

ORDINANCE NO. 878**AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON
ESTABLISHING A PLANNED ACTION FOR THE 20TH STREET SE
CORRIDOR 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 July 27, 2006 the Lake Stevens City Council enacted Ordinance No. 726 adopting an updated Comprehensive Plan for the City of Lake Stevens complying with the GMA; and

WHEREAS, on November 27, 2006, Ordinance No. 739 was adopted to adopt Comprehensive Plan provisions consistent with the incomplete provisions adopted in Ordinance No. 726; 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, capital facilities plan, land use map, zoning map, code amendments, and comprehensive plan amendments (Ord No 875 & 876) in association with this Planned Action Ordinance; and

WHEREAS, the City held workshops and open houses to elicit public input on the subarea plan on March 29 and July 14, 2011; and

WHEREAS, the City has prepared a subarea plan for the 20th Street SE Corridor, 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 June 28, 2011 and held a Scoping Meeting on July 14, 2011; and

WHEREAS, on January 24, 2012 the City issued a Draft environmental impact statement (EIS) for the 20th Street SE Corridor Subarea Plan which identifies impacts and mitigation measures associated with planned development in the subarea; and

WHEREAS, on July 31, 2012 the City issued a Final environmental impact statement (EIS) for the 20th Street SE Corridor Subarea Plan which identifies impacts and mitigation measures associated with planned development in the subarea; and

WHEREAS, on July 18, 2012 the City held a community meeting, prior to issuing notice for the adoption of the planned action ordinance; and

WHEREAS, pursuant to Chapter 43.21C RCW, the City held community meetings on the Planned Action Ordinance before adoption including two Planning Commission public hearings on August 1 and 15, 2012, an open house on September 10, 2012 and two City Council public hearings on August 27 and September 10, 2012; 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 design guidelines, development regulations and capital facilities plan for the subarea which will help protect the environment; and

WHEREAS, on July 6, 2012 the City submitted the proposed 20th Street SE Corridor Subarea Plan, Comprehensive Plan Land Use Map and 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 July 9, 2012 stating the procedural requirements were met; and

WHEREAS, the Department of Commerce's 60-day review period was completed on September 7, 2012 and any Department comments are addressed in this Ordinance; and

WHEREAS, on August 1 and 15, 2012 the Planning Commission, after review of the proposed 20th Street SE Corridor 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 comprehensive plan and code 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, on August 27, and September 10, 2012, the Lake Stevens City Council reviewed the Planning Commission's recommendation relating to the proposed 20th Street SE Corridor 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 other comprehensive plan and code 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 20th Street SE Corridor 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 20th Street SE Corridor 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 20th Street SE Corridor 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 20th Street SE Corridor 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 20th Street SE Corridor Subarea Plan is not an essential public facility as defined by RCW 36.70A.200(1). Future improvements to state highways within the subarea are not eligible for review or permitting as Planned Actions. However, such future proposals may use the information contained in the Planned Action EIS, consistent with SEPA;

J. The Planned Action Area 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 24, 2012 and the Final EIS issued on July 31, 2012. 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 20th Street SE Corridor 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 20th Street SE Corridor 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 20th Street SE Corridor Planned Action Area, are considered Planned Actions:

- (a) Retail and service activities;
- (b) Civic and cultural uses which are not defined as essential public facilities;
- (c) Office/Employment uses;
- (d) Commercial uses;
- (e) Lodging, such as hotels and motels;
- (f) Residential dwelling units; and
- (g) 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 land use 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 ¹	Development Thresholds
Residential	1,000 units
Commercial ²	450,000 gross square feet
Employment ³	1.25 million gross square feet

¹A building with multiple uses will be designated by the majority use.

²Commercial includes accommodation services, arts and entertainment, food services, retail trade, etc.

³Employment includes corporate offices, general offices, research and development, medical clinics, technology, light manufacturing and assembly, etc.

(b) Local road projects identified in the EIS to support planned levels of growth identified in subsection (2)(a) are considered planned actions, except for 24th Street SE.

