

Needs
Final Attachment F

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City of East Wenatchee, Washington

Ordinance No. 2016-16

An Ordinance of the City of East Wenatchee adopting a Planned Action Ordinance for the North End Subarea Plan under the provisions of the State Environmental Policy Act.

Una Ordenanza de la Ciudad de East Wenatchee adopción de una Ordenanza de Planificación de la Acción para el Plan Subárea North End en virtud de lo dispuesto en la Ley de Política Ambiental del Estado.

1. Alternate format.

- 1.1. Para leer este documento en otro formato (español, Braille, leer en voz alta, etc.), póngase en contacto con el vendedor de la ciudad al alternatformat@east-wenatchee.com, al (509) 884-9515 o al 711 (TTY).
- 1.2. To read this document in an alternate format (Spanish, Braille, read aloud, etc.), please contact the City Clerk at alternateformat@east-wenatchee.com, at (509) 884-9515, or at 711 (TTY).

2. Recitals.

- 2.1. The City of East Wenatchee (“City”) is a non-charter code City duly incorporated and operating under the laws of the State of Washington; and
- 2.2. The City has adopted the Greater East Wenatchee Area Comprehensive Plan (GEWA) pursuant to the Growth Management Act (GMA), RCW Chapter 36.70A, which covers all properties within the City Limits and the unincorporated areas of Douglas County located within the East Wenatchee Urban Growth Area, which was found to be consistent with the adopted GMA plans of adjoining jurisdictions.
- 2.3. The State Environmental Policy Act (SEPA), RCW 43.21C, and its implementing regulations authorize counties and cities planning under the Growth Management Act (GMA) to designate planned actions that have had their significant impacts adequately addressed in an environmental impact statement (EIS) prepared in conjunction with a comprehensive plan, sub-area plan or a master planned development; and
- 2.4. The Port of Douglas County collaborated with Douglas County and the City of East Wenatchee to develop the North End Master Site Plan; and

- 2.5. Douglas County and the City of East Wenatchee have adopted amendments to the Greater East Wenatchee Area Comprehensive Plan including the adoption of the North End Master Site Plan as a subarea plan that envisions an employment center and tourist destination; and
- 2.6. The designation of a project as a planned action streamlines subsequent review of the project by eliminating the need for preparation of a threshold determination or EIS; and
- 2.7. Environmental impacts of the planned action have been identified and adequately addressed in the North End Planned Action Final EIS adopted by Douglas County and the City of East Wenatchee on October 10, 2016, subject to project review under WAC 197-11-172; and
- 2.8. Adopting a SEPA planned action for the North End Subarea of the East Wenatchee Urban Growth Area (UGA) with appropriate standards and procedures will help achieve permit processing efficiency and promote environmental quality.
- 2.9. The East Wenatchee and Douglas County Planning Commissions conducted a duly advertised public hearing on September 6, 2016. The Planning Commissions entered into the record the files on the proposal, accepted public testimony, and deliberated the merits of the proposal. The vote of the Douglas County Planning Commission was unanimously in favor (6 to 0). The vote of the City Planning Commission was unanimously in favor (5-0).
- 2.10. On October 10, 2016, the City Council of East Wenatchee (“City Council”) and the Douglas County Board of County Commissioners (County Commissioners) held a public workshop to review the record of the planning commissions’ public hearing.
- 2.11. On October 10, 2016, the City Council and the County Commissioners held a public hearing to consider the planning commissions’ recommendation and accept public testimony regarding the proposed amendments.
- 2.12. Notice of all public hearings and public meetings on this matter have been published in accordance with state and to local laws and regulations.
- 2.13. The City Council finds that it is in the best interests of the City and its citizens to adopt the Planned Action Ordinance for the North End Subarea.

3. **Authority.**

- 3.1. RCW 35A.11.020 and RCW 35A.12.190 authorize the City Council to adopt ordinances of all kinds to regulate its municipal affairs and appropriate to the good government of the City.
- 3.2. RCW 43.21C.440 and WAC 197-11-164, -168, and -172 authorize and govern the establishment and application of a planned action designation.

THE CITY COUNCIL OF THE CITY OF EAST WENATCHEE DO ORDAIN AS FOLLOWS:

4. **Purpose.** The purpose of this ordinance is to:

- 4.1. Combine environmental analysis with land use planning; and
- 4.2. Set forth a procedure designating certain project actions in the North End Subarea of the East Wenatchee Urban Growth Area as "planned actions" consistent with state law including RCW 43.21C.440; and
- 4.3. Streamline and expedite the land use permit review process by relying on completed and existing environmental analysis for the Planned Action Area.

5. **Findings of Fact and Conclusions of Law.** The City Council adopts the Recitals stated above as well as the findings of fact and conclusion of law as set forth in **Attachment A**.

6. **Designated Planned Action Area.** The City Council designates the North End Subarea shown in **Attachment B** as a Planned Action Area for purposes of environmental review and permitting of designated Planned Action Projects pursuant RCW 43.21C.440.

7. **Procedures and Mitigation.** The City Council adopts the following planned action procedures and mitigation measures in order to approve a Planned Action Project within the Planned Action Area.

- 7.1. Upon designation by the SEPA Responsible Official or designee that the development proposal within the planned action area qualifies as a planned action pursuant to this ordinance, RCW 43.21C.440, and WAC 197-11-172, the project shall not be subject to a SEPA threshold determination, an environmental impact statement (EIS), SEPA appeal or any other additional review under SEPA. **Attachment C** contains procedures and criteria for evaluating and determining projects as planned action projects.

