

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2199

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, ADOPTING ANNUAL DOCKETED CHANGES TO THE COMPREHENSIVE PLAN FOR 2010 RELATING TO THE GENERAL SEWER PLAN AND WASTEWATER SERVICE, AND A PUBLIC PARK LAND USE DESIGNATION AND AMENDING ORDINANCE 1866, AS AMENDED, AND ORDINANCE 2108.

WHEREAS, as one of the cities in Snohomish County, the City of Snohomish is required to adopt and regularly update a comprehensive plan pursuant to the Washington State Growth Management Act (GMA); and

WHEREAS, under the GMA, the City is authorized to amend its Comprehensive Plan on an annual basis; and

WHEREAS, following the issuance of a Final Environmental Impact Statement (EIS), the Comprehensive Plan was substantially revised in February 2005 to ensure conformance with GMA requirements; and

WHEREAS, The City Council desires that the Comprehensive Plan include a land use designation specifically for Public Parks, including the adoption of new Comprehensive Plan Policies as well as the amendment of the Land Use Designation Map (LU-1); and

WHEREAS, upon review of the documents related to establishment of a land use designation for public parks, the Planning Director acting as the SEPA Responsible Official, issued a Determination of Non-Significance (DNS) in accordance with applicable law; and

WHEREAS, the City Council desires that the Comprehensive Plan, including the capital facilities plan, be updated to incorporate the 2010 update of the General Sewer Plan and Wastewater Facilities Plan, which among other things would remove the City's existing discharge from its wastewater treatment plant to the Snohomish River and transfer the City's wastewater by force main to the City of Everett for treatment, and includes a financial plan for funding the improvements; and

WHEREAS, the City has coordinated with and involved the public and other government agencies in the planning process and issued draft and final plan documents for public review, including a draft and final SEPA Addendum on the 2010 General Sewer Plan Update and Associated Comprehensive Plan Amendments and Implementing Actions, issued by the Planning Director acting as the SEPA Responsible Official in accordance with applicable law, as described in companion Ordinance 2205, whose recitals are incorporated herein by reference; and

WHEREAS, the City Council desires to adopt a redevelopment strategy and subarea plan for the area known as the Pilchuck District that will include designation of the redevelopment and subarea plan as a SEPA Planned Action and designation of the study area as Transfer of Development Rights receiving area; and

WHEREAS, in accordance with RCW 36.70A.130(2)(a)(i), the cumulative impacts of the Pilchuck District subarea plan have been reviewed and assessed under Chapter 43.21C RCW; and

WHEREAS, upon review of the SEPA checklist and other documents for the Pilchuck District Redevelopment Plan, the Planning Director acting as the SEPA Responsible Official, issued a Determination of Significance (DS), and a draft EIS in accordance with applicable law, and the final EIS is expected to be issued imminently; and

WHEREAS, thorough completion of the environmental review of the Pilchuck District Redevelopment and Subarea Plan necessitates that the proposed amendments related to that plan be adopted subsequently by separate ordinance as provided by RCW 36.70A.130(2)(a)(i); and

WHEREAS, the amendments enacted by this Ordinance are area-wide in nature and/or constitute a subarea plan for which extensive opportunities for public outreach and input have been provided; and

WHEREAS, the City has conducted a broad process of public participation to review proposed area-wide amendments to the Comprehensive Plan; and

WHEREAS, the City has reviewed the proposed amendments to the Comprehensive Plan for internal consistency; and

WHEREAS, on September 1, 2010, a public hearing on the proposed amendments relating to wastewater was held by the Planning Commission, and all persons wishing to be heard were heard; and

WHEREAS, on October 6, 2010, a public hearing on the amendments proposed herein was held by the Planning Commission, and all persons wishing to be heard were heard; and

WHEREAS, on December 7, 2010, a public hearing on the amendments proposed herein was held by the City Council, and all persons wishing to be heard were heard; and

WHEREAS, public notice of the administrative SEPA actions and for the public hearings was provided as required by law; and

WHEREAS, pursuant to SMC 14.15.070 and RCW 36.70A.106, the City has notified the State Department of Commerce of the City's intent to adopt the proposed amendments to the Comprehensive Plan; and

WHEREAS, the Planning Commission and the City Council find that the Comprehensive Plan amendments adopted in this ordinance are:

1. Internally consistent with the Comprehensive Plan;
2. Consistent with the Growth Management Act and the State Environmental Policy Act; and
3. In the interest of the public health, safety, and welfare of Snohomish residents;

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

Section 1. Application 06-10-001-CPA (Public Park Land Use Designation).

Section 2 of Ordinance 1866, as amended, and the Parks, Recreation, and Open Space Goals and Policies of the Parks Element of the City of Snohomish Comprehensive Plan are each hereby amended as set forth in the attached Exhibit A.

Section 2. Application 06-10-001-CPA (Public Park Land Use Designation).

