

**ORDINANCE NO. O2016-003 – S1**

**AN ORDINANCE** of the City Council of the City of Tumwater, Washington, adopting a Planned Action for the Tumwater Brewery properties pursuant to RCW 43.21C.031.

**WHEREAS**, the State Environmental Policy Act (SEPA) and its implementing regulations authorize cities planning under the Growth Management Act (GMA) to designate certain planned actions that have had their significant impacts adequately addressed in an environmental impact statement prepared in conjunction with a comprehensive plan, a sub-area plan, or a master planned development; and

**WHEREAS**, RCW 43.21C.031 and WAC 197-11-164, -168 and -172 allow and govern the application of a Planned Action designation; and

**WHEREAS**, the City of Tumwater was awarded an Integrated Planning Grant from the Washington State Department of Ecology to assist with conducting environmental review of the Tumwater Brewery properties; and

**WHEREAS**, the City of Tumwater has adopted a Comprehensive Plan that addresses the New Market Historic District Master Plan and Brewery District Plan, and has prepared an environmental impact statement that considers a planned action designation in a portion of the New Market Historic District Master Plan and Brewery District Plan, known as the Tumwater Brewery properties; and

**WHEREAS**, designating a SEPA Planned Action for the Tumwater Brewery planned development with appropriate standards and procedures will help to streamline subsequent permit review by eliminating the need for preparation of a threshold determination or environmental impact statement; and

**WHEREAS**, adopting a SEPA Planned Action for the Tumwater Brewery Planned Action area will help achieve permit processing efficiency and promote environmental quality.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1. Purpose.** The City Council hereby 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. Set forth a procedure designating certain project actions in a portion of the New Market Historic District Master Plan and Tumwater Brewery District Plan as “planned actions” consistent with state law 43.21C.031 RCW,
- C. Streamline and expedite the development review process by relying on the Planned Action Environmental Impact Statement (Planned Action EIS) and environmental analysis completed for the Planned Action area, and
- D. Apply the Tumwater Municipal Code (TMC) together with the mitigation framework in Section 3 of this Ordinance for the purpose of processing Planned Action development applications.

**Section 2. Findings.** The City of Tumwater finds that:

- A. The City is required to prepare and implement plans in accordance with the provisions of the Growth Management Act (GMA), Chapter 36.70A RCW,
- B. The City has adopted a comprehensive plan and New Market Historic District Master Plan and Brewery District Plan in compliance with the GMA,
- C. The City has prepared a Planned Action EIS for a portion of the New Market Historic District Master Plan and a portion of Brewery District (“Tumwater Brewery Planned Action Environmental Impact Statement”) and finds that this Planned Action 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 as defined in Section 3 of this Ordinance,
- D. The Planned Action does not include any essential public facilities,
- E. The mitigation measures identified in the Planned Action EIS and attached to this ordinance as Exhibit B, incorporated herein by reference, together with adopted City development regulations, will adequately mitigate environmental impacts from development within the Planned Action area,
- F. Future projects that are consistent with the Planned Action will protect the environment, benefit the public, and enhance economic development, and
- G. Public notice and opportunities for public involvement and review have been provided, and comments considered as part of preparation of the Draft and Final Tumwater Brewery Planned Action Environmental Impact Statement (Planned Action EIS).
- H. Public services and facilities are adequate to serve the proposed Planned Action with the mitigation measures identified in the Planned Action EIS and outlined in Exhibit B.

**Section 3. Criteria and Procedures for Evaluating and Determining Projects as Planned Actions.**

- A. Planned Action Area. The Tumwater Brewery Planned Action area is shown in Exhibit A and approximately bounded by Custer Way to the south, Deschutes River to the west, Capitol Lake to the north and the railroad to the east.
- B. Planned Action Qualifications. The following thresholds shall be used to determine if a development proposed within the Planned Action area is within the

scope of this Planned Action and has had its environmental impacts evaluated in the Planned Action EIS.

1. Land Use.

a. The following general types of categories/types of land use are considered as Planned Actions: residential condominium/apartment; office/classroom; retail; brewery; distillery; winery; hotel; museum; restaurant; recreation trails; parking garage; utilities; and support facilities.

b. Only those uses specifically listed in Tumwater Municipal Code 18.26 as permitted or accessory uses within the Planned Action area that are consistent with the general categories/types of land uses in 1.a above are considered Planned Actions.

2. Development Thresholds.

a. The development thresholds specified in Table 1 are considered as Planned Actions.

Table 1: Amounts and Types of Development Evaluated in the Planned Action EIS and included in the Planned Action.

Planned Action	Existing Buildings (262,000 sq. ft. existing)						Proposed			Total gsf/land use
	RST Cellars (5 stories)	Brew-house (6 stories)	N Storage (2 stories)	W Warehouse (5 stories)	E Warehouse (2 stories)	Keg House (2 stories)	Re-Build within Footprint	New Parking Garage	New Building	
Office/Classroom	65,000									65,000
Retail	5,000			35,000		17,000	26,500			83,500
Distillery/Brewery	30,000									30,000
Hotel		7,000				35,000				42,000
Condo									75,000	75,000
Apartment									75,000	75,000
Restaurant	5,000	3,000					5,000			13,000
Public (museum)			6,000			4,000				10,000
<b>Total gross sq ft</b>	<b>105,000</b>	<b>10,000</b>	<b>6,000</b>	<b>35,000</b>	<b>35,000</b>	<b>21,000</b>	<b>31,500</b>		<b>150,000</b>	<b>393,500</b>
Parking	<b>156 parking spaces*</b>							<b>625 parking spaces</b>		
Lot coverage (sf)	30,000	2,800	3,400	7,000	18,000	10,400	27,500		20,000	119,100

\*within building footprint

b. Infrastructure, utilities, water, sewer, storm water, power, gas, cable and telecommunications facilities, support facilities, and appurtenances as necessary to implement the development specified in this Section such as: signs; landscaping; lighting; vehicle roadways; surface parking; bicycle and pedestrian facilities are considered Planned Actions.

c. The new parking garage included in this Planned Action is limited to 625 parking spaces.

3. Vehicle Trips.

a. The number of new PM Peak Hour Trips for the entire Planned Action area is within the summed “new to network total” specified in Table 2:

Table 2: PM peak hour trips analyzed and included in the Planned Action.

LAND USE	SIZE	VARIABLE	PM PEAK HOUR TRIP GENERATION			
			TOTAL TRIPS	LESS INTERNAL CAPTURE	LESS PASS-BY	NEW-TO-NETWORK TOTAL
Office/Classroom	65,000	1,000-sf	97	18	0	79
Condo/Apartments	150,000	Units	94	58	0	36
Specialty Retail	84,000	1,000-sf	226	92	27	107
Distillery/Brewery	20	Employee	7	0	0	7
Hotel	101	Rooms	61	23	0	38
Museum	10,000	1,000-sf	2	0	0	2
Restaurant	13,000	1,000-sf	128	63	28	37
<b>TOTAL</b>			<b>615</b>	<b>254</b>	<b>55</b>	<b>306</b>

4. Other Development Constraints. In addition to the requirements and mitigations specified in the Planned Action EIS and this Section, the following specific development constraints must be met:

a. The development proposal includes preservation or restoration of the historic buildings within the Planned Action area (Old Brewhouse, east and west warehouses, and keg house); and

b. Any new buildings within the Planned Action area are designed with a maximum elevation of any part of the structure at or below elevation 126 ft (NAVD88), which is the ground level in the immediate vicinity of the Schmidt House, to preserve vistas from the house.

5. Flexible Design. The types of development and square footage specified in Table 1 may be shifted between land uses and within the existing and proposed new buildings in the Planned Action area, provided:

a. The total build-out for all development in the Planned Action (excluding parking garage) does not exceed the total gross square footage of 393,500 sq. ft. as specified in Table 1;

b. The sum of “new to network” PM peak hour vehicle trips does not exceed 306 trips as specified in Table 2;

c. The general location of any new or reconstructed buildings is as specified in Exhibit C, Map of Planned Action Area, Alternative 3, from the Planned Action EIS; and

d. The square footage of the “New Building” in Table 1 does not exceed 150,000 square feet of “non-parking use.” This square footage may be incorporated into the parking garage, constructed as a separate building consistent with that shown in Exhibit A, added to the RST Cellars building, or distributed amongst these three locations.

C. Environmental Document. A planned action determination for a site-specific application shall be based on the environmental analysis contained in the Draft EIS issued by the City on September 30, 2015 and the Final EIS published on December 31, 2015 (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.

D. A Supplement to Tumwater Brewery Planned Action document is attached as Exhibit D to provide a summary of the relevant policies and regulations that will guide issuance of permits and approvals necessary to develop elements within the Planned Action area, and is intended for information purposes only.