- 7.2. Thresholds shall be used to determine if a site-specific development proposed within the Planned Action Area was contemplated as a Planned Action Project and has had its environmental impacts evaluated in the Planned Action EIS consistent with **Attachment D Environmental Thresholds**.
- 7.3. Planned Action Projects will not be subject to further procedural review under SEPA. However, in order to qualify as planned actions, these projects will have incorporated applicable mitigating measures identified and analyzed in **Attachment E Final EIS Mitigation Measures**. Additionally, projects will be subject to applicable local, state and federal regulatory requirements. The planned action designation shall not exempt a project from meeting the applicable County/City code requirements apart from the SEPA process.
- 7.4. Land uses and activities described in the Planned Action EIS, contained in **Attachment F**, subject to the thresholds described in **Attachment D** of this Ordinance and the mitigation measures contained in Attachment E of this Ordinance, are designated “Planned Action Projects” pursuant to RCW 43.21C.440.
8. **Conflict.** In the event of a conflict between this Ordinance or any mitigation measures imposed thereto, and any ordinance or regulation of the County/City, the provisions of this Ordinance shall control
9. **Severability.** If a court of competent jurisdiction declares any provision in this Ordinance to be contrary to law, such declaration shall not affect the validity of the other provisions of this Ordinance.
10. **Publication.** The City Council directs the City Clerk to publish a summary of this Ordinance. The summary shall consist of the title of this Ordinance. The City Council directs the City Clerk to publish a copy of this Ordinance on the City’s website.
11. **Copy of Ordinance.** This ordinance will not be codified. A copy of the approved SEPA planned action for the North End Subarea of the East Wenatchee UGA shall be available to the public for inspection and copying at the East Wenatchee Community Development Department.
12. **Submittal of Notice of Adoption.** In accordance with RCW 36.70A.106, this Ordinance shall be transmitted by the Community Development Director to the Washington State Department of Commerce within 10 days of adoption.
13. **Effective Date.** This Ordinance becomes effective five days after the date its summary is published.

Passed by the City Council of East Wenatchee, at a regular meeting thereof on this 10th day of October, 2016.

The City of East Wenatchee,
Washington

By Sandra M. McCourt
Sandra McCourt, Mayor Pro Tempore

Authenticated:

Dana Barnard
Dana Barnard, City Clerk

Approved as to form only:

Devin Poulson
Devin Poulson, City Attorney

Filed with the City Clerk:	<u>10-10-2016</u>
Passed by the City Council:	<u>10-10-2016</u>
Published:	<u>10-18-2016</u> 10/25/16
Effective Date:	<u>10-23-2016</u> 10/31/16

**Summary of
City of East Wenatchee, Washington
Ordinance No. 2016-16**

On the 10th day of October, 2016, the City Council of the City of East Wenatchee, Washington approved Ordinance No. 2016-16, the main point of which may be summarized by its title as follows:

An Ordinance of the City of East Wenatchee adopting a Planned Action Ordinance for the North End Subarea Plan under the provisions of the State Environmental Policy Act.

Una Ordenanza de la Ciudad de East Wenatchee adopción de una Ordenanza de Planificación de la Acción para el Plan Subárea North End en virtud de lo dispuesto en la Ley de Política Ambiental del Estado.

The full text of this Ordinance is available at www.east-wenatchee.com.

Dated this 12th day of October, 2016.



Dana Barnard, City Clerk

Attachment A – Findings of Fact

1. The Recitals in the ordinance are adopted herein as Findings of the City Council.
2. The City is subject to the requirements of the Growth Management Act (GMA).
3. The City has adopted a Comprehensive Plan complying with the GMA and is amending the Comprehensive Plan and associated Greater East Wenatchee Area Plan with the addition of the North End Master Site Plan considered a Subarea Plan under GMA. The City is adopting design guidelines within the North End Master Site Plan to implement said Plans, including this Ordinance.
4. The North End Planned Action EIS, Attachment F, and the environmental thresholds in Attachment D identify the location, type, and amount of development that is contemplated by the Planned Action. The Planned Action EIS adequately identifies and addresses the probable significant environmental impacts associated with the type and amount of development planned to occur in the designated Planned Action Area designated in Attachment B.
5. The mitigation measures identified in the Planned Action EIS, attached to this Ordinance as Attachment E and incorporated herein by reference, together with adopted City development regulations are adequate to mitigate significant adverse impacts from development within the Planned Action Area.
6. Future projects that are implemented consistent with the Planned Action will protect the environment, benefit the public, and enhance economic development.
7. The City provided several opportunities for meaningful public involvement and review in the North End Master Site Plan and Planned Action EIS processes, including a community meeting consistent with RCW 43.21C.440; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments.
8. Essential public facilities as defined in RCW 36.70A.200 are excluded from the Planned Action as designated herein and are not eligible for review or permitting as Planned Action Projects unless they are accessory to or part of a project that otherwise qualifies as a Planned Action Project.
9. The designated Planned Action Area is located entirely within a UGA.
10. Implementation of the mitigation measures identified in the Planned Action EIS and included in Attachment F will provide for adequate public services and facilities to serve the proposed Planned Action Area.

Attachment C – Procedures and Criteria for Evaluating and Determining Projects as Planned Actions

Applications submitted for qualification as a Planned Action Project shall be reviewed pursuant to the following process:

A. Planned Action Designation. The planned action designation shall apply to the North End Subarea of the City of East Wenatchee Urban Growth Area (UGA) depicted in Attachment B of this ordinance;

B. Environmental Document. A planned action designation for a site-specific application shall be based on the environmental analysis and required mitigation measures contained in the Final Environmental Impact Statement dated October 10, 2016, and enclosed as Attachment F.

C. Planned Action Qualifications.

1. The project is located within the Planned Action Area in Attachment B.

2. The planned action designation meets the environmental thresholds in Attachment D.

3. Elements of the Environment Analyzed in the Final EIS. A project that would result in a significant change in impacts to any of the elements of the environment identified in environmental document referenced in subsection B above would not qualify as a planned action.

