure improvements identified in the EIS to support planned land uses.

Individual land uses considered to be Planned Actions shall include those uses specifically listed in subarea development regulations, Chapter 14.38 LSMC, applicable to the zoning classifications applied to properties within the Planned Action Area.

(2) Development Thresholds.

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

Land Use <sup>1</sup>	Development Thresholds
Park	4.1 acres
Retail/Commercial <sup>2</sup>	170,000 gross square feet
Office	50,000 gross square feet
Community Facilities <sup>3</sup>	21,150 gross square feet
Residential	600 dwelling units
Public Parking	300 spaces
Total Trips	1740 trips

<sup>1</sup>A building with multiple uses will be designated by the majority use.

<sup>2</sup>Retail/Commercial includes accommodation services, arts and entertainment/, recreation, food services, retail trade, etc.

<sup>3</sup>Community facilities may include emergency services such as a fire station; public/semi-public buildings used for community, corporate or private events; or other traditional land uses that support government operations.

(b) Local road projects identified in the EIS to support planned levels of growth identified in subsection (2)(a) are considered planned actions.

(c) Shifting the total build out between categories of uses may be permitted if the total build-out does not exceed the aggregate amount of development and the trip generation 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.

(d) If future development proposals in the Planned Action Area exceed the development thresholds specified in this ordinance or alter the assumptions and analysis in the Planned Action EIS, further environmental review may be required pursuant to WAC 197-11-172.

(3) Building Height. Building height shall not exceed those permitted in the underlying zoning district(s) pursuant to the standards of the Lake Stevens Municipal Code.

(4) Transportation.

(a) *Thresholds.* The City currently uses LOS E as the standard for arterials and collectors and LOS C as the standard for acceptable operations on local access roads; however, given the vision for a mixed-use district that functions as a local and regional destination, with multimodal transportation elements, it is reasonable to modify the LOS standard to LOS F Downtown for the PM peak and emphasize safe pedestrian amenities to maintain the character of the district.

(b) *Concurrency.* The determination of transportation impacts shall be based on the City's concurrency management program contained in Chapter 14.110 LSMC.

(c) *Off-Site Mitigation.* As provided in the EIS and Chapter 14.110 LSMC, to mitigate transportation related impacts, all Planned Action Projects shall pay a traffic impact mitigation fee to participate in and pay a proportionate share of off-site improvements consistent with Chapter 14.112 LSMC and the current Fees Resolution.

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

(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, or that causes significant impacts to an element of the environment that was not considered 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 has been conducted.

**E. Planned Action Review Criteria.**

(1) The City's SEPA Responsible Official may designate as "Planned Actions", pursuant to RCW 43.21C.030, applications that meet all the following conditions:

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

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

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

(d) Proposal is consistent with the City of Lake Stevens Comprehensive Plan;

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

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

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

(h) Proposal is not an essential public facility as defined by RCW 36.70A.200(1), unless an essential public facility is accessory to or part of a project that is designated as a planned action.

(2) The City shall base its decision on review of a SEPA checklist, or an alternative form adopted with Planned Action Ordinance, 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.030, WAC 197-11-164 et seq., and this ordinance.

#### **F. Effect of Planned Action**

(1) Designation as a Planned Action Project. 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 thresholds, and with the environmental analysis contained in the Planned Action EIS.

(2) SEPA Determination. 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.** Development applications shall meet all applicable requirements of the Lake Stevens Municipal Code (LSMC). 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's Director of Planning and Community Development or designee shall determine whether the application is complete as provided in LSMC 14.16A.220(f). If the application is for a project within the Planned Action Area defined in Exhibit A, the application will be reviewed to determine if it is consistent with the criteria of this ordinance and thereby qualifies as a Planned Action Project. 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 Chapter 14.168 LSMC, 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.

(3) Public notice of the determination that a project qualifies as a planned action project, pursuant to Chapter 43.21C RCW, shall be mailed or otherwise verifiably provided to:

(a) All affected federally recognized tribal governments and

(b) Agencies with jurisdiction over the future development anticipated for the planned action.

The notice shall state that the project has qualified as a planned action. Other notice may be required for the underlying permit.

(4) Development Agreement.

(a) 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 or provision of improvements through other methods, design standards, phasing, vesting of development rights, or any other topic that may properly be considered in a development agreement consistent with RCW 36.708.170 et seq.