E. Planned Action Permit Process. Except as provided in this section, review of projects proposed as Planned Actions shall proceed according to the applicable project permit review procedures specified in the Tumwater Municipal Code (TMC). A project proposed as a planned action must qualify as a Planned Action under this ordinance and must meet the statutory criteria for a planned action in RCW 43.21C.031. As part of the review of a Planned Action project, the City’s SEPA Responsible Official shall:

1. Verify that the project meets the description for a Planned Action in this ordinance, and that the project will implement any applicable conditions or mitigation measures identified in Exhibit B and the Planned Action EIS;

2. Verify that the project is consistent with the City’s Comprehensive Plan, the New Market Historic District Master Plan, and the Brewery District Plan;

3. Verify that the probable significant adverse environmental impacts of the project have been adequately addressed in the Planned Action EIS through review of an environmental checklist or other project review form as specified in WAC 197-11-315, filed with the project application; and

4. Verify that the project is not an essential public facility, as defined in RCW 36.70A.200.

F. If the City’s SEPA Responsible Official verifies that the project meets the requirements of Section 3 of this ordinance, the project shall qualify as a Planned Action, and a project SEPA threshold determination or environmental impact statement is not required.

G. If the City's SEPA Responsible Official determines the project does not meet the requirements of Section 3 of this ordinance, the project shall not qualify as a planned action and additional environmental review shall be required as provided in WAC 197-11-172.

H. The City's SEPA Responsible Official shall issue a planned action consistency determination that would otherwise require environmental review under TMC chapter 16.04. The consistency determination shall indicate that the proposed action is within the scope of the environmental review conducted in the Planned Action EIS and shall list the environmental mitigation conditions from Exhibit B and the Planned Action EIS that must be included as conditions for the underlying permit approval.

I. Public notice for projects that qualify as Planned Actions shall be consistent with that required for the underlying project permit. If notice is otherwise required 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.

J. Development Agreements. The City or an applicant may request consideration and execution of a development agreement for a Planned Action project. The development agreement may address the following: review procedures applicable to a Planned Action project; permitted uses; mitigation measures; construction, financing and implementation of improvements, including methods of financing and proportionate shares, and latecomers agreements; payment of impact fees; phasing; and any other topic that may properly be considered in a development agreement consistent with RCW 36.70B.170.

#### **Section 4. Monitoring the Planned Action.**

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 regarding the type and amount of development and associated impacts and with the mitigation measures and improvements planned for the area.

B. This Planned Action Ordinance shall be reviewed by the SEPA Responsible Official no later than five years from its effective date. The review shall determine the continuing relevance of the planned action assumptions and findings with respect to environmental conditions in the Planned Action area, the impacts of development, and required mitigation measures. Based upon this review, the City may propose amendments to this ordinance or may supplement or revise the Planned Action EIS as appropriate.

**Section 5. Corrections.** The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 6. Ratification.** Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

**Section 7. Severability.** The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

**Section 8. Effective Date.** This ordinance shall become effective thirty (30) days after passage, approval and publication as provided by law.

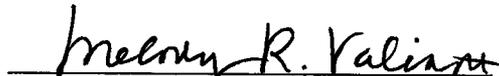
ADOPTED this 19<sup>th</sup> day of April, 2016.

CITY OF TUMWATER



Pete Kmet, Mayor

ATTEST:

  
Melody Valiant, City Clerk

APPROVED AS TO FORM:

  
Karen Kirkpatrick, City Attorney

Published: 04-21-2016

Effective Date: 05-21-2016

# EXHIBIT A

Ordinance No. O2016-003

Proposed Planned Action Area



2.6 Summary Comparison of the Environmental Impacts of the Alternatives

TABLE 2.6-1. SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

ALTERNATIVE 1 – NO ACTION ALTERNATIVE <sup>1</sup>		ALTERNATIVE 2 – MODERATE DEVELOPMENT INTENSITY		ALTERNATIVE 3 – MAXIMUM DEVELOPMENT INTENSITY ALTERNATIVE	
Potential Impacts	Mitigation Measures	Potential Impacts	Mitigation Measures	Potential Impacts	Mitigation Measures
<b>NATURAL ENVIRONMENT: Geology, Soils and Slopes</b>		<b>NATURAL ENVIRONMENT: Geology, Soils and Slopes</b>		<b>NATURAL ENVIRONMENT: Geology, Soils and Slopes</b>	
Alternative 1 would not include expansion of the existing building footprints. Based on the likelihood that existing buildings are founded on bedrock, risks to the structures as a result of liquefaction or lateral spreading is low for Alternative 1. Future development would occur consistent with existing zoning and development regulations.	Typical construction mitigation measures would be implemented and could include using deep foundation systems for heavy structures, preloading a building site prior to construction, employing temporary erosion control measures and Best Management Practices, and constructing catchment areas or retaining walls to retain debris, if warranted.	New structures constructed outside the footprint of existing buildings could create the potential for liquefaction and/or lateral spreading that could impact the stability of proposed development in and near low-lying areas, requiring site-specific geotechnical design. The redesign and widening of the existing site access road will be similar to Alternative 1.	<ul style="list-style-type: none"> <li>• Same construction mitigation measures as described for Alternative 1.</li> <li>• The walls of new structures will likely be top down construction, such as a soil nail or soldier pile wall system, and may incorporate tiebacks depending on the height of the wall, the estimated lateral earth pressures, and the elevation and direction of the groundwater gradient. These designs will have to take into consideration seismic slope stability as well.</li> <li>• Lateral loading upon buildings due to sloping backfill conditions, surcharges, and structures as well as drainage and waterproofing will need to be addressed when designing and planning structures to be built into the slopes for Alternative 2 (south slope).</li> <li>• For excavations, retaining structures consisting of top-down construction and staged construction techniques should be considered to eliminate mass excavation of the slope face, and temporary erosion control measures and Best Management Practices should be used, and catchment areas or retaining walls to retain debris should be constructed if warranted. Deep foundations and/or ground improvement will likely be required in these areas if this Alternative is pursued.</li> </ul>	Similar to Alternative 2, Alternative 3 could impact the stability of proposed development in and near the low-lying areas of the site due to increased potential for liquefaction and/or lateral spreading.	Same mitigation as described for Alternative 1, but with expanded need for geotechnical design specific to building on sloped areas.
The most probable impact for Alternative 1 would be continued shallow surficial sloughing on steep slopes to the south and east, a natural process that would occur with or without future additional site development.	A geotechnical study would be required prior to development, including drilled borings to evaluate soil and groundwater conditions for proposed development of the site. These design studies would provide detailed recommendations for maintaining slope stability and limiting erosion that are germane to that development intensity. Any site redevelopment plan will include soils and groundwater testing and remediation of any identified pollutants.			Alternative 3 includes construction of retaining structures along a greater portion of site slopes; therefore, there would be proportionately less potential for short- and long-term erosion and sloughing, and improved static and seismic factors of safety against deep-seated failure can be anticipated.	Mitigation for Alternative 3 would be the same as that described for Alternative 2, with additional permanent retaining structures required along the south and east slopes as part of the construction of the condominium building, which could include ground improvement and/or foundations bearing on shallow bedrock.
<b>Geology, Soil and Slope Impacts and Mitigation Measures Common to All Alternatives:</b>					
<b>Impacts</b>					
<ul style="list-style-type: none"> <li>• No surface faults are mapped within 200 feet of the project site; therefore, the risk for seismic surface rupture at the site would be low for any of the conceptual site plan Alternatives.</li> <li>• The risk for volcanic and tsunami hazards at the site are low for each of the Alternatives.</li> </ul>					
<b>Mitigation</b>					
<ul style="list-style-type: none"> <li>• Structural engineering and seismic considerations will need to be assessed for the selected Alternative in conjunction with soil conditions during design of new structures and facilities, as well as during renovation of historic structures.</li> <li>• Proper building design and construction of retaining structures, including drainage, could reduce the potential for short- and long-term erosion and sloughing, and could improve the static and seismic factors of safety against deep-seated failures. Primary design elements will need to take into consideration drainage of the slope, depths and geometry of retaining structure(s), and embedment depths of foundations.</li> <li>• For permanent construction and a widened access roadway, retaining structures and/or slope regrading may need to be considered where steep slopes are present. Although further evaluation should be completed, typically permanent slopes on the order of 2H to 1V (Horizontal to Vertical) are appropriate for the soil types observed and described at the project site. Otherwise, retaining walls may be needed to ensure slope stability.</li> </ul>					

