



**Snohomish County
Planning and Development Services**

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County Executive

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November 15, 2016

Gary D. Huff
Karr Tuttle Campbell
701 Fifth Avenue, Suite 3300
Seattle, WA 98104

Subject: Point Wells DEIS and need for a Revised Application

Dear Mr. Huff:

This letter is a follow up to our meeting of September 20, 2016, which included PDS staff and the applicant team, to review the status of the Point Wells permit applications in the above matter.¹

As discussed at that meeting, PDS staff have previously identified what they believe are numerous internal inconsistencies and conflicts with County Code requirements as it relates to the current permit applications which are more fully set forth in our original Review Completion letter dated April 12, 2013. While there have been subsequent communications between PDS and the applicant regarding these issues, there have been no resubmittals by the applicant to revise the project to address compliance with the code provisions cited (most notably compliance with the County's critical areas regulations).

As further discussed, compliance with applicable County Code provisions is integrally related to environmental review of the project under SEPA. Specifically, SCC 30.61.122 recognizes that compliance with various County environmental development regulations such as protection of wetlands and fish & wildlife habitat (Ch. 30.62A SCC), and geologically hazardous areas (Ch. 30.62B SCC), constitute adequate analysis and mitigation of the specific significant probable

¹ There are technically five active applications for Point Wells, but we will refer to them singularly for simplicity. These applications are 11 101457 LU (Land Use permit for site plan), 11 101461 SM (Shoreline Management permit), 11 101454 RC (Retaining Wall – Commercial), 11 101008 LDA (Land Disturbing Activity – grading), and 11 101007 SP (Short Plat). The sign-in sheet for the September 20, 2016, meeting appears in an appendix at the end of this letter.

adverse environmental impacts of the development activity with regard to such impacts for purposes of SEPA (as allowed under RCW 43.21C.240). Accordingly, it was generally recognized at our meeting on September 20, 2016, that a revised application is needed addressing the foregoing issues before the County can proceed with preparation of the Draft Environmental Impact Statement in this matter.

Having stated the above, the meeting did not result in conclusions on matters of timing and the scope of what changes are required versus those that are recommended. Ongoing conversations with the applicant team, project manager and EIS consultants have helped to refine our understanding of the unconcluded issues. Accordingly, the purpose of this letter is to memorialize PDS' understanding of what revisions need to be made to the project applications before the project is sufficiently definite to allow SEPA review, and the timing for when those revisions will be submitted:

A. Necessary Revisions: The following revisions to the permit applications are deemed necessary to demonstrate compliance with applicable County Code requirements for purposes of being able to proceed with preparation of the Draft EIS:

A-1: Compliance with Snohomish County Critical area regulations, including *Chapter 30.62A SCC Wetlands and Fish & Wildlife Habitat Conservation Areas* and *Chapter 30.62B Geologically Hazardous Areas*. Of particular concern, the site plan:

- (a) Exceeds allowable impervious surface near Puget Sound;
- (b) Does not adequately protect onsite streams; and
- (c) Fails to properly identify landslide hazard areas.

PDS repeats the recommendation from the April 12, 2013, Review Completion Letter that the proposal should include a request for Innovative Development Design as allowed for under SCC 30.62A.350. The applicant must also revise the site plan to properly identify geologically hazardous areas.

A-2. Lack of Second Access. To meet fire code requirements in Chapter 30.53A SCC, the project must include two access routes to the overall site, across the railroad tracks, and to internal portions of the site that would generate more than 250 average daily trips. Second access must include appropriate turning radii for larger ladder trucks and temporary access as needed during construction.

A-3. The site plan must include floor plans for all buildings. Typical floor plans are acceptable where floors will be the same. Unit counts must match the floor plans. Floor plans must show the square footage of each unit.

A-4. The site plan must identify which buildings or portions of buildings are for senior-only or non-age-restricted residents.

A-5. Parking. The site plan must show adequate parking. Stalls and drive aisles must meet dimensional requirements. Adequate parking includes accessible parking, an appropriate mix of conventional and compact parking stalls, and provision of appropriate loading areas. The site plan must number proposed stalls. Parking calculations on the site plan must agree with items 3 and 4 above and the parking requirements in effect at the time of the original application.

A-6. Landscaping. The applicant must revise the landscaping plans for consistency with the site plan. Proposed landscaping must be able to survive in the proposed location and show native vegetation in areas where required for protections of fish and wildlife habitat areas.