(b) A development agreement may also include alternative mitigation measures proposed by an applicant, provided that such alternative measures shall provide mitigation that is equivalent to or better than that identified in the Planned Action EIS. The determination that mitigation measures are equivalent shall be made by the SEPA Responsible Official.

(5) 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.

(6) 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 Downtown Lake Stevens Planned Action Area.

B. This Planned Action Ordinance shall be reviewed by the SEPA Responsible Official when development within the Planned Action Area is approaching maximum threshold

levels or no later than five years from its effective date 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 upon this review, the City may propose amendments to this ordinance or may supplement, addend or amend the Planned Action EIS.

**SECTION 5.** Conflict. In the event of a conflict between this Ordinance or any mitigation measure imposed thereto, and any ordinance or regulation of the City, the provisions of this ordinance shall control, EXCEPT that the provision of any International Code shall supersede.

**SECTION 6.** Severability. If any section, clause, phrase, or term of this ordinance is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and the remaining portions shall be in full force and effect.

**SECTION 7.** Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this [Date].

\_\_\_\_\_  
John Spencer, Mayor

ATTEST/AUTHENTICATION:

By: \_\_\_\_\_  
Kathy Pugh, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Grant K. Weed, City Attorney

First Reading:  
Second and Final Reading:  
Published:  
Effective Date:

**EXHIBIT A**  
**DOWNTOWN LAKE STEVENS PLANNED ACTION AREA**



LAKE STEVENS DOWNTOWN VICINITY

----- Project Boundary



**EXHIBIT B  
DOWNTOWN LAKE STEVENS SUBAREA PLAN PLANNED ACTION  
ORDINANCE MITIGATION MEASURES**

In compliance with the State Environmental Policy Act (SEPA), the City of Lake Stevens prepared and published draft and final environmental impact statements (collectively "the Planned Action EIS") for the Lake Stevens Center Subarea Plan. The Planned Action EIS identifies significant impacts to the environment that would occur because of future growth in the subarea, along with mitigation measures that would avoid, reduce, minimize or compensate for those impacts. The City will designate the subarea as a Planned Action for purposes of future environmental review, consistent with the requirements of RCW 43.21C.031 and WAC 197-11-164 et seq.

This exhibit to the Planned Action Ordinance summarizes mitigation measures identified in the Planned Action EIS. The Planned Action EIS should be reviewed to understand the full context of measures for each element of the environment. As part of its review of future development proposals within the Planned Action Area (Exhibit A), and to determine whether such proposals qualify as planned actions, the City will review the measures identified herein and require them as conditions of approval.

It should be noted that some mitigation measures identified in the Planned Action EIS have already been accomplished (such as adoption of a Planned Action Ordinance) and are not included in this exhibit. References are provided for measures that rely on adopted provisions of the Lake Stevens Municipal Code. In addition, while most mitigation measures identified in the Planned Action EIS apply to development projects (public or private), a few provide direction to the City for future planning and regulatory programs. The City will consider these as part of its ongoing planning processes, including any required monitoring.

**1. Natural Environment**

**A. Earth**

**Applicable Regulations and Commitments**

- ***Geological Assessments Required:*** The City's critical area regulations require a geological assessment for any development proposal within 200 feet of a designated geologically hazardous area. Geological assessments must contain an analysis of the potential impacts to geologically hazardous areas resulting from the proposed development and identify appropriate mitigation measures to protect development and the geologically hazardous area per LSMC 14.88.630.
- ***Native Growth Protection Area:*** LSMC 14.88.670 requires developers to place geologically hazardous areas and buffers not approved for alteration in a native growth protection area. Lawfully altered geologically hazardous areas are subject to a covenant of notification and indemnification/hold harmless agreement.
- ***Erosion Control Measures Required:*** LSMC 14.64.130 requires the implementation of sedimentation and erosion control measures for any development that would entail land disturbance. The Public Works Director must review and approve erosion control plans.