<ul style="list-style-type: none"> <li>If the existing access road to the east of the existing building is to be improved, the existing retaining wall at the toe of the east slope will need to be evaluated and potentially improved. In addition, some site regrading and other short- and long-term erosion prevention features or techniques will likely be required.</li> </ul>					
<p><b>Significant Unavoidable Adverse Impacts:</b> There would be no significant unavoidable adverse impacts to the geology, soils or slopes on the site as a result of implementing any of the Alternatives, provided that geotechnical recommendations are followed.</p>					
ALTERNATIVE 1 – NO ACTION ALTERNATIVE <sup>2</sup>		ALTERNATIVE 2 – MODERATE DEVELOPMENT INTENSITY		ALTERNATIVE 3 – MAXIMUM DEVELOPMENT INTENSITY ALTERNATIVE	
Potential Impacts	Mitigation Measures	Potential Impacts	Mitigation Measures	Potential Impacts	Mitigation Measures
NATURAL ENVIRONMENT: Wetlands		NATURAL ENVIRONMENT: Wetlands		NATURAL ENVIRONMENT: Wetlands	
Under Alternative 1, Future development that would result in impacts to wetland buffers, shoreline setbacks and buffers would require compensatory mitigation.	Mitigation for wetland impacts and wetland and river buffer impacts would need to meet Federal, State and City No-Net-Loss requirements.	Under Alternative 2, road access improvements and construction of the parking garage will result in loss of Wetland A, its buffers and the Deschutes River (FWHA) buffers. These impacts will require compensatory mitigation.	Same as mitigation measures for Alternative 1, but would require additional wetland and river buffer impact mitigation.	<ul style="list-style-type: none"> <li>For Alternative 3, the additional building to be constructed to accommodate residential uses would impact additional wetland buffers.</li> <li>Similar to Alternative 2, Alternative 3 would result in the loss of Wetland A.</li> </ul>	Same as mitigation measures for Alternative 1, but would require additional wetland buffer impact mitigation.
<p><b>Wetland Impacts and Mitigation Measures Common to All Alternatives:</b></p>					
<p><u>Impacts</u></p> <ul style="list-style-type: none"> <li>Due to its location adjacent to the existing access road, and to meet current standards for improved access road construction, implementation of any site redevelopment alternative would eliminate Wetland A. Minor impacts to the southern end of Wetland B might also occur from access road construction and related stormwater management improvements under any alternative.</li> <li>Following construction of any of the Alternatives, additional engineering and design work would be required to accommodate this groundwater movement across and through the site, and to provide road access adequate to meet current building and safety regulations. This may result in wetland impacts and impact to both wetland and riverine buffers.</li> </ul>					
<p><u>Mitigation</u></p> <ul style="list-style-type: none"> <li>Wetland impacts must be mitigated in accordance with Wetland Protection Standards TMC 16.28</li> <li>Planting of native vegetation and enhancing habitat on the islands within the Deschutes River will be designed specifically to enhance off-channel salmonid habitat, in addition to providing habitat for migratory and water-dependent birds.</li> <li>Mitigation will be required for any wetland and wetland buffer impacts. Wetland A functions could be replaced and improved through off-site and on-site mitigation through wetland creation and vegetation enhancement and invasive species control. There are on-site opportunities for enhancement of vegetation and related habitat in Wetland B.</li> <li>Plantings of native willows within the wetlands, and deep-rooted native trees and shrubs on the upper side slopes and downslope of Wetland B would improve habitat, stabilize soils and improve water quality.</li> <li>Noxious and invasive weeds onsite would be controlled with a long-term adaptive management plan.</li> <li>Future site development under any Alternative will require improvement of the current stormwater management system.</li> </ul>					
<p><b>Significant Unavoidable Adverse Impacts:</b> Loss of Wetland A and impacts to wetland and riverine buffers are unavoidable, but can be mitigated for by improvement of Wetland B functions and values as well as through improvement and/or creation of other nearby wetland and buffer habitats. Therefore, with appropriate mitigation to replace and improve upon the functions and values provided by Wetland A and buffers, there are no significant unavoidable adverse impacts to wetlands under any of the Alternatives.</p>					
NATURAL ENVIRONMENT: Shorelines, Plants and Animals		NATURAL ENVIRONMENT: Shorelines, Plants and Animals		NATURAL ENVIRONMENT: Shorelines, Plants and Animals	
<p><b>Shoreline, Plant and Animal Impacts and Mitigation Measures Common to All Alternatives:</b></p>					
<p><u>Impacts</u></p> <ul style="list-style-type: none"> <li>Future site development under any Alternative could result in an increased potential for erosion and sedimentation into the Shoreline of the Deschutes River during ground-disturbing activities.</li> <li>Construction activity to implement any of the Alternatives has the potential to impact water quality. Construction projects in or near aquatic habitat would generate minor impacts such as turbidity, noise from machinery and pile driving, and the potential for spills of fuels and/or other toxic materials. If construction activities removed riparian vegetation, it could impact Chinook salmon habitat.</li> <li>If Townsend's bats are present, any loss of access to buildings or snags currently used for roosting has potential to negatively impact the bats.</li> <li>This shoreline area of the site is currently inaccessible to the public. Implementation of any of the Alternatives would increase access to the shoreline via trails and habitat restoration areas. Foot traffic along the eastern shoreline of the Deschutes River would have the potential to adversely impact shoreline vegetation and habitat.</li> <li>WDFW has mapped presence of New Zealand mudsnails in the Deschutes River, and any development along the river shoreline creates potential for transport of the mudsnails offsite in boots or heavy equipment.</li> </ul>					
<p><u>Mitigation</u></p> <ul style="list-style-type: none"> <li>For temporary construction work, Best Management Practices (BMPs) should be in place during construction activities to prevent materials from leaving the construction area. Contractors will be required to implement (at a minimum) a Temporary Erosion and Sediment Control (TESC) plan, a Stormwater Pollution Prevention Plan (SWPPP), and WDFW invasive species management protocols for mudsnails during all construction activities.</li> <li>A Habitat Management Plan designed to eliminate potential for expansion of the non-native invasive New Zealand mudsnail from onsite activities will be developed. This may include definition of allowed trail structures designed to keep people from wading in the water and mud along the shoreline.</li> </ul>					

- A survey by a qualified biologist should be conducted to determine the presence or absence of Townsend's big-eared bats prior to construction activities, and if present, to provide a Habitat Management Plan to minimize impacts to the species.
  - Fish and Wildlife Habitat Area (FWHA) impacts approval would be required under Tumwater Municipal Code (TMC) 16.32 to implement site redevelopment under any of the conceptual land use alternatives. There would be some allowances for existing structures; however, since any alternative would increase development intensity and require additional on-site parking, it is anticipated that implementation of any Alternative would require approval under TMC 16.32.
  - If mitigation measures are required under TMC 16.32, Section 16.32.065 representative examples would include the following:
    - Planting appropriate riparian trees along the Deshutes River banks that would grow to a height that would provide shade and lower water temperatures in the Deschutes River.
    - Replacing invasive/non-native vegetation with native plantings.
    - Replacing any existing rip-rap with more productive shoreline bank habitat as outlined in WDFW *Integrated Stream Bank Protection Guidelines*.
    - Planting appropriate vegetation to increase root density and increase bank stability.
    - Designing and installing code compliant storm water treatment facilities to minimize pollution and sediment entering the river.
  - When applications for specific development proposals to implement the proposed Planned Action are submitted to the City, potential impacts within the Shoreline environment will be considered and addressed, and project-specific mitigation measures will be listed in the permits to be obtained.
  - Trees and vegetation will be retained consistent with existing development regulations. New landscaping and replacement trees are required to meet the standard replacement ratio specified in TMC Chapter 16.08.
  - Any implementing project would require review and permits under the Tumwater Shoreline Master Program (April 2014) as well as the Fish and Wildlife Habitat Protection chapter of the Tumwater CAO (TMC 16.32).
- Significant Unavoidable Adverse Impacts:** No significant unavoidable adverse impacts to shorelines, plants or animals would be anticipated under any of the Alternatives, provided that required and other described mitigation measures are properly implemented, monitored and maintained.

ALTERNATIVE 1 – NO ACTION ALTERNATIVE1		ALTERNATIVE 2 – MODERATE DEVELOPMENT INTENSITY		ALTERNATIVE 3 – MAXIMUM DEVELOPMENT INTENSITY ALTERNATIVE	
Potential Impacts	Mitigation Measures	Potential Impacts	Mitigation Measures	Potential Impacts	Mitigation Measures
<b>BUILT ENVIRONMENT: Land Use</b>		<b>BUILT ENVIRONMENT: Land Use</b>		<b>BUILT ENVIRONMENT: Land Use</b>	
Alternative 1 assumes that development would occur mainly within existing buildings (262,000 gross square feet [GSF]), and that all site development would be consistent with and subject to existing zoning and development regulations.	Future development under the No Action Alternative would be completed without an adopted Planned Action Ordinance, and would undergo environmental review on a project-by-project basis.	Alternative 2 assumes redevelopment within existing buildings (262,000 GSF), a new parking structure (200,000 GSF) with approximately 625 stalls, and reconstruction of two demolished structures (31,500 GSF).	Activity levels on the site would increase as a result of new employment and housing opportunities, new recreational uses and new public gathering areas.	Alternative 3 would add 150,000 square feet of building to accommodate residential dwellings and apartment-style units to the uses proposed in Alternative 2. Residents in these units would be close to public and private open space, and could enjoy the mixed-use retail and commercial development expected to develop along Custer Way.	Same Mitigation as that described for Alternative 2.
		Land uses that are supported by the vision of the Brewery District would include: parking, office, retail, distillery, craft brewing, hotel, restaurant and a museum. The building footprint would cover approximately 140,000 SF, with approximately 443,500 GSF of buildable space.	The Alternative 2 increase in activity levels could result in increased levels of traffic, noise and air pollution generated by the site. Although redevelopment would occur throughout the property, increased activity levels associated with development along the site perimeter would have the greatest potential to affect adjacent land uses.		

