# REVIEW COMPLETION LETTER

| | |
|---|---|
| Project Name: | Point Wells Urban Center |
| Date of Letter: | October 6, 2017 |
| Files Numbers: | 11-101457 LU (Land Use permit for site plan)<br>11-101461 SM (Shoreline Management permit)<br>11-101464 RC (Retaining Wall – Commercial)<br>11-101008 LDA (Land Disturbing Activity – grading)<br>11-101007 SP (Short Plat)<br>11-101457 VAR (Parking Variance) |
| Application Vesting Dates: | February 14, 2011 (LDA and SP)<br>March 4, 2011 (LU, SM and RC)<br>April 17, 2017 (VAR) |
| Date of Recent Submittals: | April 17, 2017 (LU, SP, VAR) |
| Nature of Request: | Urban Center development to include 3,080 residential units, 138,353 square feet of commercial space and other amenities. |
| Applicant: | BSRE Point Wells, LP<br>c/o Karr, Tuttle, Campbell Attorneys<br>Gary Huff and Doug Luetjen, via email<br>701 Fifth Avenue, Suite 3300<br>Seattle, WA 98104 |

Dear Mr. Huff and Mr. Luetjen,

Snohomish County has completed its review of the Point Wells application materials submitted on April 17, 2017. This letter transmits our review comments.

Scope of review. This letter includes review of three applications

- Urban Center Site Plan (11-101457 LU) revisions submitted on April 17, 2017
- Short Plat (11-101007 SP) revisions submitted on April 17, 2017
- Variance related to parking (11-101457 VAR) first submittal on April 17, 2017

Related files not resubmitted on April 17, 2017, and therefore only referred to occasionally with in this review:

- Land Disturbing Activity permit – grading (11-101008 LDA)
- Shoreline Management permit (11-101461 SM)
- Retaining Wall – Commercial permit (11-101464 RC)
- Documents for the draft environmental impact statement that are not specifically part of the permit applications that are the subject of this review

Project Description. The Point Wells proposal is to redevelop an approximately 61-acre industrial site with 3.35 million square feet of new occupied space, including 3,080 residential



1
G-14 Review Completion Letter Response received April 27, 2018 scanned hardcopy version
PFN: 11-101457-LU, et. al

units (3.21 m sq ft) and approximately 138,000 sq ft of retail and other commercial amenities. The site includes 45 acres of upland and 16 acres of tidelands.

Summary and Level of Review. The April 17, 2017, revisions to the project added a required second access to the site, provided more information regarding building floor plans, and improved the parking design and depiction of landslide hazards. While progress is apparent compared to the original 2011 applications, the revised plans still do not include all of the required information. Half of the items identified as requirements in our April 12, 2013 review completion letter are entirely unaddressed. Of the requirements that the 2017 revisions do address, only a few of the changes adequately meet our requirements. The project plans still contain many internal contradictions, errors and omissions. Snohomish County cannot support the new variance request accompanying the April 17, 2017, resubmittal that would allow a proposed surplus of parking in the third phase to mitigate for a shortage of parking in phases 1, 2, and 4.

Snohomish County provided the applicant preliminary review comments on May 10, 2017, and several technical review memos on various topics throughout the summer of 2017. A number of meetings took place to discuss the review findings to date and possible responses from BSRE to that review. Our comments below consider this prior communication. Some comments address specific design details while other comments are more general because we understand that relevant aspects of the project will be changing.

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, Snohomish County asks that the additional information/revisions set forth below be provided within a reasonable period of time 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 regulations, including those for critical areas, parking, and fire protection for purposes of SEPA review.

If a revised submittal or alternative information addressing the above is not received on or before January 8, 2018, 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.

Responses to the issues identified in this letter are required for continued evaluation of your proposal.

Respectfully,
Paul MacCready, Principal Planner/Project Manager

TABLE OF CONTENTS [OMITTED]

## PROPERTY INFORMATION

Tax Parcel Numbers
Location A portion of Section 35, Township 27,
Range 03 East, W.M.
Acreage 60.92
Urban Growth Area Southwest County UGA
Municipal UGA Woodway MUGA
School District Edmonds School District
Fire District Fire District No. 1
Water Service TBD
Sewer Service TBD
Current Zoning PCB (Planned Community Business)
Zoning for Review UC (Urban Center)
Current Comprehensive Plan Designation UV (Urban Village)
Comprehensive Plan Designation for Review UC (Urban Center)

## BACKGROUND INFORMATION

The applicant proposes to redevelop the site to include approximately 3,350,311 square feet (sq ft) of new uses, including 3,080 residential units (3,211,958 sq ft), 32,262 sq. ft. of commercial/office uses (with space for on-site police and fire facilities), 106,091 sq. ft. of retail uses, open space, and other amenities.[1] This proposal would use the Urban Center land use designation/zoning classification of the site at the time of application to Snohomish County in 2011.

The Point Wells site is located near the extreme southwestern corner of Snohomish County, immediately north of the City of Shoreline, north and west of the Town of Woodway, and east of Puget Sound. Point Wells is in unincorporated Snohomish County, although one of the access roads to the main project site is in the Town of Woodway. The site is approximately 61 acres in size, with approximately 16 acres of tideland and 45 acres of upland areas. About 56 acres of the site are located between the Sound and the Burlington Northern Santa Fe (BNSF) railroad line that pass north/south through the site. The remaining approximately 5 acres are located on the east side of BNSF-owned right-of-way and tracks, about 50 feet higher. Some documents refer to these as the "Lower Bench" and the "Upper Bench," respectively. Since there are three "villages" on the lower bench (and just one on the upper) and review occurs for each phase individually as well as for the project as a whole, this supplemental review letter discusses the villages rather than benches. Figure 1, below, illustrates the Urban Plaza on the Upper Bench and the North, Central, and South Villages on the lower bench. Review also sometimes refers to "phases" because construction of some of the infrastructure must take place during the first phase, yet the physical location of said infrastructure spans three of the four proposed villages.

Figure 1 – Phasing Plan (Sheet A-056)

[1] See summary of proposed uses on Sheet A-050 of the April 17, 2017, site plan.

## Land Use History and Project Chronology

Submission of permits for a Short Plat for phasing (11-101007 SP) and a Land Disturbing Activity (LDA) for grading (11-101008 LDS) took place on February 14, 2011. The applicant then applied on March 4, 2011 for an Urban Center Site Plan (11-101457 LU), Shoreline Management (11-101461 SM) and retaining walls (11-101464 RC). Collectively, these are the 2011 permit applications. The 2011 permit applications were determined to be complete as of the date of submittal for regulatory purposes.

Snohomish County provided a review completion letter on April 12, 2013 addressing the short plat, urban center, and shoreline management permits. Feedback on the LDA and retaining wall permits was not necessary at the time because these permits depend on the site plan. As the site plan changes, so too will the LDA and retaining wall permits. Planning and Development Services (PDS) expects that the appropriate time to revise the LDA and retaining wall permits will be after review is complete for the next (third) submittal of the site plan, short plat, and shoreline permits.

On April 17, 2017, BSRE submitted revised plans for the short plat and urban center permits. On this date, BSRE also submitted a first request for a parking variance (11-101457 VAR) for the project. Collectively, these are the 2017 permit applications or second submittal (despite it being the first for the requested variance).

| | |
|---|---|
| Files Numbers | 11-101457 LU (Land Use permit for site plan)<br>11-101461 SM (Shoreline Management permit)<br>11-101464 RC (Retaining Wall – Commercial)<br>11-101008 LDA (Land Disturbing Activity – grading)<br>11-101007 SP (Short Plat)<br>11-101457 VAR (Parking Variance) |
| Application Vesting Dates: | February 14, 2011 (LDA and SP)<br>March 4, 2011 (LU, SM and RC)<br>April 17, 2017 (VAR) |

## Site Description and Classification for Review Purposes

The Point Wells site is between 60 and 61 acres, including several overlapping and/or discontiguous tax parcels.[2] This would be simplified by the proposed short plat, 11 101007 SP, which would create nine parcels as illustrated in the figure below.

Figure 2 – Proposed Short Plat Layout from Sheet 1

[2] The short plat application gives the site area as 2,653,320 sq ft (60.91 acres, per Sheet 1) and the urban center site plan says it is 2,630,110 sq ft (60.38 acres, per Sheet A-050). The applicant must reconcile or explain this difference when revising the applications.

Major development of the Point Wells Urban Center proposal would take place on eight parcels and the tidelands would be in an open space tract. Table 1, below, summarizes what the short plat applicant says about the proposed lot sizes and uses in the short plat.

Table 1 – Lot Size and Use Taken from Short Plat Application (11 101007 SP)

Development activity would take place in Tract 999 for reconstruction of the pier access. The pier itself is on leased submerged land owned by the Washington Department of Natural Resources (DNR) and is outside of the parcels and Snohomish County jurisdiction. Offsite development activity would take place as well. The project includes replacing two crossings of the Burlington Northern rail right-of-way, which bisects the site and is in Snohomish County jurisdiction. The project would also require a second access road extending from the site and into the Town of Woodway. Traffic mitigation improvements would also occur in off-site rights-of-way, primarily in City of Shoreline jurisdiction.

| Lot or Tract | Square Feet | Acres | Use[3] |
|---|---|---|---|
| 1 | 50,974 | 1.17 | Future Development |
| 2 | 166,142 | 3.81 | Future Development |
| 3 | 175,699 | 4.03 | Future Development |
| 4 | 260,636 | 5.98 | Future Development |
| 5 | 199,952 | 4.59 | Future Development |
| 6 | 529,521 | 12.16 | Open Space |
| 7 | 452,348 | 10.38 | Future Development |
| 8 | 263,187 | 6.04 | Future Development |
| Tract 999 | 555,161 | 12.74 | Tidelands |
| Total | 2,653,650 | 60.92 | |

## Prior Comments and Responses

On April 12, 2013, PDS provided the applicant comments on first submittals for Point Wells (the applicant submitted these on February 14 and March 4, 2011). This section discusses those comments and evaluates how the April 17, 2017, second submittal responded to the 2013 review completion letter.[4] The first page of the 2013 letter clearly states that the "following information is required to further evaluate your proposal."

The 2013 letter groups the required information by application type. The Urban Center Site Plan application (11-101457 LU) had 32 general comments labeled (a) to (ff). The Short Subdivision application (11-101007SP) had seven general comments labeled (a) to (g), and the Shoreline Development Permit (11-101461 SM) had three general comments labeled (a) to (c) relating to issues other than critical areas. Of total 42 general issues identified in the 2013 letter:

- One issue (2%) was adequately addressed

[3] See Short Plat markups for comments on how the plans characterize "uses."
[4] The April 12, 2013, Review Completion Letter (minus attachments) is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/31057.

- Thirteen issues (31%) were partially addressed, but still require changes
- Twenty-one issues (50%) were not addressed at all
- Seven issues (17%) will now be responded to in the EIS or a response at this time is otherwise not necessary as described below

Table 2 – Summary of Applicant Reponses to April 12, 2013, Review Completion Letter

Urban Center Development Comments (2013)

Urban Center Comment (a): "This review does not include comments on Land Disturbing Activities and Retaining wall permit applications."

Evaluation of response to (a): The applicant did not update the Land Disturbing Activity (LDA) permit (11-101008 LDA) or the Retaining Wall permit (11-101464 RC), nor were they being required to. Details on these permits depend on the layout of the site plan. Since several adjustments to the site plan were (and still are expected), updating these permits for the second submittal (received in 2017) was not seen as necessary until the site plan was closer to a final version. For the next set of revisions, however, the applicant will be required to update their LDA and retaining wall permits for consistency with the site plan. Information from these permits is necessary to include in the Draft Environmental Impact Statement (DEIS). Without this information, Snohomish County will be unable to identify mitigation measures related to these permits. To illustrate, for the LDA permit we will need updated estimates or the amount of material for removal from and transportation to the site in order to address mitigation measures for how this might happen (e.g. truck trips, by rail, or barging). Retaining wall information is especially relevant with respect to mitigating landslide hazards and effects on drainage. The addition of the second access road in the 2017 resubmittal and further revisions expected in the next version require updates to the land disturbing activity and retaining wall permits. The applicant must address these specific issues as part of responding to the original question.

**RESPONSE #1:**

**Revised Land Disturbing Activity and Retaining Wall permits are submitted concurrently with this submission.**

---

Urban Center Comment (b): "Please indicate all recorded easements and encumbrances on short subdivision and urban center development site plans, if not indicated."

Evaluation of response to (b): The applicant has not responded to this comment.
Second Request: A response is still required.

Only a handful of known easements appear the Urban Center Site Plan (Sheet A-051). The 2013 review letter raises the same issue in relation to the short plat application (see Short Plat Comment (b). All recorded easements, encumbrances, and proposed modifications thereto must

appear on both the Urban Center Site Plan and the Short Plat plans. See relevant short plat comments and markups.

The applicant must address these specific issues as part of responding to the original question.

**RESPONSE #2:**

**Sheets 4-5, included with the Short Plat submittal, have been revised to more clearly show the easements.**

---

Urban Center Comment (c): "Does proposal include construction of a public building on the public building site at this time? If so, please indicate which project phase that it would be constructed and proposed floor area."

Evaluation of response to (c): The applicant has not responded to this comment.
Second Request: A response is still required.

Please be advised that failure to disclose the use and phasing of the public building site means that the DEIS cannot address the building or possible mitigation measures. Absent the required information prior to the DEIS, a building at this location cannot be approved under the current environmental review. Adding a public building at this location would require supplemental environmental review if it were to occur before the Final EIS or an Addendum to the FEIS if after the fact.

**RESPONSE #3:**

**The public building site is better depicted on Plan Sheets A-056 Phasing Plan and A-102.**

---

Urban Center Comment (d): "Is there retail floor area in Buildings UP-T1 – UP-T4?"

Evaluation of response to (d): The applicant has partially responded to this question. Further clarification is still required.

The 2011 site plan included a data table on Sheet A-100 that the 2017 site plan moved and expanded on a new Sheet A-200.[5] While this change is helpful, questions remain. What is the amount (square footage) of retail floor area in Buildings UP-T1 to -T4, including square footage for each building?

Figure 3, next page, compares the level of information given for ground floor uses in UP-T1 to -T4 relative to a typical building in the Central Village phase. Note that both cases are missing proposed square footage information.

[5] Sheet A-200 includes a number of errors. It mislabels buildings UP-T1 to –T4 as NV-T1 to –T4.

The applicant must address these specific issues as part of responding to the original question.

Figure 3 – Comparison of Level of Information Regarding Ground Floor Uses

**RESPONSE #4:**

**The revised and enlarged floor plan sheet A-100 includes the amount (square footage) of retail floor area in Buildings UP-T1 to -T3.**

---

Urban Center Comment (e): "Is the 26,300 SF of retail space for Buildings UP-T1 – UP-T4 located between and/or within these buildings?"

Evaluation of response to (e): The applicant has partially responded to this question. Further clarification is still required.

The 2011 site plan included a data table on Sheet A-100 that the 2017 site plan moved and expanded on a new Sheet A-200.[6] While this change is helpful, questions remain. How does the 26,300 SF of retail space relate to the phasing plan and traffic study? Specifically, the Phasing Plan on Sheet A-056 shows two stand-alone retail buildings in the Urban Plaza as being constructed as part of Phase 1 (the South Village). This phasing also does not seem to match what appears in the Expanded Traffic Impact Analysis by David Evans Associates dated August 2016[7] (see page 6 summary of uses by phase).

The applicant must address these specific issues as part of responding to the original question.

**RESPONSE #5:**

**Retail space is located at Plaza level (+55'). See sheet A-100 for an enlarged floor plan providing additional details.**

**With respect to the traffic study, it was discussed with and agreed to by County staff on 2017-09-13 that the Expanded Traffic Impact Analysis ("ETIA") would be updated to address changes associated with minor adjustments to the allocation of residential unit counts between the four project phases and minor adjustments of land use types after submittal of the DEIS because County staff had reviewed the ETIA submittal made on 2016-09-01 and determined that 1) the traffic analysis was appropriate and conducted in accordance with industry standards, and 2) a traffic monitoring program proposed by the proponent would satisfy the County's and other stakeholders' requirements that the development adhere to a trip count limit to/from the site.**

**The changes made to the Commercial and Retail areas on the current site plan as compared to the site plan considered for the 2016 ETIA are minor because they equate to a change of less than a 1% difference in total square footage. The number of residential units**

---

[6] Sheet A-200 includes a number of errors. The text here assumes corrections. See markups.

[7] This report is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/45396.

**in the current plan and the plan used for the Urban Center option in the 2016 ETIA are virtually the same (3080 vs. 3085), and the number of senior living units within those number changed only slightly (1090 vs. 1093). Negligible changes in traffic are anticipated as a result of the minor changes made to commercial/retail areas and residential unit mix.**

---

Urban Center Comment (f): "In which building or buildings is the 32,262 SF of office space located?"

Evaluation of response to (f): The applicant has not responded to this comment.
Second Request: A response is still required.

Note that the applicant must add a sheet or detail showing the layout of the proposed office space and square footages associated with each area.

**RESPONSE #6:**

**Office space is located at Urban Plaza above retail level. Details on the office space are shown on Sheets A-100 for enlarged floor plan, and A-200 for office area.**

---

Urban Center Comment (g): "Is the 24,000 SF of podium retail space[8] for Buildings SV-T1 – SV-T6 located between and/or within these buildings?"

Evaluation of response to (g): The applicant has not responded to this comment.
Second Request: A response is still required.

The new data table for the South Village on Sheet A-202 muddies the issue due to lack of consistency between the table and the plans. Figure 4, below, illustrates the point. It compares where Sheet A-202 says that SV-T6 would have 7,950 SF of retail space on the ground floor, yet there is no retail space shown in this building on Sheet A-103. See markups for details on the problems with Sheet A-202. If the 24,000 SF of podium retail is between the buildings (as the larger retail spaces below would be), then how much retail is in the base of each building?

Figure 4 – Questionable Retail Space in Building SV-T6

**RESPONSE #7:**

**Retail Space is located between the Highrise Lobbies. See A-103.0 for enlarged floor plan, and sheet A-201 for retail area metrics.**

---

Urban Center Comment (h): "Is the 24,000 SF of retail space[9] for Buildings SV-L1 – SV-L7

[8] Note that this podium retail space increase from 24,000 SF in the 2011 plans to 35,791 SF in the 2017 plans.
[9] Note that this podium retail space increase from 24,000 SF in the 2011 plans to 35,791 SF in the 2017 plans.

located between and/or within these buildings?"

Response to (h): The applicant has partially responded to this question by showing retail spaces in buildings SV-L6 and SV-L7 on Sheet A-103, but the plans must also indicate the square footage of each space. Further clarification is still required on Sheet A-202 where the square footages of retail suites/units does not match the totals given.

We also note that the total retail space in the South Village (35,791 SF in the 2017 plans) does not match the Expanded Traffic Impact Analysis by David Evans Associates dated August 2016 (see page 6 summary of uses by phase where the figure is given as 32,635 SF and elsewhere). Nor does it match the Traffic Methods and Assumptions Memo revised on August 30, 2016, that at page 8 indicates that the traffic model splits the 32,635 SF into 24,625 SF of Specialty Retail center plus 8,000 SF of Quality Restaurant.[10]

The applicant must address these specific issues as part of responding to the original question.

If the difference in retail space between the plans and traffic study remains small (3,156 SF at present), then it may be reconciled by including an updated traffic study in the Final EIS rather than the Draft EIS. However, if future changes to the site plan result in larger differences, then the applicant may wish to consider revising the traffic study before the DEIS instead of risking the need for a supplemental DEIS study to address the issue later.

**RESPONSE #8:**

**Retail Space is located between Highrise Lobbies. The difference in retail space between the plans and traffic study remains small.**

**See A-103.0 for enlarged floor plan, and sheet A-201 for retail area metrics.**

---

Urban Center Comment (i): "Is the 44,000 SF of retail space for Buildings CV-T1 – CV-T7 located between and/or within these buildings?"

Evaluation of response to (i): The applicant has not responded to this comment.
Second Request: A response is still required.

The new data table for the Central Village on Sheet A-201 muddies the issue due to lack of consistency between the table and the plans. Please indicate the square footage of reach retail space on Sheet A-102. For building CV-T7, why does Sheet A-201 not show square footage for the restaurant that extends beyond the base of the tower as shown on Sheet A-102? Many of our comments for the restaurant under building SV-T1 (page 176) would likely also apply to the restaurant under CV-T7 if the plans had enough information to comment in the first place. None of the floor plans for Central Village Towers on Sheet A-102 matches the typical tower entry detail on Sheet A-300.

[10] We assume that this refers to the restaurant at the base of building SV-T1. See detailed comments on the building and restaurant space on page 251.

The traffic study assumes that the Central Village has 24,000 square feet of retail space rather than the 44,000 SF shown on the plans. In the traffic study, 10,000 of the 24,000 SF would be restaurant space. Is all of this restaurant space at the base of building CV-T7 or in other locations too? Since the April 17, 2017, site plan proposes 20,000 square feet more retail space than appears in the traffic study, this difference may result in undisclosed traffic impacts

The applicant must address these specific issues as part of responding to the original question.

**RESPONSE #9:**

**Retail Space is located between and within Highrise Lobbies. See A102.0 for enlarged floor plan and A-202 for retail area metrics.**

---

Urban Center Comment (j): "It appears from review of the enlarged site plans for the urban plaza, central plaza, south plaza and north plaza that there may be 15 mixed use (residential/retail) buildings. Is this correct?"

Evaluation of response to (j). The applicant has not responded to this comment.
Second Request: A response is still required.

We note that the 2017 plans now show retail uses in buildings SV-L6 and SV-L7 where these buildings previously appeared to be entirely residential. In addition, the new data table on Sheet A-202 suggests that there is retail space at the base of SV-T6, but Sheet A-103 shows no such retail space.

The applicant must address these specific issues as part of responding to the original question.

**RESPONSE #10:**

**Building use type is denoted on sheets A-200, A-201 and A-202.**

---

Urban Center Comment (k): "Could not find [building] elevations for the following buildings:

1. Envac/retail bldg
2. Fire/Police/retail bldg
3. UP-T1 – UP-T4
4. SV-T1 – SV-T6
5. SV-L1 – SV-L7
6. CV-T1 – CV-T7"

Evaluation of response to (k): The applicant has not responded to this comment.
Second Request: A response is still required.

To clarify the above request, the application does not satisfy the submittal requirements of SCC 30.34A.170 [2010]. This section sets forth requirements on the level of detail required for each building or major building type. The application only provides three elevations for typical buildings. The original list in Comment k above was itself incomplete and it includes an error on item 6 because these buildings are among those shown on the plans. To reiterate and clarify the request, see Table 3, next page.

Table 3 – Summary of Elevations Provided and Still Required

| Item No. | Building Type | Building Numbers | Elevations Shown | Notes |
|---|---|---|---|---|
| 1 | Non-residential | Envac/retail bldg. | No | Elevation Required |
| 2 | Non-residential | Fire/police/retail | No | Elevation Required |
| 3 | Tower | UP-T1 – UP-T4 | No | Elevation Required |
| 4 | Tower | SV-T1 – SV-T6 | No | Elevation Required |
| 5 | Low-rise | SV-L1 – SV-L5 | Maybe at A-301 | See comments on A-301 |
| 6 | Mid-rise | SV-L6 – SV-L7 | Maybe at A-301 | See comments on A-301 |
| 7 | Tower | CV-T1 – CV-T7 | Yes at A-300 | See comments on A-300 |
| 8 | Non-residential | Public building | No | Elevation required |
| 9 | Non-residential | Transit station | No | Elevation required |
| 10 | Low-rise | CV-L1 – CV-L6 | Maybe at A-301 | See comments on A-301 |
| 11 | Mid-rise | CV-L7 – CV-L13 | Maybe at A-301 | See comments on A-301 |
| 12 | Tower | NV-T1 – NV-T5 | No | Elevation required |
| 13 | Low-rise | NV-L1 | Maybe at A-301 | See comments on A-301 |
| 14 | Mid-rise | NV-L2 – NV-L3 | Maybe at A-301 | See comments on A-301 |

Of the three typical building elevations provided in the 2017 plans, only the tower buildings in the Central Village clearly have an intended match (Sheet A-300). However, the site plan, proposed finished grades and building elevations do not match.

Sheet A-301 provides two typical elevations, one for low- and one for mid-rise buildings. The intent may be to match the low- and mid-rise buildings proposed; however, the low-rise example

clearly depicts townhomes (two-story units) and the mid-rise identifies as having townhomes at base (see Figure 5, next page).

The unit counts on the data tables (Sheets A-200 to A-202) clearly indicate the make-up of the low- and mid-rise buildings as being entirely flats.[11]

Please confirm if the proposal includes townhomes. The applicant must clarify this issue because if townhomes were indeed proposed, then the unit counts would be significantly lower, thereby altering several aspects of the Draft EIS. If townhomes are not proposed, then the elevations provided in the April 17, 2017, plans are in error and the applicant must replace them.

The applicant must address these specific issues as part of responding to the original question.

Figure 5 – Building Elevations Adapted from Detail 1 on Sheet A-301

**RESPONSE #11:**

**The elevations have been provided for typical buildings. See Sheets A-300 Series, A-310, and A-311. Specific individual buildings will be designed following site plan approval.**

**The proposal does not include any townhomes.**

---

Urban Center Comment (l): "Please provide a project data table indicating the following data for each building:

1. Stories
2. Height in feet above ground level
3. Structured parking spaces
4. Residential units
5. Residential floor area
6. Office floor area
7. Retail floor area
8. Civic floor area
9. Police/fire floor area
10. Energy center floor area
11. Envac floor area"

Evaluation of response to (l): The applicant has only partially responded. The new data tables on Sheets A-200 to A-202 only provide some of the required information. These sheets also include several errors and inconsistencies with the plans that may result in need for supplemental environmental analysis, depending on the remedies the applicant chooses to make to these issues.

[11] The traffic study also reflects flats or senior-only units rather than townhomes.

**RESPONSE #12:**

**The data tables have been revised on sheets A-200 to A-202 to include the requested information.**

---

Urban Center Comment (m): "Do the enlarged site plans for the four villages indicate location of overall sections shown on A-331 [sic] and A-330 [sic]?[12] If not, please add section lines."

Evaluation of response to (m): The applicant has not responded to this comment.
Second Request: A response is still required.

The enlarged site plans refer to Sheets A-100 to A-103. None of these sheets indicates where the overall sections on Sheets A-310 and A-311 match. Moreover, the overall sections do not entirely match the site plans. For example, Detail 2 on Sheet A-310 must include the second access road and depict the slope to the east consistent with proposed finish grades and Sheet C300.

Detail 1 on Sheet A-310 conflicts with the proposed finish grades as shown on Sheet C-302. Clarify this inconsistency is important to ensure fire access along the esplanade below the bridge to the pier. Figure 6 below shows this area of concern at the underpass. Detail 1 from Sheet A310 shows the finished grade of the esplanade as 13' elevation whereas Sheet C-302 and most other locations in the plan consistently give the esplanade and elevation of 15.5'. Moreover, the point of departure for the bridge would be somewhere between the 27.9' finished floor elevation of the nearby tower and the 20-25' elevation shown on the proposed contour lines from Sheet C302 rather than the 35' departure point shown on Sheet A-310.[13] In other words, the applicant must revise the plans for internal consistency in this area and must provide sufficient information to demonstrate compliance with a minimum 13' 6" vertical clearance for the esplanade to count as a fire lane in this location (see fire review memo dated June 15, 2017, item 6 on page 4.)[14]. Sufficient information will likely require addition of one or more new detail sheets to the plans.

Figure 6 – Underpass Concern at Bridge to Pier

**RESPONSE #13:**

**The section locations are notated on A100-103.**

---

[12] This reference should have been to Sheets A-310 and A-311. There are no sheets A-331 or A-330.
[13] Two notes regarding this part of Sheet C-302. First, the 25' contour shown on the portion of Sheet C-302 in Figure 6 conflicts with the finished floor elevation of the parking garage for the Central Village. This adds to the uncertainty about what is proposed and what the applicant must address. (The same problem is true for a small part of the 20' contour as well.) Second, the shaded area represents building CV-T7 but omits the ground floor restaurant that extends beyond the shaded area.
[14] This memo is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/44891.

Urban Center Comment (n): "Project contains 47 multistory buildings including approximately 15 multistory buildings with a mix of residential and commercial space. The project meets definition of "mixed use" per SCC 30.34A.030. The maximum Floor Area Ratio (FAR) for mixed use development is 2.0 and minimum FAR is 1.0. A FAR 1.17 is proposed."

Response to (n): The applicant has only partially responded. The April 17, 2017, revisions to the site plan make some corrections to the FAR calculation that, with updated information, appears to show an FAR of 1.27 on Sheet A-050. While the project is likely to remain within the 1.0 to 2.0 FAR required range, not enough information appears on the April 27, 2017, version of the plans to demonstrate compliance with the applicable definitions and method for calculating FAR. See detailed comments under review of SCC 30.34A.030 [2010] on page 79 and markups for the data tables on Sheets A-200 to A-202.

**RESPONSE #14:**

**The project remains within the 1.0 to 2.0 FAR required range. The village summary values are included on sheet A-050.**

---

Urban Center Comment (o): "Minimum drive aisle width for surface and structured parking adjacent to perpendicular parking stalls is 25 feet pursuant to SCC Table 30.26.065(13). This Table also provides dimensional requirements for other types of drive aisles and parking stall configurations."

PDS Supplement to Comment (o): The parking design in the 2011 Urban Center Site Plan contains approximately 900 fewer stalls than stated on the plans. This design flaw was of such concern that PDS transmitted an email with a draft 27-page supplemental review of the parking situation to the applicant on February 5, 2016. This email and the attached supplemental parking review are available at https://snohomishcountywa.gov/DocumentCenter/Home/View/46413.

Response to (o): The applicant has only partially responded. The April 17, 2017, revisions to the site plan make many corrections to the parking lot layouts, but more work is necessary to demonstrate compliance the dimensional requirements for parking stalls and drive aisles. While improved, the plans are still do not include depictions of all parking levels. The applicant must add sheets to the plans showing all of the proposed parking, and the parking must meet dimensional requirements, including those in SCC 30.26.065. See detailed comments on parking design under the review of Chapter 30.26 SCC beginning on page 54.

The applicant submitted a request for a variance relating to parking on April 17, 2017. The purpose of this request was to allow a surplus of parking in the Central Village (phase 3) to make up for a shortage of parking in the three other phases of the project (phases 1, 2 and 4). PDS recommends to the applicant that they withdraw this request for variance. If the applicant does not withdraw it, then the staff recommendation to the Hearing Examiner will be to deny the variance. See discussion of parking at page 31 under the heading Issues of Concern and comparison of the variance proposal to code requirements under review of Chapter 30.43B (Variances) on page 111.

**RESPONSE #15:**

**All drive aisles are now min 25 feet and sufficient parking has been provided such that no variance request is necessary. See sheets A-054.0 - 054.2.**

---

Urban Center Comment (p): "Propose[d] shared parking shall comply with the requirements of SCC 30.34A.050(6)."

Evaluation of response to (p): The applicant has not responded to this comment.
Second Request: A response is still required.

**RESPONSE #16:**

**No shared parking study is required because a reduction in parking space requirements is no longer sought.**

---

Urban Center Comment (q): "Are structured parking entrances located behind or to the side of buildings pursuant to SCC 30.34A.050(1)?"

Evaluation of response to (q): The applicant has not responded to this comment.
Second Request: A response is still required.

Please note that location of parking entrances will be an agenda item for the Design Review Board (DRB) to consider. After discussing this, the DRB could then make a recommendation supportive of the proposed entrance locations or they might recommend changes. Absent information such as garage entrance elevations, it will be difficult for the DRB to recommend anything other than the provision of adequate detail.

**RESPONSE #17:**

**All entrances are under or behind buildings, as depicted on sheet A-050.**

---

Urban Center Comment (r): "Parking requirements for urban center are determined by the parking ratios in SCC Table 30.34A.050. In order to determine the parking requirement for the project, the following data is needed:

Total restaurant floor area
Total retail floor area
Total office floor area
Total residential units over 1,000 SF
Total residential units less than 1,000 SF
Total civic building floor area

Total police/fire floor area"

A parking demand analysis may be required for uses not listed in the above table pursuant to SCC 30.34A.050(5)."

Evaluation of response to (r): The applicant has only partially responded. The revised plans show more of the required information, especially in the new data tables on Sheets A-200 to A-202. However, there is still missing information these tables regarding some of the uses and the tables include several conflicts with the plans. See markups on Sheets A-200 to A-202.

The applicant has not provided a parking demand study.

**RESPONSE #18:**

**The requested information has been provided. See sheets A-054.0 - A-054.2 for parking garages, and sheet A-050 for parking calculation.**

**As noted in Response #16, no parking demand study is required because a reduction in parking requirements is no longer sought.**

---

Urban Center Comment (s): "Sheets A-050 and 051 indicate location of an Ordinary High Water Line along the shoreline. Sheets C-201 – 203 indicate location of a Line Mean Higher High Water along the shoreline. Do these terms represent the same the same line?"

Evaluation of response to (s): The applicant has not responded to this comment.
Second Request: A response is still required.

See related comments in the Flood Hazard Review memo from Rebecca Samy dated June 27, 2017. This memo is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/44894.

**RESPONSE #19:**

**The Critical Area Study has been revised to make the use of the Ordinary High Water Line ("OHWM") and Mean Higher High Water ("MHHW") consistent. All figures and maps now refer to MHHW only.**

---

Urban Center Comment (t): "Please indicate on project plans if any petroleum storage tanks will remain on north part of site after completion of Phase 1 or other phases."

Evaluation of response to (t): The applicant has not responded to this comment.
Second Request: A response is still required.

RESPONSE #20:

**It is too early to say if any petroleum tanks will remain on one part of the site while development occurs on another part of the site. Hart Crowser's April 2018 remediation memorandum discusses appropriate and feasible remediation methods that would allow phased remediation of part of the site while development occurs on another part of the site. Detailed site remediation plans will be developed, including detailed phasing plans, in conjunction with Washington State Department of Ecology during the MTCA-compliant cleanup.**

**After all of the phases, no petroleum tanks will remain on site.**

---

Urban Center Comment (u): "Due to the existence of contaminated soils on the site as indicated in the SEPA checklist, it is likely PDS will require that a hydrogeologic report be prepared for the proposal."

Evaluation of response to Comment (u): The applicant did not respond to this comment. An Environmental Impact Statement (EIS) began for the project after the date of the review letter making Comment (u). In support of this EIS, the applicant supplied a *Draft Subsurface Conditions Report* by Hart Crowser dated June 11, 2015.[15] However, at page 8, this report states, "Subsurface contamination during past use of the site is discussed separately for the EIS, and so is omitted from this [report]." Indeed, the report addresses geologic hazards and drainage issues but not contamination. There is also not any discussion of contamination in the *Targeted Drainage Report* (May 28, 2015) by SVR Design.[16] Hence, no report provided by the applicant to date has the necessary information regarding contamination for the EIS.

Second request. The applicant must address this important SEPA issue. A response is still required.

The applicant must coordinate with the Snohomish County Chief Engineering Officer (Randy Sleight), the project manager (Paul MacCready) and the EIS consultants on the scope of what information regarding contamination is required and when they must provide it for the Draft EIS. Please note that some of the June 15, 2017, grading and drainage review comments co-authored by Randy Sleight[17] assume mitigation of contamination. However, without more information to characterize the contamination, it is not possible for the Draft EIS to disclose potential impacts fully. Without full disclosure, the DEIS cannot propose adequate mitigation. Further, aspects of the drainage plans, such as infiltration, may only be acceptable under the assumption that adequate mitigation has been identified and taken place. Snohomish County cannot allow infiltration into a contaminated site until cleanup or mitigation is complete. Any future approval

---

[15] The Draft Subsurface Conditions Report (June 11, 2015) is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/30450.
[16] The Targeted Drainage Report (May 28, 2015) is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/30451.
[17] The grading and drainage comments are available at https://snohomishcountywa.gov/DocumentCenter/Home/View/44896.

from Snohomish County for the site plan will be conditional on receipt of a letter from the Washington State Department of Ecology (DOE) certifying approval of adequate cleanup and mitigation plans. Any future approval of construction plans will be contingent on completion of the steps called for in the plans requiring DOE approval.

For the EIS addressing the site plan, contamination and mitigation information must be sufficient to demonstrate that probable adverse impacts involving cleanup and mitigation will not conflict with site plan issues such as drainage. If the cleanup plans involving DOE result in mitigation requiring changes to the site plan, then supplemental environmental impact analysis for the site plan may be necessary. Depending on timing, this may mean either supplemental Draft EIS for the site plan or an addendum to the Final EIS before future project approvals may go into effect.

**RESPONSE #21:**

**Hart Crowser's April, 2018 remediation memorandum summarizes the known nature and extent of soil and groundwater contamination and presents a conceptual approach, in accordance with MTCA and with the intention of gaining Ecology approval, for how it might be remediated, how remediation might fit in with the proposed development, and what limitations remediation might place on site development, including infiltration.**

**Hart Croswer conferred with EA Engineering and Paul McCready regarding these issues. See April 16, 2018 letter from Gary Huff to Matt Otten regarding remediation items, which is attached hereto as Exhibit A.**

---

Urban Center Comment (v): "Several proposed buildings will be located near adjacent residential properties in the Town of Woodway that are zoned R-14.5 and R-9600. These buildings will need to comply with the building height and setback requirements of SCC 30.34A.040."

PDS supplement to Comment (v): The reference to properties with R-9600 zoning in the original comment referred to land that was still under Snohomish County jurisdiction at the time. This site is commonly called the "Upper Bluff." There has since been an annexation of this property into the Town of Woodway. The current zoning of the Upper Bluff is Urban Residential (UR). UR zoning is roughly equivalent to the former R-9600 zoning that the site had prior to annexation. The requirements of SCC 30.34A.040 (2010) still apply.

Evaluation of response to (v): The applicant did not respond to this comment.
Second request: A response is still required.

See detailed review comments on SCC 30.34A.040 (2010) beginning on page 81.

**RESPONSE #22:**

**A variance request regarding height is being submitted concurrently with this response.**

---

Urban Center Comment (w): "Several proposed buildings will be over 90 feet in height. Due to the proposed height, an environmental impact statement (EIS) is required that shall include at a minimum an analysis of the impacts of the height on; aesthetics; light and glare; noise; air quality and transportation per SCC 30.34A.040."

Evaluation of response to Comment (w): An Environmental Impact Statement (EIS) began for the project after the date of the review letter making comment (w). The Draft EIS will include the required information.

Please see detailed review comments on SCC 30.34A.040 (2010) beginning on page 81, where there is discussion of buildings over 90' and a request for relevant information that is separate from the information to be provided in the DEIS.

**RESPONSE #23:**

**See Responses #34.**

---

Urban Center Comment (x): "Landscaping for the urban center project will need to comply with the requirements of SCC 30.25.015, 30.25.017, 30.25.023, 30.25.043, 30.25.045 and 30.34A.060."

Evaluation of response comment (x): The applicant has partially responded to this comment by making improvements to the landscaping plans; however, the plans still need more detail and corrections. See review comments for the Chapter 30.25 (Landscaping) on page 50.

**RESPONSE #24:**

**The level of detail provided in the landscaping plans is sufficient under the County's requirements. See Sheets L-001, L-100, and L-101.**

---

Urban Center Comment (y): "Proposed open spaces shall comply with the requirements of SCC 30.34A.070."

Evaluation of response to Comment (y): The applicant has partially responded to this comment by updating open space information, especially as shown on Sheet A-052. However, there are some errors in the plans. More revisions and corrections are necessary to demonstrate compliance with Snohomish County Code. See plan markups and review of SCC 30.34A.070 (2010) on page 83.

**RESPONSE #25:**

**Compliance with the open space code requirements is shown on Sheet A-052.**

---

Urban Center Comment (z): "The project will need to comply with urban center design standards that correspond to the following project design elements pursuant to SCC 30.34A.100; 110; 120; 130; 140; 150 and 160:

1. Trash enclosures/service areas
2. Rooftop mechanical equipment
3. Lighting and lighting fixtures
4. Building façade height and roof edge
5. Building massing and articulation
6. Building ground level detail and transparency
7. Overhead weather protection
8. Blank building walls"

Evaluation of response to Comment (z): The applicant did not respond to this comment.
Second request: A response is still required.

See also detailed review comments for compliance with Snohomish County urban center development regulations (Chapter 30.34A SCC) that begin on page 79.

**RESPONSE #26:**

**1. Trash enclosures are shown in detail on Sheets A-100 - A103.**

**2. The rooftop mechanical equipment is shown on elevation sheets A-300 - A-303.**

**3. For information about the lighting and lighting fixtures, see Sheet E-050 as well as the updated project narrative.**

**4-8. The building facade height and roof edge, building massing and articulation, building ground level detail and transparency, overhead weather protection, and blank building walls are shown on elevation sheets A-300 - A303.**

---

Urban Center Comment (aa): "Review of the urban center architectural plans did not indicate proposed project signs or sign program. At some point in the application review process, a sign program should be proposed in order to determine compliance with SCC 30.34A.090 requirements."

Evaluation of response to Comment (aa): The applicant did not respond to this comment.
Second request: A response is still required.

While signage is not a SEPA-level concern, the Design Review Board will need information on signage to consider during its hearing and recommendations for the project. See also detailed comments on design standards for signs (SCC 30.34A.090 (2010)) on page 86.

**RESPONSE #27:**

**Information about the proposed project signs for each village is included in the project narrative.**

---

Urban Center Comment (bb): "Given the proposed removal of the existing sea wall, grading to remove existing soil and placement of additional sand and gravel with the FEMA 100-Year Flood Plain eastward of the Puget Sound shoreline and Line of Mean Higher High Water, a Snohomish County Flood Hazard Permit will be required for the proposal pursuant to SCC 30.65.220(5)."

Evaluation of response to Comment (bb): The applicant did not respond to this comment. Second request: The Applicant still must apply for a Flood Hazard Permit.

The memo on flood hazards prepared by Rebecca Samy, Certified Floodplain Manager, dated June 27, 2017, provides additional information on the required Flood Hazard Permit.[18] This memo includes several important warnings to the applicant that the applicant should consider in the context of the overall site plan as well. Presented in a different order than they appear in the original, these warnings read:

> The applicant is strongly encouraged to utilize the preliminary flood hazard maps for project design and development and to speak with a flood insurance specialist regarding this project, specifically related to the below grade parking structures and any over water structures (commercial uses on the pier).
>
> [County] Staff would like to reiterate that all development activities within the special flood hazard area requires a permit and is subject to the flood hazard designation and regulations in effect at the time of permit application.
>
> Snohomish County received preliminary digital flood insurance rate maps (DFIRMs) in July 2016 and is in the process of reviewing these maps for potential adoption. Changes reflected on the preliminary DFIRMs will have direct impacts on the proposed project. The majority of the project site, including Phase 1, 3 and 4 will have a coastal flooding designation of AE with a BFE [base flood elevation] of 12' [...]

Stated differently, it is an important SEPA-level concern that the applicant must apply for a Flood Hazard Permit. Requirements for flood hazard permits are a moving target because the project does not enjoy vesting to federal regulations in the same manner that it vests to many county codes. The Federal Emergency Management Administration (FEMA) is in the process of revising how it characterizes flood hazards for the Point Wells site. Changes will likely result in stricter regulations applied to the Point Wells development. The lower floors of the three parking garages on the lower bench would all be at 6' elevation, which is below the base flood elevation for the property. Any approval for garages at this level would be conditional on meeting

---

[18] The June 27, 2017, flood hazard memo is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/44894.

floodproofing standards. While hypothetically approvable, such garages may prove costprohibitive to build. Revising the site plan to bring the garages entirely above the base flood elevation at the construction drawing stage would likely result in other changes – such as to drainage, visual impacts, and the amount of fill material to be moved to and from the site – that may require supplemental environmental review and approval before construction could proceed.

**RESPONSE #28:**

**The Flood Hazard Permit Application is being submitted as part of this application re-submittal.**

---

Urban Center Comment (cc): "Further application review comments will be provided following completion of the project EIS."

PDS supplement to Comment (cc): This was an informational-only comment and not a specific request for response by the applicant. To clarify the intent of the original comment, Snohomish County may provide review comments to the applicant at any point prior to the project hearing. These comments may include Review Completion Letters (such as this letter) which occur after the applicant submits revisions to their plans or emails, feedback on reports, or similar communications throughout the review process. Snohomish County reserves the right to provide review comments to the applicant after publication of the FEIS and before the project hearing. The applicant may then respond to these last comments before the hearing.

Urban Center Comment (dd): "Proposed public roads, drive aisles and pedestrian facilities shall comply with the applicable requirements of SCC Chapter 30.24, SCC Title 13, SCC 30.34A.080 and the EDDS."

Evaluation of response to Comment (dd): The applicant has partially responded to this comment by updating their plans for roads, pedestrian facilities, emergency access and through other changes. However, additional revisions by the applicant are necessary to bring the project into compliance with all applicable requirements. If the applicant cannot meet certain requirements, then the applicant may apply for variances from portions of SCC Title 30 or make deviation requests from EDDS. Only one variance request has been received (relating to parking) and the applicant has yet to request any EDDS deviations. See detail discussion of the variance request under review of Chapter 30.43B SCC Variances at page 111. See also the list of possible EDDS deviations necessary for the proposed plans on page 175.

Review of Chapter 30.24 SCC (Access and Road Network) begins on page 37. There are also many issues identified on the marked up plans relating to access and roads.

There is no specific review in this letter for compliance with SCC Title 13. This title establishes that the EDDS establish the basic design standards for roads, sidewalk, bridges, and other features typically found in the right-of-way (SCC 13.05.010). Title 13 also sets forth the type of permits that the project applicant will need for road and bridgework at the construction stage of the project.

See review of SCC 30.34A.080 (2009) beginning on page 84 for discussion of requirements that are specific to the Urban Center zoning that this project has vesting to. The proposed design has not had thorough review for consistency with EDDS because many changes will take place in response to reviews on other issues. A preliminary review of EDDS that previews possible future comments begins on page 174.

RESPONSE #29:

**Plans have been revised to include typical roadway sections per EDDS. Vehicle lanes vary between 10' to 14' wide, with a 5' minimum planter and 7' minimum sidewalk. Roadways are crowned with curbs.**

---

Urban Center Comment (ee): "The attached section of the Snohomish County Assessor's parcel map appears to indicate that a narrow panhandle of parcel 270335-003-002-00 extends across the current access road to the subject site. Additionally, sheet EX2 indicates a 50' access easement per King County Cause No 05-2-13678-1 on the west portion if the subject property. If the Assessor's parcel map is correct, does this easement provide vehicular access rights across the narrow panhandle? If this access easement does provide access rights, please provide a copy of the recorded access easement demonstrating that the owner of the subject property has access rights across the panhandle."

Evaluation of response to Comment (ee): The applicant did not respond to this comment. Second request: A response is still required.

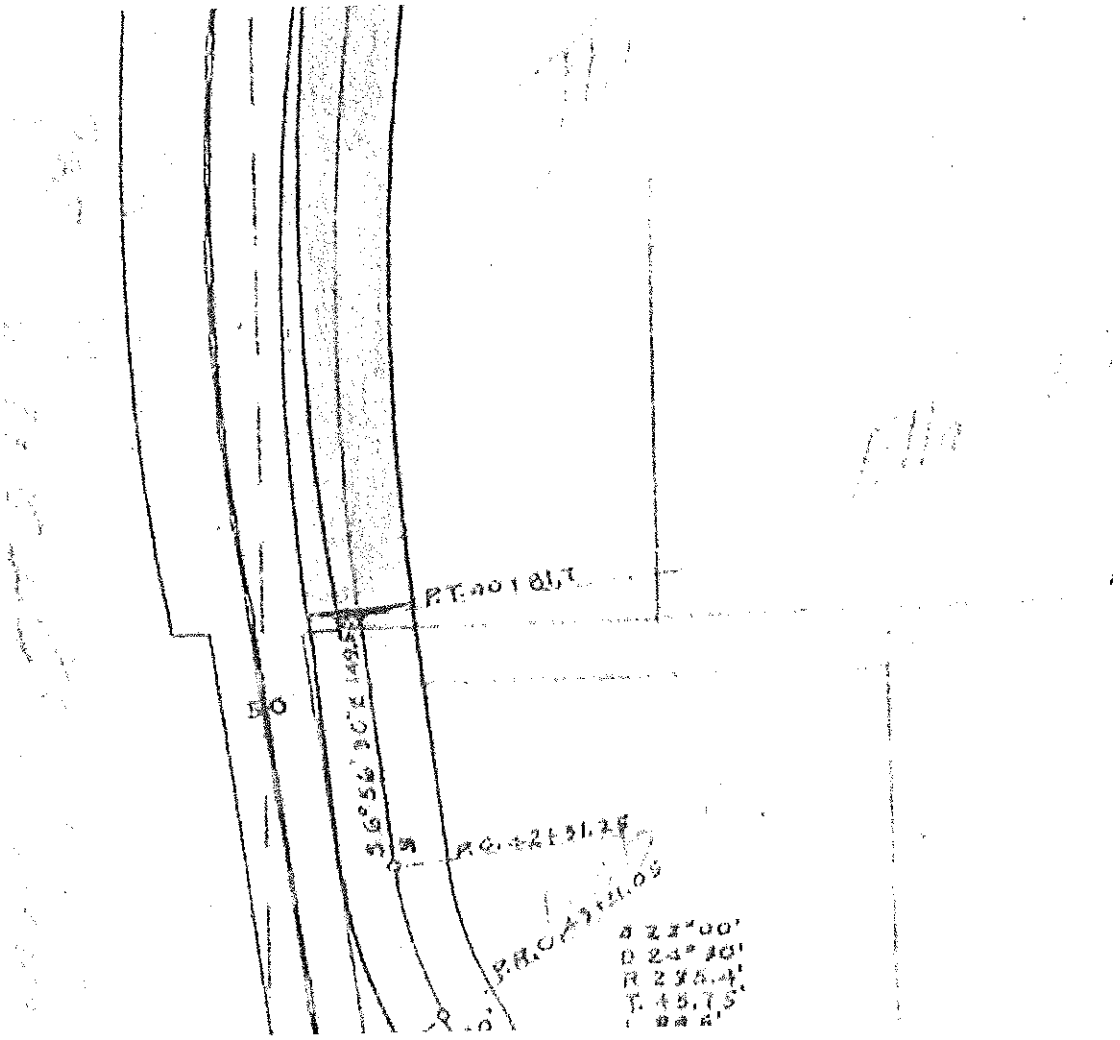
RESPONSE #30:

**The depiction of the panhandle of parcel 270335-003-002-00 is shown in error. The original configuration of this lot did not include the referenced panhandle. It was added to this lot following the vacation of the Heberlein Road. The apparent assumption was that a portion of the vacated right-of-way would attach by operation of law to adjoining parcels. However, as is depicted below, the vacated (red) portion of Heberlein Road stopped just to the north of parcel 270335-003-002-00. The panhandle assumed to have been added to said parcel was in fact not vacated, is not part of the referenced parcel and remains a small stretch of county road.**

**Even assuming for the sake of this discussion that the panhandle was appropriately added to parcel 270335-003-002-00, the fact remains that this roadway has been in existence and used by BSRE and its predecessors for over 100 years. Thus, even if the panhandle is now a part of said parcel, BSRE and the public would have acquired a prescriptive easement over said panhandle.**

**King County Cause No 05-2-13678-1 is the condemnation action by which King County obtained property interests necessary to the construction and operation of the Brightwater sewage treatment facility and outfall. A copy of the court order creating said rights is**

**included with this submittal as Exhibit B. The 50' access easement referenced above is one of the property interests obtained by King County. The easement is nonexclusive, meaning that the existence of this easement has no bearing on the use of this right-of-way by others. Further, as is more fully explained in Response #130, the easement is relocatable at BSRE's election. Response #130 contains a property map indicating the manner in which said easement will eventually be relocated.**



---

Urban Center Comment (ff): "Please respond to attached agency and public comments received to date."

Evaluation of response to Comment (ff): The applicant did not respond to this comment. Second request: A response is still required.

Please note that there will be a formal comment period following publication of the Draft EIS. The Final EIS must include responses to comments received during the formal comment period.

The applicant may choose to defer responding to general public comments until the response section in the FEIS; however, Snohomish County recommends providing responses sooner. Early response to comments would ensure – to the extent possible – clarification of the issues in those comments and in the responses to said comments before the project hearing takes place.

**RESPONSE #31:**

**The comments have been taken into consideration for the design changes that are included in this submittal. BSRE elects to defer its more detailed responses to individual prior comments received until it also responds to comments received during the formal comment period.**

---

## Issues of Concern

### Traffic Assumptions

The traffic study includes a 21% internal capture assumption for the PM peak hour;[19] i.e. that residents will make frequent use of commercial services on site without leaving the project area. The Snohomish County Department of Public Works (DPW), since review of the initial 2011 submittal, through the April 17, 2017 resubmittal, has had and continues to concerns with the very high internal capture rates proposed in various traffic studies submitted by the applicant. DPW also has had and continues to have concerns with the assumption that 15% of the trips leaving the site will be by transit.

While review of the traffic assumptions is outside the scope of this Review Completion Letter, it is worth noting here that many of the issues identified in this letter will have some effect on the traffic study when the applicant revises it to account for site plan revisions made in response to this letter. The amount of various uses proposed on the site is the most important variable. Our review of the data tables on Sheets A-200 to A-202 shows that the tables do not accurately reflect the number of floors in each building. With the wrong number of floors, the tables and, by extension, the traffic study do not accurately reflect the proposed development. When making changes to the project design for other reasons, it is imperitive that the applicant use correct data in the tables on Sheets A-200 to A-202.

The applicant, Snohomish County, and the EIS consultant will need to discuss the next revisions of the site plan relative to the modeling in the August 2016 version of the traffic study. The point of this discussion will be to determine the suitability of using the August 2016 traffic study in the

---

[19] See August 31, 2016, *Technical Memorandum – Supplement 1* from David Evans and Associates at page 11 (Attachment U). This technical memorandum is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/45388.

Snohomish County acknowledges that the preliminary review comments dated May 10, 2017, made reference to an outdated traffic study that proposed a higher internal capture rate. The preliminary review comments are available at https://snohomishcountywa.gov/DocumentCenter/Home/View/43702.

DEIS. Snohomish County is not making a determination at this time. Please note, however, that the traffic study will almost certainly need updating for the Final EIS to account for new information at that stage.

**RESPONSE #32:**

**It was discussed with and agreed to by County staff on 2017-09-13 that the Expanded Traffic Impact Analysis ("ETIA") would be updated to address changes associated with minor adjustments to the allocation of residential unit counts between the four project phases and minor adjustments of land use types after submittal of the DEIS because County staff had reviewed the ETIA submittal made on 2016-09-01 and determined that 1) the traffic analysis (and internal capture rates and methodology used) was appropriate and conducted in accordance with industry standards, and 2) a traffic monitoring program proposed by the proponent would satisfy the County's and other stakeholders' requirements that the development adhere to a trip count limit to/from the site.**

**The changes made to the Commercial and Retail areas on the current site plan as compared to the site plan considered for the 2016 ETIA are minor because they equate to a change of less than 1% difference in total square footage. The number of residential units in the current plan and the plan used for the Urban Center option in the 2016 ETIA are virtually the same (3085 vs. 3081), and the number of senior living units within those number changed only slightly (1093 vs. 1100). Negligible changes in traffic are anticipated as a result of the minor changes made to commercial/retail areas and residential unit mix.**

---

Parking

The April 17, 2017, Urban Center Site Plan does not provide adequate parking for the uses shown. Each phase of the project must include sufficient parking for the uses proposed in that phase. We acknowledge that significant improvements to the parking design took place between the 2011 and 2017 plans, but more design work and review for internal consistency is necessary. Detailed comments on parking design are under our review of Chapter 30.26 SCC (Parking) beginning on page 54. See also the marked up plans. Most importantly, the plans do not include sheets showing all of the parking levels (the plans must depict each parking area).

Snohomish County cannot support the requested variance (11-101457 VAR) to allow a surplus of parking in the Central Village (phase 3) to offset shortages in phases 1, 2, and 4. Using the applicants own buildout timeline of 5-years per phase, this means that the Urban Plaza and South Village (phases 1 and 2) would exist without adequate parking for 10 years and 5 years, respectively. If the applicant does not withdraw the variance request, Snohomish County will need to recommend to the Hearing Examiner that the Examiner deny the request. See detailed comments on this issue at page 111 under review of Chapter 30.43B SCC (Variances).

**RESPONSE #33:**

**BSRE is withdrawing the variance request because the parking in each village satisfies the parking requirements. Sheets A-054.0 – 054.2 have been revised to show the square footages and types.**

---

Buildings Greater than 90-Feet in Height

Building heights for the Point Wells project have generated a great deal of public comment and opposition. Much depends on interpretation of a portion of SCC 30.34A.040 (2010).[20] With emphasis added, the relevant portion reads:

> (1) The maximum building height in the UC zone shall be 90 feet. A building height increase up to an additional 90 feet may be approved under SCC 30.34A.180 when the additional height is documented to be necessary or desirable when the project is located near a high capacity transit route or station and the applicant prepares an environmental impact statement [...]

The project submittal includes buildings greater than 90 feet and an Environmental Impact Statement (EIS) is underway that includes analysis of the relevant issues in SCC 30.34A.040(1) (2010). This leaves an unanswered question:

*Is Point Wells located near a high capacity transit route or station?*

This review completion letter does not answer the question above, nor is it required to. Snohomish County uses review letters to ask applicants for revisions or more information. In this case, we are asking the applicant to provide additional information and opinion. No decision will take place on this issue until the Hearing Examiner renders a decision on the project as a whole. However, opinions on the matter are important because it is a key aspect of the approvability of the proposed design. PDS and DPW will eventually make a recommendation to the Hearing Examiner on the issue and more information from the applicant would help inform that eventual recommendation.

The applicant must revise the project narrative to expand on their answer to the question of whether Point Wells is near a high capacity route or station, including identification of specific high capacity transit route(s) or station(s) that would meet this requirement. When making these revisions, the applicant must, at a minimum, consider and respond to the following documents:

- Transit Compatibility Comment Memo from Erik Olson (DPW) dated May 23, 2017[21]
- Snohomish County DPW Rule 4227, relating to transit compatibility criteria[22]

---

[20] See discussion of other issues from SCC 30.34A.040(2010) on page 111.

[21] The May 23, 2017 Transit Compatiblity Memo is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/45381. It references a June 15, 2011 transit compatability memo to which the April 17, 2017, revised applications did not include an adequate response. The June 15, 2011 memo is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/46572.

- Public comment email from Tom McCormick to Ryan Countryman dated August 30, 2017[23]

**RESPONSE #34:**

**SCC 30.34A.040(1) (2010) provides in part that:**

> **The maximum building height in the UC zone shall be 90 feet. A building height increase up to an additional 90 feet may be approved under SCC 30.34A.180 when the additional height is documented to be necessary or desirable when the project is located near a high capacity transit route or station and the applicant prepares an environmental impact statement pursuant to chapter 30.61 SCC that includes an analysis of the environmental impacts of the additional height on, at a minimum:**
>
> **(a) aesthetics;**
> **(b) light and glare;**
> **(c) noise;**
> **(d) air quality; and**
> **(e) transportation.**

**Is Point Wells located near a high capacity transit route or station?**

**Literally read, Point Wells certainly complies with this locational requirement. It is beyond question that Point Wells is located near a high capacity transit route. The Sound Transit commuter line runs directly through the site, with project components located on each side of the rail line.**

**Snohomish County has historically taken the position that Point Wells' adjacency to the Sound Transit rail line satisfied comprehensive plan and code locational criteria. The County successfully argued this issue before the Growth Management Hearings Board.**

**At page 13 of its Corrected Final Decision and Order, the Board addressed a similar requirement regarding the locational criteria for siting Urban Centers. There, the criteria stated:**

> **Urban Centers shall be located adjacent to a freeway/highway and a principal arterial road, and within one-fourth mile walking distance from a transit center, park-and-ride lot, or be located on a regional high capacity transit route.**

**The Board noted that the "County contends Point Wells can be designated an Urban Center by virtue of the Sound Transit commuter rail line that runs through the property**

---

[22] Review of Point Wells is per the first revision version of Rule 4227 (October 11, 2004) which was still in effect at the 2011 project submittal. It is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/9849.

[23] A PDF of the email is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/46853. The attachment to the original email is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/46856.

regardless of whether a rail station is provided." Point Wells is "on a regional high capacity transit route."

While not being entirely comfortable with the County's interpretation, the Board determined that deference to [the County's] interpretation is appropriate.

While the literal language of SCC 30.34A.040(1) is satisfied by the fact that the project site is bifurcated by the Sound Transit commuter rail line, BSRE does not rely on this adjacency to justify a height increase to 180 feet. Instead, BSRE's project plans specifically include both a bus turnaround (allowing for the extension of Metro routes 304 and 348 which now start and end their routes just over ½ mile from Point Wells) and, more importantly, a full Sound Transit station.

Much will be made of the fact that a station in the Point Wells/Richmond Beach area is not currently shown on a Sound Transit plan or map. This contention ignores documentation regarding Sound Transit's willingness to allow its commuter trains to serve Point Wells if BSRE is willing to finance the construction of such a station.

On July 28, 2014, BSRE's counsel submitted the comment letter to Sound Transit in conjunction with the review of Sound Transit's draft supplemental environmental impact statement on its long range service plan. In this letter which is attached hereto as Exhibit C, BSRE's counsel requested that the long range plan specifically depict a station at Point Wells. Sound Transit's response to this comment letter is included in the final supplemental EIS for its long range plan. The response provides that:

> A Sounder station in the general vicinity of Shoreline/Richmond Beach is included in Appendix A of the FINAL SEIS as a 'representative project' under the Current Plan Alternative (see Table A-6 in the Final SEIS). These are projects that could be implemented along the corridors that comprise the Current Plan Alternative regardless of whether service is already in operation along these corridors. The list represents the type of projects or support facilities that could be implemented along a corridor if funding is identified . . .

Appendix A—Current Plan and Potential Plan Modifications: Corridors and Representative Projects/Programs/Policies, which is attached hereto as Exhibit D, repeats portions of the above comment response. It goes on to state on page A-1:

> . . . This Final SEIs broadly considers the potential impacts of additional projects that might occur along the existing Link light rail or Sounder commuter rail lines, such as infill stations . . . In fact, many of the suggestions for specific projects that came out of the 2013 scoping process for the Draft SEIS were within corridors already in operation . . . Those suggestions are included in this list of representative projects for the Current Plan Alternative.

Table A-6 explicitly includes a Sounder station at Shoreline/Richmond Beach as an example of a project which could be undertaken pursuant to existing service plans without the need to specifically depict or describe such a station in the long range plan.

This conclusion is consistent with prior advice provided BSRE by Sound Transit. Attached hereto as Exhibit E is a letter dated April 13, 2010 from Sound Transit to Paramount Petroleum Corporation, BSRE's predecessor. That correspondence includes a discussion of the fact that a "provisional station" located in the Point Wells/Richmond Beach area "was part of Sound Transit's original Ten Year Regional Transit System Plan, known as Sound Move, with 'provisional' defined as '. . . subject to funding availability from the North King County subarea. Because funding did not become available a station was never constructed in this subarea.

Sound Transit next discusses the competition between potential future stations and notes that public funding in the near term is unlikely. The letter importantly concludes, however, by stating that "Should Paramount propose to fund the commuter rail station without Sound Transit funding, this could clearly influence the review and the timing of the development of a station at Point Wells."

BSRE intends to satisfy the requirements of SCC 30.34A.040(1) in multiple ways. BSRE recognizes that Sound Transit will likely not agree to provide service at Point Wells until approximately 1,000 persons reside on-site. Nor will Sound Transit likely enter into a service contract with BSRE until the project has obtained approval from the County. Thus, until Sound Transit service becomes available, BSRE shall provide a privately funded bus or shuttle service from the project to the Edmonds Sound Transit Station, to the Shoreline Park-and-Ride Station at 192nd and Aurora, and when it becomes operational in 2023, to the new Light Rail Station in Shoreline at 185th and I-5.

In addition, until at least such time as BSRE and Sound Transit shall have entered into a binding contract for the construction of the Sounder Station at Point Wells with service to be provided by Sound Transit, BSRE shall provide and operate a water taxi for service between the project and the Edmonds Sounder Station. Passenger-only ferries are included within the definition of "high capacity transit" under SCC 30.91H.108. Thus, under either scenario, Point Wells will be served by high capacity transit and the requirements of SCC 30.34.A.040(1) shall therefore have been satisfied.

The TDM Plan has been revised to match the current site plan. The TDM Plan provides additional detail to clearly illustrate that all of the structures will be connected by pedestrian facilities that are a minimum of 5' wide.

As part of reaching the 10% TDM not related to site features, the applicant has provided a Commitment to Supplemental Transit Service in Attachment V of the Methods and Assumptions Memo, Technical Memorandum - Supplement 1 (the "Supplement"), dated August 31, 2016 of the Expanded Traffic Impact Analysis (ETIA) dated August 2016 that will followed to provide transit service to the site. The 2016 ETIA used a transit mode use figure that increased as the development was advanced from phase to phase (see Table 3).

**The full buildout of the Urban Center included a 15% transit use figure in its calculations to determine the number of vehicle trips to/from the site. The resulting numbers of person-trips by transit for each phase of development is summarized in the Supplement, Attachment T.**

**Exhibit D – Supplemental Transit Service to the Supplement to Urban Center Development Application by BSRE (April 2018), which is attached hereto as Exhibit F, sets forth the specifics associated with the transit service that BSRE is committed to provide (route, frequency, capacity) in order to achieve the minimum 10% TDM required by an Urban Center and to generate no more than the number of external trips identified in the "trip cap" through Shoreline.**

**The above discussion largely addresses the comments of Tom McCormick to Ryan Countryman dated August 30, 2017. Mr. McCormick seeks to insert provisions into SCC 30.34A.040 to achieve his own arguments. This code provision speaks for itself without any attempt to impose additional conditions.**

**SCC 30.34A.040 does not require that high capacity be in place before buildings taller than 90 feet may be approved. The relevant language from this section simply states that a "building height increase up to an additional 90 feet may be approved . . . when the project is located near a high capacity transit route or station . . ."**

**Mr. McCormick's logic is faulty. He argues that "[H]igh capacity transit would need to be in place before buildings taller than 90 feet may be approved." But Sound Transit will not commit to provide service until a project is approved. Thus, in Mr. McCormick's apparent view, BSRE must obtain approval for a project where building height is limited to 90 feet and then contract for service with Sound Transit before reapplying to the County for increased building height. That is clearly not what the code requires. The conclusory statement that "[B]ecause the project does not satisfy SCC 30.34A.040(1)'s proximity requirement, buildings taller than 90 feet at Point Wells are prohibited" is wishful thinking and a clear misstatement of the referenced proximity requirement.**

**Mr. McCormick cites language from prior review before the Growth Management Hearings Board regarding amendments to the County's comprehensive plan and the criteria for the designation of sites as Urban Centers. The Board did not address the provisions of Chapter 30.34A SCC. In fact, the Board explicitly left the Urban Center Code in place while allowing the County to come into compliance with the Board's dictates.**

**Despite Mr. McCormick's statements to the contrary, BSRE does not argue that the provision of a van pool service satisfies this statutory provision. Van pool service would satisfy the requirements of SCC 30.34A.085(3). This code provision does reflect the County's understanding that high capacity transit will not be available until sufficient density exists to support such service. Until such density is available, van pools or privately contracted regularly scheduled bus service will fulfill an interim need.**

---

Incomplete Application

The permit applications in 2011 were determined to be complete enough for PDS to accept them and begin review, but were not complete in the sense that additional information was necessary. Since 2011 and through the April 17, 2017, revised applications, the applicant has made progress on providing missing information. However, before the Draft EIS is possible, the applicant must provide several important pieces of information:

1. Mitigation Plan for impacts to wetland, fish, and wildlife habitat (SCC 30.62A.150),
2. Habitat Management Plan (SCC 30.62A.460).
3. Geotechnical Report(s) addressing shoreline stabilization and flood protection measures per (SCC 30.62B.140).
4. Report(s) describing contamination of the site and plans for cleanup, see page 25.
5. Plan sheets for areas not depicted on the site plans, including missing building and parking floor plans.
6. Parking demand study.

**RESPONSE #35:**

**1-2. Section 8 of the Revised Critical Areas Report includes the requested Habitat Management Plan. This section stipulates which additional critical species are addressed, and explains how the required Habitat Management Plan elements (map, impact assessment, mitigation, etc.) are addressed in the report. See Section 8.0 of the Revised Critical Areas Report for the current mitigation and restoration plan for the project.**

**3. See Response #150 regarding shoreline stabilization and flood protection.**

**4. See Response #21 regarding contamination and cleanup.**

**5. Parking plans have been drawn for every level of the parking. See Sheets A-054.0 – A-054.2. The typical building plans, including building heights, are depicted on Sheets A-050, A-100 – A-103.1.**

**6. BSRE is not submitting a parking demand study because the plans contain sufficient parking.**

---

## Phasing

The phasing concept for Point Wells needs further refinement. Phasing plans need to show how the Urban Center site plan and preliminary short subdivision are achievable. Some of the phasing issues involve internal inconsistencies and logical fallacies. It is necessary to correct for these so that the Draft EIS can identify impacts and potential mitigation measures. PDS strongly encourages the applicant to provide a written phasing narrative that matches any updates to the phasing plan on Sheet A-056. This written phasing plan should also describe the sequencing of cleanup activities if those are to occur simultaneously with construction of the urban center development.

Phase 1
It appears that Phase 1 would include the following elements:

- The South Village
- The Energy Center
- Two new bridges
- A police/fire station
- Envac system
- Temporary emergency access to the esplanade

And possibly

- The bus drop off area
- Retail uses above the police/fire station and Envac system
- Public building

When revising the plans, the applicant must clarify which phase the bus drop, retail areas, and public building would occur. It is also unclear how the secondary access connection would happen when part of the roadway infrastructure would be in Phase 3 (this same question would also affect whether Phase 2 has two accesses prior to construction of Phase 3). Will any petroleum storage buildings remain on site during or after construction of Phase 1? Does Phase 1 include construction of the entire garage below Phase 2? Since the secondary access will cross Chevron Creek during Phase 1, will the relocation of the creek be temporary or will it go to the proposed permanent relocation? How will access to the energy center happen since the plans only show access via a garage that would be part of Phase 3?

Phase 2
This phase would include the buildings on top of a garage to be constructed, or partially constructed during Phase 1. Please clarify if Phase 2 is when the bus drop off or retail areas above the police/fire station become active.

Phase 3
This phase would include the Central Village. Sheet A-056 includes a note that reconstruction of the pier access would occur during Phase 3. Are we correct in assuming that other changes to the pier, such as landscaping and provision of public access, would take place during Phase 1?

Phase 4

Snohomish County's understanding of phasing for the remediation of contaminants complicates Phase 4 (the North Village). Stockpiling and cleanup of material removed from Phases 1 and 2 would occur at the site of Phase 3. Stockpiling and cleanup for Phase 3 would occur at Phase 4. Where would the applicant stockpile and clean the material from Phase 4?

**RESPONSE #36:**

**This level of detail of the remediation will be worked out during the remedial-design phases of the cleanup action, anticipated to be done under an agreed order with the Department of Ecology. Conceptually, the removal of contaminated soil for Phase 2 could, for example, be conducted in such a way as to minimize the size and/or number of required stockpiles through use of direct loading/unloading of soil. See Hart Crowser's April 2018 remediation memo.**

**Details about the phasing plan are shown on A-056 and discussed in the revised project narrative.**

---

Miscellaneous Errors and Inconsistencies

There are a number of minor errors and inconsistencies in the submittal drawings. The applicant should correct these in a revised submittal to demonstrate feasibility of the applications. We have identified a number of issues under the heading Miscellaneous Errors and Inconsistencies and Other Issues on page 176. The attached marked up plans also identify many minor issues that the applicant must address. Potential solutions to these issues would alter other aspects of the project including some combination of the site plan, drainage plan, parking, and building heights. Therefore, making corrections to one part of the plans requires the applicant to coordinate with various sub-disciplines on their team. It also means that Snohomish County will need to rereview many aspects of the proposal for internal consistency, feasibility, and agreement with documents submitted for the Draft EIS after the applicant submits revisions to the County.

## Project Consistency with Adopted Codes

This section analyzes how and to what extent the proposal complies with all the applicable codes.

### General Provisions (Chapter 30.10 SCC)

SCC 30.10.040 Compliance with other laws.
Compliance with Title 30 of the Snohomish County Code does not excuse compliance with other applicable federal, state, or local laws or regulations.

### Purpose and Establishment of Zones (Chapter 30.21 SCC)

The intent of the Urban Center zoning to which Point Wells has vesting is to allow:

> a mix of high-density residential, office and retail uses with public and community facilities and pedestrian connections located within one-half mile of existing or planned stops or stations for high capacity transit routes such as light rail or commuter rail lines, regional express bus routes, or transit corridors that contain multiple bus routes or which otherwise provide access to such transportation as set forth in SCC 30.34A.085. (SCC 30.21.025(1)(e))

The Point Wells proposal provides for high-density housing along with some office and retail uses as well as substantial public and pedestrian access to Puget Sound. It is also required to provide access to transportation as discussed under the review of the applicable SCC 30.34A.085 (2010) on page 85.

### Uses Allowed In Zones (Chapter 30.22 SCC)

Urban Center zoning permits all of the uses proposed for Point Wells. It should be noted, however, that certain uses involving residential occupancy are restricted outside of Chapter 30.22 SCC.

### General Development Standards – Bulk Regulations (Chapter 30.23 SCC)

Specific requirements elsewhere supersede many of the general provisions in Chapter 30.23 SCC. See review of SCC 30.34A.040 (2010) Building Height and Setbacks on page 81 for a discussion of building height in general and setbacks from adjacent low-density residential areas. For setbacks from Puget Sound, see the review of the Shoreline Management Program (Located today in Chapter 30.67 SCC) that begins on page 170.

SCC 30.23.020 Minimum Net Density for Residential Development in UGAs
See review of minimum net density for short subdivisions under SCC 30.41B.120 on page 106.
General Development Standards – Access and Road Network (Chapter 30.24 SCC)

Point Well has vesting to former Chapter 30.24 SCC as adopted by Ordinance 08-101. This former chapter was in effect from April 21, 2009 to December 31, 2012.

SCC 30.24.010 (2009) Applicability of Roads and Access Standards

Former Chapter 30.24 SCC, effective 2009 to 2012, shall apply to Point Wells.

SCC 30.24.020 (2009) General Provisions
Overall approval authority for the road network and associated drainage facilities rests with the County Engineer, with some powers delegated to the Planning Department.

SCC 30.24.030 (2009) Establishing Vehicular Ingress and Egress
The County Engineer, in consultation with the Fire Marshal, has authority to establish the location, width, and manner of approach of vehicular access, ingress or egress to Point Wells.

After consulting with the International Fire Code (IFC), the County Engineer and Fire Marshal have determined that the April 17, 2017, Urban Center Submittal requires revision in order for it to be in the interest of public safety and general welfare. See the following memos:

- From Lori Burke regarding fire review, dated June 15, 2017
- From Mark Brown regarding internal circulation, dated June 23, 2017
- From Allan Murray and Randy Sleight dated June 15, 2017, relating to the second access road

*The applicant must revise their submittal to (1) provide additional information regarding the secondary access to the site and (2) provide adequate internal circulation in order for Snohomish County to be able to recommend approval of the project.*

**RESPONSE #37:**

**The secondary access is now shown on all plans for consistency and the internal circulation plan has been revised as a result of consultation with the County's Fire Marshall.**

---

SCC 30.24.040 (2009) Access Requirements for Pre-Existing Lots
Does not apply to Point Wells

SCC 30.24.050 (2009) Access Across Railroad Right-of-Way or County-Owned Trail
The applicant must demonstrate that Burlington Northern Santa Fe (BNSF) has granted a crossing permit (license) for the proposed development. The applicant shall record said permit (license) with Snohomish County Auditor and present the recorded document to the planning department prior to issuance of development permits. The recorded permit (license) shall include the name of the current property owner or contract purchaser.

While recording of railroad crossing permit (license) is not necessary until after a site plan is approved for Point Wells (because it is not necessary until before development permits, which are issued after the site plan approval), Snohomish County recommends that the applicant confirm with BNSF the number and locations of permits (licenses) early. At present, there are two existing crossings. Both of the existing crossings are proposed to be replaced on the April 17, 2017, Urban Center submittal. One of the two proposed new crossings proposed is described a boulevard bridge that would actually be two parallel bridges, see Figure 7 below. We recommend confirming with BNSF whether they would permit (license) this as one crossing or

as two crossings, and then include revisions, if necessary, along with the anticipated resubmittal of the project.

Figure 7 – Bridge at Boulevard Section Adapted from Sheet C-500

**RESPONSE #38:**

**The Asphalt Plant and Marine Fuels Terminal Facility at Richmond Beach (the "Point Wells Site") include a corridor for the Burlington Northern Santa Fe ("BNSF") north/south railroad tracks. The corridor is owned by BNSF and runs along the easterly edge of the Point Wells Site but for the area to the south where the corridor splits the main facility from the main gate. To allow for access between these two portions of the Point Wells Site and over the BNSF right of way (the "ROW") two easements were granted by BNSF's predecessor to the owner of the Point Wells Site. The rights under these two easements were assigned to BSRE Point Wells, LP.**

**The agreement for the southernmost trestle is referenced as the "1965 Light Products Bridge Easement" and is dated September 24, 1965 (the "Southern Trestle Easement"). The rights and obligations under the Southern Trestle Easement were assigned to BSRE on June 4, 2010 as part of BSRE's acquisition of the Point Wells Site.**

**The agreement for the northernmost trestle is referenced as the "Asphalt Plant Bridge Easement" and is dated May 3, 1923 (the "Northern Trestle Easement"). The rights and obligations under the Norther Trestle Easement were assigned to BSRE on June 4, 2010 as part of BSRE's acquisition of the Point Wells Site.**

**BSRE representatives were originally advised by BNSF to wait until the project received at least preliminary approval before requesting any response from BNSF. Most recently, BNSF officials have directed BSRE to wait until overpass design drawings are drafted before submitting a request to BNSF. Regardless, BSRE understands that it will negotiate with BNSF regarding the replacement of the Southern Trestle Easement and the Northern Trestle Easement and for the construction of the new overpasses pursuant to current safety and design standards as required by BNSF. The issue of the number of agreements and the specific terms of these agreements will be addressed when BNSF acknowledges that it is appropriate to entertain such discussions. BSRE expects to re-engage with BNSF regarding these matters later in the EIS process when design drawings are underway.**

---

SCC 30.24.060 (2009) Public and Private Roads
By default, most roads in new development are public roads and this section gives the criteria for deciding whether to allow private roads. All of the roads in the April 17, 2017, Urban Center submittal would be private roads.

Private roads could be allowed at Point Wells due to "unique circumstances of the site, such as topography, the road network of the surrounding area [...] or maintenance requirements" per SCC 30.24.060(1)(c) (2009). At this time, the County Engineer is withholding a decision on the

public versus private roads matter, in part because no formal request to allow private roads has been recieved.

To authorize access by a private road system serving more than 90 average daily trips, the private road system the County Engineer may require the "potential for future conversion to a public road and reconstruction to public road standards" (SCC 30.24.060(3) (2009)). As proposed, the private road system could not convert to a public road system for several reasons. This is in part because it does not meet Fire Code requirements (see fire review memo from Lori Burke dated June 15, 2017.)[24] Another hinderance from meeting public road standards is lack of adequate internal circulation, see memo from Mark Brown dated June 12. 2017.25[25] Additionally, the proposed private road system would require a number of deviations from the Engineering Design and Development Standards (EDDS) that would need approval before the County Engineer could approve a private road system.

In order to receive approval for either a private or a public road system, the applicant must revise the urban center application to include a road network that meets fire code and internal circulation requirements.

As stated previously, the April 17, 2017, revisions to the application would require several deviations from EDDS. See detailed comments under the heading Consistency with EDDS on page 178.

**RESPONSE #39:**

**The urban center application has been revised to include a road network that meets fire code and internal circulation requirements. In addition, a variance request is being submitted concurrently.**

---

SCC 30.24.070 (2009) Dedication of Right-of-Way
This section does not apply to the April 17, 2017, version of the Point Wells project.

SCC 30.24.080 (2009) Pedestrian Facilities
Pedestrian facilities are required and shall include sidewalks, curb ramps, traffic control devices and other features called for in this section. Pedestrian facilities are part of the required transportation demand management (TDM) system (see review of SCC 30.34A.080 (2010) Circulation and Access on page 84, and memo from Erik Olson regarding TDM dated May 23, 201726[26]).

It is possible to defer some details of the proposed pedestrian facilities to the construction drawing stage; however, the pedestrian facilities shown on the April 17, 2017, Urban Center submittal are inadequate for the project to meet TDM requirements. The applicant must revise the site plan to show the necessary pedestrian features.

---

[24] This memo is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/44891.
[25] This memo is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/44892.
[26] This memo is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/45381.

**RESPONSE #40:**

**The site plan has been revised to identify pedestrian curb ramp and crossing facilities. See Sheets C-300 and C-500 for plan and typical sections.**

---

PDS is not providing full markups on the April 17, 2017, site plan with this review. It was clear from a September 6, 2017 meeting[27] between PDS staff and representatives of BSRE that revisions to the site plan in response to other issues such the need to provide fire access to all sides of all buildings will moot many of the would-be markups on the current version of the plans. By mooting, we mean that many minor adjustments on the site plan will need review once more after the next resubmittal. Instead, we are providing limited comments on the April 17, 2017, version that illustrate what we will look for in the next iteration of the project.

Figure 8, below, depicts a portion of the South Village where a typical crosswalk is shown at an appropriate location; however, other crosswalks in the general vicinity will also be necessary on the site plan. In addition to providing more crosswalks, the figure below also shows two areas on the site plan where additional sidewalks are necessary. Revisions to the Point Wells site plan must show an internal network of pedestrian facilities that connect buildings, parking areas, and on-site recreation (SCC 30.24.080(1)(b) (2009)).

**RESPONSE #41:**

**The site plan has been revised to show the required pedestrian features, the designated circulation plans, and building and parking garage entrances. See Sheet A-055.**

---

Figure 8 – Crosswalks Shown, Crosswalks Needed and Sidewalks Needed
(Adapted from Sheet A-052)

The internal pedestrian facilities must include accessible routes of travel (SCC 30.24.080(1)(d) (2009)). Sheet A-052 depicts five accessible routes between the village phases of the site and the esplanade. Of these, only the route shown on the south end of this site would meet accessibility requirements as it follows an emergency access road to the esplanade (see Figure 9, next page). The other four routes all have conflicts with other aspects of the project that require revision or clarification.

Figure 9 – Accessible Path that Works (Adapted from Sheet A-052)

Figure 10, next page, shows two depictions of the next accessible route to the north. Per Sheet A052, it would appear to go through building SV-L3. Yet, as Sheet A-103 more clearly depicts, there is no route connecting building SV-L3 to the esplanade, nor does the floorplan facilitate

---

[27] Attendees of this meeting included Dan Seng (Perkins-Will), Mark Davies (MIG/SVR), and Lori Burke, Ryan Countryman and Paul MacCready (Snohomish County).

such a connection. Rather, it appears that the proposal would include a partial path from the esplanade to the area between buildings SV-L3 and-L4. This partial path would terminate where "descending landscape terraces" appear between these two buildings.

Figure 10 – Accessible Route Issue at Buildings SV-L3 and –L4

Similar to the design issues described above, the next accessible path on Sheet A-052 would go through building SV-T1 (see Figure 11, next page), including a restaurant area depicted for this building on Sheet A-103 (see Figure 12, page 44). Moreover, if the accessible route here were adjusted to skirt the outside of building SV-T1, then it would need to cross a series of steeply descending stairs and terraces as depicted on Sheet G-000 (Figure 13, page 44). The revised application will need to show an accessible route through this area.

In addition to showing the accessible route through the area, we revisit Figure 12 and note that the restaurant at the base of building SV-T1 has no pedestrian entry, accessible or otherwise, nor is the building entrance identified. The revised site plan must address access to this restaurant. While revising access to the restaurant in SV-T1, please also address some other errata related this use. The proposed restaurant would be far from the loading area behind building SV-T5. As shown on Figure 12, the floor plan precludes loading via the elevator because there is no connection from the elevator to the restaurant because of the layout of the residential units in the building. How will loading work? Since there is no proposed elevator access to the garage, where would the parking, including handicapped parking, be located? Further, there is no accounting for the square footage of this restaurant area in the South Village data appearing on Sheet A-202. The next revision must address this SEPA consistency issue.

**RESPONSE #42:**

**The required pedestrian access and features are shown in detail on Sheets A-100 - A-103.**

---

Figure 11 – Accessible Route Conflict with Building SV-T1 (Adapted from Sheet A-052)

Figure 12 – Accessible Route to Amphitheater Question (Adapted from Sheet A-103)

Figure 13 – Amphitheater Illustration from Sheet G-000, Depicting Accessibility Challenge

The next accessible path identified on Sheet A-052 would go through building CV-L3. Similar to the path discussed above that Sheet A-052 shows going through SV-L3, there is no connection from this building to the esplanade. There is, however, more detail on Sheet A-102 that depict a path from the esplanade that terminates between buildings CV-L3 and –L4 at a location described as "descending landscape terraces." The next version of the site plan must address this accessibility issue.

**RESPONSE #43:**

**The accessible paths are depicted on Sheet A-055.**

---

It appears that Sheet A-052 intends to include a final accessible path in the North Village, see Figure 14 below. One possible route suggested by the symbology on Sheet A-052 crosses a feature described elsewhere as "descending landscape terraces." Another possible route might be steps down the terraces; however, these possible steps terminate without a connection to the esplanade and, in any event, steps alone are not an accessible route of travel. A third option might simply be to use the proposed sidewalk along the road from the roundabout to the esplanade, but this option would also be problematic (see next page).

Figure 14 – Accessible Path Issues at North Village Adapted from Sheet A-052

This section of sidewalk would from a finished elevation on top of the parking garage of 28.6' rapidly to the 15.5' elevation of the esplanade. Based on the finished grade elevations and distances shown on Sheet C-301, the drop from the garage to the proposed 20' contour would be 8.6' in a distance of roughly 23'. This means that the average sidewalk slope here would be approximately 37%, greatly exceeding ADA requirements. The Point Wells project has vesting to the 2009 version of EDDS and there is no specific guidance in EDDS (2009) with respect to maximum sidewalk slope. However, there is clear requirement in EDDS (2009) to comply with ADA requirements. EDDS (2016) includes language that to "ensure ADA compliance in construction, it is recommended that running slopes be designed at 4.5% for a 5% maximum" (EDDS 4-05.A.3 [2016]). Snohomish County will be using this standard from EDDS (2016) to evaluate sidewalk slopes for accessibility requirements when the applicant revises the plans to address accessibility issues.

Figure 15 – Sidewalk Accessibility and Proposed Finished Grade Issue at North Village (Adapted from Sheet C-301)

**RESPONSE #44:**

**The slopes are designed to meet the requirements of between 4.5 and 5%, as shown on Sheets C-500, C-501.**

---

There must be a physical barrier such as a raised curb or landscaping between pedestrian facilities and roadways (SCC 30.24.080(4) (2009)). The April 17, 2017, submittal only partially provides for these requirements. Figure 16, below, illustrates one example of this concern.

**RESPONSE #45:**

**The pedestrian facilities have been configured to provide a physical barrier to roadways. Detailed road sections show how the roads are separated from the sidewalks on Sheets C-500, C-501.**

---

Figure 16 – Example of Missing Physical Barrier (Sheet C-501)

The Draft Environmental Impact Statement for the project assumes that the project meets the pedestrian facility requirements in order to take credit for transportation demand management (TDM) steps, including internal capture (people walking to dinner at onsite restaurants) and high levels of bus ridership (people walking to the transit center in the Urban Plaza from other phases). The April 17, 2017, second submittal does not provide the required TDM steps (in addition to the comments here, see June 23, 2017, memo from Mark Brown, "Additional detail is needed so that it is clear that all of the structures will be connected by adequate pedestrian facilities" (page 2)).[28] Note that while sidewalks along the private road network must be at least 7 feet wide (absent an approved EDDS deviation request), it is acceptable for walkways from sidewalks to building entrances to be 5 feet wide. In summary, the DEIS assumption presupposes a revised submittal that meets pedestrian facility requirements.

**RESPONSE #46:**

**Additional detail showing that all structures will be connected by adequate pedestrian facilities is shown on enlarged plans on Sheets A-100 – A-103.**

---

SCC 30.24.090 (2009) Drive Aisles
This section does not apply to the April 17, 2017, permit applications.

SCC 30.24.100 (2009) Fire Lanes
See fire review comments from Lori Burke dated June 15, 2017. These comments are available at https://snohomishcountywa.gov/DocumentCenter/Home/View/44891.

SCC 30.24.110 (2009) Auto Courts and Woonerfs
SCC 30.24.120 (2009) Alleys
SCC 30.24.130 (2009) Shared and Common Driveways
SCC 30.24.140 (2009) Planned Residential Developments
SCC 30.24.150 (2009) Single Family Detached Units
These sections do not apply to the April 17, 2017, permit applications.

SCC 30.24.160 (2009) Transit Facilities

---

[28] The June 23, 2017, memo from Mark Brown is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/44892.

The April 17, 2017, site plan shows a bus facility in the parking area below the Urban Plaza phase and a possible platform for Sounder commuter rail in the Burlington Northern right-ofway as part of either phase III or IV of the project. One purpose of this section is to ensure direct sidewalks or walkways to such facilities.

Since the bus facility would be in the first floor of a parking garage, the parking plans need to designate a walkway to the bus area through the garage.

**RESPONSE #47:**

**Sheet A-054.2 shows that the parking plans designate a walkway to the bus area through the garage.**

---

The would-be sounder platform appears to propose elevator access from the sidewalk on the bridge crossing the railroad tracks. If this platform is to count toward meeting requirements of SCC 30.66B.430, then the applicant must provide documentation from both BNSF and Sound Transit agreeing to consideration of this proposal.

