



Snohomish County
Planning and Development Services

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REVIEW COMPLETION LETTER

DATE OF LETTER: October 31, 2017

PROJECT FILE NUMBERS: 17-113756 LDA & 17-113759 FPA

PROJECT NAME: Frognal Estates, Forest Practice and Land Disturbing Activity permits

COMPLETE APPLICATION DATE: September 6, 2017

APPLICANT:

Frognal Holdings LLC
8115 Broadway Suite 204
Everett, WA 98203

CONTACT:

Merle Ash - Land Technologies Inc
Via email to merle@landtechway.com

PROJECT DESCRIPTION:

Grading activity (17-113756 LDA) concurrent with a Forest Practice application in preparation for future 112 lot subdivision.

Dear Merle Ash - Land Technologies Inc:

The information identified in this letter is necessary to evaluate your proposal further. Please respond to all of the comments in this letter. When responding, please identify what changes take place in response, describe any new changes made for other reasons, and explain any areas where your response includes disagreement with the statements made in this letter.

Scope of review. This letter includes review of several documents submitted on September 6, 2017, and additional information furnished by the applicant after that date, including the following documents:

- SWPPP (received 9/6/17)
- O&M Manual (9/6/17)
- Stormwater Site Plan Report (9/6/17)
- Construction Plans (9/6/17)
- Infiltration Assessment (received 10/13/17, dated 10/3/17)
- Notice of Intent (10/18/17)

Project Manager / Forest Practice & Drainage Review

Project Manager: Randy Sleight

Issue 1. Please review and respond to the attached markups in the following documents:

- SWPPP (received 9/6/17)
- O&M Manual (9/6/17)
- Stormwater Site Plan Report (9/6/17)
- Construction Plans (9/6/17)
- Infiltration Assessment (received 10/13/17)

Issue 2. Some of the information in the *Infiltration Assessment* by Associated Earth Sciences, dated October 3, 2017, and received by Snohomish County on October 13, 2017, raises concern for both design and process. This report describes the upper soil layer of Vashon Till as not suitable for infiltration. It then proceeds to describe steps such as pit drains or underground injection wells (also known as Underground Injection Controls (UICs)) that could allow for infiltration because such drains would infiltrate through the Vashon Till to lower layers of soil that are suitable for infiltration.

Please be aware that certain steps described in the Infiltration Assessment would require permitting from the Washington State Department of Ecology (DOE) and that the Notice of Intent (NOI) letter from DOE that was supplied by the applicant on October 18, 2017, does not appear to include the information from the Infiltration Assessment. In other words, DOE may require new or modified construction drawings.

Please also be aware that certain recommendations in the Infiltration Assessment appear to exceed those described in the Environmental Impact Statement (EIS) for the project and may result in previously undisclosed environmental impacts. See Land Use Comment 1, under planning review below.

To put the comments above in context, it is important to note that the status of the Infiltration Assessment was a discussion topic during a meeting with Kamil Lakhani (Frognal Holdings), Merle Ash (Land Technologies), Ryan Countryman (Snohomish County) and Randy Sleight (Snohomish County) on October 13, 2017. The assessment had been provided to Snohomish County via email from John Lakhani. During the meeting, it became evident that the version sent to Snohomish County may have been a working draft not meant for submittal to the County. Per the County records retention policy, we are required to include what was provided to us in the project file. Since an infiltration assessment is required for the proposed action, we are providing some markups for the applicant to use when finalizing the document. Snohomish County also recognizes that there will likely be changes to the assessment for reasons other than the markups we are providing with this review letter.

Planning / Land Use:

Land Use Reviewer: Ryan Countryman

We have a total of four land use comments and issues, including two general comments and two specific issues relating to the plans.

1. General Comment 1 relates to the SEPA Threshold Determination
2. General Comment 2 relates to public comments
3. Issue 1 relates to the proposed clearing limits
4. Issue 2 relates to the compliance with the conditions imposed by the Hearing Examiner

General Comment 1: SEPA Threshold Determination. At time of the LDA and FPA permit submittals on September 6, 2017, the applicant and county staff both assumed that no SEPA threshold determination would be necessary for the proposed work. The assumption was that since the preliminary plat underlying the current proposal had a Determination of Significance (DS) and that this DS led to an Environmental Impact Statement (EIS) for the project, all of the work in the current proposal would fall under that earlier threshold determination and the scope of the EIS. See project file 05-123050 SD. However, based on further review of the documents that are the subject of this review letter, the assumption above may be based on incomplete information.

Additional information is necessary before Snohomish County can make a threshold determination for the proposed action.

Pursuant to *SCC 30.61.115 Early Notice of Whether a Determination of Significance is Likely*, Snohomish County is hereby advising the applicant that a DS may be necessary if further review of the proposed action determines that it would include previously undisclosed environmental impacts. An addendum to the EIS for the preliminary plat may be necessary, but we do not currently have enough information on the proposed design to make that determination. Changes to the proposed design, or more information may result in changes to our assessment of this likelihood.

General Comment 2: Public Comments. As of October 23, 2017, Snohomish County PDS has received several public comments on the proposed action. What follows is a summary of twelve topics raised by the public, the PDS assessment of said topics relative to the current proposal, and a description of required response by the applicant at the time of resubmittal. The applicant may also choose to respond to topics that PDS does not identify as requiring further response.

