



CITY OF SNOHOMISH

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SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT DECISION

FROM THE OFFICE OF THE DIRECTOR OF PLANNING & DEVELOPMENT SERVICES
FOR THE CITY OF SNOHOMISH

In the Matter of the Application of)	
Wastewater Treatment Plant Air Gap Facilities)	FINDINGS, CONCLUSIONS AND DECISION
For Approval of a Shoreline Substantial Development Permit)	

Project File Number: SL21-0003 **Project Name:** Wastewater Treatment Plant Air Gap

PROPONENT/CONTACT:

City of Snohomish Public Works Department
PO Box 1589
Snohomish, WA 98291
(360) 568-3115

Location: 2115 Second Street (parcel #28051300201800)

Land Use Designation: Industry (IND)

Shoreline Environment: Urban Conservancy

Application Complete: March 10, 2021

A. SUMMARY OF DECISION

The application is for a Shoreline Substantial Development Permit (a Type 3 permit) to allow installation of two air gap facilities at the Wastewater Treatment Plant, each consisting of a 500-gallon poly tank and associated piping, valves, and pumps. One facility will be located near the headworks at the northern end of the site within a new, 240-square-foot structure, and the other will be in the southeast corner of the property, within an existing building. The purpose is to protect the water system from contamination and provide cross connection control. The Planning Director is the decision-making authority for Type 3 permits. The Shoreline Substantial Development Permit is **APPROVED**, subject to conditions.

B. SUMMARY OF RECORD

Request:

City of Snohomish Public Works (Applicant), requested approval of a Shoreline Substantial Development Permit (SSDP) to install two air gap facilities in two locations at the Wastewater Treatment Plant, one within a new, 240-square-foot structure, and the other within an existing building. The property is located in the Industry land use designation area.

Exhibits:

This decision was based on review of the following records:

Exhibit #	Record Name/Description	Date
1	Application forms: SSDP and Land Use, with description of request and legal description	1/14/2021
2	SSDP Applicant Narrative Description of Proposal	3/23/2021
3	Preliminary Permit Review Set	3/23/2021
4	Visibility Site Map	3/23/2021
5	Determination of Complete Application Letter	3/20/2021
6	Notice of Application and Determination of Non-Significance, including annotated SEPA Checklist, declarations of posting and distribution, mailing labels, and Everett Herald affidavit of publication	4/5/2021
7	Email and letter regarding consultation with Department of Archaeology and Historic Preservation (DAHP Project # 2021-02-00934)	2/18/2021
8	Comment from Snohomish County PUD #1	4/26/2021
9	Review memorandum from Sukhpreet (Monty) Dhaliwal, Project Engineer	5/6/2021

General Property Information (existing conditions):

Property Information	
<p>The site is a 70.33-acre parcel addressed as 2115 Second Street in Snohomish, WA (Snohomish County Assessor's tax parcel 28051300201800) located in the northwest quarter of Section 13, Township 28 North, Range 05 East, WM.</p>	
Site Photos (facing south from Second Street)	Aerial Image
 <p>Proposed location 1 – northern end</p>	 <p>Development sites within circled areas</p>
 <p>Proposed location 2 – southern end</p>	

Existing Land Use	
Subject Site	Industrial Utility / Wastewater Treatment Plant
Property to North	Undeveloped
Property to South	Residential and Open space agriculture (Snohomish County, across Snohomish River)
Property to East	City Public Works Shop (across SR9)
Property to West	Residential and Open space agriculture (Snohomish County, across Snohomish River)
Comprehensive Plan and Zoning Map Designation	
Subject Site	Industry
Property to North	Parks, Open Space & Public, R-5 (Snohomish County)
Property to South	A-10 Agriculture (Snohomish County, across Snohomish River)
Property to East	Commercial (across SR9)
Property to West	A-10 Agriculture (Snohomish County, across Snohomish River)
Existing Vegetation	
Both development sites are paved. Lawn areas, shrubs and trees, open water, and wetland plants are present on the overall site.	
Existing Topography	
The overall site is flat, with a downhill slope toward the Snohomish River.	
Critical areas	
The overall site contains wetland areas that extend beyond site boundaries.	
Shoreline Jurisdiction	
A portion of the project is within the Shoreline Jurisdiction of the Snohomish River, in the Urban Conservancy environment.	

