CHAPTER 3 PERMITS

3.1 AMENDMENT TO EXISTING ZONING REQUIREMENTS

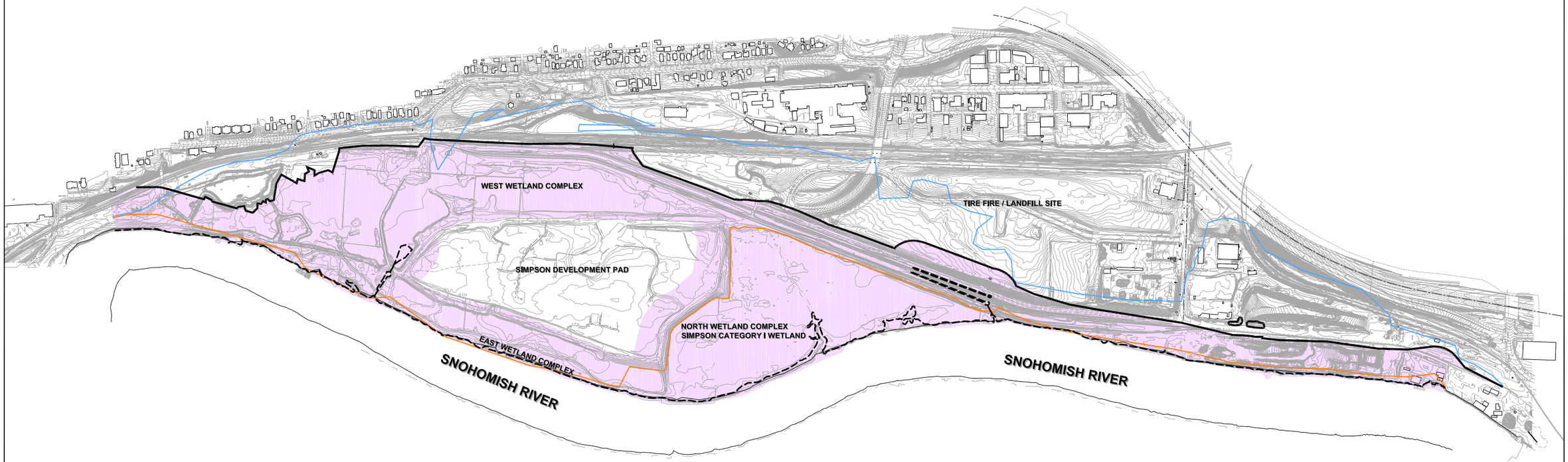
Implementation of the Master Plan will require a number of land use actions and governmental approvals. The current zoning for the site is Heavy Commercial (C-2), Light Industrial (M-1) Office and Industrial Park and Aquatic, with some portions of the site having an Urban Flood Fringe District zoning overlay. This zoning is not consistent with the proposed redevelopment plan; however, the redevelopment will include the adoption of appropriate zoning amendments, and approval of a Planned Development Overlay Zone and Development Agreement (the Development Agreement) for the proposed Master Plan by the Planning Commission and City Council. The Development Agreement will include a conceptual master plan, development footprint, permitted uses, zoning and design standards, required improvements, mitigation conditions, and other development requirements such as required timing/phasing of public and private improvements. The Development Agreement will also include processes for amending the conceptual site plan, including criteria for what constitutes major and minor amendments. The proposal includes: (1) the issuance of shoreline substantial development and other local, state and federal permits for construction of the Master Plan; (2) various real property and street vacation actions by the City of Everett (the City); (3) public works and public amenities improvements and permits; and (4) related agreements and authorizations to implement the project.

3.2 LOCAL, STATE AND FEDERAL PERMITS

The following is a preliminary list of agency reviews, permits and approvals for the Everett Riverfront project. This list will be updated over time as project planning proceeds and more information becomes available. The listed permits will have various studies and plans associated with them that are not included here. This list does not include City actions relating to the sale of the property to OliverMcMillan. An estimated timeframe has been outlined for the various components and construction associated with the site development process and has been summarized in Table 2.2-1 of Section 2.2.

3.2.1 City of Everett Reviews, Permits and Approvals

- Environmental Impact Statement (EIS) review pursuant to the Washington State Environmental Policy Act (SEPA)
- Planned development overlay (PDO) and related zoning approvals; (for the entire Project area including the Stuchell/Newland properties)
- Environmentally Sensitive Areas (Critical Areas) review per Shoreline Master Program standards (per Everett Municipal Code [EMC] 19.33D (see Figure 3.2-1) for areas within jurisdiction of the Shoreline Master Plan)
- Critical Areas review per Everett Municipal Code [EMC] 19.37 for areas not within jurisdiction of the Shoreline Master Plan
- Review of Landfill Site development plans per landfill Consent Decree
- Development Agreement
- Shoreline substantial development permits for elements of the Project in Shoreline Jurisdiction (see Figure 3.2-1). Shoreline Permit applications will be phased as detail is developed (for example Public Amenities that are still conceptual)
- Subdivision and binding site plan approvals



Notes:
1. The locations of all features shown are approximate.
2. This drawing is for information purposes. It is intended to assist in showing features discussed in an attached document. GeoEngineers, Inc. can not guarantee the accuracy and content of electronic files. The master file is stored by GeoEngineers, Inc. and will serve as the official record of this communication.
3. The extent of shoreline and shoreland jurisdiction as determined by the City of Everett.