**B. Air Quality**

**Mitigation During Construction**

Although significant air quality impacts are not anticipated due to construction, contractors will be required to comply with all relevant federal, state, and local air quality rules. In addition, implementation of best management practices will also reduce emissions related to construction. The city will consider best management practices to minimize the potential air quality impacts during development review including measures for reducing exhaust emissions and fugitive dust. Possible control measures that will be considered include the following:

- Use only equipment and trucks that are maintained in optimal operational condition
- Require all off-road equipment to have emission reduction equipment (e.g., require participation in Puget Sound Region Diesel Solutions, a program designed to reduce air pollution from diesel, by project sponsors and contractors)
- Use bio diesel or other lower-emission fuels for vehicles and equipment
- Use car-pooling or other trip-reduction strategies for construction workers
- Implement restrictions on construction truck and other vehicle idling (e.g., limit idling to a maximum of 5 minutes)
- Spray exposed soil with water or other suppressant to reduce emissions of particulate matter (PM) and deposition of particulate matter
- Pave or use gravel on staging areas and roads that would be exposed for long periods
- Cover all trucks transporting materials, wetting materials in trucks, or providing adequate freeboard (space from the top of the material to the top of the truck bed), to reduce particulate matter (PM) emissions and deposition during transport
- Provide wheel washers to remove particulate matter that would otherwise be carried off site by vehicles to decrease deposition of particulate matter on area roadways
- Remove particulate matter deposited on paved, public roads, sidewalks, and bicycle and pedestrian paths to reduce mud and dust; sweep and wash streets continuously to reduce emissions
- Cover dirt, gravel, and debris piles as needed to reduce dust and wind-blown debris
- Stage construction to minimize overall transportation system congestion and delays to reduce regional emissions of pollutants during construction.

### **Mitigation During Operation**

The air quality analysis indicates that the alternatives would not result in any significant adverse air quality impacts in the subarea. Consequently, no operational impact mitigation measures are warranted or proposed.

### **C. Water Resources**

#### **Applicable Regulations and Commitments**

- *Stormwater Management:* The City's municipal code requires the use of natural drainage systems to the extent feasible to preserve natural topography (LSMC 14.64.100). The Code also requires all new stormwater drainage systems to be constructed in accordance with the requirements of the Department of Ecology's *2014 Stormwater Management Manual for Western Washington* (Chapter 11.06 LSMC).
- *NPDES Phase II Municipal Stormwater Permit:* The current Western Washington Phase II Municipal Stormwater Permit was issued in 2012 and amended in 2014 to implement the requirements of the Clean Water Act and the National Pollutant Discharge Elimination System as codified in Chapter 11.06 LSMC. Local jurisdictions covered under the permit, including the City of Lake Stevens, are required to develop a stormwater management program designed to reduce the discharge of pollutants and protect water quality. In accordance with the requirements of the permit, the City of Lake Stevens has adopted a stormwater management plan focused on public education and outreach, detection and elimination of illicit stormwater discharge, controlling runoff generated by new development activities, and prevention of pollution resulting from municipal activities. Continued implementation of the measures contained in the stormwater management program would reduce pollutant loading and improve water quality in the City's lakes, streams and wetlands.

- *Critical Areas Regulations:* The Lake Stevens Center Subarea contains varied critical areas, including wetlands and streams (Fish and Wildlife Conservation Areas). Future development will be subject to the adopted critical areas regulations found in Chapter 14.88 LSMC, including all applicable protection standards, mitigation requirements and mitigation sequencing procedures. Wetland mitigation is required to take the form of in-kind replacement of the impacted wetland functions and values whenever possible, and replacement wetlands must adhere to the design requirements of LSMC 14.88.840, including performance standards and mitigation ratios.
- *Floodplain Development Permit:* Developers are required to acquire a Floodplain Development Permit for construction and/or development activities within the floodplain.

#### **Additional Mitigation Measures**

- *Stormwater Detention:* For properties adjacent to identified wetlands and associated buffers, new development and redevelopment shall not result in an increased rate of runoff from the site to the wetland. To prevent alteration of established hydrologic wetland processes, the municipal code requires stormwater to be either detained or infiltrated onsite.
- *Low Impact Development (LID):* Implementation of Low Impact Development (LID) standards and BMPs included in Chapter 11.06 LSMC 11.06 and the Department of Ecology's Stormwater Manual for Western Washington. Specific LID measures will be developed and applied, as appropriate, to development projects and approved by the City prior to construction.
- *Critical Areas:* More detailed analysis will be required for future projects that occur on sites containing critical areas – including full delineation, classification and functional assessment – in conjunction with development permitting. The standards and mitigation requirements of the City's critical area regulations (Chapter 14.88 LSMC) will be applied to such development.
- *Wetland Mitigation Banking:* LSMC 14.88.840 allows the use of credits from an approved wetland mitigation bank to compensate for unavoidable impacts to wetlands. Per LSMC 14.88.840(a)(5), projects using mitigation bank credits must be consistent with the replacement ratios specified in the mitigation bank's certification. If mitigation credits are not available and establishment of a separate mitigation bank is not feasible, the City could encourage preservation and enhancement of these areas in exchange for increased development potential in other portions of the site or subarea.