(c) Shifting the total build out between categories of uses may be permitted so long as the total build out does not exceed the aggregate amount of development and 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 20th Street SE Corridor Planned Action Area exceed the development thresholds specified in this ordinance, further environmental review may be required pursuant to WAC 197-11-172. In addition, if proposed development would alter the assumptions and analysis in the Planned Action EIS, further environmental review may be required.

(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) *Trip Ranges & Thresholds*. The numbers of new PM peak hour trips anticipated in the Planned Action Area and reviewed in the EIS are as follows:

Total Trips PM Peak Hour	3,441 trips
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Uses or activities that would exceed these maximum trip levels will require additional SEPA review.

(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, in order 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 of 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 significant adverse environmental impacts have been identified in the Planned Action EIS;

(f) Proposal's significant impacts have been mitigated by application of the measures identified in Exhibit B, and other applicable city regulations, together with any modifications, 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 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) Upon determination by the City's SEPA Responsible Official that the proposal meets the criteria of Section 3.D and qualifies as a Planned Action, the proposal shall not require a SEPA threshold determination, preparation of an EIS, or be subject to further review pursuant to SEPA.

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

(1) Development applications shall meet all applicable requirements of the 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).

(3) If the application is for a project within the Planned Action Area defined in Exhibit A, the application will be reviewed to determine if it is consistent with the criteria of this ordinance and thereby qualifies as a Planned Action Project. 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 14.16B 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.

(4) 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.

(5) 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 36.70B.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.

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

(7) Projects that fail to qualify as Planned Actions may incorporate or otherwise use relevant elements of the 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 20th Street SE Corridor Planned Action Area.

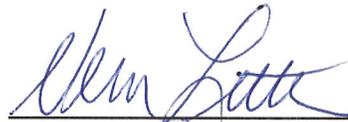
B. This Planned Action Ordinance shall be reviewed by the SEPA Responsible Official when development within the Planned Action Area is approaching maximum threshold levels or no later than five years from its effective date to determine the continuing relevance of its assumptions and findings with respect 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 24th day of September, 2012.



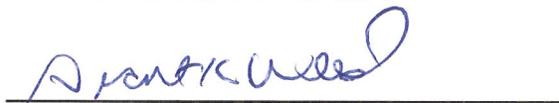
Vern Little, Mayor

ATTEST/AUTHENTICATION:



Norma J. Scott, City Clerk/Admin Asst.

APPROVED AS TO FORM:



Grant K. Weed, City Attorney

First Reading: August 27, 2012
Second Reading: September 10, 2012
Third and Final Reading: September 24, 2012
Published: October 3, 2012
Effective Date: October 8, 2012