- Land Use Impacts and Mitigation Measures Common to All Alternatives:**
- Impacts
- Development anticipated with implementation of any of the Alternatives could alleviate pressure for growth in outlying areas or at the fringe of the City of Tumwater Urban Growth Area.
- Mitigation
- A text amendment to the HC zone is needed to ensure uses permitted in the zone are consistent with the Comprehensive Plan and its subarea plan for the lower portion of site: New Market Historic District Master Plan.
  - Development proposals within the Floodplain Overlay District are required to comply with Floodplain Overlay District TMC 18.38.
  - Prior to the site being redeveloped for any use, environmental remediation would be required, followed by repair and maintenance to the existing historic structures on the site.
  - Trees and vegetation will be retained consistent with existing development regulations in place at the time. New landscaping and any replacement trees are also required to meet the standard replacement ratio specified in TMC Chapter 16.08.
- Significant Unavoidable Adverse Impacts:** No significant unavoidable adverse impacts to land use would be anticipated with implementation of any of the conceptual Alternatives.

ALTERNATIVE 1 – NO ACTION ALTERNATIVE1		ALTERNATIVE 2 – MODERATE DEVELOPMENT INTENSITY		ALTERNATIVE 3 – MAXIMUM DEVELOPMENT INTENSITY ALTERNATIVE	
Potential Impacts	Mitigation Measures	Potential Impacts	Mitigation Measures	Potential Impacts	Mitigation Measures
<b>BUILT ENVIRONMENT: Transportation, Circulation and Parking</b>		<b>BUILT ENVIRONMENT: Transportation, Circulation and Parking</b>		<b>BUILT ENVIRONMENT: Transportation, Circulation and Parking</b>	
Development would be completed without an adopted Planned Action Ordinance and would undergo traffic review on a project-by-project basis.	Any individual development proposal within the study area would be required to prepare a site-specific Traffic Impact Analysis as part of the required SEPA review. Specific off-site mitigation would be identified at that time. There would be no coordinated transportation planning under the provisions of a Planned Action ordinance.	Future development of Alternative 2 would have a measureable impact on area roadways and intersections.	Proponents of future development to implement the Planned Action under Alternative 2 conceptual land use scenarios would be required to pay City of Tumwater transportation impact fees incrementally as the site is built-out.	Future development of Alternative 3 would have a measureable impact on area roadways and intersections.	Proponents of future development to implement the Planned Action under Alternative 3 conceptual land use scenarios would be required to pay City of Tumwater transportation impact fees incrementally as the site is built-out.
	The City of Tumwater collects funds for area roadway improvements through a Transportation Impact Fee (TIF) program. The TIF contribution is calculated by ordinance on a "per unit" basis. Under Alternative 1, developers would pay impact fees incrementally as the site is built-out.	<ul style="list-style-type: none"> <li>Alternative 2 would generate New-to-Network PM Peak Trips: 298 total.</li> <li>Alternative 2 trip generation would exceed the <i>Brewery District Plan</i> Traffic Volume Estimate of 27 total PM Peak Hour Trips.</li> </ul>	Transportation Impact Fees (TIFs) collected under Alternative 2 would be proportionate to trip generation caused by the level of development.	<ul style="list-style-type: none"> <li>Alternative 3 would generate New-to-Network PM Peak Trips: 306 total.</li> <li>Alternative 3 trip generation would exceed the <i>Brewery District Plan</i> Traffic Volume Estimate of 35 total PM Peak Hour Trips.</li> </ul>	TIFs collected under Alternative 3 would be incrementally higher than under Alternative 2 due to higher trip generation caused by a higher level of development intensity.
		Access to Alternative 2 development via Schmidt Place would be necessary to allow vehicles to enter the project site from the west via Custer Way and from the south via Boston Street.	Alternative 2 would include internal non-motorized connectivity across the property, and would accommodate the pedestrian crossing from Capitol Boulevard. Future development would also likely entail connecting to the existing trail along the Deschutes River.	Similar to Alternative 2, access to Alternative 3 development via Schmidt Place would be necessary to allow vehicles to enter the project site from the west via Custer Way and from the south via Boston Street.	Same mitigation as that described for Alternative 2.
		Schmidt Place would not operate at an acceptable LOS if it is required to serve all inbound/outbound traffic generated by Alternative 2 site development. The Boston Street/Custer Way intersection would be better suited to serving as the primary access to the Planned Action area.	If the City of Tumwater has not completed the Custer Way improvements identified in the <i>Brewery District Plan</i> prior to development that implements the Tumwater Brewery Planned Action under Alternative 2, developer(s) would be required construct a modern roundabout at the Boston Street/Custer Way intersection.	Similar to Alternative 2, Schmidt Place would not operate at an acceptable LOS if it is required to serve all inbound/outbound traffic generated by Alternative 3 site development. The Boston Street/Custer Way intersection would be better suited to serving as the primary access to the Planned Action area.	Same mitigation as that described for Alternative 2.
		Prior to full build-out of Alternative 2, the study area intersections would function at a LOS D condition or better for either access scenario with the exception of Capitol Boulevard/Custer Way for the Boston Street extension-only access scenario.	No mitigation required for LOS D operations.	Same potential impact as that described for Alternative 2.	As with Alternative 2, no mitigation would be required for LOS D operations.
<b>Transportation, Circulation and Parking Impacts and Mitigation Measures Common to All Alternatives:</b>					
<b>Impacts</b>					
<ul style="list-style-type: none"> <li>Future development within the proposed Planned Action area would have a measureable impact on area roadways and intersections.</li> </ul>					

Mitigation					
<ul style="list-style-type: none"> <li>The internal site circulation system should be designed in a manner that entering and exiting traffic would be split between Schmidt Place and Boston Street.</li> </ul>					
<p><b>Significant Unavoidable Adverse Impacts:</b> No significant unavoidable adverse impacts to transportation, circulation and parking would be anticipated with future site development to implement the proposed Planned Action under any of the conceptual land use alternatives.</p>					
ALTERNATIVE 1 – NO ACTION ALTERNATIVE1		ALTERNATIVE 2 – MODERATE DEVELOPMENT INTENSITY		ALTERNATIVE 3 – MAXIMUM DEVELOPMENT INTENSITY ALTERNATIVE	
Potential Impacts	Mitigation Measures	Potential Impacts	Mitigation Measures	Potential Impacts	Mitigation Measures
BUILT ENVIRONMENT: Environmental Health (Hazardous Materials)		BUILT ENVIRONMENT: Environmental Health (Hazardous Materials)		BUILT ENVIRONMENT: Environmental Health (Hazardous Materials)	
<p>Under Alternative 1, the Model Toxics Control Act (MTCA) Method-A unrestricted land use standard applies and would require any future development of the site to assess and abate Contaminants of Concern (COC) in onsite.</p>	<ul style="list-style-type: none"> <li>Asbestos within the structures onsite will be addressed using Best Management Practices for isolation and removal throughout existing buildings to be re-developed. Heavy metals in the soil will be characterized in the area near the former paint shop, the area adjacent to the old brewery warehouse, and near the historic brewhouse and storage buildings, all on the lower portion of the site near the river.</li> <li>Shallow boreholes or hand auger holes would need to be drilled adjacent the Union Pacific Railroad tracks along any areas where future development is contemplated to determine whether there are polycyclic aromatic hydrocarbons (carcinogenic) or "cPAHs" and/or total petroleum hydrocarbons (gasoline, diesel, or heavy oil) present in this area. Samples would be collected and a cleanup plan developed as required to meet State standards.</li> </ul>	<p>Site investigations for abatement of asbestos, metals, cPAHs and/or total petroleum hydrocarbons (gasoline, diesel, or heavy oil) would be required.</p>	<ul style="list-style-type: none"> <li>Implementation of site development under Alternative 2 would require compliance with the Model Toxics Control Act (MTCA) Method-A unrestricted land use standard, as described for Alternative 1.</li> <li>The number and locations of soil samples would be larger with Alternative 2 than with Alternative 1 based on the square footage of the redevelopment area and the foot print of new buildings.</li> </ul>	<p>Same as described for Alternative 2.</p>	<p>Same mitigation as that described for Alternative 2.</p>
<p><b>Environmental Health (Hazardous Material) Impacts and Mitigation Measures Common to All Alternatives:</b></p>					
<p><b>Impacts</b></p> <ul style="list-style-type: none"> <li>Potential construction impacts under the any of the conceptual land use Alternatives could include exposure/disturbance of contaminated soils and/or asbestos laden materials.</li> </ul>					
<p><b>Mitigation</b></p> <ul style="list-style-type: none"> <li>If Constituents of Concern (COC) are found, additional investigation and remediation will be required prior to initiating site development under any land use alternative.</li> <li>At least three groundwater monitoring wells would be installed to collect groundwater samples in the area of the Old Brewhouse. All samples would be analyzed for all COCs, both prior to and after cleanup is complete.</li> <li>If COC concentrations are found to be above MTCA Method-A unrestricted soil cleanup levels, the material would be excavated, stabilized as needed and disposed at a licensed landfill.</li> </ul>					
<p><b>Significant Unavoidable Adverse Impacts:</b> No significant unavoidable adverse impacts from hazardous materials would be anticipated with future site development to implement the proposed Planned Action under any of the land use alternatives, provided that mitigation measures required by applicable regulations are properly implemented.</p>					