**RESPONSE #48:**

**As explained in the response to Question No. 38 above, when contact was last made with BNSF, BSRE representatives were advised by BNSF officials to wait until overpass design drawings are drafted before submitting a request to BNSF. Further, it is our understanding that arrangements related to use of the BNSF right of way by Sound Transit, including matters related to station design and elements, are a subject of discussions between Sound Transit and BNSF.**

**As for agreements with Sound Transit related to the location of a station at the Point Wells site and the design of such a station, in a letter dated April 13, 2010, a copy of which is attached as Exhibit E, Sound Transit provided the following guidance, "First, it is part of Sound Transit's mission to provide service to Urban Centers. Point Wells' location on the Everett-to-Seattle Sounder line and the property's "Urban Center" designation lend support to Paramount's concept of including a commuter rail station within your development." A copy of this letter accompanies these materials.**

**The Sound Transit letter continued noting that a "provisional" station to be located in the Point Wells/Richmond Beach area was part of Sound Transit's original Ten Year Regional Transit System Plan but was not built due to lack of funding. Nonetheless, the identification of a provisional station to be located in the Point Wells/Richmond Beach area is to our understanding still possible subject to the availability of funding. BSRE Point Wells thus as made the funding for the construction of a Sounder station at Point Wells as part of its commitment to the development of the Point Wells site. Thus, as with BNSF, BSRE must wait until later in the approval process before it will be able to obtain any formal commitment from Sound Transit.**

---

SCC 30.24.170 (2009) Utilities
Detailed review of this section occurs during review of construction plans. However, Snohomish County advises the applicant to provide additional early detail on two types of utility: (1) the proposed ENVAC pneumatic garbage system and (2) drainage facilities, especially those conveying existing streams or major drainages. Because some elements of the project design fit many uses into tight areas, the dimensional specifications of piping for both uses may result in differences between the site plan and future construction plans. Two examples:

1. Where parking garages have lower ceilings to provide soil for trees above, will ENVAC piping (and other utilities) create an issue for overhead clearance above parking? The applicant should provide a detail showing this scenario in the site plans.

2. The proposed sediment basin where Chevron Creek would enter a new stormwater conveyance system straddles the parcel line with the property to the east. Is this the applicant's intent?

**RESPONSE #49:**

**The ENVAC piping (and other utilities) will be coordinated with the utilities to avoid issues with overhead clearance above parking. See the revised project narrative.**

**The proposed sediment basin does not straddle the parcel line. See Sheet C-300 Series.**

---

General Development Standards – Landscaping (Chapter 30.25 SCC)

Point Wells has vesting to the 2011 version of Chapter 30.25 SCC (see Appendix D: Sections of Chapter 30.25 General Development Standards – Landscaping used for Review on page 195). Additional landscaping requirements apply from the 2011 version of Urban Center Development (Chapter 30.34A SCC), which begins on page 79. This review is for Chapter 30.25 SCC.

Overall Comments: The landscaping plans submitted on April 17, 2017, improve on the plans submitted in 2011 in several ways. Most importantly, the plans now show only native plants are in the shoreline area (addressing a previous SEPA concern about the introduction of invasive species near Puget Sound). However, the general level of detail shown is not enough to meet Snohomish County requirements for an approvable landscape plan. There are also conflicts between the landscape plan and the site plan. For instance, Sheet L-101 does not depict the restaurant that would extend beyond the base of building SV-T1; instead, Sheet L-101 includes woodland accent plantings and a tree where the restaurant would be.

Detailed landscaping plans will be required before consideration of the project by the Design Review Board (DRB). Since the 2017 plans removed the non-native plants that the 2011 plans proposed in the shoreline area, landscaping is no longer a SEPA-level concern. PDS recommends that the applicant revise the landscaping plans to provide the full level-of-detail required at the next resubmittal. This is because there are many details to review in the landscaping plans. These may require several iterations of review. However, the applicant may choose to continue with the current level-of-detail during preparation of the DEIS, but must provide the level-of-detail required by code before presenting plans to the DRB.

**RESPONSE #50:**

**The landscape plans have been revised to include more detail. See: Sheet L-001, Landscape Notes and Legends for more detail on plant material; Sheet L- 100, Landscape Plan North; and Sheet L-101, Landscape Plan South for specific location of plant material. Additional detail on the landscape plans will be provided for review after the plans have been entitled.**

---

A number of the proposed plant materials indicated on the landscape plan are not appropriate and the landscape plans will require revision to show other plant materials due to proposed locations. Examples include large tree species in small-enclosed planters, large tree species next to fire lanes, and plant species that do not comply with shoreline environment and critical area plant material requirements. Additionally, some proposed plant materials create conflicts with other non-landscaping code requirements. For example, large tree species placed close to roads interfere with emergency vehicle height clearance requirements (See Fire Review Comments letter by Lori Burke, Senior Fire Inspector dated June 15, 2017).

Except for large trees that could interfere with emergency vehicle clearance and access and could create a significant public safety impact, the above landscaping issues do not rise to the level of potential significant environmental impacts. However, comments by other urban center plan

reviewers [Fire, Drainage & Geotechnical, Flood Hazard, Traffic, Public Works (Transportation Division) and Shoreline & Critical Areas], will require corrections and/or significant plan revisions and corrections to comply with local and state codes and regulations. Specifically, codes and regulations adopted to mitigate potential significant adverse environmental impacts including but not limited to noise, drainage traffic volume, land stability, public safety/emergency access, flooding and air quality. Additionally, making plan revisions and corrections to address comments by one reviewer, could result in creating new code conflicts with other codes and regulations. For example, increasing fire lane width and radii to meet minimum code requirements, and redesigning the second access road that connects with the Town of Woodway to meet maximum fire lane grades could create conflicts with shoreline, critical area and landslide hazard regulations and requirements. In addition, significant revisions to the site plan, for example road and fire lane re-alignment and basic building and parking garage redesign affecting location, height, width, length and other basic development elements would also result in the need for additional environmental review to evaluate if revisions have resulted in unintended additional or increased environmental impacts.

**RESPONSE #51:**

**Landscape plans will comply with local and state code and regulations. See Sheet L-001, Landscape Notes and Legends for more detail on plant material; Sheet L-100, Landscape Plan North; and Sheet L-101, Landscape Plan South for specific location of plant material.**

---

Level of Review: Since landscaping plans change in response to other changes in project design and since other changes are expected, this review is not exhaustive. Snohomish County will need to re-review the landscaping plans when the applicant revises the project for other reasons and resubmits the new plans with updated landscaping design.

SCC 30.25.010 Purpose (2009) and SCC 30.25.012 Applicability (2009)
This chapter applies to Point Wells. Because there is virtually no vegetation currently on site, the main purpose of landscaping is to enhance neighborhood livability and to mitigate potential land use incompatibility (SCC 30.25.010(1)(a) (2009)). On the uphill side of the Urban Plaza, this chapter also serves to reduce tree loss during land development (SCC 30.25.010(1)(b) (2009)) and to mitigate for this tree loss by providing for tree replacement (SCC 30.25.010(1)(c) (2009)).

SCC 30.25.015 General Landscaping Requirements (2009)
This section has nine subsections.

Subsection (1) Point Wells is required to landscape a minimum of 10 percent of the total gross site area to the standards in this chapter unless exempted otherwise. The landscaping plans do not include figures for the total amount of landscaping provided. While Snohomish County staff can visually determine that more than 10% of the site would have landscaping, the applicant should revise the plans to include the missing information so that future findings related to the project can state the amount of landscaping provided relative to this requirement.

RESPONSE #52:

**The comment references SCC30.25.015, General Landscaping Requirements, subsection 1, regarding minimum percentage of landscaped area. The percentage of landscaped area is indicated on sheet A-052, Open Space Diagram. The area in this calculation includes: perimeter landscaping, parking lot and detention facility landscaping, tree canopy areas, and street trees not in a public right-of- way.**

---

Subsection (2) Allows PDS to withhold building permits until there is an approved landscaping plan for the project. Sub-subsections (a) to (i) describe some of the requirements for the landscaping plan.

Sub-subsection (2)(a) establishes that landscaping plan requirements are defined in a submittal checklist. The comments in this section help establish what remaining information is required for the landscaping plans to be approvable.

Sub-subsection (2)(b) requires the landscape plan to be prepared by a qualified landscape designer. The application meets this requirement because Doug Findlay, a licensed landscape architect, prepared the landscape plans (Sheet L-100 and L-101).

Sub-subsection (2)(c) requires an assessment of "whether temporary or permanent irrigation is required to maintain the proposed landscaping". There is no such assessment in the landscaping plans and it must be included in a revised application. We note that the plans do not currently show any irrigation system.

RESPONSE #53:

**The comment references SCC30.25.015, General Landscaping Requirements, subsection 2.c. Permanent irrigation will be required to maintain the proposed landscaping. BSRE will comply with this requirement and irrigation plans will be submitted after the plans have been entitled.**

---

Sub-subsection (2)(d) stipulates, "street trees and other right-of-way planting shall be shown on the approved landscaping plan" (emphasis added). Sheets L-100 and L-101 show a number of street trees, but they do not show other right-of-way plantings as required. When the applicant revises the landscaping plan, it should include this level of detail.

RESPONSE #54:

**Landscape plans have been revised to include right-of-way planting. See Sheet L-001, Landscape Notes and Legends for more detail on plant material; Sheet L-100, Landscape Plan North, and Sheet L-101, Landscape Plan South for specific location of plant material.**

---

Sub-subsection (2)(e) requires that the landscaping plan include the location, caliper and species of all significant trees on the site that are proposed to be removed. The landscaping plan does not include this information. The revised application must include it in order to be approvable. SCC 30.91S.320 defines significant tree as

> a tree with a caliper of at least 10 inches except dogwoods and vine maples are significant trees if they have a caliper of at least seven inches, and alders are not significant trees. For multiple stem trees such as vine maples, the caliper of the individual stems are added together to determine if a tree meets the minimum caliper for a significant tree.

Figure 17, next page, shows the area that revised landscaping plan must evaluate for significant trees.

RESPONSE #55:

**The comment references SCC 30.25.015, subsection 2e, General Landscaping Requirements. The site is currently industrial use, and there are no significant trees on the west side of the site. On the east side of the site, some trees will need to be removed. These will be replaced 3:1 ratio per SCC 30.25.016 - Tree Replacement Schedule in the woodland zone. This will be further reviewed, and quantified, by a licensed arborist after the plans are entitled to ensure suitable replacements are installed.**

---

Sub-subsections (2)(f) and (2)(g) would apply only if the evaluation per (2)(e) determines that significant trees are proposed for removal. (2)(f) says that the landscaping plan shall include the location, caliper or height, and species of all replacement trees. (2)(g) requires a description of why significant trees cannot or should not be retained.

Sub-subsection (2)(h) stipulates, "the landscaping plan shall include a description and approximate location of any trees on adjoining property that may be affected by any proposed activities" (emphasis added). For the purpose of the revised landscaping plan, "any trees" shall mean any significant trees and "any proposed activities" shall mean changes for grading, drainage or second access to the Point Wells site that would affect the health of said trees. Figure 17 illustrates the area where the proposed action may affect trees on adjoining property. Other changes such as a proposed second access route could expand this area, and the landscaping plan to accompany a revised submittal must meet the requirements of this sub-subsection.

RESPONSE #56:

**The comment references SCC 30.25.015, subsection 2h, regarding trees on adjacent properties. Proposed activities, including grading, drainage, or secondary access to the site may affect the health of trees on adjacent properties. When permits for development are submitted to the county, tree protection plans will be included to ensure the adequate protection of existing trees. Note that permitting for the secondary access will be filed under a separate permit, which will also meet the requirements of SCC 30.25.015.**

---

Subsubsection (2)(i) says that the landscaping plan, which is part of the Urban Center application (11 101457 LU), must show the clearing limits of the proposed land disturbing activities (11 101008 LDA). At present, the landscaping plans do not show the clearing limits. In the revised application, they must.

Figure 17 –Trees to Evaluate per SCC 30.25.015(2)(e), (2)(g), and (2)(h) (2009)

**RESPONSE #57:**

**The comment references SCC30.25.015, General Landscaping Requirements, subsection 2.i., regarding the clearing limits. The clearing limits are identified with a line type on Sheet L-001, Landscape Notes and Legends, Sheet L- 100, Landscape Plan North, and Sheet L-101, Landscape Plan South**

---

Subsection (3) allows for planting areas outside the right-of-way to include landscape features such as decorative paving, sculptures, fountains and other amenities, provided the area devoted to such features is less than 20 percent of the total required perimeter landscaping.

Subsection (4) relates to providing accessible routes crossing required perimeter landscaping areas. Since the only required perimeter landscaping is on the east side of the Urban Plaza where a steep hill descends to the site, this subsection does not apply (the sidewalk shown for the second access road would not meet accessibility standards due to its grade and would require a deviation). There is related discussion of accessible routes crossing landscaping areas internal to the site under the review heading for SCC 30.24.080 (2009) Pedestrian Facility Requirements that begins on page 39.

Subsection (5) states that street trees shall comply with the planting standards in the EDDS. It is worth noting that the applicable version of (5)(a) requires street trees to be at least eight feet in height. The present-day version of (5)(a) has a six-foot requirement; however, Point Wells has vesting to the eight-foot requirement.

Some of the proposed trees and locations do not comply with EDDS and would need EDDS deviations. An example would be the big leaf maple trees that the landscaping plans propose as street trees in the Central Village. Big leaf maples are not an approved street tree.[29]

---

[29] See the Snohomish County Tree Canopy Coverage List https://snohomishcountywa.gov/DocumentCenter/View/20537.

RESPONSE #58:

**The comment references SCC30.25.015, subsection 5. Landscape plans have been revised to comply with EDDS. See Sheet L-001, Landscape Notes and Legends for more detail on plant material, including notes on the minimum tree height and caliper at planting installation.**

---

Subsection (6) sets forth certain landscaping requirements, most of which cannot be evaluated at this time due to lack of detail.

RESPONSE #59:

**The comment references SCC30.25.015 (6), regarding nursery stock. All plant material shall meet, or exceed, current US standards for nursery stock published by the ANLA. Plant material will be from the list of acceptable species prepared by the director, or substituted with a species with similar characteristics.**

---

Subsection (7) sets forth certain landscaping requirements, most of which cannot be evaluated at this time due to lack of detail.

RESPONSE #60:

**The comment references SCC30.25.015 (7), General Landscaping Requirements. Permanent irrigation will be required to maintain the proposed landscaping. BSRE will comply with this requirement and irrigation plans will be submitted after the plans have been entitled.**

Subsection (8) establishes the requirement for street trees and refers to EDDS for where to find specific standards. The April 17, 2017, landscaping plans (Sheet L-100 and L-101) depict many street trees but do not have sufficient detail to evaluate street tree requirements fully. Specific questions that plans do not answer is which specific species are proposed and where? These questions matter because EDDS describes the average tree spacing expected for small, medium, or large trees. Certain species also wider planter areas than the site plan depicts.

RESPONSE #61:

**The plans have been updated to include additional information to show compliance with the street tree requirements. See: Sheet L-001, Landscape Notes and Legends for more detail on plant material; Sheet L- 100, Landscape Plan North; and Sheet L-101, Landscape Plan South for specific location of plant material.**

---

Subsection (9) addresses street tree maintenance. This subsection does not apply at the current review stage. It will apply as conditions that the eventual homeowners association documents must address.

SCC 30.25.016 (2009) General Tree Retention and Replacement Requirements
Snohomish County cannot evaluate this section until the applicant provides the information required for SCC 30.25.015(2)(i) (2009) above.

**RESPONSE #62:**

**The comment references SCC 30.25.015, subsection 2e, General Landscaping Requirements. The site is currently industrial use, and there are no significant trees on the west side of the site. On the east side of the site, some trees will need to be removed. These will be replaced 3:1 ratio per SCC 30.25.016 - Tree Replacement Schedule in the woodland zone. This will be further reviewed, and quantified, by a licensed arborist after the plans and entitled to ensure suitable replacements are installed.**

---

SCC 30.25.017 Type A and Type B Landscaping
Snohomish County cannot evaluate this section until the landscaping plans provide greater detail.

**RESPONSE #63:**

**The comment references SCC 30.25.017, Type A and Type B Landscaping. Where the Point Wells site abuts lower-density zoning (zone UR per the 2015 Comprehensive Plan Update), including the upper bluff property and single-family residences near the Urban Plaza, the minimum perimeter landscape width and type (Type A) will comply with the County code.**

---

SCC 30.25.020 (2010) Permiteter Landscaping
Snohomish County cannot evaluate this section until the landscaping plans provide greater detail. These requirements would apply where the Point Wells site abuts lower-density zoning, including the upper bluff property and single-family residences near the Urban Plaza.

**RESPONSE TO #64:**

**The comment references SCC 30.25.020, Perimeter Landscaping Requirements. Where the Point Wells site abuts lower-density zoning (Zone UR), including the upper bluff property and single-family residences near the Urban Plaza, the minimum perimeter landscape width and type will comply with the county code. Note the planting identified in this area is 'Woodland Planting.' More detail on the plant material is provided on Sheet L-001, Landscape Notes and Legends. See Sheet L-101, Landscape Plan South for specific location of plant material.**

---

SCC 30.25.022 Parking Lot Landscaping
The April 17, 2017, site plan shows most of the parking in underground garages. The parallel parking areas along several roads appear to all have adequate landscaping, although more detail is necessary to confirm the appropriateness of the proposed landscaping. The beach parking area at the south end of the project site is the main concern here. The applicant must revise this parking area to include landscaping per SCC 30.25.022.

RESPONSE #65:

**The comment references SCC30.25.022, Parking Lot Landscaping. More detail on the plant material is provided on Sheet L-001, Landscape Notes and Legends. See Sheet L-100, Landscape Plan North, and Sheet L-101, Landscape Plan South for specific location of plant material. Trees have been added to the beach parking area at the south end of the property. Landscape areas will be protected from vehicle damage by 6" curbing with wheel stops.**

---

SCC 30.25.023 (2010) Stormwater Flow Control or Treatment Facility Landscaping
The April 17, 2017, site plan proposes three types of stormwater flow control or treatment that would require landscaping according to this section. Comments below are general in nature because the landscaping plans lack sufficient detail for a full review.

RESPONSE #66:

**The comment references SCC30.25.023, Stormwater Flow Control or Treatment Facility Landscaping. Please note the bioretention areas (Cells Type I, Cells Type II, and large biofiltration between the Central and North Villages) are no longer being used. The proposed plan is to utilize the Filterra system (manufactured by Contech Engineered Solutions) for all stormwater treatment. This system will take space within the planter area, and be planted with trees.**

---

Bioretention Cells, Type I. Per the civil plans, many of the storm drain systems would terminate at several Type I biotretention cells near the esplanade. Water in these cells would either infiltrate or exit to an existing outfall. The landscaping plans show biofiltration plantings in these general locations; however, there are some differences between the civil plans and the landscapings regarding specific locations. The applicant must revise the plans to make them consistent.

RESPONSE #67:

**The comment references SCC30.25.023, Stormwater Flow Control or Treatment Facility Landscaping. Please note the bioretention areas (Cells Type I, Cells Type II, and large biofiltration between the Central and North Villages) are no longer being used. The proposed plan is to utilize the Filterra system (manufactured by Contech Engineered**

**Solutions) for all stormwater treatment. This system will take space within the planter area, and be planted with trees.**

---

Bioretention Cells, Type 2. Type II biotention cells appear on the civil and landscaping plans as areas between on-street parking along the roads on top of the parking garages. See detailed comments under the heading Trees on Parking Garages on page 180.

Biofiltration Between Central and North Villages. The landscaping and civil plans show a large biofiltration area between the Central and North Villages. Several stormdrain systems would convey water to this location where it would enter a stream-like channel that would have riparian edge plantings along it. This feature would offer many of the habitat functions and values of a stream, but it would be classifed as a drainage feature because it would not be of natural origin. See review of prior Urban Center Comment (u) regarding contaminants on page 25.

SCC 30.25.024 Outside Storage and Waste Areas
This sections addresses screening of dumpster and recycling areas. The site plans do not show any such areas, nor does Snohomish County expect to see many garbage dumpsters because most of the trash would be handled by the ENVAC disposal system. However, it is not clear if the ENVAC system would also handle recyling. Also, if the amphitheater area is to have permanent dumpster areas rather than just garbage cans available, then these dumper areas show appear on the plans.

**RESPONSE #68:**

**The ENVAC system will also handle recycling. See Sheets A-54.0 - A54.2 and A-100 - A-103 for the location of the ENVAC receptacles.**

---

SCC 30.24.040 Landscaping Modifications
This section sets for the mechanism where the applicant may request modifications to certain landscaping requirements. The April 17, 2017, landscaping plans lack sufficient detail to determine what, if any, parts of the proposal would require landscape modifications. Note that per SCC 30.24.040(1), the issue of planter strip width along private roads (discussed elsewhere) would require an EDDS deviation rather than a modification (4-foot wide planters are shown rather than the 5 feet required.)

**RESPONSE #69:**

**The comment references SCC 30.24.040, specifically the width of planter strips along private roads. Please note all planter strips along the private roads have been revised to 5' wide, to meet the required criterion.**

---

30.25.043 Landscaping Installation

This section does not apply at this time. Any future approval for the project will include conditions to ensure compliance with this section.

General Development Standards – Parking (Chapter 30.26 SCC)

Most of the requirements relating to parking are in Chapter 30.26 SCC. Additional parking requirements are in Chapters 30.25 and 30.34A SCC and in EDDS. Point Wells has vesting to the parking requirement that were in effect in 2011.

Parking Variance: As part of the April 17, 2017, resubmittal package, the applicant requested a variance (11-101457 VAR)[30] related to parking. This request would allow parking at distances greater than typically required under SCC 30.26.020 (2007). Discussion of the variance request occurs in that section and in other relevant sections, including at pages 31 and 111.

Parking Demand Study: Sheet A-053 includes a note that reads, "The project intends to reduce the above parking requirements as allowed through a shared parking study." Snohomish County cannot consider a reduction in the parking requirements until the applicant has not provides the promised parking study. When revising the site plan to respond to other parking comments, the applicant may also prepare a parking study for consideration by Snohomish County during the next review. If the applicant no longer wishes to provide a shared parking study, then please remove the note on Sheet A-053 and from other documents.

**RESPONSE #70:**

**An independent parking demand study is not applicable because the asterisk/note indicating a Shared Parking Study will be prepared to reduce the number of required parking stalls has been removed from Sheet A-053. Parking Calculation summaries for each of the four project phases (SV, UP, CV, NV) are provided on the Overall Site Plan, Sheet A-050. Detailed calculations that indicate the number of parking stalls that are required and are provided for each of the phases of the project may be found on Sheets A-053, A-054, A-200, A-201, and A-202.**

---

Parking Summary: The plans do not adequately depict parking areas. The site plan application must fully depict all parking areas, per the Urban Center submittal checklist.

1. General Parking Comments. Most of the parking is in garages beneath the buildings. The site plan includes only a small amount of surface parking and a limited number of loading areas for commercial uses.

   a. Missing plans. Parking plans are missing for three parking areas. The applicant must add new sheets or details depicting floors P2 for the South, Central, and North villages.

[30] The variance request is available at http://snohomishcountywa.gov/DocumentCenter/Home/View/43173.

RESPONSE #71:

**Additional Sheets A-54.0 – A-54.2 have been provided to include additional details about and fully depict the parking areas.**

---

b. Accessible parking. All buildings types are required to have access to accessible parking stalls. One in six accessible stalls must be for vans. The applicant must revise the parking plans to provide accessible parking. See comments on accessible parking in the June 27, 2017, review memo from Vic McKinney.[31]

RESPONSE #72:

**All parking levels are now shown on Sheets A-54.0 – A-54.2.**

---

c. Commercial parking. The plans do not show adequate parking for commercial uses. The applicant may address this in a parking study or they may revise the plans to propose the required parking for commercial uses.

RESPONSE #73:

**Adequate parking for commercial spaces is now included in the plans. See Tables 1&2 on A-040 for ratios and calculations.**

---

d. Garage Access. As proposed, 23 buildings would lack accessible access to parking. The applicant must address this when revising the plans again. See discussion of accessibility issues on page 63.

RESPONSE #74:

**The accessible parking spaces are now marked on the parking plans. See Sheets A-054.0 – A-054.2.**

---

e. Other garage considerations. Construction plans for the garages will require areas set aside for non-parking uses including columns to support the buildings above and mechanical areas for the required ventilation. The site plan does not depict any such non-parking areas in the garages. The next revision to the site plan should include revisions to the parking plans to anticipate non-parking uses and areas; otherwise, the applicant risks approval for a site plan that cannot receive approval at the construction plan stage without requesting and receiving approval for modifications to the site plan.

---

[31] This memo is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/44895.

RESPONSE #75:

**Non-parking uses and areas have been added to the parking garage plans. The detailed layout of the garages will be further developed in conjunction with the building permit applications.**

---

2. Urban Plaza. Per Sheet A-200, there would be 58,562 square feet of commercial uses plus 256 residential units in the Urban Plaza. The site plan proposes seven parking spaces for commercial uses[32] plus one loading space and 317 spaces for residential uses (Sheet A-053).

a. Surface. All seven surface parking spaces are for commercial uses. There are no spaces for commercial uses in the garage levels below. 58,562 square feet of commercial uses requires far more than seven parking stalls. Parking for commercial uses must comply with the parking ratios set forth in SCC 30.34A.050 (2010). The requirements of SCC 30.34A.050 (2010) have been moved to be SCC 30.26.032, see page 69.

RESPONSE #76:

**The parking for commercial uses complies with the parking ratios set forth in SCC 30.34A.050. See Sheet A 040, table 1 and 2 for calculations and ratios.**

---

b. Parking Level 1. The first floor of the parking garage is at 35' elevation and includes a bus drop off area (Sheet A-100) with 111 residential stalls (Sheet A053). It proposes a loading area under building UP-T2 for the commercial uses above the garage (Sheet A-100). This loading area does not provide adequate access for two reasons. First, trucks using it would need to stop in the middle of traffic and then back up against the flow of traffic to get into the loading area. Second, the turning radius at the north end of the garage (under building UP-T1) is too tight for large delivery trucks to navigate. Parking Level 1 also includes areas for the ENVAC system and an area for fire/police services. The revised plans must address these issues.

RESPONSE #77:

**The plans for the parking levels have been changed to provide adequate access to loading docks. See Sheets A-054.0 – A-054.2.**

---

[32] Terminology on the application varies. In some places, it refers separately to retail uses and commercial uses where 'commercial' means office. In other places, 'commercial' means retail plus office. For simplicity, this review uses commercial in the broader sense (retail + office) except for where it specifically discusses land use categories and their specific parking requirements or traffic generation rates.

c. Parking Level 2. This parking floor is at 25' elevation and has 206 residential spaces (Sheet A-053). The floor design shown on Sheet A-053 suggests that this parking area has the same footprint as Parking Level 1 above. However, Detail 3 on Sheet A-310 appears to show this parking level extending below the fire/police service area in Parking Level 1. The revised plans must fully depict this parking floor.

RESPONSE #78:

**All of the parking levels are now fully depicted. See Sheets A-054.0 - A-054.2.**

---

d. Phasing. The phasing plan shows the Urban Plaza developing two phases (Sheet A-056). Two retail buildings totaling 26,300 square feet[33] are in Phase 1 per Sheet A-056 but the traffic study accounts for this square footage in project Phase 2.[34] Please clarify.

RESPONSE #79:

**The Urban Plaza is entirely within Phase 2.**

---

3. South Village. The site plan proposed 652 residential units and 35,791 square feet of commercial uses in the South Village (Sheet A-202). Various sheets do not agree on how much parking the site plan provides. Per Sheet A-053, the total stalls provided in the South Village would be 651. Sheet A-202 gives this number as 713 parking stalls. The revised plans must clarify this difference.

RESPONSE #80:

**The revised plans clarify how much parking the site plan provides. See Sheets A-054.0 - A-054.2.**

---

a. Surface. The site plan provides 61 surface parking stalls and one shared loading area for the non-residential uses in this phase (Sheet A-202). Fourteen of the nonresidential stalls are parking for beach access (Sheet A-103), leaving 47 parking stalls for 35,791 square feet of commercial uses. This falls short of the

---

[33] Applicant must revised plans to depict square footage of each building. It is possible that this 26,300 sq ft refers to another location.

[34] See, for instance, page 6 of the Expanded Traffic Impact Analysis dated August 2016.

required parking for non-residential uses. The revised plans must address these issues.[35]

**RESPONSE #81:**

**See Sheets A-054.0 - A-054.2 and Sheet A-050 for summary of village requirements.**

---

b. Parking Level 1. The plans must include a new detail or sheet that focuses on this parking level. The only place depicting this parking floor is Sheet A-054, which also includes the first parking floors for the Central and North Villages. Per Sheet A-103, access to Parking Level 1 appears to be via a ramp under the south part of building SV-T2. This ramp appears on Sheet A-054. Sheet A-054 is the only place depicting this parking level. It does not include information on the number of proposed stalls. At least two of the proposed stalls do not appear to meet dimensional requirements, see Figure 18 below.

**RESPONSE #82:**

**See Sheets A-054.0 - A-054.2 for additional details about the parking levels.**

---

Figure 18 – Examples of Questionable Parking Stalls in P1 of the South Village

c. Parking Level 2. Add a sheet or diagram showing parking level 2. Include a detail or details providing information on the ramp between Level 2 and Level 1 (Sheet A-054 only partially depicts this ramp).

**RESPONSE #83:**

**See Sheets A-054.0 - A-054.2 for additional details about the parking levels.**

---

d. Access. How do buildings SV-L1 to -L5 get access to the garage? The absence direct access implies residents would take an elevator in a different building up to the ground level and then talk to their own building.

**RESPONSE #84:**

**See Sheet A-054.1 for additional information about access to the garage.**

---

[35] See also page 249 for specific concerns regarding access to parking and loading for the restaurant at the base of building SV-T1.

4. Central Village. Per Sheet A-201, the Central Village would have 1,269 residential units and 44,000 square feet of commercial uses. There would be 1,275 parking stalls for residential use, 75 stalls for commercial uses. See comments below regarding loading areas.

a. Surface. Sheet A-053 proposes 26 commercial and 61 residential parking spaces on the surface level. Some commercial stalls are closer to residential and viceversa. The site plan depicts several commercial suites as having back door (typically employee) access directly to parking that the plans depict as residential. How does one turnaround in the parking lane that terminates under building CV-T1? Figure 19, below, illustrates a conflict with SCC Table 30.26.065(13) which establishes a minimum drive aisle width adjacent to perpendicular parking stalls of 25 feet, but the plans show only 24 feet (see related evaluation of response to Urban Center Comment (o) on page 22). The applicant must revise the plans to address these issues.

**RESPONSE #85:**

**Compliance with the minimum drive aisles is depicted on Sheets A-054.0 - A-054.2.**

---

Figure 19 – Drive Aisle Width Issue Adapted from Sheet A-102

b. Parking Level 1. Add a detail or details showing ramps, grades, turning radii and elevations as necessary. The energy center (Sheet A-054 (2017)) appears to have truck parking. Is this interpretation correct? If so, what route, including, turning movements, would trucks take to access this area?

**RESPONSE #86:**

**See Sheets A-054.0 - A-054.2 for additional details on ramps, grades, turning radii and elevations. Sheet A-054.2 shows the truck access to the energy center as well as the truck parking and loading dock.**

---

c. Parking Level 2. Add a sheet or diagram showing parking level 2 at the Central Village (6' elevation). Provide details showing ramps between parking levels, include grades, turning radii, and elevations as necessary. Sheet A-054 says that the parking plan for Level 2 is similar to what the sheet shows for Level 1; yet, Level 1 has 59 shared parking stalls near the Energy Center and Sheet A-311 detail 2 shows that Level 2 does not extend below the Energy Center. If this is the case, how can Level 2 have the same number of stalls as Level 1? A detail or sheet depicting parking for Level 2 is required.

RESPONSE #87:

**See Sheets A-054.0 - A-054.2 for additional details regarding the parking levels.**

---

d. Garage Elevations. Sheet A-311 gives the elevation for garage Level 1 as 13' and does not give an elevation for Level 2. Sheet A-054 says that Level 1 would be at 16' and that Level 2 would be at 6'. Please clarify these differences.
e. Loading. The table on Sheet A-201 says that there are 3 loading spaces in the Central Village, yet it appears that none of the drawings for this phase actually show loading areas (e.g. Sheet A-102 is where we would expect depiction of loading.) Please clarify.

RESPONSE #88:

**See Sheets A-054.0 - A-054.2 for more information about the loading areas.**

---

5. North Village. Per Sheet A-200, the North Village would include 903 residential units. Sheet A-053 says that there would be 655 parking stalls provided. There are no commercial uses shown in this phase.

a. Surface. Sheet A-053 identifies the 13 surface stalls as being for "retail/commercial" parking (see Figure 20, next page). Please clarify.
b. Parking Level 1. Sheet A-054 shows 322 parking stalls (based on adding the numbers shown on Sheet A-054). This does not agree with the note on Sheet A053 saying that there are 321 stalls (see Figure 20). Please clarify.

RESPONSE #89:

**See the parking count in the table on Sheet A-054.0.**

---

Figure 20 – North Village Parking Questions from Sheet A-054

c. Parking Level 2. The site plan implies that this level would have either 321 or 322 stalls, similar to Parking Level 1. The revised plans must add a sheet or detail depicting this parking area so that we can confirm the count.
d. Ramps. Add slope information to the ramps and details as necessary to depict. We have two specific questions based on the information provided, illustrated by Figure 21, next page.

i. Is there sufficient overhead clearance for the drive aisle below the ramp into Parking Level 1?
ii. What are the slopes and turning radii for the ramp from Parking Level 1 to Parking Level 2?

**RESPONSE #90:**

**See Sheets A-054.0 - A-054.2 for additional details about the parking levels.**

---

Figure 21 – Area of Concern in North Village Parking Garage Design
(Adapted from Sheet A-054)

Accessibility: The parking areas on the site plan do not adequately show that the site is accessible. Compliance needs to be fully demonstrated when the project reaches the construction drawing stage. However, without revisions, aspects of the proposed site plan would preclude meeting accessibility requirements. If the applicant chooses to defer revisions to the construction plan stage, changes to meet accessibility requirements may result in undisclosed environmental impacts unless the applicant performs supplemental environmental analysis.

The International Building Code (2015) (IBC) stipulates that, "Buildings and facilities shall be designed and constructed to be accessible" (IBC 1101.2, italics original).[36] To be accessible, all buildings must comply with IBC Chapter 11.[37] The site plan should provide at least one accessible route between each building and the location of accessible parking (IBC 1104.1 Site Arrival Points). The following 23 buildings do not have accessible connections between parking and the building:

1. Urban Plaza: South Retail Building
2. South Village: SV-L1 to -L5
3. Central Village: CV-L1 to -L13
4. North Village: NV-L1 to -L3

**RESPONSE #91:**

**The plans have been revised to include the necessary accessible connections between parking and the listed buildings. See Sheet A-055. See the elevator cores on all parking levels on Sheets A-054.0 – A-054.2.**

---

The site plan does not include any accessible parking for any of the commercial uses. Revised parking plans must address this.

**RESPONSE #92:**

**Accessible parking spaces are marked on the parking plans. See Sheet A-054.0 – A-054.2.**

---

[36] https://up.codes/viewer/general/int_building_code_2015/chapter/11#11

[37] See ICC 202 Definitions, specifically for Accessible.
https://up.codes/viewer/general/int_building_code_2015/chapter/2#2

The site plan includes accessible residential parking for 10 buildings (Sheet A-054). This means 33 residential buildings do not have any accessible residential parking spaces. Revised parking plans must address this.

RESPONSE #93:

**Accessible parking spaces are marked on the parking plans. See Sheet A-054.0 – A-054.2.**

---

The site plan shall designate and design one of every six barrier free stalls as a "VAN" accessible barrier free parking stall per IBC 1106.5. The site plan designates zero van accessible stalls. Revised parking plans must address this.

RESPONSE #94:

**Accessible VAN parking spaces are marked on parking plans. See Sheet A-054.0 – A-054.2.**

---

The site plan does not depict garage areas in enough detail to determine whether it provides the required vertical clearance requirement for accessibility. Per ICC A1171 Section 502.8, a vertical clearance of 98" minimum is required at the following locations:

- Parking spaces for vans.
- The access aisles serving parking spaces for vans.
- The vehicular routes serving parking spaces for vans.

Sheet A-311 includes sectional details for garage areas. Please revise these details or add new details showing dimensions as necessary to determine whether the site plan provides sufficient vertical clearance. See Figure 22, next page.

RESPONSE #95:

**Sufficient vertical clearance is depicted on Sheets A-310 and A-311.**

---

Figure 22 – Illustration of Vertical Clearance Question (Adapted from Sheet A-311)

Conventional vs Compact: The parking plans do not identify which stalls are conventional and which are compact. Revised plans should identify stall type and include dimensions for parking areas (only some parking areas have dimensions shown). This information is necessary on the plans to determine whether the plans provide an appropriate ratio of conventional vs compact stalls.

RESPONSE #96:

**On Sheets A-054.0 - A-054.2, the compact stalls have been marked 'C'.**

---

SCC 30.26.010 Applicability
The parking requirements of Chapter 30.26 SCC shall apply to Point Wells.

SCC 30.26.015 Maneuvering and Queuing
PDS has the authority to require changes in proposed parking layout to meet the requirements of Chapter 30.26 SCC and to ensure that maneuvering or queuing vehicles does not block pedestrian routes.

SCC 30.26.020 (2007) Location of Parking Spaces
This code section requires that parking at Point Wells shall be "within 300 feet of and on the same lot or building site with the building it serves." Given that most of the parking will be in four garages under each major phase, Snohomish County interprets this code section as meaning that that the parking for each phase shall be located in the same phase. The applicant has requested a variance from this requirement.

In 11-101457 VAR, the applicant argues that a surplus of parking in the Central Village means that the total project meets the overall parking requirements. The applicant also intends to reduce the total parking required as allowed through a shared parking study.

Snohomish County notes that it has yet to receive such shared parking study from the applicant even though the 2011 application referred to a shared parking study as well.

The revised application proposes parking for each of the four phases plus some additional parking for the public beach access. It does not include any parking for the proposed rail platform or the amphitheater on the beach.

For further discussion of parking, see the review of the urban center parking requirements in SCC 30.34A.050 (2010) that takes place on the next page under SCC 30.26.032, which is the new location of SCC 30.34A.050 (2010).

Urban Plaza Parking Distance: The Urban Plaza proposes six buildings. Four tower buildings, UP-T1 to T4 all have direct access to the parking garage below via elevators and therefore meet the requirements of this section. Two retail buildings have access by walking from drop-off area or by riding up one of the tower elevators, presumably in building UP-T4 because it is the closest, and then walking from the elevator. The entrance to the North Retail building appears to be about 300' from the elevator in UP-T4, so it likely complies with this section.

The South Retail building does not meet the requirements of this section; see Figure 23 below.

Figure 23 – Parking Access Issue to South Retail Building
(Adapted from Sheet A-100 [2017])

Adding a hallway in UP-T4 as suggested by Figure 23, previous page, will not be enough to address access to the southern retail building because the sidewalk and building entrance cannot possibly be at the same elevation. As shown on Figure 24, below, the Plaza floor elevation is 55', including the elevation in front of the North Retail building. The elevation at Richmond Beach

Drive is 35'. The sidewalk will need to ramp up from Richmond Beach Drive to the Plaza Level. Because the South retail building sits adjacent to this ramping sidewalk, there is no way to enter the building directly from the sidewalk and no elevator to enter to the building either.

Figure 24 –Sidewalk and Retail Entrance Elevation Issue
(Adapted from Sheet A-100 [2017])

While the parking variance request (11-101457 VAR) partially involves the distance issue from the elevators to the south retail building, the issue of access from the sidewalk remains (see discussion of this variance request under review of Variances (Chapter 30.43B SCC) on page 111). Although PDS will not be recommending an exception to the 300-foot rule in general as requested by 11-101457 VAR, we may consider supporting a more narrowly constructed variance request. Having the South Retail entrance more than 300' from the nearest elevator may be acceptable if (a) there is a redesign to shorten the distance to the nearest elevator in a manner similar to the suggestion in Figure 23, previous page, and (b) the redesign allows adequate pedestrian access to the building entrance. Alternatively, the design team may wish to consider connecting the retail areas together so that the main entrance(s) are within 300 feet of the elevator. The applicant may propose other options for the County to consider as well. Please also note that any resubmittal to address the retail access issue above should be coordinated with a response to review of SCC 30.34A.120(1) on page 87 because the location (and exit options) for the elevator may need revision due to building setback requirements.

**RESPONSE #97:**

**The plans have been redesigned to shorten the distances and to allow adequate access. See Sheets A-054.0 – A-054.1. BSRE is withdrawing its 300' variance request.**

---

Central Village Parking Distance: It is unclear how some of the buildings in the Central Village will access the parking in the garage. Per Sheet A-102, all of the buildings will have elevators and stairwells (Figure 25, below), yet per Sheet A-054 (Figure 26), only the tower buildings will have direct access to the parking garage.

**RESPONSE #98:**

**See Response #97.**

---

Figure 25 – Central Village Area Plan with Elevators and Stairwells Highlighted
(Adapted from Sheet A-102 [2017])

Figure 26 – Central Village Parking Plan with Elevators and Stairs Highlighted and Approximate Location of Missing Access Points (Adapted from Sheet A-054 [2017])

SCC 30.26.025 (2003) Tandem Parking
This section does not apply to the Point Wells proposal.

SCC 30.26.030 (2011) Number of Spaces Required.
This section describes the number of spaces required by use for all zones except Urban Center. Since Point Wells has vesting to Urban Center zoning, which has a separate table showing the number of spaces required by use, this section of code does not apply to Point Wells. See below.
SCC 30.26.032 Additional Parking Requirements for the UC Zone / SCC 30.34A.050 (2010) Parking ratios, parking locations and parking lot and structure design Point Wells has vesting to the parking ratios in SCC 30.34A.050 (2010) which were a part of the chapter on Urban Center Development. This former code section was revised slightly and moved into this part of the parking Chapter 30.26 SCC where it made logical sense. The following review is for consistency with former SCC 30.34A.050, but it takes place here (at present-day SCC 30.26.032) because this places the review in context.

SCC 30.34A.050 (2010) gives the required minimum and maximum number of required parking spaces for uses in Urban Center zoning. When combined with the location of parking requirements in SCC 30.26.020 (2007), it is clear that each phase of Point Wells must be able to demonstrate that the phase provides sufficient parking for the proposed uses within the same phase.

There are six subsections in former SCC 30.34A.050 (2010).

(1) Parking Ratios: Point Wells must provide parking consistent with the minimum and maximum ratios in Table 30.34A.050(1) SCC (2010), which are restated in Table 4, below. As determined in the review of SCC 30.26.020 (2007) Location of Parking Spaces, each phase must meet these requirements.

| Use | Minimum | Maximum | Bicycle Parking |
|---|---|---|---|
| Restaurants | 2 stalls/1000 nsf | 8 stalls/1000 nsf | 2 spaces minimum |
| Retail | 2 stalls/1000 nsf | 4 stalls/1000 nsf | 2 spaces minimum |
| Office | 2 stalls/1000 nsf | 4 stalls/1000 nsf | 2 spaces minimum |
| Residential (units>1000 sq ft each) | 1.5 stalls per unit | 2.5 stalls per unit | 2 spaces minimum |
| Residential (units<1000 sq ft each) | 1 stall per unit | 1.5 stalls per unit | 2 spaces minimum |
| All other uses | See SCC 30.34A.050(5) | | 2 spaces minimum |

Table 4 – Parking Ratios from Table 30.34A.050(1) SCC

It is common for an applicant to reconfigure parking to increase efficiency between preliminary and final design. In this case, however, the amount of parking remains a concern due to the differences between what is stated, what the submittal drawings show, and the amount of parking required.

While parking is not directly an EIS-level concern, revisions to the site plan to address comments on parking, particularly the need to show adequate parking for all phases, may result in secondary changes that could necessitate supplemental environmental analysis if the necessary revisions take place after publication of the Draft EIS.

**RESPONSE #99:**

**Sufficient parking is depicted on Sheets A-054.0 - A-054.2.**

---

Subsection (2) says that, "Parking must be located under, behind or to the side of buildings." The proposal does this.

Subsection (3) says that, "Parking lots must be landscaped pursuant to SCC 30.25.022." Since nearly all of the parking would be in garages below buildings, only the beach parking area would be subject to this requirement. See comments under the review of SCC 30.25.022 on page 55.

Subsection (4) begins, "Parking garage entrances must be minimized, and where feasible, located to the side or rear of buildings." The Urban Center submittal accomplishes the minimizing the visibility of the parking garages.

Evaluation of the remaining guidance in the subsection relating to lighting and architectural detailing will take place after submittal of building and garage elevations. Garage elevations are not necessary for the Draft EIS, but they will be required before the Design Review Board meeting on the project.

Subsection (5) begins, "Uses not listed in Table 30.34A.050(1) must undergo a parking demand analysis by an independent consultant with expertise in parking demand analysis to ensure no more than the necessary amount of parking is provided." The Point Wells proposal includes three uses not listed in Table 30.34A.050(1) and we do not have enough information about these uses to determine how much parking is required. A revised submittal must include information on the following uses, including independent consultant analysis if necessary:

1. Public access to the beach and pier;
2. Sound Transit station;
3. Police/fire station; and
4. ENVAC loading requirements.

**RESPONSE #100:**

**An additional 20-car parking lot for beach parking is shown on Sheet A-054.0. The Sound Transit station is not expected to have any parking. The security/EMT office and the ENVAC loading requirements are listed as office uses and the parking is calculated accordingly.**

---

Subsection (6) gives the requirements for requesting a reduction in the parking space requirements of SCC Table 30.34A.050(1). The April 17, 2017, submittal suggests that such a request would be forthcoming with a note on Sheet A-053 (Figure 27, below). Snohomish County observes that the March 4, 2011, version of the plans had the same note, yet Snohomish County has yet to receive the parking demand study. It is also important to state that the plan markups for this portion of Sheet A-053 include other comments that Figure 27 does not depict here.

**[See RESPONSE #70]**

Figure 27 – Note Regarding Parking Study (Adapted from Sheet A-053)

SCC 30.26.035 (2003) Parking for Specific and Unlisted Uses
When a project proposes uses that do not have defined parking requirements, the planning department may determine how much parking is required. No determination is being made regarding parking at unspecified uses at this time, rather a request for more information from the applicant appears under the review of SCC 30.34A.050(5) (2010) on page 70.

30.26.040 (2010) Reduction of Required Parking Spaces
This section allows the planning department to approve a reduction in the number of required parking spaces, subject to certain conditions. Under subsection (3), this reduction can be up to 40% of the required spaces. It is important to note that this only happens "when an applicant demonstrates that effective alternatives to automobile use, including but not limited to van pooling, ride matching for carpools, and provision of subscription bus service will be implemented and will provide an effective and permanent reduction in parking demand."

The applicant has not provided information to demonstrate a justification for reduced parking. If the applicant provides the promised parking demand study that this is the subject of several references in this review letter and on the application itself, then this section would authorize a reduction in parking required if Snohomish County agrees with the study.

**[See RESPONSE #70]**

SCC 30.26.045 Mixed Occupancies
SCC 30.26.050 Joint Uses
SCC 30.26.055 Conditions for Joint Uses

Base parking requirements are additive. This means, for example, that commercial parking requirements are in addition to residential parking requirements. These sections allow for shared parking if the applicant can demonstrate satisfaction of certain criteria. Snohomish County encourages the applicant to review these sections and consider citing them in a parking demand study. Please note that some of the conditions in SCC 30.26.055 would become requirements for inclusion in a future condominium owners association if the applicant choses to request a reduction in parking based on these sections.

SCC 30.26.060 (2003) Loading Space

Loading spaces for trucks and vans are required for certain non-residential uses involving the receipt of material and merchandise. Per SCC 30.26.020 (2007), the location of loading spaces shall be within 300 feet of the building that it serves. This means that evaluation of loading spaces is by phase and for locations within each phase. Given the number of residential units, it is advisable that the project parking and access plan include consideration of moving vans, but this is not strictly required. Uses proposed at North Village are entirely residential, so no loading spaces are required. The Central Village has retail and restaurant spaces; it is advisable but not required to provide loading space for these businesses. The South Village has retail and restaurant spaces plus one loading space behind building SV-T5. This satisfies the code requirement, but may not meet the practical needs of loading for the restaurant under building SV-T1. (Note that restaurants are not required to having loading within 300 feet per SCC 30.26.060 (2003), only that providing loading access is a good practice. See related comments about building SV-T1 on page 176.)

The Urban Plaza phase does not have enough information on the proposed uses to determine loading requirements (see review of response to 2013 Urban Center Comment (e) on page 16.) The following assumes that the 26,300 square feet of supermarket space in this phase is the only use for which loading is required. However, the issue of loading space at the Urban Plaza will need re-review when the applicant submits revised plans. Per SCC 30.26.060(3) (2003), the number of spaces shall be one "for every 20,000 square feet, or fraction thereof, of gross building area" for supermarket uses. Two loading spaces are required for the market and two are proposed. It is not clear, however, whether adequate space for standing, loading, and unloading has been provided (SCC 30.26.060 (2003)) or whether it is possible that "no part of a truck or van using the loading space will project into the public[38] right-of-way" (SCC 30.26.060(4) (2003)).

**RESPONSE #101:**

**The loading dock in the Urban Plaza has been enlarged and relocated so that no part of a truck or van using the loading space will project into the public right of way. A loading area is provided for Retail, Office (Commercial) uses. See Sheet A-054.2.**

---

Figure 28 – Urban Plaza Loading (Adapted from Sheet A-100)

The application also proposes ENVAC (garbage collection/compaction) and fire/police areas in the Urban Plaza. Loading areas for these are proposed, consistent with SCC 30.26.060(m) and the proposed spaces appear to meet the basic dimensional requirements of county code. However, we cannot assume standard dimensional loading to be adequate for these users. Snohomish County recommends that the applicant request letters from the proposed service providers stating that the proposed loading areas are adequate.

[38] As proposed, the rights-of-way at Point Wells would be private, but Snohomish County takes the position that SCC 30.26.060(4) still applies.

RESPONSE #102:

**Project architects have confirmed that the loading area depicted in the submittal drawings is sufficient for these purposes. The loading zone for the ENVAC plant contains the ENVAC plant, three waste dumpsters, and two loading berths for trucks. The dumpsters can be pulled out and onto the back of the trucks. With respect to the adequacy of the fire/police loading areas, Applicant has been informed by prospective service providers that instead of operating full service police and fire stations on-site, the preferable approach is to locate such stations at locations which can better serve the entire Richmond Beach community. Thus, the Applicant now intends that the on-site station be used for quick response purposes and shall provide for maintaining an ambulance and security van in this location. The loading area is more than adequate for these limited purposes.**

---

Finally, we note that the proposal for the service drive includes 25' width at the ENVAC and fire/police area but it would then constrict to just 20' wide in the area of the service loading for the market. The portion with 25' is consistent with the perpendicular car parking at the police/fire area (see related discussion of former SCC 30.26.065 Parking Lot Development Standards below). However, at the service loading for the market, the application will need to show how "continuous, unrestricted vehicular movement" will be provided if trucks accessing the loading area need to stop, block traffic, and back up to access the loading spaces (former SCC 30.26.065(2)). The same concern exists, to a lesser extent, at the loading for ENVAC and fire/police.

RESPONSE #103:

**See Sheet A-054.2 for revised information about the loading dock.**

---

SCC 30.26.065 Parking Lot Development Standards
SCC 30.26.065 describes many of the parking lot standards within its 19 subsections. In the context of reviewing the Urban Center submittal, the most important issue from this section is an error on Sheets A-053 and A-054. This error states that drive aisles in parking lots can be 22' clear for compact parking stalls. Per Tables 30.26.065(14) and (16), drive aisles can be 22' only when there is:

1. Parking includes conventional parking and angle parking of 70 degrees or less; or
2. All of the parking is compact, the drive aisle is one-way, and the angle parking is 60 degrees or less.

Figure 29 – Incorrect Reading of SCC 30.26.065 found on Sheets A-053 and A-054

Since the design of the parking garages will undergo revisions to comply with Snohomish County parking standards and in response to other design changes on the project, Snohomish County will need to re-review the entire parking design for compliance with SCC 30.26.065. However, we note with respect to the drive aisle issue described above, that 2013 review completion letter on the 2011 applications already addressed the issue. See evaluation of

response to 2013 Urban Center Review Comment (o) on page 22. When further refining the parking plans, the applicant should respond to the scenarios such as that shown on Figure 30, below, where the drive aisle width is not sufficient to allow two-way traffic.

**RESPONSE #104:**

**The parking garages have been redesigned to satisfy the County's requirements. See Sheets A-054.0 – A-054.2.**

---

Figure 30 – Drive Aisle Width & Direction of Traffic Issue (Adapted from Sheet A-054)

Up to 40% of the stalls may be compact and the compact stalls must be individually marked on the site plan (SCC 30.26.065(10)). Unless the applicant revises the plans to identify which stalls will be compact, Snohomish County cannot review the parking plans using the sometimes more generous compact parking dimensional requirements.

**[See RESPONSE #96]**

SCC 30.26.070 Parking Lot Surfacing Requirements
This section does not apply until after construction and before certificate of occupancy.

SCC 30.26.075 Illumination
This section does not apply until review of construction plans.

SCC 30.26.080 Landscaping Requirement for Regulated Parking Areas
This section gives a cross-reference to Chapter 30.25 SCC General Development Standards – Landscaping. See especially review of SCC 30.25.022 Parking Lot Landscaping, which is included below.

SCC 30.25.022 Parking Lot Landscaping
Review of this section from Chapter 30.25 SCC is included here because it fits logically with the review of parking. There are eight (9) subsections.

Subsection (1) requires parking lot landscaping for all [surface] parking areas with more than three parking stalls. Parking lot landscaping is required in addition to any perimeter landscaping required by SCC 30.25.020.

Since most of the parking is in underground garages, only the surface parking stalls need landscaping. Snohomish County interprets the biofiltration swales as intended to provide most of the required parking lot landscaping. The plans appear to depict landscaping for the beach and Urban Plaza parking by other means.

Subsection (2) includes five sub-subsections with specific parking lot landscaping requirements.

(2)(a) Requires landscaping on at least 10% of the parking lot area. Visually, this appears to be the case, but the next revision to the landscaping plans should include additional information to verify.

**RESPONSE #105:**

**Landscaping of at least 10% will be provided for the surface parking lot areas. See the revised project narrative and Sheet C-300 Series.**

---

(2)(b) Requires at least one tree for every seven parking stalls or one per landscaping area or island, whichever is greater. Sheets L-100 and L-101 specifically call out trees in the biofiltration swale areas. Sheet L-101 shows several areas of "Urban Plaza Plantings," which include trees, near the plaza parking. Sheet L-101 also shows "Woodland Plantings," which include trees, near the beach parking area.

Other subsections also apply to the Beach Parking area. Snohomish County will re-review this section after the applicant revises the plans.

General Development Standards – Signs (Chapter 30.27 SCC)

This chapter addresses general standards for signage, including requirements for permitting signs in certain locations, types of signs, and examples that illustrate sections of code relating to signage. Many of the sections in this chapter relate to requirements in individual zones and therefore do not apply to Point Wells (because it has vesting to Urban Center zoning). Additional sign requirements applicable to Point Wells are found in former SCC 30.34A.090 which spelled out requirements specific to signs in Urban Center zoning when the Point Wells application was submitted. Review of former SCC 30.34A.090 identifies some issues that relate to both sign and the landscaping plan, see page 86. Former SCC 30.34A.090 was revised and moved to Chapter 30.27 SCC in 2013, where it is now SCC 30.27.047; however, Point Wells is vested to the former version of the code.

*Former* SCC 30.27.010 Signs: General Requirements
The general signage requirements of this this section shall apply to revision(s) of the Urban Center submittal to include information on proposed signage. When signage information is proposed, the applicant should take special care regarding subsections (6) and (7).

Subsection (6) states that artificial lighting, "shall be hooded or shaded so that direct light of lamps will not result in glare when viewed from the surrounding property or rights-of-way".

Subsection (7) relates to road crossings of railroad rights-of-way. As written, this subsection applies to all crossings, even bridge crossings as proposed at Point Wells, and precludes signs within 100 feet of rail crossings.

**RESPONSE #106:**

**Information about the proposed signage is included in the revised project narrative.**

---

*Former* SCC 30.27.060 Signs for Particular Uses
This section gives special signage requirements for a number of uses that mostly do not apply to Point Wells. However, signage for the amphitheater, public beach access, and pier would be subject to subsection (3) as signage for "public structure/buildings" unless the applicant specifically requests and receives approval for use of different standards.

**RESPONSE #107:**

**Information about the proposed signage is included in the revised project narrative.**

---

SCC 30.27.090 Sign Area Examples
The area of wall, window and monument signs at Point Wells shall conform the examples in SCC 30.27.090. These illustrate the "area" of signs discussed in former SCC 30.27.010, former SCC 30.27.060, and former SCC 30.34A.090.

Historic and Archeological Resources (Chapter 30.32D SCC)

This chapter serves to help identify, evaluate, and protect archaeological and historic resources. While several of the buildings and other structures at Point Wells are old enough for consideration as historic, no building is on any historic preservation list. Therefore, there is no requirement to apply historic preservation standards to the site. This is in contrast to archaeological resources. Sources identify at least two federally recognized tribes, the Muckleshoot and the Tulalip Tribes, as having made prior use of the site.[39] The Muckleshoot Tribe is the successor to the Duwamish Tribe and the Tulalip Tribes are the successors to the Snohomish Tribe. It is likely that both groups used Point Wells at different times in the past. The concern with respect to Chapter 30.32D SCC is the potential to discover previously unknown archaeological evidence of prior use by Native American groups during the cleanup or construction phases at Point Wells.

**RESPONSE #108:**

**A report entitled "Cultural Resources Technical Report, Point Wells Mixed-Use Redevelopment Project" has been prepared by Cultural Resource Consultants, Inc. for inclusion in the project DEIS. A copy of that report is attached hereto as Exhibit G.**

---

Urban Center Development (Chapter 30.34A SCC)

Review of Chapter 30.34A SCC refers to the Land Use permit for an urban center site plan, 11-101457 LU, unless otherwise noted. The review is per the code in effect when 11-101457 LU was submitted, i.e. the March 4, 2011, version of code, unless explicitly identified otherwise.

Some of the requirements in Chapter 30.34A SCC are measurable such as building heights. Other requirements involve subjective design judgments. When possible to measure, this review evaluates whether the proposal meets the requirements. On issues of subjective design, this review discusses each requirement and whether the application includes sufficient information to reach a conclusion. It refers recommendations on subjective matters to a Design Review Board (or DRB) that this chapter establishes.

*Former* Section 30.34A.010 Purpose and Applicability
The version of Chapter 30.34A SCC in effect on March 4, 2011 shall apply for review of Point Wells, unless specifically noted otherwise.

Section 30.34A.030 Permitted Uses
Snohomish County Code allows all of the uses proposed at Point Wells.

---

[39] See the draft EIS technical report titled, Cultural Resources Technical Report, Point Wells Mixed-Use Redevelopment Project EIS, Snohomish County, Washington, by Cultural Resource Consultants, Inc., revised July 23, 2015, available at http://snohomishcountywa.gov/DocumentCenter/Home/View/32659 and letter from Mason Morisset, attorney for the Tulalip Tribes, dated April 11, 2011, available at http://snohomishcountywa.gov/DocumentCenter/Home/View/32660.

Section 30.34A.030 [2010] Floor Area Ratio
The Point Wells proposal is a "mixed-use development" under this section. Mixed-use developments have a minimum FAR of 1.0 and a maximum FAR of 2.0, unless modified by bonuses. The application does not propose to use any FAR bonuses, so the FAR must be within the range of 1.0 and 2.0.

Vesting of Point Wells is to a former definition of FAR which said that FAR was the:

> the total building square footage (building area), measured to the inside face of exterior walls, excluding areas below finished grade, space dedicated to parking, mechanical spaces, elevator and stair shafts, lobbies and commons spaces including atriums and space used for any bonus features, divided by the site size square footage (site area).
>
> Floor Area Ratio = (Building area) / (Site area)
> (30.91F.445 [2010] "Floor Area Ratio")

Numerator: The building area is the numerator for the FAR equation. Sheet A-050 of the April 17, 2017, Urban Center submittal give the total building area as 3,350,311 square feet. However, the definition in use says that the building area for FAR excludes "mechanical spaces, elevator and stair shafts, lobbies and commons spaces" among other things. The calculation on Sheet A050 does not exclude these areas, but it should. At the present stage of review, the absence of Detailed floor plans makes it impossible to perform a precise calculation of building area. If the applicant includes information requested on the site plan and in the data tables on Sheets A-200 to A-202, then it will be possible to confirm the building area for purposes of this calculation.

**RESPONSE #109:**

**The calculation has been revised to exclude those areas. See Sheet A-040 for the revised calculation.**

**In addition, the requested additional information has been included on the revised Sheets A-200 and A-202.**

---

Denominator: The site area is the denominator for the FAR equation. At the time of application, there was no definition for site area; however, "site" is (and was) defined as "a lot or parcel of land or contiguous combination thereof under the same ownership or control; where a development activity is performed or permitted or on which development is regulated". Snohomish County issued a code interpretation that concluded that the "use of the phrase 'site area' does not include a reduction in the gross site area".[40] This means that the entire site, including tidelands, is part of the FAR calculation.

The gross site area on Sheet A-050 is 2,630,110 square feet.[41]

---

[40] See page 3 of Code Interpretation 10 106077 CI dated October 5, 2010.

[41] Sheet 1 of the April 17, 2017, Short Plat application gives the Total Site Area as 2,653,620 square feet. The revised applications must reconcile or explain why the two figures differ.

Calculation: The April 17, 2017, site plan calculates the FAR for Point Wells as approximately 1.27. However, as described above, this is a rough estimate per code because the application materials do not provide all of the required information.

Relation to prior review comments: PDS has commented on the issue of FAR calculations in a Review Completion Letter dated April 12, 2013 and in a request for clarifications to the submittal drawings dated July 29, 2015.[42] In both letters, PDS asked BSRE to provide missing information on building square footages. In the absence of the required information, PDS cannot perform final FAR calculations necessary to confirm consistency with SCC 30.34A.030 [2010].

**RESPONSE #110:**

**See Response #109 above.**

---

SCC 30.34A.040 (2010) Building height and setbacks.
Building height and setback issues for the Point Wells project have generated a great deal of public comment. Review of this section of code will therefore receive scrutiny. SCC 30.34A.040 (2010) has three subsections. With emphasis added, the first reads:

> (1) The maximum building height in the UC zone shall be 90 feet. A building height increase up to an additional 90 feet may be approved under SCC 30.34A.180 when the additional height is documented to be necessary or desirable when the project is located near a high capacity transit route or station and the applicant prepares an environmental impact statement pursuant to chapter 30.61 SCC that includes an analysis of the environmental impacts of the additional height on, at a minimum:
> (a) aesthetics;
> (b) light and glare;
> (c) noise;
> (d) air quality; and
> (e) transportation.

The project submittal includes buildings greater than 90 feet and an Environmental Impact Statement (EIS) is underway that includes analysis of (a) through (e). Therefore, the requirement to perform an environmental analysis of the additional height (which implies that a measure to mitigate the impacts of the additional height could in fact be a restriction on additional height) is underway. A common refrain related to this requirement in the public comments is that the proposed private transit service does not meet the "located near a high capacity transit route or station" part of the requirement for having buildings over 90 feet. The second subsection of former SCC 30.34A.040 addresses the potential placement of tall buildings next to lower density zones in both (2)(a) and (b) and the potential to repurpose first floor residential units to commercial uses in (2)(b). With emphasis added, this subsection reads:

> (2) (a) Buildings or portions of buildings that are located within 180 feet of adjacent R-9600, R-8400, R-7200, T or LDMR zoning must be scaled down and limited in building

[42] The July 29, 2015, letter is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/31055.

height to a height that represents half the distance the building or that portion of the building is located from the adjacent R-9600, R-8400, R-7200, T or LDMR zoning line (e.g.-a building or portion of a building that is 90 feet from R9600, R-8400, R-7200, T or LDMR zoning may not exceed 45 feet in height).
(b) Where the UC zoning line abuts a critical area protection area and buffer or utility, railroad, public or private road right-of-way, building heights shall not be subject the limitation in section (2)(a) if the critical area protection area and buffer or utility, railroad, public or private road right-of-way provides an equal or greater distance between the building(s) and the zoning line than would be provided in this subsection (2)(a). All ground floor residential units facing a public street must maintain a minimum structural ceiling height of 13 feet to provide the opportunity for future conversion to nonresidential use.

Buildings adjacent to lower density residential zones may only be half as tall as the distance to the lower density residential zoning unless another type of setback such as a critical area or railroad right-of-way creates an equal or greater distance. Most of the Point Wells site is separated by both rail right-of-way and critical areas from the lower density zoning to the east and north. On the south side of the Urban Plaza area, however, the site abuts the Town of Woodway. Woodway has two different single-family zones adjacent to Point Wells, R-14,500 and Urban Residential.

While SCC 30.34A.040 (2010) is silent on the matter of zoning in incorporated areas, Snohomish County finds that it is appropriate to treat the Town of Woodway areas with R14,500 or UR zoning as equivalent to the lower density zones listed in (2)(a). Regarding the application of SCC 30.34A.040(2)(b) (2010) to the area abutting R-9600 zoning, it is unclear whether the landslide hazard area (a type of critical area) and stream setbacks provides sufficient buffering because the information on both provided by the applicant requires further revision. Details on the information required appears on the marked plans for the Short Plat application.

**RESPONSE #111:**

**The landslide area setback has been added to plan Sheet A-051. Information regarding zoning/building height and stream setbacks has also been added to Sheet A-051.**

**Section 5.0 of the Revised Critical Areas Report contains a summary of County stream buffer regulations. Section 6.5 describes buffers for those streams documented on the site. Figure 10 displays required stream buffers on the site.**

**The April 2018 geotechnical report provides the landslide area and associated setback, as well as other geological critical areas (Figure 10) that Perkins + Will added to Sheet A-051. See Response #154 for discussion about buildings in the landslide area/setback, and the need for a deviation approval from the County.**

---

Table 5, below, summarizes information on the proposed Urban Plaza buildings and gives a rough estimate on the distances of these buildings to adjacent lower density zones. It then gives

the approximate maximum heights of these buildings, unless revised by either (1) additional information on critical areas, and/or (2) the urban center application is supplemented by a request for variance from SCC 30.34A.040(2)(b) (2010). This table comes with two important caveats:

1. Hypothetical variances would need approval before Snohomish County would allow buildings of the proposed heights at these locations. The requirements and process for variances are in Chapter 30.43B SCC.
2. The distances in the table are approximate because they rely on a process to merge with submittal drawings with GIS data that distorts the data. It is the responsibility of the applicant to provide a revised submittal with the required information at an appropriate and consistent scale.

| Building | Proposed Height | Approximate Distance to R-14,500 | Approximate Distance to UR | Approximate Maximum Height Without Variance |
|---|---|---|---|---|
| UP-T1 | 175' | 422' | 112' | 61' or as revised by critical area |
| UP-T2 | 155' | 291' | 80' | 40' or as revised by critical area |
| UP-T3 | 135' | 145' | 82' | 41' or as revised by critical area |
| UP-T4 | 125' | 36' | 129' | 18' |
| Retail-1 | 20' | 30' | 194' | 15' |
| Retail-2 | 20' | 30' | 233' | 15' |

Table 5 – Approximate Evaluation of SCC 30.34A.040 (2010)

This final issue in SCC 30.34A.040(2)(b) (2010) is the requirement for first floor ceiling heights of at least 13 feet for units facing a public street. As the Point Wells proposal includes only private roads, this provision would not apply.[43] Only ground floor residential units facing a public street must maintain a minimum structural ceiling height of 13 feet to provide the opportunity for future conversion to nonresidential use.

Additional setback conditions in former SCC 30.34A.040(3) do not affect the Point Wells proposal.

Former 30.34A.060 Landscaping

This section includes landscaping requirements that are specific to Urban Center zoning and in addition to the general landscaping requirements in Chapter 30.26 SCC. It contains six subsections.

(1) Landscaping next to lower density zones. Point Wells abuts two lower density zones, R-9600 in unincorporated Snohomish County jurisdiction and R-14,500 in Town of Woodway jurisdiction. As discussed in the review of former SCC 30.34A.040(2), Snohomish County considers the R-14,500 zoning in the Town of Woodway to be synonymous with the intent of

[43] This statement assumes approval of an EDDS deviation to allow private roads. See review comments regarding SCC 30.24.060 (2008) on page 47.

buffering lower density zones, therefore, former 30.34A.060(1) shall also apply where Point Wells abuts R-14,500 zoning in Woodway.

(2) through (5) The Landscaping Plan (Sheets L-100 and L-101) appear to meet these requirements, but Snohomish County notes that some aspects of the landscaping plan will need revision after changes are made for circulation and other issues. Detailed review of these subsections will occur on the next submittal.

(6) Railroad-right-of ways do not require landscaping, but the landscaping plan does propose to landscape much of the Point Wells site up to the edge of the railroad right-of-way. Snohomish County notes that this will be an attractive amenity for the site.

SCC 30.34A.070 (2010) Open Space
Subsection (1) requires a "coherent integrated open space network that links together the various open spaces within the project." The proposed action includes a coherent and linked series of open spaces. Some aspects of the open space will need revision from changes for circulation and other issues, but the proposal will likely continue meeting this requirement if it maintains the basic approach to open space shown on original submittal. Additional review will occur after the next submittal.

Subsection (2) provides several quantitative requirements for open space. The Urban Center proposal exceeds the amount of open space required. It also meets the requirement to have at least 50% accessible to the public as an active recreation area. There is a requirement to place at least 25% of the active recreation area in a single tract. The concurrent Short Plat application would meet this requirement by proposing to put a majority of the active open space into a new lot or tract (see Short Plat comments beginning on page 98.

Subsection (3) requires provision of one or more types of active uses and provides an illustrative list of such uses. Before Snohomish County can recommend approval of Point Wells, the applicant must update the plans to show specifically how the project will meet this requirement.

*Former* SCC 30.34A.080 Circulation and Access
This section includes requirements specific to proposals using Urban Center zoning and cites other authorities common to all developments. Many of the requirements here deal with places such as sidewalks and curb cuts where there is interaction between pedestrians and cars. There are 10 subsections.

Subsection (1) references requirements in Chapter 30.24 SCC and the Engineering and Design and Development Standards (EDDS) as applying to Urban Center projects. Point Wells has vesting to the 2011 versions of Chapter 30.24 SCC and the 2010 version of EDDS. Other authorities cited in this subsection do not apply to Point Wells because they are specific to different parts of Snohomish County.

Subsection (2) requires connections between adjacent Urban Center proposals but does not apply to Point Wells because it is the only proposal at this location.

Subsection (3) says that sidewalks "must be designed to include a minimum clear zone of 7 feet for pedestrian travel and a planting/amenity zone of an addition 5 feet between the curb and the clear zone." Pedestrian areas therefore require a total of 12 feet, of which at least seven must be for sidewalk while the remaining five may be landscaping, benches, statuary or other amenities. Details are not necessary until submittal of construction drawings, but the site plan must be able to show that it is feasible to meet this requirement. Where meeting the requirement is infeasible, the applicant may request a variance (SCC 30.43B).

Subsection (4) requires pedestrian connections, compliant with Americans with Disabilities Act (ADA) standards, through parking lots to building entrances, sidewalks and transit stops. The site plan should comply with ADA requirements, once revisions to address other pedestrian and circulation issues are included, but this will take additional review to confirm. This is not an EIS-level issue, but rather something likely to become a condition of approval for the site plan. Construction drawings must show ADA connections.

Subsection (5) does not apply to the Point Wells site.

Subsection (6) says that internal roads and drive aisles must comply with EDDS and that the County Engineer may approve deviations from EDDS. This proposal would likely require several deviations.

Subsection (7) allows placement of additional pedestrian circulation requirements on a project under certain circumstances. Snohomish County's review of this subsection is not yet complete, but it has identified a concern with ADA accessibility to the beach through areas described as "descending landscape terraces".

Subsection (9) requires applicants to "provide transportation demand management measures for developments pursuant to chapter 30.66B SCC with the potential for removing 15 percent of the development's peak hour trips from the road system." See review of Chapter 30.66B SCC beginning on page 162.

Subsection (10) allows the County Engineer to determine appropriate regulations in the event of conflicts between provisions in Title 30 SCC.

*Former* SCC 30.34A.085 Access to Public Transportation
This section requires access to public transportation and gives three options how to meet this requirement.

Subsections (1) and (2) do not apply because there are no existing or planned stops or stations for high capacity transit routes within ½ mile of Point Wells. Sheet A-100 shows potential future Sound Transit platforms for commuter rail, but these are not part of the currently proposed action. The applicant has not provided sufficient evidence of working with Sound Transit and Burlington Northern Santa Fe to rely on these for meeting access to public transportation requirements. Finally, as discussed under the review of Chapter 30.26 SCC Parking, beginning on page 54, there is no parking for the would-be commuter rail. A hypothetical Point Wells-resident-only commuter rail stop would not likely generate enough ridership to support

commuter rail service at this location.

Subsection (3) allows for "van pools or other similar means of transporting people on a regular schedule" to meet the requirement for access to public transportation. The applicant has supplemented their application with a proposal for charter bus service from the site to the Sound Transit 185th Street Station, with several stops along the way. This supplement is adequate for the purpose traffic assumptions in ongoing EIS review, but any approval of the project will likely be conditional on additional documentation demonstrating the frequency, routing, and commitment to private bus service.

Former SCC 30.34A.090 Design Standard—Signs.
The March 4, 2011, Urban Center submittal does not include any information on proposed signs or a sign program. As suggested in the April 12, 2013, Review Completion Letter, this is not an issue at this stage in review. Specifics on proposed signs and an overall signage program are not necessary until after the EIS is complete. However, it is worth noting that the "base of any freestanding, pole, ground, or monument sign must be planted with shrubs or seasonal flowers" (former SCC 30.34A.090(2)). Thus, Snohomish County cannot give final approval to the landscaping plan (Sheets L-100 and L-101) until the locations and proposed plantings for such signs are determined. As the landscaping plans will need revisions for consistency with other adjustments to the site plan, we recommend including information on the proposed location of signs and associated plantings as required under former SCC 30.34A.090(2) in the updates to Sheets L-100 and L-101. This will reduce the likelihood of iterative review before approval of a final landscaping plan. (SCC 30.25).

**RESPONSE #112:**

**Information about the proposed signage plan is included in the revised project narrative.**

---

See also review of Chapter 30.27 SCC (General Development Standards – Signs) beginning on page 77.

*Former* SCC 30.34A.100 Design Standard—Screening Trash/Service Areas and Rooftop Mechanical Equipment
Subsection (1) requires screening of garbage collection and service areas. The urban center submittal proposes an overall pneumatic refuse collection system known as ENVAC that would have centralized facilities in the first parking level of the Urban Plaza phase. This system has the advantage of minimizing the need for collection and service areas and associated screening. However, additional information is necessary for site plan approval (and further information will be necessary for construction plan approval).

1. If the ENVAC system is in the Urban Plaza, how will the pneumatic tube system reach it? Will the tubes be located below on the bottom of proposed bridge(s) over the railroad tracks or is the proposal to drill for the tubes below the tracks? If the proposal is to attach tubes to the bottom of the bridge(s), does the elevation of the proposed bridge(s) provide sufficient clearance for the tracks?

2. How are building-level systems tied into the central ENVAC system? While mainly a construction plan issue, the general answer may affect the site plan and urban center submittal in several ways.

a. Are the "service" areas at the ground floor of the towers for ENVAC? We are unable to determine the use of these areas and therefore are unable to confirm whether the square footage is or is not a traffic generating use from the site.

b. If the tower buildings have ENVAC areas, will the same be true for townhouse and midrise buildings? If yes, where is this space? If no, the site plan must show garbage collection areas before final approval. If garbage collection areas are outside, then the building elevations will need revision to show either architectural treatment (e.g. walls) similar to the adjacent buildings or screening with landscaping.

c. Will garbage collection for the public areas – e.g. the amphitheater, beach, and pier – tie to the ENVAC system or will it be in standard cans screened by walls or landscaping?

d. If there are any outdoor garbage collection areas that will have screening via landscaping, then the landscaping plans need to reflect this. See SCC 30.25.024.

**RESPONSE #113:**

**Information about the ENVAC system is included in the revised project narrative.**

---

Subsection (2) requires screening of rooftop mechanical equipment. While details for this are an issue for review at the construction drawing stage, we note that the required building elevations must include screening.

**RESPONSE #114:**

**Sheets A-300 - A-303 provide information about the screening of rooftop mechanical equipment.**

---

SCC 30.34A.110 Design Standard—Lighting
This section includes lighting standards that the project must meet. The Overall Lighting Plan provided, Sheet E-050, does not provide enough information to evaluate this section. Confirmation that proposed lighting meets design requirements will take place during the review and approval of construction drawings.

SCC 30.34A.120 Design Standard—Step Back and Roof Edge
This section is made of four subsections.

Subsection (1) requires "any parts of the building façade over 60 feet high facing a public right-of-way and those portions of buildings facing [lower density residential zones to be] stepped back at least 10 feet from the first floor façade." The proposed road system would be private roads, so this requirement would only apply to those parts of the Urban Plaza facing lower

density zones. Specifically, this would apply to buildings UP-T1 to UP-T4. Sheet A-310 acknowledges this step back but does not actually show the buildings being stepped back, see Figure 31, below.

Figure 31—Overall Section of Urban Plaza Adapted from Sheet A-310.

The required 10-foot step back for the towers on the Urban Plaza creates a problem for where elevators appear within the buildings as shown on Sheet A-100. Options to consider during the preparation of a revised site plan include: (1) Moving the elevators by 10 feet to accommodate the step back on the upper floors, or (2) Applying for and potentially receiving a variance from this requirement as allowed for under Chapter 30.43B SCC (Variances).[44] If the elevators need to move, then the retail and office space would need to be redesigned, possibly altering the useable square footage of each. Similarly, the location of elevators within the parking garage would affect the parking garage design. The design determines the number of stalls provided. Finally, we note that upper floor step backs would reduce the floor plate of these upper floors. This means that the tables on sheets A-200 to A-202 summarizing square footage and number of units would need revision.

Subsection (2) says that façades of "floors that are stepped back must be distinguished by a change in elements [followed by a list of possible elements] so that the result is a rich and organized combination of features that face the street." In the context of Point Wells, this subjective requirement only applies to the towers in the Urban Plaza discussed in Subsection (1) above. These are the only buildings that may be required to have setbacks. For the purpose of this subsection, the "rich and organized combination of features" would face the adjacent lower density zones rather a street.[45] Because this is an admittedly subjective measure, Snohomish County will refer Subsection (2) to the Design Review Board for them to address in their recommendation to the Hearing Examiner.

It is important to note that no building elevations for the towers in the Urban Plaza have been provided, despite having been requested in the April 12, 2013, Review Completion Letter. The absence of these required elevations makes completing review of Subsection (2) impossible. The applicant must submit these building elevations as part of the revised submittal package. Subsection (3) requires that buildings with pitched roofs must have a minimum slope of 4:12. The April 4, 2011 Urban Center submittal did not include all of the required building elevations, so it is impossible review this requirement adequately. However, the elevations provided suggest that the townhouse and mid-rise buildings would have flat roofs and therefore be exempt from this subsection. The Central Village tower elevations, on the other hand, show a questionable amount of roof pitch as shown on Figure 32, below.

---

[44] Any variance request should also receive input from the Urban Center Design Review Board on the matter. While recommendations from the DRB are not binding, they will help form the basis for a decision by the Hearing Examiner as to whether to allow the requested variance. See SCC 30.34A.120(4), SCC 30.34A.175, and former SCC 30.34A.180(2).

[45] That is unless these buildings end up facing a second access street that is required for the project but not shown on the site plan.

**RESPONSE #115:**

**The required building elevations are included on sheet A-300.1.**

---

Figure 32 – Central Village Roof Pitch Elevations Adapted from Sheet A-300

Snohomish County will refer the issue of roof pitches to the Design Review Board for a recommendation. The applicant may also need to request a variance to allow this design.

Subsection (4) would allow alternative stepbacks per former SCC 30.34A.180. The first option in the section cited involves development agreements, which is an approach that the Point Wells project has not taken. The second option involves Design Review Board recommendations and a decision by the Hearing Examiner. This is the basis for referring stepbacks and roof pitches to the DRB. DRB referral is an interim step before a decision by the Hearing Examiner.

SCC 30.34A.130 Design Standard – Massing and Articulation
This section has four subsections addressing the base, middle, and top of building as well as offering a route for alternative standards.

The April 17, 2017, urban center submittal does not include enough information to evaluate this section. The April 12, 2013 Review Completion Letter requests elevations for the other types of buildings (comment (k) on page 2), but the applicant has not responded to this request. Absence of this level of building detail does not affect the EIS process, but it is necessary as part of final site plan approval and it is unclear whether the Design Review Board will be able to make recommendations on this section.

**RESPONSE #116:**

**The requested elevations are addressed on Sheets A-300 - A-303. The signage and lighting information is included in the revised project narrative.**

---

Subsection (1) requires buildings over 30 feet in height to have a distinguishable base at ground level using "articulation and materials such as stone, masonry, or decorative concrete." The townhouse units along the beach and the freestanding retail buildings in the Urban Plaza will be less than 30 feet in height. The midrise buildings and tower buildings will all be over 30 feet. For the tower buildings, more detail on materials at the base of the building will be necessary for final design. At the Design Review Board stage, the lack of detailing is problematic because it makes it difficult for the DRB to provide meaningful input and recommendations. Review of these base areas overlaps with the ground-level detail and transparency requirements in SCC 30.34A.140.

Regarding articulation, the site plan uses curves and protruding façades to meet this requirement as illustrated by Figure 33, next page.

Figure 33 – Example of Articulated Tower Bases Adapted from Sheet A-102 (2011)

Subsection (2) requires the top of buildings[46] to emphasize a "distinct profile or outline with elements such as projecting parapet, cornice, upper-level setback or pitched roof line" (emphasis added).

Some of the character sketches suggest elements such as described in this subsection, but substantially more design of the buildings is necessary before PDS or the DRB will be able to complete their evaluations. The potential design options suggested by the character sketches would require adjustments to other aspects of the project, such as square footage and number of units. Figure 34 on the next page highlights a tower building in the Central Village that appears from the character sketch to have cantilevered upper floors. This would create a distinct profile. It would also increase square footage of these upper floors, contrary to the data table on Sheet A102 and the typical floor plans on Sheet A-300. Similarly, there are elements from the character sketch for the South Village appear to meet requirements of this subsection but would reduce the overall square footage of these buildings. Smaller square footages would be in contradiction of the data tables on Sheets A-200 to A-202.

Figure 34 – Retail in Central Village Adapted from Sheet G-002

Figure 35 – South Village Questions Relating to SCC 30.34A.130(2)

When revising the building elevations and floor plans for a revised submittal, the information provided must have enough detail to show County staff and the Design Review Board if the shorter building sides pointed to on the previous page are indeed a story or two shorter, or just clerestory rooflines.

Subsection (3) recommends that the middle of buildings over 60 feet tall may be "distinguished from the top and the base by a change in materials or color, windows, balconies, step backs and signage." This would only apply to the tower buildings, but as Figure 36, shows below, the only tower elevation does not include this type of detailing.

Figure 36 – Central Village Tower Elevations Adapted from Sheet A-300 (2011)

Subsection (4) provides that an "alternate design for massing and articulation may be approved under [former] SCC 30.34A.180 provided the design reduces the apparent bulk of multi-story buildings and maintains pedestrian scale." It is therefore possible that the Hearing Examiner could approve massing and articulation designs different than called for in this section. However, the part of the basis for the Hearing Examiner decision would be recommendations from the Design Review Board. The sparse level of the detail in the April 17, 2017, Urban Center submittal is insufficient for the DRB to make anything other than preliminary recommendations.

SCC 30.34A.140 Design Standard—Ground Level Detail and Transparency

[46] While the code language is ambiguous about when this subsection applies, it is the practice of PDS to apply it to buildings greater than 30 feet, similar to Subsection (1), rather than to all buildings.

This section provides design requirements for the first floor of the commercial and mixed-use buildings. The submittal drawings do not show enough detail for Snohomish County or the DRB to make any recommendations other than the proposed design needs to show more detail.

Former SCC 30.34A.150 Design Standard—Weather Protection
Weather protection is required for street-facing façades intended for pedestrian activity and connectivity within Point Wells. The submittal drawings do not have enough information to fully review this section, but we note that the elevations for the towers in the Central Village include canopies and that the character sketch for this same area also seems to include weather protection.

SCC 30.34A.160 Design Standard—Blank Walls
This section provides design options to meet a requirement that blank walls longer than 20 feet have visual interest. While we expect that most of the buildings will have enough windows and articulation to avoid the potential for blank walls exceeding 20 feet, the submittal drawings do not enough building elevations to allow evaluation of this section. Blank wall treatment is a subject that will be part of the discussion of the Design Review Board for guiding recommendations.

Former SCC 30.34A.165 Pre-Application Neighborhood Meeting
A pre-application neighborhood meeting would need to be held meeting the requirements of this section before the DRB could convene.

Former SCC 30.34A.170 Submittal Requirements
The Urban Center submittal on April 17, 2017, provided the types of material required for submittal. After initial review, this submittal was determined to be complete for further processing the application. As noted elsewhere in this letter, several changes to the proposal are necessary before Snohomish County can recommend approval to the Hearing Examiner. Many of the submittal requirements in this section also apply to any resubmittal to address issues identified elsewhere.

SCC 30.34A.175 Design Review Board
This section establishes the Design Review Board that is responsible for holding an open public meeting discussed in the next section.

Former SCC 30.34A.180 Review Process and Decision Criteria
This section includes three subsections. Subsection (1) allows for a process leading to a Development Agreement, which would create standards specific to the site and where processing of the application would occur under Chapter 30.75 SCC. The period for a Development Agreement has passed and processing of Point Wells will be per Subsection (2). Subsection (3) describes some additional requirements that apply to Point Wells.

Subsection (2) requires the Design Review Board to hold an open public meeting that will form the basis for recommendations from the DRB to the Hearing Examiner. Since Point Wells abuts both the Town of Woodway and the City of Shoreline, Snohomish County shall invite these jurisdictions to provide their own recommendations to the Hearing Examiner, per former SCC

30.34A.180(2)(d). Snohomish County shall respond to the comments and recommendations from other jurisdictions in its own recommendations to the Hearing Examiner (former SCC 30.34A.180(2)(c). The Hearing Examiner will then hold an open record hearing[47] to consider the recommendations from the DRB, adjacent jurisdictions, Snohomish County and other information such as the Environmental Impact Statement for the project as well as any other information provided by the public during the hearing. After closing the open record hearing, the Hearing Examiner will issue a decision – e.g. approve, deny, approve with conditions, or remand– on the Point Wells proposal. This decision shall follow the process in Chapter 30.72 SCC.

Subsection (2)(a) requires the DRB to hold "one open public meeting with urban center project applicants, county staff, neighbors to the project, members of the public, and any city or town whose municipal boundaries are within one mile of the proposed urban center development or whose urban growth area includes the subject site or whose public utilities or services would be used by the proposed urban center development to review and discuss proposed site plans and project design." Based on this, parties invited to the DRB meeting shall include:

- The Applicant (or representatives);
- Snohomish County Staff;
- Neighbors to the project;[48]
- Members of the public;[49]
- Town of Woodway;[50]
- City of Shoreline;[51] and
- City of Edmonds.[52]

---

[47] This section discusses both "open public hearings" and "open record hearings". Open public hearings as held by the DRB are open to the public, meaning that the Snohomish County and the DRB will encourage the public to attend. Open record hearings, such as those held by the Hearing Examiner, are also open to the public and the "record" part means that there will be opportunities for the public or other parties to submit new information or testimony into the project record. The Hearing Examiner must then include this information in the decision on the project (unless, as occurs in rare instances, the information is determined inadmissible by the Hearing Examiner and struck from the record).

[48] Snohomish County generally sends postcard invitations to owners of property within 500 feet of a site. For this DRB meeting, Snohomish County may choose to send invites to a wider area as allowed under SCC 30.70.045(5). No decision has been made regarding how to define "neighbors to the project" in this instance.

[49] In this context, members of the public means parties of record, i.e. people who already commented on the project, as well as anyone else who chooses to attend.

[50] Woodway abuts the Point Wells site and Snohomish County considers the site to be within the Town's Municipal Urban Growth Area (MUGA), per Snohomish County Countywide Planning Policy.

[51] The southern tideland portion of Point Wells abuts the City of Shoreline, which is in King County, and Shoreline may be the ultimate provider of services such as police and fire protection. Shoreline considers Point Wells to be in its Potential Annexation Area (PAA). In King County, PAAs are generally equivalent to MUGAs in Snohomish County. However, Snohomish County does not recognize King County PAAs per Snohomish County CPP.

[52] While Edmonds is less than one mile from the Point Wells site, it is not possible for Edmonds to annex because Woodway and Shoreline (and Puget Sound) surround the site. Edmonds has provided some comments on Point Well previously. Snohomish County will invite Edmonds to the DRB meeting because it meets the distance requirement and has previously commented on the project.

The agenda for the DRB meeting shall include the site plan and project design. "Site plan" might refer to the March 4, 2011, Urban Center Submittal or, depending on timing, the site plan could be a revised project submittal that Snohomish County expects from the applicant after issuance of the Draft EIS. The code is flexible regarding the timing of the DRB open public meeting and, as of the date of this letter, the timing is uncertain.

Likewise, the project design portion of the agenda may address the April 17, 2017, Urban Center submittal or it might address a revised project application. Discussion of design will include, but not be limited to, the following areas discussed in the review elsewhere in this document as shown in Table 6 below.

| Item Number[53] | Subject | Code Section |
|---|---|---|
| 1 | Site Plan (in general) | Former SCC 30.34A.180(2)(a) |
| 2 | Signs | Former SCC 30.34A.090 |
| 3 | Screening Trash / Service Areas and Rooftop Mechanical Equipment | Former SCC 30.34A.100 |
| 4 | Lighting | SCC 30.34A.110 |
| 5 | Building Stepback and Roofedge | SCC 30.34A.120 |
| 6 | Building Massing and Articulation | SCC 30.34A.130 |
| 7 | Ground Level Detail and Transparency | SCC 30.34A.140 |
| 8 | Weather Protection | Former SCC 30.34A.150 |
| 9 | Blank Walls | SCC 30.34A.160 |
| 10 | Possible Variances | SCC 30.34B |
| 11 | Possible Deviations | EDDS |

Table 6 – Design-Related Agenda Items for Design Review Board Consideration

Subsection (2)(b) instructs the DRB to provide written recommendations to PDS and the applicant on potential modifications to the project. The recommendations become part of the project application. The staff recommendation to the Hearing Examiner must address the recommendations from the DRB. This typically happens by a combination of the following:

1. The Staff Recommendation can describe which aspects of application comply with the DRB recommendations (including, possibly, those things that changed on the application in response to the DRB);
2. The Staff Recommendation may use the DRB recommendations as a basis for recommending that the Hearing Examiner require conditions to enforce the DRB recommendations; or
3. If staff disagrees with recommendations from the DRB or sees them as infeasible, staff must include findings in the Staff Recommendation to document the reasons why the Hearing Examiner should exclude the DRB recommendations from the project approval.