Topic 1: School. Construction and logging equipment along 60th Avenue West would disrupt Picnic Point Elementary.

PDS Evaluation of Topic 1. Condition 2.F of the Hearing Examiner Decision for the underlying subdivision addresses this issue. The applicant is required to submit a Haul Route Agreement (HRA) to take traffic to Picnic Point Road rather than 60th Avenue West. This is in part to keep

traffic away from the school. See discussion of Hearing Condition 2.F on page 10 for details. Apart from providing the HRA when submitting revised plans, the applicant does not need to respond directly to this topic.

Topic 2: Open Space. The Froggal Site is supposed to remain open space.

PDS Evaluation of Topic 2. The site is private property and does not have an open space designation or protections. The applicant does not need to respond directly to this topic.

Topic 3: Risks. Logging increases landslide and erosion risks, especially during the rainy season. Snohomish County should evaluate the project as “very high risk” for a Stormwater Pollution Prevention Plan (SWPPP). SWPPP is not in compliance with County requirements.

PDS Evaluation of Topic 3. Condition 2.A of the Hearing Examiner Decision for the underlying subdivision addresses these issues. The applicant is required to submit a SWPPP and a Temporary Erosion and Sediment Control (TESC) plan. The proposal must also comply with landslide, erosion, and drainage requirements. Compliance with these requirements means that logging within 200-feet of the landslide hazard area cannot rely on infiltration of stormwater. Since the proposal would rely on infiltration, the marked up plans require the applicant to reduce the clearing limits such that no logging will take place within 200-feet of the landslide hazard area. See discussion of Hearing Condition 2.A on page 9 for details. Apart from providing the SWPPP and TESC when submitting revised plans, the applicant does not need to respond directly to this topic.

Topic 4: Appeal. There is an ongoing appeal related to the proposed subdivision. How can Snohomish County consider new permits while this is underway?

PDS Evaluation of Topic 4. The current proposal is to log the property and install logging roads and supporting drainage infrastructure. These actions are separate from subdividing the property. Absent an order from the court that would stay review of associated permits, the appeal does not preclude the property owner from having a right to log the property as long as the plans for logging meet applicable requirements. The applicant does not need to respond directly to this topic.

Topic 5. General traffic. The proposed development would make traffic worse.

PDS Evaluation of Topic 5. The environmental impact statement and other review for the underlying project did not find that the project would generate traffic sufficient to create problems

for established levels of service. The current logging proposal would not create any long-term traffic impacts; there would be only temporary logging and construction traffic. The applicant does not need to respond directly to this topic.

Topic 6: Grading. Snohomish County should oppose the mass grading of site.

PDS Evaluation of Topic 6. The current proposal is limited to minor grading to establish logging roads and staging areas. Approval of major grading would require a separate permit, but the applicant has yet to apply for this next permit. The Hearing Examiner placed many conditions on grading of the property; however, the basis of these conditions was an assumption that logging and grading would take place under a single permit rather than two. There is detailed discussion of this under Planning Issue 2 on page 6. The applicant does not need to respond directly to this topic.

Topic 7: Significant Trees. The Hearing Examiner decision for the project requires information from the applicant on “Significant Trees” but the applicant has not provided this information.

PDS Evaluation of Topic 7. PDS concurs that the applicant has yet to provide the required information. See evaluation of Hearing Conditions 2.I and 2.J, beginning on page 11 for details. PDS will interpret response by the applicant to these two hearing conditions as adequate response to this public comment topic.

Topic 8: Engineering Seal. The drawings submitted to the County are incorrectly sealed.

PDS Evaluation of Topic 8. The applicant submitted both hardcopies of the plans and electronic PDFs. The hardcopies have the correct stamp and seal from project engineer Tyler Foster. The PDFs do not have this seal. Snohomish County is working to establish standards for electronic engineering seals; however, that is not a requirement when the applicant submits physical copies with correct seals. The applicant does not need to respond directly to this topic.

Topic 9. O&M Deficient. The Operation & Maintenance (O&M) manual for the proposal is deficient.

PDS Evaluation of Topic 9. PDS concurs that the O&M manual is deficient and is providing markups on the manual for the applicant to address at the time of resubmittal. Providing an updated O&M manual is the only response to this topic required of the applicant.

Topic 10. Incorrect Stormwater Flow Design Calculations.

PDS Evaluation of Topic 10. PDS Chief Engineering Officer Randy Sleight has reviewed the stormwater flow design and is requesting some changes as per the marked up *Stormwater Site Plan* report and *Infiltration Assessment*. The original comment asserting incorrect calculations was not specific as to which calculation the author thought were incorrect. Therefore, the applicant need only respond to the PDS comments when updating these reports.

Topic 11. No Emergency Overflow.

PDS Evaluation of Topic 11. This comment was not specific. Snohomish County assumes that it refers to the proposed infiltration basins, about which PDS has some comments that are not specific to emergency overflows. Once the applicant submits revised plans, County engineers will evaluate the revisions to the proposed stormwater designs for adequacy. The applicant does not need to respond directly to this topic.

