

ORDINANCE NO. 1710

AN ORDINANCE of the City Council of the City of Ferndale, Washington, establishing a Planned Action for the Main Street Master Plan pursuant to the State Environmental Policy Act

WHEREAS, the State Environmental policy Act ("SEPA") and implementing rules 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"); and

WHEREAS, the City has adopted a Comprehensive Plan complying with the GMA; and

WHEREAS, the City has prepared a master plan/subarea plan for the Main Street area, referred to as the Planned Action Area; and

WHEREAS, the City has prepared an environmental impact statement ("EIS") for the Main Street Master Plan which identifies impacts and mitigation measures associated with planned development in the subarea; and

WHEREAS, the City has adopted development regulations which will help protect the environment; 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 Main Street master plan area is deemed to be appropriate for designation of a Planned Action; and

WHEREAS, the Ferndale Planning Commission held an open record public hearing on February 15, 2012 to consider the proposed ordinance and subsequently recommended approval; and

WHEREAS, the Ferndale City Council held an open record public hearing on March 19, 2012 to consider the proposed ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FERNDAL, 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 Main Street Planned Action Area 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 master 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, RCW 36.70A, and is located within an Urban Growth Area;

B. The City has adopted a Comprehensive Plan complying with the GMA, and has amended the Comprehensive Plan to incorporate a subarea element specific to the Main Street Planned Action Area;

C. The City has published an EIS for the Main Street master plan area 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;

D. The mitigation measures identified in the Planned Action EIS and attached to this ordinance as Exhibit B, together with adopted City development regulations, will adequately mitigate significant impacts from development within the Planned Action area;

E. The master plan and Planned Action EIS identify the location, type and amount of development that is contemplated by the Planned Action;

F. Future projects that are implemented consistent with the Planned Action will protect the environment, benefit the public and enhance economic development within the City;

G. 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;

H. The Main Street Master Plan is not an essential public facility as defined by RCW 36.70A.200(1). Future improvements to state highways within the master plan area are defined as essential public facilities and 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;

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

J. Public services and facilities are 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 July 14, 2011 and the Final EIS published on December 12, 2011. 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 Main Street Master Plan area 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 in place at the time a development application is determined to be complete.

D. Planned Action Qualifications. The following criteria and allowances shall be used to determine if a site-specific development proposed within the Main Street Planned Action Area 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 Main Street Planned Action Area, are considered Planned Actions:

- (a) Retail and service activities;
- (b) Office uses;
- (c) Lodging, such as hotels and motels;
- (d) Residential dwelling units; and
- (e) Parks, recreation and open space (active and passive), including associated cultural and recreational facilities.

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

(2) Development Allowances.

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

Land Use	Total Development Amount (Gross Square Feet)
Residential	155 units
Retail	1,109,260 gsf
Office/Service	195,430 gsf
Lodging	160 rooms
Parks/Open Space	106 acres

(b) 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.

(c) If future development proposals in the Main Street 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 materially 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 Ferndale City Code.

4) Transportation.

(a) *Trip Ranges & Allowances.* The number of additional PM peak hour trips anticipated to be generated in the Planned Action area by planned land uses, and reviewed in the EIS are as follows:

Total PM Peak Hour trips	5,390 total trips 2,595 inbound trips 2,795 outbound 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 FMC 15.40.

(c) *Off-Site Mitigation.* As provided in the EIS and in FMC 15.44, 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. The amount of the fee shall be as identified in the City's adopted fee schedule. Off-site improvements are identified in Attachment B.

(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 or independent study 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) the proposal is located within the Planned Action Area identified in Exhibit A of this ordinance;
- (b) the proposed uses and activities are consistent with those described in the Planned Action EIS and Section 3.D of this ordinance;
- (c) the proposal is within the Planned Action thresholds and other criteria of Section 3.D of this ordinance;
- (d) the proposal is consistent with the City of Ferndale Comprehensive Plan;
- (e) the proposal's significant adverse environmental impacts have been identified in the Planned Action EIS;
- (f) the 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 or variances or special permits that may be required;
- (g) the proposal complies with all applicable local, state and/or federal laws and regulations, and the Responsible Official determines that these constitute adequate mitigation; and
- (h) the proposal is not an essential public facility as defined by RCW 36.70A.200(1).

(2) The City shall base its decision on review of a SEPA checklist, or an alternative form approved by the Department of Ecology, 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 or 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 parameters and 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 Ferndale Municipal Code (FMC). 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 Community Development or designee shall determine whether the application is complete as provided in FMC 14.07.070.

(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 FMC 14.09, 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 and review for projects that qualify as Planned Actions shall be tied to the underlying permit. The review process for the underlying permit shall be as provided in FMC 14.09. If notice is otherwise required by FMC 14.15 for the underlying permit, the notice shall state that the project has qualified as a Planned Action. If notice is not otherwise required for the underlying permit, no special notice is required by this ordinance.