EXHIBIT A – 20TH STREET SE CORRIDOR PLANNED ACTION AREA

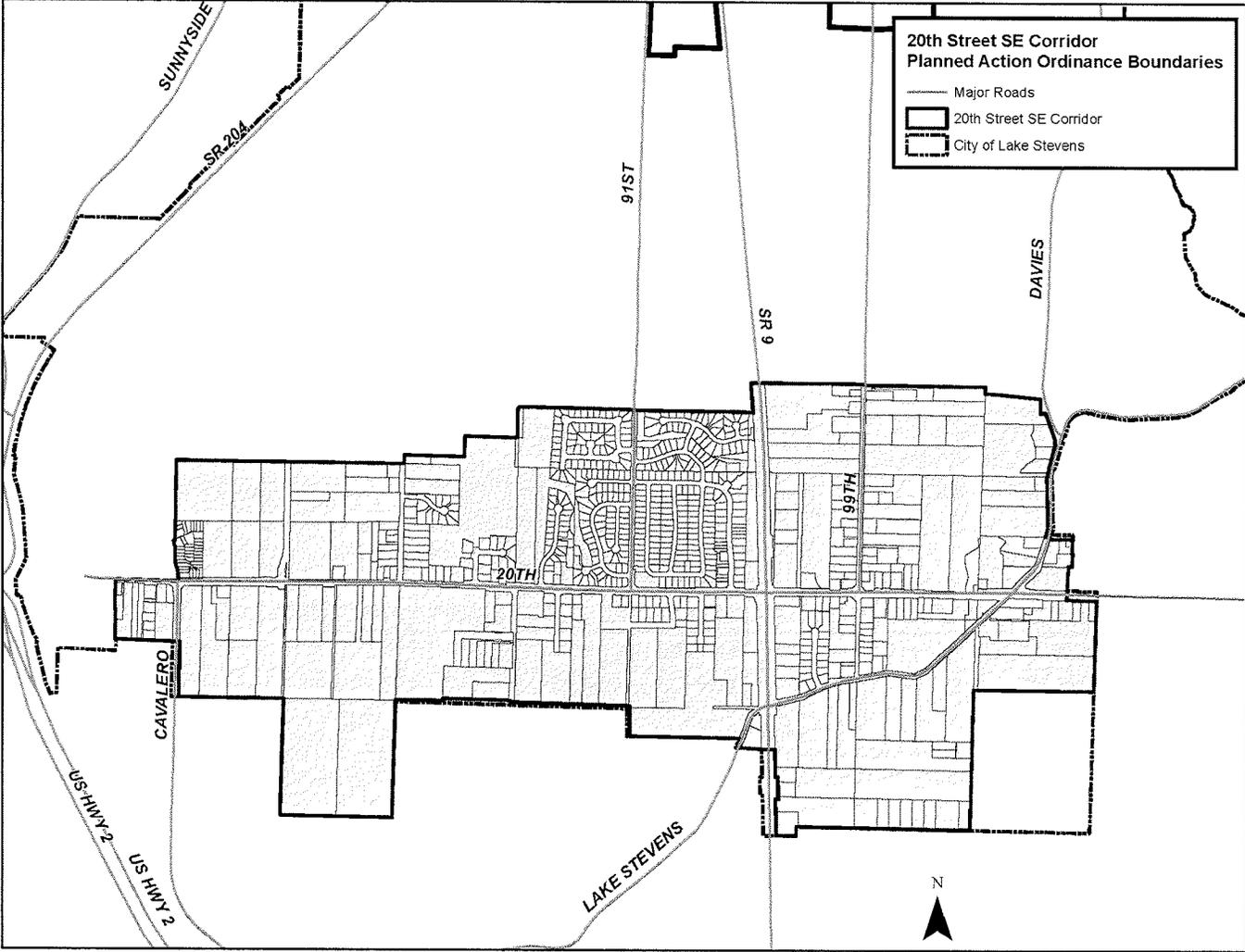


EXHIBIT B
20th STREET SE CORRIDOR SUBAREA PLAN PLANNED ACTION ORDINANCE
MITIGATION MEASURES

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 20th Street SE Corridor Subarea Plan. The Planned Action EIS identifies significant impacts to the environment that would occur as a result 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:** LSMC 14.88.630 requires the preparation of a geological assessment for any development proposal within 200 feet of an area designated as geologically hazardous. Geological assessments must contain an analysis of the potential impacts to geologically hazardous areas resulting from the proposed development and identify appropriate mitigation measures necessary to protect development and the geologically hazardous area.
- **Native Growth Protection Area:** LSMC 14.88.670 requires developers to place geologically hazardous areas not approved for alteration and their buffers 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.

Additional Mitigation Measures

Existing regulations provide adequate mitigation for identified impacts. No additional measures are required.

B. Water Resources

Applicable Regulations and Commitments

EXHIBIT B – 20TH Street SE Corridor Subarea Planned Action Ordinance Mitigation Measures

- **Stormwater Management:** The City's municipal code requires the use of natural drainage systems to the extent feasible in order 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 2005 Stormwater Management Manual for Western Washington (LSMC 11.06.020 and LSMC 14.64.140).
- **NPDES Phase II Municipal Stormwater Permit:** The Western Washington Phase II Municipal Stormwater Permit was issued in 2007 to implement the requirements of the Clean Water Act and the National Pollutant Discharge Elimination System as codified in Sections 11.06.020 and 14.64.140 of the City's municipal code. 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 Area Regulations:** Lake Stevens' adopted critical area regulations, Chapter 14.88 LSMC, protects wetlands and streams by limiting allowed activities and disturbance and establishing buffers of varying size based on wetland or stream classification. Future development will be subject to these regulations, including all applicable protection standards, mitigation requirements and mitigation sequencing procedures. In particular, wetlands mitigation is required to take the form of in-kind replacement of impacted functions and values wherever possible, and replacement wetlands must adhere to the design requirements of LSMC 14.88.840, including performance standards and mitigation ratios.