Topic 12. Picnic Point Creek. Clearing of the Froggnal site would degrade Picnic Point Creek to a point below certain thresholds acceptable to the Tulalip Tribes.

PDS Evaluation of Topic 12. The Tulalip Tribes made similar comments during the comment period for the Draft Environmental Impact Statement (EIS). The Final EIS for the project fully discloses probable impacts of the subdivision proposal to Picnic Point Creek. While the current proposal is only to log the site, compliance with the Snohomish County Code and the relevant conditions from the Hearing Decision constitute the required mitigation. The comment letter is not timely and does not provide any new information. The applicant does not need to respond directly to this topic.

Land Use Issue 1. The clearing limits on the LDA and FPA plans cannot exceed those on the preliminarily approved plat. Several minor differences exist, including some areas that appear to exceed clearing areas on the approved preliminary plat. See markups.

Land Use Issue 2. The LDA and FPA plans must comply with all applicable conditions from the May 25, 2016, Hearing Examiner Decision. The conditions from the decision assume one LDA permit that would combine the forest practice work proposed under the subject permit with additional grading for site re-contouring. The work under the subject LDA permit is more limited and the applicant will now need to propose re-contouring in a subsequent LDA permit for which there is not yet an application. What follows is a discussion of the conditions applied by the Hearing Examiner. This discussion is to establish whether or how each applies to the current proposal and to explain the markups on the plans (Sheets C1 to C4).

Table 1 – Summary of Preliminary Plat Conditions and Relevance to the Proposed Action

Condition	Does not apply	Applies or Partially Applies and is Fully Met	Requires Additional Information or Changes from Applicant	TBD
1.	<input checked="" type="checkbox"/>			
2.A.			<input checked="" type="checkbox"/>	
2.B.	<input checked="" type="checkbox"/>			
2.C.			<input checked="" type="checkbox"/>	
2.D.	<input checked="" type="checkbox"/>			
2.E.	<input checked="" type="checkbox"/>			
2.F.			<input checked="" type="checkbox"/>	
2.G.	<input checked="" type="checkbox"/>			
2.H.			<input checked="" type="checkbox"/>	
2.I.			<input checked="" type="checkbox"/>	
2.J.			<input checked="" type="checkbox"/>	
3.			<input checked="" type="checkbox"/>	
4.			<input checked="" type="checkbox"/>	
5.			<input checked="" type="checkbox"/>	
6.		<input checked="" type="checkbox"/>		
7.			<input checked="" type="checkbox"/>	
8.			<input checked="" type="checkbox"/>	
9.			<input checked="" type="checkbox"/>	
10.				<input checked="" type="checkbox"/>
11.				<input checked="" type="checkbox"/>
12.		<input checked="" type="checkbox"/>		
13.		<input checked="" type="checkbox"/>		
14.			<input checked="" type="checkbox"/>	
15.			<input checked="" type="checkbox"/>	
16.				<input checked="" type="checkbox"/>
17.	<input checked="" type="checkbox"/>			
18.				<input checked="" type="checkbox"/>
19.			<input checked="" type="checkbox"/>	
20.				<input checked="" type="checkbox"/>
21.			<input checked="" type="checkbox"/>	
22.				<input checked="" type="checkbox"/>
23.				<input checked="" type="checkbox"/>
24.				<input checked="" type="checkbox"/>
25.	<input checked="" type="checkbox"/>			

Condition	Does not apply	Applies or Partially Applies and is Fully Met	Requires Additional Information or Changes from Applicant	TBD
26.	<input checked="" type="checkbox"/>			
27.			<input checked="" type="checkbox"/>	
28.				<input checked="" type="checkbox"/>
29.				<input checked="" type="checkbox"/>
30.			<input checked="" type="checkbox"/>	
31.	<input checked="" type="checkbox"/>			
32.			<input checked="" type="checkbox"/>	
33.	<input checked="" type="checkbox"/>			
34.			<input checked="" type="checkbox"/>	
35.			<input checked="" type="checkbox"/>	
36.			<input checked="" type="checkbox"/>	
37.				<input checked="" type="checkbox"/>
38 to 68.	<input checked="" type="checkbox"/>			

Site Development Conditions and Evaluation Relative to Subject Permits

Condition 1. All site development work shall comply with the requirements of the plans and permits approved pursuant to Pre-conditions B and C.

Evaluation of Condition 1. Pre-conditions were fulfilled by a separate action, see file 05-123050 SD.

Condition 2. Before any site works begins:

[Condition 2].A. Frognaal shall obtain a Land Disturbing Activity (LDA) permit from PDS. This permit shall include the site excavation plan, Temporary Erosion and Sediment Control (TESC) plan (also known as a Stormwater Pollution Prevention Plan (SWPPP)), landscaping plans for construction, and drainage plans and reports necessary for compliance with Chapters 30.63A (Drainage) and 30.63B (Land Disturbing Activity) SCC. The site excavation plan shall, to the extent practicable, balance on-site cut and fill volumes by redistributing cut material for use as fill. LDA permit will impose conditions to minimize or avoid potential adverse impacts associated with earthwork grading operations. (Corrected Division of Development Decision dated September 23, 2015 (Exhibit K.4) and FEIS (Exhibit E.5) mitigation measure (MM), page 1-19)

Evaluation of Condition 2.A. The subject proposal requires the TESC/SWPPP. However, other elements of Condition 2.A such as the landscaping plans and a subsequent stormwater site plan that reflect the full buildout conditions are not necessary at this time. Drainage plans and reports must only be sufficient to address the proposed logging activity as part of the forest practice permit and proposed land disturbing activity. An additional stormwater site plan will also be necessary at full construction plan submittal.