(5) Development Agreements.

(a) To provide additional certainty about applicable development 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.

B. (1). The SEPA Responsible Official shall review this Planned Action Ordinance at the occurrence of the earlier of the following:

- (a) 1,620 total PM peak hour trips, or 780 inbound trips or 840 outbound trips; or
- (b) no later than 5 years from the effective date of this ordinance.

(2) The Responsible Official's review shall determine the continuing relevance of the Planned Action's assumptions and findings with respect to environmental conditions in the Planned Action Area, the impacts of development, and required mitigation measures and planned improvements.

(3) In addition to any other issues deemed relevant by the Responsible Official, the review shall include assumptions, impacts and mitigation measures related to land use; transportation; stormwater, including the amount of impervious surface; and sewer and water system capacity.

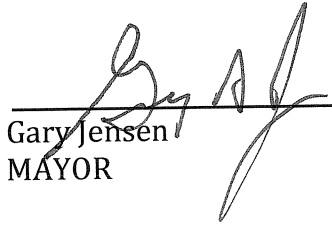
(4) Based upon this review, the SEPA Responsible Official may recommend any desirable modifications of the Planned Action to the City Council. The City Council may propose amendments to this ordinance or may supplement or revise the Planned Action EIS, as appropriate.

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.

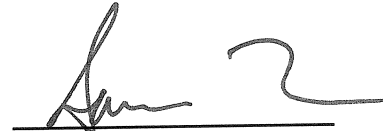
SECTION 6. - Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or its application be declared to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the constitutionality or validity of the remaining portions of this ordinance or its application to any other person or situation.

SECTION 7. - Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after its passage, approval and publication as provided by law.

ATTEST:

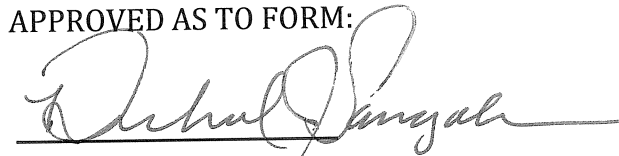


Gary Jensen
MAYOR



Sam Taylor
CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

PASSED 19th day of March, 2012

APPROVED 19th day of March, 2012

PUBLISHED 21st day of March, 2012

I hereby certify that this is a true copy of Ordinance No. 1710 passed by the City Council of the City of Ferndale, Washington, and approved by the mayor of the City of Ferndale as hereon indicated.