[53] This item number is to keep track of agenda items, but does not to indicate what order discussion should follow.

Subsection (2)(c) provides conditions that the Hearing Examiner must consider when making a decision on the project. These conditions include:

- (2)(c)(i). Lists three chapters that the project must comply with. These are Urban Center Development requirements in this chapter (Chapter 30.34A SCC which begins on page 79); compliance with the Access and Road Network requirements in Chapter 30.24 SCC (beginning on page 37); and the Landscaping requirements of Chapter 30.25 SCC which begins on page 50).
- (2)(c)(ii). Requires consistency with the comprehensive plan.
- (2)(c)(iii). Requires that the "proposal will not be materially detrimental to uses or property in the immediate vicinity." Evaluation of this broad requirement will take place in an environmental impact statement for the project.
- (2)(c)(iv). Includes several design features that the proposal must demonstrate and which will be addressed by the Design Review Board in their recommendations on the project as well as in review under this chapter.
- (2)(c)(v). Requires that the project provide high-density residential and/or nonresidential uses.
- (2)(c)(vi). Includes requirements for pedestrian access and transit linkages.
- (2)(c)(vii). Requires that Point Wells provide public access to the water and shoreline consistent with the Snohomish County Shoreline Management Master Program, see discussion beginning on page 170.

Subsection (2)(d) provides for involvement of adjacent cities and requires Snohomish County to respond to city comments in its Staff Recommendation to the Hearing Examiner. The Town of Woodway and the City of Shoreline have been involved in the project and Snohomish County will include responses to their comments as appropriate.

Subsection (2)(c) allows a concomitant agreement to enforce conditions of approval if the Hearing Examiner approves the project. This supplemental review completion letter and the Environmental Impact Statement for the project will preview likely conditions. The staff recommendation to the Hearing Examiner will include a list of recommended conditions and, if approved, the Hearing Examiner decision will include the final list of conditions.

Subsection (2)(f) allows the Hearing Examiner to deny the project without prejudice and, if this happens, allows the applicant to reactivate the project.

Section (3) has three subsections.

Subsection (3)(a) establishes additional noticing requirements for Urban Center projects such as Point Wells.

Subsection (3)(b) addresses revisions to Urban Center submittals and will likely be revisited when the applicant proposes the expected revisions to the April 17, 2017, Urban Center Submittal.

SCC 30.34A.190 Public Spaces and Amenities.

This section requires on-site recreation (former SCC 30.34A.070) and pedestrian circulation (former SCC 30.34.080) to be installed "with completion of the first building or first phase of the development if the overall development is to be phased." Given the scale of and phasing of the Point Wells proposal, installation of recreation and pedestrian amenities will be on a phase byphase basis. Much of the beach access will be completed in the first phase. Other recreation and pedestrian circulation elements within each phase must be complete before issuance of occupancy for the first building[54] in that phase.

[54] In this context, first building refers to residential or commercial buildings. Construction and occupancy for the parking garages, including the energy center, ENVAC, and police/fire areas within them, must be complete before recreation and circulation elements on the top of the garages are finished.

Short Plat Comment (a): "Please revise project plans sheet 2 to indicate more detailed explanation of use of all existing structures within 25 feet of external property lines pursuant to SCC 30.41B.040 (submittal requirements)"

Evaluation of response to (a): The short plat drawings now show that there are no structures within 25' of the external property lines. The revisions to the short plat drawings fully address this issue.

Short Plat Comment (b): "Please revise plans to show all recorded easements & easement language, if not already shown."

Evaluation of response to (b): Most of the recorded easements now appear and include easement language. A few easements that lack enough information to plot (i.e. draw on the plans) are identified as such. While the revised plans fully address the strict reading of this comment, implicit in the original comments and clearly stated on the short plat submittal checklist is a requirement to show proposed or modified easements too. Additional comments regarding proposed easements (or lack thereof) appear below and on the marked up drawings.

Short Plat Comment (c): "Please revise short plat site plan to more clearly indicate proposed vehicle access to all proposed lots."

Evaluation of response to (c): The revised plans show an updated "Public Access Easement." However, this easement does not include all proposed legal access to lots and buildings as required by EDDS 3-05 (see markups). It also conflicts with the Urban Center Site Plan by proposing a route for the Public Access Easement that follows a slightly different alignment than what appears on the site plan. This discrepancy is near where the second access crosses the railroad tracks and identified on the markups. Applicant is required to revise the plans to include all required access easements and to make the easements on the short plat application consistent with the access routes on the Urban Center Site Plan.

**RESPONSE #118:**

**This is not applicable. The intent of the Short Plat (SP) is to create lots for development. Easements shown on the SP will be as necessary to demonstrate access and utilities to each lot. Easements internal to each lot will be created with future Binding Site Plans to be submitted at the time of building permit applications.**

---

**Short Plat Comment (d)**: "Nine subject property tax parcels are indicated on the master application and short plat plans cover sheet. However, only five legal parcels are indicated on short plat site plan. Please revise plans and application accordingly to indicate correct number of legal parcels for the subject property."

Evaluation of response to (d): Applicant did not address. See further elaboration by PDS under Issue 1: Legal Descriptions below. Applicant still must address this issue.

RESPONSE #119:

**The plans have been revised to show the correct number of legal parcels.**

---

Short Plat Comment (e): "Environmental checklist submitted with the short subdivision application is missing Attachment "C" (visual analysis)."

Evaluation of response to (e): An Environmental Impact Statement (EIS), which is to include a section on visual impact analysis, began subsequent to the 2013 request for this information. The applicant and PDS are working on refining the Urban Center alternative for this EIS (these comments are part of that process). Visual analysis will appear in the Draft EIS (DEIS) and is therefore no longer required explicitly for the Short Plat application because it will be completed by the Final EIS.

Short Plat Comment (f): "The proposed short plat will need to comply with applicable vehicle and pedestrian access and roadway design requirements of SCC Chapter 30.41B (Short subdivisions) and the applicable road frontage landscaping requirements of SCC Chapter 30.25 (General development standards - landscaping)."

Evaluation of response to (f): These issues are generally outside the scope of this review memo on Chapter 30.41B. However, we note that other review comments (both already completed and forthcoming) highlight ongoing need for additional work by the applicant to respond to these issues.

Short Plat Comment (g): "According to SCC 30.41B.200 (Design standards), access to a short plat property and access to all lots shall be provided by a public road designed and constructed in accordance with EDDS if the Average Daily Trip (ADT) generation for the proposed nine lots is more than 90 trips. Based on the projected trip generation for the short plat, the ADT will be more than 90 trips, therefore a public road will be required to provide access to the subject property and to all proposed lots."

Response to (g): The applicant has not formally responded to this comment. Instead, there have been conversations with Snohomish County staff regarding possible mechanisms to request use of private roads on site. To date, the applicant has not submitted such a request to Snohomish County for consideration. Mechanisms that might allow private roads include: (1) a deviation according to the Engineering Design and Development Standards (EDDS)[57] Section 1-05, (2) a development agreement pursuant to Chapter 30.75 SCC, or (3) some other mechanism still to be determined. The public vs. private road issue is not one of significant environmental impact. However, PDS notes that it cannot make a positive recommendation on the proposed preliminary short plat until after the applicant makes a request through some mechanism to allow private roads.

---

[57] See https://snohomishcountywa.gov/DocumentCenter/View/31198.

RESPONSE #120:

**BSRE is submitting a deviation request according to the Engineering Design and Development Standards (EDDS) Section 1-05. A deviation is concurrently being sought for public and private road standards, street landscaping and pedestrian elements. In lieu of strict compliance with said standards, the EDDS deviation request incorporates provisions for the function of these elements consistent with project design standards.**

---

General Short Plat Comments (based on April 17, 2017, Short Plat Revisions):

Issue 1: Legal Descriptions. PDS Survey has not reviewed the Project Legal Description on Short Plat Sheet 1. PDS Survey will review the legal description during a subsequent iteration of the project. While this is not a SEPA issue, it may become an issue hindering approval of the preliminary plat or preventing recording at the final plat stage. Based on the Project Legal Description, the applicant identifies five (5) parcels (A, D, E, F, and G), but for tax purposes, at present, the applicant identifies eight (8) parcels (not to be confused with the eight proposed in the April 17, 2017, version of the application). Some of the eight present-day parcels may represent segregations by the Assessor for tax purposes only. Hence, it may be that the five parcels shown are the correct legal description; however, the short plat application does not provide enough information for PDS to make this determination.

Please add discussion in the short plat narrative and/or a sheet on the plans that depicts the present-day parcels and clarifies what parcels, if any, the Assessor has segregated for tax purposes only. This will facilitate future review by PDS Survey.

RESPONSE #121:

**The following tax parcels comprise the site subject to the present application: 27033500301100, 27033500302700, 270335003027800, 27033500303000, 27033500303800, 27033500303900, and 27033500304000. Parcels 27033500301100, 270335030380O, 27033500302900, and 27033500304000 were configured to address issues arising because of King County's use of a portion of the site for the Brightwater project.**

---

Issue 2: Conflicts between Short Plat and Urban Center Site Plan. Wherever possible, the proposed short plat should not create lots or tracts that bisect buildings or other improvements. The attached markups identify several areas on the proposed short plat that would have lot lines that cut through parking garages or ground floor restaurants. While not a SEPA issue, the applicant should adjust the proposed parcel lines to avoid conflicts. Alternatively, the applicant should include information with a revised application explaining how ownership would work if the proposed lot lines were to remain. See also Issue 3, below.

**RESPONSE #122:**

**The parcel lines have been adjusted to avoid conflicts.**

---

Issue 3: Lots vs Tracts. In general, land is either a lot or a tract. Lots must have areas suitable for existing or future building (SCC 30.41B.200(2)). Tracts are for commonly owned areas or for areas owned by others but which are not intended for development. Typical examples of tracts include large critical areas, private roads, and drainage facilities. For Point Wells, the specific uses proposed in each area complicate the lots vs tracts issue. See markups and comments below. The April 17, 2017, version of the short plat application proposed eight lots and one tract.

Lots 1 and 2 make up the Urban Plaza portion of the site plan. As proposed, this area would be two lots; however, the markups raise the question as to whether it should be one lot rather than two. If two, is the lot line in the right location?

Lot 3 would include roads, drainage facilities, the energy center and the public building. These uses would argue for the proposed Lot 3 to be a tract rather than a lot. However, some of the parking garage for the Central Village (Lot 7) would also be in Lot 3. Please address.

Lot 4 would be the South Village. As detailed on the markups, restaurant space and a portion of the parking garage under building SV-T1 would extend beyond Lot 4 onto lots 3 and 5. Please address.

Lot 5 would contain beach area, the amphitheater, and access to the Pier. Putting this area in a tract rather than a lot would allow a smaller shoreline protection buffer per former SCC 30.62A.320(1)(f).

Lot 6 would contain beach area, roads, and drainage features. Putting this area in a tract rather than a lot would allow a smaller shoreline protection buffer per former SCC 30.62A.320(1)(f).

Lot 7 would contain the Central Village, minus part of the parking garage that would be in Lot 3. Additionally, the markups show where part of the restaurant under building CV-T7 would extend from Lot 7 onto Lot 3. Please address.

**RESPONSE #123:**

**The lot lines have been adjusted.**

---

Lot 8 would contain the North Village. No comments at this time.

Tract 999 is the tidelands and has labeling as a CAPA (Critical Area Protection Area). No comments at this time.

Issue 4: Easements. The proposed Short Plat shows many existing and a few proposed easements. In several places, the attached markups identify existing easements that may need modification to implement the Urban Center Site Plan. Part of the proposed public access easement on the Short Plat does not match the Urban Center Site Plan. More information from the applicant is necessary to understand the easements benefiting King County/Brightwater. The short plat plans need to add additional public access easement(s) to the beach, esplanade, pier and related site plan features. The plans must show existing and proposed pier access easements across the beach and tideland areas. The portion of the pier that is outside Snohomish County jurisdiction must also appear for reference.

RESPONSE #124:

**The site includes rights to certain aquatic lands, over which the pier is located, pursuant to the Aquatics Land Lease (the "Lease") granted by the State Department of Natural Resources ("DNR").**

**In 2010, BSRE acquired certain of the assets at Point Wells, principally, the real estate as well as the rights under the Lease.**

**In August of 2017, representatives of BSRE met with DNR officials to discuss the following tasks and agreed that these issues would be addressed at the time that BSRE has the preliminary authorization from the County to proceed with the project (after the issuance of the draft EIS). BSRE anticipates that the new Lease will include the following revisions: (1) new use authorizations and restrictions (to change the use from industrial to recreational, etc.), and (2) a new lease term with new lease extension options.**

**Information about the King County/Brightwater Easement is included in Response #130(3).**

**For a depiction of these easements, see Sheet EX 1, EX 2, and A-051. Further information about the uses on and around the dock are included within the revised project narrative. In addition, see Exhibit H for information about the Ronald Wastewater District lift station located on the site.**

---

Issue 5: Critical Areas. The short plat (and the Urban Center Site Plan) must depict all critical areas and buffers within 300' of the site as required by the short plat submittal checklist and SCC 30.62A.130 (Wetlands and Fish & Wildlife Habitat Conservation Areas) and SCC 30.62B.130 (Geologically Hazardous Areas). The absence of these features on the plans is inconsistent with Snohomish County SEPA requirements (see SCC 30.62A.030 and SCC 30.62B.030). Currently, the plans omit three streams and two wetlands that the applicant's own critical areas report discusses. The markups show the approximate locations of these features and refer to the relevant parts of the Critical Areas Report by David Evans and Associates, dated March 10, 2017.[58]

[58] The Critical Areas Report is available at:

A further missing feature on the short plat and Urban Center Site Plan (as well as the Critical Areas Report itself), is a wetland and buffer on the King County Brightwater parcel that is within 300' of the Point Wells project site. The applicant must revise all three sets of documents to show (or discuss) this wetland on the Brightwater parcel. A Critical Areas Site Plan (CASP) depicting this wetland and buffer appears under Snohomish County Auditor file number 200607030209. This document is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/46253.

The applicant must depict geologically hazardous areas consistently on both the short plat and urban center applications. See markups.

**RESPONSE #125:**

**The geologically hazardous areas have been depicted on both the short plat and urban center applications.**

---

Review of Chapter 30.41B Short Subdivisions by Section:

SCC 30.41B.030 Procedure and Special Notice Requirements

Processing of the Point Wells short subdivision will include quasi-judicial review and approval by the Hearing Examiner. This is because it has vesting to Urban Center zoning per SCC 30.72.020(11) and is to be processed as a Type 2 quasi-judicial decision process per the applicable version of SCC 30.34A.180.

SCC 30.41B.040 Submittal Requirements
This section has two subsections.

Subsection (1) requires short subdivision applications to comply with a short subdivision checklist as prepared by PDS.[59] The project file includes a checklist, also dated February 14, 2011, for the related land disturbing activity permit (11-101008 LDA), but it appears to be missing the short subdivision checklist.[60] No short plat checklist was submitted with the April 17, 2017, resubmittal. A handful of items from the checklist are missing on the application. These are not SEPA-level concerns, but the applicant will need to address them in order for PDS to be able to recommend preliminary approval. See markups.

---

https://snohomishcountywa.gov/DocumentCenter/Home/View/43170.

[59] The appropriate version of the Short Subdivision Checklist is available at:
https://snohomishcountywa.gov/DocumentCenter/View/9241

[60] The Land Disturbing Activity Permit application and checklist are available at:
http://snohomishcountywa.gov/DocumentCenter/Home/View/32675

**RESPONSE #126:**

**A revised short plat checklist is being submitted concurrently herewith.**

---

Subsection (2) requires a preliminary short plat map prepared by and bearing the signature and seal of a registered professional land surveyor. The current preliminary short plat map submission was on April 17, 2017[61] and it bears the seal and signature of Gilbert J. Laas, a registered professional land surveyor. No changes necessary.

SCC 30.41B.100 Decision Criteria
This section gives the criteria that a short subdivision application must satisfy in order to receive approval. The proposed preliminary short plat generally meets the criteria, but PDS would be required in its staff recommendation to note several deficiencies to the Hearing Examiner. The Hearing Examiner could address these deficiencies by placing conditions on the final short plat, by remanding the short plat for further refinement, or by denying the proposal. PDS recommends that the applicant revise the short plat application to address the deficiencies discussed in this letter and on the markups attached to it before PDS is required to submit its staff recommendation to the Hearing Examiner.

SCC 30.41B.120 Decision Criteria: Minimum Net Density
All short subdivision in urban growth areas must include calculations showing that they meet the minimum net density provisions of four dwelling units per net acre in SCC 30.23.020. Net density is the "density of development excluding roads, drainage detention/retention areas, biofiltration swales, areas required for public use, and critical areas and their required buffers pursuant to chapters 30.62A and 30.62B SCC" (SCC 30.23.020(2)).

While Point Wells will comfortably exceed the minimum net density requirement of four dwellings per net acre, the calculation on the short plat application is for gross density rather than net density. Gross density is the density on the entire site area. Net density uses a net area that excludes the items listed in SCC 30.23.020(2). The applicant must update the short plat data and minimum net density calculations per Snohomish County Code and markups on the plans.

**RESPONSE #127:**

**The net density calculations are included on the Urban Center plans, which are incorporated into the Short Plat.**

---

SCC 30.41B.200 Design Standards
This section has five subsections. Subsection (1) does not apply. Subsection (4) refers to the roads and access review under Chapter 30.24 SCC that applies more to the Urban Center Site Plan review. Subsection (5) refers to the landscaping requirements of Chapter 30.25 SCC that

---

[61] The short plat map is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/43168.

also applies to the Urban Center Site Plan review rather than the short plat review. Therefore, only Subsections (2) and (3) apply here.

Subsection (2) says that each "new lot shall have an accessible area suitable for construction pursuant to SCC 30.41A.235." This reference says that:

> Each new lot shall have an accessible area suitable for construction of at least 1000 square feet and located outside any required building setback, unbuildable easement, required buffer, or critical area, except that for lots in a planned residential development, there is no minimum construction area.

In other words, the requirement in Subsection (2) is to create lots on which it would be possible to build something. Most often, short subdivisions are to create building lots for houses or duplexes. However, as described in the short plat project description, the purpose of the Point Wells preliminary short plat application is to "establish four legal lots representing the main project phases of the future redevelopment of the site [...] Additional lots are proposed for open space, recreational and other common purposes" (emphasis added).[62] The short plat description describes four building lots for redevelopment. Based on the April 17, 2017, version of the short plat, this implies an additional four lots and one tract for other purposes. Unfortunately, the lot layout does not match this description. When revising the short plat to address these and other related issues, please also update the short plat narrative.

**RESPONSE #128:**

**The short plat narrative has been revised and updated.**

---

Subsection (3) says that, "short subdivisions located in special flood hazard areas shall comply with the provisions of SCC 30.65.110(3)." A portion of the Point Wells site is in a special flood hazard area. See review of Chapter 30.65 SCC requirements in the memo from Rebecca Samy to Paul MacCready dated June 27, 2017, which includes short plat comments on page 3.[63]

**RESPONSE #129:**

**The short plat will be revised after the shoreline substantial development permit is approved.**

---

SCC 30.41B.300 Preliminary Short Subdivision Approval – Term
SCC 30.41B.310 Revisions After Preliminary Short Subdivision Approval
These sections are not applicable until the short plat has received preliminary approval. Please note that there have been amendments to both sections since the short plat application was

[62] BSRE Point Wells, LP, Application for Preliminary Short Plat and Project Description dated February 14, 2011. Available at: http://snohomishcountywa.gov/DocumentCenter/Home/View/32677
[63] This memo is available at: https://snohomishcountywa.gov/DocumentCenter/Home/View/44894

submitted in 2011. SCC 30.41B.300 and .310 are not land use control ordinances that vest under state law or the County Code. Thus, the term of approval for the preliminary short plat shall be the term in effect at the time of approval and any subsequent amendments thereto. Likewise, if the applicant proposes revisions following preliminary approval, then processing of the revisions shall follow the procedures in effect at the time of the proposed revision.

We note that SCC 30.70.140 sets forth that a short subdivision application generally expires after 48 months. On March 31, 2016, PDS extended the expiration date for the short plat (and other applications) to June 30, 2018 as per SCC 30.70.140(4).[64] The short plat and other applications will almost certainly require further extension by the PDS Director before June 30, 2018, due to the ongoing EIS process. SCC 30.70.140(2) allows such extension. Specifics regarding possible future extensions will be determined when an overall review completion letter for the April 17, 2017, resubmissions is complete.

SCC 30.41B.400 Installation of Improvements
This section has three subsections. Subsection (1) will apply after preliminary approval. Subsection (2) relates to water from wells and is not applicable to the proposal.

Subsection (3) relates to improvements that are required as part of the preliminary short subdivision approval. This subsection grants the PDS Director authority to require the applicant to take certain steps toward physical improvements necessary to receive preliminary approval of the short plat. Steps may include everything from submitting plans showing how the applicant will accomplish something to actually constructing required improvements.

A partial list of items that PDS will need to be able to recommend approval of the preliminary short plat to the Hearing Examiner will include:

1. Crossing approvals from BNSF since the preliminary short plat configuration proposed two (or three)[65] crossings over the railroad.
2. An updated Shoreline Management Permit (11-101461 SM) that is consistent with both the Short Plat application and the Urban Center Site Plan application. This is because boundaries of several of the proposed lots (or tracts) depend on using an approvable replacement seawall as a boundary.
3. Written agreement between King County and BSRE that that the proposed revisions to the Brightwater access are acceptable. This agreement must be clear that King County agrees with both the change in access route and access width (from 25' to 20').

[64] The letter granting this extension is available at:
https://snohomishcountywa.gov/DocumentCenter/Home/View/32865.

[65] This depends on how BSRE perceives the proposed boulevard bridge. PDS is asking BSRE to confirm with BNSF whether BNSF sees this as one crossing or two. If BNSF considers the boulevard bridge to be two crossings, then BSRE will need to provide three licenses for railroad crossings.

RESPONSE #130:

1. See Response to Question No. 38. BSRE will obtain from BNSF one or more Overpass Agreements for the crossings over the BNSF right of way as are required by BNSF.

2. An updated Shoreline Substantial Development Permit application is being provided.

3. As a result of that certain condemnation action between King County (for its Brightwater project) and BSRE (Snohomish County Cause No. 05-2-13678-1), among other matters the parties agreed to the grant to King County of three relocatable access easements over BSRE owned property that would allow for King County to access the Brightwater outfall portal located just beyond the SW corner of the Point Wells site. These easements extend from the entrance to the Point Wells site over BSRE property, over the trestle (bridge) that is used to overpass the BNSF tracks, and then turns towards the King County owned parcel at the SW corner of the Point Wells site. The easements are non-exclusive and are also relocatable to allow for the development of the Point Wells project. (A copy of the Consent Judgment and Decree of Appropriation, with the descriptions of these easements, as entered by the Court on December 31, 2009 is attached hereto as Exhibit B, along with a site plan showing the approximate locations of the easements at the time the Consent was entered.)

The three easements are generally described as follows:

- 50' Relocatable Non-Exclusive Access Easement from the site's entrance to the East end of the Southern RR trestle
- 25' Relocatable Non-Exclusive Access Easement over the Southern RR trestle
- 25' Relocatable Non-Exclusive Access Easement from the West end of the Southern RR trestle to the Brightwater site

By letter dated December 2, 2013, King County confirmed its agreement with BSRE Point Wells, LP that the relocatable access easements granted by BSRE and held by King County would, from time to time during the development of the Point Wells site, be relocated and that the parties would merely confirm by means of a letter such relocation when the relocation occurred. Only after the Point Wells project is completed will the parties enter into a formal agreement. A copy of this letter is included with this submittal.

Other than the relocation of the access easements, all other features of the easements, including their width, remain consistent with the terms of the condemnation settlement and Consent Judgment.

---

SCC 30.41B.600 Final Short Subdivision Application Approval – Timing
SCC 30.41B.605 Final Short Subdivision Application Approval – Form
SCC 30.41B.610 Approval Procedure for Final Short Subdivision
SCC 30.41B.620 Monumentation

These sections do not apply at the current preliminary plat stage. Please note that SCC 30.41B.600 has been amended since the short plat application was submitted in 2011. SCC 30.41B.600 is not a land use control ordinance that vests under state law or County Code. Thus, the term of approval for the final short plat shall be the term in effect at the time of approval and any subsequent amendments thereto.

30.41B.630 Dedications
The Urban Center Site Plan proposes to use private roads. If private roads are approved, then subsections (1) and (2) would not apply because there would be no need to dedicate these roads to the public. Therefore, only subsection (3) applies to the short plat. Subsection (3) describes standard easements to be shown on all lots created by short plats. The description of easements in this subsection applies to short plats that create lots for single-family development. Hence, some of this subsection does not apply to the Point Wells proposal. For instance, not all utility easements are necessary on the seaward side of parcels and tracts abuting Puget Sound or the tidelands. However, other utility easements must be shown as necessary to construct the project. In addition to addressing easement issues on the attached markups, the applicant must revise the short plat proposal to include the following minimum easements:

1. Drainage easement(s) for the property commonly known as the Upper Bluff;
2. Public access easements along sidewalks, the ampitheater, pier, and beach areas;
3. Any other existing easements on the Point Wells site;
4. Any existing offsite easements to benefit the owners of Point Wells; and
5. Any other proposed easements necessary for construction, such as for temporary construction access.

**RESPONSE #131:**

**The short plat proposal has been revised to include easements. See Short Plat Sheets 4-5.**

---

SCC 30.41B.635 Acceptance of Conveyances
SCC 30.41B.640 File with Auditor
These sections do not apply at the preliminary plat stage.

SCC 30.41B.650 Homeowners Association
This section requires establishment of a Homeowners Association (HOA) for purposes of tract ownership and maintenance.

The "tracts vs lots" issue identified above and the attached markups call out language on the preliminary plat that is of concern with respect to future establishment of an HOA. Please address the tracts vs lots issue and relevant markups. This is a SEPA issue because it relates to protection and maintenance of the tidelands, beach, and other critical areas onsite.

**RESPONSE #132:**

**Tracts have been added for the tidelands and the critical areas. See Short Plat Sheet 1.**

---

For future final plat approval, PDS notes that this section also calls for a covenant "that restricts the use of the tracts to that specifided in the approved preliminary plat." The preliminary plat narrative submitted in 2011 was not updated with the April 17, 2017, resubmittal. This narrative discusses uses on the pier that cannot be approved (e.g. small shops and restaurants) unless they are added to the Urban Center Site Plan. Per prior communcations with the applicant, instead of updating the site plan to add these uses, the applicant intends to remove them from the short plat application. However, this has not yet happened and PDS will not be able to recommend approval of the short plat until such uses are dropped from the short plat narrative or added to the Urban Center Site Plan. This is a potential SEPA issue insofar as adding uses to the Pier in the Urban Center Site Plan would require updating SEPA documents such as the traffic study to reflect these additional uses.

**RESPONSE #133:**

**The pier uses have been removed from the short plat narrative. See the revised short plat narrative.**

---

Variances (Chapter 30.43B SCC)

Variance requests are the mechanism by which the applicant could ask for adjustments to specific regulations. Variances vest at the time of application for the variance. This means that Point Wells does not have vesting to the March 4, 2011, version of Chapter 30.43B. Rather, the processing of any variance requests will follow the version of this chapter in effect at the time of the request. Variances are different from requests to deviate from Engineering Design and Development Standards (EDDS). Variance and deviation requests have different processes. Variances may apply to any development standard contained in Subtitle 30.2 SCC, chapters 30.31A through 30.31F SCC, Chapter 30.34A SCC, Chapter 30.42B SCC and Chapter 30.42E SCC. A variance shall not permit uses that Title 30 SCC prohibits (SCC 30.43B.010).

Flood Hazard Permits (Chapter 30.43C)

At least one, and probably at least two, Flood Hazard Permits are necessary for the Point Wells project to receive approval. Depending on project phasing, it may be preferable if the applicant applies for multiple flood hazard permits to reflect various stages of development. However, the applicant will need to provide more information on phasing before PDS can determine or recommend how many flood hazard permits are appropriate (see detailed comments about phasing on page 34). In general, it looks likely that the first step would be a flood hazard permit for remedition (possibly more than one depending on phasing of remediation is phased). The next flood hazard permit would be associated with the Land Disturbing Activity (grading) permit for importing fill material to the site (again, maybe more than one permit needed here depending on phasing).

The project proponent has not yet applied for a flood hazard permit, despite having advice in the April 12, 2013, Review Completion Letter that a flood hazard permit will be required (see comment (bb) on page 5 of the letter). Since the approval of the project depends on the applicant making other revisions to their various permits, we recommend that the applicant make a concurrent request for a flood hazard permit when they submit other permit revisions. Snohomish County cannot approve the Urban Center site plan without also approving a flood hazard permit.

Review of the flood hazard permit will be for consistency with the requirements of Chapter 30.43C SCC that exist at the time of the future application. The following review is consistent with the July 2016 version of Chapter 30.43C SCC and is informational only. It refers to flood hazard permits in the singular for simplicity only. In addition to the standards of this chapter, the flood hazard permit must also comply with Chapter 30.65 SCC Special Flood Hazard Areas (see page 155).

See also Flood Hazard Review Memo from Rebecca Samy, Certified Floodplain Manager, dated June 27, 2017. This memo is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/44894.

**RESPONSE #134:**

**State law (RCW 70.105D.090) exempts cleanups conducted under agreed order or consent decree with Ecology from obtaining local permits for the cleanup action. However, all substantive requirements (e.g., of flood hazard permits) would be complied with. Ecology is required to establish procedures for ensuring that remedial actions comply with the permit's substantive requirements and to consult with the local governments.**

> **Remedial actions—Exemption from procedural requirements.**
>
> **(1) A person conducting a remedial action at a facility under a consent decree, order, or agreed order, and the department when it conducts a remedial action, are exempt from the procedural requirements of chapters 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 RCW, and the procedural requirements of any laws requiring or**

**authorizing local government permits or approvals for the remedial action. The department shall ensure compliance with the substantive provisions of chapters 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 RCW, and the substantive provisions of any laws requiring or authorizing local government permits of approvals. The department shall establish procedures for ensuring that such remedial actions comply with the substantive requirements adopted pursuant to such laws, and shall consult with the state agencies and local governments charged with implementing these laws. The procedures shall provide an opportunity for comment by the public and by the state agencies and local governments that would otherwise implement the laws referenced in this section. Nothing in this section is intended to prohibit implementing agencies from charging a fee to the person conducting the remedial action to defray the costs of services rendered relating to the substantive requirements for the remedial action.**

---

SCC 30.43C.010 Purpose and Applicability
The lower bench of Point Wells is in a special flood hazard area, specifically, floodway fringe zone AE per FEMA FIRM Panels 53061C192E and 53061C1294E, both effective 11/9/1999 (see review of Chapter 30.65 on page 155). Point Wells is therefore subject to the requirement for having a flood hazard permit. We note here that the scope of the flood hazard permit may need to include new structures such as parking garages that are below the base flood elevation of 10-feet. This is in addition to the "removal of the sea wall, grading to remove existing soil and placement of additional sand and gravel with[in] the FEMA 100-Year Flood Plain" cited as reasons for needing a Flood Hazard Permit in the April 12, 2013, Review Completion Letter (ibid).

SCC 30.43C.020 Flood Hazard Permits
This section describes process options and authorities for flood hazard permits. Processing of the flood hazard permit for Point Wells could happen administratively (as a stand-alone permit without a hearing) or concurrently with other permits that require a hearing. We recommend the latter option.

Concurrent processing of the flood hazard permit will save time, avoid confusion, and reduce expense in the overall project processing. Project opponents may appeal an administrative permit the Hearing Examiner. Given the longstanding public opposition to the Point Wells proposal, an appeal of the flood hazard permit is almost a certainty. Since both the appeal and the project approval would involve hearings before the Hearing Examiner, concurrent processing would avoid potential delays that could occur by having the flood hazard permit on a separate track with its own timelines (and potential delays) for noticing and appeals. Given the complexity the various permits for Point Wells, concurrent processing simplifies understanding of the project for the applicant, review staff, and the public. While some project opponents may complain that Snohomish County is recommending for consolidation of permits because such consolidation would result in a process with fewer opportunities to appeal and delay the project, we note that Snohomish County may deny a proposal such as an administrative flood hazard permit "in order to avoid incurring needless county and applicant expense" (SCC 30.61.220). Unless the applicant can provide persuasive reasoning for applying separately for their flood hazard permit, we would

see no reason to accept an administrative permit that would likely result in an extra "do loop" for project review.

SCC 30.43C.030 Additional Submittal Requirements
This section describes the current submittal requirements for a flood hazard permit. Some of the requirements ask for the same types of information required on the other Point Wells permits, e.g. a site plan showing location of streams, topography, etc. This bolsters the recommendation that a concurrent application would be the most efficient process for permit review. See also review of the requirements of SCC 30.65.150 (page 160) which the submittal for a flood hazard permit must also meet.

SCC 30.43C.040 No Liability
This is a general disclaimer.

SCC 30.43C.050 Time Limitations of Application
SCC 30.43C.100 Decision Criteria – Flood Hazard Permit
SCC 30.43C.200 Permit Expiration
Flood hazard permit applications and approved permits expire per SCC 30.70.140. SCC Table 30.70.140(1) gives flood hazard permit applications 18 months before the application expires. Approved permits have 18 months from the date of issuance. In addition, start of construction must commence within 180 days. Modifications to these timelines are possible per SCC 30.70.140(2). Sub-subsection (2)(a) allows suspension of the expiration of application until 18 months after a Final Environmental Impact Statement is issued. Sub-subsection (2)(b) allows the Hearing Examiner to extend applications and approval for longer periods. For Point Wells, a concurrent application for a Flood Hazard Permit will not expire until at least 18 months after the FEIS issuance. PDS would recommend to the Hearing Examiner that application expiration also be extended for, and made conditional on, an additional period as necessary for the applicant to work the the Washington Department of Ecology on a separate EIS focusing on environmental cleanup of the site per SCC 30.43C.100(2). If the applicant were to request a flood hazard permit with the stand-alone administrative option, the flood hazard permit would surely expire before the applicant could obtain the other necessary approvals.

Shoreline Permits (Chapter 30.44 SCC)
The majority of the Point Wells project site is in the Shoreline Environment and subject to Snohomish County's requirements in Chapter 30.44 SCC. These requirements respond to the Washington State Shoreline Management Act of 1971 (commonly called the Shoreline Management Act or SMA). Point Wells has vesting to the version of Chapter 30.44 SCC adopted under ordinance 02-064, which was effective from February 1, 2003 to July 26, 2012. The tidelands and pier west of the Ordinary High Water Mark (OWHM) are in the Conservancy shoreline designation. Most of the proposed development is between the OWHM and the railroad tracks – i.e. the south, central, and north village phases – where the shore designation is Urban. The Urban Plaza phase east of the tracks does not have a Shoreline environmental designation. It is important to note that the courts have held that a project with interrelated effect on both uplands (non-shoreline jurisdictional areas) and shoreline areas cannot be segmented for purposes of complying with the SMA. Therefore, the entire Point Wells site must comply with SMA.

The project, as proposed, requires the issuance of a shoreline substantial development permit by Snohomish County. The proposal is therefore subject to use regulations for the Urban Shoreline Environment as well as environmental management, use element and use activity policies, and natural system consideration listed in the Snohomish County Shoreline Management Master Plan (SCSMMP). The proposal has been reviewed in accordance with the following applicable SCSMMP policies and regulations.

POLICIES: (Applicable Policies)
REGULATIONS: (Applicable Regulations)

Environmental Policies – Urban Shoreline Environment

*Former* 30.44.010 Title
to
*Former* 30.44.205 Permits Required
A Shoreline Substantial Development permit is required for the Point Wells proposal before a substantial development in the shoreline area may take place. None of the possible exemptions from a shoreline permit applies. The request for a shoreline permit associated with Point Wells is file number 11 101461 SM. Unless otherwise noted, the following review of this chapter refers to 11 101461 SM.

Former 30.44.210 Application for Shoreline Substantial Development, Shoreline Conditional Use, or Shoreline Variance Permits
This section lists submittal requirements for shoreline substantial development permits, including 11-101461 SM. The application meets the basic submittal requirements, but there are a few required mapping and other items worth noting:

Subcondition (8)(c) Ordinary High-Water Mark (OHWM): PDS notes that the drawings for the Urban Center Submittal from March 4, 2011, make interchangeable use of the terms OHWM and Mean Higher High Water (MHHW) (underline added by PDS). Some pages show OHWM and others show MHHW. This latter term, appears to be intended to refer to Mean High Higher Tide (MHHT), which is synonymous with OHWM at salt water locations per RCW 90.58.030(2)(c). For clarity, when there are revisions to the application for other reasons, please update the pages that refer to MHHW so that they refer to either MHHT or OHWM.

**RESPONSE #135:**

**For clarity, all pages in the Critical Area Report have been updated to reflect the MHHW, which is synonymous with MHHT.**

---

Subcondition (8)(g) Source, composition, and volume of fill material: More information is necessary before a shoreline substantial development permit can be issued regarding the source and composition of fill material, including information on decontamination and replacement of existing materials on site. The volume of materials to be moved will likely need updating to remain consistent with future revised project submittals. These details do not need to be final

until after the Environmental Impact Statement (EIS) for the Urban Center application is complete. However, fuller information on these topics will be necessary for the separate EIS that we anticipate for the environmental remediation requiring authorization from the Washington State Department of Ecology.

**RESPONSE #136:**

**See Hart Crowser's April, 2018 report for additional information about remediation.**

---

Subcondition (8)(i) Location of proposed utilities: Additional information is necessary regarding the ENVAC system and the nearby Brightwater outfall, among other details.

**RESPONSE #137:**

**Perkins + Will has clarified the description for the ENVAC system and removed mention of using Brightwater outfall from the narrative. See the revised project narrative and Sheets EX 2 and A-054.2.**

---

Subcondition (8)(j) Shoreline designation according to the master program: The application is required to show the shoreline designations per the master program. The March 4, 2011 submittal lacks this information. It must be included in the revised submittal.

**RESPONSE #138:**

**Shoreline designations are now shown in Figure 5 of the revised Critical Area Report.**

---

Subcondition (9)(c) Vicinity map showing general nature of land uses within 1,000 feet in all directions: The April 17, 2017, submittal lacks this information. It must be included in the revised submittal.

**RESPONSE #139:**

**Figure 1 (Vicinity Map) of the Critical Area Report has been revised to include an aerial photo base to show land uses within 1,000 feet of the site.**

---

Subcondition (10) Total value of all construction and finishing work: The anticipated revised application should update valuation estimates, consistent with the methodology used for the Draft Environmental Impact Statement. Please include subtotals for areas inside shoreline designations and areas outside shoreline designations. The description on the Master Permit Application submitted on March 4, 2011, that the project would total value would be "$10,000,000+" is inadequate to respond to this requirement.

**RESPONSE #140:**

**Total construction cost is expected to approach $1 billion. Of that amount, approximately 70% is anticipated to be expended within the shoreline zone and 30% outside the shoreline zone.**

---

Subcondition (12) Short statement explaining why this project needs a shoreline location and how the proposed development is consistent with the policies of the Shoreline Management Act: The review of this subcondition relates to a document titled Point Wells Urban Center – Shoreline Substantial Development Permit Application dated June 2010 and received by PDS on March 4, 2011. We will refer to it here as the "Shoreline Permit Application."[66] The Shoreline Permit Application meets many of the objectives of Subcondition (12) by describing the reasons for a shoreline location and responding to the policies found in RCW 90.58.020. It also includes some inconsistencies with other related applications and a few errors. PDS has identified the following issues where revisions to the SPA and/or other documents are necessary.

Issue 1 (Major Issue): Dock Uses: The description of the dock renovation states that public "viewing and fishing areas will be added to the dock along with shops selling fishing tackle, scuba and boating gear, and small restaurants with outdoor eating areas. Storage and rental facilities for kayaks, scuba diving, and small sailboats will also be added" (Shoreline Permit Application page 1, emphasis added). In other words, the shoreline permit application contemplates a number of uses on the dock that are not identified in the Urban Center submittal or associated analysis underway for the DEIS. Updates to the Shoreline Permit Application and/or the Urban Center submittal must take place and create consistency between the two proposals. If the uses described for the dock on the Shoreline Permit Application were indeed part of the proposal, this would raise a number of questions including:

1. How much commercial space will be on the dock?
2. Where are the parking and loading areas for this space?
3. How much additional traffic will these uses generate?
4. What is the value of the improvements on the dock (calculated in a manner consistent with the DEIS or RCW 90.58.030(3)(e))?
5. Is there a corresponding reduction in commercial areas (and traffic) elsewhere or will supplemental traffic analysis be performed?

Revisions to the Point Wells applications must address these issues; otherwise, Snohomish County could not approve the dock uses discussed solely in the Shoreline Permit Application. Per former SCC 30.44.310, approvals are limited to uses shown on the official site plan associated with the Urban Center submittal.

---

[66] The document is available at: http://snohomishcountywa.gov/DocumentCenter/Home/View/8490

**RESPONSE #141:**

**The project narrative has been revised to provide further information about the use of the dock.**

---

Issue 2 (Minor Error): Shoreline Management Act Jurisdiction: The second section of the Shoreline Permit Application describes consistency with Shoreline Management Act policies. It erroneously claims on page 2 that the "major residential and commercial elements [of the project] are located entirely outside the SMA jurisdiction area." The only phase nominally outside the jurisdiction of the Shoreline Management Act is the Urban Plaza; however, the South, Central and North Villages are all subject to SMA jurisdiction and are designated as Urban Shoreline Environments.

**RESPONSE #142:**

**No response is necessary.**

---

Issue 3 (Minor Issue): Critical Areas Report: On page 2, the Shoreline Permit Application refers to a Critical Areas Report that we take to be the BSRE Point Wells, LP Redevelopment Project Critical Areas Report dated January 2011, prepared by David Evans and Associates, Inc. This Critical Areas Report addresses many of the shoreline issues, but there are places where corrections and additional information are necessary.

*Former* SCC 30.44.220 Fees
Fees relating to shoreline permits are in Table SCC 30.86.310.

In its review of this section, PDS notes that former SCC 30.44.220 contained an error. It referenced a non-existent table in SCC 30.86.120 (fees for Rural Cluster subdivisions) rather than Table SCC 30.86.610 (underlines added). Correction of this error took place subsequent to the Point Wells project application, but the levying and payment of fees paid associated with the Shoreline Permit (PFN 11-101461 SM) were correct per Table SCC 30.86.310.

*Former* SCC 30.44.230 Permit Processing
The shoreline permits for Point Wells are a Type 2 process, subject to Chapter 30.72 SCC.

*Former* SCC 30.44.240 Department Action
Subsection (1) describes what PDS must consider during its review of the Point Wells Shoreline Substantial Development Permit. In addition to this review of Chapter 30.44 SCC, permit 11-101461 SM must comply with the following subconditions and associated requirements:

- (1)(a)(i): The Shoreline Management Master Program (Chapter 30.67 SCC, beginning on page 170).
- (1)(a)(ii): Other appropriate Snohomish County requirements described throughout this Document.

- (1)(a)(iii): Environmental review per Chapter 30.61 SCC (beginning on page 142) in response to the State Environmental Policy Act (Chapter 43.21C RCW).

In addition to the three bulleted items for compliance review, PDS shall consider comments received from interested parties per former SCC 30.44.240(1)(b). While PDS shall consider these comments, we note that there is no compliance requirement associated with them.

Subsection (2) describes options available to PDS and what factors the department must consider in its recommendations to the Hearing Examiner. PDS has identified several areas where it would likely recommend conditions to the Hearing Examiner if the Examiner were to approve the project.

Subsection (3) says that the determination by the PDS "shall be final and not subject to an administrative appeal, but only an appeal to the shorelines hearing board pursuant to [former] SCC 30.44.280." PDS notes that there will be consolidation of any appeal to the shorelines hearing board with the Type 2 hearing process per former SCC 30.71.020. In other words, the Hearing Examiner would consider both any shoreline appeal and the underlying urban center proposal.

Former SCC 30.44.250 County Action on Permit Applications Which Do Not Require Public Hearing.
Review of Point Wells is per the Type 2 process, which requires a hearing; therefore, this section does not apply.

*Former* SCC 30.44.260 County Action On Permit Aplications Requiring A Public Hearing
This section has four subsections.

Subsection (1): PDS has notified the applicant that a hearing is necessary for the Shoreline Substantial Development. This will be a combined hearing on the Urban Center application and other associated permits.

Subsection (2): Snohomish County shall schedule the hearing on the Shoreline Substantial Development permit after it issues the Final Environmental Impact Statement required by Chapter 30.61 SCC and after the applicant pays the Shoreline Hearing fees per former SCC 30.44.220 and present-day Table SCC 30.86.310.

Subsection (3): PDS shall provide notice at least 15 days prior to the hearing.

Subsection (4) describes what things the Hearing Examiner must consider regarding the proposed Shoreline Substantial Development. These include the review and recommendation made by PDS as well as public comments and observations from a site inspection.

*Former* SCC 30.44.270 Permit – Filing
This section does not apply until later.

*Former* SCC 30.44.280 Appeals to Shorelines Hearing Board

Any party aggrieved by a decision regarding a Shoreline Substantial Development permit may appeal, but no decisions will take place until later.

*Former* SCC 30.44.300 Effective Date of Permit
This section describes when a permit would become effective following approval, but no approval is currently pending. PDS anticipates recommending to the Hearing Examiner that approvals from the Hearing Examiner be contingent on completion of a separate review relating to the cleanup process for onsite contamination involving the Department of Ecology. If this ends up being the case, then approvals for the Urban Center site plan and Shoreline Substantial Development Permit would not become final until after the project proponent receives approval from Ecology.

*Former* SCC 30.44.310 Limitations of Permit
This section describes limitations on the Shoreline Substantial Development Permit. PDS notes that one such limitation relates to the official site plan for the Urban Center part of the Point Wells proposal. This is the source of concern discussed above for former SCC 30.44.210(12) where the Shoreline Permit Application contemplates uses on the dock that are not shown on the Urban Center site plan.

Construction Codes – Administration (Chapter 30.50 SCC)

Snohomish County applies construction codes at the time of building permit. This means that Point Wells does not have vesting to the 2011version of Chapter 30.50 SCC. Rather, when the Point Wells project reaches the stage of application for permits for individual buildings and structures, the then-contemporary version of Chapter 30.50 shall apply. It is important to note that updates to construction codes take place periodically. Point Wells may therefore be subject to one or more future versions of the construction code during the course of development. With these caveats in mind, it is worth noting several points from the present-day Chapter 30.50 SCC that may affect recommendations relating to the various permits at Point Wells.

SCC 30.50.130 Research Reports
This section allows Snohomish County to require "[s]upporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in the construction codes, [which] shall consist of valid research reports from sources approved by the building official." The Point Wells proposal includes several unusual features that today's construction codes do not appear to address fully. Therefore, as part of the ongoing SEPA review and likely future recommendation of conditions to the Hearing Examiner, Snohomish County may need to require additional research reports.

The following list illustrates topics for which Snohomish County may potentially require supplemental reports. This list is not exhaustive:

1. Projections of sea level rise at Point Wells and the construction techniques necessary to protect underground facilities such as parking garages from saltwater corrosion and possible flooding during the expected lifespan of construction;
2. The proposed ENVAC garbage disposal system;
3. Construction of a new closed conveyance to route an existing stream across the railroad tracks; and
4. The proposed Energy Center.

SCC 30.50.132 Tests
This section allows Snohomish County to require tests, at the expense of the applicant, to demonstrate the suitability of proposed construction. For example, additional tests that may be required might include:

1. Additional borings, especially on the upper bluff, to establish construction requirements for retaining walls, stormwater conveyance systems, and second access road construction.
2. Groundwater testing to determine types and levels of onsite contamination, including, potentially, post-clean up contamination to determine appropriate construction requirements for elements such as parking garage ventilation systems and infiltration of stormwater into soils between the garages.

Development in Seismic Hazard Areas (Chapter 30.51A SCC)

Seismic Hazard regulations change periodically to remain current with the International Building Code (IBC) and the American Society of Civil Engineers (ASCE) standards. The applications received for Point Wells in 2011 *do not vest* the project to the 2011 version of Chapter 30.51A SCC or to what were then contemporary IBC or ASCE standards. Rather, when buildings or other structures such as parking garages and retaining walls are applied for at Point Wells, those building permits must conform to the standards in place at the time of building permit application.

Detailed review for consistency with IBC and ASCE standards takes place during the building permit phase. Applications for building permits are still several years away (assuming that several intermediate steps take place and approvals are given). However, it is important to note that several issues that the Design Review Board (DRB) will make recommendations on overlap with issues that IBC and ASCE standards might affect. The applicant must submit building elevations for all building types for the DRB to make its recommendations. In the context of Chapter 30.51A SCC, the building elevations must show materials that conform to IBC and ASCE standards. For example, Point Wells is in Seismic Design Category F (SDCF) because the site is at risk of liquefaction. ASCE standards do not permit masonry shear walls in SDCF. Therefore, while buildings do not need to reflect full design when elevations go to the DRB for review, the elevations must include enough design consideration to be substantially representative of likely final designs. If the applicant were to submit the example of masonry shear walls to the DRB, it would be necessary to recommend the rejection of that design. The elevations must reflect consideration of IBC and ASCE standards, including standards for SDCF.

Building Code (Chapter 30.52A SCC)

See building review comment memo from Vic McKinney, Senior Plans Examiner, dated June 27, 2017. This meo is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/44895.

Mechanical Code (Chapter 30.52B SCC)

Snohomish County has adopted the 2012 edition of the International Mechanical Code. Point Wells does not have vesting to the 2012 edition. Major review of the Mechanical Code takes place at the building permit stage and review of buildings will be per the Mechanical Code in effect at the time of building permit application. However, more information would be helpful regarding the proposed ENVAC trash collection system and the energy center. What are the requirements for service trucks to access both? What are the diameter requirements of piping to the ENVAC system? Since the Urban Center site plan proposes a large number of uses in a compact area, the mechanical specifications for the garbage and electrical systems may influence the final site design. The applicant should provide responsive information as part of a revised Urban Center submittal. If PDS does not have sufficient information on system requirements, then PDS may require additional supporting data from the applicant per Section 105.2.1 Research Reports in the 2012 edition of the International Mechanical Code.

**RESPONSE #143:**

**Hart Crowser completed additional borings along the secondary access route including the Upper Bluff to evaluate geotechnical feasibility and slope stability of the secondary access route, including retaining walls, as noted in Section 5.16 of the April 2018 geotechnical report.**

---

Automatic Sprinkler Systems (Chapter 30.52G SCC)

Point Wells does *not* have vesting to the 2011 version of the Automatic Sprinkler Systems requirements (Chapter 30.52G SCC). When the Point Wells project reaches the stage of application for permits for individual buildings and structures, the then-contemporary version of Chapter 30.52G shall apply. It is likely that Chapter 30.52G will be relocated to Chapter 30.53A SCC Parts 900-1100 as part of Snohomish County's adoption of the 2015 International Fire Code.

In the context of site plan review for the Urban Center application, it is worth noting that most, if not all, buildings will require sprinklers. All residential buildings will require sprinklers per SCC 30.52G.230. Garages will require sprinklers per SCC 30.52G.529. Retail and office buildings with fire areas exceeding 10,000 square feet will require sprinklers per SCC 30.52G.210.[67] For the purpose of this last citation, retail and office space in lower levels of residential towers are required to have sprinklers. The only buildings that might not meet the 10,000 square foot requirement are the two stand-alone retail buildings on the Urban Plaza, which are smaller than 10,000 square feet each, but a final determination regarding whether these need sprinklers will be made at the building permit stage.

[67] There is an error in the online version of this code as of September 2017. The online version begins correctly with "An automatic sprinkler system shall be provided throughout buildings containing a Group B or M occupancy where one of the following conditions exists:" and then it omits the four conditions that should appear below. The 10,000 square foot requirement appears in Condition (1) in the official version of code.

## Fire Code (Chapter 30.53A SCC)

Point Wells does not have vesting to the 2011 version of the fire code (Chapter 30.53A SCC). When the Point Wells project reaches the stage of application for permits for individual buildings and structures, the then-contemporary version of Chapter 30.53A shall apply. The Snohomish County Fire Marshal is the official responsible for reviewing the Point Wells applications for consistency with fire code. Input from applicable fire departments or districts is advisory to the Fire Marshal.

The following comments related to Chapter 30.53A discuss the Urban Center Site Plan submitted on April 17, 2017 and supplement comments from the Office of the County Fire Marshal in the June 15, 2017 fire review memo.[68]

SCC 30.53A.170 Technical Assistance
The Fire Marshal may require the applicant to provide technical opinions or reports by qualified engineers or other professionals to determine the acceptability of certain aspects of the Point Wells proposal. In addition to those issues cited in the June 15, 2017 fire review memo, a preliminary list of items that may need further technical assistance incluces:

1. The proposed onsite fire station (size, location, and access requirements), and
2. Requirements for firefighting in the parking garage areas in general, and at the energy center and the ENVAC trash compactor in particular.

SCC 30.53A.172 Modifications
The Fire Marshal may approve modifications to the fire code when the strict letter of the code is impractical and the modification complies with the intent and purpose of the code. Such modifications must not lessen health, life and fire safety requirements. When revising the Point Wells applications in response to the comments regarding fire code below, it is the responsibility of the applicant to make changes to comply with the code. If the applicant's position is that certain provisions are impractical, then the applicant must be explicit in their revised application about where they intend to propose modifications. The applicant must also provide supporting reasons for any proposed modifications, which may include technical assistance reports per SCC 30.53A.170. Such information from the applicant is necessary if the Fire Marshal is to document and grant any modifications.

Snohomish County has currently adopted the 2015 Edition of the International Fire Code (IFC) along with the Washington State Amendments. This edition has been used for the site conditions in regard to fire review of the Urban Center Development as well as information regarding specific fire code requirements for high-rise buildings and marinas. There has not been a lot of fire code details provided in regard to the buildings and buildings construction, but some specific fire code sections have been shared to provide advanced notice of some specific fire code requirements regarding high-rise buildings, piers and marinas.

SCC 30.53A.512 Fire Apparatus Access Roads

---

[68] The June 15, 2017, fire review memo is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/44891.

1. Fire apparatus access shall be provided for every facility, building or portion of a building hereafter constructed within the county. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Fire apparatus access has not been provided to all facilities, buildings or portion of buildings within 150 feet. It is unclear if the service roads are also intended to be fire apparatus access roads, yet it is assume they are not. There are inconsistencies between some of the site plans in regard to the esplanade dimensions and if it is intended to be used for emergency vehicle access. In some locations it is still identified as a boardwalk, in other site plans it indicates it is for "pedestrians only", yet in other plans it is proposed to be used as a fire lane for fire apparatus. Provide clarification and consistency between all site plans in regard to fire lanes and fire apparatus access.

On page 24 of the project narrative the applicant has proposed to increase the access to 200 feet due to the installation of automatic fire sprinkler systems. Snohomish County Code 30.53A.512 indicates that the fire apparatus access roads requirements MAY be modified by the fire marshal when buildings are completely protect with approved automatic sprinkler systems. Due to all of the factors of this development, including density, topography, height of the buildings, mixed uses, and circulations routes, our office will not approve an increase in access to all buildings or portions of buildings. Access along an approved route of travel shall be provided to all facilities, buildings, and portions of buildings to within 150 feet.

Piers and wharves shall be provided with fire apparatus access roads pursuant to IFC 3604.3. Currently the pier is provided with vehicle access, as proposed there is no fire apparatus access to the pier. Refer to Chapter 36 for more information regarding requirements for piers and marinas.

Exhibit B provided for the fire truck turning movements have been reviewed as the proposed fire apparatus access routes. As identified in this exhibit, if the identified turning movements are the only proposed fire lanes, there is significant access issues without provided access to within 150 feet of every portion of every building along an approved route of travel to all portions of the exterior walls of the first story of the buildings. This exhibit also verifies that the service roads have not been intended to be accessible by fire apparatus.

Provide a detailed fire apparatus access roads plan, hereafter referred to "fire lane", which clearly identifies the proposed fire lane access to each proposed structure, facility, building, or portion of a building within 150 feet. The fire lane should not be located under any buildings or portions of buildings to which we may need to fight a fire.

Exhibit B has been prepared to show fire truck turning movements for a 43 feet aerial fire truck. The width of this apparatus, per your dimensions, has been identified as 8.50 feet. Mirror to mirror the accurate width is 10 ft. This information was obtained by our office contacting Snohomish County Fire Protection District 1 and obtaining information on their largest aerial apparatus.

Our office also contacted Shoreline Fire Department to obtain dimensions of their largest aerial apparatus. Below please find the Shoreline Fire Department Tiller Ladder Truck specifications. Please note the maximum approach/grade and specification of this apparatus listed below:

Shoreline Fire Department Tiller Ladder Truck

- Overall Length: 59 ft. 8 in.
- Front Overhang: 7 ft. 1 in.
- Rear Overhang: 8 ft. 8 in.
- Front Axle (tractor) to Last axle (trailer): 43 ft. 1 in.
- Maximum approach/grade: 8%
- Height: 11 ft. 2 in.

2. More than one fire apparatus road shall be provided when it is determined by the fire marshal that access by a single road might be impaired by vehicle congestion, conditions of terrain, climatic conditions or other factors that could limit access.

For commercial and industrial developments, buildings or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure. Projects having a gross building area of up to 124,000 square feet may have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.

For multiple-family residential projects having more than 200 dwelling units shall be provide with two separate and approved fire apparatus access road regardless if they are equipped with an approved automatic sprinkler system.

Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

The proposal significantly exceeds 250 ADTs (which is a Public Works requirement for a second access) as well as having a gross building area over 124,000 square feet, which this alone requires the second access. The project includes multiple buildings that exceed three stories in height, and multiple buildings that exceed 124,000 square feet, and includes multi-family buildings with more than 200 dwelling units, therefore the second access is required.

The proposed second access, and Exhibit A, which details the proposed second access has been identified with a maximum grade of 15%. Provide verification that this second access meets the remoteness requirements in that the second access is a minimum distance from the primary access. The grade has been identified as 15% in some portions of the second access, which is the maximum grade allowed for fire apparatus pursuant to SCC 30.53A.512. Provide details, including elevation views that verifies no portion of this second access road exceeds the 15%. The maximum approach grade shall not exceed 8%. No exception can be made for this in order for aerial apparatus to access the subject properties.

In addition to the second access to the "development" a second access shall be provided to each building as identified above. There is only one proposed access to the Central Village. There shall be two distinct accesses to all four phases; Urban Plaza, North Village, Central Village, and South Village.

3. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from each building, and shall be positioned parallel to one entire side of each building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by our office. Currently, there is only one fire apparatus access proposed on one side of the buildings. As noted above, this is not acceptable, and access on both sides of all buildings shall be provided or it shall be verified that all buildings can be accessed by an approved route of travel to within 150 feet of all portions of all buildings.

There is a note on plan sheet C-501 that states the following, "The pedestrian boardwalk and bicycle path shall be designed to withstand fire truck and fire truck outrigger loading and meet applicable fire code requirement." If the "pedestrian boardwalk" is intended to also be the fire lane for aerial apparatus, it shall be identified as such on all plans, and in order to support and accommodate aerial apparatus with outrigger, it shall be a minimum of 26 feet in width so that other emergency apparatus can pass when aerial apparatus is set up for emergency operations.

The International Fire Code, Section 503.2.2 indicates the fire marshal shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction. Therefore, our office requires that all fire apparatus access meet the requirements for aerial apparatus and 26 feet fire lanes be provided throughout. (See comments below regarding the boulevard.)

The access areas identified as the "boulevard" has split access roads that are less than 20 feet in width. All split access roads shall be a minimum of 20 feet in width. If at any portion of the boulevard it is proposed to be the fire lane that provides access to within 150 feet of a building or portion of the building, it shall be a minimum of 26 feet in width so that if an aerial apparatus with outriggers is set up, other apparatus can still pass.

4. There shall be no overhead utility, power lines, or other obstructions over the aerial fire apparatus access roads or between the aerial fire apparatus roads and the building. There are overhead obstructions and vegetation proposed to be located over some of the identified fire lanes. There shall be no overhead obstructions located over, or near the fire lane in order for emergency services to set up aerial apparatus.

5. Due to the requirement of aerial apparatus access, increased turning radii shall be required on all fire apparatus access roads. The minimum turning radii shall be a 25 ft. inside turning radius and a 50 ft. outside turning radius. No deviation can be obtained for less than these minimum requirements for turning radii. All turns, bends or sweeps shall

meet this minimum requirement. All fire lanes shall be provided with turns, bends or sweeps that fire apparatus can access from any direction. Exhibit B, turning movement exhibit, proposes fire access in only one direction and does not include access to all phases from all directions. Modifications shall be made to the fire lanes so that emergency apparatus, including aerial apparatus, can access each phase/village from any direction along the fire lane.

6. There shall be a minimum vertical clearance on all fire lanes of 13 ft. 6 inches. This is a minimum and future improvements and maintenance of driving surfaces shall be taken into consideration. The vertical clearance of the fire lane shall include overhead obstructions of awnings, utilities, other buildings, landscaping, etc. There are multiple locations where the proposed landscaping plan is proposing vegetation that appear it will encroach significantly in the vertical clearance of the fire lane. When planning what vegetation is to be planted in the planters and landscaped areas that are located within or adjacent to the fire lane, consideration shall be made for the required unobstructed fire lane widths, 20 – 26 feet and the vertical clearance of 13 feet 6 inches.

Provide detailed elevation views that verify all overhead obstructions along the required fire lane meet the minimum vertical clearance. This shall include landscaping vegetation, awnings, buildings, bridges, etc. that are proposed above or over a required fire lane.

7. Planters or openings may be installed in cul-de-sacs when the outside turning radius of the cul-de-sac is a minimum of 50 feet and the inside radius is a minimum of 25 feet. This sized cul-de-sac is required for all turnarounds due to the aerial apparatus access needs. Cul-de-sac grades shall not exceed six percent (6%).

There are two cul-de-sac turnarounds in the North Village that do not meet this minimum requirement. They shall be redesigned so that there is a minimum 100 feet cul-de-sac in these locations. All fire apparatus shall be able to use the cul-de-sac as a turnaround and not just a pass through as shown on Exhibit B.

8. Exhibit B has provided turning movement for a 43 ft. aerial ladder truck. This apparatus dimension does not accommodate all aerial apparatus. Again, refer to the Shoreline Fire Department Tiller Ladder Truck specifications provided above. The minimum turning radii on the submitted plans have indicated that the minimum 20 ft. inside turning radius and 40 ft. outside turning radius has been provided. However, as previously noted, due to aerial apparatus requirements, a minimum 25 ft. inside turning radius and 50 ft. outside turning radius shall be provided along all fire lanes.

As noted above, the turning movement exhibit does not show fire apparatus navigating the cul-de- sac turnarounds located in the North Village, but rather shows a drive through to the board walk. All fire lanes shall be accessible from any direction. All turns, bends, or sweeps, shall meet the minimum turning radii. This has not been demonstrated.

It is recommended that the developers also contact the responding agencies to obtain specifications on all of their apparatus within their fleet. The information on the Shoreline Fire

Department Tiller Ladder Truck was obtained by our office, and at this time appears to be the largest apparatus within the Shoreline Fire Department fleet. However, it is the applicant's responsibility to make sure the fire apparatus access can be met for all apparatus and that unobstructed access can be provided in any direction along all fire lanes.

9. The grade of the fire apparatus access roads/fire lanes shall not exceed 15% in any location. The angles of approach and departure for fire apparatus access roads shall not exceed 8%.

10. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

11. Fire lanes shall be unobstructed at all times, including the parking of vehicles. All fire lanes shall be clearly identified and include pavement striping stating, "No Parking Fire Lane" on both sides of each fire lane, at a minimum distance of 50 ft. The pavement striping shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

12. Where bridges or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces that are not designed for such use, approved barriers, approved signs or both shall be installed and maintained.

13. As part of the Phase 1 development, it is proposed to provide a police and fire station. As designed it is unclear how access to this fire station is to be obtained, with no access meeting the above requirements. Additionally, it is unclear the extent of the fire station. The building appears to only accommodate motor vehicles, with less than 20 feet parking stalls. There are no accommodations for fire apparatus. Provide details about the proposed police and fire station.

**RESPONSE #144:**

**The roadway network has been revised to meet the fire apparatus access requirements to building. Updated fire apparatus aerial truck turning movements are included with the resubmittal.**

---

SCC 30.53A.513 Address Identification

1. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible

from the street or road fronting the property. Address numbers shall contrast with their background; be Arabic numerals or alphabetical letters; be a minimum of 6 inches; have a minimum stroke width of 0.5 inches.

2. Streets and roads shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs. (IFC 505.2)

SCC 30.53A.514 Fire Protection Water Supply

Water mains and fire hydrants shall meet the required minimum standards for water mains and fire hydrants. These requirements shall apply to land use and construction permit actions subject to this title, or to any other existing or future code provision in which compliance with the fire code is specifically required.

All land upon which buildings or portions of buildings are or may be constructed, erected, enlarged, altered, repaired, moved into the jurisdiction, or improved, shall be served by a water supply designed to meet the required fire flow for fire protection as set out in Appendix B of the International Fire Code (IFC).

SCC 30.53A.516 Fire Hydrant Spacing

Fire hydrant locations shall be determined by the fire marshal, in coordination with the water purveyor, and pursuant to the requirements of Appendix C of the IFC subject to the following:

1. Fire hydrants service single family dwellings or duplexes shall have a maximum lateral spacing of 600 feet with no lot or parcel in excess of 300 feet from a fire hydrant.
2. Where the buildings are protected by an approved automatic sprinkler system, the spacing requirements may be modified, if in the opinion of the fire marshal, the level of fire protection is not reduced.
3. For dead-end streets or roads the fire marshal may make adjustments to the lateral spacing requirements to facilitate locating the hydrant at or near the street intersections.
4. All hydrants shall be accessible to the fire department by roadways or accesses meeting the requirements of SCC 30.53A.512.
5. When fire hydrants cannot be installed in conformance with the spacing requirements of this chapter, the fire marshal shall confer with the water purveyor and provide for alternate locations as allowed by the fire code.

SCC 30.53A.518 Hydrant systems

Where a portion of the facility or building hereafter constructed or moved into the jurisdiction is more than 150 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site hydrants and mains shall be provided. Exception:

1. For Group R-3 and Group U occupancies, the distance requirements shall be 300 feet.

2. For buildings equipped throughout with an approved automatic sprinkler system installed the distance requirement shall be 300 feet.

Fire hydrants shall be so located to be in compliance with Appendix C of the IFC. They shall not be placed greater than 300 feet apart.

SCC 30.53A.520 (Hydrant) Inspection, Testing and Maintenance Requirements

The following requirements shall apply to the installation or replacement of any required hydrant:

1. The installation of all fire hydrants shall be in accordance with sound engineering practices and supplied by mains as prescribed by this chapter. Hydrants shall be installed, tested and charged prior to the start of construction, unless otherwise approved by the fire marshal.
2. Approval of fire hydrant types must be obtained prior to installation from the water purveyor.
3. All elements of fire hydrant installation including water mains, pipes, valves, and related components shall conform to the fire code, National Fire Protection Association (NFPA) Standard 24, and American Water Works Association (AWWAA) Standard C502.94.
4. Four (4) inch Storz type steamer port fittings shall be provided on new hydrants.
5. Hydrants shall stand plumb and be set to the finished grade. The bottom of the least outlet of the hydrant shall be no less than 18 inches above the grade. There shall be a 36 inch radius of clear area about the hydrant for the operation of a hydrant wrench on the outlets and the control valve. The pumper port shall face the street, or where the street cannot be clearly identified, the port shall face the most likely route of approach of the fire apparatus while pumping. The hydrant shall be installed within 15 feet of the street or access roadway.
6. Hydrants shall be a minimum of 50 feet from a commercial structure to be served and no further than 50 feet from a fire department connection (FDC) if present.
7. Hydrants shall not be obstructed by structures, fences, the parking of vehicles, or vegetation. Hydrant visibility shall not be impaired within a distance of 75 feet in any direction of vehicular approach to the hydrant.
8. The top(s) of the hydrant(s) shall be colored coded to designate the level of service being provided by that hydrant. The fire flow will be 1,500 gpm or greater therefore, the tops of the hydrants shall be painted light blue.
9. For all new hydrant installations, either public or private, the developer shall install blue street reflectors to indicate hydrant locations. Installation of blue street reflectors shall be completed prior to final approval of any development or new constructions.
10. Vehicles shall not be parked within 15 feet of a fire hydrant, or fire department connection, or a fire protection system control valve.

The above requirements shall be met in regard to the placement of the fire hydrants. It appears that it will be difficult to place the fire hydrants 50 feet from the buildings. To be placed less than 50 feet from a commercial structure, it will be necessary to make the request in writing, and

obtain approval from the responding agencies. I have had a conversation with Fire District 1, and 40 feet from the commercial structure is acceptable to them without additional approval. Our office will accept a fire hydrant 40 feet from the structures but no closer without a formal request, justification, and approval from both Snohomish County Fire Protection District 1 and Shoreline Fire Department.

IFC Appendix B Fire-flow Requirements for Buildings

The procedure for determining fire-flow requirements for buildings or portions of buildings shall be in accordance with this Appendix B of the IFC. The fire-flow calculation area shall be the total floor area of all floor levels within the exterior walls, and under the horizontal projection of the roof of a building, except as modified by Section B104.3.

B104.3 Type IA and Type IB construction. The fire-flow calculation area of buildings constructed of Type IA and Type IB construction shall be the area of the three largest successive floors. Exception: Fire-flow calculation area for open parking garages shall be determined by the area of the largest floor.

Table B105.1(2) shall be used to calculate the fire-flow requirements. The calculation is based upon the type of construction and the square footage of the buildings.

A reduction in required fire flow may be granted due to the required installation of automatic fire sprinkler systems. Our office will not consider a full 75% reduction of required fire flow due to proposed conditions that create susceptibility to group fires or conflagrations.

For buildings equipped with an approved automatic sprinkler system, the water supply shall be capable of providing the greater of:

1. The automatic sprinkler system demand, including hose stream allowance.
2. The required fire-flow.

IFC Appendix C Fire Hydrant Locations and Distribution

In addition to the requirements of SCC 30.53A, fire hydrants shall be provided in accordance with Appendix C for the protection of buildings, or portions of buildings, hereafter constructed or moved into the jurisdiction.

The number of hydrants available to a building shall be not less than the minimum specified in Table C102.1.

Fire apparatus access roads and public streets providing required access to buildings in accordance with SCC 30.53A.512 shall be provided with fire hydrants. The distance between required fire hydrants shall be in accordance with Sections C103.2 and C103.3.

C103.2 Average spacing. The average spacing between fire hydrants shall be in accordance with Table C102.1.

C103.3 Maximum spacing. The maximum spacing between fire hydrants shall be in accordance with Table C102.1, or shall not be greater than 300 feet, whichever is less.

SCC 30.52G.430 NFPA 13 Sprinkler Systems (IFC and IBC 903.3.1.1)

Where provisions of the construction codes require that a building or portion thereof be equipped throughout with an automatic sprinkler system, sprinklers shall be installed throughout in accordance with NFPA 13.

SCC 30.52G.440 NFPA 13R Sprinkler Systems (IFC and IBC 903.3.1.2 and 903.3.1.2.1)

Automatic sprinkler systems in Group R occupancies, up to and including four stories in height shall be permitted to be installed throughout in accordance with NFPA 13R. Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction, provided there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

At this time it appears that NFPA 13 automatic sprinkler system would be required in all buildings. Further review will be conducted at the time of building permit application. The height of the multi-family buildings and the mix used would not allow NFPA 13-R systems.

IFC 509 Fire Protection and Utility Equipment Identification and access

Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location shall be constructed of durable materials, permanently installed and readily visible.

Fire protection equipment rooms shall have a direct access from the exterior of the building.

SCC 30.52G.510 Fire Department Connections (IFC 903.3.7 and 912)

The location of the fire department connections (FDC) shall be approved by the fire marshal.

1. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7.

2. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus.

3. The location of the FDC shall be remote from the building and shall be a minimum of 50 ft. from the fire hydrant.

4. FDCs shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or otherwise approved by the fire marshal.

5. Immediate access to FDCs shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or moveable object.

6. A metal sign with raised letters not less than 1 inch in size shall be mounted on all FDCs serving automatic sprinklers, standpipes or fire pump connections. Such signs shall read: AUTOMATIC SPRINKLERS or STANDPIPES or TEST CONNECTION or a combination thereof as applicable. Where the FDC does not serve the entire building, a sign shall be provided indicating the portions of the building served.

7. Each FDC shall be identified to what building it serves.

8. The FDC shall be equipped with a 4 inch Storz fitting with a 30° downward deflection.

SCC 30.52G.520 Sprinkler System Supervision and Alarms (IFC and IBC 903.4)

All valves controlling the water supply for automatic sprinkler system, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically supervised by a listed fire alarm control unit.

Exception:

1. Jockey pump control valves that are sealed or locked in the open position.
2. Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position
3. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position
4. Trim valves to pressure switches in dry, pre-action and deluge sprinkler systems that are sealed or locked in the open position.

SCC 30.52G.530 Monitoring (IFC and IBC 903.4.1)

Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved supervising station or, when approved by the fire marshal, shall sounds an audible signal at a constantly attended location.

SCC 30.52G.540 Alarms (IFC and IBC 903.4.2)

An approved audible device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size

installed in the system. Actuation of the automatic sprinkler system shall actuate the building fire alarm system.

IFC 907 Fire Alarm and Detection Systems

An approved fire alarm system installed in accordance with the provisions of the IFC and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with Section 907.5.

IFC 907.2.13 High-rise Buildings

High-rise buildings shall be provided with an automatic smoke detection system in accordance with Section 907.2.13.1, a fire department communication system in accordance with Section 907.2.13.2 and an emergency voice/alarm communication system in accordance with Section 907.5.2.2.

IFC 907.2.13.1 Automatic Smoke Detection

Automatic smoke detection in high-rise buildings shall be in accordance with Sections 907.2.13.1.1 and 907.2.13.1.2.

IFC 907.2.13.2 Fire Department Communication System

Where a wired communication system is approved in lieu of an emergency responder radio coverage system in accordance with Section 510, the wired fire department communication system shall be designed and installed in accordance with NFPA 72 and shall operate between a fire command center complying with Section 508, elevators, elevator lobbies, emergency and standby power rooms, fire pump rooms, areas of refuge and inside interior exit stairways. The fire department communication device shall be provided at each floor level within the interior exit stairway.

IFC 907.5.2.2 Emergency voice/alarm communication systems

Emergency voice/alarm communication systems required by this code shall be designed and installed in accordance with NFPA 72. The operation of any automatic fire detector, sprinkler water flow device or manual fire alarm box shall automatically sound an alert tone followed by voice instructions giving approved information and directions for a general or staged evacuation in accordance with the building's fire safety and evacuation plans required by Section 404. In high-rise buildings, the system shall operate on at least the alarming floor, the floor above and the floor below. Speakers shall be provided throughout the building by paging zones. At a minimum, paging zones shall be provided as follows:

1. Elevator groups.
2. Interior exit stairways.
3. Each floor.
4. Areas of refuge as defined in Chapter 2.

IFC 913 Fire Pumps

Fire pumps shall be installed in accordance with this section and NFPA 20. Each building shall be provided with an independent fire pump or pumps. The fire pump, driver and controller shall be protected in accordance with NFPA 20 against possible interruption of service through damage caused by explosion, fire, flood, earthquake, rodents, insects, windstorm, freezing, vandalism and other adverse conditions.

IFC 914 Fire Protection Based on Special Detailed Requirements of Use and Occupancy – 914.3 High-rise Buildings

High-rise buildings shall comply with Sections 914.3.1 through 914.3.7.

1. Buildings and structures shall be equipped throughout with an automatic sprinkler system and a secondary water supply.

2. Each sprinkler system zone in buildings that are more than 420 feet in height shall be supplied by no fewer than two risers. Each riser shall supply sprinklers on alternate floors. If more than two risers are provided for a zone, sprinklers on adjacent floors shall not be supplied from the same riser.

3. In buildings that are more than 420 feet in building height, required fire pumps shall be supplied by connections to no fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

4. An automatic secondary on-site water supply having a capacity not less than the hydraulically calculated sprinkler demand, including the hose stream requirement, shall be provided for high-rise buildings assigned to Seismic Design Category C, D, E or F as determined by the IBC. An additional fire pump shall not be required for the secondary water supply unless needed to provide the minimum design intake pressure at the suction side of the fire pump supplying the automatic sprinkler system. The secondary water supply shall have a duration of not less than 30 minutes as determined by the occupancy hazard classification in accordance with NFPA 13.

5. Fire alarm systems shall be provided in accordance with Section 907.2.13.

6. Smoke detection shall be provided in accordance with Section 907.2.13.1.

7. An emergency voice/alarm communication system shall be provided in accordance with Section 907.5.2.2.

8. Emergency responder radio coverage shall be provided in accordance with Section 510.

9. A fire command center complying with Section 508 shall be provided in a location approved by the fire department.

IFC Section 508 Fire Command Centers

All buildings classified as high-rise buildings by the International Building Code (IBC), a fire command center for fire department operations shall be provided in each building and shall comply with Sections 508.1.1 through 508.1.6.

1. The location and accessibility of the fire command center shall be approved by the fire chief. It will be necessary to obtain approval from the fire chief of the responding agencies; Snohomish County Fire Protection District 1 and Shoreline Fire Department.

2. The fire command center shall be separated from the remainder of the building by not less than a 2-hour fire barrier constructed in accordance with Section 707 of the IBC or horizontal assembly constructed in accordance with Section 711 of the IBC or both. (This is a WA State Amendment to 508.1.2 of the IFC.)

3. The fire command center shall not be less than 200 square feet in area with a minimum dimension of 10 feet.

4. A layout of the fire command center and all features required by this section to be contained therein shall be submitted for approval prior to installation.

5. Storage unrelated to operation of the fire command center shall be prohibited.

6. The fire command center shall comply with NFPA 72 and shall contain the following features:

a. The emergency voice/alarm communication system control unit.

b. The fire department communication system.

c. Fire detection and alarm system annunciator.

d. Annunciator unit visually indicating the location of the elevators and whether they are operational.

e. Status indicators and controls for air distribution systems.

f. The fire fighters' control panel for smoke control systems installed in the building.

g. Controls for unlocking stairway doors simultaneously.

h. Sprinkler valve and water-flow detector display panels.

i. Emergency and standby power status indicators.

j. A telephone for fire department use with controlled access to the public telephone system.

k. Fire pump status indicators.

l. Schematic building plans indicating the typical floor plan and detailing the building core, means of egress, fire protection systems, fire-fighter air replenishment systems, firefighting equipment and fire department access, and the location of fire walls, fire barriers, fire partitions, smoke barriers and smoke partitions.

m. An approved Building Information Card that includes, but is not limited to, all of the following information:

i. General building information that include: property name, address, the number of floors in the building above and below grade, use and occupancy classification (for mixed uses, identify the different types of occupancies on each floor) and estimated building population during the day, night and weekend.

ii. Building emergency contact information that includes: a list of the building's emergency contacts including but not limited to building manager, building engineer and their respective work phone number, cell phone number and e-mail address.

iii. Building construction information that includes: the type of building construction including but not limited to floors, walls, columns and roof assembly.

iv. Exit access stairway and exit stairway information that includes: number of exit access stairways and exit stairways in building; each exit access stairway and exit stairway designation and floors serve; location where each exit access stairway and exit stairway discharges, interior exit stairways that are pressurized; exit stairways provided with emergency lighting; each exit stairway that allows reentry; exit stairways providing roof access; elevator information that includes: number of elevator banks, elevator bank designation, elevator car numbers and respective floors that they serve; location of elevator machine rooms, control rooms and control spaces; location of sky lobby; and location of freight elevator banks.

v. Building services and system information that includes: location of mechanical rooms, location of building management system, location and capacity of all fuel oil tanks, location of emergency generator and location of natural gas service.

vi. Fire protection system information that includes: location of standpipes, location of fire pump room, location of fire department connect sink floors protected by automatic sprinklers and location of different types of automatic sprinkler systems installed including but not limited to dry, wet and pre-action.

vii. Hazardous material information that includes: location and quantity of hazardous material.

n. Work table.

o. Generator supervision devices, manual start and transfer features.

p. Public address system.

q. Elevator fire recall switch in accordance with ASME A17.1.

r. Elevator emergency or standby power selector switches, where emergency or standby power is provided.

IFC 607.4 Fire Service Access Elevator – IBC 403.6.1 Fire Service Access Elevator

In buildings with an occupied floor more than 120 feet above the lowest level of fire department vehicle access, no fewer than two fire service access elevators, or all elevators, whichever is less, shall be provided in accordance with Section 3007 if the IBC. Each fire service access elevator shall have a capacity of not less than 3,500 pounds and shall comply with Section 3002.4 IBC.

IFC 607.5 Occupant Evacuation Elevator Lobbies

Where occupant evacuation elevators are provided in accordance with Section 3008 of the IBC, occupant evacuation elevator lobbies shall be maintained free of storage and furniture. Where elevators are to be used for occupant self-evacuation during fires, all passenger elevator for general public use shall comply with Section 3008.1 through 3008.10 of the IBC.

IFC Chapter 36 Marinas

Piers, marinas and wharves with facilities for mooring or servicing five or more vessels, and marine motor fuel-dispensing facilities shall be equipped with fire protection equipment in accordance with Sections 3604.2 through 3604.7.

3604.2 Standpipes. Marinas shall be equipped throughout with Class I manual, dry standpipe systems in accordance with NFPA 303. Systems shall be provided with outlets located such that no point on the marina pier or float system exceeds 150 feet from a standpipe outlet.

3604.3 Access and water supply. Piers and wharves shall be provided with fire apparatus access roads and water supply systems with on-site fire hydrants. At least one fire hydrant capable of

providing the required fire flow shall be provided within an approved distance of standpipe supply connections.

3604.4 Portable fire extinguishers. One 4A40BC fire extinguisher shall be provided at each standpipe outlet. Additional fire extinguishers, suitable for the hazards involved, shall be provided and maintain in accordance with Section 906.

3604.5 Communications. A telephone not requiring a coin to operate or other approved, clearly identified means to notify the fire department shall be provided on the site in a location approved by the fire marshal.

3604.6 Emergency operations staging areas. Space shall be provided on all float systems for the staging of emergency equipment. Emergency operation staging areas shall provide a minimum of 4 feet wide by 10 feet long clear area exclusive of walkways and shall be located at each standpipe hose connection. Emergency operation staging areas shall be provided with a curb or barrier having a minimum height of 4 inches and maximum space between the bottom edge and the surface of the staging area of 2 inches on the outboard sides of the staging areas.

An approved sign reading FIRE EQUIPMENT STAGING AREA – KEEP CLEAR shall be provided at each staging area.

3604.7 Smoke and heat vents. Approved automatic smoke and heat vents shall be provided in covered boat moorage areas exceeding 2,500 sq. ft. in area, excluding roof overhangs. Exception: Smoke and heat vents are not required in areas protected by automatic sprinklers.

Detailed information regarding the construction and use of the pier is lacking. It appears that there is a small marina proposed but it does appear that it will allow moorage of more than five vessels. Provide more detailed information regarding the marina and pier so that a complete fire review can be done. Will there be fuel-dispensing facilities? Will the marina be covered? It is understood by this office, that a restaurant is proposed on the pier. Provide clarification and more detail of the proposed uses on the pier and marina.

**RESPONSE #145:**

**Pier does not contain a marina which services or moors vessels. It has a non-covered floating dock used for non-motorized watercraft. There will be no fuel-dispensers. The retail space on the pier will be a kayak rental facility and a fishing supply shop.**

---

Environmental Review (SEPA) (Chapter 30.61 SCC)

This review completion letter does not specifically address environmental review under SEPA, except that it identifies many issues with the proposal that may have some bearing on the Draft EIS under preparation pursuant to Chapter 30.61 SCC. Changes to the project proposal as a result of this letter will refine the Urban Center alternative being studied in the DEIS.

Wetlands and Fish & Wildlife Habitat Conservation Areas (Chapter 30.62A SCC)

Chapter 30.62A SCC regulates the designation and protection of wetlands and Fish & Wildlife Habitat conservation areas. Point Wells has vesting to the 2011 version of these Critical Area Regulations, with a few minor exceptions noted below. The intent of comments here is to supplement the June 21, 2017, technical review memo from Randy Middaugh that addresses the requirements of Chapter 30.62A SCC, among other chapters. This memo is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/44893.

SCC 30.62A.030 Relationship to Chapter 30.61 SCC – Environmental Impacts

This section states that:

> Critical area protective measures required by this chapter shall also constitute adequate mitigation of adverse or significant adverse environmental impacts on wetlands, fish and wildlife habitat conservation areas and their buffers pursuant to chapter 30.61 SCC [SEPA Environmental Review], to the extent permitted by RCW 43.21C.240.

In general, it is Snohomish County's position that if a project complies with this chapter, there is no need for additional measures to mitigate impacts. To confirm this, the State Environmental Policy Act (SEPA) calls for a determination by the County if additional environmental review is necessary. For most projects, the determination is that no additional review is necessary. However, due to the size and location of the Point Wells project, Snohomish County determined that additional study is necessary and requested comments on the scope of an Environmental Impact Statement (EIS) for the project.[69] One outcome of the EIS process may be identification of additional measures beyond those in this chapter to protect wetlands and fish & wildlife habitat conservation areas and their buffers.

SCC 30.62A.040 Rulemaking Authority
The Planning Director has authority to adopt rules with detail requirements to implement this chapter of code. Many of these rules are referred to as Best Management Practices, or BMPs, to protect wetlands, fish & wildlife habitat conservation areas and buffers. The applicant has requested use of Innovative Development Design provisions of this chapter, but has not provided sufficient information for Snohomish County to evaluate the proposal relative to BMPs.

**RESPONSE #146:**

**Additional information in support of the request for Innovative Development Design review is included in Section 9 of the revised Biological Assessment.**

---

SCC 30.62A.120 Critical Area Services Provided by the Department
Planning and Development Services provides technical assistance to proponents of small projects as described in this section. Point Wells is not a small project. Therefore, it is the responsibility

[69] See Notice of Determination of Significance and Request for Comments on Scope of EIS dated February 2, 2014, available at: http://snohomishcountywa.gov/DocumentCenter/Home/View/33691.

of the applicant to identify and delineate critical areas and to develop a habitat management plan consistent with this chapter.

*Former* SCC 30.62A.130 Submittal Requirements
This section describes requirements for critical areas information when submitting project applications. The Point Wells applications in 2011 and resubmittal in 2017 provided some, but not all, of the necessary information. For PDS to be able to recommend approval of the project, the applicant must revise the applications to include all of the required critical areas information.

For the Urban Center permit (11-101457 LU), Short Plat (11-101007 SP), and Shoreline Management Permits (11-101461 SM):

1- Add survey and square footage information for the existing pier as well as for the pier after proposed modifications. These additions are necessary for compliance with former SCC 30.62A.130(1)(a), (b), (d), and (e).

2- As requested on Page 9 of the April 12, 2013 Review Completion Letter, add a summary sheet common to all three permits in the civil plan that depicts and classifies all critical areas including buffers that must also appear on the site development plans.

**RESPONSE #147:**

**For the short plat, see Short Plat Sheets 3, 5. The dock is 1,063' by 100', with a square footage of 106,300 SF.**

---

Geologically Hazardous Areas (Chapter 30.62B SCC)

Detailed review of geologically hazardous areas will occur as part of the SEPA projects, including preparation of the Draft EIS. Comments here are limited in scope to issues specifically affecting the project plans.

*Former* SCC 30.62B.020 Relationship to Snohomish County Shoreline Management Program
The Snohomish County Shoreline Management Program (SMP) exists to protect shorelines of the state. With respect to geologic hazards, this chapter provides compliance with the SMP. Geologic hazards within the SMP portion of Point Wells include erosion hazards and tsunami hazards. The landslide hazard area may be outside the SMP jurisdiction, but the site plan does not adequately depict these areas. There are no known mine or volcanic hazards on the site or in the vicinity. The Draft Subsurface Conditions Report discusses seismic hazards, but these are not specific to the SMP.

**RESPONSE #148:**

**Hart Crowser's April, 2018 report includes current geologic hazards areas and the landslide setback on Figure 10 and in Section 6.0.**

---

SCC 30.62B.030 Relationship to Chapter 30.61 SCC – Environmental Impacts
The combination of protections required by Chapter 30.62B SCC and the SEPA review process from Chapter 30.61 SCC shall constitute adequate mitigation of adverse or significant adverse environmental impacts on geologically hazardous areas.

SCC 30.62B.040 Rulemaking Authority
The PDS director may adopt administrative rules, including best management practices, to implement this chapter.

SCC 30.62B.120 Critical Area Services Provided by the Department
Planning and Development Services provides technical assistance to proponents of small projects as described in this section. Point Wells is not a small project. Therefore, it is the responsibility of the applicant to identify and erosion and landslide hazard areas. PDS is responsible for reviewing information provided by the applicant.

Former SCC 30.62B.130 Submittal Requirements
This section lists eight requirements for submittal of a site plan, which for the purposes here refers to the Urban Center site plan application. The application meets the requirements of subsections (1) to (5).

Subsection (6) requires the site plan to show all geologically hazardous areas on and within 200 feet of the site. The site plan does not show the erosion, liquefaction, or tsunami hazard areas.

Update Sheet A-051 to include these. Revise how landslide hazards appear to include both the hazard areas and buffers.

**RESPONSE #149:**

**See Responses 111 & 148 and Sheet A-051. Geologic hazards are discussed in the April 2018 geotechnical report (Figure 10, Section 6.0) and shown on Sheet A-051.**

---

Subsection (7) requires the site plan to show all other critical areas. See review of Chapter 30.62A, starting on page 143, for a discussion of stream and wetland information that must be added to the site plan.