#### **D. Plants & Animals**

##### **Applicable Regulations and Commitments**

- *Endangered Species Act (ESA, 16 U.S.C. 15311544):* The ESA provides for the conservation of threatened or endangered plant and animal species and their habitat. Any action taken, authorized, or funded by a federal agency is subject to review by the U.S. Fish and Wildlife Service (USFWS) or the U.S. National Oceanic and Atmospheric Administration (NOAA). The ESA also prohibits "taking" of any listed species.
- *Washington State Water Pollution Control Act (90.48 RCW):* Chapter 90.48 of the Revised Code of Washington (RCW) prohibits discharge of any material that causes pollution into waters of the state. The Act applies the Washington Department of Ecology standards for Clean Water Act Section 404 permits to projects without a federal nexus.
- *Critical Areas Regulations:* Future development in the Subarea has the potential to adversely affect plants and animals through clearing of vegetated areas. Chapter 14.88 of the Lake Stevens Municipal Code regulates development activities that occur in environmentally critical areas, including valuable vegetation, fish and wildlife habitat; geologically hazardous areas; wetlands; streams; frequently flooded areas; and fish and wildlife conservation areas. Development within a designated critical area is subject to additional development standards designed to preserve and protect sensitive natural resources from human influence.

- *Tree Retention:* The City's land use code (LSMC 14.76.120) requires every development to retain significant trees and stands of trees that occur on the development site unless such retention would create an unreasonable burden on the developer or create a safety hazard. The code requires that significant trees removed as part of a development project be replaced, and that retained and replanted trees be protected during construction.

## **E. Public Services**

### **Applicable Regulations & Commitments**

All development will be required to comply with existing regulations related to emergency access, fire suppression systems, and payment of school and park impact mitigation fees.

## **F. Aesthetics**

### **Visual Character**

- *Development Regulations:* Proposed zoning regulations and design guidelines to implement the subarea plan would address appropriate uses, height, setbacks, and similar development parameters. The code also includes incentives, such as bonuses in height or intensity, in exchange for incorporating a menu of public amenities in new development. Standard landscaping requirements have been modified to create the desired character for development sites, roads, and for sidewalks and trails. Existing tree protection/replacement requirements ensure the subarea maintains a desirable amount of vegetative cover.
- *Design Guidelines:* Proposed subarea-specific design guidelines will ensure that future development achieves a cohesive visual character and high-quality site planning, building design, lighting and signage.

### **Views**

- *Park & Open Space Planning:* The City will update its Parks & Open Space Plan to address parks and open space needs created by planned residential growth in the Lake Stevens Center Subarea. In conjunction with future parks planning, the City may identify new parks or open space areas that provide view opportunities of scenic landscape features. Proposed development regulations also provide incentives for the creation of public spaces in the subarea.
- *Design Guidelines:* In coordination with planning new parks and open spaces and identifying potential viewpoints, the City could consider adopting guidelines that identify when and how site plans or building design can incorporate elements to protect views from parks and other public spaces.

### **Light & Glare**

- *Design Guidelines:* Design guidelines to implement the subarea plan could provide guidance on avoiding light spillage, glare and shadow impacts through site planning, building design and landscaping. The guidelines and standards would specifically address lighting and signage.

## **G. Transportation**

### **Concurrency**

The Growth Management Act (GMA) includes provisions, generally referred to as "concurrency," to ensure that sufficient public facilities are available for new development. GMA requirements include: (1) adopting Transportation and Capital Facilities elements in local Comprehensive Plans that identify facilities needed to accommodate projected growth and to establish a funding program to construct the necessary improvements; (2) establishing level of service (LOS) standards as a measure to determine a project's impact potential; (3) adopting policies that require either denying permits for projects that exceed the LOS standard, modifying the LOS standard, or modifying the land use. Changes may be made to a development proposal to enable it to meet the concurrency requirements, such as by reducing project size, employing travel

demand management to reduce the number of trips generated, or financing the needed improvements.

### **Level of Service Threshold**

The Comprehensive Plan establishes LOS standards for intersections in the City. The City sets LOS E as the standard for acceptable operation along arterials and collectors, and LOS C as the standard for acceptable operations on local access roads.