Sam Taylor
CITY CLERK

**EXHIBIT A
PLANNED ACTION AREA**

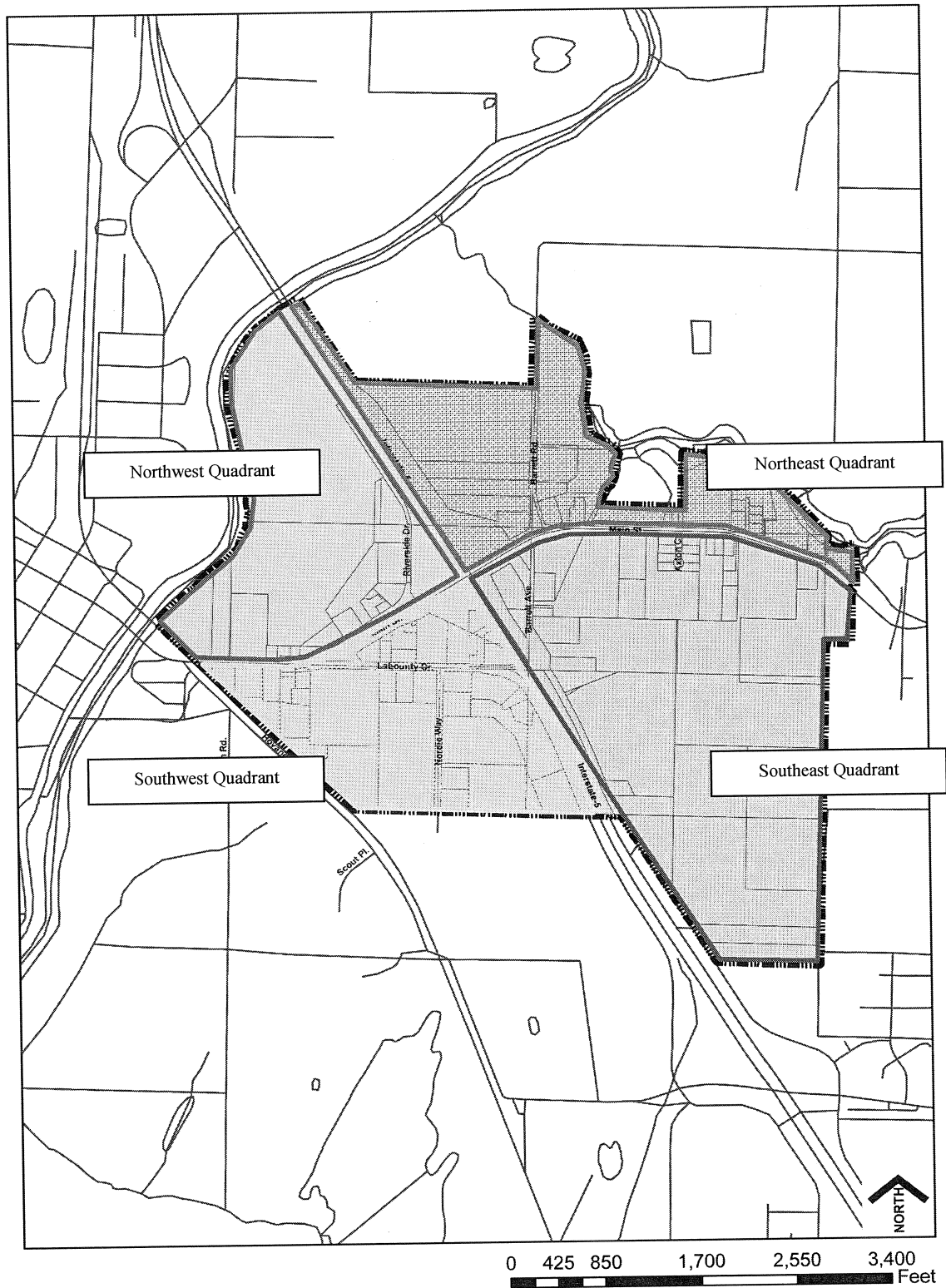


Exhibit B

Main Street Master Plan Planned Action Ordinance Mitigation Measures

The State Environmental Policy Act (SEPA) requires environmental review for project and non-project proposals that may have adverse impacts upon the environment.

In order to meet SEPA requirements, the City of Ferndale issued the *Draft Main Street Master Plan Planned Action Environmental Impact Statement* on July 14, 2011, and Final Environmental Impact Statement on December 12, 2011. The Draft Environmental Impact Statement and the Final Supplemental Environmental Impact Statement are referenced collectively herein as the "EIS". The EIS has identified significant impacts that would occur with the future development of the Planned Action area, together with a number of possible measures to mitigate those significant impacts.

The purpose of this Mitigation Document is to document the specific mitigation measures identified in the EIS, based upon the identified significant impacts. The EIS considers potential impacts associated with the natural environment, air quality, greenhouse gases, land use, transportation, public services and utilities.

The mitigation measures would apply to future development proposals which are consistent with the EIS and located within the Planned Action area (see Exhibit A). It should be noted that some EIS mitigation measures identified in the EIS have already been completed (such as adoption of a planned action ordinance or prepare a fiscal impact study) and are not included in this Mitigation Document. This Exhibit also summarizes measures, excluding background discussion and similar information. Please refer to the Draft and Final EIS for complete text associated with each element of the environment.

NATURAL ENVIRONMENT

Incorporated Plan Features

Northeast Quadrant

An open space/wetland mitigation site has been proposed in the northwest portion of the northeast quadrant. This area would be subject to USACE, WDOE and City of Ferndale requirements and could mitigate for potential wetland impacts of future development in this quadrant.

Southeast Quadrant

Future wetland preservation and mitigation areas have been proposed in the eastern portion of this quadrant. This proposed area would be designed to provide a long-term

net benefit to water quality, hydrologic function, and habitat function. This improvement is inherent by removing the site from agricultural activity and consolidating the degraded wetlands into a higher functioning system.

The proposed wetland area would preserve all the existing forested portions of the site and will enhance portions of the pasture adjacent to the existing forest, creating a contiguous corridor along the eastern and southern portions of the property. In addition, the creation and enhancement of critical areas would have a greater interspersed habitat over the existing pasture areas providing an opportunity for more diversity of wildlife.

Water quality will likely improve by ceasing the existing agricultural activities (chemical application, tilling, etc.), and planting of native vegetation that will retain and remove pollutants and allow sediment to settle out before reaching downstream systems.

Southwest Quadrant

Off-site mitigation for impacts to Category III and IV wetlands located within the southwest quadrant is recommended.

Northwest Quadrant

In the northwest quadrant, impacts to wetlands and habitat will be mitigated for on-site by means such as riparian restoration and wetland/habitat mitigation/education.