Subsection (8) requires the site plan to depict all setbacks, including those for landslide hazard areas. Point Wells is vested to former SCC 30.62B.340 which establishes landslide hazard area setbacks for the project. The depiction of landslide hazard areas on sheet A-051 of the urban center application does not comply with former SCC 30.62B.340.

*Former* SCC 30.62B.140 Geotechnical Report Requirements
This section describes the types of information that must be included in a geotechnical report. The applicant has provided two such reports[70] , and these will continue to be refined with additional information during the project review process. This review discusses the more recent (June 11, 2015) Draft Subsurface Conditions Report. Snohomish County has separately provided detailed comments on this draft report and expects an updated draft to be the basis for environmental review in the Draft Environmental Impact Statement, or DEIS. After the DEIS is published, and after the applicant revises the project proposal to address a number of issues, the geotechnical report will require updating again.

Subsection (1) describes when a geotechnical report is required and the applicant has provided two drafts of such reports.

Subsection (2) lists detailed topics that a geotechnical report must include before Snohomish County accepts it as complete. The Draft Subsurface Conditions Report addresses most of the required information, but it still needs to do the following:

- Show easements to Brightwater, including both the existing and proposed access as well as the easement(s) for the conveyance tunnel and outfall (former SCC 30.62B.140(2)(d);
- Describe the proposed method of drainage for the second access road once the project application has been revised to include the required road (former SCC 30.62B.140(2)(j);
- Include analysis of erosion rates from wave cutting and recommendation for shoreline stabilization or flood protection in conformance with former SCC 30.62B.320(2), see page 148. The qualitative analysis of wave erosion rates is inadequate to demonstrate compliance with this requirement.
- Provide an analysis of cuts and retaining walls next to the Service Drive in the Urban Plaza, consistent with former 30.63B.130(2). The geotechnical report must evaluate the

[70] The Preliminary Geotechnical Engineering Study, dated November 16, 2010 and the Draft Subsurface Conditions Report, dated June 11, 2015.

proposed construction of retaining walls on property lines to ensure that structures and setbacks proposed are appropriate to site conditions.

RESPONSE #150:

**See Responses 148, 151 and 155. See also Sheet A-051.**

**In addition, see Section 7.1.1 of Hart Crowser's 4/18 geotechnical report regarding drainage information; and Section 5.1.6.1 of Hart Crowser's 4/18 geotechnical report regarding slope stability. Hart Crowser's 3/16/16 geotechnical report previously submitted to the County provided information relating to Responses 153, 154, and 155.**

**Hart Crowser anticipates that the following typical drainage collection and conveyance methods would be used for the secondary access road and associated retaining walks (see Section 7.1.1 of the April 2018 geotechnical report):**

- **Collect surface water in ditches upslope of the road and convey to Chevron Creek in lined, or low infiltration ditches or pipes, or culverts under the road/retaining walls that maximize infiltration. The drainage should be connected to the existing pipe conveyance of the Creek, or other suitable discharge conveyance at the base of the slope.**
- **Retaining walls and associate fill would include subsurface drainage measures such as drainage layers with perforated collection pipes connected to solid-walled pipes to suitable discharge points (i.e., existing Chevron Creek conveyance pipe). Subsurface drainage collection would be designed to be resistant to the effects of freezing (i.e., drainage layers and subgrade piping below the frost depth).**

**The April 2018 geotechnical report for this submittal includes preliminary slope stability analysis of the secondary access road and associated retaining wall using applicable County factors of safety pursuant to SCC 30.62B.340(3)(b). Results show the proposed retaining wall would improve slope stability to better than current conditions. Future design of slope stabilization and retaining walls would use these SCC factors of safety to analyze and design retaining walls for static and seismic loading conditions (Section 5.1.6.1 of the geotechnical report).**

---

SCC 30.62B.150 Independent Consultant Review
This section allows Snohomish County to require review by an independent geotechnical consultant, at the applicant's expense, if necessary.

Former SCC 30.62B.160 Permanent Identification, Development Restrictions, and Recording
This section describes steps to document restrictions on the land. Prior to approval of construction plans, the applicant shall record a critical area site plan showing, among other things, the geologic hazards on site. A disclosure notice for tsunami hazards will also be required. PDS staff will recommend these as conditions on the project to the Hearing Examiner.

SCC 30.62B.170 Security Devices and Insurance Requirements

This section describes when the PDS director requires insurance or other security devices to cover claims for property damage resulting from activities relating to this chapter.

Subsection (1) requires a security device or insurance "when the depth of any proposed excavation will exceed four (4) feet and the bottom elevation of the proposed excavation will be below a one hundred (100) percent slope line originating from the elevation of any adjacent property lines." Based on finished elevations, several areas on the site plan meet this threshold. Additional areas might also reach the threshold when more details on the site preparation/cleanup phase become available because excavations will be deeper than finished elevations. PDS staff will make recommendations to the Hearing Examiner following completion of a Final Environmental Impact Statement for the project.

Subsection (2) allows the PDS director to require security devices or insurance to cover potential claims related to development in landslide hazard areas, i.e. in the Urban Plaza. Excavation and construction of the Urban Plaza will require coverage for potential claims because it is almost, or entirely, within the landslide hazard area. PDS staff will make recommendations to the Hearing Examiner following completion of a Final Environmental Impact Statement for the project. Additional insurance may be required when details about excavation in the landslide hazard area become available during the Land Disturbing Activity (LDA) permit/site cleanup phase of the project.

Subsection (2) also allows the requirement of insurance when there is risk to fish and wildlife habitat conservation areas or buffers. Accordingly, insurance to protect against claims relating to erosion or spillage of contaminants into Puget Sound during site cleanup is also likely. Details will be determined during the LDA/site cleanup phase.

SCC 30.62B.210 Designation of Geologically Hazardous Areas
This section describes how Snohomish County meets state requirements to designate geologically hazardous areas by way of regulating such hazards on a case-by-case basis in code rather than attempting to map all hazards in advance. Project proponents are responsible for determining where hazards exist. PDS is responsible for verifying information provided by the proponents. The following types of geologic are present at Point Wells:

- Erosion Hazard Areas (both slope and shoreline)
- Landslide Hazard Areas
- Seismic Hazard Areas (potential for liquefaction)
- Tsunami Hazard Areas

*Former* SCC 30.62B.320 General Standards and Requirements for Erosion and Landslide Hazard Areas
This section includes basic standards for development activity occurring in erosion or landslide hazard areas.

Subsection (1)(a)(i) requires compliance with a geotechnical report pursuant to SCC 30.62B.140. The current draft of a geotechnical report is the Draft Subsurface Conditions Report, dated June 11, 2015, but this draft report will need updating. See page 146.

Subsection (1)(a)(ii) requires use of best management practices (BMPs) and all known and available reasonable technology (AKART) when developing in erosion and landslide hazard areas.

Subsection (1)(a)(iii) prohibits, in most cases, the collection, concentration, or discharge of stormwater or groundwater within erosion or landslide hazard areas. In general, the project application appears to achieve this. However, more information in the Targeted Drainage Report and in the Urban Center Application is necessary to show how the project will convey stormwater and groundwater away from the retaining walls and the parking garage in the Urban Plaza as well as from the second access road. Conveyance of water away from these uses is necessary to reduce erosion and ensure slope stability. Further details will be required for construction drawings.

**RESPONSE #151:**

**Hart Crowser's geotechnical report includes geologic hazards areas on Figure 10 and preliminary geotechnical design recommendations for drainage and erosion in landslide hazard areas (Sections 7.1.1 and 7.1.4). Hart Crowser previously provided general information about geologic hazards in the 3/16/16 and 8/4/16 geotechnical reports.**

**See also Response #150.**

---

Subsection (1)(b) establishes several mandatory avoidance criteria. (1)(b)(i) stipulates avoidance of increased risk of property damage, death or injury. Increased erosion and landslide risks are to be avoided per (1)(b)(ii). Development may not exceed pre-development conditions[71] (i.e. natural state, not current industrial use) for surface water discharge, sedimentation, slope instability, erosion or landslide potential (1)(b)(iii) or adversely impact wetlands, fish and wildlife habitat conservation areas or their buffers.

The project design must therefore to avoid death and injury from landslides, liquefaction or tsunamis. The same steps would address property damage risks both on-site and off-site landslide and erosion risks. The project would have no meaningful impact to off-site liquefaction risks. Off-site property risks for tsunamis might actually be lower after redevelopment at Point Wells because the risk of waves sweeping toxic chemicals from the present industrial uses to off-site locations would go away.

Compliance with Chapter 30.63A SCC will address risk for surface water discharge exceeding pre-development conditions. Likewise, compliance with this chapter (30.62B SCC) will ensure that landslide risks do not exceed the natural conditions. Indeed, properly designed and constructed retaining walls and drainage may actually lower the likelihood and impact of landslide risks to the site. Compliance with this chapter and with Chapter 30.63B SCC will

[71] Snohomish County Code defines "pre-development conditions" as "a fully-forested condition (soils and vegetation) to which a Washington State Department of Ecology-approved continuous runoff hydrologic model is calibrated, unless reasonable, historic information is provided that indicates the site was prairie prior to Euro-American settlement" (SCC 30.91P.258).

address erosion hazards from slopes/ Shoreline erosion would return closer to the natural condition by the removal of the existing seawall and restoration of the beach area, see review of Chapter 30.44 SCC Shoreline Permits on page 114.

With respect to sedimentation, the project would comply with (1)(b)(iii) by not exceeding the natural rate of sedimentation into Puget Sound. The stormwater plan, once revised for other reasons, would include things like catch basins that reduce sediment transport to a level below the rate that streams flowing across the site would have formerly moved. In short, the project should try to mimic natural sediment transport that streams across the site would have produced; but the project should also take steps to ensure that contaminated soil are not part of this transport.

Section (2) requires project proponents to "make all reasonable efforts to avoid and minimize impacts to wetlands and fish and wildlife habitat conservation areas and their buffers pursuant to Chapter 30.62A SCC" and gives a list of steps in order of preference. See review of Chapter 30.62A SCC on page 143. Details on the preferred steps follow.

Subsection (2)(a) reads, "Utilize setbacks sufficient to ensure that shoreline stabilization or flood hazard reduction measures will not be necessary to protect development for its projected design life". Regarding setbacks sufficient to ensure shoreline stabilization, the project proposes to replace the existing seawall that is at the shoreline in some places and move it inland to allow for beach restoration. This may promote shoreline stabilization. The project, however, does not comply with the setback requirements and Snohomish County is recommending that the applicant revise their proposal to include use of provisions such as innovative design that create flexibility regarding setbacks.

Protecting the development from flood hazards for the projected design life is also a requirement of Subsection (2)(a). The proposed elevation for the lower floors of the garages in the North and South Villages is six feet, which puts them below the base flood elevation of 10-feet elevation established by FEMA. See Flood Hazard Review memo from Rebecca Samy dated June 27, 2017.

Drainage and Grading (Chapters 30.63A, 30.63B, and 30.63C SCC)

Previous Geotechnical comments plans (Urban Center Submittal dated 3/3/2011) and reports submitted and reviewed in March, 2011 and updated by Hart Crowser in June 2015 have not fully addressed the significant issues surrounding the extent of the geologic hazards on site. However, more technical information has been provided in the subsurface conditions report by Hart Crowser.

1) CRITICAL AQUIFER RECHARGE AREAS: A hydrogeologic report will be required for any activity or use listed in SCC 30.62C.340 within a critical aquifer recharge area with high or moderate groundwater sensitivity. Please address. See SCC 30.62C.140. What is the significance of having multiple groundwater zones throughout the site and the nature of the existing groundwater quality and potential for groundwater contamination to any wells in the area? Given the near surface elevation of groundwater, the County would consider the potential sensitivity to the aquifer as high.

*Second Request. No additional information has been provided.*

**RESPONSE #152:**

**A hydrogeologic report is required and has been prepared for sites which the County considers to have high sensitivity to groundwater contamination. Hart Crowser's April 2018 report summarizes hydrogeologic setting, groundwater quality, location of nearby wells, and refers to applicable regulations and BMPs protective of groundwater that might be applicable to the project.**

---

2) SEISMIC HAZARD AREAS: Development activities within 200 feet of a seismic hazard area may be allowed with an approved geotechnical report that confirms the site is suitable for the proposed development and is capable to meet the current International Building Code and chapter 30.51A SCC. Under SCC 30.62B.350, please have the geotechnical engineer confirm the site is suitable for the proposed development, including placement of the 4-18 story towers within an area of potential liquefaction with a site class of E during the maximum considered earthquake. Please provide a site response analysis to assess the feasibility of the proposal given these soil conditions. Clarify the apparent inconsistency within the Hart Crowser report in assuming a varying maximum considered earthquake value for differing geologic hazards. PGA =0.5 g and a M=7.0 for seismic, but for landslide hazard assessment or steep slope assessment a 0.168 g value was used and the factors of safety indicate that under these seismic conditions that the slopes may likely fail during an earthquake of this lower magnitude. The tsunami hazard was modeled at still a different maximum considered earthquake with a magnitude of M=7.2 to M=7.3 located on the Seattle Fault to the south of the site.

Second Request. No additional information has been provided.

RESPONSE #153:

**This site is considered suitable for development provided the design includes ground improvement to mitigate liquefaction or deep foundations designed to withstand the effects of potential liquefaction, as recommended in the Hart Crowser April 2018 geotechnical report. In Hart Crowser's opinion, a site response analysis is not needed for an EIS-level feasibility assessment, as the recommended techniques to address liquefaction hazards are routinely implemented at other sites with similar hazards. However, as indicated in Hart Crowser's report, a site response analysis will be necessary for design. To perform the site response analysis during design, shear wave velocity measurements will need to be performed at representative locations throughout the development.**

**The seismic design parameters used are consistent with current IBC, SCC and geotechnical standards of practice. Hart Crowser added clarifying language regarding the seismic design parameters used for structural analysis, slope stability, liquefaction, and tsunami evaluations (Sections 6.2.2 and 6.3).**

**For its EIS-feasibility assessment, Hart Crowser discussed several appropriate techniques for mitigating the hazard from liquefaction, including advantages and disadvantages for various ground improvement techniques (Section 7.1.2) and deep foundation options (Section 7.5.2). Hart Crowser also addressed inappropriate techniques (e.g., shallow foundations without ground improvement, Section 7.5.1) and discusses limitations of certain techniques based on site constraints (e.g., overexcavation and replacement, Section 7.1.2).**

**Response was included in the March 15, 2016 County Review Comment and Disposition Form and in Hart Crowser's geotechnical reports dated March 16, 2016, August 4, 2016 & April 24, 2018.**

---

3) LANDSLIDE HAZARD AREAS: Development activities and clearing are not allowed within landslide hazard areas or setbacks unless there is no alternate location on the property. Therefore, the proposal to locate buildings, grading and retaining walls within the setback and the landslide hazard areas east of the railroad tracks appears in violation of SCC 30.62B.340. Please address. Of particular concern is the siting of the emergency response unit/fire and police at the toe of a landslide hazard area where this structure would be first to be hit if a slide were to occur, potentially. The runout distance of a slide event needs to be depicted on the geologic map and site plan given the existing hydrologic and groundwater regime and the current failing pipes at the a prior fire control dug pond as shown in the geologic report. Repairs to that failing system need to be addressed as a mitigation element to reduce landside risk down gradient of these existing failing pipes.

*Second Request. No additional information has been provided. Attached are the current geologic hazard maps for the site.*

RESPONSE #154:

**The response to this comment was included in the March 15, 2016 County Review Comment and Disposition Form and in Hart Crowser's geotechnical reports dated March 16, 2016, August 4, 2016 & April, 2018. As noted in the April 2018 geotechnical report, the proposed siting would require the County to approve a deviation to locate structures within the minimum setback (Section 6.1). This report addresses the feasibility and mitigation measures needed to meet the County's standards as part of allowing such a deviation. (See Hart Crowser's deviation request submitted concurrently herewith.) As discussed in the report, slope stabilization measures will need to be implemented and retaining walls will be designed to resist slope movement and may be designed to protect structures from shallow, surficial slide debris (Section 7.1.1).**

**In Hart Crowser's opinion, a design analysis of the retaining wall is not needed for an EIS-level feasibility assessment. The recommended techniques to address slope instability are routinely implemented at other sites with similar hazards. However, as indicated in Hart Crowser's report, a rigorous analysis of wall layout, surface water drainage, and subsurface conditions will be necessary for design. To perform the wall analysis during design, additional detailed field investigations and measurements (e.g., borings, piezometers) based on the final wall proposed wall geometry will be needed. Hart Crowser added language to indicate what additional information will be needed for design throughout the report, as necessary.**

**Hart Crowser added the three mapped landslides (discussed in Section 5.1.6.1) on the report site plan and geologic map from the Baum et al. (2000) study, which is the basis of the Harp et al. (2006) landslide runout assessment referenced in its report. As discussed throughout its report, surface water and subsurface drainage will be addressed as part of mitigating landslide and erosion hazards.**

---

4) The proposed development in the landslide hazard areas does not appear to fully meet SCC 30.62B.320(1)(a)(iv), (b)(i), (ii) or (iii). Please address. Will the walls proposed on the east side of the development be designed to resist hillside movement and landslides and still meet the minimum setback to structures from this geologic hazard?

*Second Request. No additional information has been provided.*

RESPONSE #155:

**Hart Crowser added clarifying language regarding impervious surfaces affecting landslide and erosion hazards to the April 2018 geotechnical report, which is limited to the Secondary Access Road (end of Sections 6.1 and 6.4). Hart Crowser recommended limiting disturbance to vegetation and re-vegetation/improving vegetation as part of mitigating landslide and erosion hazards (Sections 7.1.1 and 7.1.4). Hart Crowser recommended mitigation measures to decrease risk from landslide hazard areas (i.e., slope stabilization to meet SCC 30.62B.340(3)(b) factor of safety requirements) and erosion hazard areas. A**

**design that follows Hart Crowser's recommendations will not increase landslide or erosion hazard risk on adjacent properties – it will decrease the risks.**

**The walls will be designed to resist slope stability (Section 6.1) and meet the SCC standards; however, the walls appear to be within the minimum setback, which is a deviation from the SCC that will need to be approved by the County (See Response #154).**

**To perform the wall analysis during design, additional detailed field investigations and measurements (e.g., borings, piezometers) based on the final proposed wall geometry will be needed. Hart Crowser has added language to indicate what additional information will be needed for design throughout the report, as necessary.**

---

The following comments made on plans (Urban Center Submittal dated 3/3/2011) and reports submitted and reviewed in March, 2011 have not been addressed unless noted otherwise below.

> 5) The grading quantities stated on the grading application are 10,000 CY cut and 300,000 CY fill. However, the site will likely require removal of significant contaminated soils that will also require a grading permit, if not the same permit. Please discuss in the report what grading and grading quantities, or other work will likely be required for site preparation. This was not discussed in the May 28, 2015 Targeted Drainage Report. Grading quantities shown on the previous Urban Center (Now Village) Submittal are 50,000 cubic yards of cut and 540,000 CY.

Applicant has not provided any clarification related to this question.

**RESPONSE #156:**

**Hart Crowser's April, 2018 environmental memo provides an estimate of the volume of contaminated soil to be excavated based on the conceptual remediation approach and estimated extent of the contamination. Some of the excavated material will be transported off site for disposal. Some may be able to be treated on-site and would be available for use as clean fill. Quantities will be presented in the memo mentioned in Response #21. It may be necessary to replace some or all excavated soil in areas where underground parking is planned. Information from the April 2018 remediation memorandum has been used to update the estimates of total grading quantities in the application.**

---

> 6) The drainage report needs to be stamped by the engineer. The Targeted Drainage Report dated May 28, 2015 is stamped, but it has not been signed and dated (WAC 196-23-020(1).

*This comment has been addressed.*

> 7) The proposal to possibly relocate outfall from the southern portion of the site by pumping to the north and discharging at outfall 2 may not be in accordance with SCC 30.63A.520. Please address. Pumping was not discussed in the May 28, 2015 Targeted Drainage Report.

*It appears that this question is no longer applicable based on current drawing C-303.*

8) Please revise the drainage basin maps to clearly show more information about the existing conveyance systems and drainage patterns for upstream drainage through/around the site; include pipe sizes and slopes, structure tops and inverts, ditch size/configuration and slope, etc. For each upstream drainage basin, please clearly indicate the flow paths, outfall locations and their descriptions or outfall numbers on the maps. Where does existing drainage from the railroad property drain? Provide enough information on the basin maps that clearly demonstrates how the proposed fill and walls will not alter or block existing drainage patterns and courses for drainage from railroad property or other upstream areas. It is unclear if the information in the May 28, 2015 Targeted Drainage Report attempts to respond to this comment. Exhibit maps are at a very small scale and any notations are impossible to read. Revisions to the Urban Center Submittal are still warranted.

*Second Request. No additional information has been provided.*

**RESPONSE #157:**

**Full size sheets of drainage basins are now included on the plans. Offsite and onsite flow paths have been included and the railroad track ditch conveyance to outfall #2 is shown. See Sheets C-010 and C-015.**

---

9) Provide more detailed storm drainage information on the drainage plans so it is clear where proposed runoff drains. Show conceptual pipe size, catch basin tops and inverts, and the same for existing. This was not discussed in the May 28, 2015 Targeted Drainage Report.

Second Request. No additional information has been provided.

**RESPONSE #158:**

**Proposed storm drain catch basins, maintenance holes, pipes with rim and inverts included with revised plans. See C-300 series. For existing rim and inverts provided and flow areas, see Sheet C-010.**

**State law (RCW 70.105D.090) exempts cleanups conducted under an agreed order or consent decree with Ecology from obtaining local permits for the cleanup action. However, all substantive requirements (e.g., land disturbing activity permit) must be complied with. Ecology is required to establish procedures for ensuring that remedial actions comply with the permit's substantive requirements and to consult with the local governments.**

---

10) I don't know of any exemption in SCC 30.63B.070 (Land disturbing permit exemption) for the proposed contaminated soil remediation process. Please address. This was not discussed in the May 28, 2015 Targeted Drainage Report.

*Second Request. No additional information has been provided.*

**RESPONSE #159:**

**See Response #134.**

---

The following were new comments on the Targeted Drainage Report dated May 28, 2015, which was reviewed with the idea of it being a supporting document to the Environmental Impact Statement, as well as for a Land Disturbing Activity permit.

11) The Targeted Drainage Report should be titled Targeted Stormwater Site Plan Report.

*This comment has been addressed.*

12) The incorrect Drainage Information Summary Form is being used (See Attachment B in the Construction/Full Stormwater Site Plan Checklist)

*Second request. See Attachment B:*
https://snohomishcountywa.gov/DocumentCenter/View/7548.

**RESPONSE #160:**

**Summary form included to provide 2, 10, 50 & 100 year events. See the Targeted Stormwater Site Plan Report, dated April 24, 2018.**

---

13) The Targeted Stormwater Site Plan Report is confusing, partially because drawings and exhibits are too small to read the text or they lack information (See No 10, above).

*Second Request. No additional information has been provided.*

**RESPONSE #161:**

**Full size drainage basin maps, Sheets C-010 and C-015, have been included with this submittal.**

---

14) The order that information is presented in the Targeted Stormwater Site Plan Report could be improved to first clearly introduce the location and description of the existing drainage conveyances and then describing the proposal.

*Current Stormwater Site Plan Narrative format appears to be improved.*

15) This project must meet Enhanced Stormwater Treatment Requirements, SCDM Volume I, Chapter 4, Step 5E.

*Second Request. All stormwater treatment must meet enhanced treatment standards.*

**RESPONSE #162:**

**Per Snohomish County Code, discharge to salt water body is exempt for enhanced treatment. The applicant intends to provide the enhanced treatment, but should receive innovative design credit.**

---

16) The Targeted Stormwater Site Plan Report should follow the outline in the Construction/Full Stormwater Site Plan Checklist and shall address Minimum Requirements 1 through 9. http://www.snohomishcountywa.gov/DocumentCenter/View/7548 .

Current Stormwater Site Plan narrative does address Minimum Requirements 1 – 9. Some revisions may be required to address other specific comments.

17) Grading and drainage required for any off-site roadway construction should be addressed as either part of the site (SCC 30.91S.351), or if not contiguous, as a separate drainage facility.

Second Access Exhibit dated 4/12/17 shows the majority of the second access roadway being constructed in the Town of Woodway. It appears that all of the drainage from the Woodway portion of the road will be conveyed to water quality treatment and conveyance facilities.

18) Since the Targeted Stormwater Site Plan Report is in support of the EIS, the narrative should be expanded and clearly written for the lay reader.

The report is better organized and is clearer. Additional editing may be desirable, especially related to water quality treatment and how each of the proposed facilities meets enhanced treatment standards.

19) Within 300 feet of ordinary high water of Puget Sound, it must be shown that Infiltration can be utilized to reduce the impacts to 10 percent effective impervious area.

It is our understanding that the applicant has indicated that infiltration will not be feasible.

20) If infiltration is being proposed in fill soils, then Geotech will need to address stability.

It appears that infiltration is no longer being considered.

21) Describe proposed Water Quality facilities for the lay reader.

Response is adequate.

22) Since this Targeted Stormwater Site Plan Report is in support of the EIS, all impacts and proposed mitigation to the various alternatives should be addressed.

This comment would be applicable to the EIS.

**RESPONSE #163:**

**This response will be provided in the updated DEIS.**

---

23) Report should better describe how retaining walls will impact grades on the site.
*Second Request. No additional information has been provided.*

**RESPONSE #164:**

**Retaining walls will be used to provide cut or fill conditions. See Subsurface Conditions Report for Point Wells Redevelopment by Hart Crowser dated April 2018.**

---

24) Proposed stormwater mitigation measures should be clearly described
The mitigation measures are described more clearly in general terms in the current Targeted Stormwater Site Plan narrative. A separate mitigation table organized by drainage basin is desirable.

**RESPONSE #165:**

**Water quality mitigation facilities are labeled and refenced to site plan. See Appendix D to the Targeted Stormwater Site Plan Report and also the C-300 Series.**

---

Additional comments on previous Urban Center Submittal drawings:

25) Drawings need to clearly show existing topography in order that proposal can be properly evaluated.
*Second Request. No additional information has been provided.*

**RESPONSE #166:**

**See the survey, provided herewith as Sheet EX 2.**

---

New comments based on the April 17, 2017 submittal:

1) Placement of a secondary access within and across a landslide hazard area must be evaluated to assess foundation support and stability of the overpass structure over the railroad tracks and within cut and fill slopes heading up the slope to the east to tie into the Woodway roadway system.

**RESPONSE #167:**

**Hart Crowser's April 2018 geotechnical report includes preliminary slope stability analysis of the secondary access road and associated retaining wall using applicable County factors of safety, SCC 30.62B.340(3)(b). The proposed retaining wall would improve slope stability to better than current conditions. Future design of slope stabilization and retaining walls**

**will use the SCC factors of safety to analyze and design retaining walls for static and seismic loading conditions.**

---

2) It appears that the applicant is choosing to utilize the drainage and grading codes and standards that were effective on or after January 22, 2016. Project submittal could be vested to the codes and standards effective September 30, 2010. This must be clarified.

**RESPONSE #168:**

**While the Application is vested under the codes in place as of the date of application, an exception to the general rule can require compliance with subsequent codes where such codes involve matters of public health. BSRE recognizes the public interest and concern regarding drainage and grading and has therefore voluntarily complied with the provisions of the January 22, 2016 drainage and grading codes.**

---

3) WWHM analysis is meaningless as presented. The many basins presented are all titled "Basin 1" and only summary information is provided. Clear identification of the basins (basin maps) as well as the identification of the WWHM data together with complete output data is requested.

**RESPONSE #169:**

**Water quality mitigation facilities are labeled and referenced in the site plan. See Appendix D to the Targeted Stormwater Site Plan Report and also the C-300 Series.**

---

Special Flood Hazard Areas (Chapter 30.65 SCC)

Chapter 30.65 SCC protects public safety and minimizes property losses from flooding. This chapter applies to Point Wells because the lower bench is a "special flood hazard area" associated with Puget Sound. Several sections of this chapter do not apply to Point Wells because they are for density fringe and floodway fringe areas, which are associated with flood hazards on rivers. Applicable sections of this chapter affect the Urban Center site plan (11-101457 LU), the Shoreline Management Permit (11-101461 SM), the Land Disturbing Activity permit (11-101008 LDA), and the Short Plat permit (11-101007 SP). The retaining walls under 11-101464 RC are all on the Upper Bench area outside the special flood hazard area and are thus not affected by this chapter. New walls will be necessary to protect the lower bench from landslides hazards that are now show, albeit incorrectly.

Point Wells has vesting to the 2011 version of this chapter. However, where this chapter creates requirements outside the chapter, such as for floodproofing measures under the building code, vesting would not extend to the building code.

Point Wells requires one or more Flood Hazard Permits permits; see review of Flood Hazard Permits (Chapter 30.43C) on page 111.

SCC 30.65.010 Purpose and Applicability and SCC 30.65.020 Intent
Chapter 30.65 protections for public safety and for minimizing property losses apply to Point Wells because it is in a special flood hazard area (see review of SCC 30.65.040 below). Some aspects of this review require steps to implement state and federal flood protection programs that are important in giving notice to the public and insurance providers.

SCC 30.65.030 National Flood Insurance Program
Chapter 30.65 SCC incorporated federal floodplain management regulations so that Snohomish County will continue to be eligible for participation in the National Flood Insurance Program.

SCC 30.65.040 Special Flood Hazard Areas Established
The Federal Emergency Management Agency (or FEMA) designates Special Flood Hazard Areas on its Flood Insurance Rate Maps (FIRMS). The Point Wells site straddles two FIRMS.[72] Both FIRMS designate their respective parts of the Point Wells shoreline area site as Zone AE, which means that base flood elevations have been determined. The base flood elevation determined by FEMA for Point Wells is 10-feet along the shoreline as shown on Figure 38, next page, which stitches the relevant parts of the two applicable FIRMS together.[73]

Figure 38 – FEMA Flood Hazard Designations for Point Wells
(Adapted from FEMA Map Numbers 53061C1292 E and 53061C1294 E)

This code section refers to FIRMS dated September 16, 2005, and yet the discussion above is for FIRMS dated November 8, 1999. Snohomish County adopted reference to the 2005 FIRMS in anticipation of FEMA implementing its September 16, 2005, maps for the entirety of Snohomish County. Full implementation has not taken place. Rather, there was implementation of new FIRMS the Snohomish River and the FEMA-implemented FIRMS for the rest of Snohomish County remain the November 8, 1999 maps. Former SCC 30.65.040, which was in effect from February 1, 2003 to September 23, 2005, referred to the 1999 FIRMS. This section changed to refer to the 2005 FIRMS, "or as amended", effective September 24, 2005. However, this action by Snohomish County that began in anticipation of implementation by FEMA was for not because the schedule for adoption and implementation for newer firms by FEMA for areas other than the Snohomish River is on hold. FEMA did not implement the rest of the 2005 FIRMS. FEMA then released preliminary digital FIRMS in 2010 (or DFIRMS) which were electronic versions of the September 16, 2005 paper maps, but FEMA put their adoption on hold pending FEMA's resolution of a mapping issue relating to levee analysis. In 2013, FEMA issued a new

---

[72] The north part of Point Wells is covered by Map Number 53061C1292 E, dated November 8, 1999. This map is available at: http://snohomishcountywa.gov/DocumentCenter/Home/View/35935. The south part of Point Wells is covered by Map Number 53061C1294 E, dated November 8, 1999. This map is available at: http://snohomishcountywa.gov/DocumentCenter/Home/View/35934.

[73] Figure 38 includes some obsolete data that does not affect the designation of special flood hazard areas or the base flood elevation shown. Old data includes rail spurs and Heberlein Road, which are no longer there, and out-of-date
Town of Woodway corporate limits.

approach to mapping levees that it is currently testing in 10 pilot areas across the country. This delay by FEMA may not affect data for coastal areas such as Point Wells, but it means that the 1999 FIRMS are the maps that FEMA recognizes during implementation of its programs. Both the former and the present-day versions of this code appear in Appendix O: Sections of Chapter 30.65 Special Flood Hazard Areas Used for Review, beginning on page 325.

Proposed parking garages for the South Village and the North Village would have lower levels at 6-feet in elevation. This would put the garages below the elevation shown by special flood hazard areas. If revisions to the Central Village garage add a lower level, say to correct for parking shortfalls, then any levels below 10-feet in that phase would also be a special flood hazard area. The Urban Plaza phase on the upper bench is outside the special flood hazard area.

SCC 30.65.050 Identification on Official Zoning Maps
For informational purposes only, the official zoning maps depict Special Flood Hazard Areas, as illustrated in Figure 39 below. Verification of flood hazards takes place during project review. For Point Wells, present-day contour and elevation information for areas above 10-feet elevation is the basis for what the zoning maps depict as flood hazard. However, the project will involve rebuilding the existing seawall inland, restoring the beach, and constructing parking garages behind the seawall but below the 10-foot elevation line. Therefore, any part of the project below 10-feet in elevation shall be a special flood hazard area for regulatory review.

Figure 39 – FEMA Flood Hazard Area as Depicted on the Zoning Map for SW 35 T27N R03E (Adapted from the January 17, 2013 Zoning Map)

Regarding Figure 79 above, this is not the official zoning map. The official zoning map is a hardcopy document that includes hand-written notes for Point Wells referring to Amended Ordinance 09-038 and Ordinance 09-080.

SCC 30.65.100 Floodproofing: Use of Available Data
Because the portion of the Point Wells site near the shoreline and under 10-feet elevation is a flood hazard area per FEMA, the requirement in subsection (1) has been met to require specific flood hazard protection standards of SCC 30.65.120 and 30.65.230.

SCC 30.65.110 Floodproofing: General Standards
Much of this section establishes requirements for construction materials and practices that will be applicable during review of construction plans, but not relevant at the present stage. Subsubsection (3)(d) requires the addition of the base flood elevation on the preliminary short plat application. This is on the list of required changes beginning on page 106 for the short plat resubmittal requirements and will result in complicance with SCC 30.41B.200(3) which requires (see page 107).

SCC 30.65.120 Floodproofing: Specific Requirements
This section includes specific requirements for various types of construction in special flood hazard areas, specifically construction within the base elevation area. Subsections (3) and (8) apply to Point Wells.

Subsection (3) includes floodproofing requirements for non-residential construction applicable to lower floors in the parking garages of the South and North Villages. (3)(a) and (3)(b) include construction requirements that would be recommended by PDS to the Hearing Examiner as conditions for approval of construction plans for any component of the project located less than one foot above the base flood elevation.

Subsection (8) requires fill in flood hazard areas to be "properly compacted, sloped and armored to resist potential flood velocities, scouring and erosion during flooding." This is primarily an issue for the Land Disturbing Activity (LDA) permit that would require PDS to recommend conditions for approval on the LDA permit. The principal armoring method would be rock revetments. With respect to floodproofing, in its recommendations to the Hearing Examiner, PDS would be recommending that the applicant provide in construction construction plans details on the proposed revetment design and calculations showing that the design is sufficient to resist wave erosion. Construction drawings will also need to show details for beach areas not protected by revetments and sufficient information to determine that these areas have protection against flood hazards.

A final issue regarding revetments and armoring along the esplanade also relates to the landscaping plans. Snohomish County's Engineering Design and Development Standards (EDDS) defers design of rock revetments to the Federal Highway Administration Hydraulic Engineering Circular No. 11.[74] This circular discusses several methods to construct revetments and notes that for some methods when "exposed to fresh water, vegetation will often growth through the rocks" (FHWA No. 11, page 8) and with other methods "there is not sufficient soil retained ... to promote significant vegetative growth" (id., page 13). Lhe landscaping plan proposes mixed beach grasses on top of the revetments. If this is to be the case, then more information regarding the type of proposed revetment is necessary before approval of the landscaping plans is possible. Further, it will be necessary to add a planting detail to Sheet RP-3 showing how planting would take place in revetments; similar to the existing details on that sheet which show tree and shrub plantings. Whatever the landscaping plan proposes in this area should be appropriate to the conditions. For instance, the lyngby sedge (Carex Lyngyei) proposed on the reventment may not flourish here as it "prefers to grow in silty sediment rather than sand and in habitat that has brackish water, such as salt marshes"[75] which are conditions unlikely to be replicated in an imported planting medium placed in between the rocks of the revetments. SCC 30.65.130 to SCC 30.65.160 [Relating to FEMA Elevation Certificates] PDS will recommend to the Hearing Examiner that a precondition to site plan approval be that the applicant apply for a Conditional Letter of Map Revision (CLOMR) with FEMA.[76] A precondition is something that the applicant must do and PDS must confirm before an approval from the Hearing Examiner becomes effective. Alternatively, the Applicant may apply with FEMA for the CLOMR in advance of the Point Wells project going to hearing.

---

[74] FHWA Circular No. 11 is available at: http://snohomishcountywa.gov/DocumentCenter/Home/View/35976. The reference in EDDS is at EDDS (2010) 5-05(L)(3), or page 82. EDDS 2010 is available at: http://snohomishcountywa.gov/DocumentCenter/View/12694.

[75] Source: Wikipedia accessed on 7/18/16: https://en.wikipedia.org/wiki/Carex_lyngbyei.

[76] For more information on CLOMR, see: https://www.fema.gov/conditional-letter-map-revision.

As a condition of approval, i.e. a post-approval checkpoint, PDS will recommend that the applicant must obtain a FEMA elevation certification. We note that SCC 30.65.130 referes to FEMA Form 81-31, which appears to have been replaced by Form 086-0-33. Point Wells does not have vesting to FEMA regulations, so it must comply with whatever the appropriate FEMA standards are at the time that it is necessary to apply for FEMA elevation certification.

SCC 30.65.150 incluces specific information to be obtained by the applicant and shown on both their Flood Hazard Permit (see review of SCC 30.43C.030 on page 113) and the application to FEMA for the CLOMR.

SCC 30.65.300 to SCC 30.65.340 [Relating to Nonconforming Uses and Structures]
In a general sense, nonconforming uses are those buildings or structures that do not comply with present-day regulations and that are considered "grandfathered in" to use a vernacular description. The industrial uses at Point Wells are thus "nonconforming." With the exception of the pier, the project will redevelop all of the existing structures, so this review only needs to address the pier.[77] The possible nonconforming status of the pier is only one consideration of this unique feature.

Park and Recreation Impact Mitigation (Chapter 30.66A SCC)
The proposal is within Nakeeta Beach Park Service Area, and is subject to Chapter 30.66A SCC, which requires payment of $1,050.49 per each new multi-family residential unit, to be paid prior to building permit issuance for each unit. Such payment is acceptable mitigation for parks and recreation impacts in accordance with county policies and is included as recommended condition of approval.

Concurrency and Road Impact Mitigation (Chapter 30.66B SCC)

State law requires jurisdictions to have transportation plans that are consistent with their land use plans ((RCW 36.70A.070(6)). As part of transportation planning, jurisdictions adopt Level-of-Service (LOS) standards for locally owned arterials and transit routes and LOS standards should be regionally coordinated ((RCW 36.70A.070(6)(a)(iii)(B)). Development approval may include strategies to accommodate the impacts of development concurrent with the development. "Concurrent with the development" means that improvements or strategies are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six years (RCW 36.70A.070(6)(a)(iii)(C)). The concept of concurrency, therefore, is that developments have six years make or pay for road improvements that will maintain LOS on local roads. Local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the LOS to fall below standards adopted in the local plan (RCW 36.70A.070(b)).

For Point Wells, determining appropriate concurrency mitigation is challenging because the project is located in unincorporated Snohomish County, yet the major road impacts are in the City of Shoreline (part of King County) and the Town of Woodway (part of Snohomish County).

[77] This statement could change after the applicant provides more information on project phasing if existing industrial uses will remain in operation on the site of later phases while earlier phases are under construction. See comments on phasing issues on page 21.

Despite guidance from the State that LOS standards should be regionally coordinated, this ideal is not reflected in actual standards adopted by the three jurisdictions. In practice, this means that mitigation for impacts in Shoreline and Woodway will need to take place through yet-to be-determined mechanisms that may include development agreement, interlocal agreement, or conditions placed on the project following SEPA review.

The following review of Chapter 30.66B SCC is from the Snohomish County perspective. Where appropriate, there is additional discussion on the relationships between Snohomish County Code and plans and regulations by other jurisdictions and agencies. Discussion of these external relationships is not comprehensive; rather, it identifies some of the regulatory basis for subsequent work with partner jurisdictions and agencies that will eventually result in mechanisms to mitigate transportation impacts on facilities not owned by Snohomish County.

SCC 30.66B.005 Purpose and Applicability
Chapter 30.66B shall apply to the Point Wells proposal. The requirements apply to road system as defined in former SCC 30.91R.240, which allows for an adjacent area of another county, i.e., the City of Shoreline, to be part of the road system for review of Chapter 30.66B SCC.

SCC 30.66B.007 Delegation of Authority by Department of Public Works
The Director of Public Works delegates some of the work in permit processing and determination of appropriate mitigation to Planning and Development Services in order to expedite permit reviews. However, the Director of Public Works reserves the right to make final decisions.

SCC 30.66B.010 Relationship to Chapter 30.61 SCC [SEPA Environmental Review]
Concurrency mitigation requirements in Chapter 30.66B SCC constitute adequate mitigation of adverse or significant adverse environmental impacts to roads owned by Snohomish County. However, it is important to note that this section does not limit the ability of Snohomish County to impose mitigation requirements for the direct impacts of development on state highways, city streets, or another county's roads pursuant to SCC 30.66B.710 and .720 (SCC 30.66B.010(3)).

SCC 30.66B.015 Development Mitigation Requirements
Review of the Point Wells proposal will determine mitigation requirements that respond to eight of the nine listed subsections. Subsection 9 relates to large truck traffic generated by mineral mining and does not apply to Point Wells. Much of the process for determining mitigation requirements is still underway as part of a transportation analysis associated with the Environmental Impact Statement (EIS) for the project. The following review is therefore preliminary in nature.

Subsection (1): Impact on Road System Capacity. As described above, road system capacity is not just roads owned by Snohomish County, but also includes city streets and state highways. Point Wells is located in Transportation Service Area F (TSA-F) and mitigation for Snohomish County Roads shall address impacts to County-owned roads in TSA-F.

The Town of Woodway is also located in TSA-F and mitigation for impacts on roads owned by Woodway shall be in addition to mitigation for impacts to Snohomish County roads.

The City of Shoreline is in King County but is adjacent to TSA-F; therefore, City of Shoreline roads are part of the road system per former SCC 30.91R.240. Mitigation for impacts to Shoreline roads shall be in addition to impacts to Snohomish County and Woodway roads. Several state highways may also experience impacts from Point Wells and mitigation may be required.

Subsection (2): Impact on Specific Level-of-Service Deficiencies. Analysis required to evaluate this subsection will be performed by the transportation analysis in the EIS.

Subsection (3): Impact on Specific Inadequate Road Condition Locations. Analysis required to evaluate this subsection will be performed by the transportation analysis in the EIS.

Subsection (4): Frontage Improvement Requirements. Frontage improvements can be required to Snohomish County-owned roadways abutting a development (see definition of Frontage Improvements in "SCC 30.91F.510 Frontage improvements" on page 385). The Point Wells site abuts only one Snohomish County road, Richmond Beach Drive. There is only a 10-foot section of Richmond Beach Drive before that road enters the Town of Woodway (see Figure 40 below). The Woodway section of the road is approximately 250 long feet before reaching the City of Shoreline. Only the 10-foot section might be subject to frontage improvements required by Snohomish County. Improvements in Woodway and Shoreline would be subject to mitigation agreements reached with those municipalities.

Figure 40 – Point Wells Frontage Illustration

As of April 2016, more information is necessary regarding the status of the unincorporated 10-foot section of Richmond Beach Road. One some records, including the parcel data used in Figure 40, previous page, this road section appears to be part of a panhandle connected to a residential parcel to the east (and which is otherwise entirely inside the Town of Woodway). Other records show the parcel ending at the Town of Woodway limits and the unincorporated part of Richmond Beach Road as belonging to Snohomish County. The status of this will need to be determined before completion of an evaluation of required frontage improvements.

**RESPONSE #170:**

**See Response #30.**

---

Subsection (5): Access and transportation system circulation requirements. See access discussion starting on page 38 of this report.

Subsection (6) Dedication or deeding of right-of-way requirements. See private road discussion on page 39 of this report

Subsection (7) Impact on state highways, city streets, and other counties' roads. See EIS transportation mitigation.

Subsection (8) Transportation demand management measures. TDM is required at the 15% level. It appears that 5% will be met by on-site design features. Additional detail is needed so that it is clear that all of the structures will be connected by adequate pedestrian facilities. All of the pedestrian facilities need to be a minimum of 5 feet wide. The submitted TDM plan does not match the most recent site plan. Please have the applicant identify how the other 10% will be satisfied.

**RESPONSE #171:**

**The TDM Plan has been revised to match the current site plan. The TDM Plan provides additional detail to clearly illustrate that all of the structures will be connected by pedestrian facilities that are a minimum of 5' wide.**

**As part of reaching the 10% TDM not related to site features, the applicant has provided a Commitment to Supplemental Transit Service in Attachment V of the Methods and Assumptions Memo, Technical Memorandum - Supplement 1, dated August 31, 2016 of the Expanded Traffic Impact Analysis (ETIA) dated August 2016 that will be followed to provide transit service to the site. The 2016 ETIA used a transit mode use figure that increased as the development was advanced from phase to phase (see Table 3). The full buildout of the Urban Center included a 15% transit use figure in its calculations to determine the number of vehicle trips to/from the site. The resulting numbers of person-trips by transit for each phase of development is summarized in Attachment T.**

**The Supplement to Urban Center Development Application by BSRE (April 2018), identifies in Exhibit D - Supplemental Transit Service the specifics associated with the transit service the owner is committed to provide (route, frequency, capacity) in order to achieve the minimum 10% TDM required by an Urban Center and to generate no more than the number of external trips identified in the "trip cap" through Shoreline.**

---

SCC 30.66B.020 Pre-submittal conference.
Pre-submittal conferences help determine if a traffic study is necessary and to ensure that the application is submitted with adequate information for the review process. It is an early screening step to help decide what types of information an applicant will need to supply with their official project proposal.

The Point Wells pre-submittal conference took place on December 16, 2009, under Snohomish County file number 09-108601 PS.[78] This conference looked at a conceptual development with more housing units than were eventually proposed in the permit application submitted in 2011 (3,500 versus 3,081 units) and less commercial and retail space (85,000 square feet versus 126,562 sq ft). The Point Wells was determined to be in Snohomish County's Transportation Service Area F (TSA-F).

[78] The Traffic Presubmittal Review Form for this meeting is available at: http://snohomishcountywa.gov/DocumentCenter/Home/View/33514

The outcome of the pre-submittal conference was to refer estimates for impact fees to roads owned by Snohomish County to a traffic study. This traffic study is currently underway as part of the EIS process. Impact fee rates were determined to be $230 per Average Daily Trip (ADT) from residential uses and $196/ADT for commercial uses. There was not enough information was available at the time to estimate Transportation Demand Management (TDM) requirements, and it was determined to use the forthcoming traffic study for TDM requirement review as well.

SCC 30.66B.025 Completeness Determination
Per this section, development applications are not complete until the applicant provides all traffic studies and related data, unless exempted at the pre-submittal conference. This does not necessarily mean that the studies provided are adequate for use; rather, the requirement is that the project application include a study. SCC 30.66B.045 allows Snohomish County Public Works to review the study and require additional information if necessary.

The Urban Center application included a traffic study titled Point Wells Expanded Traffic Impact Analysis, by David Evans and Associates, Incorporated, dated March 2011.[79] Snohomish County accepted this study in making a completeness determination, but the forthcoming analysis that will accompany the EIS will supersede the 2011 traffic study.

SCC 30.66B.030 Identification of Other Agencies with Jurisdiction
The developer is responsible for identifying all agencies that may have jurisdiction and all permits or approvals required for the proposed development. To the extent known by Snohomish County, the following other transportation related permits and approvals are necessary:

1. City of Shoreline: Mitigation agreements for impacts to city roads;
2. Town of Woodway: Agreements for access to, and mitigation of impacts on, town roads;
3. State of Washington: Mitigation agreements for impacts to state highways;
4. Sound Transit: Agreements relating to the proposed Sounder Platform shown in the Urban Center application;
5. Burlington Northern Sante Fe: Permits/licenses for at least two revised railroad crossings and the proposed Sounder Platform which would be in the rail right-of-way;[80]
6. King County Wastewater Treatment Division: Approval for proposed revisions to the easement providing access to, and parking for, the Brightwater outfall; and
7. King County Metro or other provider TBD: Agreement on contract terms for the provision of supplemental bus service to Point Wells.

---

[79] This 2011 Point Wells Expanded Traffic Impact Analysis is available at:
http://snohomishcountywa.gov/DocumentCenter/Home/View/8531

[80] These approvals from BNSF would reflect the post-development state of the Point Wells site. A third type of approval, temporary for during construction, may be for a spur-rail line that would used for loading and unloading materials. Examples of materials might include contaminated soil during remediation and construction materials and debris during build-out. Provisions for such alternative access are outside the scope of this supplemental review letter, but it is likely that a spur rail line will be one of the mitigation measures identified in the EIS to reduce the amount of truck traffic on Richmond Beach Road during construction. Snohomish County recommends that the applicant begin discussion of a hypothetical spur line with BNSF at the same time as conversations about permits/licences from BNSF for the post-development conditions begin. If such a spur line becomes part of the phasing proposal, then the revised submittal must include it in the phasing plan.

SCC 30.66B.040 Traffic Study – Author's Qualifications
This section requires that authors of traffic studies have proper qualifications. The author of the 2011 traffic study was Victor Salemann, a licensed Professional Engineer (PE). The author of the traffic analysis for the EIS is Kirk Harris, PE. Both engineers are properly qualified.

SCC 30.66B.045 Review of Traffic Study
Snohomish County will review the EIS traffic study for accuracy and proper methodology and may use the study's conclusions in arriving at recommendations under SCC 30.66B.050. Snohomish County may request additional information to verify the conclusions or analysis in the study.

This section establishes the Director of Public Works as the authority for the review. The Public Works Director delegates some authority to subordinates as well as to the department of Planning and Development Services. As stated in an October 14, 2015, letter to Kirk Harris (DEA, Inc.) from Ryan Countryman (PDS) regarding assumptions to be used in the traffic study for the EIS, the

> "Department of Public Works (DPW) reserves the right to make additional comments on technical issues, likely on the next iteration of this assumptions memo (we expect additional DPW comments to be in conjunction with the peer review comments from our consultant.)"[81]

In other words, the review so far has been under the authority delegated to PDS rather than reflective of final review by DPW. PDS' review is for adequacy to begin work for the EIS traffic study, not agreement with the assumptions or conclusions of the traffic analysis.

SCC 30.66B.050 Director of Public Works' Recommendation on Approval of Development
This section describes the criteria that the Director of Public Works follows in making a recommendation on proposed development. For Point Wells, this recommendation will be to the Hearing Examiner. Subsection (1) describes the information necessary to make a recommendation, which for Point Wells, includes completion of an EIS per SEPA. Since the EIS process is still underway, it would be premature to make a recommendation.

SCC 30.66B.055 Imposition of Mitigation Requirements
This section has five subsections.

Subsection (1) reads that Snohomish County shall "impose mitigation required under this chapter as a condition of approval of development." Chapter 30.66B addresses impacts to both Snohomish County-owned roads as well as road system elements owned by other agencies. Mitigation per Chapter 30.66B is prescriptive with respect to Snohomish County roads and deferential to the SEPA EIS process for impacts to other agencies and jurisdictions.

Subsection (2) Mitigation imposed as a condition of approval shall expire on the expiration date of the concurrency determination for a development. Any building permit application submitted

[81] The October 14, 2015, letter is available at: http://snohomishcountywa.gov/DocumentCenter/Home/View/33521

after the concurrency expiration date shall be subject to full reinvestigation of traffic impacts under this chapter before the building permit can be issued. Determination of new or additional impact mitigation measures shall take into consideration, and may allow credit for, mitigation measures fully accomplished in connection with the prior approval when those mitigation measures addressed impacts of the current building permit application.

Subsection (3) The Public Works Director (or designee) shall inform the developer in writing of mitigation required by this chapter. On less complex project, this would be in the form of a section in the staff recommendation to the Hearing Examiner on the project. The staff recommendation proposes conditions for mitigation. Staff will write its recommendation after publication of the Final EIS. However, for Point Wells, much of the mitigation will involve neighboring jurisdictions and agencies. Before the staff writes its recommendation, it may be necessary to use the Final EIS as the basis for negotiations involving the developer and neighboring jurisdictions and agencies to determine the required mitigation. The outcome of such negotiations would become the basis for recommendations to the Hearing Examiner on mitigation.

Subsection (4) The applicant must provide a written proposal, or proposals, to Snohomish County Public Works describing measures proposed to manage transportation demand or mitigate effects of traffic on roads and facilities owned by other jurisdictions and agencies. Per this section, "If the developer has not submitted a written proposal by the time the department of public works makes its written recommendation on the case to the department [PDS], the director of public works will recommend denial" (small caps in original). It is therefore necessary that the developer use the EIS process to reach written agreement with neighboring jurisdictions or agencies on mitigation, or else the recommendation from Snohomish County Public Works may be to deny the project.

Subsection (5) says that required mitigation measures shall be binding.

SCC 30.66B.057 Review of Duplex Residential Building Permit Applications
This section does not apply to Point Wells.

SCC 30.66B.060 Authority to Deny Development – Excessive Expenditure of Public Funds
If proposed mitigation measures do not adequately address necessary road improvements, then Snohomish County may deny a permit application or require alteration of the application. The developer would have the option of bearing all or more than the development's proportionate share of the required road improvement costs.

SCC 30.66B.065 Authority to Withhold or Condition Administrative Permits or Approvals
This section does not apply because Point Wells requires a Type 2 approval (administrative permits are a Type 1 approval).

School Impact Mitigation (Chapter 30.66C SCC)

The Snohomish County Council amended Chapter 30.66C SCC by Amended Ordinance 97-095, adopted November 17, 1997, which became effective January 1, 1999, in accordance with Amended Ordinance 98-126, to provide for collection of school impact mitigation fees at the time of building permit issuance based upon certified amounts in effect at that time. The subject application was determined to be complete after the effective date of amended Chapter 30.66C SCC. Pursuant to Chapter 30.66C SCC, school impact mitigation fees will be determined according to the Base Fee Schedule in effect for the Edmonds School District No. 15, at the time of building permit submittal and collected at the time of building permit issuance for the proposed units. Credit is to be given for the nine existing lots. PDS will include a recommended condition of approval for inclusion within the project decision to comply with the requirements of Chapter 30.66C SCC.

Shoreline Management Program (Located today in Chapter 30.67 SCC)

The Lower Bench of Point Wells is subject to the 2011 version of the Shoreline Management Program or SMP (the full title is the Snohomish County's Shoreline Management Master Program, also the SMMP). Snohomish County uses this program to comply with Washington State's Shoreline Management Act (RCW 90.58). The 2011 SMP regulations were outside Title 30 of Snohomish County Code. A major update to the SMP took place in 2012 and many of its components moved to a new Chapter 30.67 SCC. This review is per the 2011 SMP regulations but organizationally puts them at Chapter 30.67 rather than in a stand-alone section.

The components of the Shoreline Management Program apply to the review of Point Wells:

1. Maps showing shoreline environment designations, dated August 1984;
2. A document titled The Snohomish County Shorelime Management Master Program, the effective version of which was amended by Ordinance 93-036 on June 19, 1993, and which contains a shoreline environment compatability matrix as well as policies and regulations controlling uses in each of the types of shoreline environments;
3. Critical area regulations and special flood hazard area regulations found in SCC Title 30 (see review of Chapter 30.62A [Wetlands and Fish & Wildlife Habitat Conservation Areas] page 143, Chapter 30.62B [Geologically Hazardous Areas] page 145, Chapter 30.62C [Critical Aquifer Recharge Areas] and Chapter 30.65 SCC [Special Flood Hazard Areas] page 155).

Shoreline Designation Map

Point Wells has vesting to the Shoreline Management Master Program Map Number 38, dated August 1984.[82] This map shows the Lower Bench of Point Wells has having an Urban Environment designation and everything from the seawall westward as having a Conservancy Environment designation. Figure 41 below shows the relevant portion of Map 38.

Figure 41 – Shoreline Designations for Point Wells

Shoreline Compatibility Matrix

The applicable Shoreline Management Master Program compatability matrix was unchanged from 1974 to 2012.[83] This compatibility matrix has been reproduced below as Table 7 below, with the relevant uses highligthed. Discussion of these uses begins on the next page.

[CHART]

Table 7 – SMMP Compatibility Matrix
(In effect from 1974 to 2012, relevant uses highlighted)

Beach Enhancement is a shoreline activity that includes stream enhancement and which in permitted in both the Urban and Conservancy environments by the compatability matrix (Table 7 on the previous page). The proposed removal of the existing seawall with associated beach

[82] The full version of Map 38 is available at: ftp://ftp.snoco.org/planning_and_Development_services/Shoreline%20Management%20Program%20Update/Pre2012%20Adopted%20Maps/1502_sht38_2703.pdf

[83] Available at: http://www.snohomishcountywa.gov/1382/SMMP-Compatibility-Matrix-Allowable-Uses

reconstruction qualifies as beach enhancements. There are five policies, four regulations and three general prohobitions that apply to both Urban and Conservancy environments.

Policy 1 requires ensurance that aquatic habitats, water quality, flood conveyance and flood storage capacity are not degraded by the proposed actions. Impacts to flood conveyance dn storage capacity will be negiligible. Habitat and water quality will both improve once the proposed actions are complete. Natural systems will be restored compared to the present condition and a possible point source of hydrocarbon-related pollution will be replaced. The most severe risks to habitat and water quality would take place during construction. Risks during construction and post-construction can be mitigated by conditions place on the project.

In a revised application, the applicant needs to provide greater detail on their plans for beach reconstruction. This information is necessary for the Draft EIS so that the Final EIS may identify mitigation measures that Snohomish County can recommend to the Hearing Examiner regarding the protection of habitat and water quality. Examples of possible conditions include:

1. Pre-Construction
    a. Incorporating material stockpiling and removal in the phasing plan
    b. Explaining temporary measures to divert Chevron Creek during construction
    c. Use of native plants in the landscaping plan
2. During construction
    a. Using temporary erosion and sediment control measures
    b. Having certified specialist onsite during construction, e.g. those with SPECIAL DELIVERYknowledge of handling contaminants or erosion control specialists
    c. Limitations on the stockpiling of materials during rainy periods (October to April)
3. Post-Construction (to be included in covenants for the Homeowners Assocation)
    a. Restrictions against using non-native plants in areas near the shoreline environment
    b. Prohibitions against use of fertilizers, pesticides or other chemicals in the landscaping maintenance plan

Policy 2 requires, where possible, the use of "naturally regenerating systems for prevention and control of beach erosion over bulkheads and other structures" to promote beach restoration and enhancement. As proposed, Point Wells would significantly restore and enhance the beach compared to current conditions.

The 2011 permit applications depicted several beach groins that were dropped from most of the 2017 revisions to the application materials. However, Sheet E-050 of the Urban Center Site Plan still shows beach groins. The applicant must remove these from the next set of plans (and from any other documents that still show beach groins).

**RESPONSE #172:**

**The groins have been removed.**

---

Policy 3 relates to stream enhancement projects. The applicant has requested special allowance for Innovative Develoment Design per SCC 30.62A.350 (2010); however, not enough information to evaluate the prosal relative to Policy 3 is available from the applicant. This policy will be re-reviewed when more information is available from the applicant.

Engineering Design and Development Standards (EDDS)

Point Wells has vesting to the 2010 version of EDDS (or EDDS (2010)).[84] The entirety of EDDS 2010 is available at http://snohomishcountywa.gov/2042/EDDS-Previous-Editions. This review of EDDS 2010 is not exhaustive, rather, it focuses on those issues such as road widths and turning radii that that affect the overall site plan. Detailed EDDS review will take place during construction plan review.

Road Classification

Many of the EDDS (2010) standards for things such as lane and sidewalk widths depend on how a road is classified. EDDS (2010) Section 3-02 gives general criteria for road classifications and Section 3-05 discusses private roads and access ways.[85] All of the roads are private non-arterial roads or access ways in the March 4, 2011, Urban Center submittal.[86] The submittal does not include any discussion or identification of how roads and access ways are classified. However, classifications are important because they identify what standards a road must meet, or if deviating from those standards, then classification determines what types of deviations from EDDS 2010 standards are necessary. A resubmittal of the project must include a new sheet identifying proposed classifications for roads and access ways. Each type of road or access way proposed must also have a corresponding drawing of the typical road section (as begun, but not completed, on sheets C-500 and C-501).

Per EDDS (2010) Section 3-02(B), there are three types of non-arterial roads: Collector, Residential, and Local Access. This section describes these as:

> 1) Collector (Rural and Urban)
>
> Collectors promote the flow of vehicles, bicycles and pedestrians from arterial roads to lower-order roads. Secondary functions are to serve abutting land uses and accommodate public transit. Typical traffic volumes are usually greater than 2000 ADT and may exceed 10,000 ADT in some jurisdictions.
>
> 2) Subcollector (Rural) / Residential (Urban)
>
> Subcollectors and Residentials convey traffic to collectors. Residentials provide primary pedestrian and bicycle circulation within a neighborhood to residential lots and may carry some through traffic. Typical traffic volumes are usually less than 2000 ADT.
>
> 3) Local Access Road (Rural and Urban)

---

[84] See also the review of former SCC 30.34A.080 Circulation and Access.

[85] "Access way" refers to alleys, fire lanes and the like. The March 4, 2011, Urban Center submittal includes some access ways that do not fit any current classification in EDDS (e.g. the "service drive" for the Urban Plaza and the "parking roads" in the Central and South Villages). See text for discussion.

[86] As of this writing, there has been discussion of modifications to this submittal to show a second access road. The connection between two public roads (i.e. Richmond Beach Drive and the hypothetical second access road) should be public roads rather than private roads. If the modified submittal includes a private road between two public roads, then a deviation must accompany the resubmittal requesting the change.

> Local access roads are designed to convey vehicles, pedestrians and bicycles between individual land parcels and higher-order roads. Local access roads do not carry through traffic. Traffic volumes of 250 ADT or less are typical. (EDDS (2010) page 33, emphasis added)

The classification system relies partly on traffic volumes measures as Average Daily Trip (ADT) and on other factors such as uses. ADT at Point Wells will vary depending on specific uses in buildings. For example, typical condo units generate around 10 ADT per unit and senior only units tend to generate only around 6 ADT.

The transportation study for Point Wells assumes that sizeable portions of trips at Point Wells will be by transit or internally captured (e.g. people walking to restaurants onsite rather than driving elsewhere).

Sidewalks
Sidewalks along roads shall be a minimum of 7 feet wide per Section 4-05(B)(2) of EDDS (2010), unless a deviation is applied for and approved authorizing narrower sidewalks. Sidewalks greater than 7 feet wide are authorized without needing a deviation.

List of Possible EDDS Deviations Required for the Proposed Plans

1. Use of private roads rather than public roads onsite
2. Tree planting details for trees above garages
3. Sidewalk width for sidewalks proposed to be less than 7-feet wide
4. Landscaping planter width between sidewalks and private roads (where the plans show 4-foot wide planters rather than the standard 5-foot minimum)
5. ADA exemption for the sidewalk on the second access road due to the proposed 15% grade Trees on Parking Garages (see discussion on page 180).
6. Pavement materials and depth if the Boardwalk is to be used as a Fire Apparatus Access Road (see Fire Code review starting on page 137).
7. Use of the shoulder of the Boulevard Bridge (the pedestrian/bicycle lane) as part of the 20-feet of required width for fire lanes (see Fire Code review starting on page 137).
8. Use of the "inbound" ramp to the site as an "outbound" fire lane, despite the obstruction of oncoming traffic (see Fire Code review starting on page 137).

**RESPONSE #173:**

**The plans have been revised to include typical a Non-Arterial Road Urban Section. The East Access Road and North Village loop E do not include sidewalks on the non-development side to reduce impacts to the critical areas.**

**The revised plans eliminate the need for the majority of EDDS deviations. For the aspects that require a deviation, such deviations are being submitted concurrently herewith.**

---

MISCELLANEOUS ERRORS AND INCONSISTENCIES AND OTHER ISSUES
Building SV-T1

South Village Tower 1 would be a residential tower with a restarant at the base. To have an approvable site plan, the applicant must address several aspects of this building. Sheet A-103 gives the overall floorplan. Sheet A-202 agrees with Sheet A-103 that the ground floor would have seven residential units. The unlabeled lobby at the building entrance would be an eighth unit on the upper floors per Sheet A-202. Note that Sheet A-202 does not indicate any square footage for where Sheet A-103 depicts a restaurant extending beyond the building base. Both sheets fail to provide the proposed square footage for the restaurant.

**RESPONSE #174:**

**The proposed square footage for the restaurant has been included. See Sheet A-201.**

---

Figure 42 below, illustrates some of the deisgn issues with this building. Where is the walkway to the building entrance? Why does Sheet A-103 show the west part of the restaurant with diagonal lines indicating that it is also part of the esplanade area? Why does part of the north end of the restaurant cover steps down to the Aphitheater? Where is the restaurant entrance? Assuming the restaurant entrance is where the space would be only 14' 3" wide, where would the kitchen location be? Ground floor units 3-5 would have no windows because the restaurant would block them. Ground floor unit 6 would have no view of Puget Sound. Depending on the location of the kitchen and type of vent system used, units above the restaurant may be subject to noise and fumes from the restaurant. The sidewalk shown near the restaurant is 5' wide when 7' is the minimum required. How would loading of restaurant supplies happen? The floor plan on Sheet A-103 would preclude loading from the garage via elevator because there is no direct garage access. The nearest loading area would be behind building SV-T5, more than 600' for a delivery person to push a cart. Loading from the roadway infront of the restaurant would block one lane of the only non-emergency access to the entire phase.

**RESPONSE #175:**

**Paved areas and entries have been identified on enlarged plans. See A-300 Series.**

---

Figure 42 – Building SV-T1 from Sheet A-103

Building NV-T1

North Village Tower 1 is proposed to be either 16 or 17 stories (there is a discrepancy in the data table on Sheet A-200 that makes this unclear). Snohomish County's main concern with this

building relates to the lower units and the proposed acoustical wall separating the building from the nearby railroad tracks.

Figure 43, below, compares information from Sheets A-101 and C-301 with respect to building NV-T1. It appears that the building would be approximately 5-feet from the acoustical wall.[87] The finished floor elevation for the building is proposed to be 28.6'. The top of the acoustical wall is proposed to be 55' next to the building. This means that unit 9 on floors 1 and 2 would be entirely facing the the wall. Unit 1 on the levels would only have a small degree of view elsewhere. Units 1 and 9 on the third floor would have limited peak-a-boo views other than of the wall.

Snohomish County will need more information regarding landslide hazards and the proposed wall design before determining whether this arrangement meets code. Is this the intended design for these units?

**RESPONSE #176:**

**Landslide area information is provided in April 20, 2018 geotechnical report. See also Sheet A-051 and Response #150.**

---

Figure 43 – Building NV-T1 Acoustical Wall Concern

Comments and errors on Sheets A-200 to A-202.

The data tables on Sheets A-200 to A-202 includes a number of errors and inconsistencies with other plan sheets. See markups. The markups also identify some additional information that should be included on these sheets (or at an alternate location) for the plans to demonstrate compliance wither certain requirements identified on the markups.

**RESPONSE #177:**

**The identified errors have been addressed. See Sheet A-200.**

---

Consistency with EDDS

Snohomish County's Engineering Design and Development Standards (EDDS) establish the design standards for transportation facilities, storm drainage infrastructure, utilities and similar aspects of all new construction. Projects in the site-planning phase, such as Point Wells, must be able to demonstrate that the project can comply with all EDDS requirements. Therefore, a general review for EDDS consistency occurs during the review of the site plan and related applications. Further detailed EDDS review will occur after site plan approval, i.e., during the

[87] The plans themselves do not give dimensions; the slight differences in Figure 43 – 4' 10" vs 5' 8" – come from a scaling tool in Snohomish County's software rather than from the plans themselves.

review of construction drawings. Point Wells has vesting to the 2010 version of EDDS.[88] The process for obtaining approval to vary from EDDS is a "deviation." Deviations are granted or denied by the by County Engineer after review and recommendation by appropriate staff to the County Engineer. Each deviation requires its own review process and Snohomish County assigns each deviation request its own permit number for tracking purposes.

A typical large apartment project of say 300 units might include 2-4 deviations. At 10x that size, the list of design features at Point Wells that would require deviations becomes quite large. For this reason, and because County staff understands that the site plan will be adjusted in many small ways that will affect the list, this review of the April 17, 2017, version of the project does not attempt to identify all potential areas that may require deviations. Instead, our review identifies a preliminary list and attempts to organize that list by themes. We recommend that the applicant consider this list while working on revisions to the site plan. Before finalizing the next revisions to the plans, we suggest meeting with County staff to discuss known areas where EDDS deviations may be necessary.

An alternative to applying for many individual EDDS deviations might be to apply for deviations in groups as is allowed under EDDS 1-05. You would still need to provide written documentation supporting each deviation and pay for each deviation, but this would allow for a more efficient processing of the deviations.

Consistency with EDDS is not by itself a SEPA-level issue. For example, the use of private rather than public roads on site will require an approval from Snohomish County but would have no discernable environmental impact. However, bringing the site design into compliance with EDDS may have secondary environmental impacts, depending on the issue. To illustrate, EDDS requires a sidewalk width of 7' for mixed-use projects such as Point Wells (EDDS 2009 4-05.B.2). Many of the sidewalks shown on the site plan are 5' and thus do not comply with EDDS. In areas likely to have lower foot traffic volumes such as sidewalks near low-rise residential buildings, Snohomish County would entertain a request to allow 5' sidewalks. However, the 5' sidewalks shown on the site plan at the two restaurants under tower buildings CV-T7 and SV-T1 where the site converges on the Amphitheater and pier access must be at least 7' wide (Figure 44 illustrates this below).[89] Widening these sidewalks may have secondary SEPA effects such as altering the amount of commercial space in the traffic model or requiring adjustment to drainage plans. While the SEPA importance of each individual EDDS compliance issue is likely small, the cumulative effect is difficult to anticipate and cannot be evaluated until the overall site plan is revised for these (and other) issues.

Figure 44 – Illustration of Sidewalk Considerations

[88] Links to the text and standard drawings for EDDS 2010 are available at https://snohomishcountywa.gov/2042/EDDS-Previous-Editions.

[89] The discussion here refers to building CV-T7 but the figure does not include the Central Village. Sheet A-102, which depicts the Central Village, should include the relevant sidewalk details as Sheet A-103 does; however, no sidewalks appear on Sheet A-102. The applicant must revise Sheet A-102 to include sidewalks. (Sidewalks for the Central Village do appear on Sheet A-052, abeit at a larger scale.)

Trees on Parking Garages

The project design would include many trees on the top of parking garages. Figure 45, below, depicts this for the Central Village with a birds-eye view. All of the buildings and trees between them would be on top of the parking garage below. Trees provide obvious visual amenities and:

1. Help meet landscaping requirements, including provision of the required street trees; and
2. Assist with the functioning of bioretention planters (Figure 46, below)[90] and water conveyance runnels by intercepting and evaporating rain.

Figure 45 – Trees at the Central Village (from Sheet G-003)

Figure 46 – Bioretention Planter (Adapted from Sheet C-501)

Planting Depth: Trees need soil for roots. The cross sections for the garages were revised in the 2017 plans to show some depth for soil as illustrated in Figure 47 below. However, this figure and Figure 46, previous page, do not include enough information for Snohomish County to determine whether the proposed soil depth is adequate.

Figure 47 – Parking Section Showing Trees Above Garage (Adapted from Sheet A-311)

Guidance for soil depth appears in EDDS. However, the standard drawings in EDDS all presume native soil below the planting medium (24" of Type B topsoil for street trees). Since there will be no native soil below trees on top of garages, more planting medium will be required than is shown in EDDS. The applicant must have their landscape designer provide a written recommendation for suitable soil depth for the proposed configuration and plantings. Details on the plans must then be revised to reflect this recommendation. Snohomish County will then re-review the issue for conformance with landscaping, drainage, EDDS, and parking compliance when the plans are revised and resubmitted.

Figure 48 – EDDS (2010) Standard Drawing 4-050

**RESPONSE #178:**

**Planting over the garage roofs will have more or less a continuous horizontal layer of designed horticultural soils on it that range in depth from 18" to 4.5'. For trees, provide 4' depth and 1200 cf/tree volume of soil minimum. The 4' of horticultural soil depth required for tree planting areas is for soil only; this dimension does not include MEP corridors, drainage, or insulation/waterproofing/protection slab. Additionally, there are a few locations where trees will be planted in a suspended paving system that connects the root zones that are below paving to the adjacent horticultural soil zones.**

---

[90] Note that Figure 46 is to illustrate bioretention planters. This detail from Sheet C-501 has several markups that do not appear here, including a comment relating to the bioretention planter itself. See markups.

# EXHIBIT A

KTC KARR TUTTLE CAMPBELL

Gary D. Huff
Attorney at Law
701 Fifth Avenue, Suite 3300
Seattle, Washington 98104
Direct: (206) 224 8024
Main: (206) 223 1313
Fax: (206) 682 7100
ghuff@karrtuttle.com

April 16, 2018

*Via Electronic Mail Only*

Matthew Otten
Snohomish County Prosecutor's Office—Civil Division
3000 Rockefeller Avenue, M/S #504
Everett, WA 98201-4046
Matthew.Otten@co.snohomish.wa.us

Re: Point Wells Remediation Information Requirements

Dear Matt:

As requested by you in our conversation of last week, we are forwarding this letter to outline the remediation and related information that will be provided at this stage of the SEPA review of the Point Wells project.

BSRE's consultants are in the process of completing the following analysis and reports in response to the County's prior requests for information related to the remediation of the site:

- A **hydrogeological report** will be submitted as part of a **CARA evaluation memorandum** and a **remediation memorandum** summarizing what is known about contamination at the site and presenting a conceptual cleanup approach. The remediation memorandum summarizes the regulatory process and the steps that need to be taken over the next several years prior to obtaining the required direction from the Dept. of Ecology. Long-term monitoring of groundwater quality will also be addressed qualitatively in the remediation memorandum. The CARA evaluation memorandum will include the surface location of all critical aquifer recharge areas located on site or immediately adjacent to the site, as well as groundwater depth, flow direction, and gradient and a qualitative evaluation of contaminant transport based on potential releases to groundwater.

- A **geotechnical report**, to include on-site and off-site structural stability due to extended subgrade saturation and/or head loading of the permeable layer, including the potential impacts to downgradient properties, especially on hills with known side-hill seeps.

- A **phasing plan for project development** which, along with the remediation memorandum, explains that site cleanup can be done in conjunction with phased development.

- **Set back requirements** for the development will be provided with the updated site plan and related materials.

- Confirmation that **infiltration of stormwater** has been eliminated from the conceptual design.

In addition to the materials described above, a **spill control plan** for the construction phase of the project was included in Section 1.9 Control Pollutants of the Stormwater Pollution Prevention Plan (SWPPP) dated March 11, 2011 previously submitted to the County. Included with the SWPPP is information related to the **recommendations for implementation and operation of activities**, including size limitations, monitoring, reporting, and best management practices during construction. We note that the **NPDES permit** required at the time of construction will cover guidelines for monitoring stormwater discharge from the site during construction.

The **remediation plan** to be approved by the Dept. of Ecology, with civil plans showing the **sequencing of the site remediation**, will be provided as part of the Dept. of Ecology's review to be undertaken as a later phase of the project's design and permitting process as directed by the Dept. of Ecology.

We note that during the remedial design phase of the project, the Dept. of Ecology under MTCA regulations (Chapter 173-340 WAC), will ensure compliance with substantive state and local requirements, including **setback requirements from critical area protection areas**, as well as setback requirements or separation requirements related to Dept. of Ecology or Washington Department of Health standards (including those contained in an Ecology-approved remediation plan).

- We also note that a mitigation plan for **impacts to critical areas** resulting from contaminant remediation activities necessary for site development will be provided as part of the remedial design prepared in accordance with the Dept. of Ecology approved Cleanup Action Plan. During remedial design, the Dept. of Ecology, under MTCA regulations (Chapter 173-340 WAC), will ensure compliance with substantive state and local requirements, specifically to include items such as critical area impacts.

In addition, **historic water quality data** for the site will be compiled during the remedial investigation phase of the remediation analysis and approval process. While it is known that the groundwater at the site is impacted by petroleum products, and that this circumstance is addressed to a limited degree by current monitoring, a more extensive review will be undertaken when the remediation process is commenced with the Dept. of Ecology.

The above described information will be provided based on the following guidance provided by the County, EA Engineering (the County's EIS consultant) and Hart Crowser (BSRE's environmental consultant).

The agreed upon approach to the remediation was addressed several years ago by the EIS consultant and then-County reviewer Darryl Eastin. An excerpt from the email from Mr. Schipanski at EA Engineers to Mr. Eastin and David Levitan (another County reviewer) is set forth below:

> **From:** Schipanski, Rich [mailto:rschipanski@eaest.com]
> **Sent:** Friday, May 17, 2013 9:01 AM
> **To:** darryl.eastin@co.snohomish.wa.us; Levitan, David (David.Levitan@co.snohomish.wa.us)
> **Cc:** Mark Wells (DWells@ppcla.com); Rod Brown (rbrown@cascadialaw.com) (rbrown@cascadialaw.com); Steve Hoffman (shoffman@slrconsulting.com) (shoffman@slrconsulting.com); Gary Huff; Douglas A. Luetjen; steveo@tcgnet.net
> **Subject:** Point Wells EIS MTCA Approach
>
> . . .
>
> As I recall a while back you had a general question regarding our past experience and proposed approach to addressing the Model Toxics Control Act (MTCA) and Sediment Management Standards (SMS) process in the Port Wells Mixed-Use Project EIS. This email provides a discussion on our proposed approach.
>
> We understand that the Point Wells site will undergo cleanup/remediation under the oversight of Washington State Department of Ecology (Ecology) based on the Model Toxics Control Act (MTCA) and Sediment Management Standards (SMS) process, and pursuant to the final cleanup plans defined by Ecology. As part of this ongoing process, applicable cleanup methods will consider proposed mixed-use redevelopment plans for the Point Wells site. Through the MTCA/SMS process, institutional controls will be established through Ecology to ensure that construction and operations of mixed-use redevelopment will maintain the integrity of the remediation plan (i.e. grading, storm water control, building construction, etc.).
>
> SEPA Rules allow for environmental review of the MTCA process for sites associated with development proposals to be conducted under a combined SEPA document (EIS, Environmental Checklist, etc.). **However, our experience has been that due to the potentially substantially longer time period associated with the MTCA process, that the development project and MTCA process under go separate but coordinated SEPA processes; we propose to follow this approach for the Point Wells Mixed-Use project EIS.** This approach has been utilized for the majority of development projects in the region associated with MTCA sites. [Emphasis added]
>
> Accordingly, we propose that the Point Wells Mixed-Use Project EIS summarize the history of the site and the site's current contaminated conditions; refer to the

> MTCA/SMS process and its regulatory requirements; and, discuss protocols and institutional controls that will ultimately set out requirements and compliance methods for construction and long-term redevelopment of the site. For the EIS impact analyses (i.e. storm water, critical areas, environmental health), we propose that the analyses assume an existing/baseline condition subsequent to cleanup/remediation (underscore in original) (that is, the condition of the site after remediation has been accomplished). Baseline condition assumptions would be determined based on the various studies completed in conjunction with the cleanup/remediation to date, with specific feedback from Ecology; these assumptions would form the basis for evaluation of potential impacts associated with redevelopment. Therefore, only the probable significant environmental impacts and applicable mitigation measures related to redevelopment of the site post cleanup/remediation would be addressed in this DEIS; potential impacts associated with cleanup/remediation activities would be addressed through the separate Ecology process.
>
> Our proposed approach to addressing the contaminated soils/remediation at the Point Wells site is consistent with the approach that we and others have successfully used on other projects with similar issues and has been consistent with Ecology's expectations. For example, this is the approach that we used on the following redevelopment projects: The Waterfront District in Bellingham, North Bay in Seattle, Port Gamble in Kitsap County and Quendall Terminals in Renton.
>
> . . .

Confirmation that this approach was accepted by the County is evidenced by the County's February 2014 Declaration of Significance, a copy of which is included as Exhibit A, which confirms that "Ecology will be the SEPA lead for site cleanup."

Finally, in its October 6, 2017 Review Letter, the County acknowledged that "*Any future approval from Snohomish County for the site plan will be conditional on receipt of a letter from the Washington State Department of Ecology (DOE) certifying approval of adequate cleanup and mitigation plans. Any future approval of construction plans will be contingent on completion of the steps called for in the plans requiring DOE approval.*" (Emphasis added.) This statement by the County again confirms that the DOE, and not the County, is the reviewer of the remediation plan for the site.

This segregated approach is also reflected in initial drafts of the draft EIS prepared for the project by EA Engineers. Attached as Exhibit B is draft EIS Chapter 2 (Project Description) which indicates on page 2-12 that "SEPA environmental review and oversight of future site cleanup/remediation will be provided separately by Ecology." Further, page 2-13 states that the Point Wells "DEIS impact analyses assume an existing/baseline condition subsequent to phased

cleanup/remediation of the site." Draft Chapter 2 was reviewed by the County who provided its comments to this chapter; however, no comment on or objection to these statements were made by the County. In addition, Preliminary Draft EIS Section 3.5 (Environmental Health) (also attached to this letter as Exhibit C) states on page 3.5-4 that "this evaluation of the potential for environmental health-related impacts focuses on those impacts associated with the proposed redevelopment only." In sum, the County has long ago concurred with this segregated approach.

As instructed by the County, Hart Crowser has recently contacted EA Engineers and they have confirmed that **EA Engineers has sufficient information to complete the draft EIS chapters related to the remediation of the site.**

Based on all of the above, BSRE and EA Engineers have long ago proceeded with work on the project-specific EIS with the understanding that site remediation will be undertaken under the guidance and authority of a separate SEPA review led by the Dept. of Ecology and that under DOE's oversight a multi-year evaluation, review and implementation of the approved remediation will be conducted separate and apart from the project-specific EIS currently underway. By following this process the County should soon have all relevant information necessary and appropriate to allow it to properly review and evaluate the various project elements and impacts and should be assured that the specifics of the remediation process will be thoroughly reviewed, approved, and monitored by the Dept. of Ecology.

Sincerely,

KARR TUTTLE CAMPBELL

Gary D. Huff

Enclosures

cc: BSRE Point Wells, LP
Project Team

# EXHIBIT A

Snohomish County
Planning and Development Services

John Lovick
County Executive

Clay White, Director
3000 Rockefeller Avenue M/S #604
Everett, WA 98201-4046
(425) 388-3311 FAX (425) 388-3832

# NOTICE

## DETERMINATION OF SIGNIFICANCE AND REQUEST FOR COMMENTS ON SCOPE OF EIS

**Project Name:** Point Wells Mixed-Use Redevelopment Project

**Local File Number:** 11-101457 LU

**Applications to Snohomish County:** Urban Center Development Application and Site Plan Approval; and Shoreline Substantial Development Permit, Land Disturbing Activity (Grading) Permit and Short Subdivision Approvals.

**Description of Proposal:** Snohomish County is reviewing an application for the proposed Point Wells Urban Center development consisting of residential, commercial, retail and public service uses (on-site police and fire). The project site is approximately 61 acres with approximately 16 acres of tidelands and 45 acres of upland areas. Currently, the site serves as a marine fuel terminal, petroleum storage facility, and asphalt batching plant. The urban center project is likely to be constructed in four phases. As proposed at build out, the project would consist of 47 buildings containing 3,081 dwelling units, approximately 32,000 square feet (SF) of commercial space (with floor area for on-site police and fire service), and approximately 94,000 SF of retail space. The tallest proposed building would be approximately 175 to 180 feet tall. The project would include recreational activity areas, passive open space, public dock and associated infrastructure.

Cleanup of the project site will be required for the Point Wells project. Site cleanup will be reviewed and conducted by the Washington State Department of Ecology (Ecology). Ecology will be SEPA lead agency for the site cleanup project.

**Project Location:** The property is located in the extreme southwest part of Snohomish County adjacent to the Town of Woodway and the City of Shoreline, at the northwest terminus of Richmond Beach Drive.

**Proponent:** BSRE Point Wells, LP, a Delaware limited partnership; Gary Huff - Attorney, Karr Tuttle Campbell (contact person).

**Lead Agency:** Snohomish County Planning and Development Services (PDS). Contact person: Darryl Eastin, Principal Planner.

**EIS required:** The lead agency has determined that this proposal is likely to have a significant adverse impact on the environment. An EIS is required under RCW 43.21C.030(2)(c) and will be prepared. An environmental checklist or other materials indicating likely significant environmental impacts can be reviewed at Snohomish County PDS, located at 3000 Rockefeller Ave. in Everett or on-line at: http://www1.co.snohomish.wa.us/Departments/PDS/Divisions/Permitting/Point_Wells.htm.

**Elements of the Environment:** The lead agency has preliminarily identified the following elements for analysis in the EIS: Earth, Water Resources, Air Quality, Noise, Energy/ Greenhouse Gases (GHG), Plants and Animals, Environmental Health, Aesthetics, Land Use/Plans and Policies, Historic and Cultural Resources, Transportation, Public Services, and Utilities.

**Alternatives:** The lead agency has preliminarily identified three alternatives that will be analyzed in the EIS:
Alternative 1 – Urban Center Alternative: The site would be redeveloped as a mixed-use urban center, consistent with the Urban Center land use designation/zoning classification of the site at the time complete applications were submitted to the County in 2011. Development would include 3,081 residential units, approximately 32,000 SF of commercial/office uses, approximately 94,000 SF of retail uses, and parks and open space.
Alternative 2 – Urban Village Alternative: The site would be redeveloped as a mixed-use urban village, consistent with the current Urban Village land use designation/zoning classification of the site. An urban

village development could include approximately 2,700 residential units. The Urban Village alternative is assumed to include the same amount of commercial/office and retail uses as the Urban Center alternative, but less parks and open space.
Alternative 3 - No Action Alternative: The site would remain in industrial use, with current operations likely expanding into currently underutilized existing facilities.

**Scoping:** Agencies, affected Tribes, and members of the public are invited to comment on the scope of the EIS. You may comment on elements of the environment, alternatives, mitigation measures, probable significant adverse impacts, and licenses or other approvals that may be required.

**Commenting:** The following options are available to provide comments on the scope of the EIS **on or before 5:00 PM, March 3, 2014: 1)** via email to Darryl.Eastin@co.snohomish.wa.us; **2)** in writing to Darryl Eastin, Snohomish County Planning and Development Services, 3000 Rockefeller Ave. M/S 604, 2nd Floor, Robert Drewel Building, Everett, WA 98201; and **3)** in person at the public scoping meetings (details below).

**Public Meetings:** Two public EIS scoping meetings will be held on **Tuesday, February 18th:**

1) From 12:30 PM to approximately 2:30 PM at the Snohomish County Administration Building Court Complex at 3000 Rockefeller Ave., Everett; and,
2) From 6:30 PM to approximately 8:30 PM in the Shoreline Conference Center at 18560 1st Ave. NE, Shoreline.

These meetings will provide an opportunity to learn more about the project and proposed actions, and to provide input on the environmental review process.

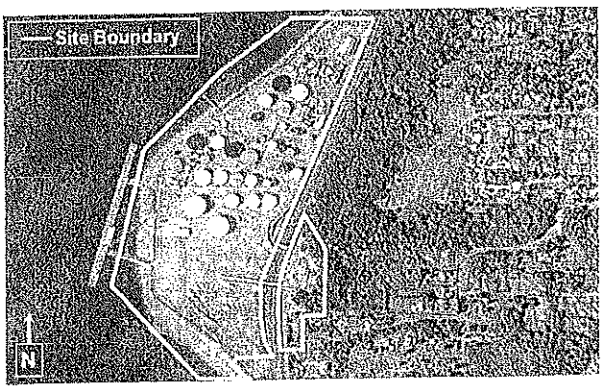
**Responsible Official:** Clay White, Director
Snohomish County Planning and Development Services
3000 Rockefeller Ave. M/S 604
Everett, WA 98201-4046

**Appeals:** This DS may be appealed pursuant to the requirements of Section 30.61.300 SCC and Chapter 2.02 SCC. The 14-day appeal period commences on the date of publication of the DS. Any appeal must be addressed to the County Hearing Examiner, accompanied by a filing fee of $500.00, and be filed in writing at the Public Assistance Counter on the 2nd Floor, County Administration Building East, Everett, WA The appeal must be received by February 18th. The appeal must contain the items set forth in 30.71.050(5) SCC as follows:

(a) Facts demonstrating that the person is aggrieved by the decision;
(b) A concise statement identifying each alleged inadequacy in the threshold determination;
(c) The specific relief requested; and
(d) Any other information reasonably necessary to make a decision on appeal.

Failure to file a timely and complete appeal shall constitute waiver of all rights to an administrative appeal under county code. In addition to the above requirements, SCC 30.61.305(1) also requires that any person filing an appeal of a threshold determination made pursuant to this chapter shall file with the hearing examiner, within seven days of filing the appeal, a sworn affidavit or declaration demonstrating facts and evidence, that, if proven, would demonstrate that the issuance of the threshold determination was clearly erroneous.