[Condition 2].B. Additional geotechnical engineering analysis shall be performed prior to issuance of the Land Disturbing Activity permit. This analysis will take into account the effects of seismic loading on foundations, slopes, and retaining structures. (FEIS (Exhibit E.5) mitigation measure, page 1-22)

Evaluation of Condition 2.B. This condition does not apply to the subject proposal. No foundations or retaining structures are proposed. Minor changes to slopes must be addressed in the TESC/SWPPP discussed in Condition 2.A.

[Condition 2].C. A site maintenance plan will be in place in the event that stormwater turbidity measures exceed Department of Ecology standards, and to comply with Snohomish County Pollution Control (SCC 7.53 and FEIS (Exhibit E.5) mitigation measure, page 1-23)

Evaluation of Condition 2.C. The TESC/SWPPP for the subject action must include a site maintenance plan. The TESC/SWPPP need additional notes or more information in existing notes regarding maintenance of silt fences and sediment traps. The plans must identify the proposed

locations of temporary stockpiles and the plans or the TESC/SWPPP must address maintenance of said stockpiles.

[Condition 2].D. Global stability analyses shall be submitted to PDS which demonstrates that retaining systems and fill prisms are stable. (FEIS (Exhibit E.5) mitigation measure, page 1-19)¹

[Condition 2].E. Retaining wall plans will be submitted. (FEIS (Exhibit E.5) mitigation measure, pages 1-19 to 1-20)

Evaluation of Conditions 2.D and 2.E. These conditions do not apply to the subject proposal because the proposal does not include retaining walls.

[Condition 2].F. Frogna shall apply for, execute, and comply with a Haul Route Agreement in accordance with EDDS 9-01(B). The Haul Route Agreement shall require construction related traffic, including, but not limited to, deliveries of material and equipment, to access the site from Picnic Point Road to the greatest extent possible, instead of using 60th Ave. W., and avoid traveling by Picnic Point Elementary School. With exceptions as approved by the County Engineer and consistent with the need for emergency vehicle access, the County Engineer should consider requiring fencing and a locked gate at entrance to the site to prevent delivery trucks from accidentally using 60th Ave. W. or violating the haul route agreement. The Haul Route Agreement shall provide that: (1) Frogna will advise all first tier contractors and consultants of the Haul Route Agreement requirements and include compliance with the Haul Route Agreement in its contract with them; (2) all contractors, consultants, and materialmen will include flow down clauses to comply with the Haul Route Agreement in contracts with lower tier contractors, consultants, and materialmen.

Evaluation of Condition 2.F. This condition applies to the current proposal. Revisions to the LDA and FPA permits must include a Haul Route Agreement. When Snohomish County receives the HRA, the County Engineer will use the following language from EDDS to review the Haul Route Agreement:

EDDS 9-01(B). Haul Route Agreements

1) Haul route agreements may be required for new or expanded commercial hauling within the right-of-way for activities such as development construction, pit and quarry operations, logging or other commercial operations that are anticipated to cause extraordinary damage or accelerated deterioration to county roads.

2) If required by the Engineer, the permit applicant shall submit a proposed haul route for review by the Engineer prior to the start of hauling activities. Based on review of the proposed haul route, the Engineer may require a haul route agreement in accordance with SCC Chapter 13.40.

¹ The phrasing of Conditions 2.D and 2.F in this review completion letter correct typos that appears in the original hearing decision. Nothing of substance has changed.

[Condition 2].G. All proposed retaining wall systems shall be properly designed and analyzed by the project Geotechnical Engineer to confirm that adjacent slopes and off-site properties would not be affected by development. (FEIS (Exhibit E.5) mitigation measure, page 1- 20)

Evaluation of Condition 2.G. This condition does not apply to the subject proposal because it does not include any retaining walls.

[Condition 2].H. The plans shall demonstrate that all slopes that will not be retained shall be constructed as engineered cut or fill slopes that do not exceed 2' horizontal to 1' vertical. (FEIS (Exhibit E.5) mitigation measure, page 1-19)

Evaluation of Condition 2.H. The proposed action shall be revised to comply with Condition 2.H. Several of the proposed new slopes would exceed the maximum 2:1 ratio. See markups.

[Condition 2].I. No clearing shall be allowed until a significant tree retention plan is approved (former SCC 30.42B.130(8) Design criteria - tree retention).

Evaluation of Condition 2.I. Applicant still needs to submit a tree retention plan for evaluation by PDS. The tree retention plan will be part of the arborist report that the applicant must submit to the County.