Other Mitigation Measures

- Avoid development in environmentally regulated areas and their buffers such as the Nooksack River and Tenmile Creek riparian areas and wetlands.
- Avoid placing fill on the floodplain and if so, mitigating for this type of disturbance by means such as compensating for flood storage and fisheries habitat loss.
- Modify the City stormwater code to support the use of Low Impact Development (LID) measures that minimize the creation of new impervious surfaces and support stormwater treatment systems that infiltrate all stormwater on-site if practicable. Although the code currently advocates use of infiltration as a Best Management Practice (BMP), it is seldom used to the point of achieving full infiltration. Adoption of LID standards in the study area would further reduce stormwater deliveries to surface waters, thus reducing pollutant loads which can impact fish species.
- Minimize fragmentation of existing forest, by limiting removal of trees and native vegetation understory.
- Provide enhancement to existing forested areas or land adjacent to the Nooksack River, Tenmile Creek, and the southeast portion of the southeast quadrant. Enhancement may include removal of invasive species such as Himalayan blackberry, reed canarygrass, and Japanese knotweed and supplementing with native trees and shrubs.

- Consider opportunities in the northwest quadrant for habitat and wetland mitigation in other parts of the study area.
- Consider opportunities in the area west of Barrett Road adjacent to Tenmile Creek for habitat and/or wetland mitigation.
- If in-water structures are proposed, mitigation will be determined by USACE and WDOE. To ensure the success of the proposed mitigation, provide for maintenance, monitoring and contingency plans. Monitoring and maintenance should occur during the 10 year life of the project and involve removal of invasive species (weeds), replacement of mortality, and removal of trash and debris. The purpose of the monitoring is to evaluate the success of the mitigation project as defined by the performance standards established in the mitigation plan. Annual monitoring reports should be provided to the City of Ferndale and the WDOE to ensure project efficacy. The contingency components of the mitigation plan would be implemented if it is determined that the performance standards are not being met. Final approval of the mitigation project would not occur until the City of Ferndale and the WDOE have agreed that the approved performance standards have been met and that the mitigation is functioning as designed.
- For impacts to habitat and wetlands that cannot be mitigated for on-site, off-site locations within the immediate or lower Nooksack River basin should be explored. Off-site mitigation options include riparian habitat restoration along the Nooksack River and Tenmile Creek, in the northwest and northeast quadrants respectively. Other areas of wetland mitigation occur in the northwest and southeast quadrants. Lower Nooksack River basin mitigation options include areas such as Fisher/Ferndale Road Phased Off-Site Mitigation Area and the Lummi Indian Nation Mitigation Bank.

AIR QUALITY

No mitigation measures are required or proposed to address potential impacts to air quality associated with the proposal or alternatives.

GREENHOUSE GASES

A variety of mitigation measures are available to reduce energy use, increase sustainable building design and reduce GHG emissions. It is likely that numerous features would be incorporated into the design of individual development projects to, among other things, conserve energy and reduce GHG emissions. Specific mitigation measures would include the following:

- The use of roundabouts versus signalized intersections within the study area to reduce vehicle idling due to intersection delays.
- Implementation of the City's EAGLE program; an indicator-based program that assesses the manner in which individual development projects will achieve outcomes associated with EAGLE categories, defined as **E**nergy efficient design, **A**dvanced technologies, **G**reater good, **L**ow impact and **E**conomic development.

- The adoption of comprehensive low impact development (LID) standards for storm water treatment for all public and private areas on the site.

LAND USE

Applicable Regulations

All new development will be required to comply with applicable standards contained in the Ferndale Municipal Code. In particular, the following code requirements will help mitigate potential impacts:

- FMC 18.58 Retail Design Guidelines and Standards
- FMC 18.74 Landscape Standards
- FMC 16.08 Critical Areas
- As established in the Ferndale Municipal Code, development proposals on parcels of three acres or greater will be reviewed in accordance with planned unit development or binding site plan requirements.
- All applicable new development will be reviewed through the City's EAGLE program.

Other Mitigation

Monitor new development to ensure that long-term land use compatibility impacts are not created. If necessary, consider additional standards for building height limits, landscaping, noise or lighting controls or other measures.

TRANSPORTATION

Incorporated Plan Features

The City would require construction of local access and circulation roadways to serve the increased level of development. The City would also pursue improvements consistent with the Transportation Element of its Comprehensive Plan.

Other Mitigation Measures

Regional Transportation Improvements. The City, working with WSDOT, WCOG, and Whatcom County, should pursue preparation of a Master Plan and IJR for this section of Interstate 5. Development within the study area and other parts of the region could be asked to help pay for those studies.

Traffic Operation Mitigation. The mitigation strategy would replace the existing traffic signals and turn lanes along Main Street with a series of roundabouts. Roundabouts also would be constructed along Slater Avenue and at other intersections within Ferndale. The City will need to coordinate the development and construction of the roundabouts along Main Street and Slater Road with future WSDOT improvements at the interchanges with Interstate 5. The resulting improvements needed to meet level of service standards at City, State, and Whatcom County intersections are summarized in Table B-1.