Amendment of the Land Use Element as needed to fully implement the establishment of a Public Park Land Use Designation shall be considered for inclusion as part of a final docket during a future year as deemed appropriate by the City Council.

Section 3. Application 11-10-001-CPA (General Sewer Plan and Wastewater Facilities Plan).

Section 2 of Ordinance 1866, as amended, Section 1 of Ordinance 2108, and the Utilities and Capital Facilities Elements of the City of Snohomish Comprehensive Plan are each hereby amended as set forth in the attached Exhibit B.

Section 4. Application 02-10-001-CPA (Pilchuck District).

The draft amendments to the Housing Element, Economic Development Element, and Land Use Element relating to the Pilchuck District, and considered during the 2010 Comprehensive Plan amendment process, constitute an initial adoption of a subarea plan and are thereby exempt from RCW 36.70A.130(2)(a) which limits comprehensive plan amendments to no more frequently than once every year. Action upon these amendments is hereby deferred and will be considered at a subsequent time.

Section 5. Application 02-10-001-CPA (Pilchuck District).

The draft amendments to the Land Use Designation Map relating to the Pilchuck District, and considered during the 2010 Comprehensive Plan amendment process, constitute an initial adoption of a subarea plan and are thereby exempt from RCW 36.70A.130(2)(a) which limits comprehensive plan amendments to no more frequently than once every year. Action upon the amendment of the Land Use Designation Map is hereby deferred and will be considered at a subsequent time.

Section 6. Severability.

If any section, sentence, clause, of phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 7. Effective Date.

This Ordinance shall take effect five days after its publication by summary.

ADOPTED by the City Council and **APPROVED** by the Mayor this 7th day of December, 2010.

CITY OF SNOHOMISH

By _____
KAREN GUZAK, MAYOR

Attest:

Approved as to form:

By _____
TORCHIE COREY, CITY CLERK

By _____
GRANT K. WEED, CITY ATTORNEY

PARKS, RECREATION, AND OPEN SPACE GOALS AND POLICIES

EFFECTIVE USE OF CITY RESOURCES

Goal PRO 6: Expand park, recreation, and open space opportunities via the strategic use of existing resources and the addition of parks and recreation staff. Continue to provide high-quality parks, recreation, and open space for City residents through the efficient use of City resources and the establishment of a future Parks and Recreation Department.

Policies:

- PRO 6.1:** Establish a City of Snohomish Parks and Recreation Department and develop staff as an essential City resource.
- PRO 6.2:** Utilize effective and efficient methods of acquiring, developing, operating and maintaining recreation facilities and programs that accurately distribute costs and benefits to public and private interests.
- PRO 6.3:** Strategically identify potential land for future City parks and open space and prioritize the acquisition of key parcels of land needed to meet the park and recreation needs of City residents.
- PRO 6.4:** Ensure that new development is accommodated without reducing the LOS established for critical municipal services, including parks, recreation, and open space through the utilization of a GMA-based parks impact fee and other resources.
- PRO 6.5:** Recognizing that construction and operation of particular parks and recreation facilities (e.g. swimming pools, sports complexes, etc.) is beyond the current financial capability of the City, coordinate with other agencies and organizations for the efficient delivery of these services.
- PRO 6.6:** Land and facilities may be provided by a developer to the City in lieu of an equivalent portion of the Park Impact Fee where the City determines that such land or facilities serve the demands of growth in the Parks, Recreation and Open Space Long Range Plan.
- PRO 6.7:** Designate existing public parks as “Public Park” upon the Land Use Designation Map (Map LU-1).
- PRO 6.8:** Amend the Land Use Development Code to include development regulations for the Public Park land use designation that are consistent with, and implement, the goals and policies of the Comprehensive Plan.

Exhibit B – Ordinance 2199
Pilchuck District Redevelopment Plan

1. Correction in Introduction:

In the Comprehensive Plan Introduction (pages 1-1 and 1-2), replace “City of Snohomish Wastewater System Plan” with the following:

- City of Snohomish General Sewer Plan & Wastewater Facilities System Plan (2005) and Plan Update (2010)
- CSO Reduction Plan (1993) and Plan Update (2005)

2. Additional policies in Environmental element:

- A. In the Environmental Protection element (page 4-45), add a new policy to existing Goal EP 6 (“Maintain the standard of allowing legal existing structures and limited improvements in critical areas to continue and be maintained”), as follows:

EP 6.2: Maintain a practice that encourages water quality improvement and habitat restoration and enhancement projects (including new or improved structures) and their ongoing maintenance or stewardship.

- B. In the Environmental Protection element (page 4-50), add a new policy to existing Goal EP 15 (“Maintain the vision of re-establishing fisheries in the Snohomish River Drainage basin where feasible”), as follows:

EP 15.5: Implement the Everett Conveyance Project to remove the wastewater discharge into the Snohomish River from the City’s wastewater treatment plant.