[Condition 2].J. A certified arborist shall evaluate individual significant trees and stands of trees adjacent to existing or proposed homes to determine whether such trees represent a hazard. Hazardous trees may include those subject to windthrow, especially in narrow open space tracts such as along the west and south edges of the site (FEIS (Exhibit E.5), page 1-27). Landscaping construction plans may only show removal of hazardous, dead, or diseased trees plan if the plans include a letter from a certified arborist stating the reasons for removal (former SCC 30.25.016).

Evaluation of Condition 2.J. An arborist report and recommendations is required for the proposed action. Snohomish County has yet to receive this report.

Condition 3. To control potential sediment transport and erosion during the wet season, seasonal work limitations shall apply. From October 1 through April 30, land disturbing activities may only be authorized if silt-laden runoff will be prevented from leaving the site. (SCC 30.63A.450 Minimum Requirement 2, and (FEIS (Exhibit E.5) mitigation measure, page 1-22).

Evaluation of Condition 3. This condition applies to the proposed action. The applicant must revise and resubmit the plans and the TESC/SWPPP in response to this letter and attached markups for the County to review and determine whether PDS will authorize work between October 1 and April 30.

Condition 4. Slopes shall be protected by erosion control measures until vegetation growth has been reestablished. (FEIS (Exhibit E.5) mitigation measure, page 1-19)

Evaluation of Condition 4. This condition applies to the proposed action. The required measures shall be in the TESC/SWPPP. Snohomish County has determined that if BMPT 5.13 is part of this proposal – along with the necessary protections of the proposed conveyance system next to the logging road – that the combination of these two features would fulfill the condition.

Condition 5. Topsoil on the proposal site shall be removed and stockpiled on-site for redistribution following site grading. (FEIS (Exhibit E.5) mitigation measure, page 1-20). Stockpiles shall be protected from erosion as provided in Condition 7 below.

Evaluation of Condition 5. The proposed action would require some limited cuts on the site for logging roads. Applicant must stockpile the topsoil from these areas on site. The applicant must revise the plans to show stockpile areas and to include estimates of the amount of material for stockpiling.

Condition 6. The Land Disturbing Activity Permit shall limit work hours to 7 am until 5 pm to minimize noise impacts in the surrounding area during the grading phase of work. (FEIS (Exhibit E.5) mitigation measure, page 1-20)

Evaluation of Condition 6. Grading work for the LDA permit may only occur during the specified times. The applicant and its contractors must comply with the Snohomish County Code Chapter 10.01 Noise Control.

Condition 7. Soils that are to be reused around the site shall be stored in such a manner as to reduce erosion from the stockpile. Protective measures may include, but are not limited to, covering with plastic sheeting, the use of low stockpiles in flat areas, or the use of straw bales or silt fences around pile perimeters. These measures shall be required during the period between October 1 and April 30. (FEIS (Exhibit E.5) mitigation measure, page 1-24)

Evaluation of Condition 7. The plans must reflect where topsoil stockpiles will be (see Condition 5) and the TESC/SWPPP must address erosion from the stockpile.

Condition 8. If the significant tree retention plan certified by an arborist shows the removal of any significant trees, replacement of those removed significant trees and accompanying adjustments to the construction landscaping plans shall comply with the tree replacement requirements in former SCC 30.25.016.

Evaluation of Condition 8. The applicant still needs to submit the tree retention plan to Snohomish County for the County to review.

Condition 9. To protect the retained trees onsite, construction plans shall include the tree protection fencing requirements of SCC 30.25.016(7).

Evaluation of Condition 9. The plans correctly show high-visibility fencing where there would be retained trees uphill and silt fencing where there would be retained trees downhill. However, as discussed in Issue 1, above, there are some minor differences between the clearing areas on the approved preliminary plat and the proposed action. Where the proposed action exceeds the amount of clearing that has preliminary approval, the plans will need revision. See markups.

Condition 10. Detailed drainage modeling will be provided during final design to analyze surface and below-ground drainage, retaining wall drainage, and the function of the proposed stormwater management and water quality treatment system prior to the issuance of County permits for site clearing and grading. (FEIS (Exhibit E.5) mitigation measure, pages 1- 26 to 1-27)

Evaluation of Condition 10. The applicant provided drainage modeling due to the amount of clearing proposed and the grading required for logging roads plus stockpile and parking areas. It does not include modeling for retaining walls, as walls are not part of the current proposal. PDS has markups on these plans.

Condition 11. The County Land Disturbing Activity Permit will require preparation and implementation of a Spill Prevention Control and Cleanup Plan (SPCCP) to be implemented by the construction contractor. (FEIS (Exhibit E.5) mitigation measure, page 1-28)

Evaluation of Condition 11. This condition applies to the proposed action. Snohomish County has not received the SPCCP from the applicant and will not accept revisions to the LDA permit without the SPCCP.

Condition 12. A forest practices permit shall be obtained for logging on the site per Chapter 30.43F SCC.

Evaluation of Condition 12. The proposed action includes the required forest practice permit.

Condition 13. Frognaal shall mark with temporary markers in the field the boundary of all Native Growth Protection Areas (NGPA) required by former Chapter 30.62 SCC, or the limits of the proposed site disturbance outside of the NGPA, using methods and materials acceptable to the county.