Table B-1
Mitigated to Agency LOS Standards¹

	Location ³	Mitigation
	(8) Main St / LaBounty Dr	Construct 2 to 3 lane roundabout, including additional slip lanes.
	(11) Main St / Barrett Rd	Realign and widen Barrett Road to develop a 2 to 3 lane roundabout intersection with Main Street and I-5 NB ramps.
	(17) Smith Rd / Barrett Rd	Widen roundabout (as proposed in Transportation Element) to provide second lane for all approaches.
	(21) Slater Rd / Rural Ave	Convert to 1 to 2 lane roundabout or install NB right overlap signal head, extend WB left & northbound right turn lanes.
	(24) Slater Rd / Pacific Hwy	Construct 1 to 2 lane roundabout in lieu of signal identified in Transportation Element.
	(26) LaBounty Dr / Nordic Wy	Construct 1 to 2 lane roundabout.
	Main Street (Barrett Road to east City limits)	Upgrade roadway to urban standards, including sidewalks and turn lanes.
	Barrett Road (Smith Road to north City limits)	Upgrade roadway to urban standards, including sidewalks and turn lanes.
	LaBounty Drive (Main Street to Smith Road)	Upgrade roadway to urban standards, including sidewalks and turn lanes.
	Southwest Quadrant Collector Road	Construct new north-south collector road between Main Street and Barrett Road, including traffic controls at intersections.
	Southwest Quadrant Circulation Roads (south of LaBounty)	Construct system of interconnected local access and circulation roads to City street standards.
City	Northwest Quadrant Circulation Roads (north of Main Street)	Construct system of interconnected local access and circulation roads to City street standards.
	(9) Main St / I-5 SB Ramps	Construct 2 to 3 lane roundabout and slip lanes; widen SB on and off-ramps.
	(10) Main St / I-5 NB Ramps	See description for combined roundabout improvement with Main Street and Barrett Road (#11).
	(22) Slater Rd / I-5 SB Ramps	Construct 1 to 2 lane roundabout in lieu of traffic signals and turn lanes as identified in the City's Transportation Element (or alternative improvement as identified by WSDOT).
	(23) Slater Rd / I-5 NB Ramps	Construct 1 to 2 lane roundabout in lieu of traffic signals and turn lanes as identified in the City's Transportation Element (or alternative improvement as identified by WSDOT).
State	(20) Smith Rd/SR 539	Add 2nd NB left turn lane, add 2nd SB left turn lane, EB & WB approaches = 1 left turn lane, 1 through lane, 1 shared through/right lane.
	(13) Axton Rd / Northwest Dr	Install signal.
	(18) Smith Rd / Northwest Dr	Install signal, add NB right turn lane.
County	(19) Smith Rd / Aldrich Rd	Add two-way left-turn lane on Smith Rd.
	(25) Slater Rd / Northwest Dr	Install signal, add EB right, add NB left, add SB left.

Source: Transpo Group, 2011

1. Additional improvements beyond those identified in the City of Ferndale Transportation Element.
2. Travel direction - NB = northbound, SB = southbound, WB = westbound, EB = eastbound.
3. (X) = References study intersections identified on Draft EIS Figure 3.3-2.

Alternative improvement strategies may be defined as part of future WSDOT studies for the Main Street and Slater Road interchanges. These could include new ramps at Smith Road, development of double-crossover interchanges, a single-point urban interchange, or other concepts.

City of Ferndale. The identified improvements in Table B-1 would be necessary in addition to the improvements identified in the City of Ferndale Transportation Element to meet the City's adopted level of service standards.

Although not needed to resolve a specific level of service issue, a roundabout also should be considered by the City at some point in the future at the intersection of Main Street at Walgreens. It is not desirable to have a traffic signal in close proximity to a roundabout due to the potential for traffic queues from the signal blocking circulation within the roundabout.

In a similar manner, the future traffic signal as identified in the Transportation Element at the intersection of Hovander Road/Main Street would likely need to be eliminated. Left turn movements would likely need to be restricted at this intersection, at least during peak traffic periods.

A 2 to 3 lane roundabout also was identified for the intersection of Main Street/Barrett Road in lieu of the signal identified in the City's Transportation Element. This roundabout would be combined with the existing intersection of Main Street with the Interstate 5 northbound ramps and the Barrett Road frontage road. This will require realigning and widening Barrett Road and the northbound ramps to a location between the existing two intersections.

To meet the City's level of service standard, the planned roundabout at the intersection of Smith Road with Barrett Road will need to be widened to a two-lane roundabout.