Additional Mitigation Measures

- **Stormwater Detention:** For properties adjacent to identified wetlands and their 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 wetland hydrologic processes, adopted regulations require that stormwater be either detained or infiltrated on-site.
- **Low Impact Development (LID):** The City has incorporated incentives for the use of LID techniques (Chapter 14.38 LSMC) to encourage use of LID techniques to reduce stormwater impacts.
- **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 Chapter 14.88 LSMC will be applied to such development to avoid or mitigate impacts.
- **Wetland Mitigation Banking.** LSMC 14.88.040 allows the use of credits from a state-approved wetland mitigation bank to compensate for unavoidable impacts to wetlands. Per these regulations, 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 may encourage preservation and enhancement of wetland-affected areas in exchange for increased development potential in other portions of the site or subarea.

C. Plants & Animals

Applicable Regulations and Commitments

- **Tree Retention:** The City's land use code (LSMC 14.76.120) requires every development to retain existing 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 also requires that significant trees removed as part of a development project be replaced, and that retained and replanted trees be protected during construction. Similarly, the code requires retention or planting of trees along dedicated streets (LSMC 14.76.110).
- **Critical Areas Regulations:** Future development in the 20th Street SE Subarea has the potential to adversely affect wildlife and habitat through clearing of vegetated areas. However, the City's critical areas regulations (Chapter 14.88 LSMC) protect wetlands, riparian areas and other critical areas that provide habitat for plants and animals, by limiting the activities allowed within the critical area and establishing appropriate protective buffers and mitigation strategies for unavoidable impacts.

2. Air

A. Air Quality

Mitigation During Construction

Although significant air quality impacts are not anticipated with any of the subarea plan alternatives, 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 the construction phase of future projects. During development review, the City will consider best management practices to minimize potential air quality impacts, 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

EXHIBIT B – 20TH Street SE Corridor Subarea Planned Action Ordinance Mitigation Measures

- Stage construction to minimize overall transportation system congestion and delays to reduce regional emissions of pollutants during construction

Mitigation During Operation

The EIS indicates that the development pursuant to the subarea plan would not result in any significant adverse air quality impacts in the study area. Consequently, no operational impact mitigation measures are warranted or proposed.

B. Greenhouse Gas Emissions (GHG)

Based on the goals and strategies listed in the 20th Street SE Corridor Subarea Plan, the City will consider the following GHG reduction strategies for reducing GHG emissions:

- Adopt green building standards for new development (e.g., Lead in Energy and Environmental Design (LEED) silver or better);
- Although the City is not currently subject to the commute trip reduction requirements of RCW 70.94.527, future development within the subarea may be within the statutory thresholds and may require that the City adopt a commute trip reduction program. Any development meeting the statutory criteria would be subject to this program.
- Expand transit options such as the Community Transit vanpool program or new fixed route bus service; or
- Implement efficient transportation design standards including the use of roundabouts and LED street and area lighting where appropriate.

3. 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 land use pattern, for example, 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 will be mitigated through project review. For example, height and bulk limits and setback requirements in zoning regulations address potential conflicts between commercial and residential land uses. Landscaping requirements will also help to 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) and subarea design guidelines.

4. Population, Housing & Employment

No significant adverse impacts to population, housing or employment have been identified and no mitigation is necessary.

5. Aesthetics

A. Visual Character

- **Development Regulations:** Zoning regulations and design guidelines to implement the subarea plan address appropriate uses, heights, 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 standards have been modified to create the desired character for development sites, roads, and sidewalks and trails.
- **Design Guidelines:** Subarea-specific design guidelines will ensure that future development achieves a cohesive visual character and high-quality site planning, building design, lighting and signage.

B. Views

- **Park & Open Space Planning:** The City will update its *Parks & Open Space Plan* to address needs created by planned growth in the 20th Street SE Corridor Subarea. In conjunction with this planning, the City may identify new parks or open space areas that provide views of landscape features, as discussed above, and determine adequate measures that maintain or enhance specified viewpoints. Proposed development regulations also provide incentives to create public spaces in the subarea.
- **Design Guidelines and Standards:** The City may consider adopting guidelines that identify when and how site plans or building design can incorporate elements to minimize impacts to views from parks and other public spaces.