### **Impacted Intersections and Necessary Road Improvements**

The EIS identifies that the 20<sup>th</sup> Street NE/Main Street intersection would be deficient (i.e., fall below LOS E operations) during the PM peak hour for the Preferred Concept.

To mitigate delay and improve the LOS at this intersection, several potential improvements were examined. Signalization of the intersection would improve the intersection to LOS B and provide pedestrian phases and crosswalks across all legs of the intersection. This improvement is compatible with the plans to create a pedestrian and bicycle friendly environment along Main Street and to enhance it as a retail destination for the community. However, given the vision for a mixed-use neighborhood that functions as a local and regional destination, with multimodal transportation elements, it is reasonable to consider modify the LOS standard to LOS F Downtown for the PM peak and emphasize safe pedestrian amenities to maintain the character of the district.

Other improvements that may be required, included a controlled intersection at 18<sup>th</sup> Street NE and Main Street; expansion of roadways and pedestrian amenities throughout the subarea as identified in the capital facilities plan; and an improved intersection at Grade Road and SR-92. The Grade Road / SR-92 intersection will be reviewed under a separate SEPA application.

### **Traffic Impact Fees**

Implementing the improvements described above will require a substantial investment of money. To help address identified impacts, and to generate the funds necessary to implement the mitigation measures described above, the City will update its traffic impact fee program (Chapter 14.112), as authorized by RCW 82.02.050. This citywide program will establish fees within a traffic impact zone including the Downtown Lake Stevens Subarea.

### **Transportation Demand Management**

Transportation demand management (TOM) strategies include commute trip reduction programs and enhanced transit service. The City would consider a commute trip reduction program when a qualifying employer develops within the City. Proposed development regulations also include incentives for alternative or high-efficiency transportation modes (LCMS 14.38.050).

## **H. Utilities**

### **Drainage**

Applicable Regulations and Commitments

- *Ecology Stormwater Manual:* The City has adopted the Department of Ecology's 2012 Stormwater Management Manual for Western Washington as its minimum design standard for stormwater infrastructure. All development meeting the minimum thresholds is required to design associated stormwater infrastructure to be consistent with these standards.
- *City of Lake Stevens Stormwater Ordinance:* Chapter 11.06 of the Lake Stevens Municipal Code adopt the Department of Ecology's 2005 Stormwater Management Manual for Western Washington. Any project that meets or exceeds the thresholds defined in the manual for new impervious area, drainage system modifications, or redevelopment is subject to City review and permit approval.
- *Low Impact Development:* The City's stormwater ordinance identifies Low Impact Development (LID) solutions, as defined and listed in the LID Technical Guidance Manual for Puget Sound, that are acceptable and encourages alternative standards for management of

stormwater. In addition, proposed development regulations provide an incentive for the use of LID techniques (Chapter 14.38 LSMC).

## **Water**

### Applicable Regulations and Commitments

- *Supply Upgrades:* Snohomish County PUD's *2011 Water System Plan* identifies necessary capital improvements to provide adequate water supply for the next 20 years.
- *Storage Upgrades:* The PUD's *2011 Water System Plan* identifies the following planned and budgeted capital improvements to storage capacity:
- *Distribution Upgrades:* The PUD's ongoing water main replacement program annually evaluates aging pipes for replacement with a focus on the replacement of galvanized iron/steel and asbestos cement pipes.
- *Joint Planning with Snohomish County PUD:* The City should consult with Snohomish County PUD to establish a joint planning process to identify and implement capital improvements necessary to serve anticipated development in the subarea.
- *Design Review for Fire Flow:* The City and developers will coordinate review of development applications with Snohomish County PUD and the Lake Stevens Fire Marshal to determine specific fire flow requirements based on project type, intensity and design. Upgrades to existing lines will be coordinated with the Snohomish County PUD. Installation of new water lines adequate to provide required fire flows shall be the responsibility of the developer, in accordance with the fire flow design thresholds established below.
  - Commercial, Office, and High-Density Residential: 12-inch pipes and 3,000 gpm.
  - Existing Medium and Low-Density Residential Areas: 8-inch pipes and 1,500 gpm.
  - All Other Areas and Development Types: 10-inch pipes and 2,000 gpm.