C. FINDINGS OF FACT & ANALYSIS

Based on the records above, the adopted ordinances of the City of Snohomish, and other information on file with the City, the City Planning Director enters the following Findings and Conclusions.

1. Requested action and project description
The proposed action is approval of a Shoreline Substantial Development Permit (SSDP) to allow construction of two air gap facilities, each consisting of a 500-gallon poly tank with associated piping, valves, and pumps, on a 200-square-foot concrete pad. The air gap proposed at the south end of the site will be located within an existing chlorination building. The air gap proposed at the north end of the site will be located within a new, 240-square-foot metal structure near the existing headworks. The purpose is to provide cross connection control, protecting the water system from contamination. The project is within the Shoreline Jurisdiction, in the Urban Conservancy environment. Pursuant to SMC 14.250.060B(1), a Shoreline Substantial Development Permit is required.

2. Public Notice and Comment
The application was determined to be complete on March 10, 2021, and is vested to development regulations in effect at that time. Notice of the application was issued in accordance with City codes on April 5, 2021, by posting the site, publication in the Daily Herald (Everett), and mailing to owners of property within 300 feet of the site boundaries (Exhibits 5 and 6). One comment was received from the Snohomish County PUD, stating they have sufficient electrical capacity to serve the development (Exhibit 8).
3. SEPA Review
Pursuant to the State Environmental Policy Act (SEPA), the City of Snohomish acted as lead agency for review of environmental impacts likely to be caused by the proposal. Based on information contained in the SEPA checklist and other information in the project file, the City issued a Determination of Non-Significance (DNS) on April 5, 2021. The DNS was not appealed so the determination stands as issued. (Exhibit 6)
4. Design Review
The proposal is subject to design review under SMC 14.230.030. The applicable design standards are contained in the adopted Design Standards and Guidelines (Outside the Historic District), 2004. The proposed structure was recommended for approval by the Design Review Board (File #21-06-DRB). No site changes are proposed that require review.
5. Utilities
5.1 The Wastewater Treatment Plan has an existing connection to domestic water service. The air gap facilities are intended to provide cross-connection control to protect the water system from contamination. No new water connections are required, although existing service lines will be re-routed. (Exhibits 2, 3, and 9)
5.2 The Wastewater Treatment Plant is connected to sanitary sewer service. No change to the sanitary sewer connection is proposed. (Exhibit 9)
5.3 Stormwater improvements and erosion control measures must meet the minimum requirements of the 2012 Department of Ecology Stormwater Manual for Western Washington (DOE Manual). The project will generate less than 2,000 square feet of pollution generating impervious surface and is therefore below the threshold for treatment and flow control. (Exhibits 2, 3, and 9)
6. Access, Frontage Improvements, Traffic Impacts, Transportation
6.1 The development maintains an existing access point from Second Street. No changes or improvements are proposed to the site access. (Exhibits 3 and 9)
6.2 The City Engineer has determined that the proposed project will not require any frontage improvements on Second Street. (Exhibit 9)
6.3 The City Engineer has determined that the proposal will not generate any additional traffic and SMC 14.295.100 are met. (Exhibit 9)
6.4 Community Transit Route 109 provides transit service adjacent to the project site. A bus stop (#3125) is located on Second Street near Avenue E, approximately ½-mile from the site, according to the Community Transit website (www.communitytransit.org).
7. Consistency with Comprehensive Plan
The City of Snohomish Comprehensive Plan designation of the subject property is Industry. Staff has determined that the proposal complies with all relevant Comprehensive Plan goals and policies. Comprehensive Plan goals and policies with particular relevance to the proposal are included as Attachment A.
8. Consistency with Snohomish Municipal Code (SMC)
Applications for Shoreline Substantial Development Permits are subject to the criteria of Chapter 14.250 SMC.