C. Light & Glare

- **Development Regulations:** Proposed subarea lighting requirements (LSMC 14.38.080) will limit lighting intensity, avoid light spillage on adjacent properties, and reduce glare.

6. Cultural Resources

Applicable Regulations and Commitments

- **Chapter 27.53 RCW:** Washington State law prohibits the disturbance, destruction, or removal of historic or prehistoric archaeological deposits without approval from Department of Archaeology and Historic Preservation. Persons who violate the terms of this statute are subject to both criminal and civil liability.

Additional Mitigation Measures

- **Archaeological Survey:** As part of the development review process, the City would require an archaeological survey for properties in the same general vicinity as the known archaeological site, and for properties which display a similar history of logging activity (e.g., timber harvesting, timber roads, sawmills, etc.), to determine the presence of archaeological or historic resources.
- **Development Agreements:** The City may consider the use of development agreements, per LSMC 14.16C.055, for any properties with known archaeological or historic resources. Such a development agreement could include mitigation measures to protect archaeological resources, such as a memorandum of agreement with DAHP regarding research and curation of artifacts, as well as construction monitoring by a qualified archaeologist.
- **Inadvertent Discovery Plan:** For development proposals on properties that are extensively forested, previously undeveloped, or known to be associated with the historic railroad or historic logging operations, the City would require the preparation of an inadvertent discovery plan to establish protocols for handling archaeological deposits uncovered during construction.

7. Transportation

A. Concurrency

Lake Stevens' adopted concurrency management system, set forth in LSMC 14.110, identifies three options an applicant may select to maintain concurrency when mitigation is required: (1) reducing the size of the development; (2) delaying the development until needed improvements are provided by the City or others; or (3) constructing the needed facilities. Changes may be made to a development proposal to enable it to meet the concurrency requirement, such as by reducing project size, employing transportation demand management to reduce the number of trips generated, or financing the needed improvements. Per the Growth Management Act, concurrency does not apply to highways of statewide significance, such as SR-9.

B. Level of Service Threshold

The City is considering changes to its adopted Levels of Service (LOS) in the 20th Street SE Corridor Subarea. The City's transportation consultant recognized that the citywide LOS standard of "C" would be financially prohibitive within the subarea and recommended that the City revise its standard as part of the subarea plan. To address the subarea's transportation needs, and to help ensure that desired development occurs, the City adopted a system-level LOS standard of "E". However, based on the discretion of the Public Works Director, intersections that are built to their ultimate size would be allowed to operate at LOS F as long as programmatic mitigation measures to reduce trip generation are implemented.

C. Impacted Intersections

The EIS identifies that the following subarea intersections would be deficient, i.e., fall below LOS E during the PM peak hour: 20th Street SE and Cavalero Road; and 20th Street SE and SR-9.

D. Necessary Road Improvements

20th Street SE and Cavalero Road: Add a signal or roundabout to the intersection of 20th Street SE and Cavalero Road. Signalizing the intersection would improve operations to LOS C during the PM peak hour. A roundabout would function at the threshold level of LOS E.

20th Street SE and 83rd Avenue SE: Adding a southbound right turn pocket would improve the intersection's overall LOS to D during the AM peak hour.

20th Street SE and SR-9: This intersection is under the jurisdiction of WSDOT, not the City of Lake Stevens. Any mitigation measures would likely arise as part of the SR-9 Corridor Planning Study (WSDOT, 2011)

Additional Network Improvements: The Subarea Plan and EIS identify additional improvements to the road network that are necessary as a result of growth and which were assumed in the transportation analysis. These include widening of 20th Street SE; construction of a new 24th Street SE, paralleling 20th Street SE, between Cavalero Road and the intersection of SR-9 and South Lake Stevens Road, and construction of a roundabout or installation of a signal at this new intersection; extension of 91st Avenue SE between 20th Street SE and 24th Street SE; and conversion of 79th Avenue SE to a public road between 20th Street SE and 24th Street SE.