Reference: Base drawing provided by Perteet, Inc.

Legend

- Shoreline and Shoreland Jurisdiction Line
- Shoreline and Shoreland Jurisdiction
- FEMA - 100 Year Flood Plain
- FEMA - Floodway
- Snohomish River OHWM

W S N E

370 0 370
Feet

Shoreline and Shoreland Jurisdiction with FEMA Floodway

Everett Riverfront Redevelopment
Everett, Washington

GeoEngineers

Figure 3.2-1

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- Floodplain development permits (applicable to developments in the 100 year floodplain which includes buildings east of the access road on most of the Eclipse site, the Stuchell/Newland site, and a portion of the City 3 acre park near the foot of 36th Street.
- Determination of completeness of applications (for example, PDO, shoreline permits, and subdivision/binding site plan)
- Construction-stage permits (for example, clearing/grading, building, electrical)
- Possible street vacations

3.2.2 Washington State Permits and Approvals

- Department of Fish and Wildlife – Hydraulics Project Approval(s)
- Department of Ecology – Section 401 water quality certification and Coastal Zone Management Act (CZMA) consistency determination; associated review for this and other approvals includes:
  - Review of Landfill Site development plans per landfill Consent Decree
- Department of Ecology – General or individual National Pollutant Discharge Elimination System (NPDES) stormwater permit(s)
- Department of Natural Resources – Possible aquatic approvals

3.2.3 Federal Government Permits and Approval

- U.S. Army Corps of Engineers – Section 404 individual permit for placement of fill material into waters of the United States including wetlands and streams, and/or Nationwide Permit 27 for stream and wetland restoration activities , and/or Nationwide Permit 14 for trails and other linear transportation crossings.
- U.S. Army Corps of Engineers –Section 10 permit for in-water construction in navigable waters subject to the Rivers and Harbors Act of 1899.
- Reviews required for any federal permits include:
  - Review under the National Environmental Policy Act (NEPA)
  - National Marine Fisheries Service and U.S. Fish and Wildlife Service – Endangered Species Act review
  - Review under Section 106 of the National Historic Preservation Act (NHPA)
  - Tribal review as part of permit and approval processes

3.3 EXISTING AGREEMENTS

3.3.1 Property Disposition Agreement, Everett Riverfront Development

The City has authorized the sale of the City-owned property to OliverMcMillan (Resolution No. 5871, and *Riverfront Property Disposition Agreement*). The Property Disposition Agreement includes a Development Plan (Exhibit G to the Agreement) and "Conceptual Layout of the Everett Riverfront Development." The Development Plan provides for between 500,000 to 1.2 million square feet of retail development, and between 500 to 1,500 residential units, including single- and multi-family townhouses. The Agreement includes certain "Minimum Development Elements" required of OliverMcMillan, including minimum residential, retail and public street improvements, and certain commitments and requirements of the City, including public improvements, construction of public amenities and wetland

restoration. As provided by the Agreement, "The Plan would implement the goals, policies, and objectives of other approved City plans pertaining to the riverfront area and reflect intended high quality urban environmentally sensitive nature of development. These approved City plans include, but are not limited to, the City's Comprehensive Plan, Shoreline Master Program, and Shoreline Public Access Plan."

3.3.2 Snohomish Riverfront Properties at Bigelow Creek: Conceptual Enhancement Program (Watershed Conceptual Program)

This study resulted from a 2003 settlement agreement (Tulalip Agreement) between the City and the Tulalip Tribes of Washington, and a 2004 settlement agreement (Pilchuck Agreement) between the City and the Pilchuck Audubon Society and the Public Employees for Environmental Responsibility The Program includes a variety of potential enhancement and restoration actions, such as restoring floodplain and tidal connections, reconnection of wetland complexes, relocating and reconstructing the Bigelow Creek channel, improving edge habitat, and restoring and enhancing the vegetation community. The program also includes trails, wetland viewing areas, and interpretive facilities. As described in Section 2.2 above, the City is completing design work and environmental analysis for the work, and supplemental SEPA review and permits are expected to be available for public review in spring 2008. Several elements of the study have been incorporated into the proposed mitigation program for the OM proposal.