Criteria	Analysis
<p>8.1 SMC 14.250.100 <i>A. As provided by WAC 173-26-186(8), land development, land uses, and modifications within the shoreline jurisdiction shall not result in a net loss of shoreline ecological functions and processes. Mitigation for impacts resulting from development, uses, and modifications shall comply with the priorities specified in the shoreline restoration plan and Appendices C, E and F of the City of Snohomish Shoreline Master Program.</i></p>	<p>No net loss of shoreline ecological function or processes is anticipated from the proposal. All work is proposed within an existing fully developed utility facility area.</p>
<p><i>B. Maximum structure height in the shoreline jurisdiction areas shall be thirty-five (35) feet</i></p>	<p>The proposed building will not exceed 12 feet in height.</p>
<p><i>C. For work at or below the ordinary high water mark, a field determination of the ordinary high water mark shall be made no more than one year prior to submittal of a complete application.</i></p>	<p>No work is proposed near the ordinary high water mark of the Snohomish River.</p>
<p><i>D. All shoreline uses and developments shall conform to the following standards:</i></p> <p><i>1. Consistency with the Comprehensive Plan and applicable provisions of the Land Use Development Code.</i></p>	<p>The existing use is consistent with the Comprehensive Plan and Land Use Development Code.</p>
<p><i>2. All shoreline uses and development shall be located, constructed and operated so as to preserve and protect public health, safety and welfare.</i></p>	<p>The proposal is anticipated to further this standard, as it will protect the public potable water system from contamination.</p>
<p><i>3. All shoreline uses and development shall protect the quality and quantity of surface and ground water. New permits and development shall comply with the provisions of Chapter 15.16 SMC, including the Department of Ecology Stormwater Management Manual for Western Washington, as adopted or hereafter amended.</i></p>	<p>The City Engineer has determined stormwater requirements are met (Exhibit 9).</p>
<p><i>4. Shoreline uses and development shall not release solid or liquid waste, oil, hazardous materials, or untreated effluent to any water bodies or shorelands.</i></p>	<p>No untreated waste or hazardous materials are anticipated.</p>
<p><i>5. The use of chemicals to control invasive aquatic weeds is prohibited, except that milfoil and other aquatic weeds recognized as noxious weeds by the Noxious Weed Control Board of Washington State may be removed using chemicals; provided, that the chemicals are applied by a licensed pesticide applicator and approved for aquatic use.</i></p>	<p>Vegetation control is not proposed.</p>
<p><i>6. Heating and cooling equipment shall not be placed in waters of the state.</i></p>	<p>No heating or cooling equipment is proposed in the water body.</p>
<p><i>7. All shoreline uses and development shall be located, designed, constructed and managed to avoid and minimize adverse impacts to critical areas to the greatest extent practical consistent with the standard in SMC 14.250.330(C).</i></p>	<p>No impacts to critical areas are proposed as part of the project.</p>