Date: February 2, 2014 Signature: _____
Tom Rowe for Responsible Official



# EXHIBIT B

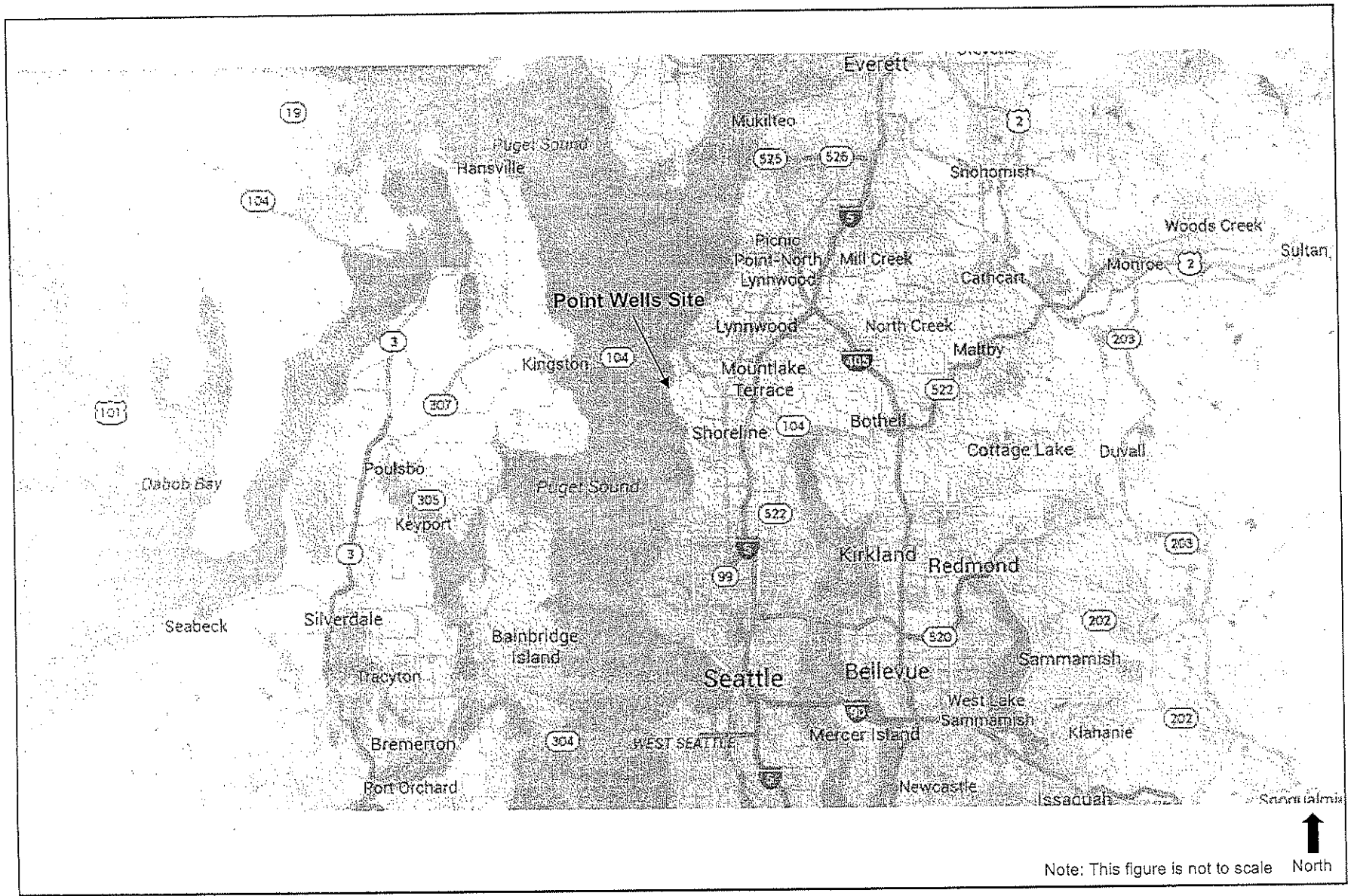
# CHAPTER 2
# DESCRIPTION OF PROPOSED ACTION(S) AND ALTERNATIVES

This chapter describes the Proposed Action(s) and alternatives for the *Point Wells Mixed-use Redevelopment Project* (hereafter also the "Point Wells Project"). Background information and a summary of historic site activities are also presented. Please see **Chapter 1** for a summary of the findings of the Draft Environmental Impact Statement (DEIS), and **Chapter 3** for a detailed presentation of the affected environment, probable significant environmental impacts, and mitigation measures for the Proposed Action(s) and alternatives.

## 2.1 INTRODUCTION

The Point Wells site is located in the extreme southwestern corner of Snohomish County, immediately north of the City of Shoreline, west of the Town of Woodway, and east of Puget Sound. Point Wells is in unincorporated Snohomish County as are the immediately adjacent parcels directly east. The site is approximately 61 acres in size (See **Figure 2-1**, Regional Map, and **Figure 2-2**, Vicinity Map.)

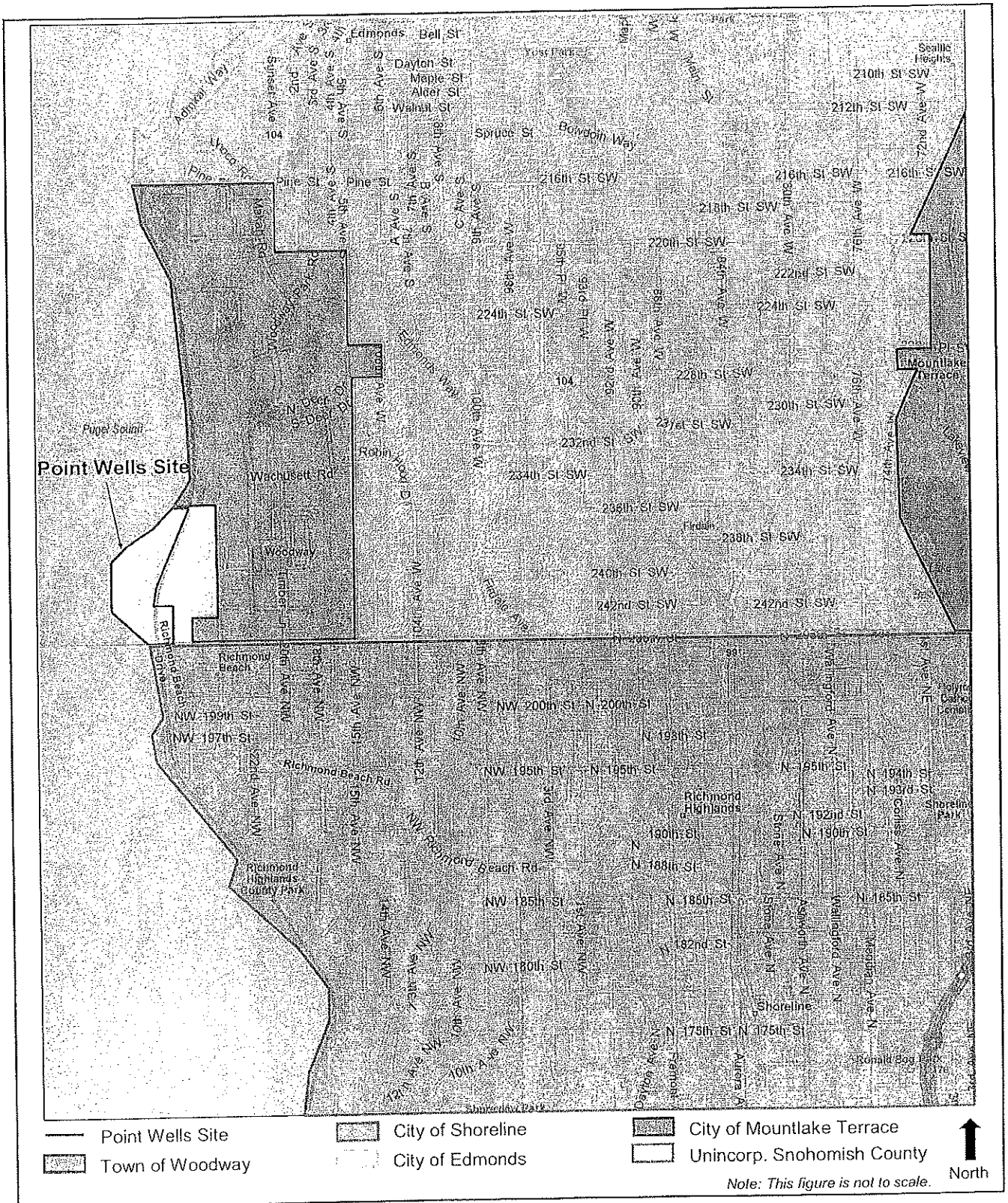
Since 2006, the Applicant, BSRE Point Wells, LP, a Delaware limited partnership (BSRE) and its predecessor, a company also affiliated with the site operator Paramount Petroleum Corporation, have been analyzing long-term redevelopment opportunities for the Point Wells site. The Applicant (and Snohomish County) has been working to formulate and implement a phased mixed-use urban development at this location that, if approved and constructed, would convert the site from heavy industrial use into a new urban center with residential, commercial/office, retail, and public service uses, as well as infrastructure improvements and public amenities. The site plan for the Point Wells Project would include new public amenities and opportunities for access to the waterfront that do not exist under current conditions. Full buildout (the date by which the site is assumed to be fully developed) would be expected to occur over a 15 to 20-year period. Actual buildout could vary depending on specific economic and market conditions. For analysis purposes in this EIS, buildout is assumed to be completed by 2035, consistent with the current Snohomish County's Comprehensive Plan.




*Source: Google Maps and EA Engineering, 2014.*

EA Engineering, Science, and Technology, Inc.

**Figure 2-1**
Regional Map




*Source: Google Maps and EA Engineering, 2015.*

**Figure 2-2**
Vicinity Map

EA Engineering, Science, and Technology, Inc.

Contaminants are present in the site soil and groundwater from past industrial uses. The site will undergo cleanup/remediation by Washington State Department of Ecology (Ecology) under the provisions of the Model Toxic Control Act (MTCA)[1]. There will likely be some overlap between the later phases of cleanup and early phases of construction of the Point Wells Project on portions of the site that have already been cleaned up.

## 2.2 BACKGROUND

Below is a summary of key planning, State Environmental Policy Act (SEPA) environmental review, and legal milestones that have occurred since 2005 related to the *Point Wells Mixed-Use Redevelopment Project* (see **Figure 2-3**, Point Wells Milestone Timeline).

### Snohomish County Comprehensive Plan and EIS (2005)

Per the Washington State Growth Management Act (GMA, RCW 36.70A), Snohomish County must update its Comprehensive Plan on a regular schedule. A major update to the County Comprehensive Plan was completed in 2005 and addressed the 2005 – 2025 planning period. The County prepared a programmatic EIS on the 2005 Update in compliance with SEPA (RCW 43.21C). The land use designation for the Point Wells site in the 2005 Comprehensive Plan was Urban Industrial (UI) and the associated zoning classification was Heavy Industrial (HI).

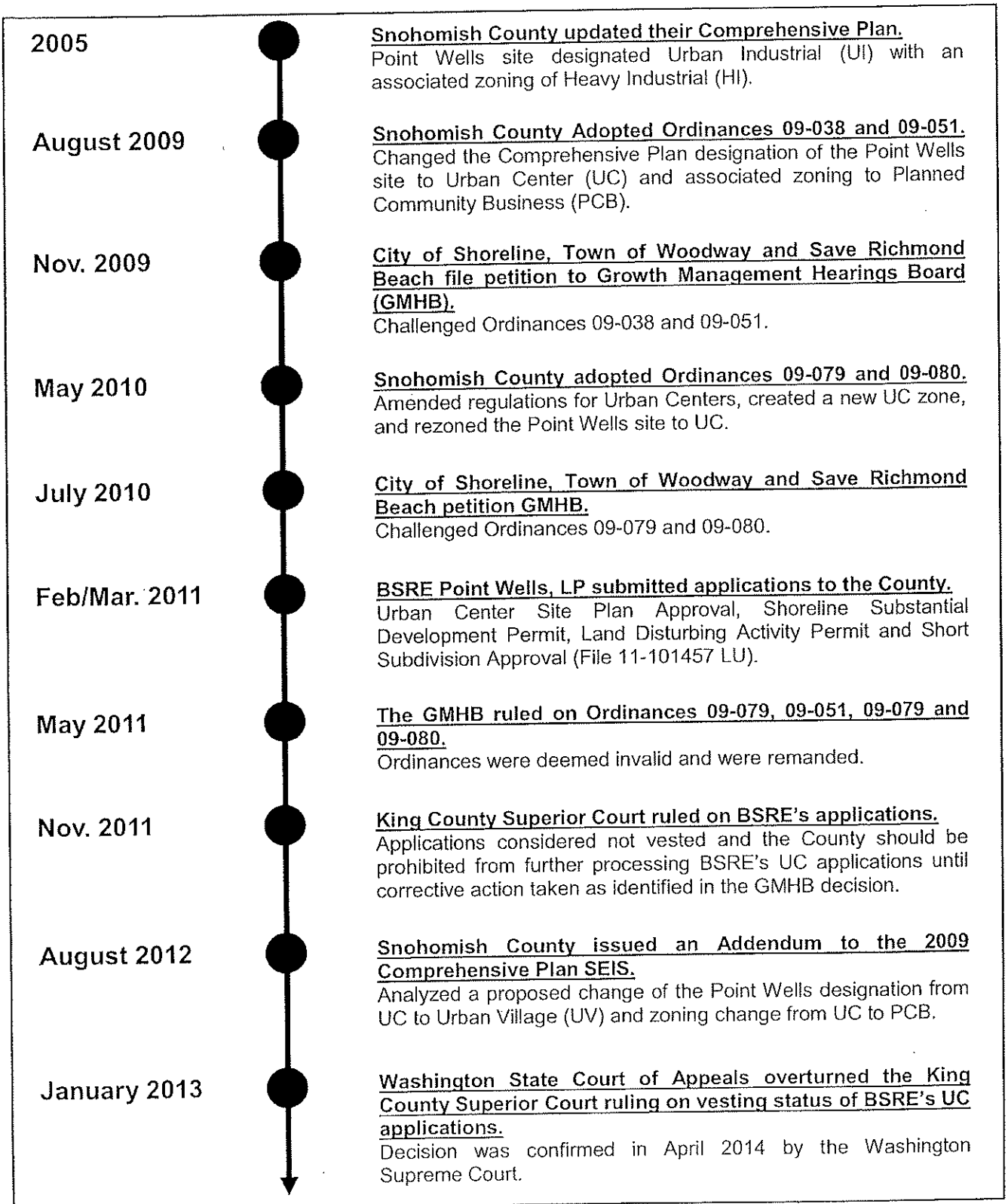
### Snohomish County Comprehensive Plan Amendment and SEIS (2009 - 2010)

Annual amendments to the Snohomish County Comprehensive Plan are proposed in accordance with GMA and Snohomish County Code Title 30.74. In 2006, Paramount of Washington, LLC, proposed a Comprehensive Plan amendment to change the Comprehensive Plan designation of the Point Wells site to Urban Center (UC) and to rezone the site to Planned Community Business (PCB). Programmatic environmental review of the proposed Comprehensive Plan amendments was provided in the *Draft* and *Final Supplemental Environmental Impact Statement (SEIS) Docket XIII Comprehensive Plan Amendment -- Paramount of Washington LLC*, published in February 2009, and June 2009, respectively.

In August 2009, after issuance of the Final SEIS, the County Council adopted Ordinances 09-038 and 09-051 amending certain policies and text in the Land Use chapter of the County's Comprehensive Plan and changing the Comprehensive Plan land use designation of the

---

[1] The Washington State Model Toxics Control Act, Chapter 70.105D RCW (MTCA) creates a comprehensive regulatory scheme to identify, investigate, and clean up contaminated properties that are, or may be, a threat to human health or the environment. MTCA was adopted by the state legislature in 1989 in order to raise funds to clean up contaminated sites and to prevent the creation of future hazardous waste sites. The Washington State Department of Ecology (Ecology) is the lead agency responsible for the implementation and enforcement of MTCA.




*Source: EA Engineering, 2015.*

EA Engineering, Science, and Technology, Inc.

**Figure 2-3**

Point Wells Site History Timeline

Point Wells site from Urban Industrial (UI) to Urban Center (UC); and, rezoning the site on an interim basis from Heavy Industrial (HI) to Planned Community Business (PCB).

In May 2010, the County adopted Ordinances 09-079 and 09-080 amending its development regulations for Urban Centers, creating a new UC zone, and rezoning the Point Wells site to UC.

## Snohomish County Comprehensive Plan Update (2015)

In July 2015, Snohomish County updated its Comprehensive Plan, extending the previous plan's growth horizon to 2035. The updating process included preparation of a programmatic EIS. Policies and elements of the Comprehensive Plan were updated, taking into account population and employment growth in the County over the next 20 years including from the proposed Point Wells redevelopment. With this growth there will be increases in demand for residential, commercial and industrial land, parks, schools, services, utility facilities, and roads. The 2015 Comprehensive Plan focuses on future land use needs in unincorporated urban areas, but links to planning in cities, rural areas, and tribal lands. The Comprehensive Plan designation of the Point Wells site continues to be UC.

## Growth Management Hearings Board & Related Challenges/Decisions (2009 – 2014)

In November 2009 and July 2010, City of Shoreline, Town of Woodway, and Save Richmond Beach filed separate petitions to the Central Puget Sound Growth Management Hearings Board (GMHB) challenging the County's adoption of Ordinances 09-038, 09-051, 09-079, and 09-080. The cases were consolidated into one appeal challenging all four County ordinances. City of Shoreline, Town of Woodway and Save Richmond Beach, et al., v. Snohomish County and BSRE Point Wells, LLP Consolidated Case Nos. 09-3-0013c and 13-3-0011c.

On February 14, 2011, BSRE sumitted a Short Subsivision application for the Point Wells Project. On March 4, 2011, BSRE submitted the following applications for the project: Urban Center Site Plan Approval, Shoreline Substantial Development Permit, Land Disturbing Activity (Grading) Permit, and Building Permit (File No. 11-101457 LU). The County determined that these applications were complete as of these dates.

On February 14, 2011, the Shoreline City Council adopted Ordinance 596 amending its Point Wells Subarea Plan, and imposing a 4,000 average daily trip (ADT) limit on Richmon Beach Drive. Key policies contained in the amended Subarea Plan include Policies PW-9 and PW-12. Policy PW-9 states, in part, that to enable appropriate traffic mitigation of future development at Point Wells, the developer should fund preparation of a Transportation Corridor Study as the first phase of a Transportation Implementation Plan, under the direction of the City, with input and participation of Woodway, Edmonds, Snohomish County and Washington State Department of Transportation (WSDOT). Policy PW-12

designates Richmond Beach Drive between NW 199th Street and NW 205th Street as a local street with a maximum capacity of 4,000 ADT. Policy PW-12 further indicates, in part, that *unless and until* the Transportation Corridor Study and Mitigation Plan called for in Policy PW-9 is provided, and sources of financing for necessary mitigation are commited, the City should not consider reclassifying this road segment. In April 2011, BSRE challenged Shoreline's adoption of Ordinance 596 for procedural defects and inconsistency with Snohomish County's Comprehensive Plan. Prior to the GMHB proceeding with the challenge, BSRE and the City (with the GMHB's approval) stayed further proceeding so that the Transportation Corridor Study and Mitigation Plan could be completed (which Ordinance 596 calls for as a precondition of reclassification of the segment of Richmond Beach Drive).

The Shoreline, Woodway, and Save Richmond Beach petitions were heard by the GMHB as one consolidated matter. In May, 2011, the GMHB determined that Ordinances 09-038 and 09-051 (changing the Comprehensive Plan designation of the site to UC and the zoning classification of the site to PCB) were invalid, and remanded these ordinances, as well as Ordinances 09-079, and 09-080 (amending the County's UC development regulations, creating a UC zone, and rezoning the site to UC) to the County for corrective action. The GMHB indicated that Ordinances 09-038 and 09-051 did not meet GMA requirements and were not guided by planning goals in RCW 36.70A.020. The GMHB also found that the 2009 Comprehensive Plan Amendment SEIS did not comply with SEPA requirements in that a less dense alternative should also have been analyzed. Because the SEPA review for Ordinances 09-079 and 09-080 relied on the SEPA review for Ordinances 09-038 and 09-051 which it determined should have included the review of a less dense alternative, the GMHB determined that SEPA review for Ordinances 09-079 and 09-080 was also deficient.

In September 2011, Woodway and Save Richmond Beach sought a declaratory ruling from King County Superior Court that BSRE's UC applications did not vest under the County's UC development regulations due to SEPA noncompliance. The Superior Court was also asked to prohibit the County from processing BSRE's applications until such time as the SEPA deficiencies were corrected.

In November 2011, the King County Superior Court ruled that BSRE's applications were not vested and that Snohomish County should be prohibited from further processing BSRE's UC applications until the County took action to correct the SEPA deficiencies identified in the GMHB's decision. Town of Woodway and Save Richmond Beach v. Snohomish County and BSRE Point Wells, LP, King County Superior Court No. 11-2-31315-8.

In August 2012, the County issued the *Addendum to the Final Docket XIII Comprehensive Plan Amendment SEIS*. The Addendum was prepared to supplement the 2009 Comprehensive Plan Amendment SEIS and meet the specific requirements of the GMHB decision. The Addendum provided programmatic analysis of the impacts of an additional less dense non-project alternative in compliance with a proposed change of the Comprehensive Plan designation of the site from UC to Urban Village (UV); amendments to

the General Policy Plan; a zoning reclassification of the site from UC to PCB; and, amendments to County development regulations.

In January 2013, Division I of the Washington State Court of Appeals overturned the King County Superior Court ruling regarding the vested status of BSRE's applications and voided the injunction regarding the County's further processing of the BSRE. With the Court of Appeals decision, the vested status of BSRE's applications for the Point Wells was confirmed and the County could renew its processing of the applications under the County's UC zoning and other applicable development regulations in effect in 2011. Town of Woodway and Save Richmond Beach v. Snohomish County and BSRE Point Wells, LP, 172 Wn. App. 643, 291 P.3d 278 (2013). Under Washington's vesting rules, a permit application is to be judged under those regulations in place upon the date of submittal of a complete permit application. Future changes in those regulations may not be applied against a vested application. On April 10, 2014, the Washington Supreme Court upheld the State Court of Appeals decision, and confirmed that BSRE's application vested to the regulations in place on the date when applications were submitted in 2011 (e.g., the UC zoning of the site at that time). 180 Wn.2d 165, 322 P.3d 1219 (2014).

## Memorandum of Understanding between BSRE and City of Shoreline (2013)

In April 2013, BSRE and City of Shoreline executed a Memorandum of Understanding (MOU). As part of the MOU, BSRE and the City agreed to conduct a Transportation Corridor Study to evaluate the Point Wells Project's transportation impacts on the Shoreline community (e.g., on transportation facility operations and safety), and identify appropriate mitigation. This study would examine the effects of additional traffic on the corridor including Richmond Beach Drive NW, Richmond Beach Road NW, surrounding side streets and other major intersections along N 185th Street to I-5. This analysis would serve as the basis for identifying required improvements to the corridor. The Transportation Corridor Study would include an extensive public participation process which would involve at least eight public meetings and a full review and approval by the Shoreline City Council. The assumptions, methodology, and conclusions of the Transportation Corridor Study would be reviewed by independent traffic consultants retained by Shoreline. Similarly, the study would be peer reviewed by an independent consultant selected by Snohomish County. The results, including identified impacts and proposed mitigation of the study, will be incorporated into the Point Wells EIS (portions of this study are included in the transportation analysis prepared for this DEIS).

In the MOU, the City also agreed to submit amendments to its Point Wells Subarea Plan and other elements of the Shoreline Comprehensive Plan to allow road capacities associated with mitigation measures in the corridor, consistent with recommendations of the Transportation Corridor Study. The amenments were initially docketed for 2013, but have been carried forward to the 2016 Comprehensive Plan Docket, following completion of the Transportation Corridor Study.

# 2.3 ENVIRONMENTAL REVIEW PROCESS AND PURPOSE

## SEPA EIS and Lead Agency

SEPA provides the framework for agencies to consider the environmental consequences of a proposal before taking action on it. It also gives agencies the ability to condition or deny a proposal due to identified likely significant adverse impacts. The Act is implemented through the SEPA Rules, Chapter 197-11 WAC.

The lead agency is the agency responsible for all procedural aspects of SEPA compliance (e.g., preparation of an EIS). The responsible official represents the lead agency and is responsible for the documentation and the content of the environmental analysis.

For purposes of the Point Wells Project, Snohomish County Planning and Development Services (PDS) is serving as the SEPA lead agency, and the Snohomish County PDS Director is serving as the responsible official for the SEPA review.

For purposes of the cleanup/remediation plans and actions on the site, Ecology is the responsible entity, and will conduct separate SEPA review. The analysis in this DEIS assumes that the site has been remediated in a manner and at times consistent with such terms and conditions as may be required by Ecology in connection with its independent review.

## Determination of Significance and EIS Scoping

On February 14, 2011, the Applicant submitted an application for Short Subdivison Approval for the Point Wells Project. On March 4, 2011, the Applicant submitted for the following permits and approvals on the Point Wells Project: Urban Center Development Application and Site Plan Approval, Shoreline Substantial Development Permit, Land Disturbing Activity (Grading) Permit, and Building Permit. Snohomish County, as SEPA lead agency, determined that the project is likely to have a significant impact on the environment. As a result, an EIS is required, per RCW 43.21C.030(2)(c).

On February 2, 2014, the County issued a Determination of Significance (DS) and Request for Comments on the Scope of the EIS. The DS indicated that the extended 30-day EIS scoping period would end on March 3, 2014, and that two public meetings would be held during scoping to provide opportunities for the public to learn more about the Proposed Actions and to provide input on the scope of the EIS. A second scoping notice was issued on March 12, 2014 and a new 21-day scoping period was provided, ending on April 2, 2014.

The two EIS public scoping meetings were held on February 18, 2014. During these meetings, the public was encouraged to provide both written and/or verbal comments on the scope of the EIS. A total of 6 people signed in at the first meeting, and a total of 63

people signed in at the second meeting. There were informal presentations and question/answer sessions provided at both meetings.

During the EIS scoping comment period, a total of 168 comment letters/emails were received. All of the comment letters/emails are available for review at Snohomish County PDS (see **Appendix A** for further information on the scoping process and a summary of the scoping comments).

Following EIS scoping, the County identified the following EIS alternatives and elements of the environment to be analyzed in this DEIS:

## *EIS Alternatives*

**Alternative 1 – Urban Center Alternative:** The site would be redeveloped as a mixed-use urban center, consistent with the UC land use designation/zoning classification of the site at the time complete applications were submitted to the County in 2011. Development would include approximately 3,081,000 square feet (sq. ft.) of residential uses (3,081 units), 32,262 sq. ft. of commercial/office uses (with space for on-site police and fire facilities), 94,300 sq. ft. of retail uses, and open space/recreation uses.

**Alternative 2 – Urban Village Alternative:** The site would be redeveloped as a lower density mixed-use development similar to what could be achieved under the current UV land use designation and PCB zoning classification of the site. The mixed-use development would include the same site plan as Alternative 1. However, the maximum building height would be less. Approximately 2,600,00 sq. ft. of residential uses (2,600 units) would be provided under Alternative 2. The same amounts of commercial/office uses with space for on-site police and fire facilities (32,262 sq. ft.), retail uses (94,300 sq. ft.), and open space/recreation uses as Alternative 1 is assumed for Alternative 2.

**Alternative 3 – No Action Alternative:** The site would remain in industrial use, with possible reuse of existing underused industrial facilities. The site could also be developed in the future in accordance with the uses allowed by the site's current PCB zoning. (Additional description of the EIS alternatives is provided later in this chapter.)

## *Elements of the Environment*

- Earth
- Water Resources
- Air Quality
- Energy/Greenhouse Gases
- Plants and Animals
- Environmental Health
- Noise
- Land and Shoreline Use/ Relationship to Plans and Policies
- Aesthetics/Light and Glare
- Historic and Cultural Resources
- Transportation
- Public Services (Police, Fire/Emergency Services, Schools, Parks and Recreation)
- Utilities (Sewer, Water)
- Fiscal/Economic Impacts

## Purpose of EIS Analysis

Per WAC 197-11-400, an EIS is an objective, impartial evaluation of the environmental consequences of a proposed project. It is a tool that will be used by Snohomish County, other agencies, and the public in the decision-making process for the *Point Wells Mixed-Use Redevelopment Project*. An EIS does not recommend for or against a particular course of action.

This is a project-level DEIS for the Point Wells Project, and is Snohomish County's analysis of probable significant environmental impacts of the Proposed Actions and alternatives for the elements of the environment listed above. The DEIS has been issued and distributed to agencies, tribes, organizations, and the public for review as part of a public comment period. A public meeting will be held following issuance of the DEIS to provide another forum to gather comments on the DEIS (see the **Fact Sheet** for the date and location of this meeting). Comments on the DEIS can be given in writing or verbally at the public meeting or in writing at any time during the 30-day comment period. Upon request by agencies or the public, Snohomish County may grant an extension of up to (and not more than) fifteen days to the comment period (WAC 197-11-455(7)).

Based on the comments received on the DEIS, a Final EIS (FEIS) will be prepared as the final step in the EIS process. The FEIS will provide responses to comments received on the DEIS from agencies, organizations, and the public, and may contain clarifications to the analysis of environmental impacts. The DEIS and FEIS together will comprise the document that the County will use – along with other analyses and public input –to make decisions on the proposed Point Wells Project.

After the FEIS is issued, County staff will make recommendations to the decision-makers on the Point Wells Project. A public hearing will be held as part of the decision-making process on the project. Ongoing opportunities for public input will occur during the process.

This project-level DEIS has been prepared for the proposed *Point Wells Mixed-Use Redevelopment Project* based on information that is currently available and that has been prepared for this DEIS. It is anticipated that no subsequent environmental review of this proposal will be necessary. If, however, substantial changes occur to the project following issuance of the FEIS or new environmental information is identified, the County may determine that subsequent environmental analysis is necessary in order to address the project changes and/or the new environmental information. Changes to the project that would not require additional SEPA review could include minor revisions to the site plan or reductions to the number of units or commercial square footage proposed. Changes that would require additional SEPA review include increasing the number of units or commercial square footage. Some changes, such as modifications to public amenities or minor adjustments to building heights, would need to be evaluated by the lead agency (Snohomish County or its successors) to determine whether additional environmental review is necessary.

## Prior Environmental Review

SEPA environmental review has been accomplished by Snohomish County for several prior actions related to the *Point Wells Mixed-Use Redevelopment Project*. These documents are incorporated by reference into this EIS, per WAC 197-11-635:

- *DEIS for Snohomish County GMA Comprehensive Plan 10-Year Update* (May 2004);
- *FEIS for Snohomish County GMA Comprehensive Plan 10-year Update* (December 2005);
- *Draft Supplemental EIS for Final Docket XIII Comprehensive Plan Amendment – Paramount of Washington LLC* (February 2009);
- *Final Supplemental EIS for Final Docket XIII Comprehensive Plan Amendment – Paramount of Washington LLC* (June 2009);
- *Addendum No. 1 to the Final Supplemental EIS for "Final Docket XIII Amendments to the GMA Comprehensive Plan – Paramount of Washington, LLC"* (August 2012);
- *DEIS for Snohomish County Comprehensive Plan 2015 Update* (September 2014); and,
- *FEIS for Snohomish County Comprehensive Plan 2015 Update* (June 2015).

## Other Related Environmental Review

Petroleum and metals-related contaminates are present in the soil and groundwater beneath the site from past industrial activities. Currently, a groundwater pumping and treatment system operates on the site to treat the contamination in the groundwater. The site remediation actions are being conducted by Paramount Petroleum under the requirements of Ecology.

To implement the proposed *Point Wells Mixed-Use Redevelopment Project*, the current remediation program will be expanded and accelerated. SEPA environmental review and oversight of future site cleanup/remediation will be provided separately by Ecology under the provisions of the Model Toxic Control Act (MTCA). The site will undergo cleanup/remediation pursuant to the requirements of the Agreed Order/Consent Decree[2] process to be defined by Ecology. Cleanup/remediation of the site is expected to take approximately 10 to 15 years. There would likely be some overlap between later phase of cleanup and early construction of the Point Wells Project on portions of the site that have already been cleaned up. As part of the cleanup/remediation process, applicable cleanup methods will consider potential redevelopment plans for the site. Certain activities related

[2] A consent decree is a formal legal agreement filed in court. In terms of the MTCA, the work requirements in the decree and the terms under which it must be done are negotiated and agreed to by the potentially liable person, Ecology and the state Attorney General's office. Unlike a consent decree, an agreed order is not filed in court and is not a settlement. Rather, it is a legally binding administrative order issued by Ecology and agreed to by the potentially liable person.

to redevelopment, such as grading, stormwater control, and utility/building construction, would take into account the final clean up/remediation plan.

This DEIS briefly summarizes the history of the Point Wells site and the site's current condition; refers to the Ecology MTCA process and its regulatory requirements; and, discusses protocols and institutional controls that will ultimately set out requirements and compliance methods for construction and long-term redevelopment of the site. The DEIS impact analyses assume an existing/baseline condition subsequent to phased cleanup/remediation of the site. The probable significant environmental impacts and applicable mitigation measures related to proposed redevelopment of the site are the focus of this DEIS; potential impacts associated with cleanup/remediation activities will be addressed through the separate Ecology SEPA process (see Section 3.5, **Environmental Health**, for details).

## 2.4 SITE DESCRIPTION

The Point Wells site is located in the extreme southwestern corner of Snohomish County, immediately north of the City of Shoreline, west of the Town of Woodway, and east of Puget Sound. Point Wells is in unincorporated Snohomish County as are the immediately adjacent parcels directly to the east. The site is approximately 61 acres in size, with approximately 16 acres of tidelands and 45 acres of uplands. About 56 acres of the site are located adjacent to the Sound (the "Lower Bench"); the remaining approximately 5 acres are located on the east side of BNSF-owned right-of-way and railroad track that pass north/south through the site (the "Upper Bench"). (See **Figure 2-1**, Regional Map, and **Figure 2-2**, Vicinity Map.)

## 2.5 SITE HISTORY

The following provides a brief history of the site. See Section 3.7, **Land Use**, and Section 3.10, **Historic and Cultural Resources**, for details on the site's history.

### General Site History

No cultural or archaeological resources have been found onsite to date. However, the site represents a land form type that often was used in prehistory as a residential and resource gathering location by Northwest Coast Indian Tribes. The majority of the site was formerly a saltwater marsh with a number of small creeks discharging to Puget Sound. In the late 1890s-early 1900s, the site and adjacent area was used for farming, cattle grazing, a wooden barrel manufacturing facility, and a shipyard. A dock was built as early as 1890 that served the shipyard. The Point Wells industrial facility was reportedly constructed in 1912 by the company that is now known as Shell Oil Company. In 1913, Standard Oil purchased the site. The site was filled and paved for industrial use, and the creeks were piped and channeled through the site. Over the years, Standard Oil became know as Chevron Oil

Company. Chevron used the facility as an asphalt petroleum refinery and light products/lube oil distribution terminal. The various types of petroleum products stored and/or processed at the site included crude oil, asphalt products, lubrication oils, fuel oils, aviation fuels, motor vehicle and marine vessel fuels, and thinners. The light products/lubrication oil distribution terminal and refinery are no longer in operation (refinery operations ceased in 2000), although the facility continues to operate as a marine fuel and asphalt distribution center.

Prior to 1960, the site had two means of vehicular access. The primary access was from Richmond Beach Road to the south; the secondary access -- known as Heberlein Road – was from the top of the bluff to the east. The secondary access was abandoned in the '60s due to landslide issues.

In 2005, a company affiliated with Paramount Petroleum Corporation purchased the real property at Point Wells from Chevron, and Paramount Petroleum Corporation acquired the marine fuel and ashalt distribution operation from Chevron. In 2006, the property was sold to a subsidiary of Alon USA, Inc. At the same time, ownership of Paramount Petroleum Corporation was sold to a subsidiary of Alon USA, Inc. In 2010, the real property was sold to BSRE which retains ownership to this day. The marine fuel transfer and asphalt distribution facility continues to be operated by Paramount Peteroleum Corporation under the terms of an agreement with BSRE.

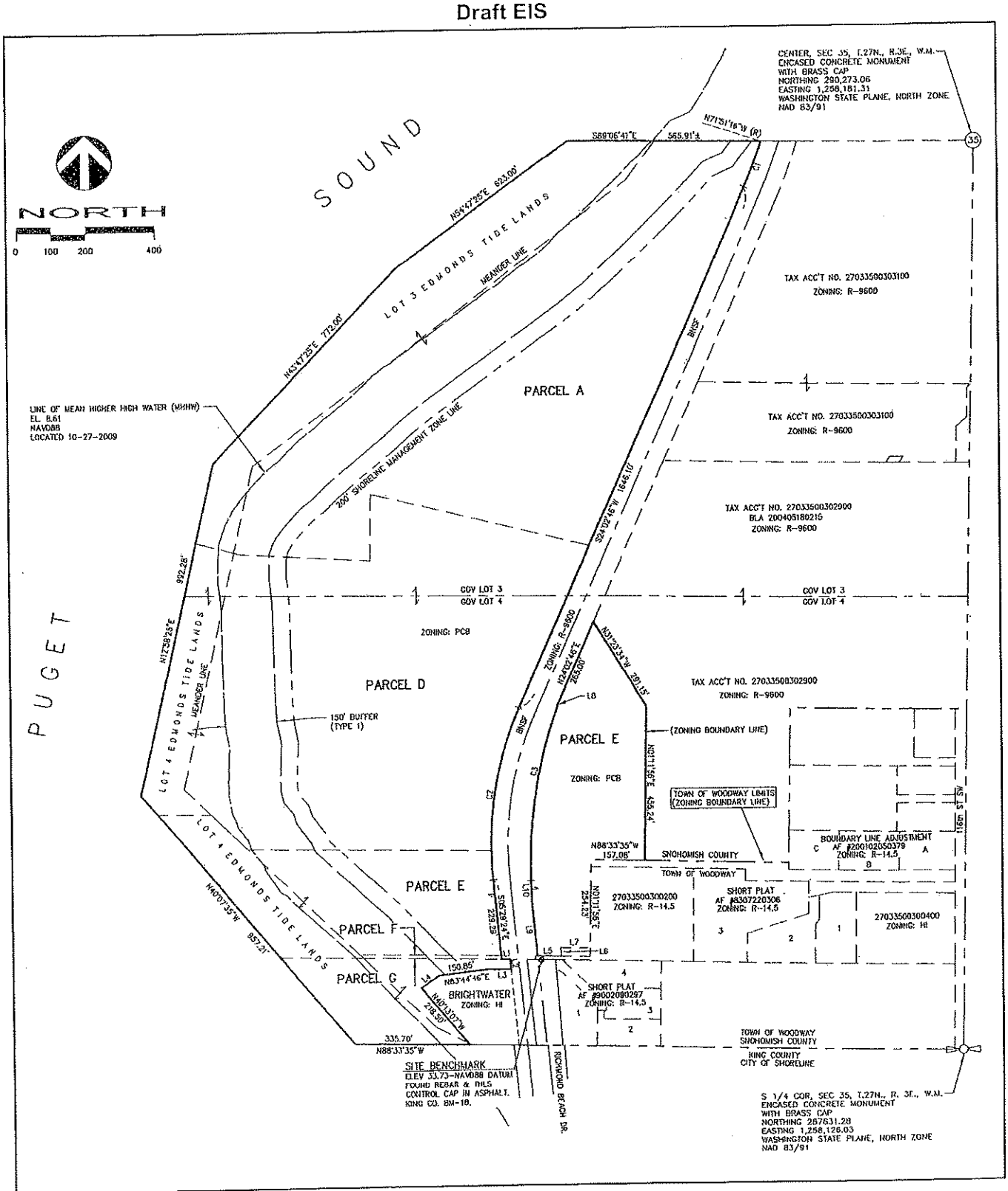
## 2.6 EXISTING SITE CONDITIONS

As indicated in ***Section 2.1***, the Point Wells site includes approximately 61 acres, with approximately 16 acres of tidelands and 45 acres of uplands. The site is located in the southwestern portion of Snohomish County, within Section 35, Township 27 North, Range 3 East (see **Figure 2-2**, Vicinity Map). The site is currently divided into 7 parcels: 6 parcels in the western portion of the site and 1 parcel in the eastern portion of the site (see **Figure 2-4**, Parcel Map).

Below is general information on existing site topography, vegetation, water resources, land uses, vehicular/pedestrian access, and utilities; as well as Comprehensive Plan, zoning, and shoreline designations.

### Existing Natural Environment

The site is generally level. A limited steep slope area is present along the eastern edge of the site's Upper Bench, to the east of the BNSF railroad line. The site's Lower Bench, which sits adjacent to and to the east of Puget Sound, is about 10 to 20 feet above sea level behind a concrete, timber, and steel sheet pile seawall and rock bulkhead. The Upper Bench is about 50 feet higher in elevation than the Lower Bench. An approximately 150 to 220-foot high bluff adjoins the Upper Bench offsite to the east (see **Figure 2-5**, Existing Site Conditions, Section 3.1, **Earth**, and **Appendix C** for details).

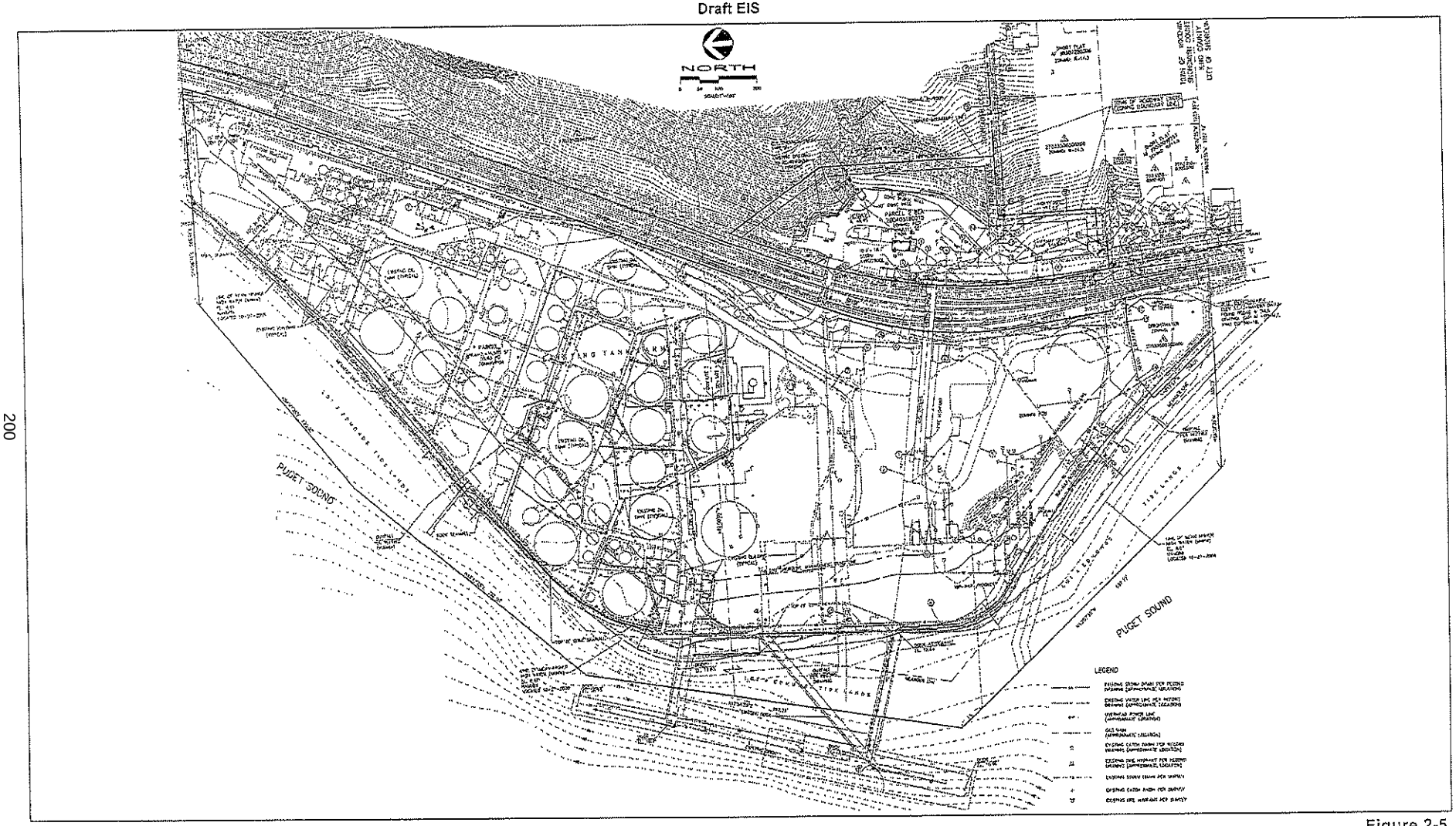



*Source: David Evans and Associates, 2010.*

EA Engineering, Science, and Technology, Inc.

**Figure 2-4**

Existing Site Parcels




Source: *David Evans and Associates, 2010.*

EA Engineering, Science, and Technology, Inc.

**Figure 2-5**
Existing Site Conditions

Minimal vegetation is currently present onsite due to the site's long-term industrial use. Most of the site's limited vegetation is located adjacent to the off-site steep slope along the eastern edge of the site's Upper Bench (see Section 3.4, **Plants and Animals** and **Appendix F**, for details). Puget Sound is located to the west of the site, and the site includes approximately 2/3 mile of shoreline. Portions of several streams are located on and adjacent to the site, including "Chevron Creek" and "South Creek". These streams are currently channeled through ditches and conveyance systems onsite before discharging to the Sound. Wetlands have been identified adjacent to the site, along the site's north and east boundaries, as well as on the slope to the east of the site (see Section 3.3, **Water Resources**, Section 3.4, **Plants and Animals**, and **Appendix F** for details).

## Existing Land Uses

The site presently contains more than 24 buildings and assorted structures, and over 85 above-ground tanks of various sizes. Most of these structures are related to petroleum products storage, processing, and distribution. An approximately 1,050-foot long, 60-foot wide active deepwater dock is located on the western edge of the site.

The dock and a portion of the piers are located on property owned by the State of Washington and leased by the Department of Natural Resources pursuant to an Aquatics Land Lease. A smaller, currently unused wooden pier and dolphin in deteriorating condition are located to the north of the large dock. This pier and dolphin are neither owned nor used by either BSRE or Paramount Petroleum Corporation.

**Table 2-1** presents a breakdown of the existing site conditons (also see **Figure 2-5**, Existing Site Conditions). As shown in **Table 2-1**, approximately 43.3 acres of the upland area (areas above the Mean Higher High Water (MHHW) of the site (89 percent) is presently in impervious surface areas such as buildings, tanks, and pavement. Approximately 5.1 acres of the upland area (11 percent) is presently in pervious surface areas such asnaturally vegetated areas, landscaped areas, and areas of beach above the MHHW. The approximately 12.7 acres of the site in tidelands (areas below the MHHW) are also considered impervious areas.

The existing on-site facilities are operated 24 hours per day, 365 days per year and employ approximately 12 to 15 Paramount Petroleum personnel and contractors who regulary work there.

Table 2-1
IMPERVIOUS AND PERVIOUS SURFACE AREA – EXISTING CONDITIONS

| Site Area | Impervious (acres)[1] | Pervious (acres)[2] | Total Area (acres) |
|---|---|---|---|
| Upper Bench[3] | 2.9 | 2.1 | 5.0 |
| Lower Bench | 40.4 | 3.0 | 43.4 |
| Tide Lands[4] | 12.7 | 0.0 | 12.7 |
| Total Area | 56.0 | 5.1 | 61.1 |

*Source: Perkins + Will, 2015.*
[1] Impervious areas include: buildings, tanks, pavement and tide lands.
[2] Pervious areas include: naturally vegetated areas, landscaped areas, and areas of beach above the MHHW.
[3] Upper Bench area includes the site area east of BNSF ROW (bridges over BNSF are included in Lower Bench area).
[4] Tide lands are areas below the MHHW.

## Existing Site Access and Parking

Vehicular access to the site is presently provided from the south via Richmond Beach Drive NW. The site contains an internal private roadway system. Two vehicular and pedestrian bridges (only one of which remains fully intact due to potential interference with double-stacked rail cars) span the BNSF rail tracks to connect the site's eastern Upper Bench and western Lower Bench areas. However, the northernmost bridge, while physically connected for the purpose of running utilities to the western portion of the site, is currently not capable of use for either pedestrian or vehicular traffic.

Approximately two dozen designated parking spaces are located onsite adjacent to the main office/scalehouse.

A large deepwater dock and concrete boat launch are present and are in use onsite in Puget Sound. The dock is used for marine fuel transfer associated with Paramount Petroleum's operations. The concrete boat launch is only for use by response vessels in the event of a hazardous material release into the water. The water depth along the face of the dock ranges from about 40 to 55 feet at Mean Lower Low Water (MLLW).

Despite it prominent location on Puget Sound, public access to the site (including the shoreline area) is prohibited. The U.S. Department of Homeland Security's requirements related to the current industrial use of the site prevent any public access to the site and its shoreline area. The area is, therefore, under the jurisdiction of the U.S. Coast Guard and is designated a Marine Security (MARSEC) facility.

## Existing Utilities

Following is a brief discussion of the existing utilities serving the site (see Section 3.13, **Utilities**, for details).

### *Water*

Existing water service to the site is provided by Olympic View Water and Sewer District (OVWSD), which also provides water to the Town Woodway, City of Edmonds, and the adjacent unincorporated portion of Snohomish County. OVWSD primarily obtains its water from City of Seattle, but also has a supplemental secondary spring-fed water source.

Existing uses on the site are currently served by 4-inch, 8-inch, and 10-inch water lines (see Section 3.13, **Utilities**, for details).

### *Sewer*

Existing sewer service to the site is currently provided by Ronald Wastewater District (RWD). The site is located in Sewer Basin 24 of RWD. RWD serves Shoreline in King County and the immediate vicinity of the site in unincorporated Snohomish County. RWD's Lift Station 13 is located approximately 0.2 mile south-southwest of the site on Richmond Beach Drive NW, and currently handles flows from the upland off-site residential areas to the east of the site. Very little other sanitary sewer infrastructure exists in the vicinity of the site.

In 2002, City of Shoreline and RWD entered into an Interlocal Operating Agreement to unify sewer services with City operations. The unification is scheduled to occur in October 2017. In May 2014, City of Shoreline filed a Notice of Intent to assume RWD with the King County and Snohomish County Boundary Review Boards (BRBs). In August 2014, the King County BRB voted to approve the City of Shoreline's proposed assumption of the portion of RWD in King County. In September 2014, the Snohomish County BRB voted to deny the City's proposed assumption of the portion of RWD in Snohomish County. RWD recently filed a lawsuit in King County Superior Court against OVSWD, Snohomish County, King County, the City of Shoreline, and the Town of Woodway to confirm that RWD has the right to serve the Point Wells Project.

The site is also located in OVSWD's sewer service area.

(See Section 3.13, **Utilities**, for details.)

### *Stormwater*

Most of the site is currently developed and consists of impervious surfaces. The existing on-site stormwater drainage system consists of a series of catch basins, stormwater drainage manholes, and stormwater drainage pipes. Three outfalls to Puget Sound are located onsite. Outfall 1 is located in the northwestern portion of on the site, to the north of the existing deepwater dock, and is the main outfall that discharges all of the stormwater and industrial wastewater that has passed through the Point Wells industrial wastewater treatment system. Outfall 2 is located near the cental western part of the site between the two access piers, and discharges stormwater from the eastern Upper Bench portion of the site and treated wastewater from the Point Wells groundwater treatment system. Outfall 3 is located along the southwestern portion of the site. This outfall discharges stormwater originating from off-site upstream areas to the east of the site pursuant to an easement

agreement with the owners of a residential development to the east of the site on land previously owned by Chevron and upon which were located additional petroleum storage tanks serving the site.

Stormwater runoff from the site is presently routed through water quality treatment facilities, including oil/water separators and a flotation unit, and flocculant (to remove solids) is added prior to discharge to Puget Sound (see Section 3.3, **Water Resources**, for details). The air flotation unit, with flocculant addition, is only operated when necessary to reduce suspended solids to meet permit standards ***(add to Water Resources Affected Environment)***.

### *Energy*

Electrical power is presently provided to the site by Snohomish County Public Utility District (PUD). Natural gas service to the site vicinity is provided by Puget Sound Energy (PSE). No existing natural gas infrastructure is in place onsite to serve the existing industrial uses.

## Comprehensive Plan, Zoning and Shoreline Designations

The site is located in unincorporated Snohomish County, in the southwestern corner of the County's Urban Growth Area (UGA).

### *Comprehensive Plan Designation and Zoning Classification*

In 2011, when applications for the *Point Wells Mixed-Use Redevelopment Project* were submitted to Snohomish County, the site's Comprehensive Plan designation on the Future Land Use Map (FLUM) and zoning classification on the zoning map were Urban Center (UC). The UC designation/zoning provides for compact, well-designed areas that concentrate a variety of land uses in one place. Urban Centers are intended to be places where substantial population and employment growth can be located, a community-wide focal point can be provided, and increased use of transit, bicycling, and walking can be supported.

In 2012 the County amended the site's Comprehensive Plan Designation on the FLUM from UC to Urban Village (UV), and the zoning classification on the zoning map from UC to Planned Community Business (PCB) to bring Snohomish County into compliance with the Growth Management Hearing Board (GMHB) determination of May 2011. The UV designation provides for compact, pedestrian-oriented development including a variety of small-scale commercial and office uses, public buildings, high density residential units, and public open space. A UV is generally smaller than a UC.

The PCB zoning of the site provides for community business enterprises in areas desirable for business but having highly sensitive elements of vehicular circulation, or natural site and environmental conditions, while minimizing impacts upon these elements through the establishment of performance criteria (see Section 3.7, **Land Use**, and Section 3.8, **Relationship to Plans, Policies and Regulations**, for details).

### *Shoreline Designation*

Based on the Shoreline Management Master Program that was in place at the time the Point Wells UC application was submitted in 2011, the upland portion of the site, to the west of the BNSF railroad line within the Shoreline jurisdiction was designated Urban Environment. This shoreline designation promotes public use and managing development that enhances and maintains shorelines for a multiplicity of urban uses. The bedlands and tidelands within the site were designated Conservancy Environment, which was intended to protect, conserve, enhance, and manage existing natural resource areas and valuable historic cultural areas in a manner that will insure recreational benefits to the public, or achieve sustained resource use without substantial adverse modification of shorelines or topography.

In 2012, Snohomish County completed an update to their Shoreline Management Program. The *2012 Shoreline Management Program* designates the upland shoreline areas of the site as Urban shoreline environment and the bedlands and tidelands as Aquatic shoreline environment. The Urban designation is intended to absorb higher density uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded. An additional purpose of the Urban shoreline designation is to provide appropriate public access and recreational uses. The Aquatic designation is intended to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark (OHWM). (see Section 3.8, **Relationship to Plans, Policies and Regulations**, for details).

# 2.7 DESCRIPTION OF THE PROPOSAL

## Applicant's Objectives

For purposes of SEPA review (WAC 197-11-440), the following are the objectives of the Applicant, BSRE Point Wells, LP, for the site:

1. Redevelop the industrial site into a mixed-use, waterfront neighborhood providing opportunities for a range of uses and activities. Create a vibrant waterfront area that integrates parks/open space with new residential, commercial/office, retail, and public service uses into a mixed-use community that enhances the economy and livability of the surrounding area.

2. Provide community benefits through the phased construction of public parks/open spaces, including public access to approximately 2/3 mile of beach, a shoreline boardwalk, pedestrian trails, and dock facilities that fit within the overall intent of the redevelopment plan.

3. Identify opportunities to restore, enhance, and create habitat along the waterfront and throughout the site, within the context of creating an economically-viable redevelopment.

4. Ensure that redevelopment is compatible with environmental cleanup and remediation efforts that will be reviewed and conducted by Ecology.

5. Generate jobs by creating conditions that are attractive to employers and businesses, including goods and service establishments, and cultural facilities, that are suited to the site's location.

6. Construct an infrastructure network (e.g., roadways and utilities) and public amenities (e.g., shoreline pedestrian facilities) that are coordinated and economically feasible, and that adequately support phased, long-term redevelopment of the site.

7. Increase public access to the waterfront by developing pedestrian, bicycle, and vehicular connections to/from the site and an interconnected system of trails, viewpoints, walkways, streets, and parking facilities. Encourage use of non-motorized transportation modes.

8. Provide a range of housing types, including housing that is currently unavailable (or in limited supply) in the surrounding area.

9. Create a site plan that provides the necessary predictability, consistency, and expediency for long-term success of the redevelopment, and allows for flexibility to respond to market factors over time.

10. Encourage sustainable and "green" development practices as part of future building and infrastructure design and construction at the site.

11. Continue to work with the City of Shoreline to identify, limit, and mitigate the traffic impacts likely to arise as a result of development of the project.

12. Create a development of sufficient minimum density to ensure viability of on-site services and retail businesses. Ensuring such long-term viability will enable residents to shop and obtain services onsite instead of offsite. As a result, the internal "capture" of vehicle trips which would otherwise go offsite will be maximized and the project's contribution to off-site vehicle trip counts will be minimized.

13. Become an accessible extension of the surrounding communities of Richmond Beach, Shoreline, and Woodway.

## Description of the Proposed Actions

To implement the Applicant's objectives for the site, the Proposed Actions for the *Point Wells Mixed-Use Redevelopment Project* include the following approvals:

- Urban Center Site Plan Approval by Snohomish County;

- Shoreline Substantial Development Permit from Snohomish County;
- Land Use Disturbing Activity (Grading) Permit from Snohomish County;
- Short Subdivision Approval by Snohomish County; and,
- Other local, state, and federal permits required for construction and development of the Point Wells Project.

## Redevelopment Concept

As indicated in the "Applicant's Objectives," the intent of the Point Wells Project is to *"redevelop the industrial site into a mixed-use, waterfront neighborhood providing opportunities for a range of uses and activities. Create a vibrant area that integrates parks/open space with new residential, commercial/office, retail, and public service uses into a mixed-use community that enhances the economy and livability of the area."*

The proposal is to redevelop the site as a mixed-use urban center consistent with Snohomish County's UC land use designation/zoning classification of the site in effect at the time complete applications were submitted (in 2011). The Applicant's objective for the redevelopment is to convert the existing industrial area into a new mixed-use development using sustainable building and surface water control techniques. The proposal's design is meant to take advantage of the site's waterfront setting. The Applicant's intent is for the project to be a development that exemplifies *new urbanism.* The proposed mix of uses and design are meant to be pedestrian-focused, with a walkable public realm minimizing the need for and presence of private vehicles. The proposed urban center is intended to be a connected, transit-oriented development, linked by passenger rail, roads, van pools, and bus public transit to the greater Seattle-Tacoma-Everett metropolitan area.

## Phasing Concept

The proposal would be constructed in phases over the course of approximately 15 to 20 years, with buildout assumed to occur in 2035. The site cleanup overseen by Ecology and the marketing strategy for the project would have a strong ongoing influence on the phasing timetable. Decommissioning and cleanup of the site would be conducted for each project phase.

Building construction and site development would most likely follow interim uplands cleanup actions, starting with the primary site infrastructure and public amenities. The infrastructure design and construction would be phased to most efficiently expand the infrastructure for a particular phase.

The first phase of the project would begin after project design approval – potentially occurring in 2017 – and would include the initial portion of either the site Cleanup Action Plan (CAP) or Ecology-approved Interim Cleanup Actions along with related demolition of existing infrastructure.

## 2.7.1 Description of EIS Redevelopment Alternatives

In order to conduct a comprehensive environmental review, a range of redevelopment alternatives are included in this DEIS that both fulfill the Applicant's objectives and provide a useful tool for the decision-making process. These alternatives create an envelope of potential redevelopment for the analysis of environmental impacts under Alternatives 1 and 2.

The Urban Center Application (Alternative 1) and Urban Village Alternative (Alternative 2) have been included for purposes of environmental review in this DEIS. These alternatives are intended to represent a reasonable range of land uses and densities to address the development objectives for the site, the existing regulatory framework, and economic factors. See **Table 2-2** for a summary and comparison of redevelopment under Alternatives 1 and 2.

**Table 2-2**
**SUMMARY OF DEVELOPMENT – ALTERNATIVES 1 & 2**

| Land Use | Alternative 1 – Urban Center Alt. | Alternative 2 – Urban Village Alt. |
|---|---|---|
| RESIDENTIAL USES<br>Multi-family (apartments, condos, townhomes, senior housing) | 3,081,000 sq. ft.<br>3,081 d.u. | 2,600,000 sq. ft.<br>2,600 du |
| COMMERCIAL/OFFICE | 32,262 sq. ft. | 32,262 sq. ft. |
| RETAIL | 94,300 sq. ft. | 94,300 sq. ft. |
| BUILDING FOOTPRINTS/ROADS | 13.8 acres | 13.8 acres |
| TIDELANDS[1] | 12.7 acres | 12.7 acres |
| OPEN SPACE/RECREATION USES<br>Publically accessible active space<br>Publically accessible passive space<br>Semi-private open space<br>Total open space | <br>8.5 acres<br>11.9 acres<br>14.2 acres<br>34.6 acres | <br>8.5 acres<br>11.9 acres<br>14.2 acres<br>34.6 acres |

*Source: Perkins + Will, 2015.*
Note: sq. ft. = square foot
du = dwelling unit
[1]Includes site area below MHHW.

Redevelopment is analyzed for the year 2035 which, for SEPA purposes, is assumed to represent full buildout of the project. The actual buildout period could vary depending on specific economic and market conditions. Likewise, during future permitting, the number of dwelling units or the specific size and types of commercial uses could vary and be approved

so long as the impacts are within the overall project envelope analyzed in this DEIS. Consequently, the summary of proposed development for Alternatives 1 and 2 in **Tables 2-2** is representative of the potential development, but actual development may vary.

## Alternative 1 – Urban Center Alternative

Alternative 1 represents site redevelopment under the Urban Center application submitted to Snohomish County in March 2011. The conditions proposed onsite are described below and summarized in **Table 2-3**.

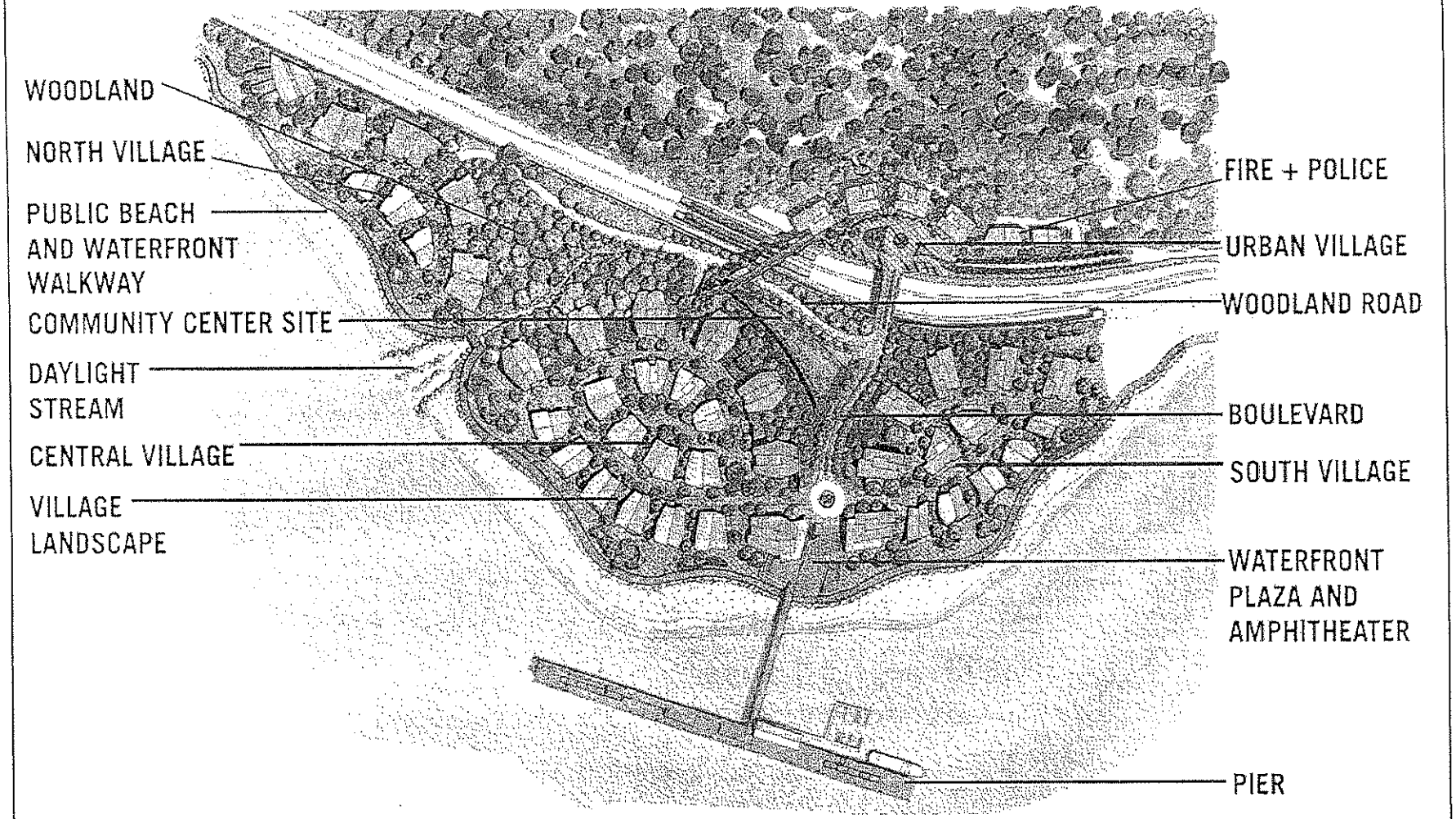
As shown in **Table 2-3**, approximately 26.9 acres of the upland area of the site (56 percent) would be covered in impervious surface areas with proposed redevelopment under Alternative 1, including buildings, pavement, the boardwalk, and areas above underground building structures. Proposed impervious surfaces would be approximately 33 percent less than under existing conditions. Approximately 21.5 acres of the upland area of the site (44 percent) would be in pervious surfaces (naturally vegetated areas, landscaped areas, and areas of beach above the MHHW). The approximately 12.7 acres in tidelands would remain and would continue to be considered impervious surfaces.

Redevelopment would feature a mix of residential, commercial, retail, public service, and open space/recreation uses developed in four distinct phases. It would include: approximately 3,081,000 sq. ft. of residential uses (3,081 residential units), 32,262 sq. ft. of commercial/office uses (with space for police and fire facilities), and 94,300 sq. ft. of retail uses (see **Table 2-2** and **Figure 2-6**, Site Plan – Alternative 1). The project would also provide publically accessible passive and active recreation areas , semi-private open space (available to site residents), a public dock, and associated infrastructure. Alternative 1 is anticipated to generate approximately 5,669 residents[3] and approximately 344 employees[4].

[3] Population estimates are based on the formula below. This formula was also used in the previous SEPA documentation for the project.

Population = Total Residential Units x Average Household Size (2 persons per household) x Average Occupancy Rate (92 percent assumed).

[4] Employment estimates are based on a ratio of 300 square feet per employee for office uses and 400 square feet per employee for retaill uses, which are typical employment densities used in space planning and buildable lands analysis (ECONorthwest, 2014)




*Source: Perkins+Will, 2014.*

EA Engineering, Science, and Technology, Inc.

**Figure 2-6**
Site Plan—Alternative 1

Table 2-3
PROPOSED IMPERVIOUS AND PERVIOUS SURFACE AREA –
ALTERNATIVE 1 & 2

| Site Area | Impervious (acres)[1] | Pervious (acres)[2] | Total Areas Acres |
|---|---|---|---|
| Upper Bench Area[3] | 3.5 | 1.5 | 5.0 |
| Lower Bench Area | 23.4 | 20.0 | 43.4 |
| Tide Lands[4] | 12.7 | 0.0 | 12.7 |
| Total Area | 39.6 | 21.5 | 61.1 |

*Source: Perkins + Will, 2015.*

[1] Impervious areas include: buildings, pavement, boardwalk, areas located above underground building structures, and tide lands.

[2] Pervious aeas include: naturally vegetated areas, landscaped areas, and areas of beach above the MHHW.

[3] Upper Bench areas include site areas east of BNSF ROW (bridges over BNSF are included in Lower Bench area).

[4] Tide lands are areas below the MHHW.

Under Alternative 1, the site would be developed into an Urban Plaza, South Village, Central Village, and North Village, as described below (see **Figure 2-6**).

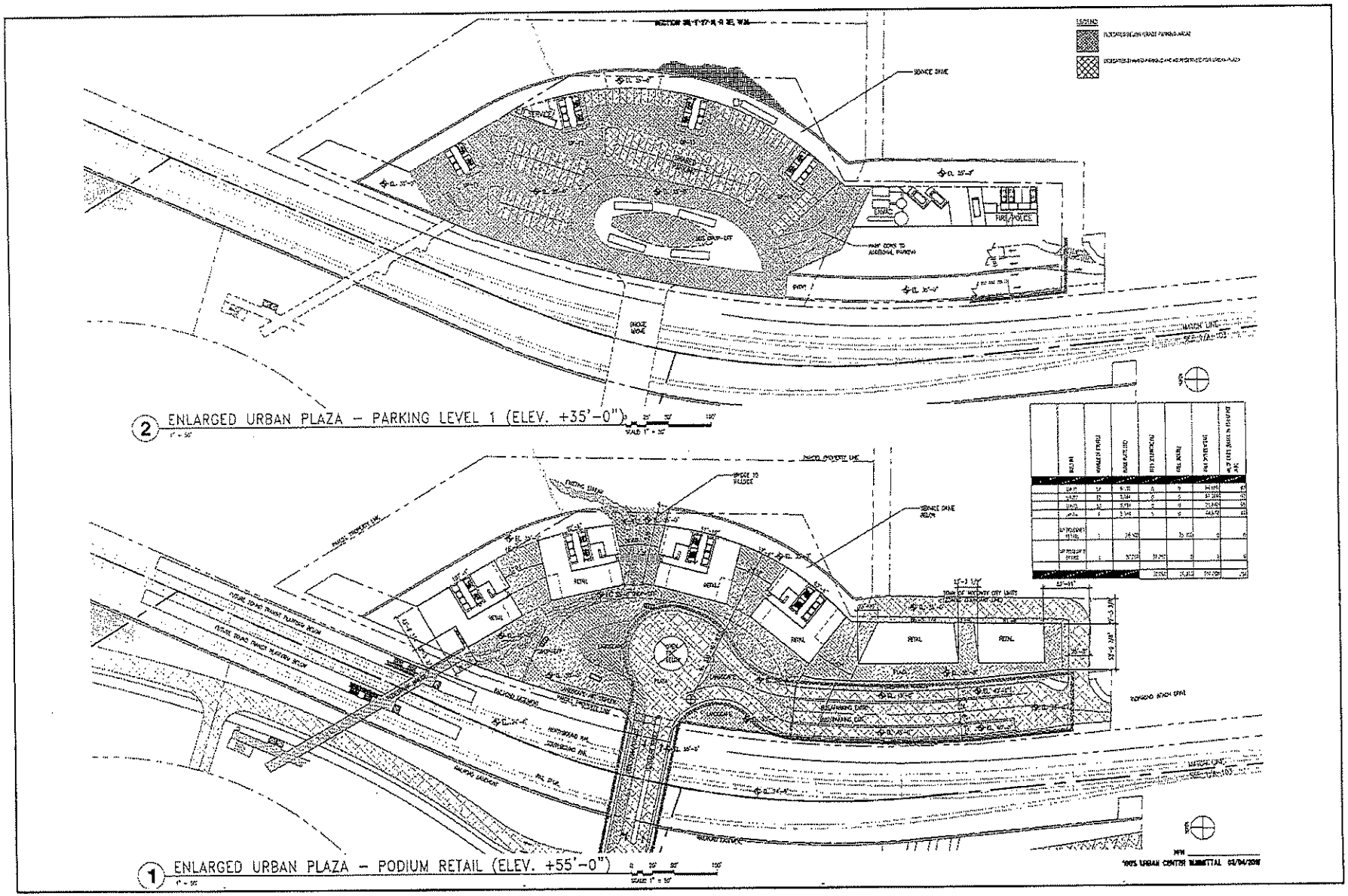
The Urban Plaza would include 26,300 sq. ft. of retail space, 254 residential units and all of the proposal's commercial floor space. It would consist of two low-rise buildings (2 stories), two mid-rise buildings (8-10 stories), and two tower buildings (12 to 14 stories). (See **Figure 2-7**, Urban Plaza Plan – Alternative 1.).

The South Village would include 24,000 sq. ft. of retail space and 653 residential units. It would consist of eight low-rise buildings (1 to 4 stories), six mid-rise buildings (8 to 10 stories) and three residential towers (12 to 16 stories). (See **Figure 2-8**, South Village Plan – Alternative 1.)

The Central Village would include 44,000 sq. ft. of retail space and 1,271 residential units. It would consist of seven low-rise buildings (1 to 4 stories), three mid-rise buildings (6 to 10 stories) and three residential towers (12 to 16 stories). (See **Figure 2-9**, Central Village Plan – Alternative 1.)

The North Village would include 903 residential units. It would consist of three low-rise buildings (2 to 4 stories), one mid-rise building (10 stories), and four residential towers (12 to 17 stories. (See **Figure 2-10**, North Village Plan – Alternative 1.)

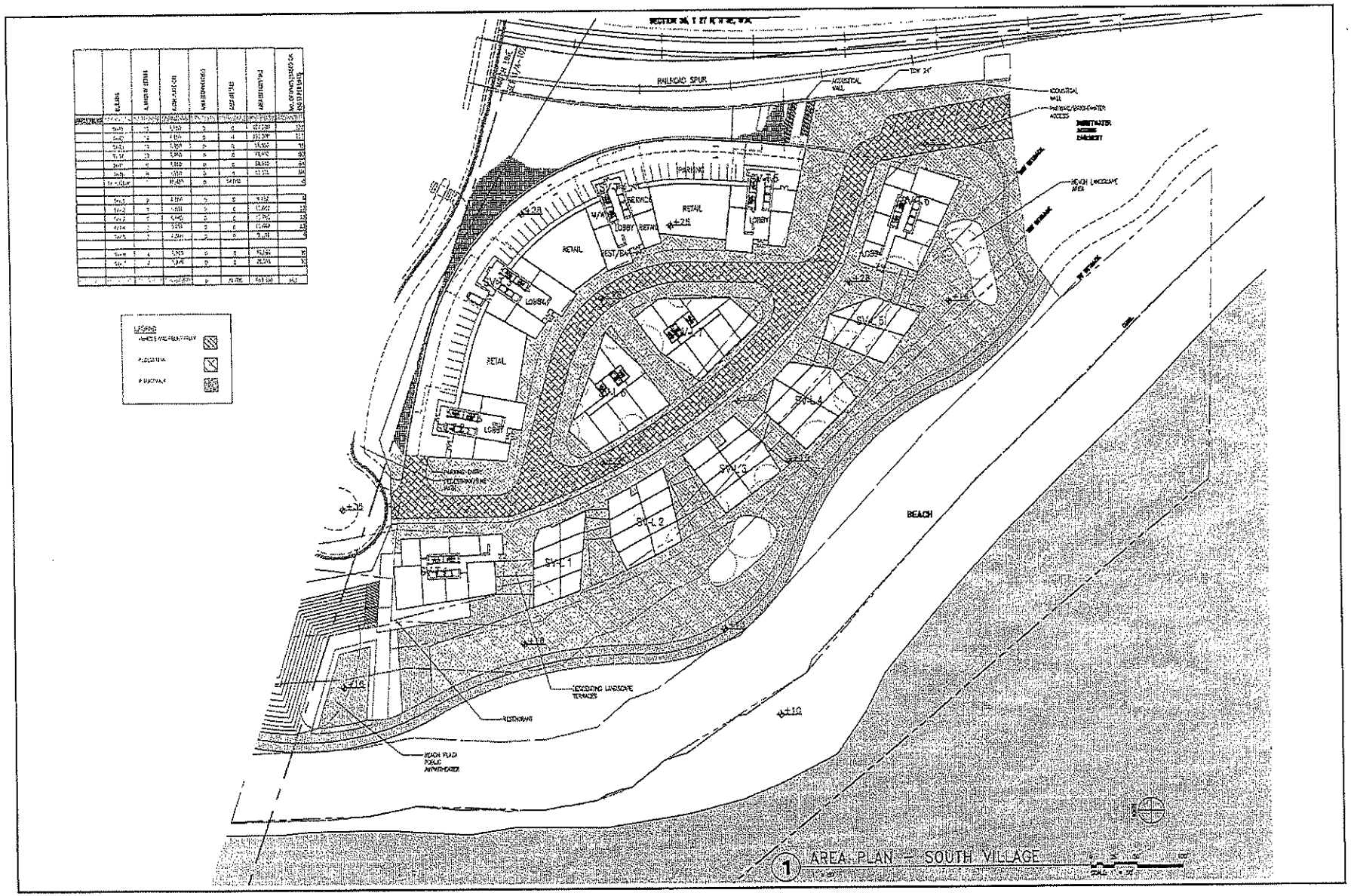
Following are further descriptions of the Urban Plaza and Urban Villages.




*Source: Perkins+Will, 2011.*

EA Engineering, Science, and Technology, Inc.

**Figure 2-7**
Alternative 1—Urban Plaza Plan

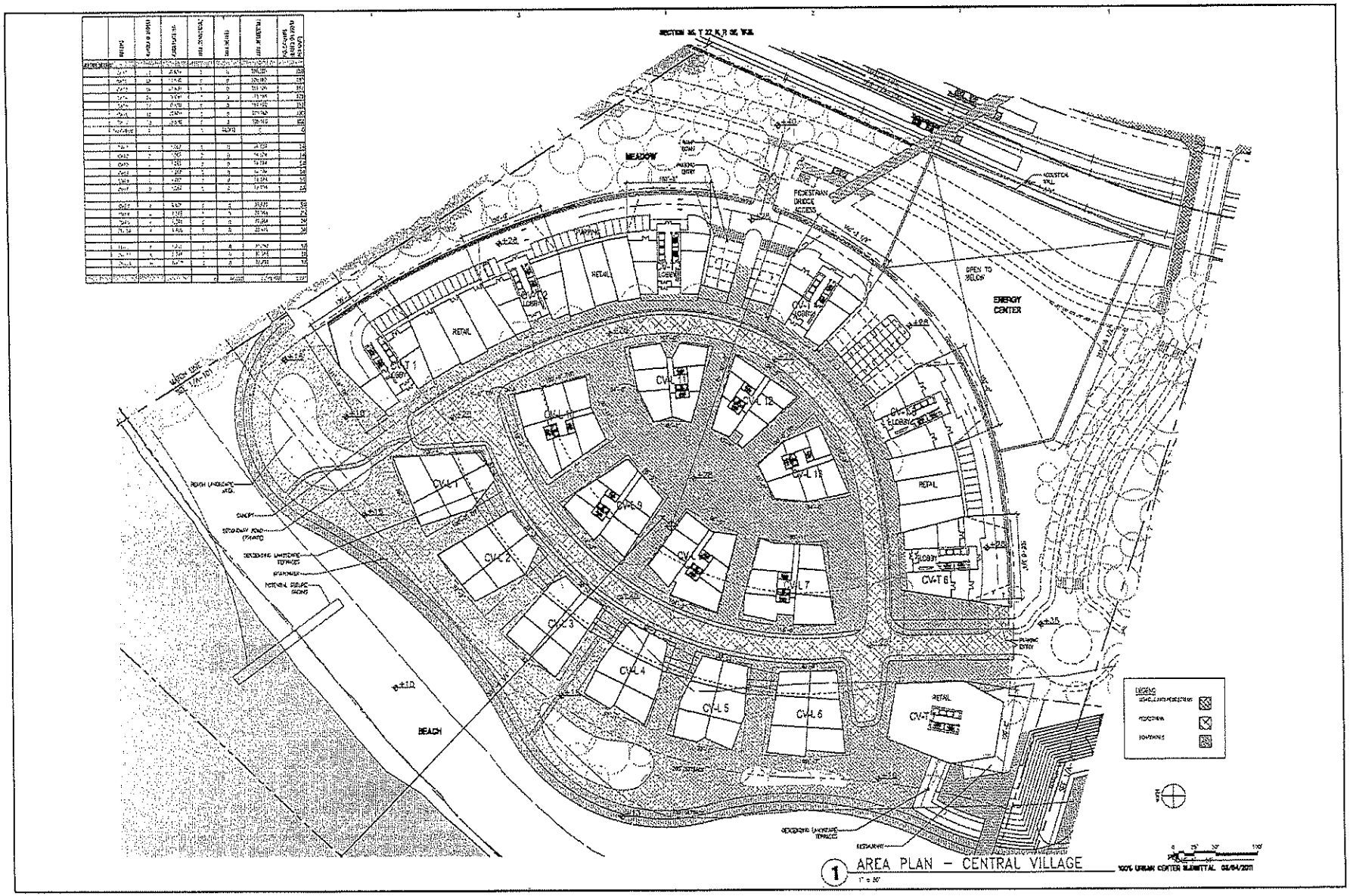



*Source: Perkins+Will, 2011.*

EA Engineering, Science, and Technology, Inc.

**Figure 2-8**

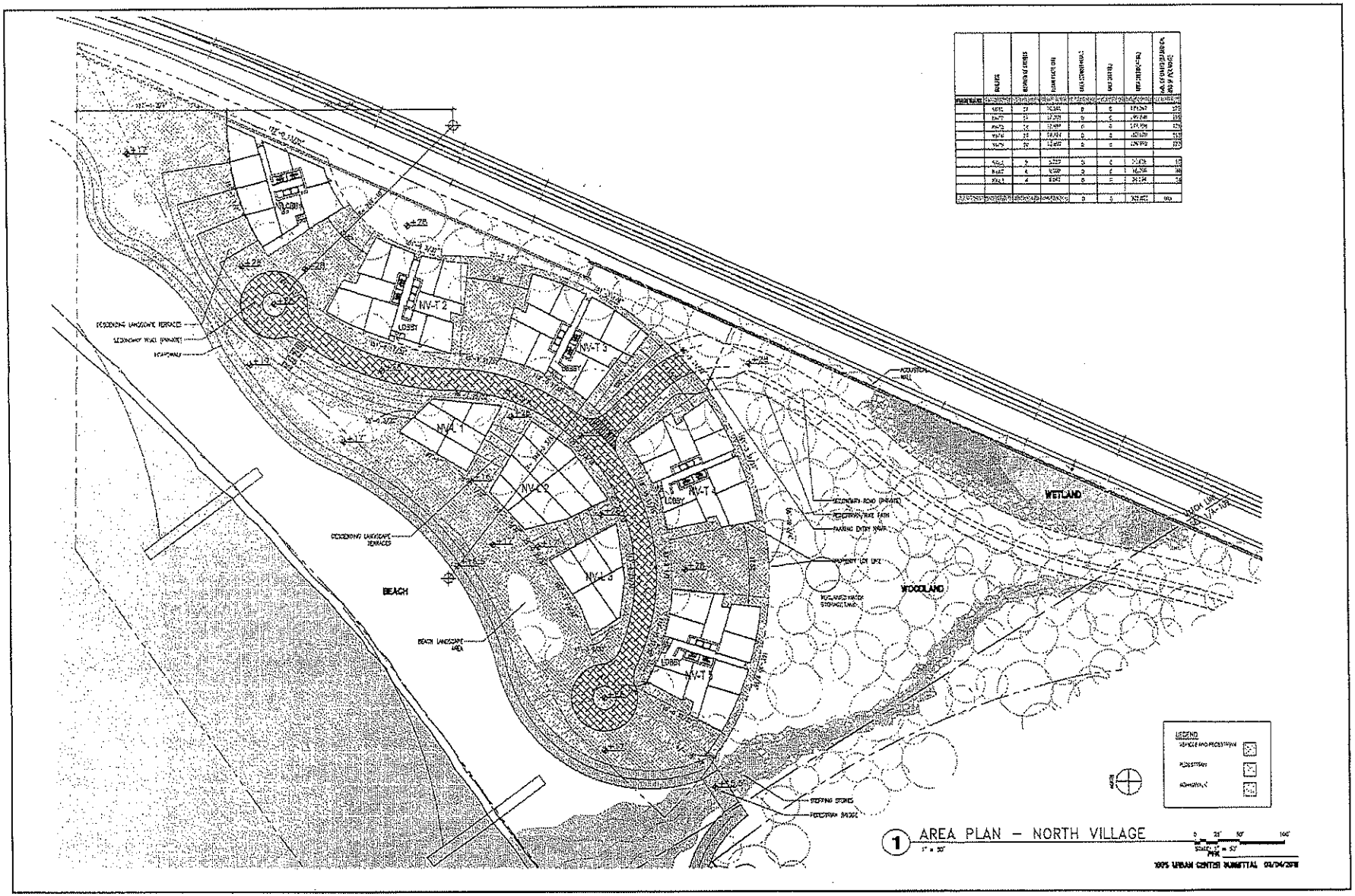
Alternative 1—South Village Plan




*Source: Perkins+Will, 2011.*

EA Engineering, Science, and Technology, Inc.

**Figure 2-9**
Alternative 1—Central Village Plan




*Source: Perkins+Will, 2011.*

EA Engineering, Science, and Technology, Inc.

**Figure 2-10**
Alternative 1—North Village Plan

### *Urban Plaza*

The Urban Plaza is intended to serve as the entry point to the development and a connection to the surrounding communities. It would also serve as the project's commercial center and public transit hub, connecting pedestrians with its commuter rail and bus transit station via a new pedestrian bridge to the main, western portion of the site. It would have a village square character and scale, and accommodate a mix of uses that would serve the project's residents, employees, and visitors, and the surrounding communities, such as: boutique retail, grocery shopping, restaurants, entertainment, and other services. The Urban Plaza would also include a mix of offices and senior housing, as well as space for police and fire facilities. It is proposed to include landscaping and public gathering spaces with art.

### *Urban Villages*

The three villages (South, Central, and North Villages) would each contain a mix of multi-family residential units, understructure parking, utilities, public amenities, shoreline public access, and natural restoration elements. The South and Central Villages would include retail and restaurant uses. A site for a multi-purpose community center facility would be provided in the Central Village to serve project residents and surrounding communities, and could include public meeting and exhibition spaces, library, and orientation center for the development. The community center's central location within the development would provide direct access to the project's main boulevard and pedestrian bridge, which would link to the site's transit hub. The Central Village would also be the location for a clean energy and waste treatment center that would enable a substantial amount of the project's energy to be produced onsite.

The project's three urban villages would each have a crescent configuration of tower structures that are intended to capture views of Puget Sound and the Olympic Mountains. The larger scale crescent urban form is meant to provide space for smaller scaled village buildings, which in turn would generate a neighborhood of streets and lands that would provide small-scaled spaces, views, and pathways connecting to the beachfront and shoreline. The North Village is proposed to have a distinct character and separate access road off the main boulevard, which would pass through a proposed wooded landscape, connecting to the beachfront entrances to the residential buildings.

## *Proposed Upland Development*

### Residential

The proposal includes a total of approximately 3,081,000 sq. ft. of residential uses (3,081 residential units). A variety of multi-family residential types and sizes would be provided, including: apartments, condos, townhomes, and senior housing. The average residential unit would be approximately 850 sq. ft. The majority of the proposed housing units would

be middle income and upper income. Not less than 1,100 units would be devoted to senior housing[5]. By phase, the senor units are planned to be constructed as follows:

| | |
|---|---|
| Phase 1: | 53 senior units |
| Phase 2: | 0 senior units |
| Phase 3: | 508 senior units |
| Phase 4: | 539 senior units |
| Total: | 1,100 senior units |

### Commercial/Office

The proposal includes 32,262 sq. ft. of commercial space for various office, business, and civic uses. Commercial areas could include medical-dental offices and other "general offices" to be leased for uses such as: professional services, insurance companies, banks, tenant services, and investment services. Space for police and fire would also be provided in the commercial/office area onsite.

### Retail

A total of 94,300 sq. ft. of retail and entertainment uses would be provided, which could include: a small grocery store, restaurants, and specialty retail stores, which could include tenants such as apparel, dance studios, and florists.

## *Proposed Shoreline Development*

The proposed development would include four major shoreline elements, as described below.

### Seawall Reconstruction and Realignment

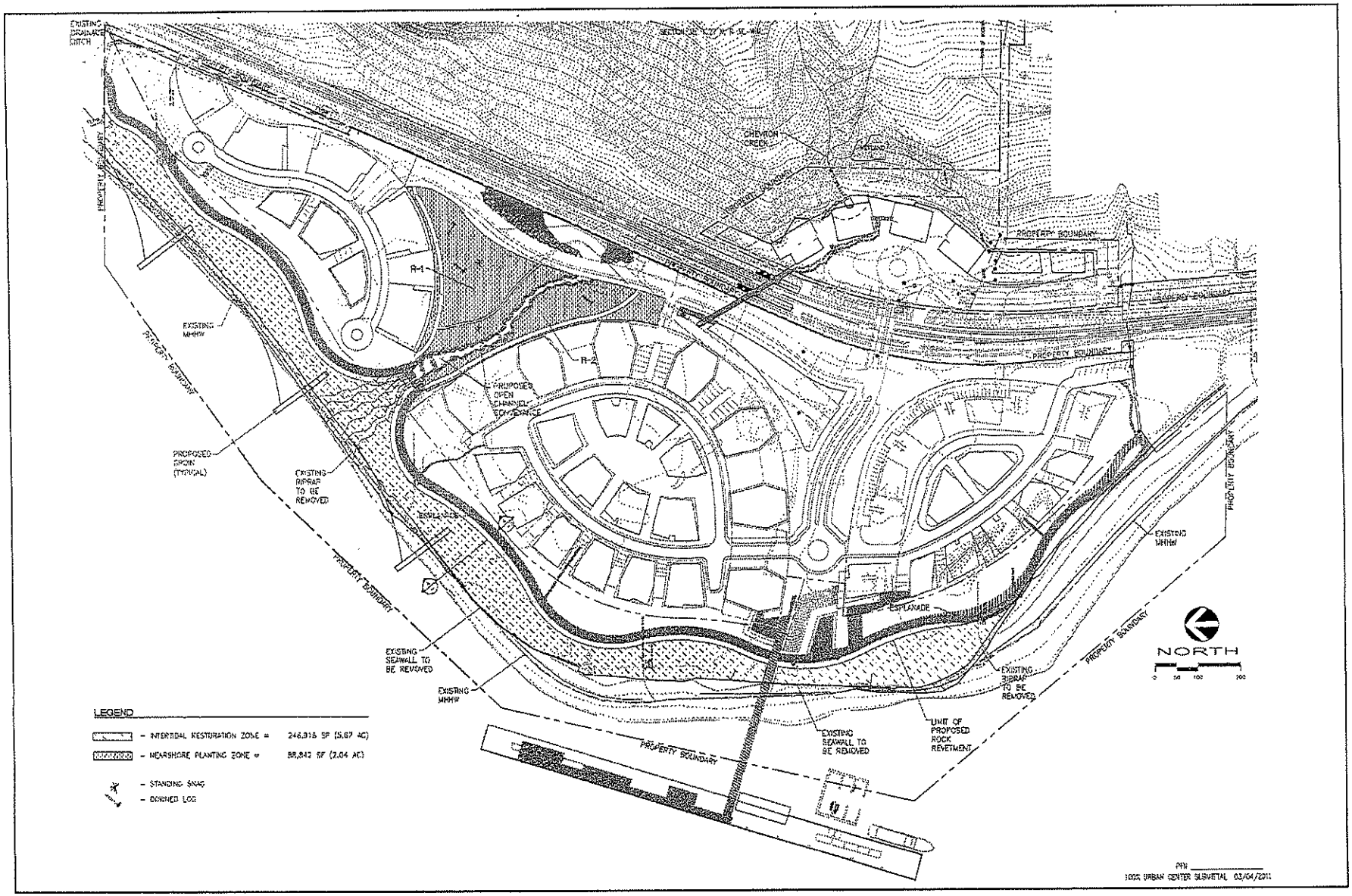
The site's existing approximately 3,300-foot long combination concrete, timber sheet pile, and rip-rap rock seawall would be totally removed and reconstructed. Most of the new seawall would be relocated 40 to more than 100 feet landward of its existing location. The primary purpose of this realignment would be to create approximately 5.7 acres of new intertidal habitat area. The boardwalk would also likely be the location of a subsurface groundwater wall associated with remediation of the site (see **Figure 2-11,** Shoreline Restoration Plan – Alternative 1).