4. Time Horizon. No time horizon has been identified for termination of the planned action designation. The provisions of the planned action shall apply until or unless the City of East Wenatchee amends or repeals the provisions; or if environmental conditions significantly change from those analyzed in the Final EIS, the SEPA Responsible Official may determine that the planned action designation is no longer applicable unless additional, supplementary environmental review is conducted, regardless of the date.

D. Planned Action Review Criteria

1. Uses and activities described in Attachment D may be designated planned actions pursuant to RCW 43.21C.440.

2. The SEPA Responsible Official or designee is authorized to designate a project application as a Planned Action pursuant to RCW 43.21C.440, if the project meets all of the following conditions:

a. The project is not otherwise exempt from SEPA; and

b. The project is consistent with the Douglas County Countywide Comprehensive Plan, Greater East Wenatchee Area Plan, and the North End Master Site Plan, as applicable; and

c. The project falls within the planned action qualifications identified in Section C above; and

d. The SEPA Responsible Official or designee has determined that the project's adverse impacts are able to be mitigated through the application and/or inclusion of mitigation measures identified in Attachment E based on the Final EIS as well as other applicable local, state or federal requirements and conditions which together constitute sufficient mitigation for the significant environmental impacts associated with the proposed project; and

e. The project complies with all applicable local, state and federal regulations.

E. Planned Action Permit Process. The Responsible SEPA Official or their designee shall review projects and determine whether they meet the criteria as planned actions under applicable local, state and federal laws, regulations, codes and ordinances. The review procedure shall consist, at a minimum of the following:

1. Development application will meet the requirements of the East Wenatchee Municipal Code and shall be made on forms provided by the City. At a minimum Planned Action Project Applicants shall submit a SEPA Checklist form and supporting documentation, provided on City required forms.
2. The Responsible SEPA Official or designee shall determine whether the application is complete as provided in EWMC Title 19.
3. After the City receives and reviews a complete application, the SEPA Responsible Official or designee shall determine, utilizing the criteria and procedures contained in Section D above and WAC 197-11-172, whether the project qualifies as a planned action. If the project does qualify as a planned action, the Responsible SEPA Official or designee shall mail or otherwise verifiably deliver said determination to the applicant; the owner of the property as listed on the application; and federally recognized tribal governments and agencies with jurisdiction over the Planned Action Project, pursuant to RCW 43.21C.440. Following the determination, the project shall proceed in accordance with the appropriate permit procedures, except that no additional SEPA review, threshold determination or EIS will be required.
4. If a project is determined not to be a planned action, the Responsible SEPA Official or designee shall issue a "Determination of Inconsistency" and shall mail or otherwise verifiably deliver said determination to the applicant; the owner of the property as listed on the application; and federally recognized tribal governments and agencies with jurisdiction over the Planned Action Project, pursuant to RCW 43.21C.440. Based on the determination, the SEPA Responsible Official shall prescribe a SEPA review procedure consistent with City SEPA procedures and state law. The notice to the applicant shall describe the elements of the application that result in disqualification as a planned action.
5. Projects disqualified as a planned action may use or incorporate relevant elements of the environmental review analysis in the Final EIS prepared for the Planned Action, as well as other environmental review documents to assist in meeting SEPA requirements. The SEPA Responsible Official may choose to limit the scope of the SEPA review to those issues and environmental impacts not previously addressed in the EIS.
6. Public notice and review for qualified Planned Action Projects shall be tied to the underlying project permit(s).

Attachment D – Environmental Thresholds

The following thresholds shall be used to determine if a site-specific development proposed within the Planned Action Area was contemplated as a Planned Action Project and has had its environmental impacts evaluated in the Planned Action EIS:

A. QUALIFYING LAND USES.

1. **Planned Action Categories:** The following categories/types of land use are defined in the North End Master Site Plan and can qualify as Planned Actions, when:

- a. it is within the Planned Action Area as shown in Attachment B of this Ordinance; and
- b. it is within one or more of the land use categories in the Final EIS:
 - i. Resort/Hospitality
 - ii. Business Park
 - iii. Wine Village
 - iv. Office
 - v. Institutional
 - vi. Retail
 - vii. Commercial Recreation; and
- c. it is listed in development regulations applicable to the zoning classifications applied to properties within the Planned Action Area.

2. **Stand-alone or Mixed Uses:** A Planned Action Project may be a single Planned Action land use or a combination of Planned Action land uses together in a mixed-use development.

3. **Accessory Uses:** Planned Action land uses may include accessory uses.

4. **Essential Public Facilities:** A planned action must not include an essential public facility as defined by RCW 36.70A.200, unless the essential public facility is accessory to or part of a development that is designated as a Planned Action Project under this Ordinance.

5. A Planned Action Project is consistent with the general concept of the North End Master Site Plan land use plan and upland of shoreline jurisdiction.

B. DEVELOPMENT THRESHOLDS:

1. **Land Use:** The following new land uses are contemplated by the Planned Action:

Table D-1. Comparison of Alternative Growth Levels

Uses	Preferred Alternative
Dwellings	227
Dwelling Square Feet	327,522
Resort/Hospitality Rooms	544

Uses	Preferred Alternative
Resort/Hospitality Square Feet	820,012
Business Park or Winery Square Feet	1,437,600
Office Square Feet	679,039
Institutional Square Feet	536,803
Retail Square Feet	269,782
Commercial Recreation	87,564
Under-building Parking	441,292
Total Square Feet	4,599,614

Source: Makers Architecture and Urban Design, BERK Consulting 2016

2. Shifting development amounts between land uses in identified in Subsection B.1 is permitted when the total build-out is less than the aggregate amount of development reviewed in the Planned Action EIS; the traffic trips and downstream sewer capacity thresholds are not exceeded; and, the development impacts identified in the Planned Action EIS are mitigated consistent with Attachment E.