<p><i>8. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. It shall be the applicants' responsibility to obtain all required state and federal approvals prior to beginning work within wetlands or below the ordinary high water mark. To the extent practical, native vegetation and native topsoils shall be preserved and reused on site. Areas cleared of vegetation but not developed shall be replanted with appropriate native species as determined by the Planning Director or designee.</i></p>	<p>No land clearing is proposed. Minor grading is required in order to install the associated piping to each air gap facility. All work is limited to an existing concrete pad and surrounding paved and/or gravel area. The property contains existing vegetation and landscape screening.</p>
<p><i>9. Shoreline uses and development shall be located, designed, constructed, and managed to minimize adverse impacts to natural shoreline processes such as water circulation, erosion and accretion.</i></p>	<p>The proposal will have no adverse impacts on shoreline processes.</p>
<p><i>10. All shoreline uses and development shall be located and designed to minimize reliance upon shoreline defense and stabilization measures and flood protection works such as bulkheads, bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrading.</i></p>	<p>The proposal will not modify existing shoreline stabilization measures at the Wastewater Treatment Plant site.</p>
<p><i>11. All development in the 100-year floodplain designated on the current flood insurance rate map issued by FEMA shall include an assessment prepared by a qualified professional regarding the potential effects of the project would have on channel migration, and shall incorporate measures to mitigate significant adverse impacts on channel migration.</i></p>	<p>The development sites are located in Zone AE (elevation 29) per FIRM panel 1061G. A Floodplain permit must be issued with the building permit for the new structure, which must be designed to meet flood-resistant standards. An elevation certificate will be required upon completion.</p>
<p><i>12. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.</i></p>	<p>A condition of approval will ensure construction waste does not enter the Snohomish River.</p>
<p><i>13. Navigation channels shall be kept free of hazardous or obstructing development or uses.</i></p>	<p>Not applicable. No change proposed to navigation channels.</p>
<p><i>14. Within shoreline environments, archaeological, historic, and cultural resources shall be assessed and protected.</i></p>	<p>The Department of Archaeology and Historic Preservation was consulted about the project. Their recommendation is incorporated as a condition of approval.</p>
<p><i>15. Shoreline development on publicly owned land or that is publicly funded shall include improvements to incorporate shoreline public access.</i></p>	<p>The land is publicly owned and the project is publicly funded. The Wastewater Treatment Plant property incorporates an existing public access trail (West Riverfront Trail) that encircles the perimeter of the property and follows the shoreline.</p>

Criteria	Analysis
<p>8.2 SMC 14.250.110 Use Regulations – General</p> <p><i>A. Within the shoreline jurisdiction, uses shall conform to all applicable provisions of this chapter.</i></p>	<p>Wastewater treatment plant is a permitted use pursuant to Table 1.</p>
<p>8.3 SMC 14.250.160 Regulations Specific to Industrial Uses</p>	
<p><i>A. Industrial uses in the shoreline shall provide public visual and/or physical access to the shoreline, or public access improvements in accordance with the regulations specific to commercial uses contained in SMC 14.250.150.</i></p>	<p>Visual and physical public access to the shoreline are provided through the existing West Riverfront public trail on the property.</p>
<p><i>B. Outdoor storage areas shall be designed in accordance with Chapter 15.16 SMC and the Snohomish Engineering Design and Construction Standards.</i></p>	<p>The City Engineer has determined that stormwater regulations are met (Exhibit 8).</p>
<p>8.4 SMC 14.250.210 Regulations Specific to Utilities</p>	
<p><i>A. Where feasible, utility facilities shall be located in existing rights-of-way or in existing utility corridors.</i></p>	<p>The proposed facilities are located adjacent to existing effluent control facility areas.</p>
<p><i>B. Where feasible, utility lines and facilities outside of existing rights-of-way or utility corridors shall be located underground unless long-term environmental benefit is demonstrated through use of aerial utility lines.</i></p>	<p>Underground piping is proposed for water supply and return.</p>
<p><i>C. Utility transmission and distribution infrastructure that cannot be located below ground or outside the shoreline jurisdiction shall be located as far landward as feasible to preserve public views.</i></p>	<p>No utility transmission or distribution infrastructure is proposed.</p>
<p><i>D. Utility facilities shall avoid and minimize crossing of water bodies and wetlands to the greatest extent feasible.</i></p>	<p>The proposed facility will not cross water bodies or wetlands.</p>
<p><i>H. Banks and dikes where utility facilities enter or leave a body of water shall be restored to the extent feasible, shall be protected against erosion, and shall be maintained by the utility.</i></p>	<p>No change is proposed to the river bank.</p>
<p><i>I. Stormwater and sewage outfalls may be permitted in shoreline environments in accordance with the substantive critical areas requirements of this chapter and state and federal regulations.</i></p>	<p>No stormwater or sewage outfalls are proposed.</p>
<p>8.5 SMC 14.250.230 Regulations Specific to Public Facilities</p>	
<p><i>Applications for installation of government facilities shall include the following:</i></p> <p><i>A. Justification that the facility must be located in a shoreline area;</i></p> <p><i>B. Alternative locations considered and reasons for their elimination;</i></p> <p><i>C. Proposed method(s) of construction;</i></p> <p><i>D. Plans for restoration of areas disturbed during construction.</i></p>	<p>No new government facilities are proposed. The project will upgrade an existing government utility facility.</p>