ALTERNATIVE 1 – NO ACTION ALTERNATIVE <sup>1</sup>		ALTERNATIVE 2 – MODERATE DEVELOPMENT INTENSITY		ALTERNATIVE 3 – MAXIMUM DEVELOPMENT INTENSITY ALTERNATIVE	
Potential Impacts	Mitigation Measures	Potential Impacts	Mitigation Measures	Potential Impacts	Mitigation Measures
<b>BUILT ENVIRONMENT: Historic and Cultural Resources</b>		<b>BUILT ENVIRONMENT: Historic and Cultural Resources</b>		<b>BUILT ENVIRONMENT: Historic and Cultural Resources</b>	
Future development under Alternative 1 could lead to the potential loss of material and/or structural integrity of the significant historic buildings within the Planned Action area.	Take steps to minimize loss of historic building integrity to include presence of an architectural history monitor or monitoring system if any future construction involves significant vibration, such as may cause subsidence or erosion, loss of material and/or loss of structural integrity to the historic properties.	Same as described for Alternative 1.	Prior to construction and redevelopment of the historic Brewhouse building, the garage structure and site access improvements, an updated historic structures report will be prepared to specifically mitigate and minimize the loss of the character-defining features of the significant historic buildings and structures.	Same as described for Alternative 1.	Same as described for Alternative 2, with a proportionately larger area to be evaluated due to the larger footprint of proposed buildings under Alternative 3.
			Further archaeological survey and/or monitoring during construction prior to site development to ensure that no unknown archaeological deposits are disturbed during construction.	Same as described for Alternative 1.	Same as above.
			Given the probability of encountering cultural resources within the Planned Action area during construction, archaeological monitoring of any future ground-disturbing activity is required.	Same as described for Alternative 1.	Same as above.
			An unanticipated discovery plan for any action that involves excavation.	Same as described for Alternative 1.	Same as above.
		Redevelopment could affect views from offsite historic resources	The U.S. Secretary of the Interior’s Standards for the Treatment of Historic Properties will be used in evaluating any project proposal to those buildings located within the historic district.	Same as described for Alternative 2.	Same as above.
<b>Historic and Cultural Resource Impacts and Mitigation Measures Common to All Alternatives:</b>					
<u>Impacts</u>					
<ul style="list-style-type: none"> <li>Implementation of the proposed Planned Action under any conceptual land use alternative would increase public access to public shoreline areas where there is a high potential for the presence of cultural materials.</li> <li>During construction, inadvertent discoveries of archaeological material or cultural resources could occur during ground-disturbing activities within the proposed Planned Action area. These resources could potentially be impacted by excavation and construction activities. Other historic resources in the vicinity could experience indirect impacts such as increases in dust, vibration and traffic levels.</li> <li>Redevelopment could affect views from offsite historic resources; however, a majority of these sites are currently affected by existing buildings and structures, and development options considered in the Planned Action Area alternatives analysis are likely to retain and improve existing historic buildings.</li> </ul>					
<u>Mitigation</u>					
<ul style="list-style-type: none"> <li>Steps to minimize loss of historic building integrity to include an architectural history monitor or monitoring system if any future construction involves significant vibration to minimize loss of material and/or structural integrity loss to the historic properties.</li> </ul>					
<b>Significant Unavoidable Adverse Impacts:</b> Provided that the appropriate mitigation and monitoring is conducted, no significant unavoidable adverse impacts to cultural resources would be anticipated with implementation of any of the Alternatives.					

ALTERNATIVE 1 – NO ACTION ALTERNATIVE1		ALTERNATIVE 2 – MODERATE DEVELOPMENT INTENSITY		ALTERNATIVE 3 – MAXIMUM DEVELOPMENT INTENSITY ALTERNATIVE	
Potential Impacts	Mitigation Measures	Potential Impacts	Mitigation Measures	Potential Impacts	Mitigation Measures
<b>BUILT ENVIRONMENT: Public Facilities and Services</b>		<b>BUILT ENVIRONMENT: Public Facilities and Services</b>		<b>BUILT ENVIRONMENT: Public Facilities and Services</b>	
Emergency access to the site is limited due to the width and steepness of Boston Street. Code compliance would require access to within 150 feet of all exterior portions of the buildings, sufficient for fire truck access.		Emergency access required to serve site development under Alternative 2 would be the same as that described for Alternative 1.	The parking garage concept in Alternative 2 would need to provide emergency access and design requirements as regulated by the City's parking standards (TMC 18.50).	Same as described for Alternative 1.	Same mitigation as that described for Alternative 2.
Alternative 1 would add approximately 114 people to the City's total population of 19,100 (OFM April 1, 2015 estimate), a .06% increase.	The City of Tumwater projects a total population of 30,090 in 2035, an increase of 10,990 from 2015's population estimate. The incremental increase of 114 people from Alternative 1 is less than .1 %.	No residential units are proposed.	No mitigation is required.	The 150 dwelling units anticipated in Alternative 3 would introduce a resident population of approximately 341 persons, an increase of 1.8% to the City's 2015 population of 19,100.	No mitigation is required.
The 50 residential units anticipated in Alternative 1 would generate approximately 0.191 students per unit, for a total of approximately 10 students.	Students residing within the Planned Action Area are projected to be allocated equally to Tumwater Hill Elementary, Tumwater Middle School and Black Hills High School, each which have capacity to serve the projected increase.		Mitigation for the student population would be the same for Alternative 2 as that described for Alternative 1.	The 75 apartments and 75 condominium units anticipated in Alternative 3 would generate approximately 0.191 students per unit, a total of approximately 29 students.	Mitigation for the student population would be the same for Alternative 3 as that described for Alternative 1.
<b>Public Facility and Public Service Impacts and Mitigation Measures Common to All Alternatives:</b>					
<b>Impacts</b>					
<ul style="list-style-type: none"> <li>There could be a temporary increase in demand for fire protection and emergency medical aid services within the Planned Action area during construction under any conceptual land use alternative to respond to potential construction site theft and vandalism or construction-related accidents and injuries.</li> <li>The increased demand for services from the City of Tumwater Fire and Police Departments would be proportional to development intensity (e.g., structural density, enclosed parking areas, and visitors as well as residents).</li> <li>A resident population would be introduced on the site, some members of which would likely be school-aged children.</li> </ul>					
<b>Mitigation</b>					
<ul style="list-style-type: none"> <li>Fire and police service needs would be generated incrementally over the buildout period. Development within the Planned Action area would contribute to the City's tax base, and a portion of the tax revenues would help offset the incremental increases in demand for public services as could other sources of revenue such as fees, utility taxes and licenses.</li> <li>Implementation of any Alternative would be required to meet the International Building Code (TMC 15.04) and International Fire Code (TMC15.16) as adopted by the City.</li> <li>Development would be required to upgrade vehicular access to the lower portion of the site to improve access for all emergency services. Connection upgrades to the water system are needed to provide the necessary fire flow.</li> <li>School mitigation fees will be assessed on all residential units subject to Impact Fees (TMC 3.50)</li> </ul>					
<b>Significant Unavoidable Adverse Impacts:</b> No significant unavoidable adverse impacts to public services would be anticipated under any of the Alternatives as a result of the mitigation measures described.					
ALTERNATIVE 1 – NO ACTION ALTERNATIVE1		ALTERNATIVE 2 – MODERATE DEVELOPMENT INTENSITY		ALTERNATIVE 3 – MAXIMUM DEVELOPMENT INTENSITY ALTERNATIVE	
Potential Impacts	Mitigation Measures	Potential Impacts	Mitigation Measures	Potential Impacts	Mitigation Measures
<b>BUILT ENVIRONMENT: Utilities</b>		<b>BUILT ENVIRONMENT: Utilities</b>		<b>BUILT ENVIRONMENT: Utilities</b>	
The proposed Planned Action area and vicinity has the most projected growth within the City, and therefore the most anticipated increase in demand for water service. Depending on the timing of future site development, system shortfalls may be present in the main distribution network.	It is expected that the 8-inch diameter water main that serves the upper portion of the proposed Planned Action area would adequately serve future development and redevelopment in this area of the site under any of the conceptual land use alternatives.	Same potential impacts to water supply as those described for Alternative 1.	An 8- to 10-inch diameter water main connected to the City's distribution system on Custer Way is required to accommodate the proposed land uses. Best Management Practices (BMPs) and utility corridor restoration requirements in accordance with TMC 13.04 would also be required.	Same potential impacts to water supply as that described for Alternative 1.	Same mitigation (already in-place) as that described for Alternative 1.