3. Further environmental review may be required pursuant to Attachment C, if any individual Planned Action Project or combination of Planned Action Projects exceeds the development thresholds specified in this Ordinance and/or alter the assumptions and analysis in the Planned Action EIS.

C. TRANSPORTATION THRESHOLDS:

1. Trip Ranges & Thresholds. The number of new PM peak hour trips anticipated in the Planned Action Area and reviewed in the Planned Action EIS for 2035 is as follows:

Table D-2. PM Peak Hour Trip Generation

Alternative	Primary Project Trips ¹		
	In	Out	Total
Full Intensity – Preferred	1,748	3,116	4,486

Source: Transpo Group 2016

Notes: 1 Primary Trips include all project trips to the new land uses once pass-by trips have been eliminated.

2. Concurrency. All Planned Action Projects shall meet the transportation concurrency requirements and the Level of Service (LOS) thresholds established in *The Greater East Wenatchee Area Comprehensive Plan*, which requires that “... as specified in the Growth Management Act, new developments will be prohibited unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. Such improvements and strategies must be in place and or financially planned for within 6 years of development use.” The comprehensive plan also states that the level of service threshold was set at LOS D, and that any intersection operating at LOS E or F would be deficient.

3. Traffic Mitigation Fees.

a. Traffic mitigation fees shall be paid consistent with Attachment E. Such fees shall be based on a PM peak hour per trip calculation consistent with Mitigation Measure 17 in in Attachment E and the manual identified Attachment D, Section C.5.a below. The mitigation fee shall be payable at the time of building permit issuance. For projects that require longer-term construction periods prior to occupancy and impacts to the transportation system, the City may allow for the mitigation fee to be paid prior to the

issuance of occupancy permits subject to a construction schedule and supporting information provided to the satisfaction of the City.

b. Planned action project documentation shall be submitted as required in Attachment D, Section C.4 below. Such project documentation shall consider each development's direct impact on North End Master Site Plan transportation improvements.

c. The City shall earmark mitigation fee receipts and retain them in an interest-bearing account, expending them on projects identified in the North End Master Site Plan Exhibit 4.1 2. Conceptual Road Network Cost Estimates, 2016\$ and listed below in Table D-3.

Table D-3. Conceptual Road Network Cost Estimates, 2016\$

	Transportation Improvement Description	Estimated Cost (Douglas County 2016\$)	Secured Funds as of 2016	Proportionate Share*	Study Area Costs
1	East Bound Off Ramp	\$8,319,700		80%	\$ 6,655,760
2	West Bound On Ramp	\$2,934,300		80%	\$ 2,347,440
3	RAB @ 35th Street	\$890,800		100%	\$ 890,800
4	RAB @ 38th Street	\$1,426,500		100%	\$1,426,500
5	RAB @ Off Ramp	\$1,056,900		80%	\$ 845,520
6	RAB @ On Ramp	\$979,900		80%	\$783,920
7	38th Street Extension	\$2,179,600		100%	\$2,179,600
8	35th Street Extension	\$1,939,800	\$1,172,075	96%	\$737,016
9	Empire Ave- Goldcrest -38th	\$5,697,300		90%	\$ 5,127,570
10	Empire Ave- 38th – Cascade	\$5,822,200		100%	\$5,822,200
11	RAB @ SR 28 & 35th	\$1,310,000		100%	\$1,310,000
12	RAB @ SR 28 & 38th	\$1,310,000		100%	\$1,310,000
Total		\$33,867,000	\$1,172,075		\$29,436,326

Note: *Share of cost based on percentage of Project Area Trips, Available Funds, Regional Need. Other improvements such as internal circulation within the Wine Village and a roundabout at the intersection of 35th/NW Empire/Wine Village circulation road may be constructed as part of development requirements.

Legend: RAB = Roundabout

Source: Douglas County, Transpo Group, BERK Consulting 2016

d. The City shall provide a credit for the value of dedication or improvement to or new construction of any system improvements provided by the developer per subsection C.3.c above. The applicant shall be entitled to a credit for the value of the land or actual costs of capital facility construction against the fee that would be chargeable under the formula in Attachment E Mitigation Measure 17.

i. The dedication, improvement, or construction shall be conducted at suitable sites and constructed at acceptable quality as determined by the County/City. Such improvement or construction shall be completed, dedicated, or otherwise transferred to the City prior to the determination and award of a credit.

ii. The value of a credit for right of way and easements shall be established on a case-by-case basis by an appraiser selected by, or acceptable to the City. The appraiser must be licensed in good standing by the State of Washington for the category of the property appraised. The appraisal shall be in accord with the

most recent version of the Uniform Standards of Professional Appraisal Practice and shall be subject to review and acceptance by City. The appraisal and review shall be at the expense of the applicant.

e. The current owner of property on which traffic mitigation fees have been paid may receive a refund of such fees if the mitigation fees have not been expended or encumbered within 10 years of receipt of mitigation fees, unless the City has made a written finding that extraordinary or compelling reasons exist to extend the time for expending or encumbering the mitigation fees.

4. The Responsible SEPA Official or their designee shall require documentation by Planned Action Project applicants demonstrating that the total trips identified in C.1 are not exceeded, that the project meets the concurrency and intersection standards C.2, and that the project has mitigated impacts consistent with Subsection C.3.