D. CONCLUSIONS

Jurisdiction		
Pursuant to SMC 14.20.020, the City Planning Director is the decision-making authority for Shoreline Substantial Development Permit applications (Type 3 Permit).		
Conclusions Based on Findings		
#	Conclusion	Finding Reference
1.	Adequate infrastructure is available to serve the development. Adequate parking and vehicle circulation is provided. The development is served by existing Community Transit facilities. The development is currently served by water and sewer infrastructure. Stormwater facilities will be provided in accordance with Department of Ecology standards, as adopted by the City of Snohomish.	5.1-5.3, 6.1-6.4, 8.1.3, 8.3.B, 8.4.I
2.	Landscaping and natural open space is incorporated into the development. Visual and physical public access to the shoreline is present on the site.	8.1.8, 8.1.15, 8.3.A
3.	The development will be consistent with the Comprehensive Plan. The project is consistent with all applicable Design Standards and Guidelines. Utilities are present at the site with adequate capacity to serve the proposed development. The proposal does not cause levels of service for City services to drop below the adopted standards.	4, 5.1-5.3, 6.2, 6.3, 7
4.	The development will not create significant adverse environmental impacts. A condition of approval will ensure protection of cultural resources.	3, 8.1
5.	With conditions of approval, the development will comply with the City's concurrency requirements. The traffic impacts of the development on City intersections will be mitigated concurrent with the development.	6.3, 8.1
6.	With conditions of approval, the development will protect the public's health, safety, and general welfare. The development must comply with applicable land use, environmental, and building regulations, as well as the City of Snohomish Public Works Department Design and Construction Standards. The engineering standards will ensure all improvements and infrastructure are designed and constructed in an appropriate manner. Compliance with the International Building Code and the City's engineering standards will ensure the drainage systems and structures are structurally sound. A floodplain permit will be required.	5.1-5.3, 6.1-6.4, 8.1, 8.3, 8.4

E. DECISION

Based on the preceding Findings and Conclusions, the application for a Site Development Plan to allow installation of two air gap facilities at the Wastewater Treatment Plant is **APPROVED**, subject to the following conditions:

1. A Floodplain permit is required with the building permit for the new structure, which must be designed to meet flood-resistant standards. An elevation certificate is required prior to issuance of a Certificate of Occupancy.

2. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.
3. The development shall comply with the Snohomish County Inadvertent Discovery Plan for cultural resources.
4. All development shall be consistent with the project narrative, plans, and recommendations of the professional studies and reports submitted with the application, as approved the City.

DECIDED this 12th day of May, 2021



Glen Pickus, AICP
Planning Director

F. EXPIRATION

This land use approval is issued in accordance with the permit validity limitations of SMC 14.20.120. The work authorized by this permit shall be commenced and substantial progress completed within two years of the date of this decision. Construction shall be completed within five years of the date of this decision.

G. APPEALS

This decision is made pursuant to the authority granted to the Planning Director in accordance with SMC 14.20.020D. A City department, other party of record, or agency with jurisdiction may appeal the Planning Director's decision to the City Hearing Examiner following the procedures contained in Chapter 14.20 SMC, pursuant to SMC 14.250.050. If no timely appeal is filed, then the Planning Director's decision shall be final. Appeals shall be filed with the City Clerk within 21 days from the date of this decision. Appeals may be filed between the hours of 8:00 a.m. and 4:00 p.m. Monday through Thursday, excluding holidays, at City Hall, 116 Union Avenue. Appeals shall include a filing fee of \$500 (five hundred dollars).