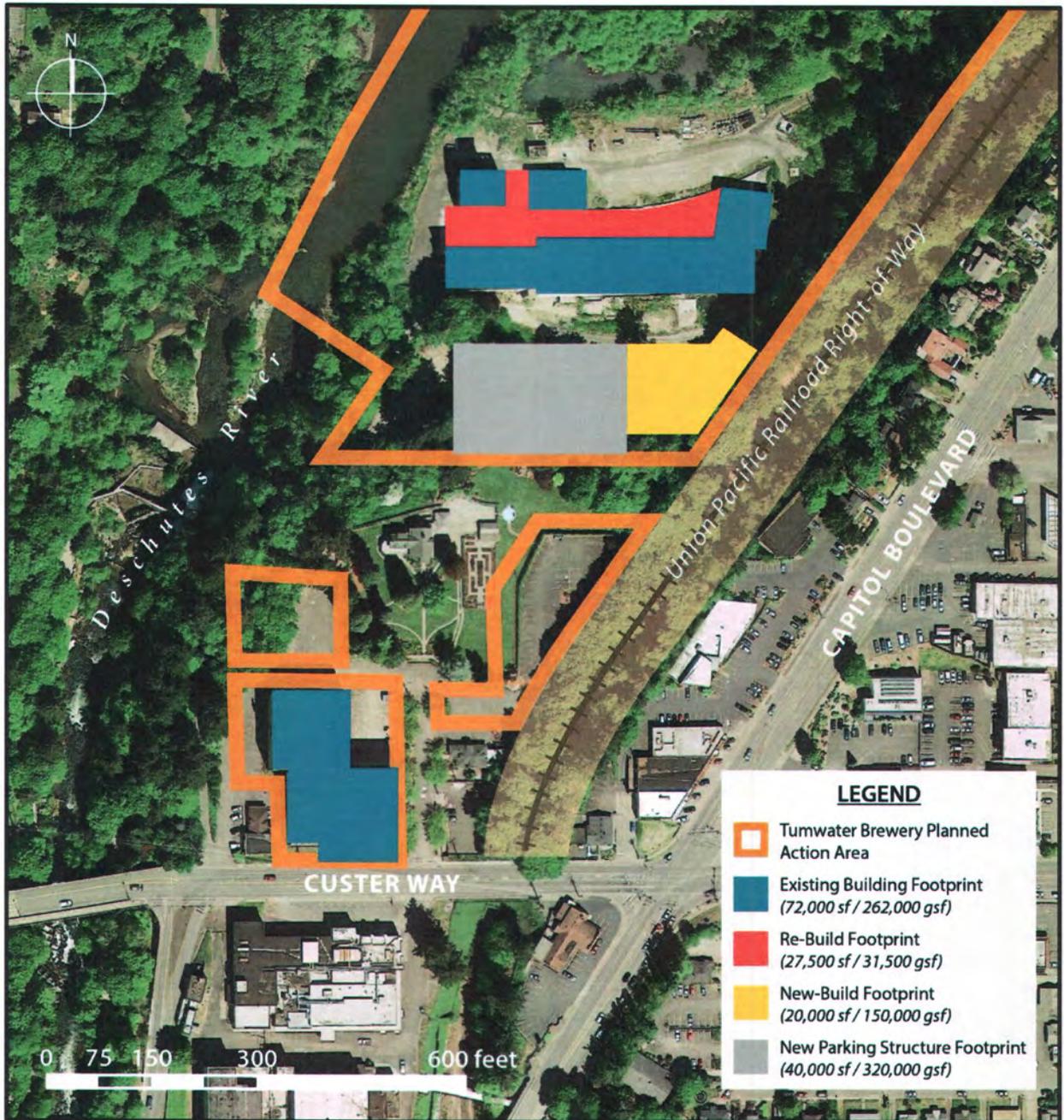
Potential Impacts	Mitigation Measures	Potential Impacts	Mitigation Measures	Potential Impacts	Mitigation Measures
The lower portion of the proposed Planned Action area would require connection to and possible upgrade to the existing City of Tumwater sewer pump station, along with all new sewer conveyance pipes to serve future development in this area.	The upper portion of the site would connect to the City's existing 12-inch sewer line in Custer Way that has adequate capacity to serve anticipated future development in this area.	Same potential sewer system impacts as those described for Alternative 1.	<ul style="list-style-type: none"> <li>Based on land use types and build-out intensities anticipated with Alternative 2, new sewer lines and other system upgrades would be required to be built.</li> <li>Best Management Practices (BMPs) and utility corridor restoration requirements in accordance with TMC 13.08 will be required.</li> <li>All areas temporarily disturbed by the installation of sewer conveyance lines would be restored once the installation is complete.</li> </ul>	Same potential sewer system impacts as those described for Alternative 1.	Same mitigation measures as those described for Alternative 2.
The existing 20-foot wide emergency access road and turn-around would be paved to serve the lower area of the site. This would introduce new Pollutant Generating Impervious Surfaces (PGIS).	Water quality treatment systems would be required for the roadway PGIS, in accordance with applicable local, State and Federal regulations.	Alternative 2 development would affect stormwater management when widening the existing access road to create a 24-foot wide roadway and 6-foot wide sidewalk, and adding a 20-stall parking lot.	Same stormwater management mitigation as that described Alternative 1.	Same potential impacts as those described for Alternative 2.	Same stormwater management mitigation as that described for Alternative 1.
There is a small existing parking area on the upper portion of the site adjacent to the RST cellars building, and another small parking area across Desoto Street. No stormwater quality treatment is currently provided for these parking areas.	Water quality treatment systems would be required for the upper site parking area PGIS, in accordance with applicable local, State and Federal regulations.	Site area space is limited both physically and as a result of the presence of critical areas and their associated buffers. Therefore, finding space to accommodate a 9,600 cubic foot stormwater quality treatment facility would be challenging.	Regardless of site space constraints, stormwater quality treatment would be required within the Planned Action Area in compliance with applicable local, State and Federal regulations.	Same potential impact as that described for Alternative 2.	Same mitigation requirement as that described for Alternative 2.
The larger existing upper parking area is comprised completely of PGIS for which no stormwater quality treatment is currently provided.	Water quality treatment systems would be required for the upper parking lot, in accordance with applicable local, State and Federal regulations.	Same upper parking lot impact as that described for Alternative 1.	An 8- to 10-ft diameter water main connected to the City's distribution system on Custer Way is required to accommodate the proposed land uses. Best Management Practices (BMPs) and utility corridor restoration requirements in accordance with TMC 13.04 would also be required.	Same upper parking lot impact as that described for Alternative 1.	Same mitigation requirement as that described for Alternative 2.
<b>Utility Impacts and Mitigation Measures Common to All Alternatives:</b>					
<b>Impacts</b>					
<ul style="list-style-type: none"> <li>Future site development under any of the conceptual land use Alternatives would result in increased demands on all utility systems. The overall water, sewer, electrical, and natural gas system improvements needed to serve the Tumwater Brewery Planned Action would be similar among all Alternatives, with the level of demand and consumption varying in proportion to the development intensity of each Alternative.</li> </ul>					
<b>Mitigation</b>					
<ul style="list-style-type: none"> <li>Stormwater management measures to be implemented during construction and in the developed-condition of the site under any Alternative would comply with applicable regulations at the time development permits are submitted. These would include (but not necessarily be limited to): <ul style="list-style-type: none"> <li>Department of Ecology Stormwater Manual for Western Washington</li> <li>City of Tumwater Stormwater regulations</li> <li>U.S. Environmental Protection Agency – Clean Water Act regulations.</li> </ul> </li> <li>Future site development would comply with all applicable energy codes, at a minimum. The City could encourage developers to utilize natural gas for heating and appliances to minimize the demand for electrical power.</li> </ul>					
<b>Significant Unavoidable Adverse Impacts:</b> No significant unavoidable adverse impacts related to utility service would be anticipated with implementation of any of the conceptual land use Alternatives.					

ALTERNATIVE 1 – NO ACTION ALTERNATIVE1		ALTERNATIVE 2 – MODERATE DEVELOPMENT INTENSITY		ALTERNATIVE 3 – MAXIMUM DEVELOPMENT INTENSITY ALTERNATIVE	
Potential Impacts	Mitigation Measures	Potential Impacts	Mitigation Measures	Potential Impacts	Mitigation Measures
BUILT ENVIRONMENT: Economy		BUILT ENVIRONMENT: Economy		BUILT ENVIRONMENT: Economy	
Economic impacts and land use types on the site under Alternative 1 would be determined at the time of development applications, and would likely generate some increases in economic activity.		Alternative 2 would provide a mix of employment opportunities including: office/classroom, hotel, public museum, retail and restaurant jobs. A range of job types and wage scales would likely result onsite.	No mitigation required for positive economic impacts.	Same as Alternative 2 with proportionately higher employment opportunities, and enhancements to the local and regional economy.	No mitigation required for positive economic impacts.
<b>Economic Impacts and Mitigation Measures Common to All Alternatives:</b>					
<b>Impacts</b>					
<ul style="list-style-type: none"> <li>Economic impacts during construction of any of the conceptual land use Alternatives would include indirect spending impacts for construction materials and jobs, and labor income associated with these contractors.</li> <li>Development of any of the land use concepts addressed by the Alternatives within the proposed Tumwater Brewery Planned Action area would result in greater employment and intensity of activity in the area.</li> <li>New employment associated with assumed redevelopment would provide a broad mix of new jobs and would introduce additional economic diversity to the site and the Tumwater Brewery District.</li> </ul>					
<b>Mitigation</b>					
<ul style="list-style-type: none"> <li>No mitigation required for positive economic impacts.</li> </ul>					
<b>Significant Unavoidable Adverse Impacts:</b> No significant unavoidable impacts to the economy would be anticipated with implementation of any of the conceptual land use Alternatives.					