The City and WSDOT have discussed the use of roundabouts along Slater Road. To provide consistency along the corridor, the existing signalized intersection at Slater Road/Rural Avenue could be replaced with a 1 to 2 lane roundabout. A 1 to 2 lane roundabout also would be required at the intersection of Slater Road at Pacific Highway. The specific location of this roundabout needs to be coordinated with future WSDOT improvements at the Interstate 5 interchange at Slater Road.

A 1 to 2 lane roundabout would be needed to resolve the level of service impact at the intersection of LaBounty Drive at Nordic Way. Improvements at this intersection would also likely involve modifying or closing one or more of the access driveways along the north side of LaBounty in the vicinity of Nordic Way.

In addition to these intersection improvements, Main Street between Barrett Road and the east City limits will need to be upgraded and widened to three lanes. Pedestrian and bicycle facilities should be constructed along this section of Main Street. In addition, the intersections of the new north-south collector road with Main Street and Barrett Avenue will need construction of a roundabout or other traffic control.

LaBounty Drive and Barrett Road within the study area and south to Smith Road also will need to be upgraded to urban standards including sidewalks and possible turn lanes to serve major access drives.

State Highways. Construction of 2 to 3 lane roundabouts at the Interstate-5 southbound and northbound ramps at Main Street would provide LOS D or better. Both locations would need additional slip lanes and widening of the on and off-ramps to facilitate traffic flows in the roundabout. As described above, the roundabout at the northbound interchange ramp would be combined with Barrett Road. The northbound ramps and Barrett Road will need to be realigned to facilitate the combined roundabout.

At the Slater Road /Interstate-5 northbound and southbound interchange ramps, 1 to 2 lane roundabouts will be needed to meet the LOS D standard and reduce queue impacts. These will need to be coordinated with the roundabout concepts for Slater Road/Rural Avenue and Slater Road/Pacific Highway.

Improvements also would be needed at the intersection of SR 539 (Guide Meridian) at Smith Road to meet the LOS C standard. LOS C is the adopted standard for this HSS facility in a rural area. Improvements include widening the intersection to provide additional lanes as summarized in Table B-1. Traffic impacts at this intersection due to individual development projects within the study area would likely be minimal. Larger development projects may have an impact at that intersection and needed mitigation, if any, could be identified as part of the individual project-level SEPA review.

Whatcom County. Four study intersections under Whatcom County's jurisdiction could require improvements. Whatcom County's transportation plans do not identify improvements at these intersections. Installation of a traffic signal would resolve the forecast LOS F at the intersection of Axton Road/Northwest Drive. The County may consider an alternative improvement such as a roundabout. Installation of a traffic signal plus construction of a northbound right-turn lane would be needed at the intersection of Smith Road at Northwest Drive. Again, the County may select an alternative improvement, such as a roundabout.

At the intersection of Smith Road at Aldrich Road, a center, two-way, left-turn lane could be constructed to provide a merge/refuge lane for left-turns. Whatcom County may consider other improvements, but forecast volumes do not appear to meet traffic signal warrants. Installation of a traffic signal and turn lanes, or alternatively a roundabout, would be needed to provide LOS D or better at Slater Road/Northwest Drive.

Access and Circulation Mitigation. In addition to resolving level of service impacts, a system of local access and circulation roadways should be defined and constructed within the study area. This requirement is consistent with the City's Transportation Element. Prior to approval of major developments within the study area, conceptual circulation plans should be developed for each quadrant and approved by the City with review by WSDOT, as applicable. While specific alignments may not be defined, the plans should consider the following:

Southeast Quadrant: New access and circulation roadways should be developed to connect between Main Street and Barrett Road. These new roadways should focus on providing property access to most properties to reduce direct access onto Main Street, Barrett Road, or into adjacent residential areas. They also should provide interconnections to allow traffic to connect without impacting the arterials. This also will help internalize traffic within the Planned Action area. Connectivity to the Ferndale Station Transit Center also should be considered.

Southwest Quadrant: New roadway connections should be developed to provide local east-west connectivity between LaBounty Drive as it parallels Interstate 5 to Nordic Way and west to the Haggen shopping center. This new roadway would connect to the existing local circulation roadway that connects the Haggen shopping center to the Walgreen access roadway. This connection will help disperse traffic, provide alternative routes, improve pedestrian connectivity, and help reduce impacts at individual intersections.

Northwest Quadrant: A new east-west local circulation road connection should be considered to connect between potential extensions of the LaBounty Drive (Riverside) and Walgreens accesses. This connection may not be available until the existing properties are redeveloped but should be accommodated within each development.

Northeast Quadrant: There are limited opportunities for the new circulation roadways, unless properties are significantly redeveloped. Property access should be consolidated where possible and access restrictions should be considered along Barrett Road north of Main Street to reduce safety impacts and improve operations.