Appendix A

Comprehensive Plan Applicable Goals and Policies

- LU 7:** Designate sufficient industrial areas of varying sizes and types to encourage the development of the city as a smaller diversified manufacturing and technology center and to provide locations for other land uses that require separation from residential and other uses.
- IN 7.1:** **Industrial capacity.** Designate adequate land use areas to allow for the growth of existing industries, to provide space for new industrial and aviation-related activities, and to address needs of other land uses that require separation.
- LU 8:** Provide adequate areas for public uses such as schools, parks, and other governmental uses where they are compatible with surrounding uses.
- POP 8.4:** **Location of public facilities.** Public facilities should be located and designed to minimize negative impacts to adjacent properties and neighborhoods.
- EP 1:** **Preserve and protect significant critical areas as responsible stewards of public and private resources.**
- EP 1.15:** **Avoid impacts.** Development adjacent to designated habitat areas such as rivers, creeks, wetlands and their natural buffers should be designed to avoid impacts such as light spill and waste-material flows that may reduce their habitat value.
- EP 3.5:** **Water quality.** Support and implement programmatic and regulatory measures to improve water quality in the Snohomish River system.
- SMP 1.9:** The public interest in the stewardship, use, and enjoyment of shorelines of statewide significance in the City of Snohomish should be paramount.
- SMP 2:** **To ensure appropriate conservation and development of the City's shorelines, uses that are dependent upon access to shorelines, or that provide opportunities for substantial numbers of people to enjoy the shorelines, and that are consistent with the shoreline environments in which they are located, should be encouraged.**
- SMP 2.6:** A hierarchy of preferred water-oriented uses that establish the following priorities should be established through regulations and other suitable means:
1. Water-dependent uses should be preferred over all other uses;
 2. Other water-oriented uses that do not conflict with water-dependent uses should be allowed if a water-dependent use is not feasible;
 3. Non-water oriented uses where water-oriented uses are not practical due to site location or conditions or existing building design should be allowed.
- SMP 2.9:** All development in the shoreline area shall comply with the requirements of the version of the Washington State Department of Ecology Stormwater Management Manual for Western Washington adopted by the City.
- SMP 2.17:** Utility facilities should be located, designed, installed, and operated to ensure no net loss of ecological functions, to preserve the natural landscape and views, and to minimize conflicts with present and planned uses.

- SMP 2.18:** Utility transmission lines and facilities should be located outside shoreline areas, except where existing easements and rights-of-way exist or where there is a functional necessity for a shoreline location.
- SMP 2.19:** Where utility infrastructure must be placed in a shoreline area, utility facilities should be located as far landward as possible, underground, and/or in existing or combined utility corridors, and the aesthetic impacts on the shoreline should be minimized.
- SMP 8:** **The purpose of the Urban Conservancy Environment designation is to protect and restore ecological functions of riparian floodplain and other sensitive lands in developed and undeveloped urban settings, while allowing a variety of compatible land uses, public access to the water, and recreation uses.**
- UCE 8.4:** Water-dependent uses should be the preferred uses on the Snohomish River shorelands that are designated for industrial use.
- UCE 8.8:** Public visual and physical access to the shoreline in the Urban Conservancy Environment where adverse ecological impacts can be mitigated should be encouraged.
- UCE 8.9:** Industrial and commercial facilities should be designed to allow and encourage pedestrian waterfront activities where feasible without compromising public safety.
- SMP 10:** **Create convenient and diverse visual and physical public access to shorelines that does not intrude upon the established rights of private property owners, endanger public health and safety, or adversely impact critical areas and is consistent with the SMA.**
- PA 10.2:** Publicly-owned or publicly-funded shoreline development should include public access to the shoreline area, public recreation area, and/or protected open space to protect the natural habitat.
- TR 23:** **Development review.** Review all land use and development proposals for compliance with the Transportation Element.
- TR 24:** **Concurrency.** Prohibit development if the development causes the level of service on transportation facility to decline below the standards adopted in this element, or ensure that funding is identified to implement improvements to increase capacity within six years of the development.
- UT 1.7:** **New technologies.** Encourage new technology that improves utility services and reliability while balancing health and safety, economic, aesthetics, and environmental factors.
- CF 2.7:** **Water system.** Plan for a water system that provides sufficient capacity and pressure to meet existing and future needs and at a quality that meets federal and state laws and standards.