5. Discretion.

a. The Responsible SEPA Official or their designee shall have discretion to determine incremental and total trip generation, consistent with the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) as presented in Draft EIS Exhibit 3.4 7. Full Intensity North End Master Site Plan Parcel Breakdown or an alternative manual accepted by the City's Engineer at his or her sole discretion, for each project permit application proposed under this Planned Action.

b. The Responsible SEPA Official or their designee shall have discretion to condition Planned Action Project applications to meet the provisions of this Planned Action Ordinance and the City development regulations.

c. The Responsible SEPA Official or their designee shall have the discretion to adjust the allocation of responsibility for required improvements between individual Planned Action Projects based upon their identified impacts.

D. UTILITIES AND SERVICES

1. Planned Action Project applicants shall demonstrate consistency with the utility plans of the North End Master Site Plan.

2. The following public services, infrastructure, and utilities can qualify as Planned Actions as determined by the Responsible SEPA Official or their designee: onsite roads, utilities, parks, trails, and similar facilities when developed consistent with the Planned Action EIS mitigation measures, County, City, and special district design standards, shoreline and critical area regulations, and the Douglas County Code and East Wenatchee Municipal Code as applicable.

3. Planned Action Projects do not include stormwater conveyances or in-water out falls to the Columbia River within the shoreline buffer.

4. Sewer: The downstream conveyance system has capacity for approximately 800 to 1,000 gallons per minute of peak hour flows, and shall not be exceeded individually or cumulatively by Planned Action Projects. Provided that an applicant may fund offsite improvements at the discretion of the service provider to mitigate impacts.

Attachment E – Final EIS Mitigation Measures

The Planned Action EIS has identified significant beneficial and adverse impacts that are anticipated to occur with the future development of the Planned Action Area, together with a number of possible measures to mitigate those significant adverse impacts. Please see Final EIS Chapter 1 Summary for a description of impacts, mitigation measures, and significant unavoidable adverse impacts.

The mitigation measures in this Attachment shall apply to Planned Action Project applications that are consistent with the Alternative range reviewed in the Planned Action EIS and which are located within the Planned Action Area (see Attachment B).

Where a mitigation measure includes the words “shall” or “will,” inclusion of that measure in Planned Action Project application plans is mandatory in order to qualify as a Planned Action Project. Where “should” or “would” appear, the mitigation measure may be considered by the project applicant as a source of additional mitigation, as feasible or necessary, to ensure that a project qualifies as a Planned Action Project. Unless stated specifically otherwise, the mitigation measures that require preparation of plans, conduct of studies, construction of improvements, conduct of maintenance activities, etc., are the responsibility of the applicant or designee to fund and/or perform.

Any and all references to decisions to be made or actions to be taken by the City’s SEPA Responsible Official may also be performed by the City’s SEPA Responsible Official’s authorized designee.

Table E-1. Matrix of Mitigation Measures

#	Topic	Mitigation Measure
	Natural Environment	
1.	Wetlands, Waters of the United States, Shoreline, and Critical Areas	To be considered a planned action, proposed development shall leave intact the riparian corridor, Columbia River, and associated wetlands. Where properties overlap these critical areas and shorelines, such areas may be identified in a conservation covenant or other preservation mechanisms as part of subdivision or binding site plan approval. The unnamed tributary would likely be impacted from a new road extension. Once impacts for construction of the arterial streets and other infrastructure (i.e. utilities) are determined, the remaining riparian corridor may be identified in a conservation covenants or other preservation mechanisms to protect the area in perpetuity. In any case, The County or City shall apply shoreline and critical area standards to protect regulated environmental resources.
2.	Plants	Upland vegetation removed during construction shall be replaced to the extent feasible. Temporary fencing shall be installed around areas of wetland, intermittent drainage, and riparian habitat. Public landscaped areas, stormwater bio-swales, and other green space areas associated with the development shall generally be planted with native grasses, groundcovers, trees, and shrubs to the extent feasible to maximize wildlife habitat and minimize needed maintenance and excess water use. To avoid the introduction of noxious weeds to the project study area, no plants designated as “noxious weeds” by the Washington State Noxious Weed Control Board shall be used for landscaping. Additionally, no mulch with the potential to contain viable seeds from a designated noxious weed shall be used in the study area.
3.	Animals	Mitigation measures include the avoidance of critical areas and buffers to the greatest extent practicable. If feasible, vegetation removal activities shall occur outside of the nesting season (approximately March through September) for migratory birds. No