Evaluation of Condition 13. NGPA markers are not necessary at this time because the LDA or FPA permits do not establish NGPAs. NGPA markers will be necessary during construction of the plat itself. For the current proposal, the high visibility and silt fencing proposed are the correct methods and materials for marking the limits of site disturbance.

Condition 14. Frognal's construction contractor shall obtain and comply with the conditions of a National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit from the Washington Department of Ecology.

Evaluation of Condition 14. This condition applies to the proposed action. The applicant must apply for a construction permit from the Washington State Department of Ecology because this proposal would clear more than 1 acre of forested area. An application form for this "Notice of Intent" is available at <https://snohomishcountywa.gov/DocumentCenter/View/31596>.

Condition 15. The area corresponding to the drip line of a retained significant tree or the outermost drip lines of a cluster/stand shall be properly identified and projected with clearly visible temporary fencing. No impervious surfaces, fill, or excavation or storage of construction materials shall be permitted within the temporary fencing area. (former SCC 30.42B.130(8) and FEIS (Exhibit E.5) mitigation measure, page 1-27)

Evaluation of Condition 15. The applicant must include an arborist report showing significant trees to be retained and then revise the plans to show compliance with Condition 15.

Condition 16. A licensed geotechnical engineer shall be onsite (or on-call 24 hours/day) during grading and site construction activities. (FEIS (Exhibit E.5) mitigation measure, page 1-20)

Evaluation of Condition 16. For the proposed action, a geotechnical engineer need only be onsite for (1) confirmation of infiltration area siting, and (2), to confirm the adequacy of the logging road to support loading of logging trucks.

Condition 17. The Geotechnical Engineer shall be required to be on-site to monitor the placement of fill in ravines and placement of any temporary ponds or drainage swales built within fill. (FEIS (Exhibit E.5) mitigation measure, page 1-25)

Evaluation of Condition 17. This condition does not apply to the proposed action because no fill is proposed.

Condition 18. A Certified Erosion & Sedimentation Control Lead (CESCL) shall be on-site (or on-call 24 hours/day) during grading and site construction activities. (FEIS (Exhibit E.5) mitigation measure, page 1-25)

Evaluation of Condition 18. Condition 18 applies. A CESCL shall be onsite during the grading to establish logging roads and while logging activities are taking place.

Condition 19. All TESC measures for a given area to be graded or otherwise worked shall be installed prior to any activity in that area. The sequence of construction in a given area shall be to install sediment traps or ponds and establish perimeter flow control prior to the start of mass grading. (FEIS (Exhibit E.5) mitigation measure, page 1-23)

Evaluation of Condition 19. The applicant shall install the siltation fencing before grading to establish the logging roads. Sediment traps along the logging road shall be installed before logging on other areas begins.

Condition 20. In accordance with the NPDES permit, the contractor shall maintain the site logbook, record implementation of the SWPPP and other permit requirements, record installation and maintenance of BMPs, record site inspections to be conducted by the (CESCL), and comply with and record the results of stormwater quality monitoring. (FEIS (Exhibit E.5) mitigation measure, page 1-25)

Evaluation of Condition 20. This condition applies to the proposed action. The contractor shall maintain the required information. This is a normal requirement for the CESCL to keep a log shown in the SWPPP discussed in Condition 21 below.

Condition 21. The Stormwater Pollution Prevention Plan (SWPPP) in accordance with Snohomish County Rule 3044 shall be implemented. (FEIS (Exhibit E.5) mitigation measure, page 1-25)

Evaluation of Condition 21. This condition applies to the proposed action. The SWPPP must be prepared according to Rule 3044 and the Snohomish County Drainage Manual.

Condition 22. On-site erosion control inspections and turbidity monitoring shall be performed in accordance with Ecology requirements. Monthly reporting to Ecology shall be performed on a regularly-scheduled basis. TESC monitoring shall be part of weekly construction team meetings. (FEIS (Exhibit E.5) mitigation measure, page 1-24)

Evaluation of Condition 22. This condition applies to the proposed action. The SWPPP shall include steps to perform the required monitoring.

Condition 23. Temporary and permanent erosion control and drainage measures shall be adjusted and maintained, as necessary, at the time of construction. (FEIS (Exhibit E.5) mitigation measure, page 1-24)

Evaluation of Condition 23. The CESCL to be present onsite per Condition 18 shall be responsible monitoring the maintenance of erosion control measures and for overseeing any adjustments necessary, and documenting any changes to the plan or water quality issues on-site.

Condition 24. Construction contractor(s) shall be responsible for routine inspection and proper maintenance of stormwater management facilities and Best Management Practices (BMPs) during site development. (FEIS (Exhibit E.5) mitigation measure, pages 1-24 to 1-25)

Evaluation of Condition 24. This condition applies to the proposed action. It is the contractor's responsibility to inspect and maintain stormwater management facilities and BMPs during construction. Snohomish County will also be inspecting the site during grading and logging activities. If the County finds that the contractor is not fulfilling their responsibilities, the County may require the contractor to take corrective action.