B. Recommended Revisions: The following revisions or additional information are recommended by PDS to be included with any revised submittal to allow for coordinated review of the project as a whole (although not within the immediate scope of the draft EIS). Specifically, the project may also need to be revised to comply with other non-environmental County Code requirements regarding urban design standards which revisions, in turn, could influence how the applicant addresses the necessary revisions identified above (or require further revisions if not addressed concurrently with the necessary revisions noted above). Accordingly, PDS recommends that the applicant coordinate consideration/response to the following issues in any revised submittal to minimize the need for further significant revisions being required following review by the Urban Centers Design Review Board and/or staff:

B-1. The project application does not include sufficient information to evaluate the Urban Center design standards in Chapter 30.34A SCC. Procedurally, the Urban Center Design Review Board (DRB) will be making recommendations after the DEIS is published. Since compliance with the design standards is not in the scope of the DEIS, is not strictly necessary to have all of the information necessary for DRB recommendations until after the DEIS. However, to avoid delays caused by the possible need for staff to request revisions or additional information, we suggest including this information in the revised application.

B-2. Many details in the proposed project design would deviate from the applicable Engineering Design and Development Standards (EDDS). Before PDS can make its final recommendations, the applicant must apply for and obtain EDDS deviations for individual elements of project design that differ from EDDS or the applicant must revise the project to comply. Alternatively, the applicant may negotiate an overall development agreement with Snohomish County that exempts the project from certain EDDS standards. While compliance with EDDS on issues such as the width of private roads or for design of planter boxes for street trees on top of parking garages does not have significant environmental impacts outside the site, postponing work on the many necessary deviations or overall development agreement could create time-consuming delays in the review process.

B-3. Targeted Drainage Plans and Report must show viability of the proposed design, consistent with the updated site plan. At present, the targeted drainage plan does not show all drainage facilities connecting. Of particular concern is whether it is realistic to convey Chevron Creek

in the manner proposed in the current application. Revisions to the site plan to address issues above will also require updates to the targeted drainage information for internal consistency.

B-4. The proposal would convert the existing pier to public recreational use, however, much of it is in waters where the Department of Natural Resources (DNR) has jurisdiction. Please include a legal description of the existing facility and identify what changes would be made in each jurisdiction. Snohomish County will need this information to clarify in its recommendations the extent to which any possible future from us approval would apply and where approvals from DNR would be necessary.

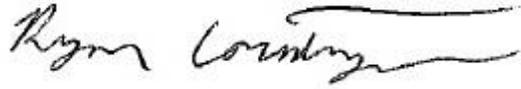
C. Timing: The current permit applications have previously been the subject of three previous requests for extension, all of which have been granted. The most recent was a 24-month extension extending the expiration date of the applications to June 30, 2018. Under County Code, no additional extensions are permitted absent extraordinary circumstances. Accordingly, PDS asks that the additional information/revisions set forth above be provided within a reasonable period of time (six months from the date of this letter) to allow completion of SEPA review and submission of the applications for hearing or decision by June 30, 2018. Even if the applicant does not wish to revise the application submittal, we would request that the applicant identify an “alternative” project proposal on the site capable of demonstrating compliance with the County’s critical areas regulations for purposes of SEPA review.

If a revised submittal or alternative information addressing the above is not received on or before May 15, 2017, PDS will assume that the applicant wishes the County to proceed with concluding environmental review under SEPA and processing the permit applications for hearing or decision based on the current application submittals. Please be advised that this may result in a recommendation of denial without further preparation of an EIS in accordance with SCC 30.61.220 if PDS concludes that the permit applications as submitted evidence a substantial conflict with applicable County Code and development regulations.

Summary: We appreciate that a project of this size will require revision to address issues as details are flushed out and internal inconsistencies identified during plan review. However, the issues identified in Section A above are fundamental issues of compliance with applicable County Codes and development regulations that are required for purposes of approval. Accordingly, for the reasons set forth above we recommend revising the application to respond to all items and further recommend that the applicant perform an internal review for consistency before submitting the revised application to PDS. PDS will resume work on the DEIS after a revised application is determined to be sufficient for use as a new alternative in the DEIS. The existing alternatives will be continued in the DEIS process to help establish “bookends” for a final alternative that would be recommended to the Hearing Examiner.

Please let us know if you have any questions.

Respectfully,

A handwritten signature in black ink that reads "Ryan Countryman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Ryan Countryman, Permitting Supervisor and SEPA Designated Official

Copy: Doug Luetjen, Karr Tuttle Campbell
Gretchen Brunner, EA Engineering
Rich Schipanski, EA Engineering
Tom Rowe, Special Projects Director, Snohomish County Executive
Barbara Mock, Director, Snohomish County PDS
Mike McCrary, Manager, Snohomish County PDS
Paul MacCready, Principal Planner, Snohomish County PDS
Rachael Markle, Planning Director, City of Shoreline
Eric Faison, Town Administrator, Town of Woodway

Appendix A: Sign-in Sheet for September 20, 2016 meeting

Point Wells 9/20/16	
Name	Org.
Ryan Countryman	SnoCo
Barb Moch	SnoCo <small>Barbara.moch@SnoCo.org</small>
Jacque St. Roman	KTC
DOUG LUBJEN	KTC
GARY HUFF	FIC
Matthew Otten	Sno Co PA
DAN SENG	P4W
MICHAEL M'CRARY	SNO Co PDS
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Tom Rowe	SNO Co.