Non-Motorized Mitigation. To supplement the vehicular access and circulation concepts, plans for pedestrian and bicycle connections in the study area should be considered. The primary objectives would be to assure connectivity between properties, safe crossings of streets, access to transit stops and Ferndale Station Transit Center, and connections to downtown Ferndale, parks, and other non-motorized destinations.

In addition, all intersection and roadway improvements should incorporate appropriate crosswalks, traffic signal improvements, signing, and other features to serve pedestrians and bicyclists.

Transit and Transportation Demand Management (TDM) Mitigation. The intersection and roadway improvements identified above should be coordinated with WTA to incorporate appropriate treatments for bus stops and potential shelters. Potential transit-related mitigation for the retail land uses should focus on improved accessibility, consistent with the previous discussion. In addition, major retail developments could support transit use through construction of bus shelters.

Office developments within the study area could be required to incorporate appropriate TDM measures to help reduce traffic generated during peak periods. As applicable, reductions in transportation impact fees or other mitigation tied to a development trip generation could be incorporated.

Parking Mitigation. No parking impacts are anticipated based on the comparison of average parking demands to City code. The City could, however, allow for reductions in parking requirements based on TDM measures or analyses of shared parking as development applications are reviewed.

PUBLIC SERVICES

Police Services

The following mitigation measures would address potential impacts to police services resulting from development under any of the alternatives.

- Increases in population, employees and visitors over the buildout of the area would be incremental and would be accompanied by increases in demand for police services. A portion of the tax revenues generated from development of the study area – including construction sales tax, retail sales tax, property tax, utility tax and other fees, licenses and permits – would accrue to the City of Ferndale and could help offset demand for police services.
- Residential, office and retail tenants could fund private security in order to reduce service demands/calls for service to the FPD.
- Enhance public safety through adherence to Crime Prevention Through Environmental Design (CPTED) standards.

Fire and Emergency Medical Services

- All new buildings would be constructed in compliance with the 2003 International Fire Code, or the most recently adopted code, which is adopted by reference in the City of Ferndale Municipal Code (FMC 15.04.040).
- Coordinate with Whatcom County Fire District Seven during final design, construction, and operation of future development to ensure that reliable emergency access is maintained.

Schools

The four existing attendance area schools and the Ferndale School District expect to have capacity to accommodate the additional students; if the schools within the attendance area cannot serve the additional student population, it is likely that capacity at other schools within the District could accommodate the new student generation. The following mitigation would help offset the impacts of the project on the Ferndale School District.

- School impact fees would be determined at the time of building permit application.
- If the capacity of Central and/or Cascadia Elementary Schools are exceeded, redistricting could be employed to accommodate elementary school students outside of the existing attendance boundaries.

Parks

A public/private partnership is proposed to provide active and passive public open space in a portion of the Floodway designated area in the northwest quadrant (the former Riverside Golf Course). Proposed public partners include the City of Ferndale, the Whatcom County Parks Department, and Ferndale School District #502. The future extent and magnitude of the open space proposal would be dependent on public agency partnership.

Total open space area would comprise approximately 106 acres distributed throughout the study area. Active recreation space is proposed in the northwest quadrant, between the Nooksack River and Interstate-5. Active recreation uses would include youth and adult athletic fields (soccer, football, rugby, lacrosse), pedestrian paths, sports courts, and outdoor classrooms. An amphitheater and public plaza would be developed to facilitate public events, such as lectures and concerts. Passive open space, include wetland preservation and flood storage areas, are proposed on other quadrants of the study area.

UTILITIES

Applicable Regulations and Commitments

Water

FMC Title 13 relates to water. The following Code sections apply:

- Chapter 13.04 Water System Service Regulations
- Chapter 13.06 Cross-Connection Control Regulations
- Chapter 13.08 Water Connection Fees
- Chapter 13.12 Water Service Extensions
- Chapter 13.16 Water System Extension Design Standards

Wastewater

FMC Title 13 relates to sewer. The following Code sections apply:

- Chapter 13.20 Sewer Connections
- Chapter 13.24 Sewer Service Charges
- Chapter 13.28 Sewer Service Extensions
- Chapter 13.32 Sewer Service Extension Design Standards

Stormwater

New development proposals would be required to meet stormwater management is regulated by federal, state, and local laws and ordinances, summarized below.

Federal Clean Water Act. The Clean Water Act prohibits the discharge of any pollutant from a point source into navigable waters, unless a permit is obtained. The EPA's National Pollutant Discharge Elimination System (NPDES) controls the discharges. The City has obtained coverage under their NPDES permit and State Waste Discharge

General Permit for Small Municipal Storm Sewers in Western Washington from the Washington State Department of Ecology (Ecology).