Condition 25. Check dams proposed in the West Basin stormwater management system shall be installed by hand or with minimally invasive equipment to protect existing vegetation. (FEIS (Exhibit E.5) mitigation measure, page 1-26)

Condition 26. Placement of the proposed drainage blanket and pipe to carry upstream flow through the west ravine fill shall be undertaken when there is no flow in the ravine. (FEIS (Exhibit E.5) mitigation measure, page 1-28)

Evaluation of Conditions 25 and 26. This condition does not apply to the proposed action because they refer to work in the west ravine that is not part of the current proposal. The subject check dams, pipe and drainage blanket would be part of the major grading and recontouring of the site that would require a separate LDA permit.

Condition 27. During the wetter months when seasonal work limitation per SCC 30.63A.450(4) apply, or when large storm events are predicted during summer months, each work area shall be stabilized so that if showers occur, the work area can receive rainfall without excessive erosion or sediment transport. When season work limitations apply, areas that are to be left unworked for more than two days shall be mulched or covered with plastic. During the summer months, stabilization can be accomplished by proof rolling the subgrade. The stabilization process will also include establishing temporary stormwater conveyance channels through work areas to route runoff to approved treatment facilities. (Exhibit K.20, SCC 30.63A.450, and FEIS (Exhibit E.5) mitigation measure, page 1-23)

Evaluation of Condition 27. This condition shall apply when there are predictions of large storm events during summer months and may apply to the proposed action if Snohomish County permits wet season grading. Per Condition 3 (see page 11), the applicant must provide additional information before Snohomish County determines whether to allow wet season grading.

Condition 28. Polyacrylamide may be applied to bare soil to reduce erosion and control sediment. If necessary, approved additives may also be used to enhance settlement of suspended sediments in temporary erosion/sedimentation control ponds during construction. All chemical treatment shall be as approved by the Department of Ecology (FEIS (Exhibit E.5) mitigation measure, pages 1-23 to 1-24)

Evaluation of Condition 28. This condition shall apply during the proposed grading and logging activities.

Condition 29. All disturbed areas shall be revegetated as soon as practicable. If site work is performed outside of the growing season, disturbed areas shall be covered with mulch, as recommended in the Erosion Control Plan. Straw mulch provides the most cost-effective cover measure and can be made wind-resistant with the application of a tackifier after it is placed. (FEIS (Exhibit E.5) mitigation measure, page 1-24)

Evaluation of Condition 29. This condition shall apply during the proposed grading and logging activities. See markups on rock ditches and amended soils for revegetation.

Condition 30. Surface runoff and discharge shall be controlled during and following site development. Under no circumstances shall concentrated discharges be allowed to flow over slopes greater than 33%. (FEIS (Exhibit E.5) mitigation measure, page 1-24)

Evaluation of Condition 30. This condition shall apply during the proposed grading and logging activities. The applicant shall revise the plans so that the proposed clearing limits reflect no clearing within 200' of the landslide hazard area.

Condition 31. Fill shall be placed as compacted structural fill under the direction of the project Geotechnical Engineer to provide the necessary strength properties for foundations and slope stability. (FEIS (Exhibit E.5) mitigation measure, page 1-20)

Evaluation of Condition 31. The current proposal does not include any structural fill; therefore, this condition does not apply.

Condition 32. Construction activities shall comply with Washington Department of Ecology fugitive dust and odor emissions regulations cited in WAC 173-400-040.

Evaluation of Condition 32. This condition shall apply to the proposed grading and logging activities. The contractor is responsible for compliance and Snohomish County will be inspecting the project site

during the grading and logging to ensure that the contractor is meeting its obligations. The applicant shall revise the SWPPP to address this condition.

Condition 33. Excavations for the installation of utilities during construction shall be stabilized by temporary measures such as trench boxes or sheet piles, or by laying back cut slopes in accordance with good practice as required by the Occupational Safety and Health Administration (OSHA). (FEIS (Exhibit E.5) mitigation measure, pages 1-20 to 1-21)

Evaluation of Condition 33. The current proposal does not include installation of any utilities; therefore, this condition does not apply.

Condition 34. Reusable soil materials (e.g. topsoil) shall be stockpiled onsite for redistribution following site grading. (FEIS (Exhibit E.5) mitigation measure, page 1-20)

Evaluation of Condition 34. This condition shall apply to the proposed grading to establish logging roads. See Condition 2.C (page 9) and Conditions 5 and 7 (both on page 12).

Condition 35. To assure completion of work and maintenance in compliance with provisions in Title 30, Froggnal shall submit bond(s) or other performance securities for acceptance by PDS. See former SCC 30.25.043 (landscaping installation), former SCC 30.62.070 (critical areas protection); and Former SCC 30.63A.170, former SCC 30.63A.400, former SCC 30.63A.410(1), and former SCC 30.63B.240 (drainage and grading). With respect to drainage and grading bonds, the versions of code to which Froggnal Estates is vested require 150% bonds.

Evaluation of Condition 35. The proposed work does not include any permanent landscaping, critical area protections, or drainage infrastructure. Therefore, no bonds are required for the permanent installation of work shown in the preliminary plat but not part of the current proposal. However, the applicant shall post an erosion control bond for work in the rights-of-way of 58th Avenue West and 60th Avenue West. This bond shall cover the cost of amended soils, rockeries, and hydroseeding in the cost estimate.