### Conveyance Channel and Nearshore Habitat Area

A proposed open water conveyance channel would be created through the center of the site to Puget Sound by daylighting existing drainage culverts that convey drainage from properties to the east beneath the site. The new conveyance channel would also be buffered by the creation of a new adjoining approximately 2.0-acre nearshore planting area.

---

[5]The senior housing are planned to be designated for occupancy by families or individuals where at least one adult has attained the age of fifty-five.




*Source: Perkins+Will, 2011.*

EA Engineering, Science, and Technology, Inc.

**Figure 2-11**
Alternative 1—Shoreline Restoration Plan

As mentioned above, approximately 5.7 acres of nearshore intertidal habitat would be created along the shoreline as well (see **Figure 2-11,** Shoreline Restoration Plan – Alternative 1).

In conjunction with these improvements, in the March 2011 application, three new groins were proposed in the intertidal area in the vicinity of the new conveyance channel. These groins have since been eliminated from the project.

### Deepwater Dock Renovation

The existing approximately 1,050-foot-long deepwater dock located on DNR aquatic lands adjacent to the site would be extensively renovated to provide a variety of new shoreline public access benefits.

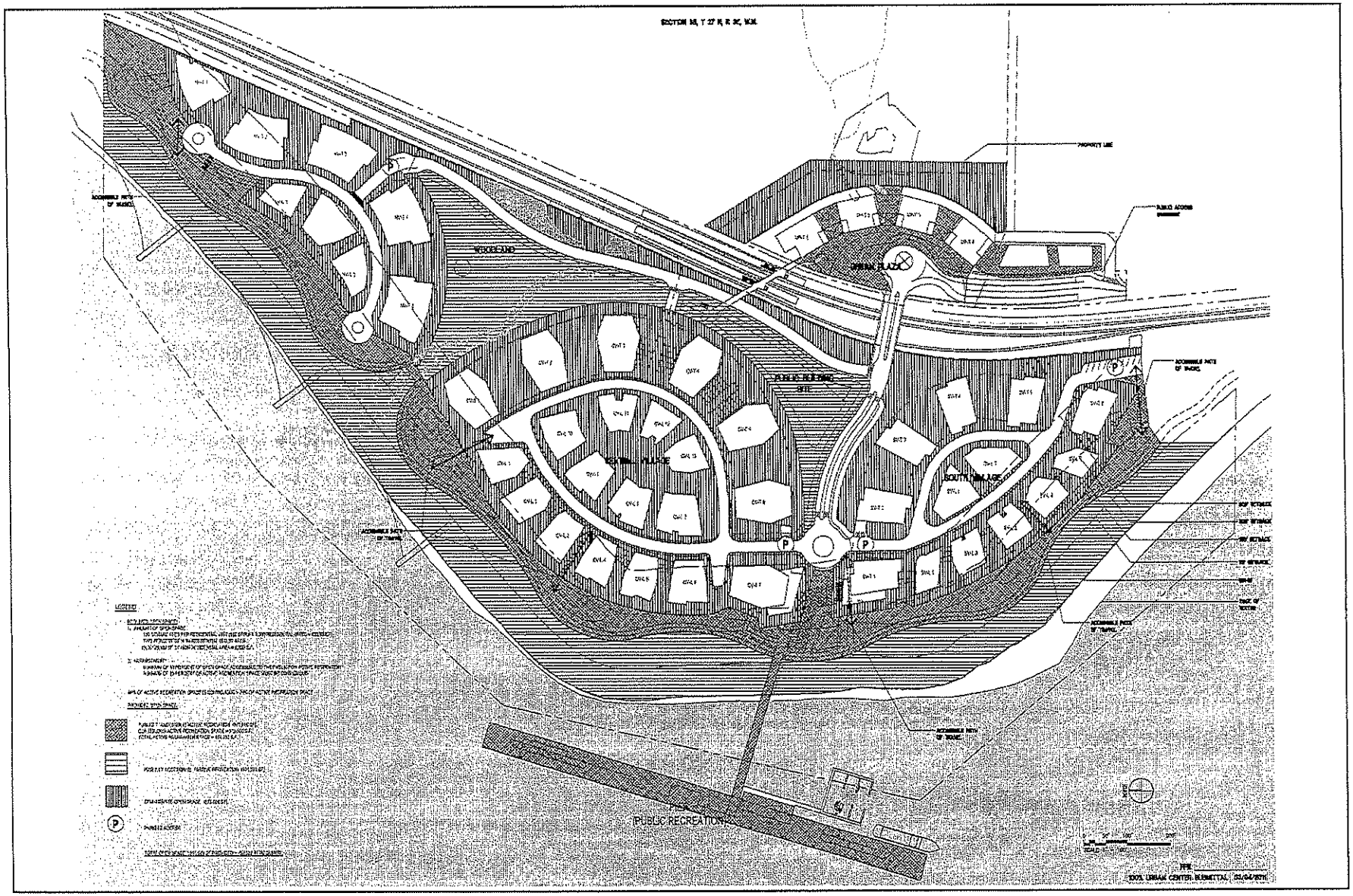
The dock's three existing land access piers would be replaced by a single new pedestrian access pier. It is assumed that DNR woul authorize the removal of the off-site smaller dilapidated creosote piling-supported pier and mooring dolphin north of the deepwater dock. The deepwater dock's creosote support pilings would be systematically replaced by coated steel pilings. Public viewing and fishing areas would be added to the dock along with shops that could sell fishing tackle, scuba, and boating gear, and small restaurants with outdoor eating areas. Storage and rental facilities for kayaks, scuba diving, and small sail boats would also be included (see **Figure 2-6**, Site Plan – Alternative 1).

### Shoreline Pedestrian Boardwalk and Public Plazas

A continuous 12 to 20 foot-wide pedestrian boardwalk would be constructed along the site's entire 2/3 mile-long shoreline edge. The boardwalk would be linked to the new internal street and walkway system. A large central public plaza with several smaller public plazas and viewing points would also be constructed adjacent to the new shoreline pedestrian boardwalk. The central public plaza would be located adjacent to the new pedestrian bridge to the renovated deepwater dock (see **Figure 2-6**, Site Plan – Alternative 1).

### *Open Space and Trails*

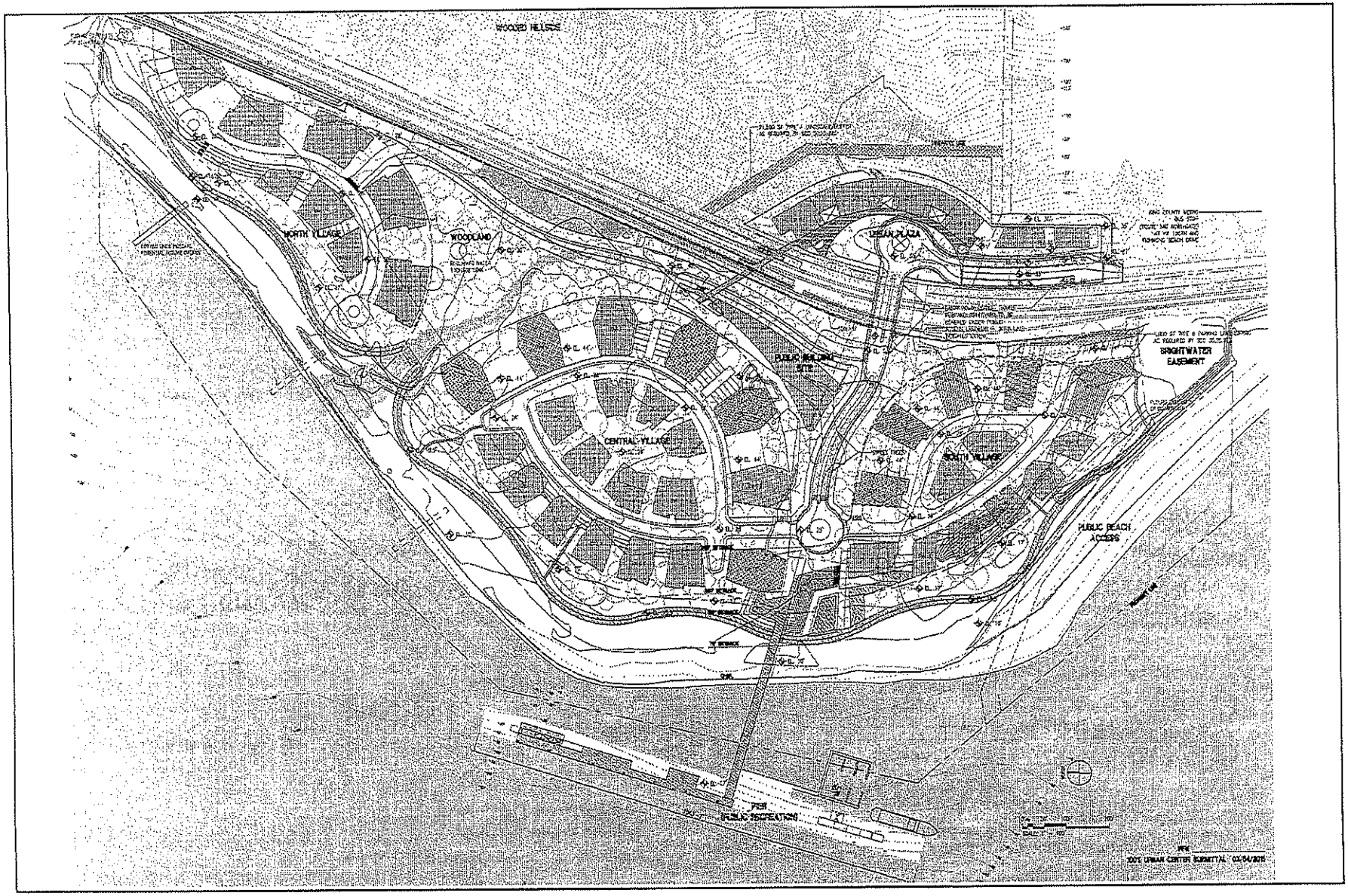
Under Alternative 1, a large portion of the site (approximately 57 percent of the total site area) would be retained as open space, including: publically accessible active open space, publically accessible passive open space, and semi-private open space (see **Table 2-2**, and **Figure 2-12**, Open Space Plan – Alternative 1). As part of site development, approximately 1.7 miles of sidewalks/trails would be provided (including a new shoreline boardwalk and renovated deepwater dock). The boardwalk/pier system is intended to provide residents and visitors with safe approaches to the saltwater and views over the water. Additional trails and sidewalks would be provided within the site, and would connect to trails in the Town of Woodway and the City of Shoreline (see **Figure 2-13,** Circulation/Landscape Plan – Alternative 1).




*Source: Perkins+Will, 2011.*

EA Engineering, Science, and Technology, Inc.

**Figure 2-12**
Alternative 1—Open Space Plan




*Source: Perkins+Will, 2011.*

EA Engineering, Science, and Technology, Inc.

**Figure 2-13**

Alternative 1—Circulation and Landscape Plan

### *Landscaping*

Proposed landscaping would meet or exceed Snohomish County's landscaping requirements for Urban Centers (SCC 30.25.031). Under the proposal, nearly all of the parking would be underground. Those limited surface parking areas would be landscaped to minimize their impact and landscaping would be provided around residential and retail/commercial buildings, subject to design guidelines. To the extent feasible, the existing, healthy mature trees on the site located primarily in the eastern portion of the site would be preserved, unless they are determined to be a hazard. A large number of additional trees would be planted, either as street trees or as landscape improvements, within open space tracts. As part of the proposed landscaping, a new woodland area would be created to the west of the BNSF railroad line that would follow the day-lighted stream.The rooftops of the lower buildings onsite would include gardens for the use of residents, and to improve views from above.

(See **Figure 2-11,** Circulation/Landscape Plan – Alternative 1.)

## *Access, Parking, and Transit Facilities*

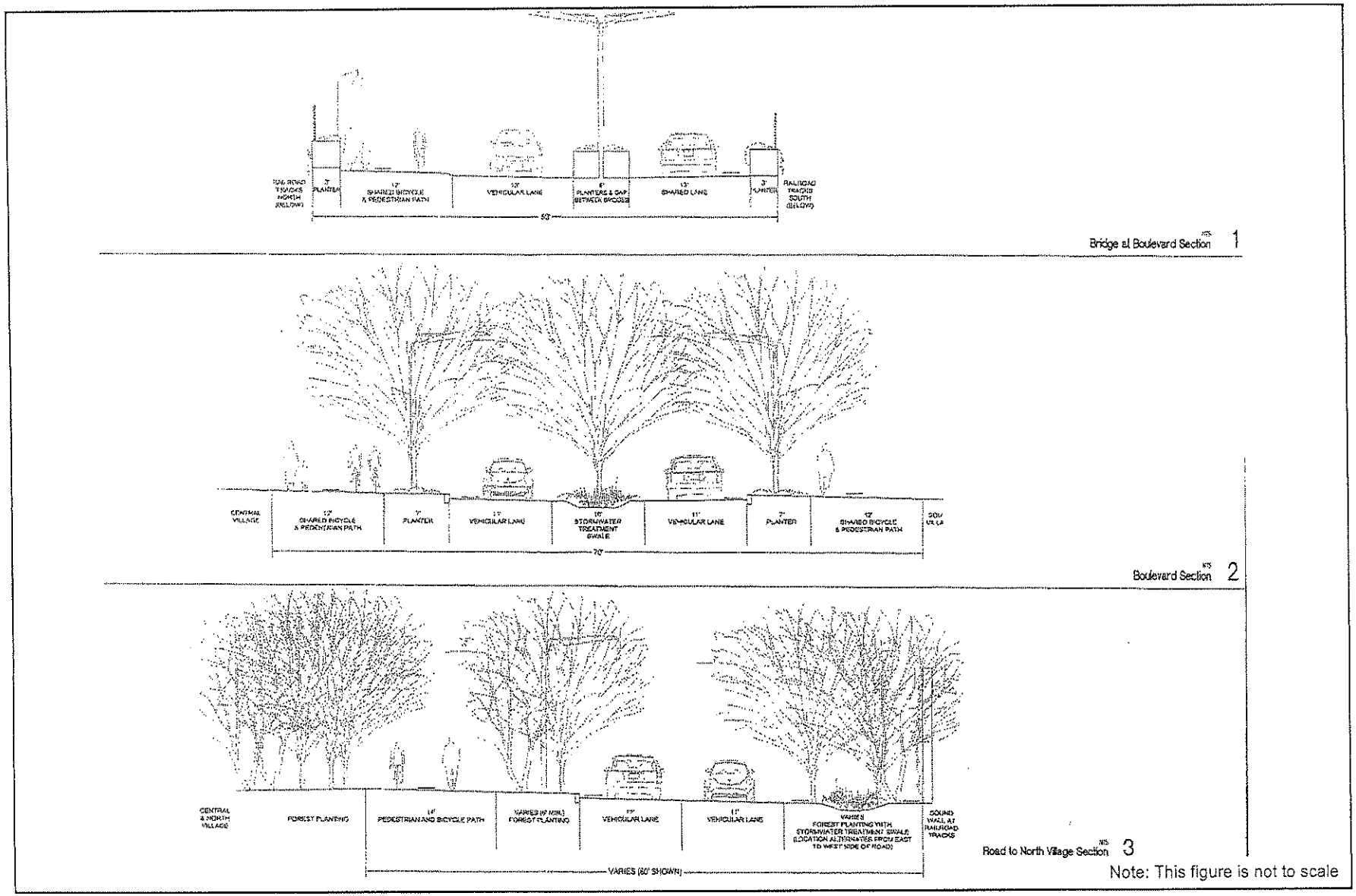
### Access

#### *Primary Access*

Primary access to the site would continue to be provided via Richmond Beach Drive NW with proposed redevelopment. A new internal roadway system would be constructed throughout the site, including a new replacement bridge over the BNSF railroad line. A pedestrian bridge open to the public is also proposed to span the BNSF railroad line if and when the proposed Sound Transit station onsite is built. All new streets/pedestrian facilities would be private, but open to the public. As an urban center development, the Applicant intends to use various innovative pavement designs and road sections to help achieve the objective of creating a walkable development (see **Figure 2-14** and **Figure 2-15,** Typical Road Sections - Alternative 1).

#### *Secondary Access*

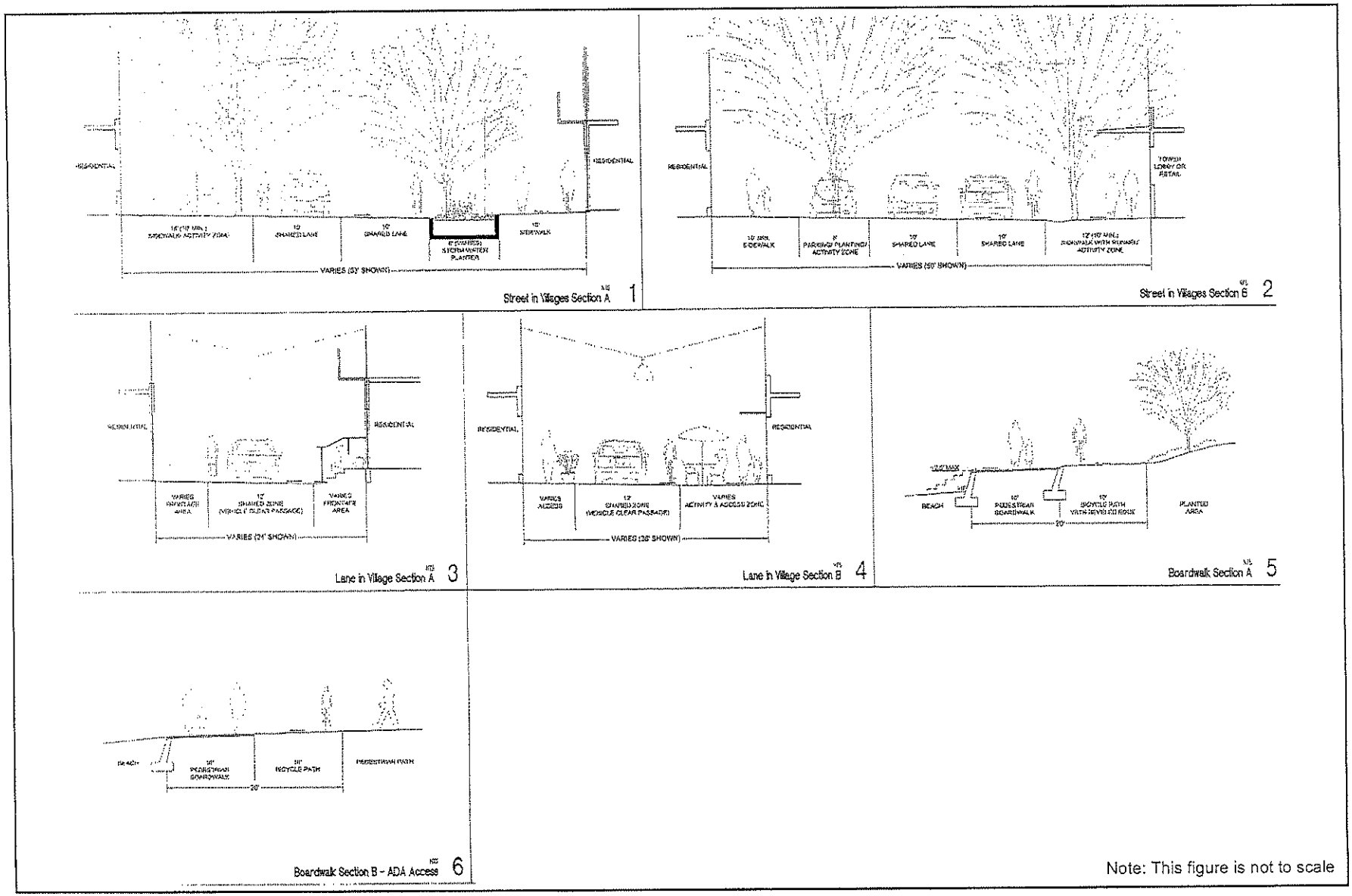
The Snohomish County Engineering and Development Standards (EDDS) provide general criteria for road circulation and specific criteria for roads serving certain amounts of traffic. Because the Point Wells Project would be served by a road with more than 250 Average Daily Trips (ADT), the road must connect in at least two locations with another road(s) that meets applicable standards for resulting traffic volume (EDDS 3-01(B)(5)). Alternatively, a deviation from the standard may be sought from the county engineer, per EDDS 3-01 (B)(9) and EDDS 1-05 (see **Appendix B** Secondary Road Access Report and **Section 3.8,** Relationship to Plans and Policies, for details on applicable access regulations).




*Source: Perkins+Will, 2011.*

EA Engineering, Science, and Technology, Inc.

**Figure 2-14**
Alternative 1—Typical Road Sections




*Source: Perkins+Will, 2011.*

EA Engineering, Science, and Technology, Inc.

**Figure 2-15**
Alternative 1—Typical Road Sections

In addition, county staff has expressed a desire to have two separate crossing over the BNSF railroad to serve the project (rather than the proposed dividing of the railroad overpass into two sections).

Three potential secondary access routes from the east have been identified that could serve the Point Wells Project, as described below. It appears that these routes could fulfill the objective of providing a second fully opened public vehicular access and could fulfill the objective of providing two separate BNSF crossings for the project.

Route 1 – **238th Street SW Extension:** Route 1 would consist of a new bridge over the BNSF railroad, starting near the wooded area between the Central and North Villages onsite, and connecting to an extension of 238th Street SW in the Upper Bluff area to the east of the site, in unincorporated Snohomish County (see **Figure 2-16**, Potential Secondary Access Routes).

This route would follow a portion of the former Heberlein Road, beginning at the present west terminus of 238th Street SW. Heberlein Road was vacated in 1962 at the request of Chevron (the refinery operator on the site at the time), because the road had failed due to landslides and was no longer serviceable. The remanents of this road lie on a property that is not owned by the BSRE or any of its affiliated companies.

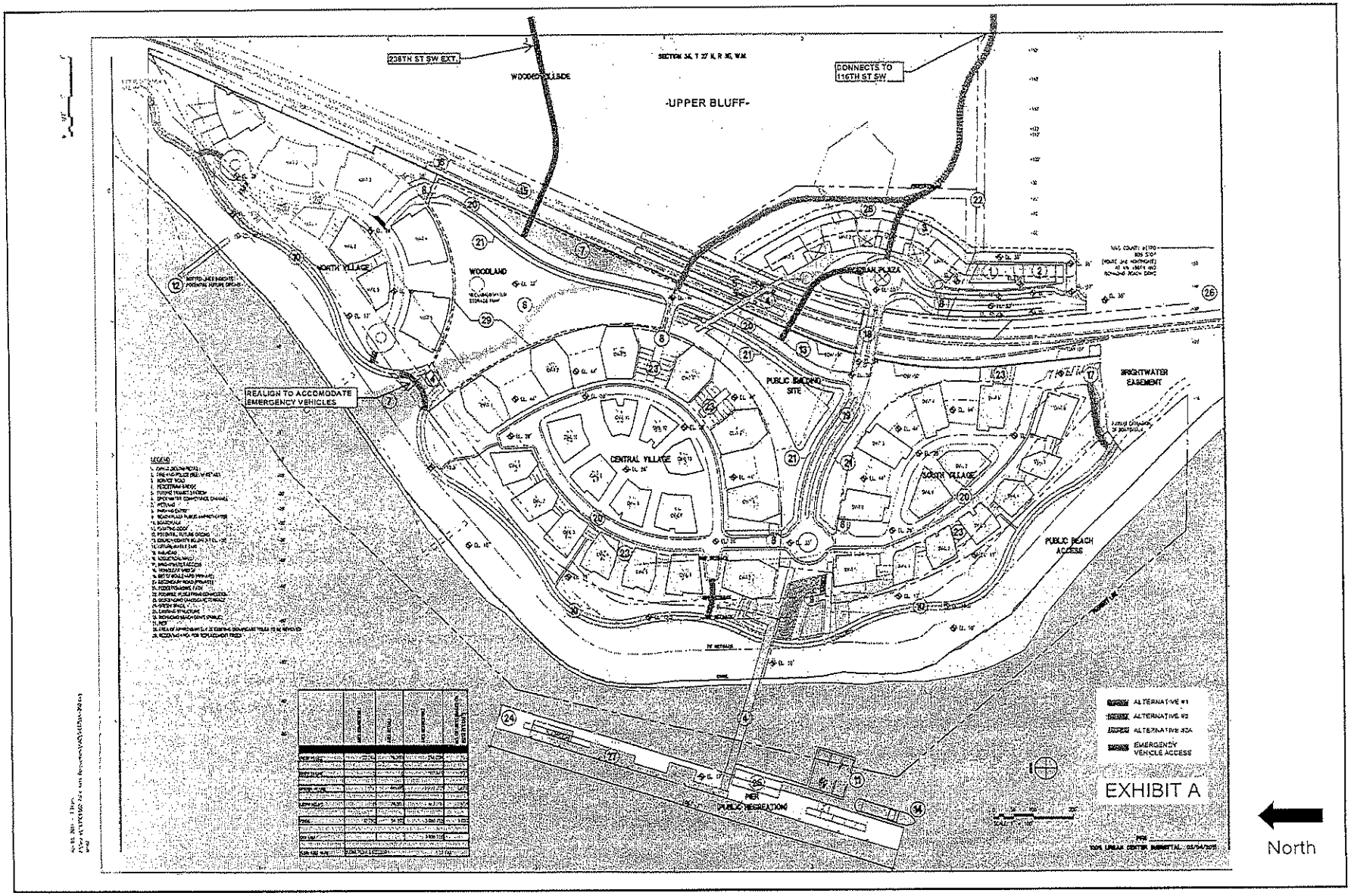
Some portions of the alignment of the former Heberlein Road are significantly out of compliance with current Snohomish road standards, as the alignment included hairpin turns, which are no longer allowed. The gradient of a new road would be up to 18 percent.

Construction of Route 1 would require the cooperation of the owner of the Upper Bluff property. This route would provide vehicular access and accommodate utilities for both the Point Wells Project and a project on the Upper Bluff (the owner of the Upper Bluff is in the preliminary stage of obtaining a permit for residential devleoment on that property).

Route 2 – **Extension from 116th Avenue W to Urban Village:** Route 2 would consist of a second bridge over the BNSF railroad connecting the Central Village with the Urban Plaza and then continuing east via a road extension to 116th Avenune W. This route would eliminate proposed building UP T-3 (see **Figure 2-16**, Potential Secondary Access Routes).

Route 2 would use property currently owned by BSRE, connecting to 116th Avenue W at the 24200 block. Similar to Route 1, this route would require that the owner of the Upper Bluff property or other adjoining property owners provide right-of-way. Route 2 would also provide vehicular access and accommodate utilities for both the Point Wells Project and a project on the Upper Bluff.

Currently, the width of the BSRE property connecting to 116th Street SW is 34.7 feet. This appears to be sufficient to accommodate two 12-foot travels lanes and a 7-foot shoulder along one side.




*Source: Perkins+Will, 2011.*

EA Engineering, Science, and Technology, Inc.

**Figure 2-16**

Alternative 1—Potential Secondary Access Routes

Route 2A - **A Variation of Route 2:** Similar to Route 2, Route 2A wold consist of a second bridge over the BNSF railroad, connecting the Central Village with the Urban Plaza, and then continuing east via a road extension that would wrap around the east side of buildings in the Urban Plaza (i.e., buildings UP T-1, UP T-2, and UP T-3; unlike Route 2, building UP T-3 would not be eliminated). It would then resume the alignment of Route 2, extending east to connect to 116th Avenue W (see **Figure 2-16**, Potential Secondary Access Routes). Route 2A would not increase traffic volumes at the Urban Plaza traffic circle onsite. This route would provide a greater amount of separation between bridges across the railroad. Two separate and distinct points of access would be provided to the Urban Villages with Route 2A, as compared to Route 1 (e.g., from Richmond Beach Drive and from the main bridge extending west from the Urban Plaza traffic circle). Similar to Routes 1 and 2, Route 2A would provide vehicular access and accommodate utilities for both the Point Wells project and a project on the Upper Bluff.

There have been suggestions that a secondary access route extending north from the site should be considered. However, this is not regarded as a viable option, because there are currently no roads north of the site running along the shoreline of Puget Sound and the BNSF railroad, and it would likely be impossible to obtain permits and access rights from the state, railroad, and other property owners to build such a road. Therefore, a road extending north from the site is note considered in this SEIS.

(See **Appendix B**, Secondary Access Report for details.)

### *Emergency Access*

In order to provide emergency access within the site, the waterfront boardwalk would be designed, signed, and striped to accommodate emergency vehicles. The boardwalk would link individual phases of the project. Village cul de sacs would be linked to the boardwalk with a driving surface that is also capable of supporting emergency vehicles (see **Figure 2-16** and **Appendix B** for details).

Emergency access to the site could also be provided via the deepwater dock, potential Sound Transit commuter rail station on the BNSF railroad line, and/or a potential helipad located on the site.

### Parking

A total of 3,320 parking spaces are proposed for the various site uses at full buildout. All of the residential parking and most of the commercial parking would be provided below the proposed structures, allowing more unrestricted pedestrian movement at ground level. Parking for residential, commercial, retail, and recreational uses would be provided in the Urban Plaza (527 spaces), North Village (770 spaces), Central Village (962 spaces), and South Village (1,048 spaces). Parking for the general public would be provided at the beach. Approximately 20 additional parking spaces would be located on the adjacent Brightwater-owned property for the Brightwater Treatment Plant.

### Transit Facilities

Redevelopment under Alternative 1 would include a transit center onsite to promote transit, rideshare, bicycle, and para transit[6] use by project residents, employees, and visitors. The transit center would be located along and above the BNSF rail line that passes through the site and would be situated below the main level of the proposal's other uses; much of the facility would be covered by a lid of concrete and steel (see **Figure 2-6** Site Plan – Alternative 1). The transit center could incorporate a commuter rail station to provide direct future access to Sound Transit Sounder commuter rail service on the BNSF rail line that runs between Seattle and Everett.

The Applicant has committed to work with the various transit agencies to bring about and increase available public transit service to the Point Wells Project. In addition, the Applicant has commited to provide or contract with others for such additional transit service as is necessary to meet the requirements of SCC 30.34A.085. At a minimum, transit services would be provided between the site and the Metro Park & Ride stop at N 192nd and Aurora Avenue N, and to the Sound Transit light rail station at 185th and Aurora Avenue when the station becomes operational. Supplemental transit service would begin when 653 units have been occupied, which corresponds with buildout of Phase I. At full buildout of the project during the AM and PM peak hours, it is assumed that four transit vehicles with a seating capacity of not less than forty seats would leave the site at least every 15 minutes. The supplemental transit service is primarily intended for residents and businesses in Point Wells, but to the extent that seating is available, and King County Metro permits, the Point Wells buses could provide service to the Richmond Beach community. The supplemental transit service may be terminated when the Sount Transit Commuter Rail station at the site becomes operational or when Snohomish County and the City of Shoreline determine that this service is no longer necessary.

## *Utilities*

### Water

Olympic View Water and Sewer District (OVWSD) would continue to provide water service to the site with proposed development. In April 2015, OVWSD issued a letter of water availability for the project. To serve the development, the existing on-site water system would be replaced and upgraded with a new system providing both potable water and fire flow. In May 2016, OVWSD's capital facility plan was amended to provide for new and larger infrastructure extension to the site to meet the increased water demand from the proposed uses and higher fire flow and storage requirements. (See Section 3.13, **Utilities** and **Appendix J**, for details.)

---

[6] Para transit is public transportation for those who are unable to use the fixed-route transit system due to a temporary or permanent disability.

## Sewer

It is assumed that Ronald Wastewater District (RWD) would potentially continue to provide sewer service to the site with proposed development. In June 2015, RWD issued a letter of sewer availability for the project. The City of Shoreline has proposed to assume RWD, and would provide sewer service to the Point Wells Project if their proposal prevails. The demand for wastewater transmission and treatment generated by the proposal would exceed the existing infrastructure and currently planned capital improvements of the RWD. RWD would work with the Applicant to construct all required capital improvements to serve the site in a timely manner. (See Section 3.13, **Utilities**, and **Appendix J** for details.)

If RWD is unable to serve the project, OVWSD could provide sewer service to the project. In April 2015, OVWSD issued a letter of sewer availability for the project (see Section 3.13, **Utilities**, for details).

## Stormwater

A permanent stormwater management system would be installed onsite in accordance with the current *2010 Snohomish County Drainage Manual* (SCDM). All runoff from the site would either be infiltrated into the soil or discharged directly into Puget Sound via one of the three existing outfalls or via sheet flow dispersion.

With proposed development, natural drainage patterns onsite (both historical and existing) would be restored and/or maintained to the maximum extent practicable. Runoff from roughly half of the site would sheet flow directly into Puget Sound. Some of the flow from Chevron Creek (which is currently piped through the site) could be diverted to the new open channel proposed onsite, which would mimic the site's historical drainage pattern. Stormwater runoff from a portion of the site would also sheet flow into the new open channel. The remaining runoff from the site would be routed to either existing Outfall 2 or Outfall 3. Runoff from the southern portion of the site would be treated by localized Low Impact Development (LID) facilities and then discharged to Puget Sound at Outfall 3. If it is determined that Outfall 3 has insufficient capacity or that it is not feasible to connect to it, the southern portion of the site would be pumped to the north and discharged at Outfall 2.

Per the 2010 SCDM, stormwater treatment would be provided for runoff from pollution generating surfaces (e.g., roads and parking areas). Stormwater management Best Management Practices (BMPs) would be used to the maximum extent feasible in order to infiltrate, retain, and provide stormwater runoff treatment for the site. Natural LID strategies would be employed where feasible for water quality treatment. Where space, grades, and depth of soil would not allow for the installation of bioswales and rain gardens, cartridge and tree vault systems would be provided. However, infiltration opportunities may be limited because they could impose substantial additional loads on the groundwater treatment system associated with site remedtiation (see Section 3.3, **Water Resources** and **Appendix E**, for details).

## Energy

Snohomish County PUD #1 would continue to provide electrical power to the site with proposed development. Electricity would be used for lighting, appliances, and possibly space heating and water heating by the proposed residential, commercial, retail, and recreational uses. All overhead electrical poles and lines onsite would be removed and replaced with an underground electrical system. PSE would provide natural gas service to the proposed development. Natural gas would be available as a preferred approach for space and water heating. Minor upgrades to the existing gas supply infrastructure would be required.

The proposal also includes a site in the Central Village for a District Energy production facility which could supply a major share of the completed project's energy needs.The proposed energy production facility would use biomass[7] or other sustainable means to produce energy (see **Section 3.13, Utilities**, and **Appendix J** for details).

New structures and uses would conform to the most current state and local energy code requirements. "Build green" or low impact development (LID) features would be used in new buildings and site improvements wherever feasible to reduce the demand for energy and make greater use of recycled material. The district heating system potentially using waste wood biomass, a carbon neutral fuel, would result in a very small carbon footprint. The pedestrian and transit-oriented character of proposed mixed- use development would also help save energy.

## *Grading*

Site grading would occur during initial site preparation and during all subsequent phases of site redevelopment. Initial site preparation would likely require an increase in elevation of approximately eight feet on most of the site to the west of the BNSF right-of-way for drainage and ground improvements. Approximately 600,000 cubic yards of material would be imported to the site from an approved off-site source. Approximately 100,000 cubic yards of native material would be redistributed onsite – additional clean, granular imported fill may be required. It is anticipated that fill material would be barged to the site, delivered to the site via rail, and to a minor extent trucked to the site. Construction during all project phases following initial site preparation would require excavation and filling for construction of roads, building foundations, parking structures, public spaces, stormwater facilities, underground utilities, and habitat restoration. A total of approximately one million cubic yards of cut and fill could be necessary for overall site redevelopment. (See Section 3.1, **Earth**, and **Appendix C** for details.)

[7] Biomass is fuel that is developed from organic materials, a renewable and sustainable source of energy used to create electricity or other forms of power.

## *Short Subdivision and Phasing Plan*

In February 2011, a Short Subdivision application and phasing plan was filed with Snohomish County for the Point Wells Project. The application would allow the subdivision of the property into nine lots conforming to the various design elements of the project and to the intended phasing plan.

The proposal would be constructed in four major phases over the course of approximately 15 to 20 years. **Table 2-4** summarizes proposed development of the site by phase (see **Figure 2-17**, Phasing Plan – Alternative 1). Below are descriptions of each of the phases.

**Table 2-4**
**DEVELOPMENT BY PHASE – ALTERNATIVE 1**

| | Project Phase | Commercial (Sq. Ft.) | Retail (Sq. Ft.) | Residential (No. of Units) |
|---|---|---|---|---|
| South Village | 1 | 0 | 24,000 | 653 |
| Urban Plaza | 2 | 32,262 | 26,300 | 254 |
| Central Village | 3 | 0 | 44,000 | 1,271 |
| North Village | 4 | 0 | 0 | 903 |
| TOTAL | 1-4 | 32,262 | 94,300 | 3,081 |

***Source: Perkins + Will, 2011.***

### Phase 1 – South Village and Initial Urban Plaza

Phase 1 would include: public amenities (e.g., the first phase of a public shoreline boardwalk), retail uses, a mix of residential unit types, understructure parking, utilities, space for police and fire services, interim on-site transit center, stream and shoreline restoration work, and off-site transportation and utility improvements.

### Phase 2 – Urban Plaza Completion

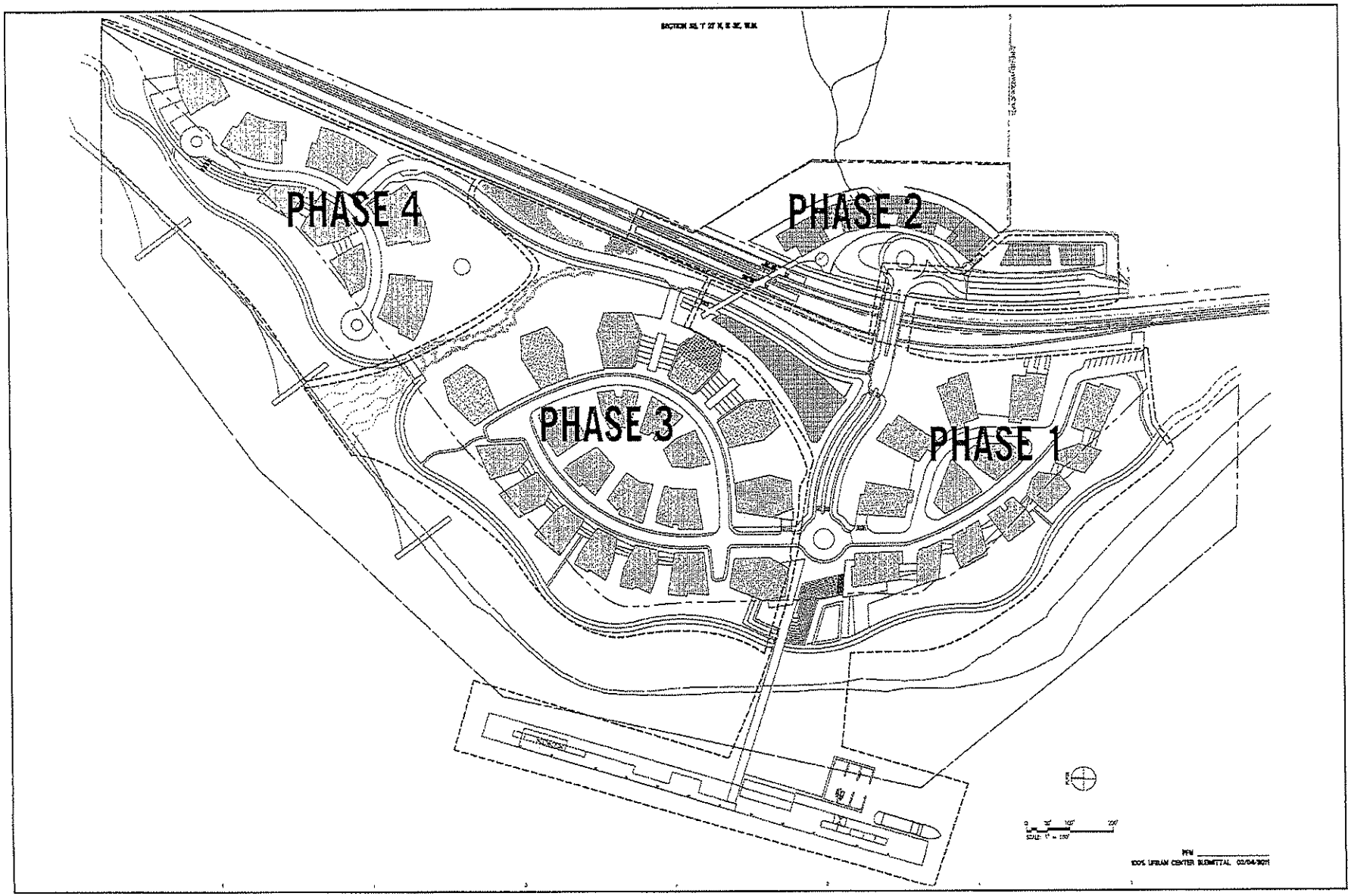
Phase 2 would include: the Urban Plaza retail and commercial uses, a mix of residential unit types (including senior housing), understructure parking, public amenities (e.g., public gathering spaces and walkways), stream restoration, utilities, and a permanent transit hub.

### Phase 3 – Central Village

Phase 3 would be the largest phase of development and would include more than 1,000 residential units of various types. It would also include retail uses, restaurants, understructure parking, utilities, public amenities (e.g., a public amphitheater), community center site, clean energy and waste treatment center, shoreline public boardwalk extension, stream and shoreline restoration, and renovation of the existing deepwater pier.

### Phase 4 – North Village

Phase 4, the final phase of development, would include: residential units of various types, understructure parking, public amenities (e.g., the final public shoreline boardwalk extension and large forested open space with trails), stream and shoreline restoration, and utilities.




*Source: Perkins+Will, 2011.*

EA Engineering, Science, and Technology, Inc.

**Figure 2-17**
Alternative 1—Phasing Plan

### *Building Design*

A total of 45 buildings would be constructed under Alternative 1. Exterior building materials would include a variety of materials, such as: wood, glass, metal, brick, and composite materials. All materials would be required to be consistent with a master set of urban design and architectural guidelines. These guidelines would be adopted as binding conditions, covenants, and restrictions (CC&Rs) for all new structures. (See **Figures 2-18**, Boulevard and Urban Plaza Site Area Section – Alternative 1, and **Figure 2-19**, North, Central and South Villages Area Sections – Alternative 1.). Two building height scenarios are analyzed for Alternative 1: Scenario A - Proposed 170-Foot Maximum Building Height and Scenario B - 90--Foot Maximum Building Height, as described below.

#### Scenario A – Proposed 170-Foot Maximum Building Height

Proposed buildings would be a maximum of approximately 170 feet in height, less than the maximum height calculated below under ther version of SCC 30.34A.040 in place at the time complete applications were submitted for the Point Wells Urban Center, with additional height added for desirable features, transit, and an EIS (see **Figure 2-20**, Building Heights – Alternative 1 Scenario A, Proposed Building Height).

The maximum allowed building height in the UC zone under which Alternative 1 would be developed is calculated as follows:

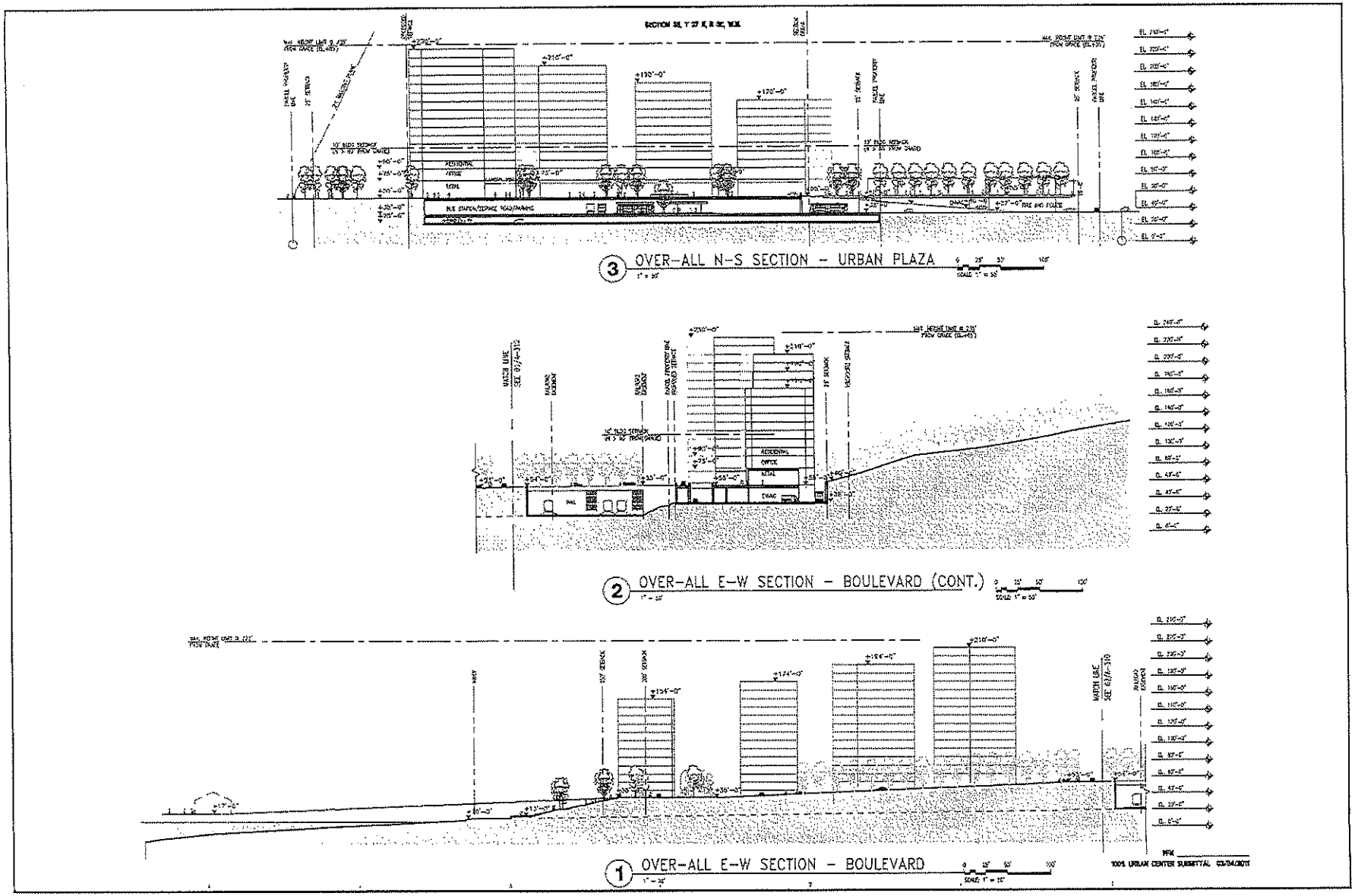
| | |
|---|---|
| Base Height: | 90 feet |
| Additional Height for Desirable Features, Transit, and EIS[5] | 90 feet |
| **Total Maxmum Height:** | **180 feet** |

#### Scenario B - 90-Foot Maximum Building Height

For analysis purposes, a 90-foot maximum building height scenario is also included in this DEIS. This scenario represents the base building height permitted under the version of SCC 30.34A.040 in place at the time complete applications for the Point Wells Urban Center were submitted. Overall development under this scenario would be the same as under Alternative 1, including land use breakdown and building and infrastructure layout. The differences would relate to the building heights and unit sizes. Buildings would be a maximum of 90 feet high, and some of the residential units would be smaller than under building height Scenario A.

## Alternative 2 – Urban Village Alternative

Alternative 2 represents redevelopment of the site as a mixed-use development at a lower density, similar to what could be achieved under the site's current UV Comprehensive Plan designation and PCB zoning classification.

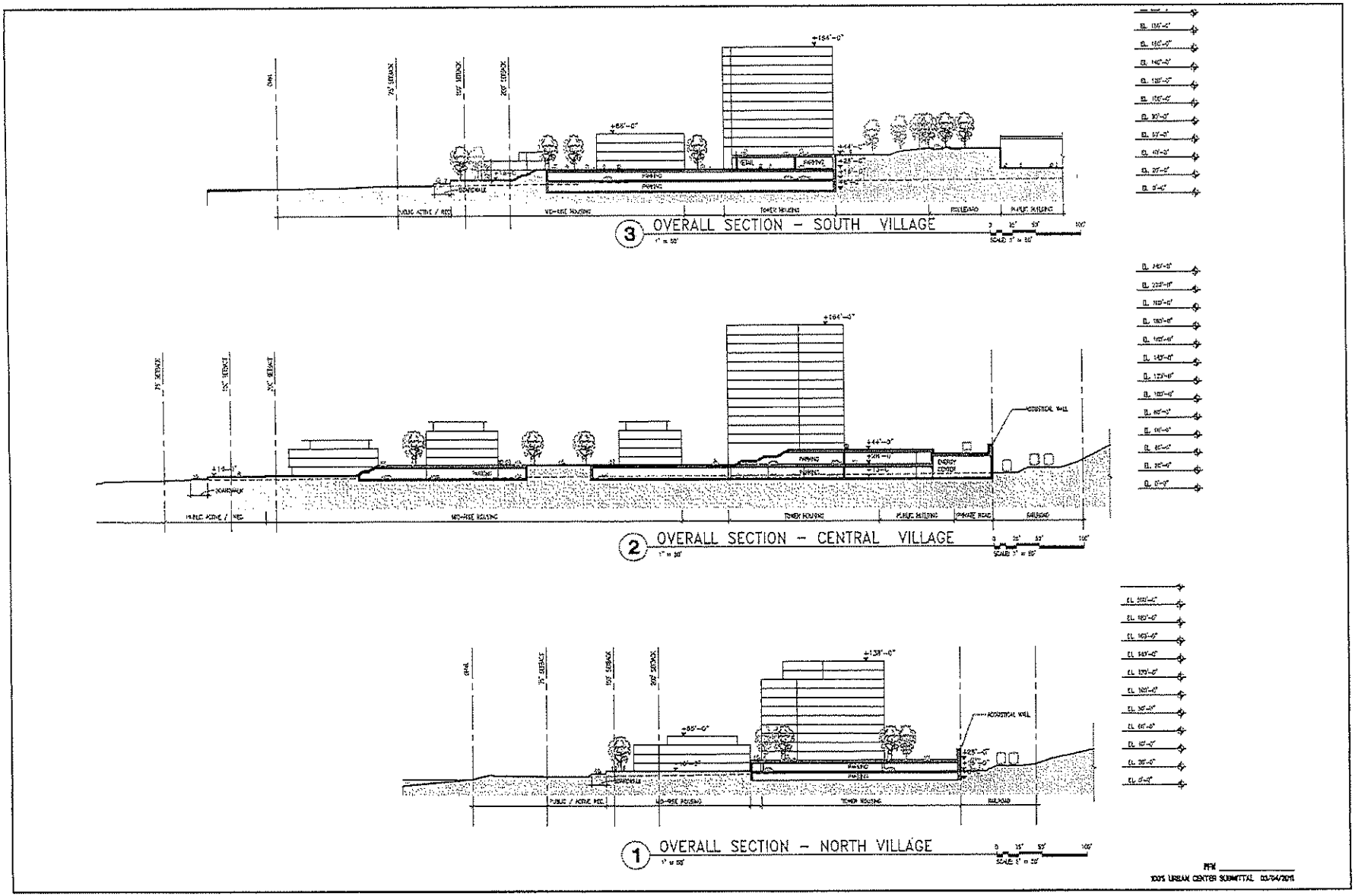



*Source: Perkins+Will, 2011.*

EA Engineering, Science, and Technology, Inc.

**Figure 2-18**

Alternative 1—Boulevard and Urban Plaza Area Section

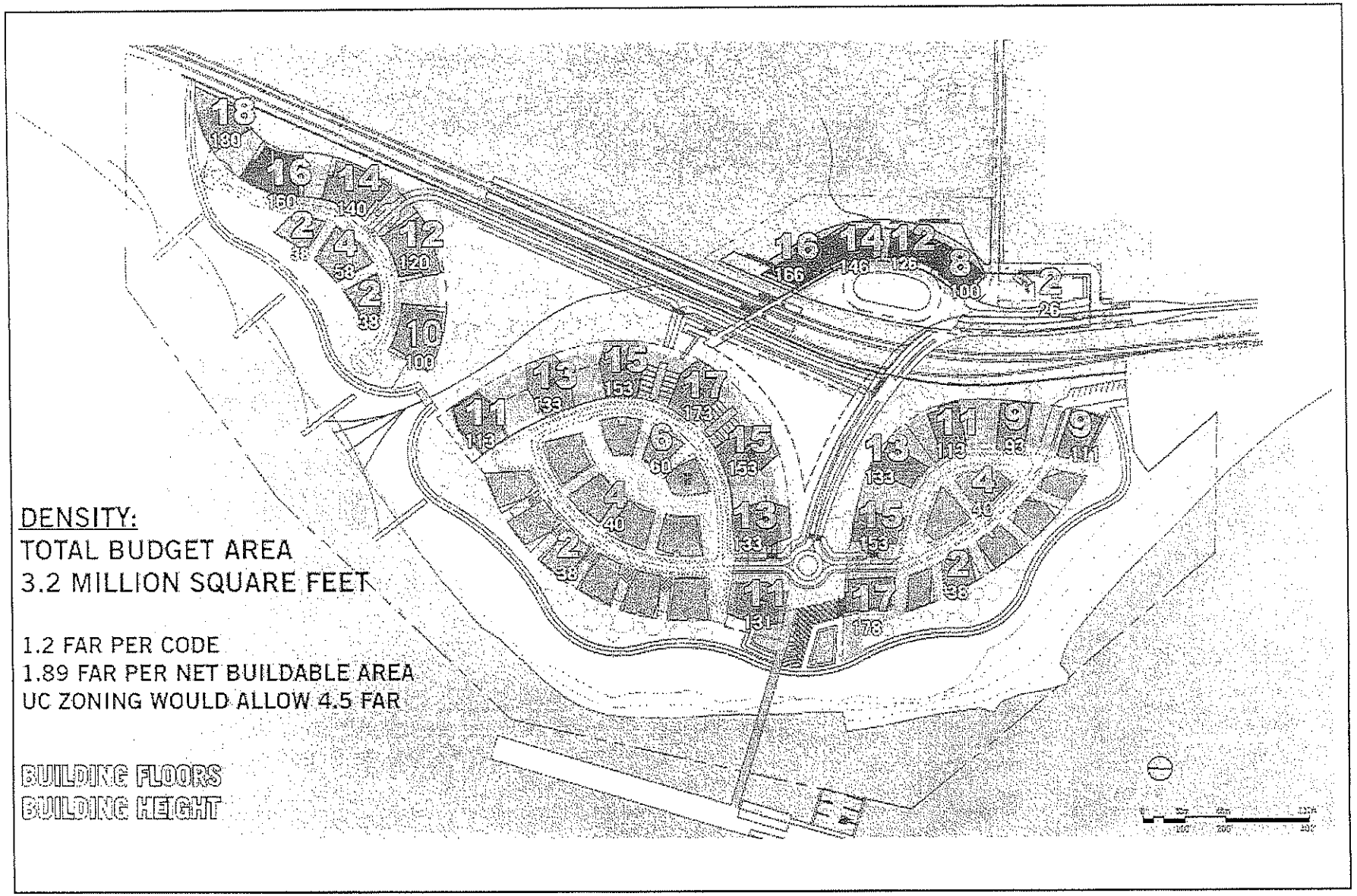



*Source: Perkins+Will, 2011.*

EA Engineering, Science, and Technology, Inc.

**Figure 2-19**

Alternative 1—North, Central and South Villages Area Section




*Source: Perkins+Will, 2011.*

EA Engineering, Science, and Technology, Inc.

**Figure 2-20**
Alternative 1—Building Heights

Development assumed under Alternative 2 is summarized in **Table 2-2** and further described below. See **Figure 2-21** for a graphic depiction of Alternative 2. Proposed redevelopment under Alternative 2 would be similar to Alternative 1, with an identical building and infrastructure layout. The primary differences relate to the number of proposed residential units (fewer residential units would be provided under Alternative 2), and the proposed building heights (certain buildings would be lower under Alternative 2). As shown in **Table 2-2**, approximately 26.9 acres of the upland area of the site (56 percent) would be covered in impervious surface areas with proposed redevelopment under Alternative 2, including buildings, pavement, the boardwalk, and areas above underground building structures., the same amount as Alternative 1.

Similar to Alternative 1, redevelopment would feature a mix of residential, commercial, retail, public service, and open space/recreation uses developed in phases. Alternative 2 would include: approximately 2,600,000 sq. ft. of residential uses (2,600 units), 32,262 sq. ft. of commercial/office uses (with space for on-site police and fire facilities), and 94,300 sq. ft. of retail uses (see **Table 2-2** and **Figure 2-22**). The project would provide publically-accessible passive and active open space, including a public dock and shoreline boardwalk, and associated infrastructure identical to under Alternative 1. Alternative 2 is anticipated to generate approximately 4,784 residents and approximately 344 employees.

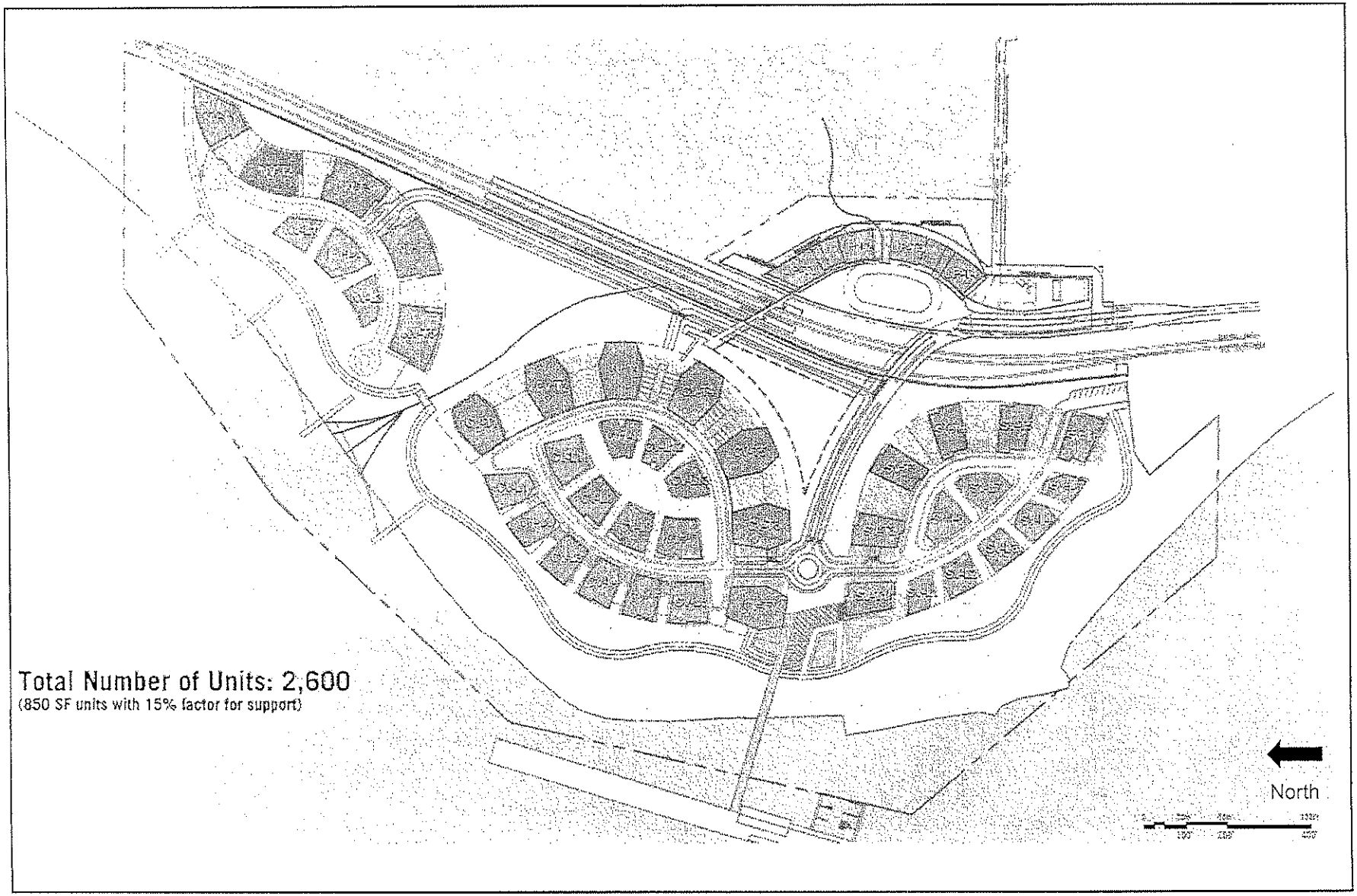
### *Proposed Upland Development*

Under Alternative 2, the proposed upland development would feature the same site design and building layout as Alternative 1, but with lower maximum building height. A total of approximately 2,600,000 sq. ft. of residential uses (2,600 units) would be provided under Alternative 2 (compared to 3,081,000 sq. ft. and 3,081 units under Alternative 1). A variety of multi-family residential housing types would be provided, including apartments, condominiums and townhomes. The average size of the residential units would be approximately 850 sq. ft. The majority of the units would be middle income and upper income housing. Not less than 994 units would be devoted to senior housing.

Proposed commercial/office and retail development onsite would be the same as Alternative 1 and would include a mix of commercial space (office, business, and civic uses), retail space (retail, entertainment, and restaurants), and public services (police and fire facilities).

### *Proposed Shoreline Development*

Proposed shoreline development under Alternative 2 would be the same as Alternative 1 and would include seawall reconstruction and realignment; conveyance channel and nearshore habitat area development; deepwater dock renovation; and, shoreline pedestrian boardwalk and public plaza development.




*Source: Perkins+Will, 2014.*

EA Engineering, Science, and Technology, Inc.

**Figure 2-21**
Alternative 2—Site Plan

### *Open Space and Trails*

Open space under Alternative 2 would be as described for Alternative 1 (approximately 57 percent of the total site area would be retained as open space), including: publically accessible active open space, publically accessible passive open space, and semi-private open space. As under Alternative 1, approximately 1.7 acres of of sidewalks/trails would be provided under Alternative 2, including a new shoreline boardwalk and renovated deepwater dock.

### *Landscaping*

Proposed landscaping under Alternative 2 would be the similar to Alternative 1, and would meet or exceed Snohomish County's landscaping requirements for the PCB zone (SCC 30.25.030).

### *Access/Parking/Transit Facilities*

The access and parking concept under Alternative 2 would generally be as described for Alternative 1; however, fewer parking spaces would be provided for Alternative 2 due to fewer residential units than under Alternative 1. A total of 2,815 parking spaces would be provided under Alternative 2 for the various site uses at full buildout.

The provision of a transit center is not required by the Urban Village land use designation/ PCB zoning classification. However, under Alternative 2 a transit center could nonetheless be included on a voluntary basis.

### *Utilities*

Under Alternative 2, utilities would be provided as described under Alternative 1.

### *Grading*

Grading for Alternative 2 would occur as described for Alternative 1.

### *Phasing*

Similar to Alternative 1, Alternative 2 would be developed in phases over the course of approximately 15 to 20 years. Decommissioning and cleanup of the site would be conducted for each project phase during design and permitting of the site improvements in that phase. Building construction and site development would follow cleanup, starting with the primary site infrastructure and public amenities. The infrastructure design and construction would be phased to most efficiently expand the infrastructure for a particular phase.

### *Building Design*

The maximum allowed building height in the UV zone is calculated as follows:

| | |
|---|---|
| Base Ht. (SCC 30.31A.115): | 75 feet |
| Additional Height for Desirable Features, Transit, and EIS: (current version of SCC 30.31A.115) | 50 feet |

Additional Height for Adoption of LID features: 14 feet
(current version of SCC 30.63C.080(1)(a))

**Total Maximum Height: 139 feet**

A total of 45 building would be constructed under Alternative 2 , the same as under Alternative 1. The Alternative 2 buildings would be a maximum of approximately 139 feet in height, within the maximum height calculated above (versus the maximum 170 feet high under Alternative 1). As compared to Alternative 1, 20 buildings would be lower, 16 buildings would be higher, and 9 buildings would be the same height (see **Table 2-5** and **Figure 2-22**, Building Heights – Alternative 2).

**Table 2-5**
**COMPARISON OF BUILDING HEIGHTS –**
**ALTERNATIVE 1, 2 & 90-FOOT HEIGHT SCENARIO**

| Building | Alternative 1 | | Alternative 2 | | 90-Foot Height Scenario | |
|---|---|---|---|---|---|---|
| | # of Stories | Building Height | # of Stories | Building Height | # of Stories | Building Height |
| URBAN PLAZA | | | | | | |
| UP-T1 | 14 | 140 feet | 13 | 130 feet | 9 | 90 feet |
| UP-T2 | 12 | 120 feet | 12 | 120 feet | 9 | 90 feet |
| UP-T3 | 10 | 100 feet | 10 | 100 feet | 9 | 90 feet |
| UP-T4 | 8 | 80 feet | 7 | 70 feet | 9 | 90 feet |
| UP-Podium 1 | 2 | 20 feet | 2 | 20 feet | 2 | 20 feet |
| UP-Podium 2 | 2 | 20 feet | 2 | 20 feet | 2 | 20 feet |
| NORTH VILLAGE | | | | | | |
| NV-T1 | 17 | 170 feet | 14 | 140 feet | 9 | 90 feet |
| NV-T2 | 16 | 160 feet | 12 | 120 feet | 9 | 90 feet |
| NV-T3 | 14 | 140 feet | 10 | 100 feet | 9 | 90 feet |
| NV-T4 | 12 | 120 feet | 7 | 70 feet | 9 | 90 feet |
| NV-T5 | 10 | 100 feet | 7 | 70 feet | 9 | 90 feet |
| NV-L1 | 2 | 20 feet | 4 | 40 feet | 3 | 30 feet |
| NV-L2 | 4 | 40 feet | 3 | 30 feet | 9 | 90 feet |
| NV-L3 | 4 | 40 feet | 2 | 20 feet | 9 | 90 feet |
| CENTRAL VILLAGE | | | | | | |
| CV-T1 | 10 | 100 feet | 7 | 70 feet | 9 | 90 feet |
| CV-T2 | 12 | 120 feet | 10 | 100 feet | 9 | 90 feet |
| CV-T3 | 14 | 140 feet | 11 | 110 feet | 9 | 90 feet |
| CV-T4 | 16 | 160 feet | 12 | 120 feet | 9 | 90 feet |
| CV-T5 | 14 | 140 feet | 11 | 110 feet | 9 | 90 feet |
| CV-T6 | 12 | 120 feet | 10 | 100 feet | 9 | 90 feet |
| CV-T7 | 10 | 100 feet | 7 | 70 feet | 9 | 90 feet |
| CV-L1 | 2 | 20 feet | 3 | 30 feet | 9 | 90 feet |
| CV-L2 | 2 | 20 feet | 3 | 30 feet | 3 | 30 feet |

Table 2-5 Continued

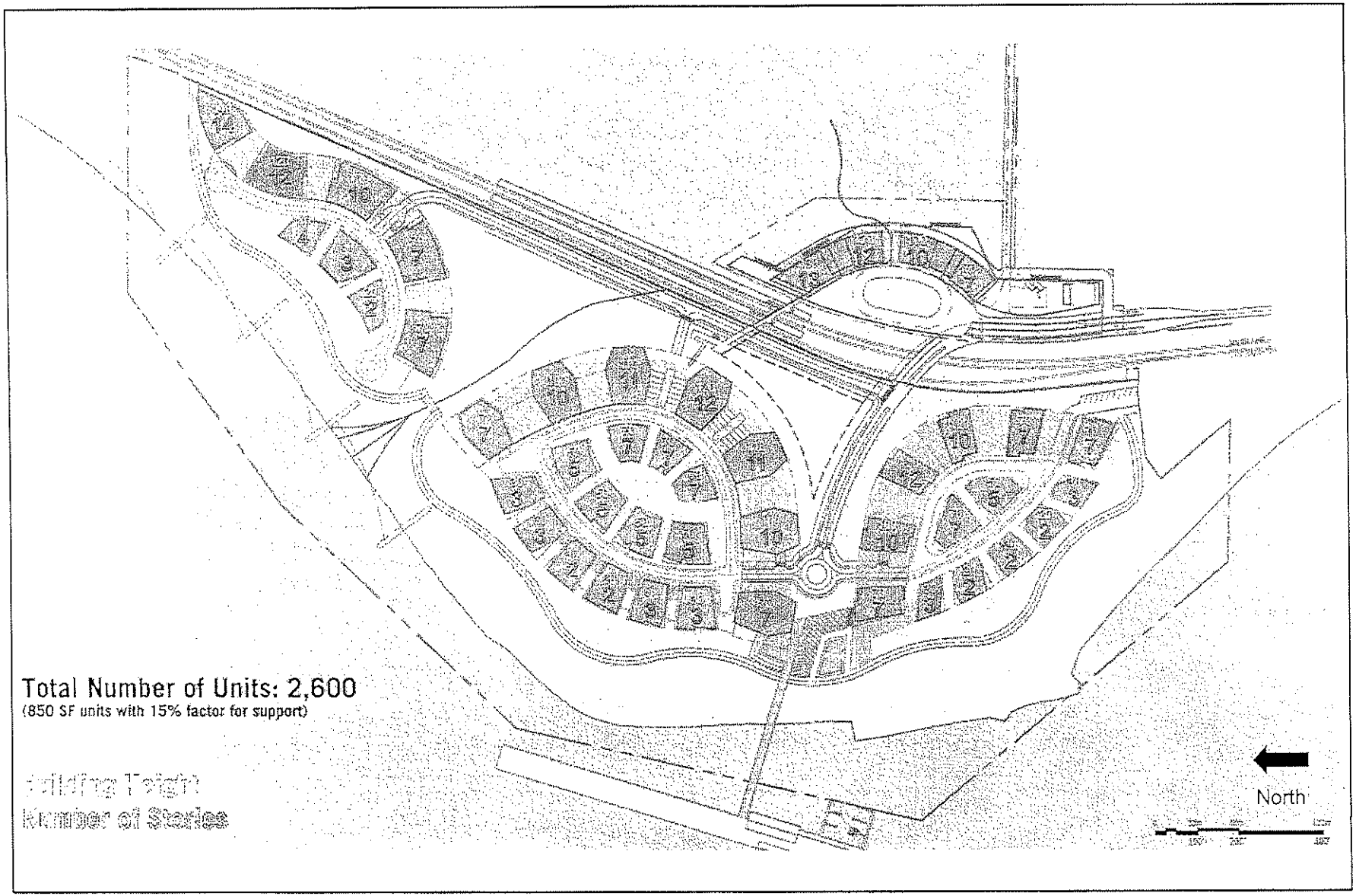
| Building | Alternative 1 | | Alternative 2 | | 90-Foot Height Scenario | |
|---|---|---|---|---|---|---|
| | # of Stories | Building Height | # of Stories | Building Height | # of Stories | Building Height |
| CV-L3 | 2 | 20 feet | 2 | 20 feet | 3 | 30 feet |
| CV-L4 | 2 | 20 feet | 2 | 20 feet | 9 | 90 feet |
| CV-L5 | 2 | 20 feet | 3 | 30 feet | 9 | 90 feet |
| CV-L6 | 2 | 20 feet | 3 | 30 feet | 9 | 90 feet |
| CV-L7 | 4 | 40 feet | 5 | 50 feet | 9 | 90 feet |
| CV-L8 | 4 | 40 feet | 5 | 50 feet | 9 | 90 feet |
| CV-L9 | 4 | 40 feet | 5 | 50 feet | 9 | 90 feet |
| CV-L10 | 4 | 40 feet | 5 | 50 feet | 9 | 90 feet |
| CV-L11 | 6 | 60 feet | 7 | 70 feet | 9 | 90 feet |
| CV-L12 | 6 | 60 feet | 7 | 70 feet | 9 | 90 feet |
| CV-L13 | 6 | 60 feet | 7 | 70 feet | 9 | 90 feet |
| SOUTH VILLAGE | | | | | | |
| SV-T1 | 16 | 160 feet | 7 | 70 feet | 9 | 90 feet |
| SV-T2 | 14 | 140 feet | 10 | 100 feet | 9 | 90 feet |
| SV-T3 | 12 | 120 feet | 12 | 120 feet | 9 | 90 feet |
| SV-T4 | 10 | 100 feet | 10 | 100 feet | 9 | 90 feet |
| SV-T5 | 8 | 80 feet | 7 | 70 feet | 9 | 90 feet |
| SV-T6 | 8 | 80 feet | 7 | 70 feet | 9 | 90 feet |
| SV-L1 | 2 | 20 feet | 3 | 30 feet | 9 | 90 feet |
| SV-L2 | 2 | 20 feet | 2 | 20 feet | 9 | 90 feet |
| SV-L3 | 2 | 20 feet | 2 | 20 feet | 3 | 30 feet |
| SV-L4 | 2 | 20 feet | 2 | 20 feet | 3 | 30 feet |
| SV-L5 | 2 | 20 feet | 3 | 30 feet | 3 | 30 feet |
| SV-L6 | 4 | 40 feet | 7 | 70 feet | 3 | 30 feet |
| SV-L7 | 4 | 40 feet | 5 | 50 feet | 9 | 90 feet |

*Source: Perkins+Will, 2015.*

The building design concept under Alternative 2 would feature materials and concepts as described for Alternative 1, and all materials would be required to be consistent with a master set of urban design and architectural guidelines.

## 2.7.2 No Action Alternative

Under the No Action Alternative, it is expected that the site would remain in industrial use; existing underused facilities would likely be renovated where necessary and reused. Two scenarios are analyzed for this alternative in the DEIS: Scenario A - Continuation of existing conditions, and Scenario B - Reuse of existing underused industrial facilities. Further descriptions of these No Action scenarios are provided below.




*Source: Perkins+Will, 2014.*

EA Engineering, Science, and Technology, Inc.

**Figure 2-22**
Alternative 2—Building Heights

The site could also redevelop in the future in accordance with the uses allowed by the site's current UV land use designation and PCB zoning classification. The PCB zone is intended to provide for community business enterprises in areas desirable for business but having highly sensitive elements of vehicular circulation, or natural site and environmental conditions while minimizing impacts upon these elements through the establishment of performance criteria. The uses permitted in the PCB zone include: multi-family residential, retirement housing, retail/commercial, general office, and warehouse/storage uses.

## Scenario A – Continuation of Existing Conditions

Under Scenario A, no redevelopment would occur on the site at this time. Existing industrial uses would continue as at present. This would be considered a continuation of nonconforming land uses per SCC 30.28.072, since the uses were legally established prior to the effective date of applicable County land use regulations (i.e., the current County FLUM and zoning map), but no longer conform to the applicable regulations.

## Scenario B –Reuse of Existing Underused Industrial Facilities

Under Scenario B, no redevelopment would occur on the site. Existing industrial uses would continue, and currently underused industrial facilities onsite would be renovated where necessary and reused. Scenario B would provide for an intensification of industrial uses onsite. Similar to Scenario A, these uses would be considered a continuation of legally-established non-conforming land uses.

The specific development that is assumed under Scenarios A and B is summarized in **Table 2-6**. See **Figure 2-5** for map of existing site conditions under No Action Scenarios A and B.

**Table 2-6**
**ASSUMED INDUSTRIAL OPERATIONS – NO ACTION ALTERNATIVE SCENARIOS A AND B**

| | Scenario A | Scenario B |
|---|---|---|
| ASPHALT OPERATIONS | | |
| Throughput | 282,000 BBLS per yr. | 750,000 BBLS per yr. |
| Tanks in Service | 5 | 8 |
| Truck Trips Average, Each Way | 5 per day/1,825 per yr. | 14 per day/5,110 per yr. |
| Truck Trips Maximum, Each Way | 28 per day[1] | 75 per day[1] |
| Employees | 6 | 9 |
| MARINE FUELING OPERATIONS | | |
| Throughput | 3,925,000 BBLS per yr. | 11,000,000 BBLS per yr. |
| Tanks in Service | 8 | 13 |
| Fuel Transfers across the Dock | 275 per year | >400 per year |
| Employees | 6 | 9 |
| LIGHT FUELS STORAGE & DISTRIBUTION | | |
| Throughput | 0 | 9,230,000 BBLS per yr. |
| Fuel Transfers across the Dock | 0 | 75 per yr. |
| Truck Trips Average, Each Way | 0 | 125 per day |

Table 2-6 Continued

| | Scenario A | Scenario B |
|---|---|---|
| Truck Trips Maximum, Each Way | | 160 per day |
| Employees | 0 | 75 - 100 |
| TOTAL | | |
| **Throughput** | 5,790,400 BBLS per yr. | 20,980,000 BBLS per yr. |
| **Tanks in Service** | 11 | 18 |
| **Truck Trips, Average, Each Way** | 5 per day/1,825 per yr. | 139 per day/5,110 per yr. |
| **Truck Trips Maximum, Each Way** | 20 per day | 50 per day |
| **Employees** | 13 | 91 - 116 |

***Source: Paramount Petroleum Corporation, 2015.***

Throughput = the amount of material or items passing through a system or process.

BBLS = barrels, a unit of volume for crude oil or petroleum; one barrel = 42 US gallons

[1]Truck trips maximum is during warm months (April – Sept.).

## 2.8 BENEFITS AND DISADVANTAGES OF DEFERRING PROJECT IMPLEMENTATION

The benefits of deferring approval of the Proposed Actions and implementation of redevelopment of the site include deferral of:

- Potential impacts of the redevelopment on the natural environment (e.g., critical areas on and adjacent to the site); and,
- Potential impacts of the redevelopment on the man-made environment (i.e., traffic operations, aesthetics/views, historic and cultural resources, public services and utilities).

The disadvantages of deferring approval of the Proposed Actions and implementation of redevelopment include deferral of:

- Tax revenues and other fees (i.e., property taxes, and permit, inspection, and utility connection fees) that would accrue to Snohomish County;
- The opportunity to implement an Urban Center/Urban Village to coordinate development of the site;
- The opportunity to provide public amenities and access to the Puget Sound shoreline;
- The opportunity to improve existing substandard infrastructure (e.g., Richmond Beach Drive and Richmond Beach Way);
- The opportunity to restore, enhance, and create habitat along the waterfront and throughout the site; and

- Cleanup/remediation of the existing site contamination on the surrounding environment.

# EXHIBIT C

# 3.5 ENVIRONMENTAL HEALTH

This section of the DEIS describes existing environmental health-related conditions on and in the vicinity of the Point Wells site. Potential impacts from development of the EIS Alternatives are evaluated and mitigation measures identified.

## 3.5.1 Affected Environment

### Methodology

Existing environmental health-related conditions on and in vicinity of the site are described below. The site cleanup and remediation process is also discussed. The analyses in this DEIS, including this section, assume an existing/baseline condition subsequent to phased cleanup/remediation of the site. Only the probable significant environmental impacts and applicable mitigation measures related to proposed redevelopment of the site are addressed in this DEIS; potential impacts associated with cleanup/remediation activities will be addressed through the separate Washington State Department of Ecology's (Ecology) SEPA process

### Background

The Point Wells site was filled and paved in the early 1900s for industrial use. The Point Wells industrial facility was constructed in 1912 by the company that is now known as Shell Oil Company. The existing facility was constructed on a salt marsh, which was filled with 4 to 15 feet of imported sand and gravel. The fill was overlaid with pavement, and existing on-site creeks were piped and channeled through the site. Groundwater is typically present at a depth of about 2.5 feet below the ground surface (bgs) beneath the Upper Bench and 1.5 to 7.5 bgs beneath the Low Bench onsite.

In 1913, Standard Oil purchased the site. Over the years Standard Oil became known as Chevron Oil. Chevron used the facility as an asphalt petroleum refinery and light products/lube oil distribution terminal. The various types of petroleum products stored and/or processed at the site included crude oil, asphalt products, lubrication oils, fuel oils, aviation fuels, motor vehicle and marine vessel fuels, and thinners. The light products/lubrication oil distribution terminal and refinery are no longer in operation (refinery operations ceased in 2000); however, the facility continues to operate as a marine fuel and asphalt distribution center by Paramount Petroleum Corporation under the terms of agreement with BSRE, the current site owner.

### Site Contamination

Past industrial activities that have occurred onsite (predominately asphalt refining and light products/lube oil distribution) have resulted in the release of various contaminants to the

soil and groundwater. The site is currently listed on Ecology's "Confirmed and Suspected Contaminated Sites List". Petroleum and metals contamination is known to be present in the soil and groundwater beneath the site. A groundwater pump and remediation treatment system currently operates on the site to treat the contamination in the groundwater. These site remediation actions are being conducted by Paramount Petroleum based on Ecology's requirements. Other soil and groundwater contaminants known or suspected might be present at the site include benzene, lead, non-halogenated solvents, and other priority pollutant metals.

## Site Cleanup and Remediation Process

Cleanup activities at the site will be implemented under State of Washington regulations including the Model Toxic Control Act (MTCA) (WAC 173-340). These regulations are implemented by Ecology, in coordination with other state and federal agencies.

The MTCA regulations are the main state law that defines how environmental cleanup decisions are to be made. These regulations specify criteria for the evaluation and conduct of a cleanup action, and specify how cleanup levels are to be developed for cleanup actions involving soil, groundwater, and other media including sediment.

Under MTCA regulations, any cleanup action must protect human health and the environment, meet environmental standards in other laws that apply, and provide for monitoring to confirm compliance with appropriate cleanup levels.

The cleanup process includes multiple steps. The time required to complete the process varies with the type of site, agency priorities and the timing for site reuse or redevelopment. Actions under MTCA are generally required to undergo environmental review under SEPA (SEPA environmental review for the cleanup of the Point Wells site is not contained in this EIS; it will be provided in a separate SEPA review conducted by Ecology as part of the MTCA cleanup process). The steps in the cleanup process include the following:

- Initial Discovery and Investigation: After the discovery of site contamination, an initial site hazard assessment is performed by Ecology to assess whether further action is required. One or more rounds of sampling may be conducted to gather initial information on the types and levels of contamination present.

- Remedial Investigation and Feasibility Study (RI/FS): The key study for evaluating site cleanup actions is the RI/FS. In the RI/FS, the site is investigated and the nature and extent of contamination is defined. Then, different potential alternatives for conducting a site cleanup action are defined and one or more preferred alternatives are identified for consideration by Ecology.

- Interim Cleanup Actions: An interim cleanup action may be conducted to partially address cleanup of a site. An interim action is prepared to: reduce a threat to

human health or the environment by eliminating or substantially reducing pathways for exposure to a hazardous substance; correct a problem that may become substantially worse if the remedial action is delayed; or provide for completion of a site hazard assessment, RI/FS, or design of a cleanup action plan.

- **Cleanup Action Plan (CAP):** The CAP is the document in which Ecology defines the cleanup remedy for a site. The CAP is typically part of a legal agreement (usually a Consent Decree) between the state and the lead party conducting the cleanup.

- **Design and Permitting:** Design and permitting can take from less than six months for a relatively simple project, to two or more years for a complex project. Additional environmental review under SEPA is often conducted as part of permitting for cleanup projects during this phase.

- **Construction of the CAP:** Construction of the cleanup action can take from several months to several years, depending on the scope of the cleanup action. Cleanup actions often include application of a range of technologies such as soil or sediment removal, treatment of soils or groundwater, and/or capping of soils or sediments.

- **Long-Term Monitoring and Institutional Controls:** Cleanup actions include provisions for long-term monitoring and institutional controls to ensure compliance with site cleanup levels. Institutional controls are mechanisms for ensuring the long-term performance of cleanup actions. They are applicable to most remedies where contaminants are not completely removed from the site. Institutional controls involve administrative and legal tools to document the presence of contaminated materials, regulate the future disturbance/management of these materials, and provide for long-term care of remedial actions including performance of long-term monitoring.

## Coordinated Cleanup and Redevelopment Planning

Future land uses are one factor considered as part of cleanup planning under MTCA, and are typically assessed as part of the development of the RI/FS studies and CAP.

Under MTCA, land uses affect the analysis of cleanup levels. Particularly for soil, MTCA cleanup levels are more stringent for residential or mixed-use redevelopment scenarios than for industrial land uses. Land uses can also affect cleanup levels for groundwater, with cleanup levels for groundwater that could be a source of drinking water being generally more stringent than for protection of aquatic life in adjacent nearshore seepage zones.

### Buildings and Structures

The site presently contains more than 24 buildings and assorted structures, and over 85 above-ground tanks of various sizes. Most of these structures are related to petroleum products storage, processing, and distribution. Due to the age of the existing buildings and structures, asbestos-containing building materials (ACBM) and lead-based paint could be present.

## 3.5.2 Impacts of the Alternatives

This sub-section analyzes the environmental health-related impacts with proposed redevelopment. Impacts are expected to be similar for Alternative 1 and Alternative 2; any differences between the alternatives are noted.

To implement the proposed Point Wells Project, the current remediation program will be expanded and accelerated. SEPA environmental review and oversight of future site cleanup/remediation will be provided separately by Ecology under the provisions of the MTCA. The site will undergo cleanup/remediation pursuant to the final CAP defined by Ecology. Cleanup/remediation of the site is expected to take approximately 10 - 15 years. There could be some overlap between later phases of cleanup and early construction on portions of the site that have already been cleaned up. As part of the cleanup/remediation process, applicable cleanup methods will consider potential redevelopment plans for the site. Certain activities related to redevelopment, such as grading, stormwater control, and utility/building construction, will be dictated by Ecology in coordination with Snohomish County and other agencies.

Central to redevelopment under Alternatives 1 and 2 is the assumption that phased cleanup actions will be performed to address any site contamination issues within the site. These cleanup actions will be consistent with MTCA regulations and other applicable regulations, and will provide adequate mitigation for the environmental health and hazardous materials concerns present at the site.

Therefore, this evaluation of the potential for environmental health-related impacts focuses on those impacts associated with proposed redevelopment only.

Potential environmental impacts associated with redevelopment include:

- Construction Impacts: Impacts potentially occurring during phased construction of infrastructure and/or during demolition of buildings/structures and construction of subsequent buildings.
- Operation Impacts: Impacts potentially occurring during operation of assumed land uses after completion of site construction.

## Alternatives 1 and 2

Based on the similarities (from the perspective of MTCA regulations) of assumed land uses under the two redevelopment alternatives, there would be no substantial differences related to potential environmental health-related impacts and appropriate mitigation measures. Therefore, potential impacts from both alternatives are discussed together below.

Proposed development under Alternatives 1 and 2 would include new commercial, retail, public service, multifamily residential, and open space/recreational uses onsite, as well as a secondary access roadway offsite, in proximity to potentially contaminated areas. With development and phased implementation of the cleanup/remediation plan for the site under the oversight of Ecology, significant environmental health-related impacts are not anticipated. As described previously, the cleanup/remediation of the site would be conducted as part of a separate action with a separate environmental review process. Development of the site under Alternatives 1 and 2 would be coordinated with cleanup/remediation activities of the site and would comply with the identified cleanup/remediation plan, as applicable. Any contaminated materials at the site are planned to be addressed prior to phased redevelopment.

### *Institutional Controls Plan*

An institutional controls plan will be implemented that defines specific requirements for how final site cleanup actions will be implemented in coordination with redevelopment. The institutional controls plan for each of the cleanup actions will specify, where appropriate, the implementation of potential use restrictions that will be required for site redevelopment. These specific requirements could vary for different portions of the site. The institutional controls framework will also define any use limitations or specific worker protection standards applicable to areas of the cleanup sites.

If Ecology determines that additional cleanup actions are needed in parts of the site, the design, permitting, and construction of such cleanup actions will be implemented along with proposed redevelopment activities (assuming the necessary approvals and permits are secured) to ensure coordination of activities, provide for holistic environmental review, and minimize construction impacts. Following construction activities, an institutional controls plan will be implemented at the site, defining any subsequent use restrictions and other institutional control requirements associated with mixed-use site redevelopment.

### *Construction Impacts*

Potential environmental health-related impacts during construction of utility and roadway infrastructure, buildings and other amenities on the site could include the following:

## Soil and Groundwater

- **Soil Management**: Site grading, construction of infrastructure, and building/amenity development on the site could disturb or generate contaminated soils beneath the site. For example, excavation of soils would be required to install building foundation systems or other subsurface structures. Improper management of these materials (e.g., shipment of contaminated soils to a non-permitted off-site disposal area) could result in exposure of human health or environmental receptors to hazardous substances.

- **Worker Health & Safety**: State and federal worker safety regulations require special training, monitoring and work practices at cleanup sites. Subsurface construction activities (e.g., trenching or excavation for installation of building foundation structures) in some areas of the site following cleanup/remediation could result in exposure of workers to contaminated soils or soil vapors that may require such training, monitoring and/or special work practices.

- **Stormwater Quality Impacts**: If construction activities disturb contaminated soils, pollutants could enter site stormwater runoff.

- **Groundwater Quality**: If necessary, cleanup activities at the site could potentially include various activities to contain, treat, divert and/or monitor groundwater in order to comply with applicable cleanup levels and associated requirements. Site construction activities could potentially interfere with these cleanup actions by modifying groundwater flow patterns (e.g., installing deep basement drains that re-direct groundwater flows), damaging groundwater monitoring equipment (e.g., damaging a groundwater well during roadway construction), or by introducing new land uses that are inconsistent with the site cleanup plans and institutional control measures.