Washington State Department of Ecology. Ecology is responsible for implementing and enforcing surface water quality regulations within the state of Washington. The current water quality standards are established in state regulations (WAC 173-201A) and guidance from Ecology in the most current version of the *Stormwater Management Manual for Western Washington* (Ecology Manual). At the time of preparation of this Planned Action EIS, the most current version of the Ecology Manual is the 2005 edition. Federal water quality standards are established in the federal National Toxic Rule and Human Health Criteria (40 Code of Federal Regulations [CFR] 131).

City of Ferndale Municipal Code. FMC Title 13 relates to stormwater. The following Code sections apply:

- Chapter 13.24.070 Stormwater Fees
- Chapter 13.34 Stormwater Control Ordinance
- Chapter 13.35 Water Quality – Illicit Discharge
- Chapter 13.40 Storm Drainage
- Chapter 13.32 Sewer Service Extension Design Standards

Per FMC 13.34.030, the City has adopted the latest Washington State Department Ecology Stormwater Manual as amended by Sections 1 through 6 of Appendix 1 of the Western Washington Phase II Municipal Stormwater Permit as the technical stormwater reference manual for the City. Per FMC 13.34.060, the City encourages the use of Low Impact Development (LID) management practices (BMPs) as a means to provide stormwater quality and quantity management. The City also anticipates Ecology will be adding more requirements in 2012-2013 and would support more examples of LID within the City.

Other Mitigation Measures

Water

- Water conservation should be encouraged or required for plumbing fixtures in buildings and for outdoor irrigation. It is estimated that currently available water efficient fixtures within buildings (low flow sinks, showerheads, high efficiency toilets, and reduced or eliminated irrigation) can result in at least 30 percent water conservation over the current code minimum requirements (based on the 1992 Energy Policy Act). Water conservation is included in the City of Ferndale's EAGLE checklist that could serve as a tool to encourage or require certain levels of water conservation.
- The City's Water System Plan should be updated no later than 2014 to identify the required improvements to the City's water system to serve the proposed development through 2034.

- Based on analysis performed by Reichardt & Ebe in 2011 utilizing current water use (2008-2010) and the City's revised growth projections, the City will require additional water storage by 2015. Planning for this additional storage should begin immediately and water demands from the selected growth alternative should be incorporated.

Wastewater

- The water conservation measures outlined above in the water section will also reduce the production of sewage. In addition, the City should encourage use of phosphate-free detergents, the use of less toxic cleaning chemicals, ban in-sink garbage disposals and encourage food composting through educational programs, media, and/or EAGLE indicators to reduce load on the treatment system and River.
- The City's Sewer Plan should be updated to include the recommended alternative so the required improvements to the City's wastewater treatment and conveyance system can be implemented.

Stormwater

- Much of the study area is in basins that discharge directly to the Nooksack River. Stormwater quantity impacts in this area may be mitigated through downstream conveyance improvements so detention and flow control would not need to be provided on-site, thus making this land available for additional development or open space. A comprehensive stormwater plan should be developed for the direct discharge basins. This plan should identify the required conveyance improvements. The City will be updating the Stormwater Comprehensive Plan beginning in 2011 and most likely finishing sometime during 2012.
- For those basins that discharge directly to the Nooksack River, stormwater quality should be provided on-site with Low-Impact Development (LID) techniques. In particular bioretention cells (also called raingardens) could be used for water quality treatment in areas of required or desired landscaping as discussed below.
- For basins that discharge to Tenmile and Deer Creeks or to the Tenant Lake system both detention/flow-control and stormwater treatment will need to be provided. Detention/flow-control could be provided on each site or in a regional facility, however it is recommended that water quality treatment be provided on each site. Layout and design of a future regional detention/flow control facility would need to be developed as part of a detailed engineering study.
- Basins that discharge to wetlands are subject to both the flow-control and water quality requirements and may also trigger wetlands hydroperiod analysis if the wetlands are sensitive to fluctuations in water level. A wetlands scientist would determine the scope of such a hydroperiod study. Based on prior review of the probable wetlands in the study area, many of them may not be sensitive to inflow

hydroperiod changes but sensitivity should be confirmed at time of site-specific project proposals.

- Required stormwater treatment as discussed above should be provided with Low-Impact Development (LID) best management practices (BMP's) such as bioretention (raingardens), green roofs, and pervious pavement. These practices have been shown to match or provide higher levels of treatment than more traditional methods such as wet ponds, wet vaults, bioswales, manufactured filters and the like. LID BMPs are consistent with the City's goals as stated in section 13.34.060 of the Stormwater Ordinance.
- The City will continue work with Whatcom County River and Flood, FEMA, ACOE, and other qualified agencies to determine the most accurate flood boundaries based on best available science.