Condition 36. If during final engineering design and construction plan review the Geotechnical Analysis determines that the risk of erosion cannot be adequately managed in the proposed West Basin stormwater management system, any discharge from a detention facility in this system would be piped directly to the Picnic Point Road stormwater conveyance system. (FEIS (Exhibit E.5) mitigation measure, pages 1-25 to 1-26). Open conveyance of stormwater discharge is prohibited.

Evaluation of Condition 36. The current proposal does not include and detention facilities in the west basin. In part to prevent open conveyance of stormwater in this basin, the applicant must revise clearing limits on the plans so that the proposal no longer includes clearing within 200' of the landslide hazard

area. This same revision will also address the concern about open conveyance in the West Basin. See also Condition 30 on page 17.

Condition 37. Compliance with the Ecology 2005 SWMMWW will require the site stormwater discharge to Picnic Point Creek to match developed discharge durations to pre-developed durations for the range of pre-developed discharge rates from 50 percent of the 2-year peak flow up to the full 50- year peak flow. (FEIS (Exhibit E.5) mitigation measure, page 1-28)

Evaluation of Condition 37. The application does not directly address this condition because the applicant is asserting that all of the site will infiltrate. However, as noted on the mark ups, Snohomish County is requesting updated copies of the soils report and monitoring well data from the applicant and AESI. This data is the basis for the project design. Snohomish County cannot properly evaluate Condition 37 without the required data.

Condition 38. Additional analysis of the northeast drainage basin shall be performed during final design to evaluate the conveyance(s) from site discharge(s) to the Picnic Point Creek. (SCC 30.63A.200(2)(b) and FEIS (Exhibit E.5) mitigation measure, page 1-29). Frogнал must demonstrate it has the legal right to convey or discharge stormwater across or to any property not owned by Frogнал.

Evaluation of Condition 38. This condition refers to conveyance infrastructure shown in the targeted drainage report for the preliminary plat. The current proposal does not include this infrastructure. For the subject grading and logging activities, stormwater would be infiltrated in the northeast drainage basin. Therefore, this condition would not apply.

Conditions 39 to 68 all address activities that would be subject to subsequent permits rather than the current proposal; therefore, they do not apply.

Other Information Required:

1. A cover letter that identifies the proposed change(s) cross-referenced to the comments on this project is required. Be sure to include and identify any additional changes proposed as well.

RESUBMITTAL OF REQUESTED ITEMS

Please contact the PDS Project Planner, Ryan Countryman (ryan.countryman@snoco.org) to arrange for submittal of the requested information. The resubmittal package must address all changes in order to be accepted.

Please provide the following new or revised files via pdf.

- Cover Letter (new)
- Grading/Drainage Plans (revised)
- SWPPP (revised)
- Soil Reports and Monitoring Well Data (revised)
- O&M Manual (revised)
- Infiltration Assessment Report (revised)
- Haul Route Agreement (new)
- Spill Prevention Control and Cleanup Plan (new)
- Arborist Report, including a Tree Retention Plan as a section or attachment (new)

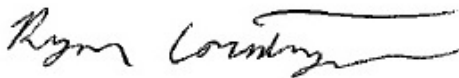
PDS is required to comply with processing requirements established in Snohomish County Code (SCC) section 30.70.110, which states that the county shall issue a final decision within 120 days from when the application is determined to be complete. Consequently, the department will deny your application if it cannot be approved after review of the resubmitted items. However, as an applicant, you may choose to waive the 120-day requirement to allow for additional review time. If you wish to waive the 120-day requirement, please submit a letter stating your intention. As a courtesy, we have provided a standardized letter that you may use in **Appendix A: 120-Day Waiver Letter** on page 21.

Your applications will expire on March 6, 2019.

Sincerely,



Randy Sleight
Project Manager



Ryan Countryman
Project Planner

Attachments:

Appendix A: 120-Day Waiver Letter (next page)

Forest Practice Plan Markups <https://snohomishcountywa.gov/DocumentCenter/Home/View/47519>

Stormwater Site Plan Report markups <https://snohomishcountywa.gov/DocumentCenter/Home/View/47521>

Stormwater Pollution Plan markups <https://snohomishcountywa.gov/DocumentCenter/Home/View/47522>

Operations & Maintenance Manual markups <https://snohomishcountywa.gov/DocumentCenter/Home/View/47520>

Infiltration Assessment markups <https://snohomishcountywa.gov/DocumentCenter/Home/View/47518>

cc: John Lakhani, latifl@integralnw.com

Kamil Lakhani, kll@integralnw.com

Appendix A: 120-Day Waiver Letter

[Enter Date], 2017

Snohomish County Planning & Development
Mail Stop #604
3000 Rockefeller Ave
Everett, WA 98201-4046

RE: 17-113756 LDA and 17-113759 FPA

Dear Ryan Countryman:

I would like to waive the processing requirement that the final decision for my Grading activity (17-113756 LDA) concurrent with a Forest Practice application (17-113759 FPA) in preparation for future 112-lot subdivision. Without this letter, these permits must be issued within 120 days as specified in Snohomish County Code section 30.70.110. Please continue to review the application beyond the specified time limitations.

Sincerely,

Frognal Holdings LLC
Applicant