## **Sewer**

### Applicable Regulations and Commitments

- *Planned Capital Improvements:* The Lake Stevens Sewer District adopted updates to its Comprehensive Plan in 2016, describing the capital improvements planned for the near future.
- *Joint Planning with Lake Stevens Sewer District:* The City and the Lake Stevens Sewer District should establish a joint planning process to identify and implement capital improvements necessary to serve anticipated development in the subarea, including new wastewater collection infrastructure and future expansions to the new treatment plant that may be necessary to accept projected flows from development under the subarea plan.
- *Design Review for Wastewater Flows and Loads:* Because planned improvements to the wastewater system will be implemented in phases over several years, the Planned Action should establish size thresholds for new development that, when met or exceeded, would require developers to initiate consultation with Lake Stevens Sewer District. Consultation would confirm that projected wastewater flows and loads from any proposed project would not exceed the treatment or conveyance capacity of the wastewater system existing at that time.

### **I. Historic and Cultural Resources**

Proposed development that could impact properties in the study area that are listed on national, state, or local historic registers must comply with Historic and Archaeological Resources code (Snohomish County Code Chapter 30.32D).

Archaeological testing must be completed for proposed projects that involve significant excavation or any changes made to the vegetation and landforms near existing waterways in the study area.

Archaeological project monitoring is suggested for subsurface excavation and construction in these high probability areas. Complete a Washington State Historic Property Inventory form for each of the 22 buildings that meet the 50-year threshold. Carry out an archaeological survey within North Cove Park, if findings occur, consult DAHP and potentially require monitoring during construction relating to ground disturbance.

#### **Applicable Regulations & Commitments**

Under state law (RCW 27.53), prehistoric archaeological sites are protected in all cases. Historic archaeological sites must be determined eligible for listing in the Washington Heritage Register (WHR) (RCW 27.34.220) or National Register of Historic Places (NRHP) before they are considered protected. DAHP will make a final determination whether the resource is eligible or not eligible for register listing. If a resource that is considered protected cannot be avoided, the project proponent must apply for an archaeological excavation permit from DAHP (WAC 25-48-060) to conduct any activity that disturbs the site. DAHP will then provide the archaeological excavation permit application for review to the appropriate stakeholders and Tribes.

Under state law (RCW 27.44), archaeological resources identified during construction would need to be evaluated. If the resources are considered significant, any impacts on archaeological resources would require mitigation, which would likely entail archaeological investigation such as scientific excavation and analysis. For archaeological resources found during construction, an emergency archaeological excavation permit may be issued by DAHP and is typically received within three business days. It is possible that archaeological monitoring would be recommended for portions of the project; this work would be conducted under an Archaeological Resources Monitoring Plan.

#### **J. Noise**

##### **Applicable Regulations & Commitments**

Current city regulations that address daytime/ nighttime construction and noise limits and implementation of control plans during occurrence of construction activities.

New development in the subarea must adhere to noise standards used by WSDOT if state or federal funds are used.

#### **K. Land Use**

Many of the land use changes identified in the EIS- including increased density/intensity and a greater diversification and mix of land uses – are not considered adverse impacts. The change in the subarea's overall land use pattern would be minor and does not require mitigation.

Potential land use conflicts, between proximate land uses of different intensity are addressed in proposed subarea land use regulations and design guidelines and can be mitigated through site plan review. For example, height, bulk, and setback requirements address potential conflicts between commercial and residential land uses. Landscaping requirements will also help buffer and screen land uses of dissimilar intensity or scale. Proposed design guidelines provide approaches to site planning and building design that will reduce a range of potential impacts.

These techniques are incorporated into subarea land use regulations (Chapter 14.38 LSMC).

**Appendix B**  
**Tulalip Tribes Comment Letter**



**From:** [Russell Wright](#)  
**To:** [Zachary Lamebull](#)  
**Cc:** [Malia Bassett](#)  
**Subject:** RE: Downtown Lake Stevens Subarea Plan - Draft Environmental Impact Statement  
**Date:** Tuesday, January 16, 2018 10:16:27 AM

---

We will include your comments. The city requires adherence to the current DOE Stormwater Manual of all permits to ensure water detention and water quality standards are met.