3. Amendments to the Utilities/Capital Facilities elements:

- A. Revise Future Wastewater System section (pages 11-3 and 11-4) as follows:

~~The City adopted a three phase plan to meet new discharge standards. Phase I consisted of constructing a chlorine contact basin. Phase II improvements, completed in 1996, allow the plant to meet discharge quality requirements and increase its capacity. Phase III improvements will eliminate existing Combined Sewer Overflow (CSO) problems. Completion of these three phases will remedy discharge quality deficiencies for the City’s new NPDES permit and is estimated to serve a population of 11,000. A design for Phase IV improvements will increase the lagoon capacity to serve a population of 16,000 has been prepared.~~

~~When 85% of the lagoon capacity is reached, the City must make plans to increase its capacity under a new NPDES permit. The estimate of the 85% capacity would occur when the City population reached 9,350. In reality the lagoon capacity is based on performance and the lagoon improvements may allow it to serve more than the 11,000 population estimated.~~

Exhibit B – Ordinance 2199
Pilchuck District Redevelopment Plan

The City constructed a new wastewater treatment plant, which was completed in 1996. Under the 2010 General Sewer Plan and Wastewater Facility Plan Update, the City is in the process of making near-term improvements to the plant to meet permit requirements, while implementing a plan to convey its wastewater to the City of Everett wastewater treatment plant for treatment and discharge (Everett Conveyance Project) and has adopted a financing plan to provide funding of these improvements. The selected location and general route of the Everett Conveyance Project is a pipeline under the Snohomish River connecting to the Everett South End Interceptor via the Lowell-Snohomish Road. A contingency alternative route along Riverview Road may be used. Two routes in proximity to these alignments associated with the planned river crossing locations will be further analyzed at the project level: on a portion of the Puget Sound Energy right-of-way and on or near a former rail right-of-way north of Riverview Road. These could be used if they prove feasible, environmentally acceptable, and preferable in terms of operation, cost, schedule. The Everett Conveyance Project will enable the City to meet evolving water quality standards and growth in the long term for the planning horizon of this plan and the useful life of the pipeline (estimated to be fifty years). The City will continue to make other wastewater system improvements, including collection system facilities and Combined Sewer Overflow (CSO) reduction by continuing to implement the facilities and actions described in the adopted CSO Reduction Plan and Update and 2010 General Sewer Plan and Wastewater Facility Plan Update.

- B. In the Capital Facilities/Utilities element (which starts on corrected page 11-21), add new policies as follows to existing Goal UT2: (“Maintain a standard of ensuring the maintenance of adequate water, stormwater and sewer systems that comply with federal and state requirements and with capacity to meet existing and future needs”):

UT 2.11: Plan for and implement in a timely manner a system that will convey the City’s wastewater to the City of Everett wastewater treatment plant for treatment and discharge in order to protect the water quality of the Snohomish River and meet future needs.

UT 2.12: The City should continue to evaluate cost assumptions, emerging technologies, and growth projections to insure that wastewater treatment and stormwater management costs are contained while meeting regulatory requirements, achieving the implementation of the Everett Conveyance Project, and protecting water quality and meeting future treatment capacity needs.

- C. In the Capital Facilities/Utilities element (which starts on corrected page 11-25), add a new policy as follows to Goal UT9: (“Maintain a standard of protecting and maintaining good water quality”):

UT 9.5: Maintain the City’s wastewater treatment plant (or any future use of the facilities) to meet applicable water quality requirements, and implement the Everett Conveyance Project to remove the wastewater discharge into the Snohomish River from the City’s wastewater treatment plant.

Exhibit B – Ordinance 2199
Pilchuck District Redevelopment Plan

4. Additional policies in the Capital Facilities element and plan:
- A. In the Capital Facilities element (page 12-3), add the following new sentence to the end of the section titled “Needs Identified in Other Plan Elements:”

To the extent the facility plans for the public facility elements noted above and listed in the Introduction as integral elements of this Comprehensive Plan provide updated information on capital improvement projects and financing, that information is incorporated by reference into this element and its tables.

- B. In the Capital Facilities element (page 12-34), revise and update policies CF 3.3 b through e in existing Goal CF 3 (“Coordinate land use decisions and financial resources with a schedule of capital improvements to meet adopted Level of Service Standards, measurable objective, and provide existing and future facility needs”), as follows:

b. Sanitary Sewer

~~110 gallons per capita per day.~~ As required by the General Sewer and Wastewater Facilities Plan and CSO Reduction Plan.

c. Stormwater

~~Follows best management practices.~~ As required by the Stormwater Management Plan.

d. Potable Water

~~Yearly average 135 gallons per capita per day (gpcd) raw water source (dry season 154 gpcd) including a 10% contingency; 189 gpcd treatment and pumping capacity, plus 15 million gallons per day fire reserve.~~ As required by the Water System Plan.

e. Fire Flows

As required in the ~~Uniform~~ International Fire Code which is based on the use and structure type.