- **Facility/Land Use Siting**: As part of the final cleanup plans, some redevelopment land uses could be relocated or restricted in certain portions of the site. For example, Ecology may specify that subsurface utility excavation and construction is restricted where certain contaminated soils are to be treated and/or contained in place. Improper siting of infrastructure or redevelopment features in such restricted areas could result in non-compliance with site cleanup requirements.

- **Discovery of New Cleanup Issues**: As at any property, it is possible that previously-undocumented environmental contamination problems could exist at the site, separate from the active cleanup actions.

### Buildings and Other Infrastructure

Because of the age of the buildings/structures onsite, there could be ACBM and lead-based paint present. The demolition of existing buildings/structures could disturb these materials. Exposure to ACBM and lead-based paint, as well as petroleum products and byproducts, could present safety issues for workers. Construction activities would include contingencies for appropriate site-specific health and safety procedures that meet the requirements of WAC 296-843, "Hazardous Waste Operations", to minimize the potential for workers to be exposed to hazardous materials during construction.

### Beneficial Impacts

The extent of cleanup required under Alternatives 1 and 2 would generally be more stringent than the level of cleanup required to support industrial uses under the No Action Alternative. This more stringent cleanup to meet applicable standards for mixed-uses would result in reductions in residual environmental risks and overall improvement in environmental protection of the site. Further, the coordination of cleanup and redevelopment under Alternatives 1 and 2 could require a more rapid time frame for cleanup than would occur without redevelopment. Both of the above impacts could be considered potential beneficial impacts to human health and the environment.

### *Operational Impacts*

Potential environmental health-related impacts could occur after completion of site construction, during operation and use of the site. It is possible that groundwater and beach/sediment cleanup would be occurring at this time. Potential impacts could include the following:

- Soil Management and Worker Safety: During maintenance and repair of subsurface utilities, soil management and worker safety requirements could be triggered similar to those associated with construction activities – and discussed above.

- Future Hazardous Materials Use: Depending on the specific use, commercial uses at the site could use, store, or process certain hazardous materials as part of their normal operations. This could result in impacts to the environment if these chemicals are not properly stored, used, or disposed.

- Stormwater Control: Stormwater infiltration, if used, could impose a substantial load on the groundwater treatment system installed with remediation.

## No Action Alternative

### *Scenario A – Continuation of Existing Conditions*

Under No Action Scenario A, no redevelopment would occur on the site at this time. The existing buildings/structures and infrastructure would continue to age and degrade over time, potentially resulting in additional environmental contamination. In addition, the

cleanup of known contamination by Ecology in accordance with MTCA may not be undertaken in as timely a manner as under Alternatives 1 and 2.

Under No Action Scenario A, the benefits of a more stringent cleanup to support mixed-use redevelopment would potentially not occur

### *Scenario B – Intensification of Existing Industrial Conditions*

Under No Action Scenario B, no redevelopment would occur on the site at this time. Existing industrial uses would intensify into existing currently underused facilities onsite. Given the assumed level of industrial use under No Action Alternative Scenario B, intensification of existing industrial uses at the site could use, store, and/or process more hazardous materials than under the Redevelopment Alternatives. Therefore, potential risks would likely be greater than under Alternatives 1 and 2, or under No Action Scenario A.

Similar to under No Action Scenario A, the benefits of a more stringent cleanup to support mixed-use redevelopment would not occur, and the potential for a more rapid time frame for cleanup may not be actualized.

## 3.5.3 Mitigation Measures

The following "required/proposed" mitigation measures have been incorporated into the proposal; additional "other possible" mitigation measures could also be identified, as appropriate, to further minimize the potential for environmental health-related impacts.

### Required/Proposed Mitigation Measures

#### *Prior to and During Construction*

Measures that would be implemented to mitigate potential construction impacts associated with environmental health and hazardous materials include:

- Demolition Activities: complete pre-demolition surveys and applicable asbestos lead, and/or petroleum-related product abatement activities, as required by local, state, and federal air quality or worker safety regulations.
- Soil Management: Comply with the soil management provisions of cleanup site institutional controls, and ensure compliance of all future site construction activities with these control measures.
- Worker Health & Safety: Comply with construction worker safety protocols defined as part of cleanup site institutional controls, and ensure compliance of all future site construction activities with these control measures.

- **Stormwater Quality Impacts:** Maintain cover soil over contaminated soils where practicable and/or implement stormwater treatment and monitoring during construction activities that could disturb contaminated soils.

- **Groundwater Quality:** Ensure compliance with the site-specific institutional controls during site cleanup and redevelopment construction activities. Organic vapors from contaminated groundwater would be mitigated by design elements in the buildings to preclude impacts from migration of vapors.

- **Facility/Land Use Siting:** Incorporate a review of use restrictions associated with institutional control plans as part of future building permit reviews, and either: 1) ensure that all proposed uses comply with these use restrictions, or 2) conduct additional removals of the contained hazardous materials in coordination with Ecology, as necessary, to remove the use restrictions.

- **Discovery of New Cleanup Issues:** Comply with release reporting, investigation, and applicable cleanup provisions of the MTCA regulations.

### *During Operation*

Mitigation measures that would be implemented to address potential environmental health-related impacts during operation of the project include:

- **Soil Management and Worker Safety:** Initial development of utility corridors in clean backfill material where practicable; where this is not practicable, the same soil management and worker safety provisions applicable to construction activities (e.g., compliance with worker training, monitoring, and work practice requirements defined in site institutional control plans) would apply to utility maintenance or other subsurface maintenance activities.

- **Future Hazardous Materials Use:** Comply with local (e.g., fire department hazardous materials regulations), state (e.g., Washington underground storage tank regulations) and federal regulations (e.g., federal spill prevention control and counter-measures requirements) relating to the use, storage, or processing of hazardous materials.

## 3.5.4 Significant Unavoidable Adverse Impacts

With implementation of the required/proposed mitigation measures, no significant unavoidable adverse environmental health-related impacts are anticipated.

# EXHIBIT B

201001190209.001

RETURN NAME & ADDRESS

Bart J. Freedman
K&L Gates LLP
925 Fourth Ave., Ste 2900
Seattle, WA 98104-1158

201001190209 53 PGS
01/19/2010 9:44am $114.00
SNOHOMISH COUNTY, WASHINGTON

**Please print neatly or type information**

Document Title(s)

Consent Judgment & Decree of Appropriation

Reference Number(s) of related documents:

Additional Reference #'s on page ____

Grantor(s) (Last, First, and Middle Initial)

King County

Additional Grantors on page 2

Grantee(s) (Last, First, and Middle Initial)

Paramount of Washington, Inc.

Additional Grantees on page ____

Legal Description (abbreviated form: i.e. lot, block, plat or section, township, range, quarter/quarter)

Those portions of Section 35, Township 27 North, Range 3 East, Willamette Meridian

Complete legal on page 6

Assessor's Property Tax Parcel/Account Number(s)

270335-003-011-00; 270335-003-028-00, 270335-003-030-00; 270335-003-036-00, 270335-003-038-00; 270335-003-039-00; 270335-003-040-00;

Additional parcel #'s on page ____

**The Auditor/Recorder will rely on the information provided on this form. The responsibility for the accuracy of the indexing information is that of the document preparer.**

***I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.**

**Signature of Requesting Party**

K:\033868\00075\20125_BJF\20125Q23H7

FILED
JAN 04 2010
SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF SNOHOMISH

| | |
|---|---|
| KING COUNTY, a county of the state of Washington,<br><br>Petitioner,<br><br>v.<br><br>PARAMOUNT OF WASHINGTON, INC., a Washington corporation; NRC ENVIRONMENTAL SERVICES, INC., a Washington corporation; BANK OF AMERICA, N.A.; LAWRENCE MICHAEL INVESTMENTS, LLC;<br><br>Respondents. | No. 05-2-13678-1<br><br>CONSENT JUDGMENT AND DECREE OF APPROPRIATION<br><br>Tax Parcel IDs: 270335-003-011-00;<br>270335-003-028-00;<br>270335-003-030-00;*<br>270335-003-036-00;<br>270335-003-038-00;<br>270335-003-039-00;<br>270335-003-040-00<br><br>**Clerk's Action Required** |

**JUDGMENT SUMMARY**

1. Petitioner: King County

2. Vested Fee Owners: Paramount of Washington LLC ("Paramount")

* The easements set forth in Exhibit E and H to the First Amended Petition in the above-captioned matter, which are attached hereto as part of Exhibit B, are relocatable access easements that currently affect tax parcel nos. 270335-003-011-00, 270335-003-038-00, and 270335-003-039-00. These access easements may be relocated by Paramount and the site of such relocation may, at Paramount's discretion, include but is not limited to, areas within tax parcel nos. 270335-003-028-00 and/or 270335-003-030-00. It is solely for the reason that these access easements may be relocated that these latter two tax parcels are included herein. At Paramount's sole discretion, it may relinquish the right to relocate these access easements to tax parcel nos. 270335-003-028-00 and/or 270335-003-030-00 and if so, these two tax parcels will no longer be subject to any rights of King County in the present action, provided, however, that King County's permanent right of access is preserved.



COPY

K&L GATES LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

3. Principal Judgment: $3,000,000.00

4. Costs and Fees: Each party to bear its own costs and expert and attorneys' fees.

5. Prejudgment Interest: Included in Principal Judgment Amount.

**JUDGMENT AND DECREE**

THIS MATTER having come before the Court upon the consent of the parties upon the First Amended Petition of King County ("Petitioner" or "King County"), seeking:

1) A determination of just compensation to be paid in money for the taking and appropriation of the subject property;

2) A judgment and decree of the Court providing for payment of the just compensation so determined; and

3) A decree of appropriation vesting title to the subject property in King County and adjudging that King County be entitled to immediate possession thereof.

THE COURT HAVING entered its adjudication of public use and necessity, declaring that the use for which the subject property, legally described in **Exhibit A** to this decree, and as described in the First Amended Petition ("Property"), is sought to be appropriated is a public use, and declaring that there is a public necessity for such appropriation. Petitioner King County is represented by Bart J. Freedman, Sarah C. Johnson, and Jessica A. Skelton of K&L Gates LLP, its attorneys, and Respondent Paramount, is represented by Douglas A. Luetjen and J. Dino Vasquez of Karr Tuttle Campbell, its attorneys. The parties have stipulated to and approved the form of this Consent Judgment and Decree of Appropriation.

NOW, THEREFORE, in accordance with the parties' stipulation and agreement, it is hereby

**ORDERED, ADJUDGED, AND DECREED** that the sum of Three Million Dollars and No Cents ($3,000,000.00) represents the just compensation for the Property



K&L GATES LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

taken. In order to satisfy the monetary requirements of the Stipulation and Agreed Order of Immediate Possession and Use, King County previously has deposited One Million Four Hundred Sixty Three Thousand Two Hundred Ten Dollars and No Cents ($1,463,210.00) into the Court registry. This amount is a credit against the principal judgment established in this Consent Judgment. Thus, King County will deposit into the Court's registry the additional amount of One Million Five Hundred Thirty-Six Seven Hundred Ninety Dollars and No Cents ($1,536,790.00).

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that upon deposit of $1,536,790.00 into the Court registry, Petitioner is hereby granted the right to appropriate, use, and take the Property, and all of the right, title, and interest of Respondent in or to the property interests described in Exhibits C, D (as amended by the Settlement Agreement), E, F, G, H, J, and K to the First Amended Petition and attached hereto as **Exhibit B** to this Decree, and of those claiming by, through or under it, and title shall be vested in Petitioner as specified in Exhibit B.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that upon King County's deposit of the amount of $1,536,790.00 into the Court registry, it will provide notice to all parties with an interest in the Property. Paramount, and such parties, if any, must seek disbursement of the funds.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that a certified copy of this Consent Decree and Judgment of Appropriation shall be filed in the Office of the Snohomish County Auditor and shall be recorded by such Auditor like a deed of real estate with like effect.

IT IS SO ORDERED this _____ day of DEC 31 2009, 2009.

STEVEN C. GISH

Snohomish County Superior Court ~~Judge~~ Commr
PRO tem



K&L GATES LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

Presented by:

K&L GATES LLP

By _____
Bart J. Freedman, WSBA # 14187
Sarah C. Johnson, WSBA # 34529
Jessica A. Skelton, WSBA # 36748
Attorneys for Petitioner
King County

Approved as to Form;
Approved for Entry:

KARR TUTTLE CAMPBELL

By _____
Douglas A. Luetjen, WSBA # 15334
J. Dino Vasquez, WSBA # 25533
Attorneys for Respondent
Paramount of Washington LLC



K&L GATES LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

# Exhibit A

# Exhibit A

The Property (Brightwater Parcel No. 19)

Those portions of the Southeast Quarter of the Southwest Quarter, and of Government Lots 3 and 4, all in Section 35, Township 27 North, Range 3 East, Willamette Meridian, all lying west of the Burlington Northern and Santa Fe Railroad Right-of-Way and hereinafter referred to as the "West Parcel";

Together with Second Class Tidelands, as conveyed by the State of Washington, adjoining and abutting thereon;

Excepting from all of the above lands and tidelands, those portions lying northerly of a line described as follows:

Commencing at a point on the westerly right-of-way of the Burlington Northern and Santa Fe Railroad distant 1708.2 feet north of the south boundary of said Section 35 as produced from the southeast corner of said section through the south quarter corner on the south line of said section; thence South 22°54'45" West along the westerly right-of-way line 272.27 feet to the True Point of Beginning of the line herein described; thence North 76°34'18" West 657.50 feet; thence South 0°12'17" West, 193.15 feet; thence North 87°02'52" West, 381.34 feet; thence North 75°41'33" West to the west line of said Tidelands and the terminus of the line herein described.

Also, together with that portion of the southeast quarter of the southwest quarter and of Government Lot 4 and of vacated Heberlein Road, according to Volume 44 of Commissioner's records, page 44 and of a portion of Lot 4, Edmonds Tide Lands, according to the map on file in Olympia, Washington entitled "Plat of Tide Lands of the First Class at the Town of Edmonds", all in Section 35, Township 27 North, Range 3 East, Willamette Meridian, in Snohomish County, said parcel hereinafter referred to as the "East Parcel" and is more particularly described as follows:

Commencing at the south quarter corner of said Section 35; thence North 01°11'56" East along the North-South Centerline of said Section, a distance of 991.97 feet (60 rods by deed); thence North 88°33'35" West, a distance of 943.19 feet to the Point of Beginning of this parcel description; thence South 01°11'56" West a distance of 455.24 feet; thence South 88°33'35" East a distance of 422.92 feet; thence South 01°11'56" West a distance of 20.00 feet; thence South 88°33'35" East a distance of 490.27 feet to the west margin of 116th Avenue Southwest; thence South 01°11'56" West along said margin a distance of 34.70 feet; thence North 88°33'35" West a distance of 616.67 feet; thence North 01°11'56" East a distance of 34.70 feet; thence North 88°33'35" West a distance of 453.60 feet; thence South 01°11'56" West a distance of 259.23 feet; thence North 88°33'35" West a distance of 153.56 feet, more or less, to the easterly right-of-way line of the Seattle and Montana Railway Company, now known as the Burlington Northern Santa Fe Railway; thence along said easterly right-of-way line, the following courses and distances: North 05°29'24" West a distance of 153.31 feet; thence North 01°36'06" West a distance of 65.00 feet to the beginning of a 1382.70 foot radius tangent curve to the right; thence northerly along the arc of said curve through a central angle of 21°46'17" an arc distance of 525.40 feet; thence North 88°33'35" West a distance of 1.50 feet; thence North 24°02'46" East a distance of 265.00 feet; thence South 31°23'24" East a distance of 291.15 feet to the Point of Beginning.

# Exhibit B

# Exhibit C

## To First Amended Petition

# FEE PARCEL

Being that portion of the "West Parcel" (defined below) described as follows and depicted on Schedule C-1 attached hereto:

Commencing at the South Quarter Corner of said Section 35; thence along the south line of said section, North 88°33'35" West 1306.22 feet to the westerly right-of-way line of the Burlington Northern Santa Fe Railway and the True Point of Beginning; thence along said westerly right-of-way line, North 05°29'24" West 221.33 feet; thence North 88°33'35" West 64.24 feet; thence South 83°44'46" West 150.85 feet; thence South 55°49'32" West 62.29 feet; thence South 40°13'07" East 218.50 feet to said south line; thence along said south line, South 88°33'35" East 145.84 feet to the True Point of Beginning.

<u>West Parcel</u>

Those portions of the Southeast Quarter of the Southwest Quarter, and of Government Lots 3 and 4, all in Section 35, Township 27 North, Range 3 East, Willamette Meridian, all lying west of the Burlington Northern and Santa Fe Railroad Right-of-Way and hereinafter referred to as the "West Parcel;"

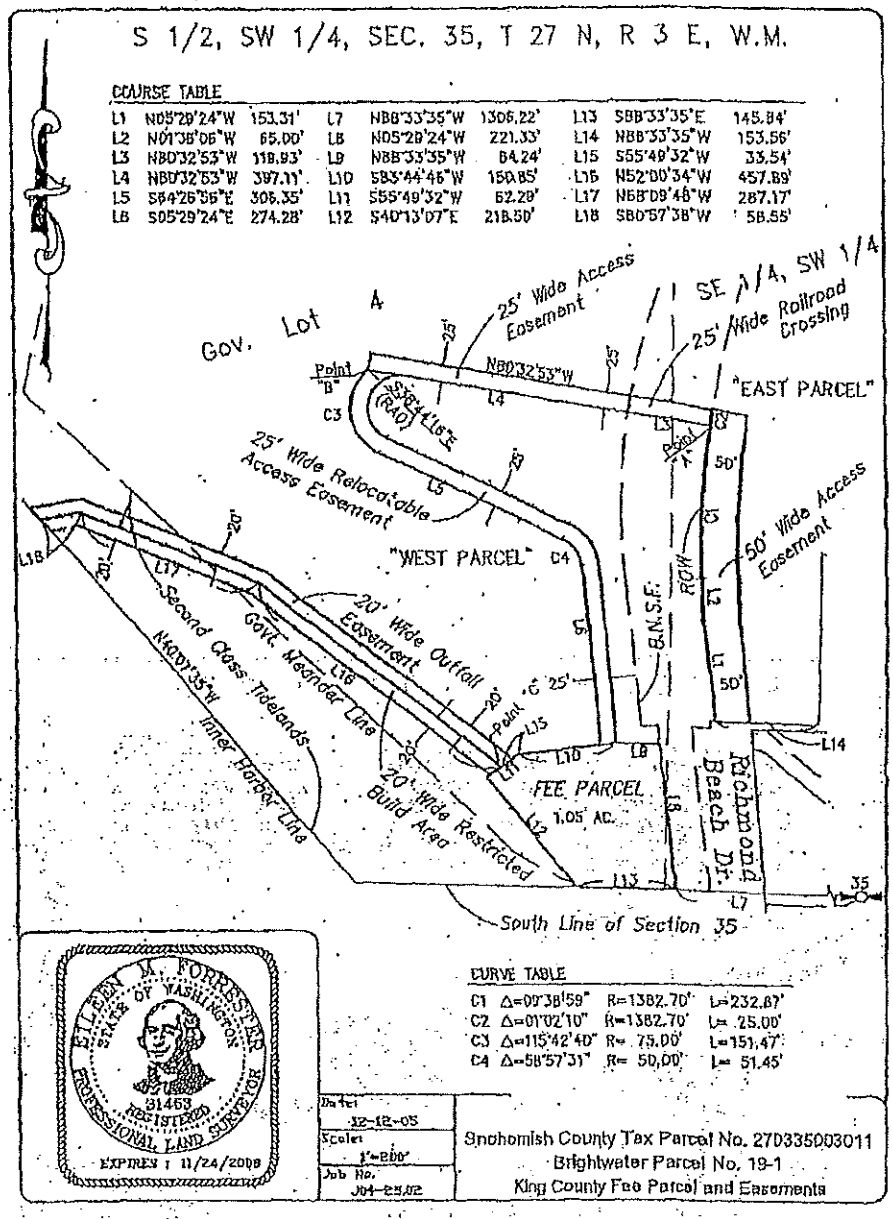
Together with Second Class Tidelands, as conveyed by the State of Washington, adjoining and abutting thereon;

Excepting from all of the above lands and tidelands, those portions lying northerly of a line described as follows:

Commencing at a point on the westerly right-of-way of the Burlington Northern and Santa Fe Railroad distant 1708.2 feet north of the south boundary of said Section 35 as produced from the southeast corner of said section through the south quarter corner on the south line of said section; thence South 22°54'45" West along the westerly right-of-way line 272.27 feet to the True Point of Beginning of the line herein described; thence North 76°34'18" West 657.50 feet; thence South 0°12'17" West, 193.15 feet; thence North 87°02'52" West, 381.34 feet; thence North 75°41'33" West to the west line of said Tidelands and the terminus of the line herein described.

K:\43\170\00004\BF\BF__D2XFY

# SCHEDULE C-1


S 1/2, SW 1/4, SEC. 35, T 27 N, R 3 E, W.M.
COURSE TABLE
L1 N05°29'24"W 153.31'
L2 N01°36'06"W 65.00'
L3 N80°32'53"W 118.93'
L4 N80°32'53"W 397.11'
L5 S64°26'56"E 306.35'
L6 S05°29'24"E 274.28'
L7 N88°33'35"W 1306.22'
L8 N05°28'24"W 221.33'
L9 N88°33'35"W 84.24'
L10 S83°44'46"W 159.85'
L11 S55°49'32"W 62.28'
L12 S40°13'07"E 218.50'
L13 S88°33'35"E 145.84'
L14 N88°33'35"W 153.56'
L15 S55°49'32"W 33.54'
L16 N52°00'34"W 457.89'
L17 N68°09'48"W 287.17'
L18 S80°57'38"W 58.55'
Gov. Lot 4
25' Wide Access Easement
SE 1/4, SW 1/4
25' Wide Railroad Crossing
Point "B"
N80°32'53"W
"EAST PARCEL"
Point "A"
25' Wide Relocatable Access Easement
"WEST PARCEL"
50' Wide Access Easement
B.N.S.F. ROW
20' Wide Outfall Easement
Point "C"
Govt. Meander Line
Second Class Tidelands
N40°13'07"W
Inner Harbor Line
20' Wide Restricted Build Area
FEE PARCEL
1.05 AC.
Richmond Beach Dr.
South Line of Section 35
CURVE TABLE
C1 Δ=09°38'59" R=1382.70' L=232.67'
C2 Δ=01°02'10" R=1382.70' L=25.00'
C3 Δ=115°42'40" R=75.00' L=151.47'
C4 Δ=58°57'31" R=50.00' L=51.45'
EILEEN M. FORRESTER
STATE OF WASHINGTON
31463
REGISTERED
PROFESSIONAL LAND SURVEYOR
EXPIRES: 11/24/2008
Date 12-12-05
Scale 1"=200'
Job No. 304-25.02
Snohomish County Tax Parcel No. 27033500301 1
Brightwater Parcel No. 19-1
King County Fee Parcel and Easements

# Exhibit D

## To First Amended Petition

Permanent Outfall Easement, as depicted on the attached Exhibit D-1

A 19.90 foot wide strip of land, the southwesterly line of which is described as follows:

Commencing at the South Quarter Corner of said Section 35; thence along the south line of said section, North 88°33'35" West 1306.22 feet to the westerly right-of-way line of the Burlington Northern Santa Fe Railway; thence along said westerly right-of-way line, North 05°29'24" West 221.33 feet; thence North 88°33'35" West 64.24 feet; thence South 83°44'46" West 150.85 feet; thence South 55°49'32" West 33.54 feet to the True Point of Beginning, said point hereinafter referred to as Point "C"; thence North 52°00'34" West 457.89 feet; thence North 68°09'48" West 287.17 feet; thence South 80°57'38" West 58.55 feet to the southwesterly line of the Second Class Tidelands and the terminus of said strip of land;

Said strip of land shall be lengthened or shortened southerly so as to terminate in a line that bears South 55°49'32" West from the True Point of Beginning and westerly so as to terminate in said southwesterly line of the Second Class Tidelands;

Together With a 6.00 foot wide strip of land, the southwesterly line of which is described as follows:

Beginning at said Point "C"; thence North 52°00'34" West 457.89 feet; thence North 37°59'26" East 19.90 feet to the True Point of Beginning; thence North 52°00'34" West 2.82 feet; thence North 68°09'48" West 8.82 feet to the terminus of said strip.

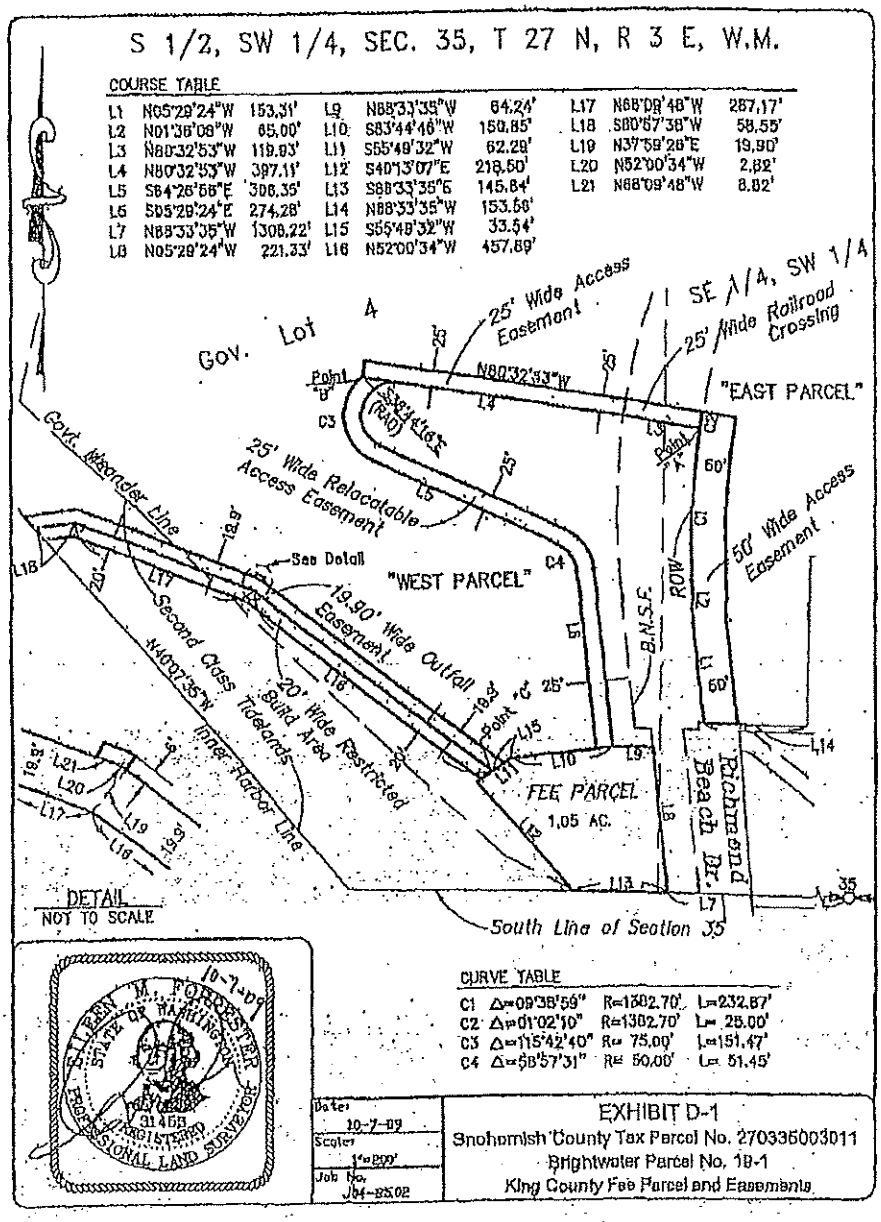
Permanent Restricted Build Area, as depicted on the attached Exhibit D-1

A 20.00 foot wide strip of land, the northeasterly line of which is described as follows:

Beginning at the hereinabove described Point "C"; thence North 52°00'34" West 457.89 feet; thence North 68°09'48" West 287.17 feet; thence South 80°57'38" West 58.55 feet to the southwesterly line of the Second Class Tidelands and the terminus of said strip of land.

Said strip of land shall be lengthened or shortened southerly so as to terminate in a line that bears South 55°49'32" West and passes through the Point of Beginning and westerly so as to terminate in said southwesterly line of the Second Class Tidelands.

# SCHEDULE D-1


S 1/2, SW 1/4, SEC. 35, T 27 N, R 3 E, W.M.
COURSE TABLE
L1 N05°29'24"W 153.31'
L2 N01°36'09"W 65.00'
L3 N80°32'53"W 119.93'
L4 N80°32'53"W 387.11'
L5 S64°26'56"E 306.35'
L6 S05°29'24"E 274.28'
L7 N88°33'35"W 1308.22'
L8 N05°29'24"W 221.33'
L9 N88°33'35"W 64.24'
L10 S83°44'46"W 150.85'
L11 S55°49'32"W 62.29'
L12 S40°13'07"E 218.50'
L13 S88°33'35"E 145.84'
L14 N88°33'35"W 153.56'
L15 S55°49'32"W 33.54'
L16 N52°00'34"W 457.89'
L17 N88°09'48"W 287.17'
L18 S80°57'38"W 58.55'
L19 N37°59'28"E 19.90'
L20 N52°00'34"W 2.82'
L21 N88°09'48"W 8.82'
Gov. Lot 4
25' Wide Access Easement
SE 1/4, SW 1/4
25' Wide Railroad Crossing
"EAST PARCEL"
Point "B"
Point "A"
Govt. Meander Line
25' Wide Relocatable Access Easement
See Detail
"WEST PARCEL"
50' Wide Access Easement
B.N.S.F.
ROW
19.50' Wide Outfall Easement
Second Class Tidelands
20' Wide Restricted Build Area
Point "C"
Inner Harbor Line
FEE PARCEL
1.05 AC.
Richmond Beach Dr.
DETAIL
NOT TO SCALE
South Line of Section 35
CURVE TABLE
C1 Δ=09°38'59" R=1302.70' L=232.87'
C2 Δ=01°02'10" R=1302.70' L=28.00'
C3 Δ=115°42'40" R=75.00' L=151.47'
C4 Δ=58°57'31" R=50.00' L=51.45'
10-7-09
STATE OF WASHINGTON
31468
REGISTERED PROFESSIONAL LAND SURVEYOR
Date: 10-7-09
Scale: 1"=200'
Job No. 04-85.02
EXHIBIT D-1
Snohomish County Tax Parcel No. 270335003011
Brightwater Parcel No. 18-1
King County Fee Parcel and Easements

# Exhibit E

## To First Amended Petition

## PERMANENT RAILROAD CROSSING

The non-exclusive 25-foot wide permanent easement for pedestrian and vehicular access and installation of utility lines over an existing railroad right of way using an existing overhead bridge, the location of which is legally described below and depicted on Schedule E-1 attached hereto. The easement, will be used by King County, its agents, employees, contractors, subcontractors, invitees, and their respective successors and assigns to provide for pedestrian and vehicular access and installation of utility lines utilizing the existing overhead trestle bridge to cross over the existing railroad right of way currently owned by Burlington Northern Santa Fe Railway as it may be relocated by the owner and Burlington Northern Sante Fe Railway from time to time. King County's rights to use this trestle are non-exclusive and co-extensive with those rights granted the current owner's predecessor in interest pursuant to those certain agreements dated May 3, 1923 and September 24, 1965 with the Great Northern Railway Company and assigned to Paramount of Washington, Inc. under document recorded in the official records of Snohomish County Washington under Recording No. 200503150686 and further assigned by purported operation of law to Paramount of Washington, LLC, a Delaware limited liability company ("Paramount") and any other operating agreements between Burlington Northern Santa Fe Railway and Paramount of Washington, LLC or any of their respective predecessors-in-interest or successors-in-interest, (collectively the "Trestle Agreements") and in the event the trestle bridge is relocated, King County's easement rights for pedestrian and vehicular access and installation of utility lines as described above shall be automatically extended to the trestle bridge as relocated, without further action and without payment of additional compensation. Further, without relieving Paramount or its successors of any obligation under the Trestle Agreements, King County shall have the right, but not the obligation to repair or replace the existing trestle bridge if Paramount or its successors fail to maintain the bridge in good order and in the condition necessary for King County's requirements.

Legal Description

A 25.00 foot wide strip of land, the southerly line of which is described as follows:

Commencing at the south quarter corner of said Section 35; thence North 01°11'56" East along the North-South Centerline of said Section, 991.97 feet (60 rods by deed); thence North 88°33'35" West 943.19 feet; thence South 01°11'56" West 455.24 feet; thence South 88°33'35" East 422.92 feet; thence South 01°11'56" West 20.00 feet; thence South 88°33'35" East 490.27 feet to the west margin of 116th Avenue Southwest; thence South 01°11'56" West along said margin 34.70 feet; thence North 88°33'35" West 616.67 feet; thence North 01°11'56" East 34.70 feet; thence North 88°33'35" West 453.60 feet; thence South 01°11'56" West 259.23 feet; thence North 88°33'35" West 153.56 feet, more or less, to the easterly right-of-way line of the Seattle and Montana Railway Company, now known as the Burlington Northern Santa Fe Railway; thence along said easterly right-of-way line through the following courses:
North 05°29'24" West 153.31 feet; thence North 01°36'06" West 65.00 feet to the beginning of a tangent curve to the right having a radius of 1382.70 feet; thence northerly along said curve

232.87 feet through a central angle of 09°38'59" to the True Point of Beginning, said point hereinafter referred to as Point "A"; thence North 80°32'53" West 119.93 feet to the westerly right-of-way line of the Burlington Northern Santa Fe Railway and the terminus of said strip of land.

Said strip of land shall be lengthened or shortened westerly so as to terminate in said westerly right-of-way line of the Burlington Northern Santa Fe Railway and easterly so as to terminate in said easterly right-of-way line of the Burlington Northern Santa Fe Railway (the "Railway").

The property owner shall have the right to relocate the trestle bridge, at its sole cost and expense, so long as each of the following conditions is satisfied prior to any relocation of the trestle bridge or demolition of the existing trestle bridge:

(a) The property owner obtains an amendment to the Trestle Agreement or another agreement with the Railway setting forth the agreement of the Railway to the relocation of the trestle bridge and consenting to King County's non-exclusive and co-extensive use rights;

(b) The property owner obtains for the benefit of King County, any amendments to existing easements or new easements in recordable form (including preparation of a revised legal description) and otherwise in form and substance satisfactory to King county (including an agreement to cause the construction or extension of road and other improvements) as may be reasonably necessary for King County, its agents, employees, contractors, subcontractors, invitees and their respective successors and assigns (collectively, "King County Parties") to have continuing comparable pedestrian, vehicular and utility access to the remainder of its fee and easement parcels acquired concurrently herewith, which amendments or new easements shall be obtained and any new roadway and other improvements installed prior to any relocation of the trestle bridge so that there are no strips, gaps or gores between any one or more access easements which King County utilizes to access its fee and easement parcels and a public street and no material interruption with, or disruption of, the right of King County and the King County Parties to continuous and uninterrupted pedestrian, vehicular and utility access utilizing the trestle bridge;

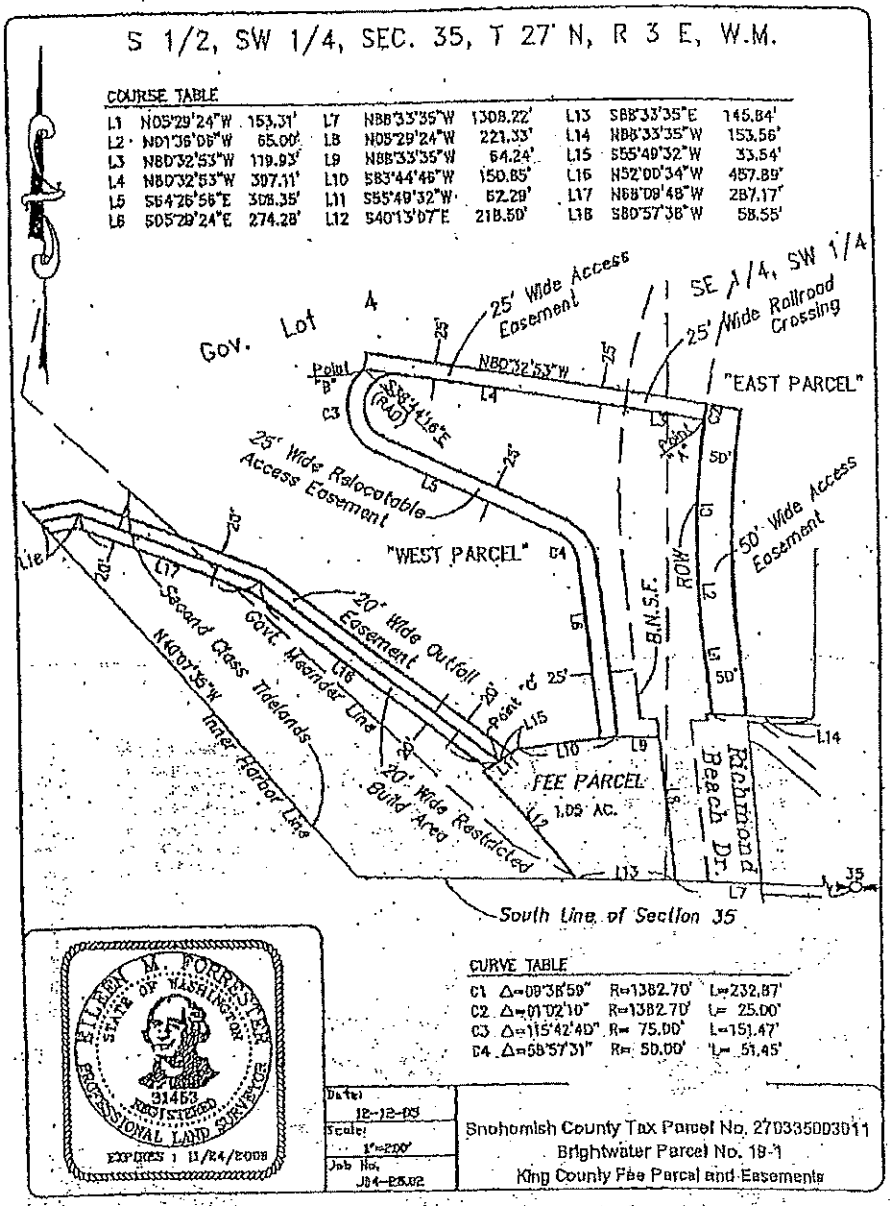
(c) Any relocation of the trestle bridge permanent access easement shall provide reasonably comparable access to King County's fee and easement parcels as that provided by the existing trestle bridge;

(d) The property owner obtains all permits required to relocate the trestle bridge and related road and other easements and construct any necessary road and other improvements;

(e) Any relocated trestle bridge and related road and other easement improvements shall comply with all applicable laws, rules and regulations; and

(f) There shall be no demolition of the existing trestle bridge or termination of any easement with respect thereto unless all of the conditions set forth above have been satisfied with respect to the relocated trestle bridge and ancillary and necessary easements.

# SCHEDULE E-1


S 1/2, SW 1/4, SEC. 35, T 27 N, R 3 E, W.M.
COURSE TABLE
L1 N05°29'24"W 153.31'
L2 N01°36'06"W 65.00'
L3 N80°32'53"W 119.93'
L4 N80°32'53"W 307.11'
L5 S64°26'56"E 308.35'
L8 S05°29'24"E 274.28'
L7 N88°33'35"W 1308.22'
L8 N05°29'24"W 221.33'
L9 N88°33'35"W 64.24'
L10 S83°44'46"W 150.85'
L11 S55°49'32"W 62.29'
L12 S40°13'07"E 218.50'
L13 S88°33'35"E 145.84'
L14 N88°33'35"W 153.56'
L15 S55°49'32"W 33.54'
L16 N52°00'34"W 457.89'
L17 N68°09'48"W 287.17'
L18 S80°57'38"W 58.55'
Gov. Lot 4
25' Wide Access Easement
SE 1/4, SW 1/4
25' Wide Railroad Crossing
"EAST PARCEL"
Point "B"
N80°32'53"W
S83°44'46"E (RAD)
25' Wide Relocatable Access Easement
"WEST PARCEL"
50' Wide Access Easement
B.N.S.F. ROW
20' Wide Outfall Easement
Point "C"
Second Class Tidelands
Govt. Meander Line
N40°07'39"W
Inner Harbor Line
20' Wide Restricted Build Area
FEE PARCEL
1.09 AC.
Richmond Beach Dr.
South Line of Section 35
CURVE TABLE
C1 Δ=09°38'59" R=1382.70' L=232.87'
C2 Δ=01°02'10" R=1382.70' L= 25.00'
C3 Δ=115°42'40" R= 75.00' L=151.47'
C4 Δ=58°57'31" R= 50.00' L= 51.45'
KILLEEN M. FORRESTER
STATE OF WASHINGTON
31453
REGISTERED
PROFESSIONAL LAND SURVEYOR
EXPIRES 11/24/2008
Date: 12-12-08
Scale: 1"=200'
Job No. J84-28.02
Snohomish County Tax Parcel No. 27033500301 1
Brightwater Parcel No. 19-1
King County Fee Parcel and Easements

# Exhibit F

## To First Amended Petition

## "CORE" TEMPORARY EASEMENT

The "core" temporary easement area, is legally described below and depicted on Schedule F-1 attached hereto, will be used by King County and its agents, employees, contractors, subcontractors and invitees for the construction of Brightwater Wastewater Treatment conveyance facilities, including, but not limited to, mobilization, site preparation and grading, portal excavation and construction, assembly and launch of the tunnel boring machine (TBM), support of the TBM during tunnel excavation, which includes lighting, ventilation, removal of excavated material, storage of pipeline segments, and equipment maintenance, storage of equipment and construction materials, stockpiling materials, storm water handling facilities, loading and unloading of trucks and/or railcars, conveyors, trailers, utilities, tunnel excavation, tunnel lining, facility structures construction, outfall construction, environmental mitigation/monitoring, roadwork; trestle bridge repair (to the extent necessary to utilize the existing trestle bridge for pedestrian, vehicular and utility access), landscaping, and final site cleanup, together with the right for access by pedestrians, vehicles and equipment and utility services from Richmond Beach Road to the core temporary easement area utilizing the other access easements described elsewhere in this petition.

Legal Description of the "Core" Easement Area

Those portions of the Southeast Quarter of the Southwest Quarter, and of Government Lots 3 and 4, all in Section 35, Township 27 North, Range 3 East, Willamette Meridian, all lying west of the Burlington Northern and Santa Fe Railroad Right-of-Way and hereinafter referred to as the "West Parcel;"

Together with Second Class Tidelands, as conveyed by the State of Washington, adjoining and abutting thereon;

Excepting from all of the above lands and tidelands, those portions lying northerly of a line described as follows:

Commencing at a point on the westerly right-of-way of the Burlington Northern and Santa Fe Railroad distant 1708.2 feet north of the south boundary of said Section 35 as produced from the southeast corner of said section through the south quarter corner on the south line of said section; thence South 22°54'45" West along the westerly right-of-way line 272.27 feet to the True Point of Beginning of the line herein described; thence North 76°34'18" West 657.50 feet; thence South 0°12'17" West, 193.15 feet; thence North 87°02'52" West, 381.34 feet; thence North 75°41'33" West to the west line of said Tidelands and the terminus of the line herein described.

Being that portion of the hereinabove described "West Parcel" described as follows:

Commencing at the South Quarter Corner of said Section 35; thence along the south line of said section, North 88°33'35" West 1306.22 feet to the westerly right-of-way line of the Burlington Northern Santa Fe Railway; thence along said westerly right-of-way line, North 05°29'24" West 221.33 feet to the True Point of Beginning; thence continuing North 88°33'35" West 64.24 feet;

thence South 83°44'46" West 150.85 feet; thence South 55°49'32" West 62.29 feet; thence South 40°13'07" East 218.50 feet to said south line of Section 35; thence along said south line and the westerly prolongation thereof, North 88°33'35" West 335.71 feet to the westerly line of the Second Class Tidelands; thence along said westerly line, North 40°07'35" West 882.48 feet; thence South 88°33'35" East 451.30 feet to a point hereinafter referred to as Point "A"; thence North 01°11'25" East 102.98 feet; thence EAST 93.26 feet; thence North 00°21'29" West 68.57 feet; thence South 80°32'53" East 331.29 feet to a point hereinafter referred to as Point "B"; thence continuing South 80°32'53" East 123.25 feet to a point hereinafter referred to as Point "C", said point being on said westerly right-of-way line, said point also on a non-tangent curve to the left having a radius of 1004.93 feet, a radial line of said curve from said point bears South 78°33'59" East; thence along said westerly right-of-way line through the following courses: along said curve southerly 296.83 feet through a central angle of 16°55'25"; thence tangent from said curve, South 05°29'24" East 229.29 feet; thence South 88°33'35" East 25.18 feet; thence South 05°29'24" East 27.99 feet to the True Point of Beginning.

The property owner shall have ongoing access to the "core" temporary easement area to the extent necessary for future remediation activities by or on behalf of the property owner associated with soil and groundwater contamination if, in King County's sole determination, said remediation activities do not interfere with King County's construction activities. Owner may conduct groundwater and soil remediation activities consistent with King County's use of the property with King County's written consent. Owner shall submit detailed remediation plans to King County for its review prior to Owner's undertaking such remediation activities.

The foregoing easement rights will be in force and effect from July 2006 to completion of project construction and restoration in approximately November 2010 provided that King County may extend the term of the "core" temporary easement area for a period not to exceed three years (with compensation for that extra time at a previously calculated annual amount).

In addition, there are a number of property owner improvements within the "core" area. King County's activities will effect the owner improvements in the following ways:

(a) The electrical service/switch gear serving the current owner, located near east line, will be preserved during King County's use. The owner's access to the switch will not be affected.

(b) The existing frame building in northeast corner (south of access trestle) will be preserved during King County's use.

(c) The groundwater pump & treatment system, including the extraction wells that are located near seawall at the northwest corner, will be preserved in their current location. In addition, the owner will have access to that system during construction.

(d) The fire water loop from the northeast corner just south of trestle access bridge to northwest corner near seawall will be relocated during construction and will remain relocated after construction is completed. The current owner will continue to have access to the relocated fire loop during construction.

(e) The outfall#3 Woodway storm drain located north of and parallel with the north line of the fee parcel and west and generally parallel with the west line of the Burlington Northern Santa Fe Railway right of way will be preserved during construction. The property owner will have continued access to this storm drain during King County's use.

(f) The storm drain pumping system, currently serving this area, consisting of two pumps and associated sumps and discharge piping, located near the seawall at the Northwest corner, will be preserved and maintained during construction. The property owner will not have access during construction.

(g) The storm drain collection system currently serving this area, consisting of several catch basins, inlets and small diameter drainage pipes which currently convey stormwater from the site to the storm drain pumping system will be relocated or removed as necessary to accommodate King County's construction. The property owner will not have access to this storm drainage system during construction. Further, any changes made by King County will remain after the temporary construction period. The County will ensure, however, that the storm drain collection system functions after construction as well as it did before the construction.

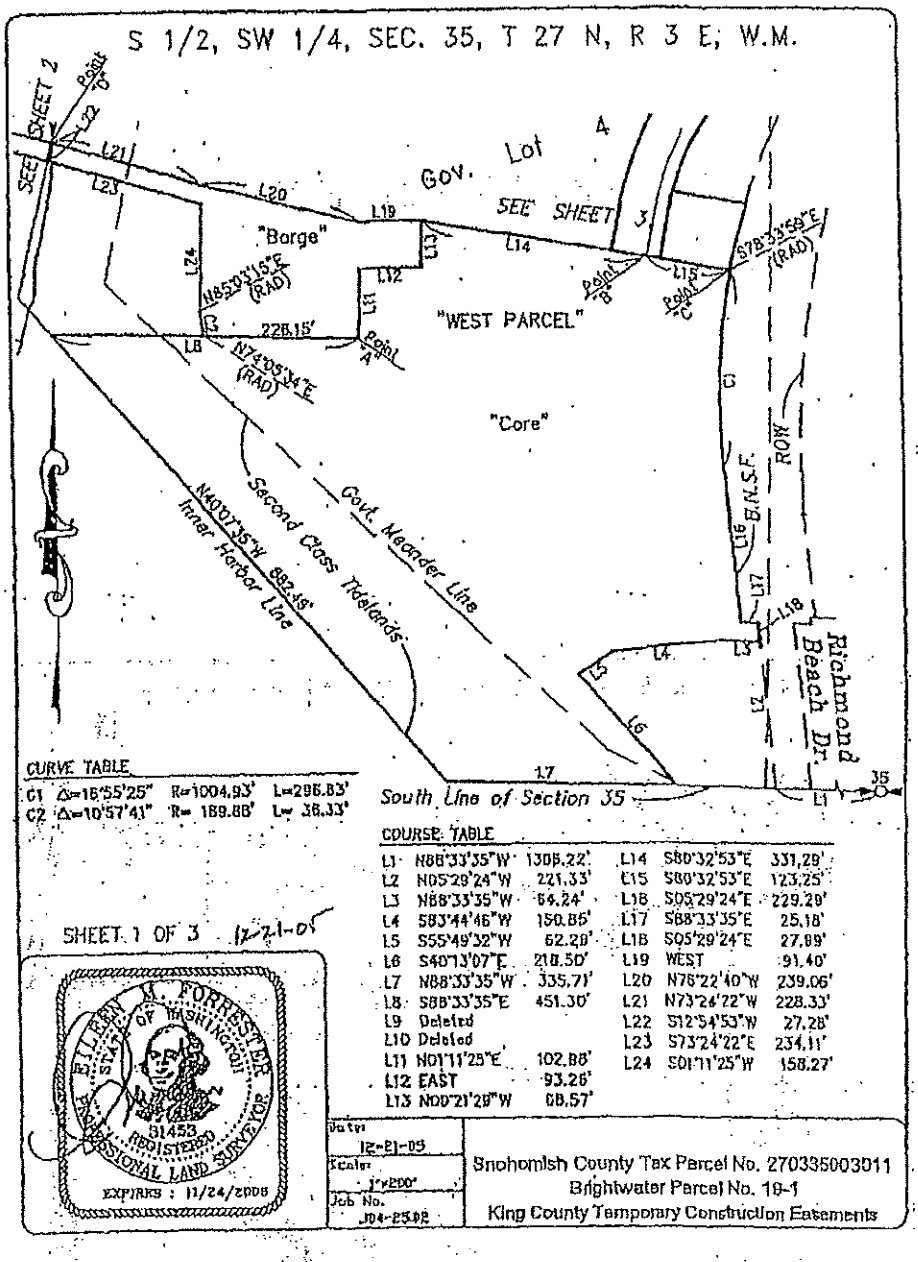
(h) The two existing storm drainage catchbasins connected to the Storm Drain Pump System serving the parking area North of the Trestle Access Bridge (built in 1965) and located south of the trestle will be modified during King County's temporary use. These modifications will be removed and this storm drainage system restored after construction. The modifications will not inhibit the storm drainage system's functioning during construction.

(i) Some operating utilities within the "core" temporary construction work space will be relocated, some may be preserved and maintained. All utilities will continue to operate during King County's construction.

(j) The owner-owned extraction and monitoring wells will be preserved to the extent possible. Some of these wells may need to be relocated permanently, but King County will ensure they function in the same manner as they did before relocation. Access to these extraction and monitoring wells will be preserved throughout construction.

After King County has completed its use of the "core" area it will regrade and restore the surface of the property as nearly as practicable to the condition that existed prior to commence of King County's work within the temporary construction easement area.

# SCHEDULE F-1




CURVE TABLE

| | | | |
|---|---|---|---|
| C1 | Δ=16°55'25" | R=1004.93' | L=296.83' |
| C2 | Δ=10°57'43" | R= 189.88' | L= 36.33' |

COURSE TABLE

| | | | | | |
|---|---|---|---|---|---|
| L1 | N88°33'35"W | 1308.22' | L14 | S80°32'53"E | 331.29' |
| L2 | N05°29'24"W | 221.33' | L15 | S80°32'53"E | 123.25' |
| L3 | N88°33'35"W | 64.24' | L16 | S05°29'24"E | 229.29' |
| L4 | S83°44'46"W | 150.85' | L17 | S88°33'35"E | 25.18' |
| L5 | S55°49'32"W | 62.29' | L18 | S05°29'24"E | 27.89' |
| L6 | S40°13'07"E | 218.50' | L19 | WEST | 91.40' |
| L7 | N88°33'35"W | 335.71' | L20 | N76°22'40"W | 239.06' |
| L8 | S88°33'35"E | 451.30' | L21 | N73°24'22"W | 228.33' |
| L9 | Deleted | | L22 | S12°54'53"W | 27.28' |
| L10 | Deleted | | L23 | S73°24'22"E | 234.11' |
| L11 | N01°11'25"E | 102.86' | L24 | S01°11'25"W | 158.27' |
| L12 | EAST | 93.26' | | | |
| L13 | N00°21'29"W | 68.57' | | | |

SHEET 1 OF 3 12-21-05

ELLEN M. FORRESTER
STATE OF WASHINGTON
31453
REGISTERED PROFESSIONAL LAND SURVEYOR
EXPIRES : 11/24/2006

| | |
|---|---|
| Date: | 12-21-05 |
| Scale: | 1"=200' |
| Job No. | 304-2502 |

Snohomish County Tax Parcel No. 270335003011
Brightwater Parcel No. 19-1
King County Temporary Construction Easements

# Exhibit G

## To First Amended Petition

## TEMPORARY BARGE AND DOCK EASEMENT

1. The Barge Parcel

The "Barge" temporary construction easement will grant King County and its agents, employees, contractors, subcontractors and invitees the right to use the "Barge" temporary easement area legally described below and depicted on Schedule G-1 and G-2 as attached hereto, including the right to moor barges to the dock for the installation, use, operation, maintenance, repair and replacement of the conveyor machine which will transport dirt and spoils from the excavation of the portal and outfall pipelines to the dock. From the dock the dirt and spoils will be removed from the site by barge. This "Barge" area also allows King County and its agents, employees, contractors, subcontractors, and invitees the right of ingress and egress to the dock area and for any maintenance of the conveyor machinery and associated equipment and appurtenances. This temporary construction easement is exclusive during King County's use of the area.

Legal Description of the "Barge" Parcel

West Parcel

Those portions of the Southeast Quarter of the Southwest Quarter, and of Government Lots 3 and 4, all in Section 35, Township 27 North, Range 3 East, Willamette Meridian, all lying west of the Burlington Northern and Santa Fe Railroad Right-of-Way and hereinafter referred to as the "West Parcel;"

Together with Second Class Tidelands, as conveyed by the State of Washington, adjoining and abutting thereon;

Excepting from all of the above lands and tidelands, those portions lying northerly of a line described as follows:

Commencing at a point on the westerly right-of-way of the Burlington Northern and Santa Fe Railroad distant 1708.2 feet north of the south boundary of said Section 35 as produced from the southeast corner of said section through the south quarter corner on the south line of said section; thence South 22°54'45" West along the westerly right-of-way line 272.27 feet to the True Point of Beginning of the line herein described; thence North 76°34'18" West 657.50 feet; thence South 0°12'17" West, 193.15 feet; thence North 87°02'52" West, 381.34 feet; thence North 75°41'33" West to the west line of said Tidelands and the terminus of the line herein described.

Being that portion of the hereinabove described "West Parcel" described as follows:

Commencing at the South Quarter Corner of said Section 35; thence along the south line of said section, North 88°33'35" West 1306.22 feet to the westerly right-of-way line of the Burlington Northern Santa Fe Railway; thence along said westerly right-of-way line, North 05°29'24" West 221.33 feet; thence North 88°33'35" West 64.24 feet; thence South 83°44'46" West 150.85 feet;

thence South 55°49'32" West 62.29 feet; thence South 40°13'07" East 218.50 feet to said south line of Section 35; thence along said south line and the westerly prolongation thereof, North 88°33'35" West 335.71 feet to the westerly line of the Second Class Tidelands; thence along said westerly line, North 40°07'35" West 882.48 feet; thence South 88°33'35" East 451.30 feet to the True Point of Beginning, said point hereinafter referred to as Point "A"; thence North 01°11'25" East 102.98 feet; thence EAST 93.26 feet; thence North 00°21'29" West 68.57 feet; thence WEST 91.40 feet; thence North 76°22'40" West 239.06 feet; thence North 73°24'22" West 228.33 feet to a point on the westerly line of the Second Class Tidelands, said point hereinafter referred to as Point "D"; thence along said westerly line, South 12°54'53" West 27.28 feet; thence South 73°24'22" East 234.11 feet; thence South 01°11'25" West 158.27 feet to a point on a non-tangent curve to the left having a radius of 189.89 feet, a radial line of said curve from said point bears North 85°03'15" East; thence along said curve southerly 36.33 feet through a central angle of 10°57'41" to a line that bears North 88°33'35" West from the Point of Beginning; thence South 88°33'35" East 226.15 feet to the True Point of Beginning.

2. The "DNR Parcel"

In addition, to the "Barge" area, King County and its agents, employees, contractors, subcontractors and invitees shall have a temporary non exclusive easement over the southerly 551.21' feet of the owner's dock, as depicted on Schedule G-2, known as the "DNR parcel." (which is leased by the owner from the State of Washington Department of Natural Resources, as the same may be renewed, modified, extended or renegotiated from time to time) for the purpose of the periodic transport of dirt and spoils from the excavation of the outfall pipeline portal and other construction activities associated with the Brightwater Wastewater Treatment facility via barges which shall have the right to moor at the dock during such load/unloading activities. There will be no more than 2 barges per week and the arrival and departure of each barge from the dock will be coordinated with the owner of the property. The temporary dock easement includes the right by King County to make improvements to the dock, the pier and pilings as required in order for the dock to meet structural requirements caused by such use. These improvements will remain after the County's temporary use. This easement is not exclusive and will be shared with the owner. The property owner shall not voluntarily terminate the DNR parcel lease, or amend, modify or renegotiate the terms of the DNR parcel lease if any such amendment, modification or renegotiation would adversely affect King County's rights under the barge and dock easements described herein so long as the temporary barge and dock easements remain in full force and effect.

Legal Description of "DNR" Parcel

Being that portion of the Beds of Puget Sound described as follows:

Beginning at the hereinabove described Point "D"; thence North 73°24'22" West 88.07 feet; thence North 16°41'54" East 261.76 feet; thence North 73°24'22" West 104.65 feet to the westerly line of the Department of Natural Resources Agreement No. 20-013465; thence along said westerly line and along the southerly line of said agreement, South 17°02'25" West 551.21 feet and South 72°57'35" East 107.94 feet; thence North 16°41'54" East 263.05 feet; thence

South 73°24'22" East 89.84 feet to the westerly line of the Second Class Tidelands; thence North 12°58'25" East 27.28 feet to the Point of Beginning.

Use of the Barge temporary easement and "DNR Parcel" are necessary from issuance of the Notice to Proceed until completion of staging area use in approximately October 2010 provided that King County may extend the term of such temporary easements for a period not to exceed three years (with compensation established by a previously calculated annual amount).

Within the Barge temporary easement area and the "DNR Parcel" area there are a number of property improvements. These improvements will be affected as follows:

(a) The groundwater pump & treat system including extraction wells, located near the seawall at Northwest corner will be preserved during construction. The property owner will have continued access to this system during construction.

(b) The current property owner will continue to have access and use of the south dock, except for two 30-day windows when King County's conveyor located on the dock will be installed and removed. In addition, the south dock's surface may be modified during King County's temporary use to accommodate King County's equipment, but any modifications will be removed and the dock restored to the substantially its original condition upon termination of such temporary easements.

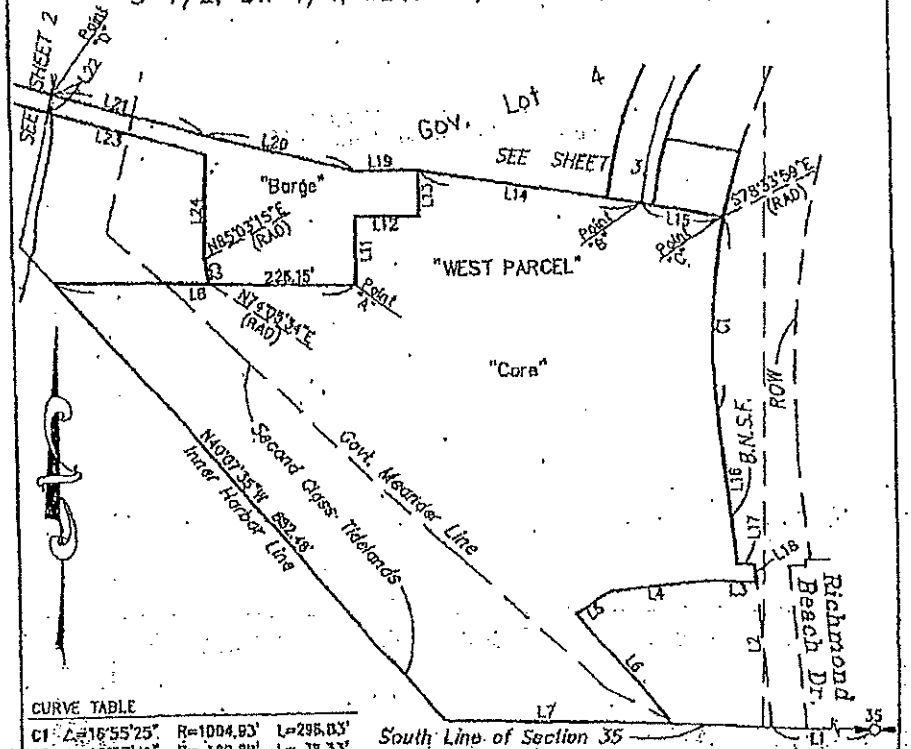
(c) The shed on the south side of the dock may be removed during King County's temporary use.

(d) The existing dock fire water system will be preserved during the term of the temporary easement period. It will not be moved and the property owner will have access to it at all times.

(e) The current property owner will have continued access to the seawall for boom deployment. This boom deployment equipment may be relocated during construction, but only to ensure the owner's continued access.

# SCHEDULE G-1

S 1/2, SW 1/4, SEC. 35, T 27 N, R 3 E, W.M.




CURVE TABLE

| | | | |
|---|---|---|---|
| C1 | Δ=16°55'25" | R=1004.93' | L=296.83' |
| C2 | Δ=10°57'41" | R= 189.88' | L= 38.33' |

COURSE TABLE

| | | | | | |
|---|---|---|---|---|---|
| L1 | N88°33'35"W | 1306.22' | L14 | S80°32'53"E | 331.29' |
| L2 | N05°29'24"W | 221.33' | L15 | S80°32'53"E | 123.25' |
| L3 | N88°33'35"W | 54.24' | L16 | S05°29'24"E | 229.29' |
| L4 | S83°44'46"W | 150.85' | L17 | S88°33'35"E | 25.18' |
| L5 | S55°49'32"W | 62.29' | L18 | S05°29'24"E | 27.99' |
| L6 | S40°13'07"E | 218.50' | L19 | WEST | 91.40' |
| L7 | N88°33'35"W | 335.71' | L20 | N76°22'40"W | 239.06' |
| L8 | S88°33'35"E | 451.30' | L21 | N73°24'22"W | 228.33' |
| L9 | Deleted | | L22 | S12°54'53"W | 27.28' |
| L10 | Deleted | | L23 | S73°24'22"E | 234.11' |
| L11 | N01°11'25"E | 102.98' | L24 | S01°11'25"W | 158.27' |
| L12 | EAST | 93.26' | | | |
| L13 | N00°21'29"W | 68.57' | | | |

SHEET 1 OF 3 12-21-05

EILEEN M. FORRESTER
STATE OF WASHINGTON
31453
REGISTERED
PROFESSIONAL LAND SURVEYOR
EXPIRES : 11/24/2008

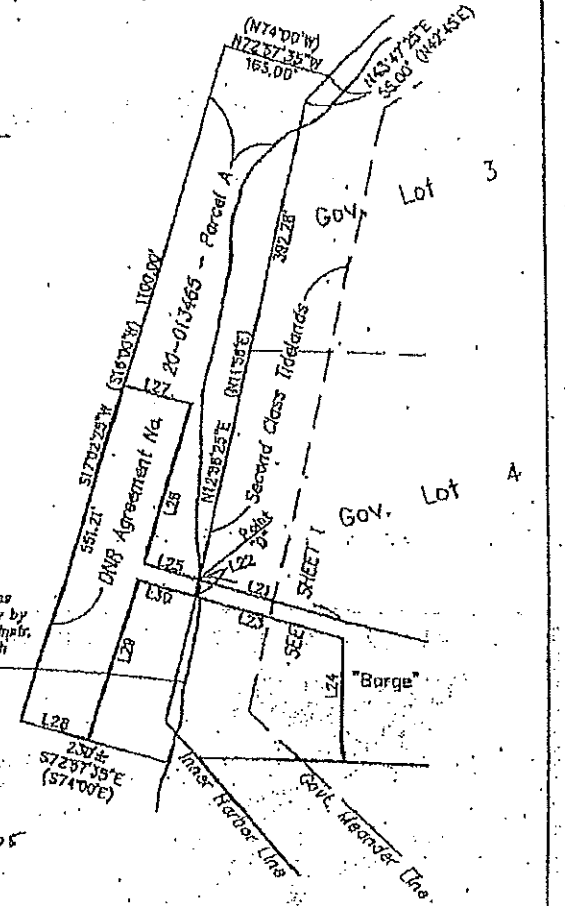
| | |
|---|---|
| Date: 12-21-05 | Snohomish County Tax Parcel No. 27D335003011 |
| Scale: 1"=200' | Brightwater Parcel No. 19-1 |
| Job No. J04-25.02 | King County Temporary Construction Easements |

# SCHEDULE G-2

S 1/2, SW 1/4, SEC. 35, T 27 N, R 3 E, W.M.

COURSE TABLE

| | | |
|---|---|---|
| L21 | N73°24'22"W | 228.33' |
| L22 | S12°54'53"W | 27.28' |
| L23 | S73°24'22"E | 234.11' |
| L24 | S01°11'25"W | 158.27' |
| L25 | N73°24'22"W | 88.07' |
| L26 | N16°41'54"E | 261.76' |
| L27 | N73°24'22"W | 104.55' |
| L28 | S72°57'35"E | 107.94' |
| L29 | N16°41'54"E | 263.05' |
| L30 | S73°24'22"E | 89.84' |




Line of Extreme Low Tide as Shown on Record of Survey by Reid Middleton filed under Instr. No. 9807135003, Snohomish County Records.

SHEET 2 OF 3 11-8-05

EILEEN M. FORRESTER
STATE OF WASHINGTON
31463
REGISTERED
PROFESSIONAL LAND SURVEYOR
EXPIRES : 11/24/2006

| | |
|---|---|
| Date: 11-08-05 | Snohomish County Tax Parcel No. 270335003011 |
| Scale: 1"=200' | Brightwater Parcel No. 19-1 |
| Job No. JD4-25.02 | King County Temporary Construction Easements |

# Exhibit H

## To First Amended Petition

PERMANENT ACCESS EASEMENTS

A 50-foot wide and two 25-foot wide permanent non-exclusive access easements in, over, across and through the property legally described below as Strip 1, Strip 2 and Strip 3 and depicted on Schedule H-1 attached hereto for the purpose of providing King County and its agents, employees, contractors, subcontractors, invitees and their successors and assigns rights of ingress and egress for personnel, vehicles and equipment from Richmond Beach Drive North, and the permanent railroad crossing easement described in paragraph 8(c) to the Petition to the real property labeled "fee parcel" on Schedule H-1 for any purpose relating to construction, use, operation, maintenance, repair, replacement or improvement of improvements now or hereafter constructed on the area that King County is taking in fee labeled "fee parcel" for use in the Project. These permanent access easements are non-exclusive. Provided, however, that if Paramount or its successors or assigns shall alter the location of the existing trestle bridge ("new bridge") in accordance with the terms and conditions of the permanent railroad crossing easement as provided in paragraph 9(c) of the Petition and as more particularly described in Exhibit E thereto, the permanent easements described in this exhibit shall be automatically amended and extended by the then property owner without cost or expense to King County, so that there are no strips, gaps, or gores between the relocated trestle easement and any other easement acquired by King County and which provides altered or extended easements to access the new bridge and to provide continuous and uninterrupted access of the same nature and quality as the permanent access easement described in this exhibit.

**Strip 1 – Access Easement**

East Parcel

That portion of the southeast quarter of the southwest quarter and of Government Lot 4 and of vacated Heberlein Road, according to Volume 44 of Commissioner's record, page 44 and of a portion of Lot 4, Edmonds Tide Lands, according to the map on file in Olympia, Washington entitled "Plat of Tide Land of the First Class at the Town of Edmonds", all in Section 35, Township 27 North, Range 3 East, Willamette Meridian, in Snohomish County, said parcel hereinafter referred to as the "East Parcel" and is more particularly described as follows:

Commencing at the south quarter of said Section 35; thence North 01°11'56" East along the North-South Centerline of said Section, a distance of 991.97 feet (60 rods by deed); thence North 88°33'35" West, a distance of 943.19 feet to the Point of Beginning of this parcel description; thence South 01°11'56" West a distance of 455.24 feet; thence South 88°33'35" East a distance of 422.92 feet; thence South 01°11'56" West a distance of 20.00 feet; thence South 88°33'35" East a distance of 490.27 feet to the west margin of 116th Avenue Southwest; thence South 01°11'56" West along said margin a distance of 34.70 feet; thence North 88°33'35" West a distance of 616.67 feet; thence North 01°11'56" East a distance of 34.70 feet; thence North 88°33'35" West a distance of 453.60 feet; then South 01°11'56" West a distance of 259.23 feet; thence North 88°33'35" West a distance of 153.56 feet, more or less, to the easterly right-of-way line of the Seattle and Montana Railway Company, now known as the Burlington Northern Santa Fe Railway; thence along said easterly right-of-way-line, the

following courses and distances: North 05°29'24" West a distance of 153.51 feet; thence North 01°36'06" West a distance of 65.00 feet to the beginning of a 1382.70 foot radius tangent curve to the right; thence northerly along the arc of said curve through a central angle of 21°46'17" an arc distance of 525.40 feet; thence North 88°33'35" West a distance of 1.50 feet; thence North 24°02'46" East a distance of 265.00 feet; thence South 31°23'24" East a distance of 291.15 feet to the Point of Beginning.

A 50.00 foot wide strip of land, the westerly line of which is described as follows:

Beginning at the westerly terminus of the certain course described in the "East Parcel" hereinabove as "North 88°33'35" West a distance of 153.56 feet"; thence along the hereinabove described easterly right-of-way line of the Burlington Northern Santa Fe Railway through the following courses: North 05°29'24" West 153.31 feet; thence North 01°36'06" West 65.00 feet to the beginning of a tangent curve to the right having a radius of 1382.70 feet; thence northerly along said curve 232.87 feet through a central angle of 09°38'59" to a point hereinafter referred to as Point "A"; thence continuing along said curve northerly 25.00 feet through a central angle of 01°02'10" to the terminus of said strip of land.

Said strip of land shall be lengthened or shortened northerly so as to terminate in a line that bears South 80°32'53" East and passes through said terminus and southerly so as to terminate in the southerly line of the hereinabove described "East Parcel".

Strip 2 – Access Easement

A 25.00 foot wide strip of land, the southerly line of which is described as follows:

Commencing at the hereinabove described Point "A"; thence North 80°32'53" West 119.93 feet to the westerly right-of-way line of the Burlington Northern Santa Fe Railway and the True Point of Beginning; thence continuing North 80°32'53" West 397.11 feet to a point hereinafter referred to as Point "B" and the terminus of said strip of land.

Said strip of land shall be lengthened or shortened easterly so as to terminate in said westerly right-of-way line of the Burlington Northern Santa Fe Railway.

Strip 3 – Relocatable Access Easement

A 25.00 foot wide strip of land, the westerly and southerly lines of which is described as follows:

Beginning at the hereinabove described Point "B", said point being the beginning of a non-tangent curve to the left and having a radius of 75.00 feet, a radial line of said curve from said point bears South 38°44'16" East; thence along said curve southerly and southeasterly 151.47 feet through a central angle of 115°42'40"; thence tangent from said curve, South 64°26'56" East 306.35 feet to the beginning of a tangent curve to the right having a radius of 50.00 feet; thence along said curve southerly 51.45 feet through a central angle of 58°57'31";

thence tangent from said curve, South 05°29'24" East 274.28 feet more or less terminating in a line described as follows:

Commencing at the South Quarter Corner of said Section 35; thence along the south line of said section, North 88°33'35" West 1306.22 feet to the westerly right-of-way line of the Burlington Northern Santa Fe Railway; thence along said westerly right-of-way line, North 05°29'24" West 221.33 feet; thence North 88°33'35" West 64.24 feet; thence South 83°44'46" West 150.85 feet; thence South 55°49'32" West 33.54 feet to a point hereinafter referred to as Point "C",

Said strip of land shall be lengthened or shortened northerly so as to terminate in a line that bears South 80°32'53" East and passes through the Point of Beginning.

In the event that the property owner elects to relocate the trestle bridge, then as provided in the permanent railroad crossing easement set forth on Exhibit "B," the property owner shall concurrently therewith, at its sole cost and expense, obtain any amendments to the easements set forth above or new easements (including construction or extension of road and other improvements) as may be reasonable necessary for King County and its agents, employees, contractors, subcontractors, invitees and their respective successors assigns (collectively, the "King County Parties") to have continuing comparable pedestrian, vehicular and utility access to the remainder of its fee and easement parcels acquired concurrently herewith, which amendments or new easements shall be obtained and any new roadway and/or other improvements installed prior to any relocation of the trestle bridge so that there is no interruption to the right of King County and the King County Parties to continuous and uninterrupted pedestrian, vehicular and utility access utilizing the trestle bridge.

The property owner shall have the right to relocate the 25 foot wide access easement hereinabove described as Strip 3, at its sole cost and expense so long as each of the following conditions is satisfied prior to any relocation of such access easement:

(a) Any relocation of the Strip 3 access easement shall provide reasonably comparable access to King County's fee and easement parcels as that provided by the then existing Strip 3 access easement;

(b) The property owner provides King County with a new easement in recordable form (including preparation of a revised legal description) and otherwise in form and substance reasonably satisfactory to King County and constructs a new roadway and other improvements as may be reasonably necessary for King County and the King County Parties to have continuing comparable pedestrian, vehicular and utility access to the remainder of its fee and easement parcels acquired under this Petition, which new easement shall be obtained and any new roadway and other improvements installed prior to any relocation of the Strip 3 access easement so that there are no strips, gaps or gores between any one or more access easements which King County utilizes to access its fee and easement parcels and a public street and no interference with, or disruption of the right of King County and the King County Parties to continuous and uninterrupted pedestrian, vehicular and utility access;

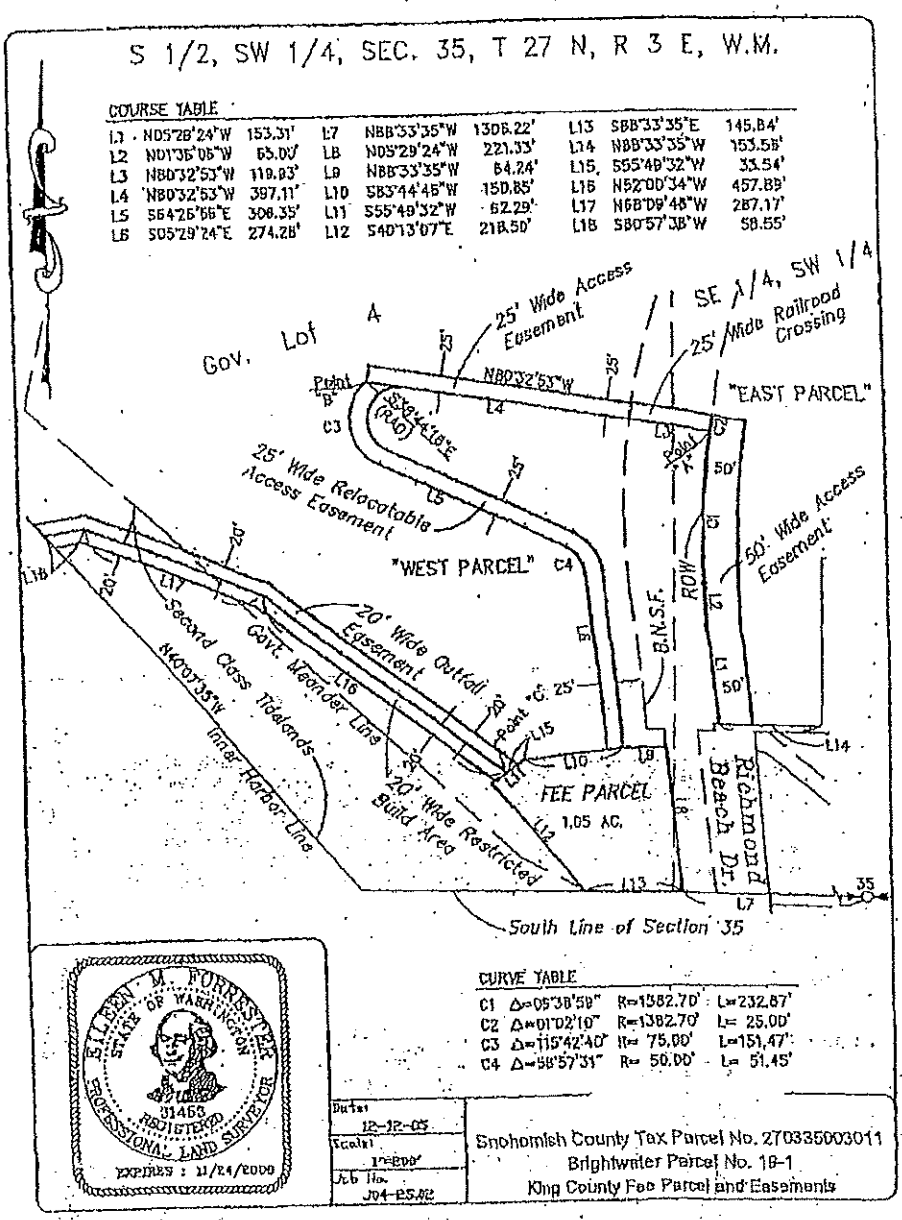
(c) The property owner obtains all permits required to relocate the Strip 3 access easement and related road and other easements and constructs any necessary road and other easement improvements;

(d) Any relocated Strip 3 access easement and related road and other easement improvements shall comply with all applicable laws, rules and regulations; and

(e) There shall be no termination of the Strip 3 access easement unless all of the conditions set forth above have been satisfied with respect to the relocated access easement and ancillary easement improvements.

K:\4317\0\0X0\0\0\F\0F__022H1

# SCHEDULE H-1


S 1/2, SW 1/4, SEC. 35, T 27 N, R 3 E, W.M.
COURSE TABLE
L1 N05°28'24"W 153.31'
L2 N01°36'06"W 65.00'
L3 N80°32'53"W 119.93'
L4 N80°32'53"W 397.11'
L5 S64°26'56"E 308.35'
L6 S05°29'24"E 274.28'
L7 N88°33'35"W 1308.22'
L8 N05°29'24"W 221.33'
L9 N88°33'35"W 64.24'
L10 S83°44'48"W 150.85'
L11 S55°49'32"W 62.29'
L12 S40°13'07"E 218.50'
L13 S88°33'35"E 145.84'
L14 N88°33'35"W 153.58'
L15 S55°48'32"W 33.54'
L16 N52°00'34"W 457.89'
L17 N68°09'48"W 287.17'
L18 S80°57'38"W 58.55'
Gov. Lot 4
SE 1/4, SW 1/4
25' Wide Access Easement
25' Wide Railroad Crossing
"EAST PARCEL"
Point "B"
Point "A"
25' Wide Relocatable Access Easement
"WEST PARCEL"
50' Wide Access Easement
B.N.S.F. ROW
20' Wide Outfall Easement
Point "C"
Second Class Tidelands
Govt. Meander Line
Inner Harbor Line
N40°07'35"W
20' Wide Restricted Build Area
FEE PARCEL
1.05 AC.
Richmond Beach Dr.
South Line of Section 35
CURVE TABLE
C1 Δ=05°38'58" R=1382.70' L=232.87'
C2 Δ=01°02'10" R=1382.70' L= 25.00'
C3 Δ=115°42'40" R= 75.00' L=151.47'
C4 Δ=58°57'31" R= 50.00' L= 51.45'
ELLEN M. FORRESTER
STATE OF WASHINGTON
31468
REGISTERED
PROFESSIONAL LAND SURVEYOR
EXPIRES : 11/24/2006
Date: 12-12-05
Scale: 1"=200'
Job No. J04-E5.02
Snohomish County Tax Parcel No. 270335003011
Brightwater Parcel No. 18-1
King County Fee Parcel and Easements

# Exhibit J

## To First Amended Petition

## PERMANENT SURFACE DRAINAGE EASEMENT

The Surface Drainage Easement is a perpetual, permanent, non-exclusive easement on, over, across and through that portion of the real property legally described below and depicted on Schedule J-1 attached hereto, for use by King County, its agents, employees, contractors, subcontractors, invitees and their respective successors and assigns for the drainage, discharge and dispersal of surface and storm water into the waters of Puget Sound. The permitted use shall include, without limitation, all storm water and surface water drainage, discharge and dispersal resulting from the construction, use, operation, maintenance, repair, replacement, expansion or removal of improvements ("Stormwater Improvements") now or hereafter constructed on the area that King County is taking in fee labeled "Fee Parcel" on Schedule J-1 and Exhibit C together with all other storm water and surface water drainage from other property on to the Fee Parcel which now or hereafter drains onto, across and through the Fee Parcel. King County shall be solely responsible for the construction, installation, operation and maintenance of the Stormwater Improvements.

Legal Description

Those portions of the Southeast Quarter of the Southwest Quarter, and of Government Lots 3 and 4, all in Section 35, Township 27 North, Range 3 East, Willamette Meridian, all lying west of the Burlington Northern and Santa Fe Railroad Right-of-Way and hereinafter referred to as the "West Parcel";

Together with Second Class Tidelands, as conveyed by the State of Washington, adjoining and abutting thereon;

Excepting from all of the above lands and tidelands, those portions lying northerly of a line described as follows:

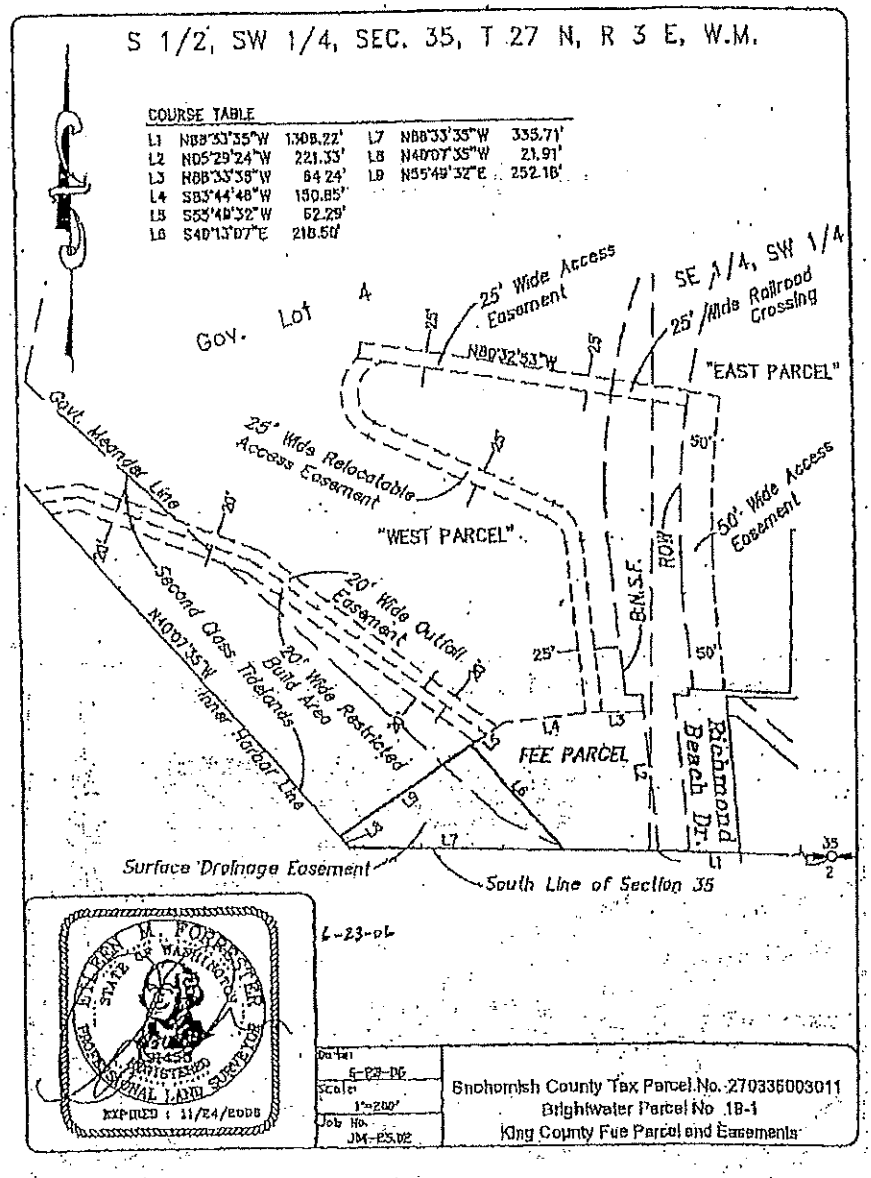
Commencing at a point on the westerly right-of-way of the Burlington Northern and Santa Fe Railroad distant 1708.2 feet north of the south boundary of said Section 35 as produced from the southeast corner of said section through the south quarter corner on the south line of said section; thence South 22°54'45" West along the westerly right-of-way line 272.27 feet to the True Point of Beginning of the line herein described; thence North 76°34'18" West 657.50 feet; thence South 0°12'17" West, 193.15 feet; thence North 87°02'52" West, 381.34 feet; thence North 75°41'33" West to the west line of said Tidelands and the terminus of the line herein described.

Being that portion of the hereinabove described "West Parcel" described as follows:

Commencing at the South Quarter Corner of said Section 35; thence along the south line of said section, North 88°33'35" West 1306.22 feet to the westerly right-of-way line of the Burlington Northern Santa Fe Railway; thence along said westerly right-of-way line, North 05°29'24" West 221.33 feet; thence North 88°33'35" West 64.24 feet; thence South 83°44'46" West 150.85 feet; thence South 55°49'32" West 62.29 feet and the True Point of Beginning; thence South 40°13'07" East 218.50 feet to said south line; thence along said south line and the westerly prolongation

thereof, North 88°33'35" West 335.71 feet to the intersection with the southwesterly line of the Second Class Tidelands; thence along said southwesterly line, North 40°07'35" West 21.91 feet to a line that bears South 55°49'32" West from the True Point of Beginning; thence North 55°49'32" East 252.18 feet to the True Point of Beginning.

# SCHEDULE J-1


S 1/2, SW 1/4, SEC. 35, T 27 N, R 3 E, W.M.
COURSE TABLE
L1 N88°33'35"W 1308.22'
L2 N05°29'24"W 221.33'
L3 N88°33'35"W 64.24'
L4 S83°44'48"W 150.85'
L5 S55°49'32"W 62.29'
L6 S40°13'07"E 218.50'
L7 N88°33'35"W 335.71'
L8 N40°07'35"W 21.91'
L9 N55°49'32"E 252.18'
Gov. Lot 4
25' Wide Access Easement
SE 1/4, SW 1/4
25' Wide Railroad Crossing
N80°32'53"W
"EAST PARCEL"
25' Wide Relocatable Access Easement
"WEST PARCEL"
50' Wide Access Easement
ROW
B.N.S.F.
Govt. Meander Line
20' Wide Outfall Easement
20' Wide Restricted Build Area
Second Class Tidelands
N40°07'35"W
Inner Harbor Line
FEE PARCEL
Richmond Beach Dr.
Surface Drainage Easement
South Line of Section 35
6-23-06
EILEEN M. FORRESTER
STATE OF WASHINGTON
REGISTERED PROFESSIONAL LAND SURVEYOR
EXPIRED : 11/24/2006
Date: 6-23-06
Scale: 1"=200'
Job No. JM-25.02
Snohomish County Tax Parcel No. 270336003011
Brightwater Parcel No. 18-1
King County Fee Parcel and Easements

# Exhibit K

## To First Amended Petition

## TEMPORARY ADDITIONAL BARGE PARCEL AND DNR PARCEL EASEMENTS

1. The Temporary Additional Barge Parcel Easement

The Temporary Additional Barge Parcel Easement (the "Temporary Additional Barge Parcel Easement") will grant King County and its agents, employees, contractors, subcontractors and invitees the temporary right to use that portion of real property legally described below and depicted on Schedule K-1 attached hereto, to locate, install, operate, maintain and remove a temporary fixed or floating dock/spud barge together with a temporary fixed or floating means of access to the Barge Parcel as described in Exhibit G and the Core Temporary Easement as described in Exhibit F, all of which are contiguous, for the transportation and delivery, by barge or other vessel, of dirt, spoils and other construction materials to and from the Barge Parcel as described in Exhibit G, the Core Temporary Easement as described in Exhibit F, and the Fee Parcel as described in Exhibit C, all of which are contiguous. The Temporary Additional Barge Parcel Easement shall include the right to moor barges and other vessels to the temporary dock and the rights of ingress and egress to the temporary dock from the Barge Parcel as described in Exhibit G and the Core Temporary Easement as described in Exhibit F, all of which are contiguous, in connection with such transportation and delivery. This Temporary Additional Barge Parcel Easement shall be exclusive during the construction period described in paragraph 3 below.

Legal Description of Temporary Additional Barge Parcel Easement

Those portions of the Southeast Quarter of the Southwest Quarter, and of Government Lots 3 and 4, all in Section 35, Township 27 North, Range 3 East, Willamette Meridian, all lying west of the Burlington Northern and Santa Fe Railroad Right-of-Way and hereinafter referred to as the "West Parcel";

Together with Second Class Tidelands, as conveyed by the State of Washington, adjoining and abutting thereon;

Excepting from all of the above lands and tidelands, those portions lying northerly of a line described as follows:

Commencing at a point on the westerly right-of-way of the Burlington Northern and Santa Fe Railroad distant 1708.2 feet north of the south boundary of said Section 35 as produced from the southeast corner of said section through the south quarter corner on the south line of said section; thence South 22°54'45" West along the westerly right-of-way line 272.27 feet to the True Point of Beginning of the line herein described; thence North 76°34'18" West 657.50 feet; thence South 0°12'17" West, 193.15 feet; thence North 87°02'52" West, 381.34 feet; thence North 75°41'33" West to the west line of said Tidelands and the terminus of the line herein described.