Best regards,

Russ Wright, *Community Development Director*

**City of Lake Stevens | Planning & Community Development**

1812 Main Street | PO Box 257  
Lake Stevens, WA 98258-0257  
425.212.3315 | [rwright@lakestevenswa.gov](mailto:rwright@lakestevenswa.gov)

NOTICE: All emails and attachments sent to and from Lake Stevens are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

---

**From:** Zachary Lamebull [mailto:[zlamebull@tulaliptribes-nsn.gov](mailto:zlamebull@tulaliptribes-nsn.gov)]  
**Sent:** Tuesday, January 16, 2018 8:49 AM  
**To:** Russell Wright <[rwright@lakestevenswa.gov](mailto:rwright@lakestevenswa.gov)>  
**Subject:** RE: Downtown Lake Stevens Subarea Plan - Draft Environmental Impact Statement

Mr. Wright,

Could you please add these comments to the record as well. Thank you.

Zach Lamebull  
Ecologist  
The Tulalip Tribes

---

**From:** Russell Wright [<mailto:rwright@lakestevenswa.gov>]  
**Sent:** Wednesday, January 10, 2018 11:36 AM  
**To:** Zachary Lamebull  
**Cc:** Kurt Nelson; Malia Bassett  
**Subject:** RE: Downtown Lake Stevens Subarea Plan - Draft Environmental Impact Statement

Mr. Lamebull,

Thank you for your recent correspondence and previous scoping comments.

The draft EIS distributed for additional comments references and responds to the Tulalip's scoping letter directly (page 5 – included below). The full Draft EIS and associated documents are available at <http://lakestevensdowntown.com>.

“The City received one scoping letter, from the Tulalip Tribes. The letter requested coordination between the Tulalip Tribes and the City on assessing potential impacts to critical areas and Catherine Creek, which is located out of the property boundaries. The City will coordinate with the Tulalip Tribes on a project-by-project basis to ensure resources associated with critical areas and Catherine Creek are protected.”

The city shares your concerns related to the protection of critical areas and natural resources. The DEIS incorporates expanded sections related to an inventory of critical areas within the boundaries of the subarea, potential impacts and mitigation measures (pages 12-18, 33-34).

Most of the development that may occur with the implementation of this plan will be redevelopment of existing sites. All development will be subject to adopted regulations protecting the shoreline and associated critical areas.

You are correct that the city maintains a weir at the outlet of the lake to help control seasonal fluctuations in the lake level. Under this plan, there is no proposal to alter this existing structure.

City staff would be happy to meet with you to discuss any additional comments that you may have with the proposed plan.

Best regards,

Russ Wright, *Community Development Director*

**City of Lake Stevens | Planning & Community Development**

1812 Main Street | PO Box 257

Lake Stevens, WA 98258-0257

425.212.3315 | [rwright@lakestevenswa.gov](mailto:rwright@lakestevenswa.gov)

NOTICE: All emails and attachments sent to and from Lake Stevens are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

---

**From:** Zachary Lamebull [<mailto:zlamebull@tulaliptribes-nsn.gov>]

**Sent:** Monday, January 8, 2018 4:04 PM

**To:** Russell Wright <[rwright@lakestevenswa.gov](mailto:rwright@lakestevenswa.gov)>

**Cc:** Kurt Nelson <[knelson@tulaliptribes-nsn.gov](mailto:knelson@tulaliptribes-nsn.gov)>

**Subject:** RE: Downtown Lake Stevens Subarea Plan - Draft Environmental Impact Statement

Mr. Wright,

The Tulalip Tribes had submitted comments (please see attached) on this proposal and had not seen a response from the City of Lake Stevens that addressed our concerns. Whenever you have a chance could you provide feedback.

Thank you,

Zach Lamebull  
Ecologist  
The Tulalip Tribes

---

**From:** Russell Wright [<mailto:rwright@lakestevenswa.gov>]  
**Sent:** Monday, January 08, 2018 11:20 AM  
**Subject:** Downtown Lake Stevens Subarea Plan - Draft Environmental Impact Statement

The city of Lake Stevens has issued a draft Environmental Impact Statement for the Downtown Lake Stevens Subarea Plan. All documents are available at the following website:  
<http://lakestevensdowntown.com/>.

A public meeting will be held on January 17, 2018 beginning at 6:00 PM at the Lake Stevens Community Center (1808 Main Street, Lake Stevens WA 98258) to discuss the plan and DEIS.

Comments are due by 5 pm February 6, 2016.

Best regards,

Russ Wright, *Community Development Director*

**City of Lake Stevens | Planning & Community Development**

1812 Main Street | PO Box 257  
Lake Stevens, WA 98258-0257  
425.212.3315 | [rwright@lakestevenswa.gov](mailto:rwright@lakestevenswa.gov)

NOTICE: All emails and attachments sent to and from Lake Stevens are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).