# EXHIBIT C

Ordinance No. O2016-003

Map of Alternative 3 from Tumwater Brewery Final Environmental Impact Statement, Published 12/31/2015



**EXHIBIT D-O2016-S1**  
**Supplement to Tumwater Brewery Planned Action**

The project is redevelopment of the brewery buildings on the north side of Custer Way to include restoration and preservation of the existing historic structures along the Deschutes River (approx. 107,000 square feet), rebuilding 31,500 square feet within existing footprint of the historic structures, and addition of up to 150,000 square feet of residential. This includes renovation of the RST Cellars Building (approx. 155,000 square feet) or demolition and replacement of that structure and construction of accessory surface parking, and up to 625 parking spaces in a structured parking garage. The project includes the restoration of historic buildings (Old Brewhouse, cellars, warehouse, and keg building) and provisions for public trails, boardwalk, and water access. The project also includes traffic improvements, utilities, site improvements, and mitigation necessary to serve the site as outlined in the Tumwater Brewery Planned Action Final Environmental Impact Statement, dated 12/31/2015.

This document provides a summary of the relevant policies and regulations that will guide issuance of permits and approvals necessary to develop elements within the Planned Action area. This document is intended for information purposes only, as an exhibit to Ordinance No. O2016-003, which designates a portion of the historic Tumwater Brewery property as a Planned Action area to achieve the following objectives:

- Identify relevant permit programs, policy documents, and regulations within the existing framework of environmental and land use authority that guide development within the City and the Planned Action area
- Provide an overview of agencies with regulatory oversight and their relevant elements of the project
- Outline future opportunities for public input

The Planned Action does not modify the authority or processes associated with any of the following underlying regulations under the jurisdiction of the City of Tumwater or any other applicable jurisdiction.

The processes and authority stated below are regulatory. Other public and private property owners retain proprietary authority and may need to provide easements, access, and other approvals in order to facilitate the Planned Action. These include the City of Tumwater, which has interest in right of way and utility easements, the railroad which has interest in the railroad corridor along the east side of the site,

and the Olympia Tumwater Foundation who have property ownership interest in the adjacent site (Schmidt Mansion) and will need to provide an easement for construction of the upper road and access to the parking garage.

### **Permits, Policies, and Regulatory Authority:**

General Public Notice Requirements: Under City authority, all City land use permit applications require a formal notice of application that is distributed to property owners within 300 feet of the site, published in The Olympian newspaper, posted on site and on the City's website. The notice of application is also distributed to resource agencies, interest groups and requesters by the City of Tumwater. Notices for the Environmental Impact Statement were distributed to property owners within 1,000 feet of the proposed Planned Action area, as well as to an extensive list of interested parties.

Given the level of interest in brewery redevelopment, it is the intent of the City to continue expanded notification to include everyone that commented on the EIS, and everyone currently on our distribution lists for brewery related planning. The general public can request to be added to the distribution list for all notices of application as well.

The following provides a general overview of the various permit processes the proposed project would be subject to. By necessity, this discussion is general in nature and not a comprehensive list of regulatory requirements.

#### **A. Shoreline Substantial Development Permit**

This "master permit" is the underlying permit required for each element of development within 200 feet of high water mark of the Deschutes River or the 0.1 percent (100 year) flood plain. This would include all built structures (including roads, trails, and utilities) within the Planned Action area. It is likely that a shoreline conditional use and/or shoreline variance would also be triggered by at least some elements of the proposed project.

- i. Public access to the shoreline is a fundamental tenet of the State's Shoreline Program. This project provides for public access through a series of trails, and public space along the north side of the existing historic structures that will provide physical and visual access to the shoreline. Construction of these amenities is part of the proposed project, and as such, would be required as a condition of development.

- ii. In general terms, a shoreline substantial development permit also requires any development to minimize shoreline modifications, and where such modifications are proposed, to mitigate the impacts of those modifications. Such mitigations typically provide for a broad range of environmental mitigation, including conserving, enhancing, and replanting native vegetation, protecting water quality, minimizing flood hazards, minimizing parking impacts, provisions for signage, and protection of historical and archeological resources.

**Public Comment:** A Shoreline Substantial Development Permit requires approval by the **Tumwater Hearing Examiner** after a **public hearing** is conducted.

**Outside Agency:** If a Shoreline Variance or Shoreline Conditional Use is necessary, final approval of the Variance or Conditional Use is done by the **Department of Ecology**.

**Appeal Process:** All Shoreline Permits, Variances, and Conditional Use approvals can be appealed to the State Shoreline Hearings Board.

## **B. (Historic Preservation) Certificate of Appropriateness**

**Tumwater's Historic Preservation Commission** must issue a Certificate of Appropriateness for any change to the structures or use of the property located within the Historic District. *This includes change of use, construction of any new building or structure, reconstruction, alteration, restoration, remodel, repair, or demolition of structures in the Planned Action Area, within the HC Zone (this excludes the RST Cellars building).*<sup>1</sup> The commission has broad authority to determine if the design and activity is consistent with goals identified in the New Market Historic District Plan. The Certificate of Appropriateness would be a condition of the Shoreline Substantial Development Permit.

- i. This Certificate would be required to demolish any historic structures such as the Old Brewhouse and Warehouse buildings on the lower portion of the site.

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<sup>1</sup> Note: During the public comment process, questions were raised about the height of the parking garage and view blockage from the Schmidt House. The EIS for this Planned Action did not assess impacts of view blockage from the House, and as such a garage that blocks said views is not within the scope of the Planned Action.

- ii. This certificate would be required to build a parking garage and new residential building on the lower or upper portions of the site.

**Public Comment:** The request for a certificate of appropriateness requires review and approval by the Tumwater Historic Preservation Commission. No public hearing is required but the Commission can provide an opportunity for public comment during its review process.

**Outside Agency:** No outside agency authorization is required, but if the property owner wants to seek tax credits under federal law (cite federal law), they must meet strict standards for historical preservation and restoration. These requirements are summarized in the Historic Structures Report. See also the discussion under Cultural Assets, below.

**Appeal Process:** A certificate of appropriateness can be appealed to the City's Hearings Examiner, and ultimately to Superior Court.

### **C. Water Quality**

Several plans and permits are required for any parts of the proposed project that could affect water quality. Depending on the project proposed, several agencies would be involved. Most of these federal and state permits have broad authority to address their jurisdiction. Public notification and permit appeal processes vary depending on the permit.

#### **Outside Agencies:**

- i. This portion of the Deschutes River and Capitol Lake are considered "navigable waters" under federal clean water act and state law. As such, any dredging or filling below the ordinary high water mark requires a U.S. Army Corps of Engineers Sections 10 and/or 404 permit under the federal Clean Water Act. Any permit issued under the federal Clean Water Act must be certified as meeting state water quality standards (called a Section 401 Water Quality Certification). This may also require a Coastal Zone Management Certification (CZM) from the Department of Ecology.
- ii. A National Pollution Discharge Elimination System (NPDES) construction stormwater permit will be required for project development. This will require an engineered plan to collect, treat, and discharge stormwater. This permit is issued by the Washington State Department of Ecology.

- iii. **A Hydraulic Project Approval from the Washington State Department of Fish and Wildlife** is required if any form of work uses, diverts, obstructs, or changes the natural flow or bed of any surface waters of the state.

#### **D. Wetlands (Critical Areas)**

Because some wetlands will likely be affected by the proposal, a Wetland Permit and Mitigation Plan will be required to be submitted and approved in accordance with TMC 16.28. In general, this requires minimization of disturbance, and where not feasible, replacement, restoration and/or enhancement of wetlands.

It should be noted that there is currently an outstanding order requiring mitigation for impacts to a small wetland behind the brewery warehouse that occurred during initial building preservation and cleanup of contaminated soil in that area. The property owner is still in the process of developing a plan for compliance with that order. The City, Department of Ecology, and Army Corps of Engineers have authority to establish mitigation for the violation.

**Public Comment:** A wetlands permit and mitigation plan is an administrative approval process. There is no separate public notice or comment period required for these approvals. Notice of application is consolidated in the master permit, in this case, that would be the Shoreline Substantial Development Permit.