E. Traffic Impact Fees

The improvements described above require a substantial investment of money to implement (See Subareas Capital Facilities Plan). To help address identified impacts, and to generate the funds necessary to implement the mitigation measures described above, the City will adopt a traffic impact fee program (Chapter 14.112 LSMC), as authorized by RCW 82.02.050. This citywide program will establish fees within a traffic impact zone including the 20th Street SE Corridor Subarea.

Given that the majority of the traffic impacts would occur on the state highway system, the City of Lake Stevens could pursue an interlocal agreement with WSDOT. The interlocal agreement would allow the City and WSDOT to share fee revenues and help construct necessary improvements.

F. Transportation Benefit District

Formation of a Transportation Benefit District (TBD), as authorized by RCW 36.73.120, may be used by the City to help finance transportation improvements in conjunction with a traffic impact fee.

G. Transportation Demand Management

Transportation demand management (TDM) strategies include mandatory commute trip reduction (CTR) programs and enhanced transit service. Although the City is not currently subject to the commute trip reduction program requirements of RCW 70.94.527, future development within the subarea may be within the statutory thresholds and may require that the City adopt a CTR program. Any development meeting the statutory criteria would be subject to this program. Proposed development regulations also include incentives for alternative or high-efficiency transportation modes (LSMC 14.38.050).

8. Public Services

Applicable Regulations & Commitments

All development will be required to comply with adopted development regulations related to emergency access, fire suppression systems, and school and park impact mitigation fees. Subarea land use regulations and subarea design guidelines also include incentives that will encourage the provision of public spaces in new development, and address site and building lighting to ensure security.

Additional Mitigation Measures

- During construction, implement security measures such as onsite lighting, fencing, onsite surveillance, etc. to reduce potential criminal activity;
- Begin a planning process to identify additional park space within the subarea. Identify land that is suitable for acquisition, and investigate the potential for acquiring easements within the utility corridor; and
- The School District will continue to monitor student generation and capital needs every two years and mitigation fees may be adjusted in the future to reflect identified needs.
- The City should review current level of service standards for police services to ensure that they are consistent with regional standards and with the standards of comparable cities, and that they meet the needs of the City.
- Begin a planning process to identify additional park space within the subarea that will be considered during updates to the Parks and Recreation Element of the Comprehensive Plan. Identify land that is suitable for acquisition, and investigate the potential for acquiring easements within the utility corridor.

9. Utilities

A. Drainage

Applicable Regulations and Commitments

- **Ecology Stormwater Manual:** The City has adopted the *Department of Ecology's 2005 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 and Chapter 14.64 (Part II) 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

EXHIBIT B – 20TH Street SE Corridor Subarea Planned Action Ordinance Mitigation Measures

management of stormwater. In addition, subarea land use regulations provide an incentive for the use of LID techniques (LSMC 14.38)

B. 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. Planned and budgeted supply improvements include conversion of the system's two emergency groundwater wells to a full-time source, increasing system supply by approximately 1.2 MG per day.
- **Storage Upgrades:** The PUD's 2011 *Water System Plan* identifies the following planned and budgeted capital improvements to storage capacity:
 - Walker Hill Booster Zone Intertie: Eliminates dead storage in the Walker Hill tanks, making this water available to the Lake Stevens 500 zone for emergency use. (2012)
 - Getchell Reservoir: New 9.2 MG reservoir serving the Lake Stevens 500 pressure zone.
- **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.

Additional Mitigation Measures

- **Design Review for Fire Flow:** The City and developers will coordinate review of development permit applications with the Snohomish County PUD and the Lake Stevens Fire Marshal to determine fire flow requirements based on project type, intensity and design. Upgrades to existing lines will be coordinated with the 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.

C. Sewer

Applicable Regulations and Commitments

- **Planned Capital Improvements:** The Lake Stevens Sewer District adopted updates to its Comprehensive Plan in 2007 and 2010, describing the capital improvements planned for the near future, including several pipeline expansions, decommissioning of several lift stations, pump upgrades, and construction of a new wastewater treatment plant. These improvements are designed to relieve existing system deficiencies and create the capacity necessary to serve future development. The City will coordinate with the Sewer District to ensure that improvements are implemented as planned and/or reprioritized as necessary to facilitate implementation of the subarea plan.

Additional Mitigation Measures

- **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.