#	Topic	Mitigation Measure
		<p>active nests shall be disturbed without a permit or other authorization from the U.S. Fish and Wildlife Service (USFWS).</p> <p>Lighting shall optimize the use of downward directed low-pressure sodium lighting to minimize lighting effects on migratory birds. No strobe lights shall be used except as required by Federal Aviation Administration (FAA) regulation.</p> <p>If existing inactive migratory bird nests are removed during construction, future project applicants shall contact Douglas County and the Washington Department of Fish and Wildlife to determine if additional perch poles should be installed along the shoreline to replace lost nesting habitat.</p> <p>If bald eagles or golden eagles are observed in the immediate project area during the construction period, the future project applicants shall contact the USFWS and/or Washington Department of Fish and Wildlife (WDFW) to determine whether further consultation is necessary.</p>
4.	Water Resources	<p>When site disturbance is greater than 1-acre construction activities shall obtain a National Pollutant Discharge Elimination System (NPDES) General Construction permit from the State of Washington Department of Ecology (Ecology). A stormwater pollution prevention plan (SWPPP), shall be prepared and approved by Ecology when site disturbance is greater than 1-acre. The SWPPP shall describe construction practices, stabilization techniques, and structural BMPs that are to be implemented to prevent erosion and minimize sediment transport as outlined above.</p> <p>In accordance with the NPDES General Construction permit, a sampling and monitoring program shall be developed and implemented to assess the quality of surface water entering and leaving the project study area during construction. At a minimum, sampling sites shall include a location above all proposed development and a location downstream of all development. Analysis shall include total suspended solids, oils, and greases.</p> <p>Permanent stormwater systems shall be designed and constructed in accordance with Douglas County Code and the Stormwater Manual for Eastern Washington. Stormwater shall be collected, treated, and managed on-site. Infiltration and other low impact development (LID) strategies and techniques for stormwater shall be implemented to the extent feasible. Native planting shall be required for disturbed soils within the study area to the extent feasible.</p>
Land and Shoreline Use and Policies		
5.	Urban Design Principles	<p>Planned Actions shall demonstrate consistency with the Greater East Wenatchee Urban Growth Area Design Standards & Guidelines in effect at the time of application and compatibility with the Master Site Plan Exhibit 3.2-1. Design Principles.</p>
6.	General Commercial Buffer	<p>In the portions of the study area zoned General Commercial, future development under the subarea plan shall provide a 50-foot transition buffer along the southern boundary of the study area. The buffer area should include Type I landscaping screening along any property line that abuts residential zoning, consistent with Section 20.40.030 of the Douglas County Code or Section 17.72.080 of the East Wenatchee Municipal Code depending on the agency with jurisdiction. The landscaped area may be used for any of the following features:</p> <ul style="list-style-type: none"> ▪ Stormwater detention, infiltration, or conveyance ponds or swales; ▪ Bicycle and pedestrian trail features that form part of an on-site non-motorized circulation system; ▪ Programmed open space, including lawn or park areas, gardens, and orchards; or ▪ Passive open space, including native vegetation protection or habitat enhancement.
7.	Transition Standards	<p>To reduce adverse visual effects where higher-intensity development abuts lower-intensity development, all development under the North End Master Site Plan located on property that abuts a residential zone, but which is not covered by the General Commercial buffer requirement established above, shall apply two or more of the following transition design standards.</p> <ul style="list-style-type: none"> ▪ Within 50 feet of residential zoning, limit building heights to 35 feet;

#	Topic	Mitigation Measure
		<ul style="list-style-type: none"> ▪ Provide a Type I landscaping buffer, as defined by Section 20.40.030 of the Douglas County Code or Section 17.72.080 of the East Wenatchee Municipal Code, along any property boundary that abuts a residential zone; ▪ Provide a decorative screening wall or fence, at least 6 feet in height, along any property boundary that abuts a residential zone; ▪ Where a rear-yard setback abuts a residential zone, increase the standard setback distance to 50 feet; or ▪ Where a property boundary that abuts a residential zone is characterized by significant mature native vegetation, preserve such vegetation and implement a building setback of at least 20 feet.
8.	Environmental Health / Agricultural Use	<p>Douglas County or the City of East Wenatchee as appropriate shall require the following note on the face of plats or binding site plans on planned action properties with a history of agricultural use:</p> <p><i>"Based on historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides. The Washington State Department of Ecology recommends that the soils be sampled and analyzed for lead and arsenic and for organochlorine pesticides. If these contaminants are found at concentrations above the MTCA cleanup levels, the Washington State Department of Ecology recommends that potential buyers be notified of their occurrence."</i></p> <p><i>This note shall not be required to be placed on the final plat or binding site plan, if the soils are sampled by a professional with adequate credentials to verify that the site does not contain lead and arsenic and organochlorine pesticides at concentrations above the MTCA cleanup levels.</i></p>
	Cultural Resources	<p>The following mitigation measures shall be implemented to help avoid and manage significant impacts to recorded and as-yet unrecorded cultural resources within the North End Study Area:</p>
9.		<p>Douglas County and the City of East Wenatchee, as appropriate, shall continue coordination of cultural resource avoidance and mitigation programs for future project-level development through formal government-to-government consultation with the Confederated Tribes of the Colville Reservation and the Confederated Tribes and Bands of the Yakama Nation. During scoping, responses to this proposal were received from representatives of both Tribes. The Confederated Tribes of the Colville Reservation commented that the undertaking was within the traditional territory of the Wenatchi Tribe, one of the twelve tribes of the Confederated Tribes of the Colville Reservation, and that a cultural resources survey inclusive of subsurface testing be undertaken and incorporated into the related EIS. The Confederated Tribes and Bands of the Yakama Nation commented that the study area is within lands ceded by the Yakama people and is in proximity to traditional food gathering area, hunting and fishing sites, villages, and burials. They also noted the antiquity of archaeology present in the East Wenatchee area and the presence of known archaeological sites within the development area. It was requested that investigation place emphasis on both archaeological sites and traditional cultural properties. Tribes often are able to provide additional information regarding cultural resources not documented in published literature which can help direct cultural resources investigations and support compliance assessments to ensure that cultural resources are not significantly impacted by development activities.</p>
10.		<p>Douglas County and the City of East Wenatchee, as appropriate, shall identify an approach to project specific actions to ensure that recorded and unrecorded cultural resources are not disturbed by the proposed project plans through the application of mitigation measures 11-14. The preliminary field investigations conducted in this study were based on a conceptual design and provide a general history of the study area and limited insight into the subsurface conditions within tested areas proposed to be developed.</p>
11.		<p>To be considered a planned action, complete avoidance of archaeological site 45DO173 and the immediate adjacent area shall be accomplished due to the presence of human burials.</p>