**Outside Agency:** As noted above, depending on the nature of the wetlands disturbed, this may also require federal and/or state permits.

**Appeal Process:** An administrative decision may be appealed to the City's Hearing Examiner and ultimately to Superior Court. Federal and State permit appeal processes vary depending on the permit.

#### **E. Removal of Covenant/Hazardous Materials**

There was a small area of soil contamination found on the property behind the brewery warehouse, likely caused by historic operations of a paint shop in that area. The previous property owner did only a partial cleanup of contaminated soil and, as a result, the Department of Ecology required a restrictive covenant be placed on the property limiting activity on the property to industrial uses. That covenant was recorded on the property title in 2002 and amended in 2003. For the proposed development to occur, this covenant will have to be released or amended by Ecology

to allow other proposed uses. The current owner removed the contaminated soil but Ecology is requiring that monitoring wells be installed to confirm the groundwater is not contaminated above cleanup standards before they will allow the covenant to be released or amended. Should additional contamination be found, further investigations and cleanup will likely be required by Ecology before the proposed redevelopment could move ahead.

**Public Comment:** No public comment period is typically conducted for these types of small cleanups. However, a public notice would be issued in Ecology's Site Register, when Ecology determines adequate cleanup has been conducted. The Site Register is an electronic newsletter issued twice a month that provides public notice of cleanup activities occurring throughout the State.

**Outside Agency:** The cleanup of the site and release of the restrictive covenant is subject to approval by the Department of Ecology under the Model Toxics Control Act (Chapter 70.105D RCW) and the provisions of the covenant.

**Appeal Process:** Cleanup decisions of this nature are subject to limited appeal to Superior Court, generally only by the regulated entity and other parties required to pay for the cleanup.

## **F. Trees**

The proposal will result in the removal of trees. As such, a Tree Inventory must be conducted and a Tree Protection and Replacement Plan must be submitted and approved as required by TMC 16.08. A key requirement of this regulation is that a minimum of 20% or 12 trees per acre must be retained on the site. There also are limits on when tree clearing can be conducted. The code also provides incentives for retention of larger trees and requirements for protection of trees to be retained during construction.

Depending on where the trees are located, there may be additional tree protection and restoration requirements under the Shoreline and wetland permits, discussed above.

**Public Comment:** The tree inventory, retention and replacement plan, and tree removal permit are administrative approvals. There is no separate public notice or comment period required for these approvals. Notice is consolidated as part of the master permit, in this case, the Shoreline Substantial Development Permit.

**Outside Agency:** As noted above, depending on the nature of the wetlands disturbed, this may also require federal and/or state permits.

**Appeal Process:** An administrative decision may be appealed to the City's Hearing Examiner, with the Hearing Examiner's decision appealable to Superior Court. Federal and State permit appeal processes vary depending on the permit.

#### **G. Cultural Assets**

If any soil testing, boring, or project work would disturb historic and/or Native American archaeological resources, an historic/archaeological excavation assessment is required and an **Archaeological Excavation and Removal Permit** may be required. This permit is issued by the State Office of Archaeology and Historic Preservation. While initial survey work has occurred and no archaeological resources found, any ground disturbing activity will be subject to monitoring for artifacts and should such artifacts be found, the applicant would be required to obtain the above permit before proceeding with the work.

In addition, because the brewery structures at the base of the falls are on the State and National Historic Preservation Registers, a review of the proposal and plans for protection and mitigation of these structures under Section 106 of the National Historic Preservation Act will be required if any federal funding is involved or there are federal licenses or permits. This may also trigger additional review under the National Environmental Policy Act (NEPA). The State Historic Preservation Office represents the state's interest in a Section 106 review.

**Public Comment:** These permits are issued by the State Office of Archaeology and Historic Preservation. Permit applications are subject to public notice under WAC 25-48-080, which includes general public notice plus notice of interested persons and agencies (including tribes).

**Other Agencies:** The State Office of Archaeology and Historic Preservation is the approving agency. In addition, representatives from the **Squaxin and Nisqually Indian Tribes** will be notified and monitors may be present during any sampling or excavation.

**Appeal Process:** The appeal process for an archaeological excavation and removal permit is prescribed in WAC 25-48-120.

## **H. Floodplain Development Permit (Critical Areas)**

That portion of the proposed development within the FEMA mapped 100 year floodplain must demonstrate compliance with Tumwater's Floodplain Overlay Ordinance contained in TMC 18.38, including obtaining the requirement to obtain a floodplain development permit. Two key requirements in this ordinance are limitations on filling within the floodplain, and a requirement that building ground floor height must be two or more feet above base flood stage.

**Public Comment:** The floodplain development permit is an administrative approval. There is no separate public notice or comment period required for this permit. It is combined with the master permit, in this case, the Shoreline Substantial Development Permit.

**Outside Agency:** As noted above, if the project involves in-water work, it would be subject to other state and federal permits.

**Appeal Process:** An administrative decision may be appealed to the City's Hearing Examiner, with the Hearing Examiner's decision appealable to Superior Court. Federal and State permit appeal processes vary depending on the permit.

## **I. Wildlife (Critical Areas, Habitat Protection)**

Any project that impacts protected fish or wildlife habitat or species must develop a Habitat Protection Plan and is subject to approval under TMC 16.32. Based on the EIS, there are no known protected species in the upland parts of the site but there are known protected species within the adjoining surface waters.

**Public Comment:** A Habitat Protection Plan is subject to administrative approval. There is no separate public notice or comment period required for this approval. It is combined with the master permit, in this case, the Shoreline Substantial Development Permit.

**Outside Agency:** Tumwater staff are required to consult with the appropriate state and federal agencies. Should federally threatened species be involved, additional approvals by these agencies may be required.

**Appeal Process:** An administrative decision may be appealed to the City's Hearing Examiner, with the Hearing Examiner's decision appealable to Superior Court. Federal and State permit appeal processes vary depending on the permit.

**J. Olympic Region Clean Air Agency (ORCAA) Permit**

If a demolition permit is required or if stationary devices (i.e. generators) are installed that would emit air contaminants above regulatory thresholds, ORCAA must issue a permit. Based on information in the EIS, it is not anticipated any regulatory threshold will be triggered by this development proposal, requiring issuance of an air-related permit. However, if such emissions were to be identified during subsequent submittals, the review and approval process would be as specified in ORCAA's regulations.

**K. Site Plan Approval and Building Permits**

Following site plan approval and issuance of the Shoreline Substantial Development Permit, related consolidated permits described above, and Historic Commission Certificate, a series of building and construction permits are required to construct, demolish, or alter buildings, facilities, and infrastructure. ***A Planned Action does not exempt any element of a project from permitting or inspections.*** The City's Development Review Committee, made up of representatives from relevant City departments, provides plan and project review at a technical level to guide and ensure that projects meet adopted development guidelines and a building standards. Development Review Committee meetings are open to the public. Agendas are posted on the City website each week.

Permit applications require detailed final plans for structures including electrical plan, plumbing plan, floor layout, utility system plans and facilities (water, sanitary sewer), stormwater drainage plan, size and shape of lot and buildings, setback of buildings from property lines, site access for pedestrians and vehicles, parking, size and shape of foundation walls, beams, air vents, window accesses, and heating or cooling systems.

Building and facilities must meet standards outlined in a network of building and fire codes and other regulations that are adopted by the City. Building codes provide broad authority to ensure that buildings and facilities are designed appropriately for the site and meet health, safety and welfare standards of the public. These codes establish prescriptive standards that must be substantiated by engineering analysis. They require design and construction to address hazards such as seismic events, stability of slopes, flood hazards, fire protection, and other natural and built

conditions. Project designs must meet adopted City building and other codes, including:

- i. Building codes in Tumwater Municipal Code (TMC Chapter 15)
- ii. International Building Code 2012 Edition
- iii. International Residential Code 2012 Edition
- iv. International Fire Code 2012 Edition
- v. International Mechanical Code 2012 Edition
- vi. International Property Maintenance Code 2009 Edition (we are in the process of adopting the 2012 Edition)
- vii. International Energy Conservation Code 2012 Edition
- viii. Washington State Energy Codes
- ix. Uniform Plumbing Code 2012 Edition
- x. International Existing Buildings Code 2012 Edition
- xi. Geologically Hazardous Areas (TMC Chapter 16.20)
- xii. Zoning, including Historic Commercial Zone, Design Review, Landscaping, Signs, Lighting and Parking (Title 18 TMC)

Permits are issued upon approval of the final plans, as determined by the City's underlying authority. The City's Building and Fire Safety Official provides interpretation and final approval of plans. After permits are issued, projects are inspected throughout various phases of construction to provide assurance that the project complies with City codes and standards. Permits and inspections are an administrative process managed by City staff.

#### **L. Street Vacation.**

Depending on the footprint of the Cellars Building remodel or replacement next to Custer Way, there is a small remnant of right of way for Desoto Street that may need to be vacated. If vacation is requested, it would be subject to a public hearing and decision by the City Council.