#	Topic	Mitigation Measure
12.		Planned actions shall document and evaluate historical significance of structures within the study area that are over 50 years old prior to development actions consistent with the State of Washington Department of Archaeology and Historic Preservation.
13.		Douglas County or the City of East Wenatchee may consider partnering with existing businesses or agencies with a strong interest in history, and which likely maintain good historical records of the project location.
14.		<p>The following measures to avoid impacts to cultural resources will be required of North End planned actions by Douglas County or the City of East Wenatchee as appropriate.</p> <ol style="list-style-type: none"> 1. During the project permit review process, all project permit applications under the Planned Action shall be forwarded by the permitting jurisdiction to the Colville Confederated Tribes and the Confederated Tribes and Bands of the Yakama Nation for comment. If either tribe expresses concern regarding a permit application or requests further consultation, the local government shall initiate project-based consultation with the interested tribe to identify an appropriate level of effort to identify and avoid cultural resources. 2. Observers from the Tribe and/or State shall be allowed to monitor development sites during clearing, grubbing, grading, and construction. 3. Should any archaeological resources or human remains be inadvertently discovered during grading/construction, all work that would affect the discovered resources must be stopped until the proper authorities have been notified and appropriate steps taken to protect the resources. The Colville Confederated Tribes and the Confederated Tribes and Bands of the Yakama Nation shall also be immediately notified of the discovery. Development applicants will comply with inadvertent discovery laws at RCWs 68.50.645, 27.44.055, and 68.60.055. Douglas County has adopted an inadvertent discovery protocol that outlines the measures to be implemented should an unanticipated discovery occur. (See Table E-2) 4. Any archaeological or historic resources identified will be evaluated in consultation with the Colville Confederated Tribe, the Confederate Tribes and Bands of the Yakama Nation, and the Washington State Department of Archaeology and Historic Preservation standards (DAHP 2015 or as thereafter amended). If mitigation to cultural resources is required, specific mitigation steps will be developed through consultation with the aforementioned parties. 5. In addition to the consultation that occurs with the Tribes during project permit review process, prior to any excavation, grading, or construction within the Master Site Plan area below a depth of 40 centimeters below surface in the area between Apple Capital Loop/Rocky Reach Trail and NW Empire, and below a depth of 80 centimeters below surface in the area east of NW Empire Ave, it shall be the responsibility of the developer to notify the Colville Confederated Tribes, Confederated Tribes and Bands of the Yakama Nation, and the State of Washington by certified mail regarding project based consultation. It is understood that no development is proposed west of the Apple Capital Loop/Rocky Reach Trail under the Planned Action, and the project will not physically impact recorded archaeology. It is also understood that archaeological site 45DO173 and the immediate adjacent area will be completely avoided under the Planned Action. State or Tribal personnel shall be afforded the opportunity to observe clearing and grubbing activities if deemed necessary per #2 above. 6. The above required notifications shall be made 15 days prior to any construction and/or placement of utilities. Said notice shall indicate the type of infrastructure, location, amount of excavation, depth, and documentation on the manner in which consideration is being given to cultural resource discoveries. 7. Prior to the issuance of a building permit for any approved operation on a development site, the developer must submit a site plan indicating the location of all utilities, roads, and structures.
	Transportation	
15.	Concurrency	<i>The Greater East Wenatchee Area Comprehensive Plan</i> requires that "... as specified in the Growth Management Act, new developments will be prohibited unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. Such improvements and strategies must

#	Topic	Mitigation Measure									
		be in place and or financially planned for within 6 years of development use." The Comprehensive Plan also states that the level of service threshold was set at LOS D, and that any intersection operating at LOS E or F would be deficient. Therefore, developers are responsible for roadway improvements that bring intersection operations within concurrency if their development would result in enough induced traffic to cause any intersection to operate above LOS D. All intersections analyzed in the study do not fall below a level of service D with noted improvements.									
16.	Transportation Network	Transportation improvements identified in Master Site Plan Section 3.4 as necessary to support development of the North End at adopted level of service standards shall be in place at the time of development or within six years if improvements are included in a six-year capital facility plan and funding is secured.									
17.	Transportation Mitigation Fee	<p>Planned actions shall pay transportation trip mitigation fees in effect at the time of application to support implementation of the Master Site Plan transportation improvements consistent with Attachment D, subsection C.</p> <p>Unless amended, or replaced with a transportation impact fee, mitigation fees consistent with the proportionate share of costs excluding the interchange shall be applied to planned action applications:</p> <p>PM Peak Hour Trip Costs – Pending Balance of Public and Private Shares</p> <table border="1"> <thead> <tr> <th>Scenario</th> <th>Cost Basis</th> <th>Per Trip</th> </tr> </thead> <tbody> <tr> <td>Study Area Share W/O ramps – 75%</td> <td>\$14,102,765</td> <td>\$3,144</td> </tr> <tr> <td>Full Intensity Trips PM Peak Hour:</td> <td>4,486</td> <td></td> </tr> </tbody> </table> <p>Source: Douglas County, The Transpo Group, BERK Consulting 2016</p>	Scenario	Cost Basis	Per Trip	Study Area Share W/O ramps – 75%	\$14,102,765	\$3,144	Full Intensity Trips PM Peak Hour:	4,486	
Scenario	Cost Basis	Per Trip									
Study Area Share W/O ramps – 75%	\$14,102,765	\$3,144									
Full Intensity Trips PM Peak Hour:	4,486										
18.	Nonmotorized Connections	<p>All public streets shall be designed to incorporate sidewalks consistent with County and City street standards. Some street standards show a range of sidewalk widths. Where pedestrian activity is anticipated to be greatest, wider sidewalks should be implemented.</p> <p>Arterial or collector streets shall accommodate bicycles consistent with adopted County and City road standards and adopted bicycle regional guidelines.</p> <p>Properties abutting the Apple Capital Loop Trail or Rocky Reach Trail or their spurs shall be consistent with the Douglas County Loop Trail Overlay including standards for fencing, trail access, landscaping, and setbacks from the trail.</p> <p>The following on-site pedestrian walkway standards shall be met by each development:</p> <ul style="list-style-type: none"> ▪ A comprehensive system of pedestrian walkways shall link together all site entrances, building entries, parking facilities, and common outdoor spaces with the sidewalk system in the public right-of-way. ▪ Pedestrian walkways shall be reinforced with pedestrian-scale lighting, bollard lighting, landscaping, accent lighting, signage, or a combination thereof to aid in pedestrian way-finding. ▪ Each parcel shall provide pedestrian walkways that provide for connections from public rights of way through the subject property to the regional trail system that, when connected with other properties, will facilitate east-west travel to and from the regional trail system. For every 1,320 feet of street frontage, on average, a pathway to the regional trail system shall be provided. The walkway must connect with walkways located on other properties established in accordance with this condition. Distances may vary from exactly 1,320 feet to accommodate linking adjacent developments on a case-by-case basis. 									
	Public Services										
19.	Police Protection	The County sheriff or City police department, as appropriate, shall continue to monitor police services and the Level of Service standard to ensure that staffing levels and equipment needs align with changing demand. Existing Level of Service is based on residential population, but the North End site will have a significant amount of non-residential activity. The County sheriff or City policy department, as appropriate, shall be provided the opportunity to review planned action development applications and consider any specialized needs that may be generated by the proposed mix of uses.									

#	Topic	Mitigation Measure
20.	Fire Protection	Fire and emergency medical services shall be available concurrent with new development. Fire service providers shall continue to monitor fire protection services and the level of service standard to ensure that staffing levels and equipment needs align with the changing demand. In addition, the County and City shall provide opportunities for the fire district to review the proposed development plans and consider any anticipated specialized needs from the uses proposed.
21.	Schools	The School District shall monitor how the residential development of North End fits into the phasing plan and should keep track of future student enrollment that may be generated from development of the site. Capital planning by the District, as well as regular updates of the County and City Comprehensive Plans should allow for advanced planning prior to growth. If residential uses are proposed with a planned action, the County and City shall provide opportunities for the school district to review the proposed development plans and consider any anticipated specialized needs from the uses proposed.
22.	Parks	Planned actions shall be consistent with the Eastmont Metropolitan Parks and Recreation District Parks, Recreation and Open Space Plan and the County and City Comprehensive Plans regarding parks and recreation levels of service. On-site public common space is also required in the Greater East Wenatchee UGA Design Guidelines, applicable to commercial, mixed-use and multiple family development such as that proposed in Hospitality, Retail, and Wine Village Areas.:
Utilities		
23.		For all development activities payment of system development charges, and connection fees is considered mitigation for use of source/supply, and discharge capacities. Ongoing usage rates are intended for the additional maintenance and operations costs associated with the extension of the utility and use of the distribution and conveyance systems. The SEPA Responsible Official may condition development to pay its proportionate share of utility costs identified in the North End Master Site Plan.
Power, Gas and Telecommunications		
24.	Co-location and undergrounding of power and telecommunication utilities	Planned actions shall co-locate power and telecommunications facilities and underground such utilities. Subdivisions are required to have utilities underground per East Wenatchee Municipal Code (Chapter 12.16) and Douglas County Code (Section 17.20.040.D).
25.		Where it is not practical to underground telecommunication facilities, appropriate landscaping and stealth design shall be utilized by planned action projects to minimize their visual impacts on their surroundings.

Table E-2. Cultural Resources Inadvertent Discovery Plan

Description	Protocol
Cultural Resources Inadvertent Discovery Protocol	<p>Douglas County or the City of East Wenatchee shall condition planned actions to be compliant with the following inadvertent discovery protocols. In the event of the inadvertent discovery of any resource covered by the following protocols, the developer shall immediately notify the city or county with jurisdiction over the site, who shall then notify the Confederated Tribes and Bands of the Yakama Nation and the Confederated Tribes of the Colville Reservation as soon as possible.</p> <p>If non-human archaeological materials are discovered:</p> <ul style="list-style-type: none"> ▪ Construction activities that may further disturb the discovered material shall cease, and the area of the find will be secured. ▪ The discovery shall be reported to the city or county with jurisdiction over the site and to the Department of Archaeology and Historic Preservation (DAHP) in the most expeditious manner possible. DAHP will then coordinate consultation with affected tribes regarding future preservation and excavation of the discovered materials. <p>If human skeletal remains are discovered:</p>

Description	Protocol
	<ul style="list-style-type: none"> ▪ If ground disturbing activities encounter human skeletal remains during the course of construction, then all activity will cease that may cause further disturbance to those remains. The area of the find will be secured and protected from further disturbance. ▪ The finding of human skeletal remains will be reported to the county medical examiner/coroner and local law enforcement in the most expeditious manner possible. The remains will not be touched, moved, or further disturbed. ▪ The county medical examiner/coroner will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are forensic or non-forensic. ▪ If the county medical examiner/coroner determines the remains are non-forensic, then they will report that finding to the Department of Archaeology and Historic Preservation (DAHP) who will then take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will make a determination of whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the affected tribes. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.
Contacts	<p>Steven M. Clem, Douglas County Prosecuting Attorney/Coroner Phone: (509) 745-8535 Fax: (509) 745-8670 Mailing Address: P.O. Box 360 Waterville, WA 98858 Physical Address: 203 S. Rainier Street Waterville, WA 98858 sclm@co.douglas.wa.us</p> <p>Douglas County Sheriff's Office 110 N.E. 2nd Street Suite 200 East Wenatchee, WA 98802 (509) 884-0941</p> <p>East Wenatchee Police Department 271 9th St. N.E. East Wenatchee, WA 98802 (509) 884-9511</p> <p>Guy Tasa, State Physical Anthropologist, DAHP (360) 586-3534 Guy.Tasa@dahp.wa.gov</p>

Attachment F – Final EIS