Being that portion of the hereinabove described "West Parcel" described as follows:

Commencing at the intersection of the westerly prolongation of the south line of Section 35 with the westerly line of the Second Class Tidelands; thence along said westerly line, North 40°07'35" West 882.48 feet to a point hereinafter referred to as Point "A"; thence South 88°33'35" East 451.30 feet;

thence North 01°11'25" East 102.98 feet; thence EAST 93.26 feet; thence North 00°21'29" West 68.57 feet; thence WEST 91.40 feet; thence North 76°22'40" East 239.06 feet; thence North 73°24'22" West 228.33 feet; thence South 12°54'53" West 27.28 feet to the True Point of Beginning, said point hereinafter referred to as Point "B"; thence South 73°24'22" East 234.11 feet; thence South 01°11'25" West 158.27 feet to a point on a non-tangent curve to the left having a radius of 189.88 feet, a radial line of said curve from said point bears North 85°03'15" East; thence along said curve southerly 36.33 feet through a central angle of 10°57'41" to a line that bears South 88°33'35" East from said Point "A"; thence North 88°33'35" West 225.15 feet to said Point "A"; thence along said westerly line of the Second Class Tidelands, North 40°07'35" West 74.73 feet and North 12°58'25" East 203.15 feet to the True Point of Beginning.

2. The Temporary Additional DNR Parcel Easement

The Temporary Additional DNR Parcel Easement (the "Temporary Additional DNR Parcel Easement") will grant King County and its agents, employees, contractors, subcontractors and invitees the non-exclusive, temporary right to use that portion of real property legally described below and depicted on Schedule K-1 attached hereto, to locate, install, operate, use, maintain, repair, replace and remove a temporary fixed or floating dock/spud barge and a temporary fixed or floating means of access to the Temporary Additional Barge Parcel Easement described above, the Barge Parcel as described in Exhibit G and the Core Temporary Easement as described in Exhibit F, all of which are contiguous, for the transportation and delivery, by barge or other vessel, of dirt, spoils and other construction materials to and from the Temporary Additional Barge Parcel Easement described above, Barge Parcel as described in Exhibit G, the Core Temporary Easement as described in Exhibit F, and the Fee Parcel as described in Exhibit C, all of which are contiguous. The Temporary Additional DNR Parcel Easement shall include the right to moor barges and other vessels to the temporary dock from time to time and the rights of ingress and egress to the temporary dock from the Temporary Additional Barge Parcel Easement described above, the Barge Parcel as described in Exhibit G and the Core Temporary Easement as described in Exhibit F, all of which are contiguous, in connection with such transportation and delivery. This Temporary Additional DNR Parcel Easement shall be used during the construction period described in paragraph 3 below.

Legal Description of Additional DNR Parcel Easement

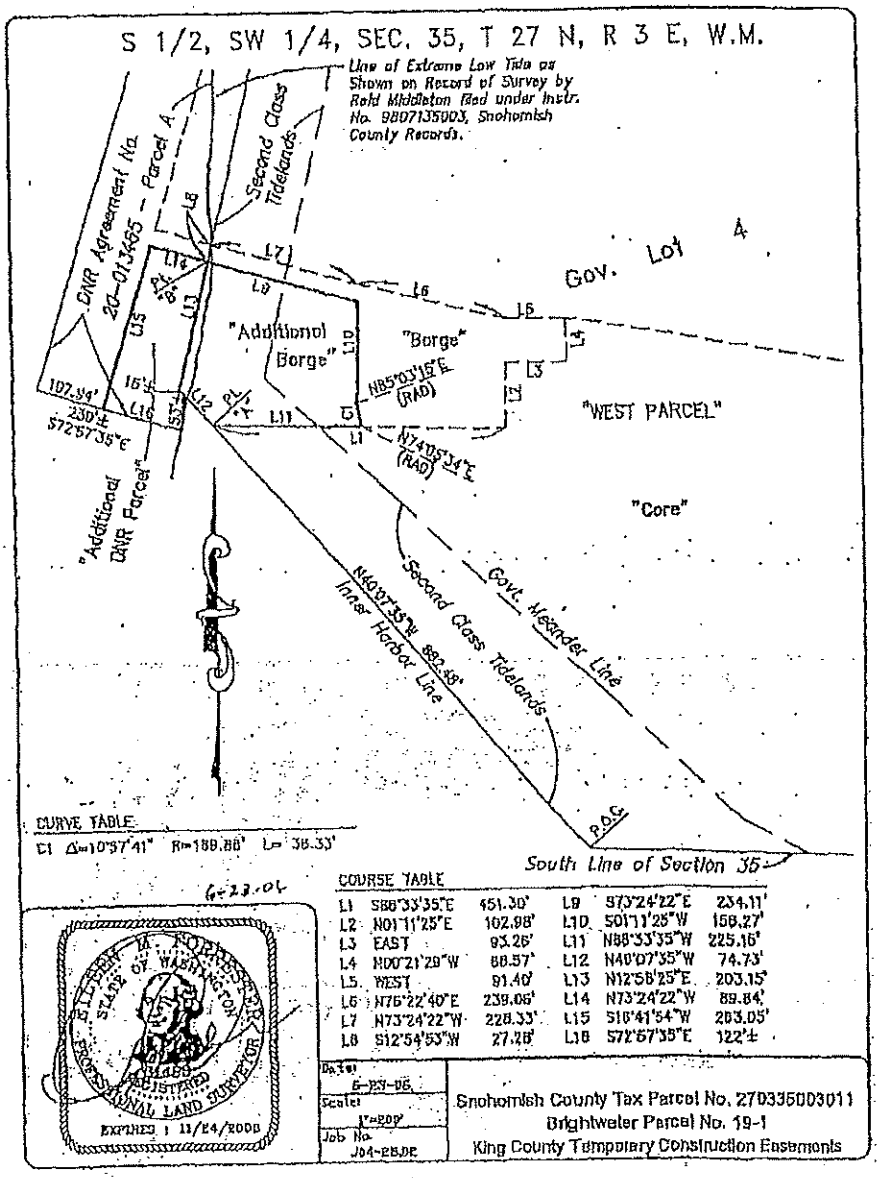
Being that portion of the Beds of Puget Sound described as follows:

Beginning at the hereinabove described Point "B"; thence North 73°24'22" West 89.84 feet; thence South 16°41'54" West 263.05 feet to the southerly line of the Department of Natural Resources Agreement No. 20-013465; thence along said southerly line, South 72°57'35" East 122 feet, more or less to the line of Extreme Low Tide; thence along said line, Northerly 53 feet, more or less to the westerly line of the Second Class Tidelands; thence along said westerly line, North 40°07'35" West 15 feet, more or less to an angle point therein; thence continuing along said westerly line, North 12°58'25" East 203.15 feet to the Point of Beginning.

3. Use of the Temporary Additional Barge Parcel Easement and the Temporary Additional DNR Parcel Easement are necessary from issuance of the Notice to Proceed until completion of

staging area use in approximately October 2010 provided that King County may extend the term of such temporary easements for a period not to exceed three years (with compensation established by a previously calculated annual amount).

# SCHEDULE K-1


S 1/2, SW 1/4, SEC. 35, T 27 N, R 3 E, W.M.
Line of Extreme Low Tide as Shown on Record of Survey by Reid Middleton filed under Instr. No. 9807135003, Snohomish County Records.
DNR Agreement No. 20-013465 - Parcel A
Second Class Tidelands
Gov. Lot 4
"Additional Borge"
"Borge"
"WEST PARCEL"
"Core"
"Additional DNR Parcel"
N85°03'15"E (RAD)
N74°05'34"E (RAD)
N40°07'35"W 882.48' Inner Harbor Line
Govt. Meander Line
Second Class Tidelands
P.O.C.
South Line of Section 35
107.34'
230'±
S72°57'35"E
CURVE TABLE
C1 Δ=10°37'41" R=188.86' L=35.33'
COURSE TABLE
L1 S86°33'35"E 451.30'
L2 N01°11'25"E 102.98'
L3 EAST 93.26'
L4 N00°21'29"W 88.57'
L5 WEST 91.40'
L6 N76°22'40"E 239.06'
L7 N73°24'22"W 228.33'
L8 S12°54'53"W 27.26'
L9 S73°24'22"E 234.11'
L10 S01°11'25"W 156.27'
L11 N88°33'35"W 225.16'
L12 N40°07'35"W 74.73'
L13 N12°58'25"E 203.15'
L14 N73°24'22"W 89.84'
L15 S16°41'54"W 283.05'
L16 S72°57'35"E 122'±
6-23-06
EXPIRES : 11/24/2006
Date: 5-23-06
Scale: 1"=20'
Job No. J04-285DE
Snohomish County Tax Parcel No. 27033500301 1
Brightwater Parcel No. 19-1
King County Temporary Construction Easements

K&L GATES LLP
925 FOURTH AVENUE
SUITE 2900,
SEATTLE, WA 98104-1158
T +1 206 623 7580 F +1 206 623 7022 klgates.com

Douglas A. Luetjen
Karr Tuttle Campbell
701 5th Avenue, Suite 3300
Seattle, WA 98104

Bart Freedman
bart.freedman@klgates.com

T (206) 370-7655

December 2, 2013

Re: Point Wells Permanent Relocatable Access Easement

Dear Doug:

This letter is intended to memorialize the understanding between BSRE Point Wells LP ("BSRE") as the successor in interest to Paramount of Washington LLC and King County concerning what is commonly referenced as the relocatable access easement held by King County across BSRE property at Point Wells, Snohomish County, Washington. As discussed in detail below the parties agree that the current location of that easement (as is represented to be shown on Attachment A to this letter) and further agree that the location of that easement is subject to ongoing relocation as BSRE pursues redevelopment of its property at Point Wells.

For background purposes King County acquired a variety of temporary and permanent real property interests (including the permanent relocatable access easement) at Point Wells in connection with the construction the outfall component of the Brightwater Treatment System. These interests were acquired pursuant to the Consent Judgment and Decree of Appropriation filed in Snohomish County Superior Court on January 4, 2010. The permanent relocatable access easement is legally described in Exhibit H to the Consent Judgment and provides access to property at Point Wells which King County acquired in fee ("the Fee Parcel"). During the construction of the outfall, King County constructed a road to the Fee Parcel. The location of that road as shown on Attachment A is similar, but not identical, to the location of the permanent relocatable access easement described in Exhibit H to the Consent Judgment. King County has used the road in question since its construction without objection. King County proposed that the parties execute an Amended and Restated Permanent Access Easement to memorialize the current location of the permanent relocatable access easement. BSRE responded that it does not object to the current location of the relocatable access easement however, it expects that the roadway may need to be relocated several times over the next few years as BSRE pursues redevelopment of the Point Wells property. Accordingly BSRE believes it is more efficient for the parties to memorialize their understanding by this letter (and to confirm such relocation by a similar letter when the road is relocated from time to time).

It is our understanding that once BSRE's redevelopment at the location of the permanent relocatable access easement is complete the parties will execute an amended and restated easement to memorialize the post-development location of the relocatable access easement. It is also our understanding that the parties may desire to execute an amended and restated easement if there is a time that the property were to be transferred to another entity for development purposes or the planned development schedule is otherwise extended.

By this letter King County acknowledges that during the anticipated development process the relocatable access easement may be moved more than once to accommodate construction, provided however that BSRE will ensure that King County will enjoy continuous access the fee parcel that is the substantial equivalent of the current access road to the fee parcel as shown on Attachment A. BSRE acknowledges for its part that it has no objection to the current location of the relocatable easement road (as is represented by the County to be as shown on Attachment A).

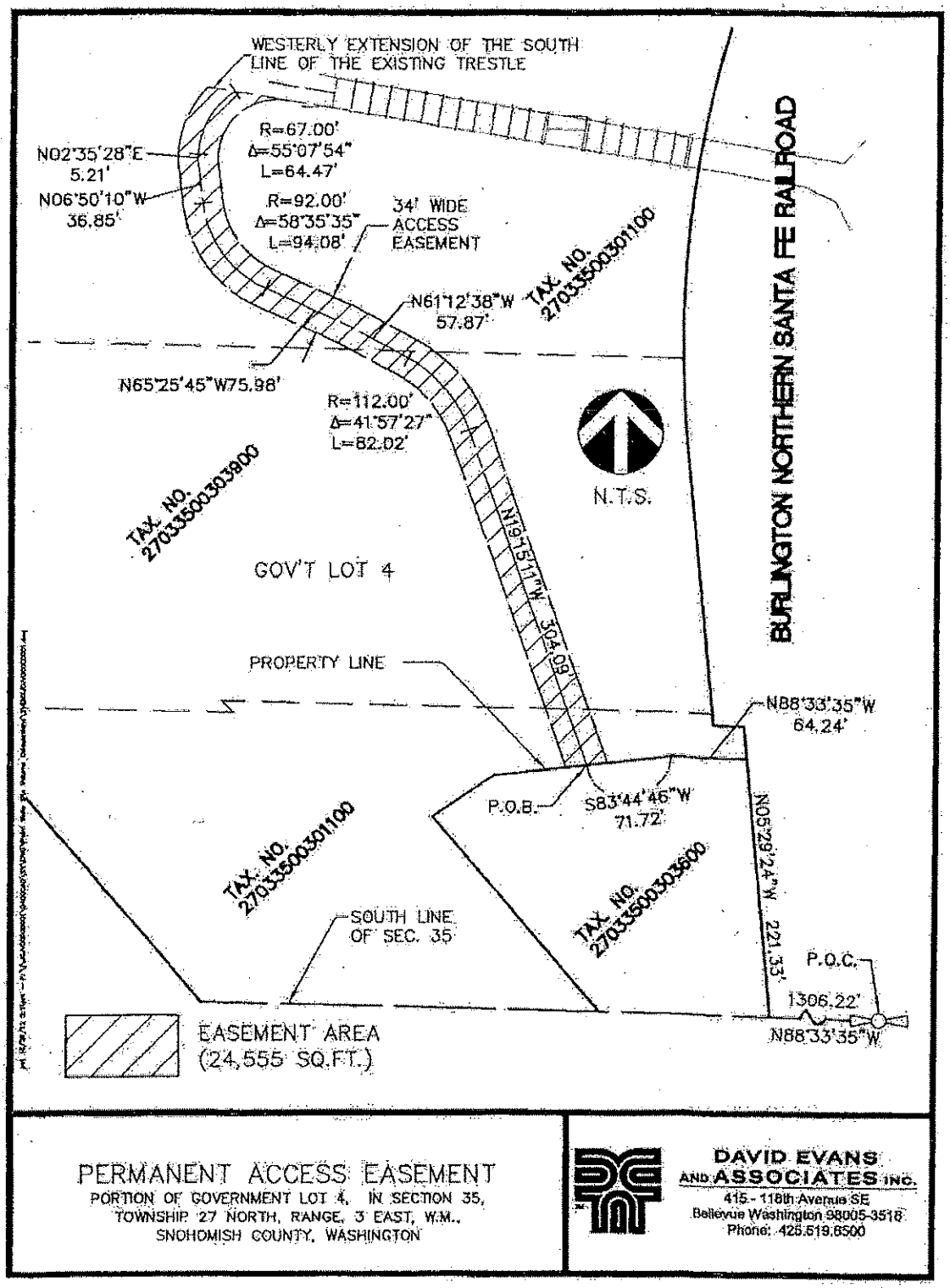
Please let me know if this letter does not conform to your understanding.

Yours sincerely,

Bart Freedman

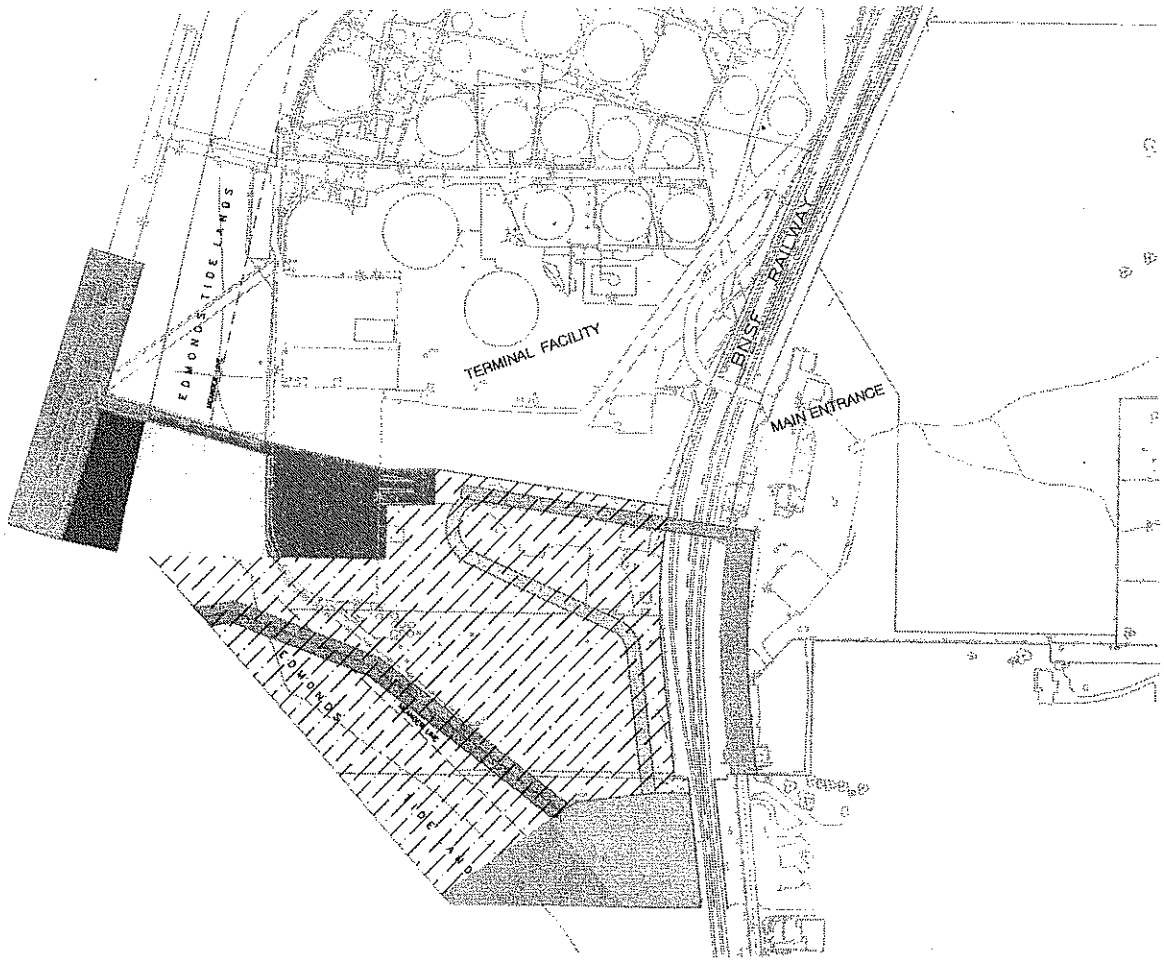
Enclosure

K:\203968\00022\20125_BJF\20125L242P




Attachment A

# POINT WELLS
# BRIGHTWATER CONDEMNATION EXHIBIT




**EASEMENT LEGEND**

- FEE PARCEL (C-1)
- "CORE" (F-1)
- 20' OUTFALL / 20' RESTRICTED ESMT'S (D-1)
- 25' RELOCATABLE ACCESS ESMT (H-1, STRIP #3)
- 50' & 25' ACCESS ESMT'S (E-1, F-1, H-1 - STRIPS 1 & 2)
- "BARGE" (G-1)
- "DNR" (G-2)
- PERMANENT SURFACE DRAINAGE ESMT (J-1)
- "DNR" PARCEL ESMT (E-1)
- "BARGE" TEMPORARY ESMT (E-1)

NORTH

PARAMOUNT OF WASHINGTON, LLC
SNOHOMISH COUNTY, WASHINGTON

DAVID EVANS AND ASSOCIATES

# EXHIBIT C

KTC KARR TUTTLE CAMPBELL

**Gary D. Huff**
Attorney at Law
701 Fifth Avenue, Suite 3300
Seattle, Washington 98104
Direct: (206) 224 8024
Main: (206) 223 1313
Fax: (206) 682 7100
ghuff@karrtuttle.com

July 28, 2014

Sound Transit
Attn: Karin Ertl
401 S. Jackson St.
Seattle, WA 98104

RE: Sound Transit Long Range Plan Update—Comments re DEIS
Request for Inclusion of Sounder Rail Station at Point Wells

Dear Sound Transit:

This letter is submitted on behalf of BSRE Point Wells, LP ("BSRE") and contains comments regarding the Sound Transit Long Range Update Draft Supplemental EIS.

BSRE is the proponent of and applicant for development approvals for a 3,081 unit mixed-use urban center development on 60+ acres at Point Wells which located just north of the King-Snohomish County line in unincorporated Snohomish County. The Sounder commuter line bisects the site, offering what we believe to be an ideal opportunity to both increase ridership on the Sound Transit north line while enabling the residents at Point Wells to efficiently commute to and from Seattle and beyond. Photos of the model of the proposed urban center development are included for your reference, as are other documents which reflect the planned incorporation of a Sounder station into project plans.

The proposed Point Wells Urban Center with a Sounder rail stop is consistent with and reinforces each of Sound Transit's five primary goals and objectives for the Long-Range Plan:

- Provide an HCT system that ensures long-term mobility
- Preserve and promote healthy and sustainable environment
- Strengthen community use of the regional transit network
- Improve economic vitality of the region
- Create financial feasible system

The Point Wells urban center proposal includes plans for the construction of a Sounder stop at the heart of the development. We note that a stop in the general area of nearby Richmond Beach has long been included in Sound Transit's long range plans. We also recognize that this site has not been included in prior funding packages. This omission is not at all surprising given

that there has been insufficient rider demand near the site to warrant service. This lack of demand will, however, significantly change with the development of Point Wells. At buildout, Point Wells is expected to house a population in excess of 6,000 people and will include significant and publicly accessible retail, commercial, community and recreational facilities.

Although the project has faced numerous legal challenges, any doubts regarding the project's viability were largely removed when the State Supreme Court ruled earlier in favor of the project. The project team is nearing the successful conclusion of negotiations with the City of Shoreline regarding the mitigation of traffic impacts. Snohomish County is fully engaged in preparing a draft environmental impact statement for the project which should adopt and incorporate the conclusions and mitigation conditions set forth in the Shoreline agreement.

We realize it will take a number of years to complete the necessary permitting process and to then remediate the site and construct sufficient housing to justify a Sounder stop. The current update to Sound Transit's long range service plan is the logical and appropriate time to clearly depict a potential future stop at this site. The inclusion of such a potential stop will also be of great assistance in rebutting the contention that no station will ever be allowed at this location.

We are fully aware that the demand on Sound Transit's limited resources far outweighs available funding. We further recognize the appropriate prioritization of the extension of light rail service to new areas. However, we do not see a Sounder rail station at Point Wells as competing with those funding priorities. To be clear, we are ***not*** asking that Point Wells be included in the ST 3 funding package. We ask only that this **site be addressed in the ST 3 Final EIS and eventually included in your long range service plan**. We recognize that the construction of the Sounder rail station would be contingent upon the execution of a binding agreement by which **BSRE would commit to fund the construction of this station.**

Our views as described herein are consistent with the direction provided us following prior conversations regarding this possibility. The attached letter dated April 13, 2010 from David Phillip Beal, Sound Transit's Planning and Project Development Manager, includes the following relevant passages:

> "First, it is part of Sound Transit's mission to provide service to Urban Centers. Point Wells' location on the Everett-to-Seattle Sounder line and the property's Urban Center designation lend support to [BSRE's] concept of including a commuter rail station within your development . . .
>
> I also want to note that a 'provisional' station located in the Point Wells/Richmond Beach area was part of Sound Transit's original Ten Year Regional Transit System Plan, known as *Sound Move*, with 'provisional' defined as '*subject to funding availability from the North King County subarea* . . .' Because funding did not become available a station was never constructed in this area.

**Should [BSRE] propose to fund the commuter rail station without Sound Transit funding, this could clearly influence the review and timing of the development of a station at Point Wells."**

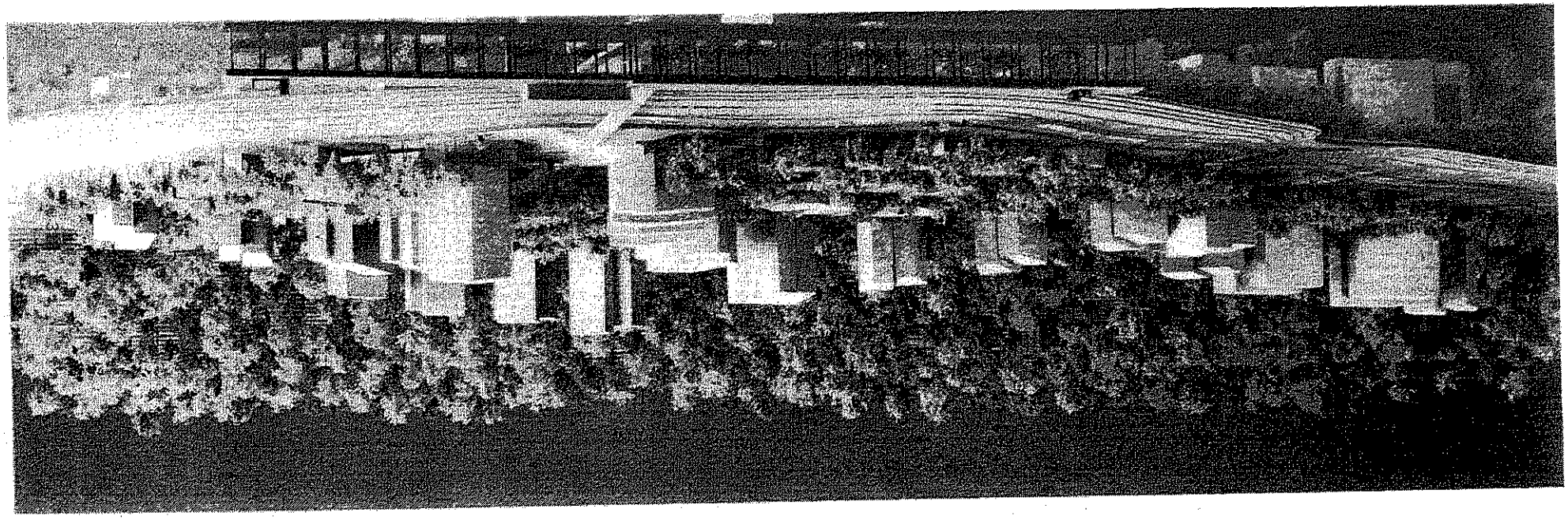
We believe this development proposal and inclusion of a Sounder rail station at Point Wells represents a true win/win scenario. To help make this proposal a reality, we request that the possible development of a station at Point Wells be addressed in your final EIS. We are confident that the FEIS discussion will underscore the validity of our representations and the extraordinary value of this rare opportunity. We further believe that the express inclusion of such a station in your long range plan, even if the station is again designated as provisional, would meet both your planning and service priorities while fulfilling the goals of the Growth Management Act to place dense housing in locations served (or to be served) by high occupancy transportation operations.

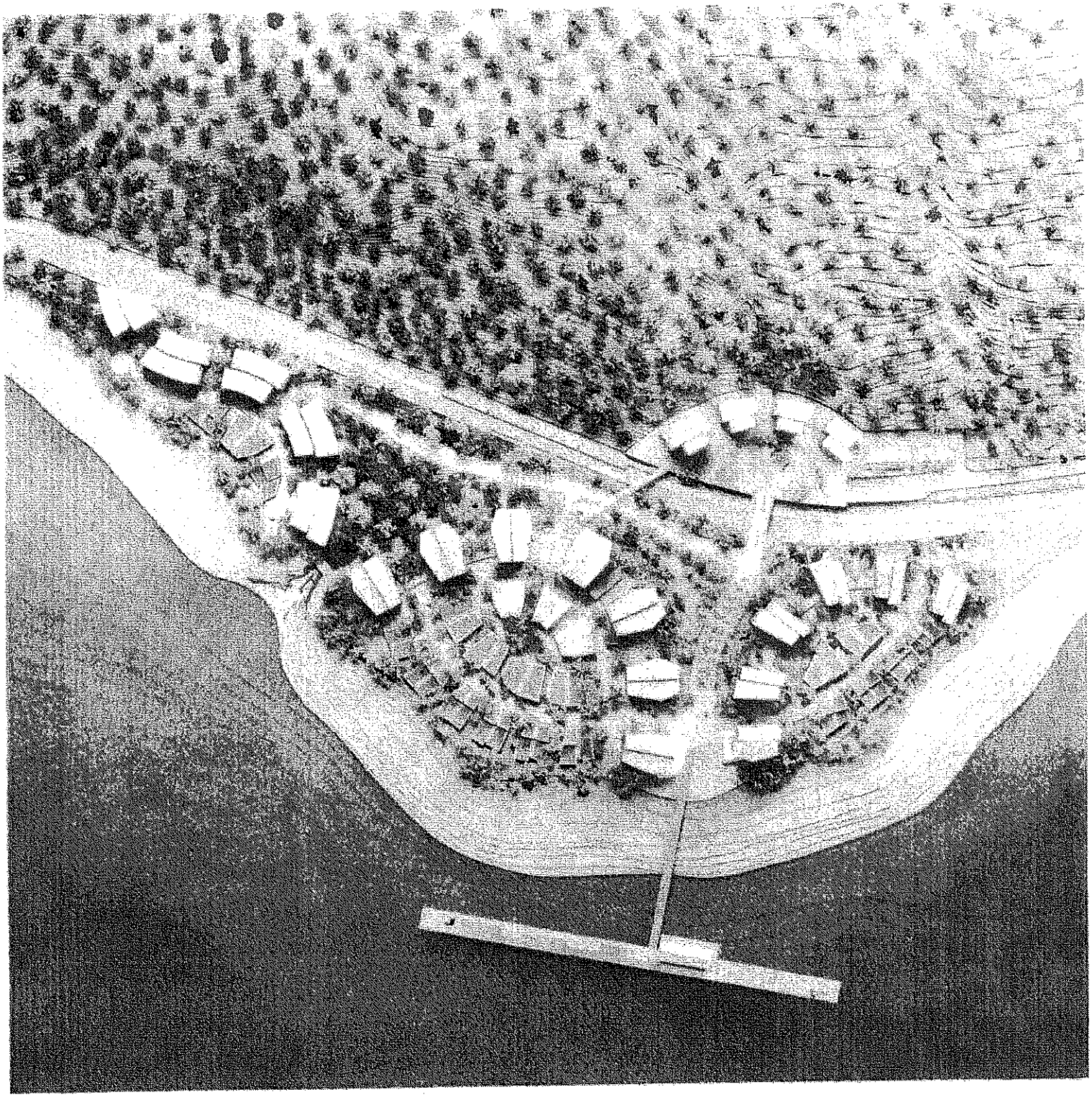
Sincerely,

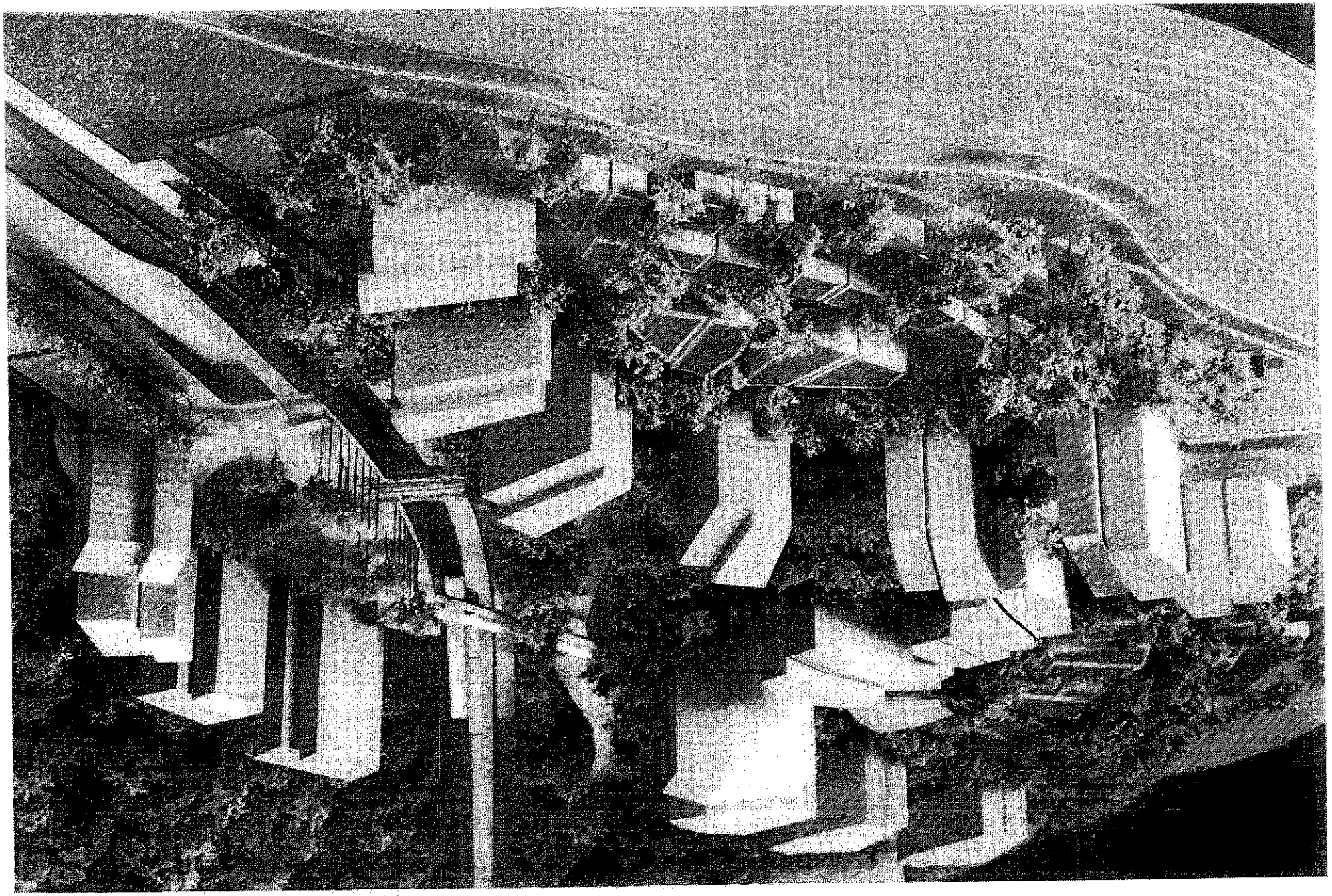
Gary D. Huff
Kari Tuttle Campbell
Land Use Counsel for BSRE Point Wells, LP

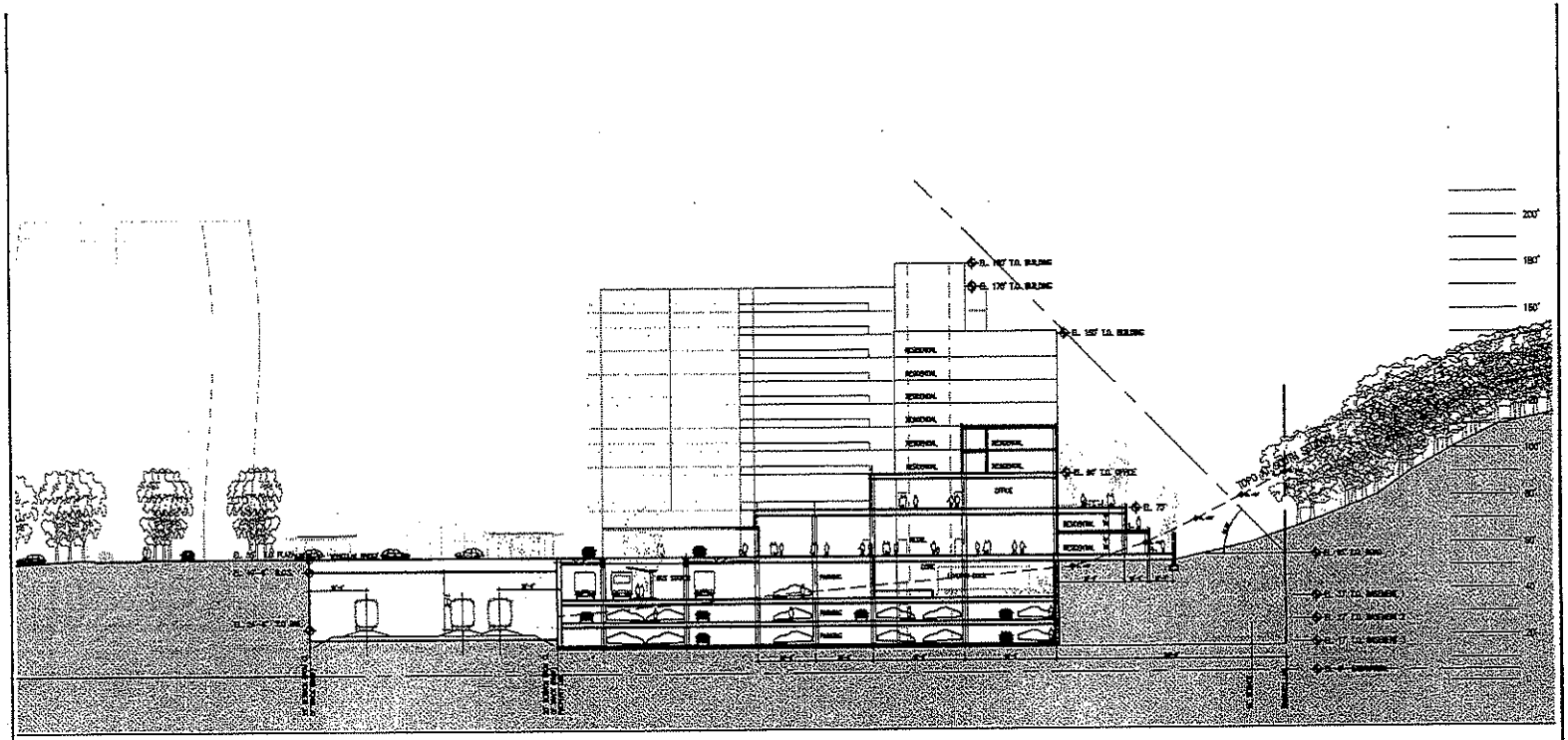
cc: Sound Transit Board of Directors
BSRE Point Wells, LP
Steven D. Farkas, Counsel for BSRE Point Wells, LP
Douglas A. Luetjen, Counsel for BSRE Point Wells, LP
Steve Ohlenkamp, The Communication Group
Ken Johnsen
Brad Tong

Enclosures







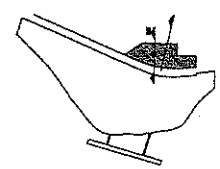



1 UPPER PLAZA ENLARGED SECTION – PODIUM

1" = 50'

0 25' 50' 100'

SCALE: 1" = 50'




PERKINS
+WILL

1221 Second Avenue
Suite 200
Seattle, WA 98101
t 206.382.5000
f 206.441.4081
www.perkinswill.com


Point Wells
Development

Revisions

| NUMBER | ISSUE | DATE |
|---|---|---|

Sheet Information

| | |
|---|---|
| Date | 12/29/2008 |
| Job Number | 169009.000 |
| Scale | |
| Drawn | |
| Checked | |
| Approved | |

Title

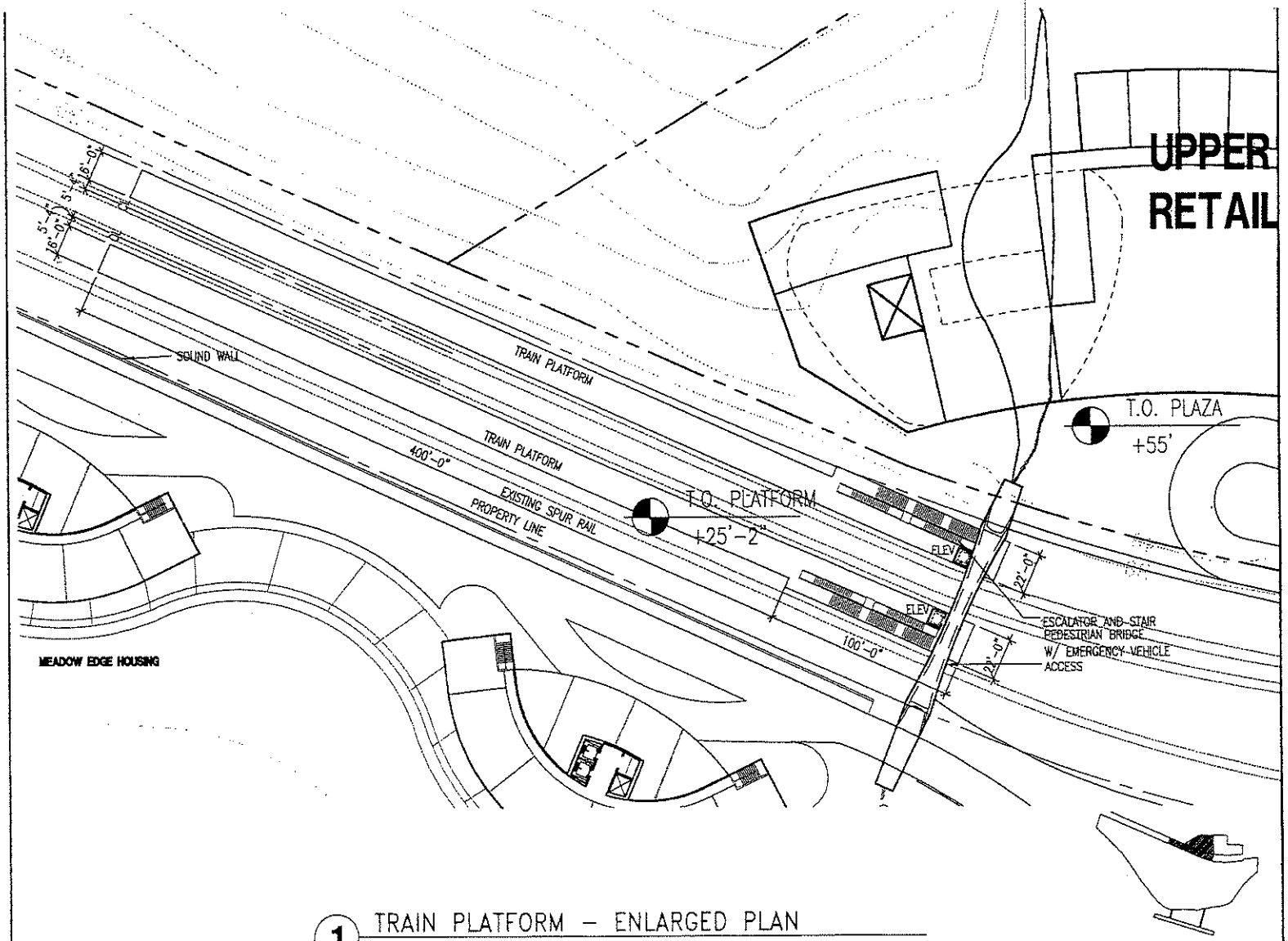
# SECTIONS - UPPER PLAZA

Sheet

# A-2

NOT Issued for Construction

Copyright © 2008 Perkins+Will




1 TRAIN PLATFORM – ENLARGED PLAN

1" = 50'

PERKINS +WILL

Point Wells Development

| Revisions | | |
|---|---|---|
| NUMBER | ISSUE | DATE |

Sheet Information

| | |
|---|---|
| Date | 12/29/2009 |
| Job Number | 189009.000 |
| Scale | |
| Drawn | |
| Checked | |
| Approved | |

Title

ENLARGED PLAN- RAIL PLATFORM

Sheet

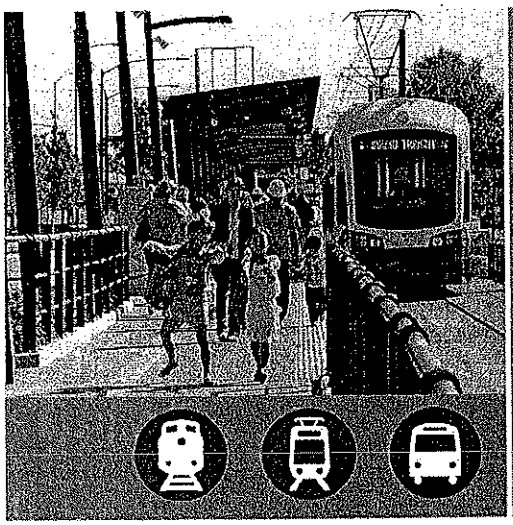
A-1

NOT Issued for Construction

Copyright © 2009 Perkins+Will

322

# EXHIBIT D



# APPENDIX A

# Current Plan and Potential Plan Modifications Alternatives: Corridors and Representative Projects/ Programs/Policies

November 2014

SOUNDTRANSIT

# Contents

1 Current Plan Alternative ---- 1
2 Potential Plan Modifications Alternative ---- 12

## Tables

Table A-1. Current Plan Alternative—Link Light Rail and Tacoma Link corridors and service ---- 2
Table A-2. Current Plan Alternative—Sounder corridors and service ---- 2
Table A-3. Current Plan Alternative—HCT corridors and service ---- 3
Table A-4. Current Plan Alternative—bus corridors and service ---- 3
Table A-5. Current Plan Alternative—policies and programs ---- 4
Table A-6. Current Plan Alternative—representative projects and programs ---- 5
Table A-7. Potential Plan Modifications Alternative—Link Light Rail corridors and service ---- 12
Table A-8. Potential Plan Modifications Alternative—Sounder corridors and service ---- 12
Table A-9. Potential Plan Modifications Alternative—HCT corridors and service ---- 13
Table A-10. Potential Plan Modifications Alternatives—bus corridors and service ---- 13
Table A-11. Potential Plan Modifications Alternative—representative projects, policies, and programs ---- 14

This Appendix includes a list of the HCT corridors that make up the Current Plan Alternative and the Potential Plan Modifications Alternative described in Chapter 2 of the Final SEIS. For both alternatives, it also includes a list of representative projects associated with these corridors for purposes of modeling and impact analysis. Specific projects, locations, operating characteristics, and levels of service would be determined and evaluated at the project-level in the future as appropriate. Accordingly, new or different projects not listed below, but that are similar to the types of representative projects listed, could be implemented at the project-level. The order of listing below does not imply rank or preference.

# 1 Current Plan Alternative

The 1996 Long-Range Vision and 2005 Regional Transit Long-Range Plan identified broadly defined corridors for commuter rail, light rail, BRT and regional express bus service, thus creating a vision for transit in the central Puget Sound Region. *Sound Move* in 1996 and Sound Transit 2 (ST2) in 2008 created a more refined blueprint for specific projects and services for which voters approved funding. These projects and services were a subset of the 1996 vision and 2005 long-range plan. Sound Transit has been in the process of building these projects in a phased manner. The following list for the Current Plan Alternative includes corridor segments with projects (including service, stations, and other infrastructure projects) that as part of *Sound Move* or ST2 have either (1) been built, (2) are in construction or in final design, or (3) in project development (project-level preliminary design and environmental review is either underway or complete). Since these projects have already been evaluated (or are being evaluated) through a more detailed environmental review process, they are generally not evaluated in this Final SEIS with regard to potential environmental impacts.

This list also includes commuter rail, light rail, BRT and regional express bus corridors included in the 2005 Long-Range Plan that are not yet (1) approved in a system plan, (2) approved by voters for funding, and (3) entered into the project development phase (preliminary design and environmental review). Since project-level environmental review of these corridors sections has not previously been completed or initiated, the impact analysis for the Current Plan Alternative in this Final SEIS (see Chapter 4) largely focuses on environmental effects within these corridors.

Also included below is a list of representative projects that could be implemented within any of the HCT corridors that comprise the Current Plan Alternative regardless of whether service is already in operation along those corridors. Specific projects, locations, operating characteristics, and levels of service would be determined and evaluated in greater detail during future project-level reviews for those projects that are advanced as part of system plan. New or different projects not listed below, but that are similar to the types of representative projects listed, could be implemented at the project-level. This Final SEIS broadly considers the potential impacts of additional projects that might occur along existing Link light rail or Sounder commuter rail lines, such as infill stations or sections of new railroad track for storage. In fact, many of the suggestions for specific projects that came out of the 2013 scoping process for the Draft SEIS were within corridors already in operation, in final design or construction, or currently undergoing project-level environmental reviews. Those suggestions are included in this list of representative projects for the Current Plan Alternative.

Table A-6. Current Plan Alternative—representative projects and programs (continued)

| Program Element | Name | Counties served |
|---|---|---|
| Station | Factoria | King |
| Station | Issaquah (Downtown) | King |
| Station | North Issaquah | King |
| Station | Fife City Center | Pierce |
| Station | 70th Ave | Pierce |
| Station | 54th Ave E | Pierce |
| Station | Tacoma Dome | Pierce |
| Other infrastructure | Park & Ride in southeast Seattle/Rainier Beach | King |
| Other infrastructure | Provide improved transfers and pedestrian connections at Mount Baker Station | King |
| Other infrastructure | Improve pedestrian access to Tukwila/International Blvd Station from International Blvd | King |
| Other infrastructure | Non-motorized bridge between North Seattle Community College and Northgate Link Station | King |
| Other infrastructure | Non-motorized bridge between 156th Ave NE and Inbound on-ramp to SR 520 via Overlake Transit Center | King |
| Other infrastructure | Renovate International District/Chinatown Station to add center platforms | King |
| Other infrastructure | Increase parking capacity at Tukwila/International Blvd Station | King |
| Other infrastructure | Structured parking at Kent-Des Moines LRT station | King |
| Other infrastructure | Non-motorized bridge providing access to the 145th Street HCT station | King |
| Other infrastructure | Operation and Maintenance facilities | Systemwide |
| **Tacoma Link** | | |
| Station | Tacoma Link Extension Station(s) | Pierce |
| **Sounder** | | |
| Service | Add Express Service | Snohomish, King, Pierce |
| Service | Increase service frequency | Snohomish, King, Pierce |
| Service | All-day, two-way service | Snohomish, King, Pierce |
| Station | Shoreline/Richmond Beach | King |
| Station | Ballard | King |
| Station | Interbay | King |
| Station | Broad Street | King |
| Station | Georgetown | King |
| Station | Boeing Access Road | King |
| Station | Woodinville | King |
| Station | Bothell | King |
| Station | Kirkland/Totem Lake | King |
| Station | Bellevue | King |
| Station | Newcastle | King |
| Station | Renton | King |
| Station | North Sumner/Pacific | King, Pierce |
| Station | Station Between Puyallup and Sumner | Pierce |
| Station | Joint Base Lewis-McChord (JBLM)/Tillicum | Pierce |
| Station | DuPont | Pierce |
| Station | Shaw Road | Pierce |
| Infrastructure improvement | Extend all station platforms to 10-cars | Systemwide |
| Infrastructure improvement | Additional parking at stations | Systemwide |

Law Offices • Established 1900 • A Professional Service Corporation

KTC KARR TUTTLE CAMPBELL

Gary D. Huff
Attorney at Law
701 Fifth Avenue, Suite 3300
Seattle, Washington 98104
Direct: (206) 224 8024
Main: (206) 223 1313
Fax: (206) 682 7100
ghuff@karrtuttle.com

July 28, 2014

Sound Transit
Attn: Karin Ertl
401 S. Jackson St.
Seattle, WA 98104

RE: Sound Transit Long Range Plan Update—Comments re DEIS
Request for Inclusion of Sounder Rail Station at Point Wells

Dear Sound Transit:

493-1

This letter is submitted on behalf of BSRE Point Wells, LP ("BSRE") and contains comments regarding the Sound Transit Long Range Update Draft Supplemental EIS.

BSRE is the proponent of and applicant for development approvals for a 3,081 unit mixed-use urban center development on 60+ acres at Point Wells which located just north of the King-Snohomish County line in unincorporated Snohomish County. The Sounder commuter line bisects the site, offering what we believe to be an ideal opportunity to both increase ridership on the Sound Transit north line while enabling the residents at Point Wells to efficiently commute to and from Seattle and beyond. Photos of the model of the proposed urban center development are included for your reference, as are other documents which reflect the planned incorporation of a Sounder station into project plans.

The proposed Point Wells Urban Center with a Sounder rail stop is consistent with and reinforces each of Sound Transit's five primary goals and objectives for the Long-Range Plan:

- Provide an HCT system that ensures long-term mobility
- Preserve and promote healthy and sustainable environment
- Strengthen community use of the regional transit network
- Improve economic vitality of the region
- Create financial feasible system

The Point Wells urban center proposal includes plans for the construction of a Sounder stop at the heart of the development. We note that a stop in the general area of nearby Richmond Beach has long been included in Sound Transit's long range plans. We also recognize that this site has not been included in prior funding packages. This omission is not at all surprising given

#943196 v2 / 43527-004

493-1

A Sounder station in the general vicinity of Shoreline/Richmond Beach is included in Appendix A of the Final SEIS as a "representative project" under the Current Plan Alternative (see Table A-6 in the Final SEIS). These are projects that could be implemented along the corridors that comprise the Current Plan Alternative regardless of whether service is already in operation along those corridors. The list represents the types of projects or support facilities that could be implemented along a corridor if funding is identified. The City of Edmonds and other stakeholders would have additional opportunities to comment on potential station locations as projects are implemented in the future.

493-1

that there has been insufficient rider demand near the site to warrant service. This lack of demand will, however, significantly change with the development of Point Wells. At buildout, Point Wells is expected to house a population in excess of 6,000 people and will include significant and publicly accessible retail, commercial, community and recreational facilities.

Although the project has faced numerous legal challenges, any doubts regarding the project's viability were largely removed when the State Supreme Court ruled earlier in favor of the project. The project team is nearing the successful conclusion of negotiations with the City of Shoreline regarding the mitigation of traffic impacts. Snohomish County is fully engaged in preparing a draft environmental impact statement for the project which should adopt and incorporate the conclusions and mitigation conditions set forth in the Shoreline agreement.

We realize it will take a number of years to complete the necessary permitting process and to then remediate the site and construct sufficient housing to justify a Sounder stop. The current update to Sound Transit's long range service plan is the logical and appropriate time to clearly depict a potential future stop at this site. The inclusion of such a potential stop will also be of great assistance in rebutting the contention that no station will ever be allowed at this location.

We are fully aware that the demand on Sound Transit's limited resources far outweighs available funding. We further recognize the appropriate prioritization of the extension of light rail service to new areas. However, we do not see a Sounder rail station at Point Wells as competing with those funding priorities. To be clear, we are ***not*** asking that Point Wells be included in the ST 3 funding package. We ask only that this **site be addressed in the ST 3 Final EIS and eventually included in your long range service plan.** We recognize that the construction of the Sounder rail station would be contingent upon the execution of a binding agreement by which **BSRE would commit to fund the construction of this station.**

Our views as described herein are consistent with the direction provided us following prior conversations regarding this possibility. The attached letter dated April 13, 2010 from David Phillip Beal, Sound Transit's Planning and Project Development Manager, includes the following relevant passages:

> "First, it is part of Sound Transit's mission to provide service to Urban Centers. Point Wells' location on the Everett-to-Seattle Sounder line and the property's Urban Center designation lend support to [BSRE's] concept of including a commuter rail station within your development . . .
>
> I also want to note that a 'provisional' station located in the Point Wells/Richmond Beach area was part of Sound Transit's original Ten Year Regional Transit System Plan, known as *Sound Move*, with 'provisional' defined as '*subject to funding availability from the North King County subarea . . .*' Because funding did not become available a station was never constructed in this area.

#943196 v2 / 43527-004

# EXHIBIT E

SOUNDTRANSIT

April 13, 2010

Mark Wells
Paramount Petroleum Corp.
20555 Richmond Beach Drive NW
Seattle, WA 98177

Re: Point Wells/Richmond Beach Sound Transit Service Opportunity

Dear Mark:

This letter responds to your February 9, 2010 letter regarding Paramount's Point Wells development project. Sound Transit recognizes there are many issues being considered by Snohomish County and other jurisdictions regarding Paramount's proposed development. Most of these are outside Sound Transit's purview. That said, given Snohomish County Council's unanimous approval of an Urban Center designation for Paramount's property, it is appropriate for Sound Transit to respond to your general questions regarding the potential for Sounder commuter rail service at this location. Rather than respond to your six individual questions, I'll provide a general response to your letter.

First, it is part of Sound Transit's mission to provide service to Urban Centers. Point Wells' location on the Everett-to-Seattle Sounder line and the property's "Urban Center" designation lend support to Paramount's concept of including a commuter rail station within your development. Such a station has the potential to increase ridership on the Everett-to-Seattle line. While your property may have adequate room to integrate a station into a multi-modal transit center, there are other issues and constraints that would affect our ability to provide commuter rail service in that location. At our meeting with you in December 2009 we provided you information regarding Sound Transit's design guidelines for rail stations. It would be critical for us to work with the adjoining jurisdictions prior to determining the feasibility of such a station and service in the future, and with the BNSF Railway to establish the Sounder Everett-to-Seattle line's capacity to accommodate an additional station. It is important to note that BNSF would also need to approve the design and location of any new station and platforms.

I also want to note that a "provisional" station located in the Point Wells/Richmond Beach area was part of Sound Transit's original Ten Year Regional Transit System Plan, known as *Sound Move*, with "provisional" defined as "*...subject to funding availability from the North King County*

CHAIR
Aaron Reardon
*Snohomish County Executive*

VICE-CHAIRS
Fred Butler
*Issaquah Deputy Council President*

Claudia Thomas
*Lakewood Councilmember*

BOARD MEMBERS
Claudia Balducci
*Bellevue Councilmember*

Richard Conlin
*Seattle Council President*

Dow Constantine
*King County Executive*

Jan Drago
*King County Councilmember*

Dave Enslow
*Sumner Mayor*

Jake Fey
*Tacoma Deputy Mayor*

Paula J. Hammond, P.E.
*Washington State Secretary of Transportation*

John Marchione
*Redmond Mayor*

Joe Marine
*Mukilteo Mayor*

Pat McCarthy
*Pierce County Executive*

Mike McGinn
*Seattle Mayor*

Julia Patterson
*King County Councilmember*

Larry Phillips
*King County Councilmember*

Paul Roberts
*Everett Council President*

Peter von Reichbauer
*King County Councilmember*

CHIEF EXECUTIVE OFFICER
Joni Earl

Central Puget Sound Regional Transit Authority • Union Station
401 S. Jackson St. • Seattle, WA 98104-2826 • Reception: (206) 398-5000 • FAX: (206) 398-5499 • www.soundtransit.org

*subarea*" (page 17). Because funding did not become available a station was never constructed in this area.

Despite the potential Point Wells might hold for a commuter rail station, it is important to note that Sound Transit's ST2 plan, approved by the voters in 2008, provides funding for a specific set of capital projects through 2023. It is unlikely that the Sound Transit Board would vote to fund or partially fund any additional projects prior to the second-half of the 15 year plan (2016 or later). Furthermore, any new project would have to be evaluated vis-à-vis other potential additional Sound Transit projects. Since Point Wells falls immediately north of the Richmond Beach provisional station identified in *Sound Move*, a Point Wells station would be located in the Sound Transit Snohomish County subarea. Any Sound Transit costs related to Point Wells would be evaluated against the Board's priorities for that subarea. Should Paramount propose to fund the commuter rail station without Sound Transit funding, this could clearly influence the review and the timing of the development of a station at Point Wells.

I hope this letter is helpful as you continue your work. We look forward to coordinating with Paramount Petroleum as you develop your Point Wells property. Feel free to call me if you have any additional questions.

Sincerely,

David Phillip Beal

David Phillip Beal
Planning & Project Development Manager
Department of Planning, Environmental & Project Development
Sound Transit

# EXHIBIT F

# Supplement to Urban Center Development Application

11-101457 LU (Land Use permit for site plan)
11-101461 SM (Shoreline Management permit)
11-101464 RC (Retaining Wall – Commercial)
11-101008 LDA (Land Disturbing Activity – grading)
11-101007 SP (Short Plat)
11-101457 VAR (Parking Variance)

April 25, 2018

BSRE Point Wells, LP, ("**BSRE**") hereby supplements its applications for the proposed Point Wells Urban Center (the "**Project**").

1) **Vehicle Trip Limit and Traffic Mitigation.**

In a Memorandum of Understanding ("**MOU**") dated April 1, 2013 between BSRE and the City of Shoreline, attached hereto as Exhibit A, the parties thereto agreed to jointly sponsor and conduct a Richmond Beach Traffic Corridor Study (the "**Corridor Study**"). The study, now substantially complete but awaiting Shoreline City Council review and approval, was intended (i) to establish a mechanism for the citizens of Shoreline to participate in a public process regarding the analysis of transportation issues and acceptable mitigation alternatives associated with the proposed Point Wells development; and (ii) establish the terms and methodology by which the transportation impacts of the development would be analyzed, mitigated and eventually incorporated into Snohomish County's environmental analysis for BSRE's development applications.

At Section 1 of the MOU, the parties agreed "for the purposes of [the Corridor Study], that the net new trips (along Richmond Beach Drive NW) generated from the proposed development at Point Wells shall be assumed not to exceed 11,587 average daily trips ("ADT") at the Project access point into Shoreline." While BSRE and Shoreline have not finalized all aspects of the Corridor Study and the actions to be taken in support thereof, the study nonetheless contains valuable information with which BSRE can effectively mitigate the traffic impacts likely to occur because of the development of Point Wells.

An outcome of the Corridor Study process was the collaborative development and documentation of traffic mitigation measures to be implemented within the City of Shoreline. These traffic mitigation measures are outlined in detail in Section 4 of the Expanded Traffic Impact Analysis report for Point Wells that was submitted to the County on September 1, 2016.

Contingent on the City of Shoreline complying with its commitments outlined in the MOU, BSRE hereby supplements its Application by incorporating therein a limit to the number of net

new daily vehicle trips generated from its proposed development at Point Wells ("**Project Trips**") to not more than 11,587 (the "**Trip Cap**") at the Project access point into Shoreline.

**2) Monitoring of Vehicle Trips and Reporting of Compliance.**

A. Assuming the approval of the Urban Center Application as submitted, BSRE agrees that upon the issuance of Certificates of Occupancy for three hundred fifty (350) dwelling units (representing approximately one half of the proposed number of dwelling units in Phase 1 of the Project), BSRE shall at its cost install and maintain a mechanical vehicle trip counting device (the "Trip Counting Device") at the main Project entrance. Nothing herein shall preclude BSRE, upon not less than thirty (30) days' advance written notice to the City of Shoreline (the "**City**") and Snohomish County (the "**County**"), from utilizing alternative and equally accurate trip counting devices or means.

B. Assuming the approval of the Urban Center Application as submitted, BSRE agrees that upon the issuance of Certificates of Occupancy for seven hundred and twenty (720) dwelling units (representing the proposed number of dwelling units in Phase 1 of the Project), BSRE shall provide a trip generation report (a "**Report**") to the City and County, at intervals of not less than every six (6) months (a "**Reporting Period**"), of the average number of new net daily Project Trips as measured during said Reporting Period. Each Report shall also set forth the number of Project Trips measured each the day during the AM and PM peak hours for that Reporting Period.

C. Assuming the approval of the Urban Center Application as submitted, BSRE agrees that the average of the previous twelve (12) monthly counts of Project Trips shall be the number of Project Trips used to determine compliance with the Trip Cap.

**3) Comparison to Anticipated Trip Counts By Project Phase.**

Assuming the approval of the Urban Center Application as submitted, BSRE agrees to the following:

A. The anticipated number of Project Trips by phase shall be as set forth in Exhibit B hereto.

B. Commencing with the proposed development of any portion of Phase 3, if at any time the number of projected Project Trips, when added to the average Trip Count in the prior two Reports, exceeds the trip projection applicable to that development phase as set forth in Exhibit B, then BSRE shall take such action as is necessary to cause the number of Project Trips for the next development phase, when added to the average Trip Count from the previous two Reporting Periods, to come into compliance with the trip projection set forth in Exhibit B.

C. The manner by which BSRE shall cause the Trip Count for the next proposed development phase to come into compliance with the limit set forth in Exhibit B for that phase shall be within BSRE's sole discretion. BSRE may, for example and without limitation, combine

individual residential units so as to create fewer larger units. By way of further illustration, BSRE might, for example and without limitation, increase the number of senior units (each of which will generate fewer Project Trips) so as to cause the anticipated number of Project Trips to comply with the applicable limit.

D. At such time as the Project Trips match or exceed 80% of the Trip Cap, then BSRE shall so notify the County and the City. Thereafter, BSRE may submit development applications only for such number of units and/or commercial or retail space for which the anticipated Project Trips, when added to the Project Trips associated with the existing amount of development, shall not exceed the Trip Cap. BSRE shall not submit any further development applications (where the Project Trips associated therewith will cause the Trip Cap to be exceeded) until such time as the number of actual Project Trips and the projected Project Trips associated with such additional development are brought into compliance with the Trip Cap. Nothing herein shall preclude BSRE from taking such actions as may be necessary to cause such a reduction in Project Trips in an effort to bring about compliance with the Trip Cap.

E. BSRE shall ensure through covenants recorded against the project site or through other means approved by the County, that the obligation to conduct such monitoring and provide such Trip Reports shall be conducted as set forth herein during the full term of the Monitoring Requirement (as defined herein).

F. Nothing herein shall preclude BSRE from altering the order of construction of the Project Phases or from establishing sub-phases. The Project Trips per phase shall remain unchanged regardless of the order in which the phases are constructed.

G. BSRE's compliance with the provisions herein regarding compliance with the Trip Cap shall be enforceable by the City and/or the County in Snohomish County Superior Court.

H. The City and the County shall have the right, upon forty-eight (48) hours' advance notice (not including weekends of federal or state holidays), to inspect or otherwise monitor the Trip Counting Device so as to ensure that the trip numbers produced thereby are accurate and reliable.

I. BSRE shall continue to monitor the number of Project Trips until such time as the Project shall have received Certificates of Occupancy for the number of dwelling units authorized in the Project permit approvals (the period of time where monitoring is required shall be referred to herein as the "**Monitoring Requirement**").

J. Contemporaneous with the issuance of final project approvals, BSRE shall deliver to the County an agreement, in recordable form, under which BSRE agrees that it may not bring suit against the County for refusing to approve permit requests when the projected number of trips exceeds the Trip Count as determined and/or confirmed by BSRE's traffic consultant.

4) **Senior Housing.**

Of the dwelling units proposed in the Urban Center application, not less than 1,093 units are planned to be designated for occupancy by families or individuals where at least one adult shall have attained the age of fifty-five (55) years (hereinafter "Senior Units"). Senior Units are currently planned to be constructed at the locations depicted in the revised site plan submitted herewith. Those units are allocated by phase as shown in Exhibit C. If the projected Project Trips are 90% or less than the applicable Project Trips for that phase of development, BSRE may lessen the number of Senior Units so long as the projected Project Trips remains less that the applicable Trip Limit.

5) **Supplemental Transit Service.**

SCC 30.34A.085, requires that access to public transportation must be provided to the businesses and residents of the future Project. SCC 30.34A.085(3) provides that at a minimum, a development "shall provide a mechanism such as van pools or other similar means of transporting people on a regular schedule in high occupancy vehicles to operational stops or stations for high occupancy transit." BSRE recognizes that currently available public transit cannot by itself provide the level of service necessary to meet the above requirement. While it will attempt to work with the various transit agencies to bring about an increase in available public transit service, BSRE commits to provide at its cost, to contract with third parties, for such additional transit service as is necessary to achieve compliance with the above standard. The type and extent of such supplemental transit service currently contemplated is more fully identified in Exhibit D hereto.

6) **Commitment to Fund Sound Transit Commuter Rail Station.**

Sound Transit has expressed an interest in providing commuter rail service at Point Wells once a sufficient on-site population is achieved. It is expected that Sound Transit's interest in providing such commuter rail service will be contingent upon BSRE's willingness to fully fund the construction of the on-site commuter rail station. If required by Sound Transit, BSRE agrees to provide such funding.

7) **Elimination of Beach Groins.**

A number of early plan drawings depict the construction of a number of "beach groins" along the shoreline. Those groins are no longer part of the development plan and are hereby eliminated from the Point Wells Urban Center application.

# EXHIBIT A

Shoreline/BSRE Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING
REGARDING RICHMOND BEACH CORRIDOR STUDY
BY AND BETWEEN THE CITY OF SHORELINE
AND BSRE POINT WELLS, LP

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into this 1 day of April, 2013, by and between the City of Shoreline, a noncharter, optional code Washington municipal corporation, hereinafter the "City," and BSRE Point Wells, LP ("BSRE"), a limited partnership organized under the laws of the State of Delaware.

RECITALS:

WHEREAS, BSRE owns development property of approximately 61 acres ("Point Wells") located in Snohomish County and within the City of Shoreline's future service area and adopted Point Wells Subarea Plan, which provides in part: "The Vision for Point Wells is an environmentally sustainable mixed-use community that is a model of environmental restoration, low-impact and climate-friendly sustainable development practices, and which provides extensive public access to the Puget Sound with a variety of trails, parks, public and semi-public spaces;" and

WHEREAS, BSRE has submitted permit applications to Snohomish County for urban center development and related approvals for Point Wells to construct a phased project of mixed use development under Snohomish County regulations (the "Project"); and

WHEREAS, the only road serving Point Wells is Richmond Beach Drive and connecting arterials located in Shoreline, which in its current configuration and without mitigation is likely inadequate to accommodate the anticipated number of trips from the proposed Point Wells Project; and

WHEREAS, the City has issued a Letter of Intent regarding the Point Wells Urban Center permits currently pending before Snohomish County outlining guiding principles for a negotiated agreement for municipal services to Point Wells to avoid the cost, uncertainty, and risk inherent in litigating Point Wells permit approvals including the vested status of pending permit applications; and

WHEREAS, the parties wish to enter into this Memorandum of Understanding Regarding Richmond Beach Corridor Study to (i) establish a mechanism for the citizens of Shoreline to participate in a public process regarding the analysis of transportation issues and acceptable mitigation alternatives associated with the proposed development; and (ii) establish the terms and methodology by which the transportation impacts of a development at Point Wells would be analyzed, mitigated and eventually incorporated into Snohomish County's environmental analysis for BSRE's development applications;

NOW THEREFORE, the parties, in consideration of the matters described above and the mutual benefits set forth in this Agreement, the parties memorialize this expression of their mutual intent as follows:

**Section 1. The Project.**

The Project is the anticipated development by BSRE of Point Wells, consisting of approximately 61 acres located in unincorporated Snohomish County immediately north of the City of Shoreline. The Project site is legally described in Exhibit A, attached hereto and incorporated herein by this reference. It is agreed among the parties that the Project is a private development and that the City has no interest therein except as authorized in the exercise of its governmental functions. The Project is more particularly described in the development applications submitted by BSRE to Snohomish County which are hereby incorporated herein by this reference. The parties agree, for the purposes of this study, that net new trips on Segment A generated from the proposed development at Point Wells shall be assumed not to exceed 11,587 average daily trips ("ADT") at the Project access point into Shoreline. This assumption will serve as the basis for the Corridor Study.

The parties have discussed coordination of the Corridor Study with the Snohomish County SEPA review on pending Project applications and understand that the County will incorporate the results of the study in its project environmental impact statement but results of its comments and analysis make it impossible for Snohomish County to commit to adopting the mitigation projects recommended in the Corridor Study in advance of their SEPA review. The parties agree to proceed with the Corridor Study, coordinate the Study with the Snohomish County environmental review and make the reconciliation of mitigation projects, if necessary, as detailed in Section 3B. The workshop meetings schedule in Exhibit B-2 shall be set by mutual agreement as soon as practicable following the Snohomish County EIS scoping process.

**Section 2. Public Participation Process.**

A. In order to involve the residents most affected by BSRE's proposal in decisions regarding the selection among final road design options, the City shall sponsor and conduct a public participation planning and consultation process (the "Corridor Study") as more particularly described in Exhibit B attached hereto. BSRE shall provide technical and traffic engineering support as further identified in Exhibit B.

B. The traffic modeling to be used in assessing the impacts of the Project, both in the Corridor Study and in future traffic analyses, shall incorporate and be based upon the assumptions and standards set forth in Exhibits B and B-1 hereto.

**Section 3. SEPA Actions.**

A. The parties intend that the traffic analyses, mitigation projects and supporting studies and documentation shall be conducted in a manner acceptable to Snohomish County and

shall, upon completion, be submitted to the County to assist in the preparation of the project Environmental Impact Statement. The parties further contemplate that the Corridor Study and supporting studies and analysis shall undergo peer review by an independent traffic consultant affiliated with the project SEPA consultant.

B. The City agrees not to oppose any non-construction traffic-related elements of Snohomish County's SEPA process, its permits review or required traffic-related mitigation so long as (i) BSRE complies with the terms of this MOU; and (ii) the results of the Corridor Study are adopted and incorporated by Snohomish County into its permit review and analyses and in any conditions to its permit and development agreement approvals, or, if not, BSRE nonetheless enters into a binding agreement with Shoreline to construct, or have constructed, the agreed traffic mitigation projects.

If the traffic mitigation conditions imposed by Snohomish County preclude construction or duplicates the intended benefits of a mitigation project agreed to by the parties, the parties agree to make reasonable amendments to their mitigation project agreement if the amendment results in equal or greater reduction of impacts indentified in the Corridor Study.

C. The City agrees to submit amendments to its Point Wells Subarea and other Elements of the Shoreline Comprehensive Plan which will allow road capacities associated with mitigation measures in the corridor, consistent with recommendations of the Corridor Study, for consideration in the 2013 Shoreline Comprehensive Plan Docket. Amendments proposed as part of the docket should be further amended if necessary to be consistent with recommendations of the Corridor Study and any further agreement between the parties. If approved for the Docket, the amendments will be processed for final action without further cost or expense to BSRE, including necessary SEPA review.

**Section 4. Notices.**

Notices, demands, correspondence to the City and BSRE shall be sufficiently given by pre-paid first-class mail to the addresses of the parties as follows:

City of Shoreline
City Manager
17500 Midvale Ave. N.
Shoreline, WA 98133-4905

BSRE Point Wells, LP
c/o Doug Luetjen and Gary Huff
Karr Tuttle Campbell
701 Fifth Avenue Suite 3300
Seattle, WA 98104

Notices to subsequent landowners shall be forwarded to the owners of record according to the then current Snohomish County property tax records. The parties hereto may, from time to time, advise the other of new addresses for such notices, demands or correspondence.

**Section 5. Exhibits.**

Exhibits to this Agreement are as follows:

A. Exhibit A – Legal description of BSRE property designated herein as Point Wells.

B. Exhibits B and B-1 – Scope of Work Regarding Public Participation Process and the assumptions to be incorporated therein.

C. Exhibit B-2 – Schedule of Public Meetings for Corridor Study.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed as of the dates set forth below:

**BSRE POINT WELLS, LP,**
a Delaware limited partnership

By: BSRE (USA), Inc.,
a Delaware corporation,
its General Partner

By: _____
Title: CEO BSRE

Dated: 3-28-13

**CITY OF SHORELINE**

_____
Julie Underwood, City Manager

Dated: 4-1-2013

APPROVED AS TO FORM:

_____
Ian R. Sievers, City Attorney

# Exhibit A

*Legal Description of Point Wells*

See attached.

SHORT PLAT CERTIFICATE

# SCHEDULE A

(Continued)

## LEGAL DESCRIPTION

THE FOLLOWING DESCRIBED PARCELS A, D, E, F AND G, EXCLUDING (A) ALL BUILDINGS, STRUCTURES, FIXTURES, PIPELINES, TANKS, EQUIPMENT, FENCING, DOCKS, PIERS AND OTHER IMPROVEMENTS OR REPLACEMENTS THEREOF NOW OR HEREAFTER LOCATED ON SUCH REAL PROPERTY, (B) ANY PERSONAL PROPERTY SITUATED THEREON, AND (C) THE AQUATIC LANDS LEASE NO. 20-013465, BETWEEN THE STATE OF WASHINGTON, ACTING THROUGH THE DEPARTMENT OF NATURAL RESOURCES, AND PARAMOUNT OF WASHINGTON, LLC (AS ASSIGNEE OF CHEVRON, U.S.A., INC.):

PARCEL A:

ALL THAT PORTION OF GOVERNMENT LOT 3, LYING WESTERLY OF THE WESTERLY RIGHT OF WAY MARGIN OF THAT CERTAIN STRIP OF LAND CONVEYED TO SEATTLE AND MONTANA RAILWAY COMPANY (NOW KNOWN AS BURLINGTON NORTHERN, INC., A DELAWARE CORPORATION) BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 6220 AND OF TIDE LAND LOT 3, ACCORDING TO THE MAP ON FILE IN OLYMPIA, WASHINGTON, ENTITLED "PLAT OF TIDE LANDS OF THE FIRST CLASS AT THE TOWN OF EDMONDS," SECTION 35, TOWNSHIP 27 NORTH, RANGE 3 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON, LYING NORTHERLY OF A LINE DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WESTERLY LINE OF THAT CERTAIN STRIP OF LAND CONVEYED TO SEATTLE AND MONTANA RAILWAY COMPANY NOW KNOWN AS BURLINGTON NORTHERN, INC., A DELAWARE CORPORATION BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 6220, A DISTANCE OF 1708.20 FEET NORTH OF THE SOUTH BOUNDARY OF SAID SECTION 35 AS PRODUCED FROM THE SOUTHEAST CORNER OF SAID SECTION THROUGH THE SOUTH QUARTER CORNER OF THE SOUTH LINE OF SAID SECTION;
THENCE SOUTH 22° 54'45" WEST ALONG THE WESTERLY LINE OF SAID RIGHT OF WAY A DISTANCE OF 272.27 FEET TO THE TRUE POINT OF BEGINNING OF THE LINE HEREIN DESCRIBED;
THENCE NORTH 76° 34'18" WEST 657.50 FEET;
THENCE SOUTH 0° 12'17" WEST, 193.15 FEET;
THENCE NORTH 87° 02'52" WEST, 381.34 FEET;
THENCE NORTH 75° 41'33" WEST TO WEST LINE OF SAID TIDELAND LOT 3 AND THE TERMINUS OF THE LINE HEREIN DESCRIBED.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

PARCEL D:

THAT CERTAIN PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND OF GOVERNMENT LOTS 3 AND 4, SECTION 35, TOWNSHIP 27 NORTH, RANGE 3 EAST, W.M., AND OF LOTS 3 AND 4, EDMONDS TIDE LANDS, ACCORDING TO THE MAP ON FILE IN OLYMPIA, WASHINGTON ENTITLED 'PLAT OF TIDE LANDS OF THE FIRST CLASS AT THE TOWN OF EDMONDS, DESCRIBED AS FOLLOWS:

SEE NEXT PAGE

CHICAGO TITLE COMPANY

Policy No.: 5305283C

EXTENDED MORTGAGEE LEASEHOLD POLICY

# SCHEDULE A

(Continued)

## LEGAL DESCRIPTION

BEGINNING AT A POINT ON THE WEST LINE OF THAT CERTAIN STRIP OF LAND CONVEYED TO SEATTLE & MONTANA RAILWAY COMPANY NOW KNOWN AS BURLINGTON NORTHERN, INC., A DELAWARE CORPORATION BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 5277 WHICH IS 748 FEET NORTH OF THE SOUTH LINE OF SAID SECTION, SAID POINT HAVING BEEN LOCATED BY GARDNER, GARDNER AND FISCHER, INC., CIVIL ENGINEERS, AS BEARING NORTH 0°02'39" EAST ALONG THE NORTH AND SOUTH QUARTER SECTION LINE, 748.00 FEET AND NORTH 89°30'46" WEST, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 1381.93 FEET FROM THE QUARTER SECTION CORNER IN THE SOUTH LINE OF SAID SECTION;
THENCE SOUTHERLY ALONG SAID WESTERLY LINE OF SAID BURLINGTON NORTHERN RAILWAY RIGHT OF WAY 200 FEET, TO A POINT WHICH IS 560.46 FEET NORTH AND 1393.68 FEET WEST OF SAID QUARTER SECTION CORNER;
THENCE NORTH 89°30'46" WEST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 695.97 FEET TO THE GOVERNMENT MEANDER LINE OF PUGET SOUND, SAID MEANDER LINE BEING THE EASTERLY LINE OF SAID LOT 4 SAID EDMONDS TIDE LANDS;
THENCE NORTH 46°58'20" WEST ALONG SAID MEANDER LINE 147.44 FEET;
THENCE NORTH 89°30'46" WEST 163.21 FEET TO THE WESTERLY LINE OF SAID LOT 4, EDMONDS TIDE LANDS;
THENCE NORTH 41°17'17" WEST ALONG SAID WESTERLY LINE, 86.16 FEET TO AN ANGLE POINT IN SAID LINE;
THENCE NORTH 11°48'43" EAST ALONG SAID WESTERLY LINE OF LOT 4, AND ALONG THE WESTERLY LINE OF LOT 3 OF SAID EDMONDS TIDE LANDS, 990.54 FEET TO AN ANGLE POINT IN SAID LINE;
THENCE NORTHEASTERLY ALONG THE SAID WESTERLY LINE OF SAID LOT 3, EDMONDS TIDE LANDS, 359.62 FEET, MORE OR LESS, TO THE MOST WESTERLY CORNER OF THE J. C. VAN ECK TRACT, AS ESTABLISHED BY DECREE ENTERED IN SNOHOMISH COUNTY TITLE REGISTRATION CAUSE NO. 5, ENTITLED J. C. VAN ECK, PLAINTIFF VS. DANIEL HINES (ET AL) DEFENDANTS;
THENCE SOUTH 67°05'15" EAST ALONG THE SOUTHWESTERLY LINE OF THE SAID VAN ECK TRACT, AS ESTABLISHED IN SAID CAUSE NO. 5, 986.73 FEET, TO A POINT IN THE SAID WESTERLY LINE OF SAID SEATTLE & MONTANA RAILWAY COMPANY'S RIGHT OF WAY;
THENCE SOUTHWESTERLY ALONG THE SAID WESTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING;

TOGETHER WITH TIDELANDS OF THE SECOND CLASS SITUATE IN FRONT OF, ADJACENT TO, OR ABUTTING UPON THE ABOVE DESCRIBED PORTION OF GOVERNMENT LOT 4, AS CONVEYED BY THE STATE OF WASHINGTON BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 758480.

EXCEPT THAT PORTION OF GOVERNMENT LOT 3 AND SAID TIDE LAND LOT 3, LYING NORTHERLY OF A LINE DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILROAD DISTANT 1708.2 FEET NORTH OF THE SOUTH BOUNDARY OF SAID SECTION 35 AS PRODUCED FROM THE SOUTHEAST CORNER OF SAID SECTION THROUGH THE SOUTH QUARTER CORNER ON THE SOUTH LINE OF SAID SECTION;
THENCE SOUTH 22° 54'45" WEST ALONG THE WESTERLY RIGHT OF WAY LINE 272.27 FEET TO THE TRUE POINT OF BEGINNING OF THE LINE HEREIN DESCRIBED;
THENCE NORTH 76° 34'18" WEST 657.50 FEET;
THENCE SOUTH 0° 12'17" WEST, 193.15 FEET;
THENCE NORTH 87° 02'52" WEST, 381.34 FEET;
THENCE NORTH 75° 41'33" WEST TO WEST LINE OF SAID TIDELAND LOT 3 AND THE TERMINUS OF THE LINE HEREIN DESCRIBED.

# SCHEDULE A

(Continued)

## LEGAL DESCRIPTION

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

PARCEL E:

PARCEL 2 OF SNOHOMISH COUNTY BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NUMBER 200405180215, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND OF GOVERNMENT LOT 4 AND OF VACATED HEBERLEIN ROAD, ACCORDING TO VOLUME 44 OF COMMISSIONER'S RECORDS, PAGE 44 AND OF A PORTION OF LOT 4, EDMONDS TIDE LANDS, ACCORDING TO THE MAP ON FILE IN OLYMPIA, WASHINGTON ENTITLED "PLAT OF TIDE LANDS OF THE FIRST CLASS AT THE TOWN OF EDMONDS", ALL IN SECTION 35, TOWNSHIP 27, RANGE 3 EAST, W.M., SAID PARCEL MORE PARTICULARLY DESCRIBED AS FOLLOWS: (THE BEARINGS OF THIS PARCEL DESCRIPTION ARE BASED ON THE WASHINGTON COORDINATE SYSTEM, NORTH ZONE, NAD 83-91)

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 35;
THENCE NORTH 01°11'56" EAST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION A DISTANCE OF 991.97 FEET (60 RODS BY DEED);
THENCE NORTH 88°33'35" WEST A DISTANCE OF 943.19 FEET TO THE POINT OF BEGINNING OF THIS PARCEL DESCRIPTION;
THENCE SOUTH 01°11'56" WEST A DISTANCE OF 455.24 FEET;
THENCE SOUTH 88°33'35" EAST A DISTANCE OF 422.92 FEET;
THENCE SOUTH 01°11'56" WEST A DISTANCE OF 20.00 FEET;
THENCE SOUTH 88°33'35" EAST A DISTANCE OF 490.27 FEET TO THE WEST MARGIN OF 116TH AVENUE SW;
THENCE SOUTH 01°11'56" WEST ALONG SAID MARGIN A DISTANCE OF 34.70 FEET;
THENCE NORTH 88°33'35" WEST A DISTANCE OF 616.67 FEET;
THENCE NORTH 01°11'56" EAST A DISTANCE OF 34.70 FEET;
THENCE NORTH 88°33'35" WEST A DISTANCE OF 453.60 FEET;
THENCE SOUTH 01°11'56" WEST A DISTANCE OF 259.23 FEET;
THENCE NORTH 88°33'35" WEST A DISTANCE OF 153.56 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY LINE OF THE SEATTLE AND MONTANA RAILWAY COMPANY, NOW KNOWN AS THE BURLINGTON NORTHERN SANTA FE RAILWAY AND A POINT HEREINAFTER KNOWN AS POINT "A";
THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCES:
NORTH 05°29'24" WEST A DISTANCE OF 153.31 FEET;
THENCE NORTH 01°36'06" WEST A DISTANCE OF 65.00 FEET TO THE BEGINNING OF A 1382.70 FOOT RADIUS TANGENT CURVE TO THE RIGHT;
THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21°46'17" AN ARC DISTANCE OF 525.40 FEET;
THENCE NORTH 88°33'35" WEST A DISTANCE OF 1.50 FEET;
THENCE NORTH 24°02'46" EAST A DISTANCE OF 265.00 FEET;
THENCE SOUTH 31°23'34" EAST A DISTANCE OF 291.15 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH A PARCEL LYING WESTERLY OF SAID RAILWAY AND COMMENCING AT AFORESAID POINT "A";
THENCE NORTH 88°33'35" WEST A DISTANCE OF 107.79 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID RAILWAY AND THE POINT OF BEGINNING;

# SCHEDULE A

(Continued)

## LEGAL DESCRIPTION

THENCE CONTINUING NORTH 88°33'35" WEST A DISTANCE OF 414.54 FEET, MORE OR LESS, TO THE GOVERNMENT MEANDER LINE;
THENCE SOUTH 45°57'35" EAST ALONG SAID LINE A DISTANCE OF 14.77 FEET;
THENCE NORTH 88°33'35" WEST A DISTANCE OF 240.88 FEET TO THE WESTERLY LINE OF SAID LOT 4 OF EDMONDS TIDE LANDS;
THENCE NORTH 40°07'35" WEST ALONG SAID LINE A DISTANCE OF 551.68 FEET;
THENCE SOUTH 88°33'35" EAST A DISTANCE OF 158.05 FEET TO SAID MEANDER LINE;
THENCE SOUTH 45°57'35" EAST ALONG SAID LINE A DISTANCE OF 147.44 FEET;
THENCE SOUTH 88°33'35" EAST A DISTANCE OF 710.85 FEET, MORE OR LESS TO SAID WESTERLY RIGHT OF WAY LINE AND THE BEGINNING OF A 1004.93 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT;
THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°52'56" AN ARC DISTANCE OF 85.63 FEET;
THENCE SOUTH 05°29'24" EAST A DISTANCE OF 219.22 FEET TO SAID POINT "A" AND THE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

PARCEL F:

ALL THAT PORTION OF GOVERNMENT LOT 4, SECTION 35, TOWNSHIP 27 NORTH, RANGE 3 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 35;
THENCE NORTH 0°21'27" EAST 247.50 FEET;
THENCE NORTH 89°00' WEST ALONG THE NORTH LINE OF PROPERTY CONVEYED TO ELIZABETH JANE SPENCER BY DEED RECORDED IN VOLUME 5 OF DEEDS, PAGE 264, 1100.27 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;
THENCE NORTH 10 FEET TO A POINT ON THE SOUTH LINE OF PROPERTY CONVEYED TO NORTH AMERICAN TERRA COTTA TILE BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 81850;
THENCE NORTH 89°00' WEST ALONG THE SOUTH LINE OF SAID NORTH AMERICAN TERRA COTTA TILE PARCEL TO THE MEANDER LINE OF SAID SECTION 35;
THENCE SOUTH 44°57'35" EAST, ALONG THE SAID MEANDER LINE 14.77 FEET TO A POINT WHICH IS 10 FEET SOUTH OF AND PARALLEL TO THE LINE LAST ABOVE DESCRIBED;
THENCE SOUTH 89°00' EAST TO THE POINT OF BEGINNING;

EXCEPT THAT PORTION OF SAID PREMISES LYING EASTERLY OF THE WESTERLY LINE OF THE SEATTLE & MONTANA RAILWAY COMPANY'S RIGHT OF WAY, NOW KNOWN AS BURLINGTON NORTHERN, INC., A DELAWARE CORPORATION, AS CONVEYED BY DEEDS RECORDED UNDER AUDITOR'S FILE NUMBERS 5277 AND 120070;

TOGETHER WITH TIDELANDS OF THE SECOND CLASS SITUATE IN FRONT OF, ADJACENT TO, OR ABUTTING UPON THE ABOVE DESCRIBED PARCEL F, AS CONVEYED BY THE STATE OF WASHINGTON RECORDED UNDER AUDITOR'S FILE NUMBER 758480.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

EXTENDED MORTGAGEE LEASEHOLD POLICY

# SCHEDULE A

(Continued)

## LEGAL DESCRIPTION

PARCEL G:

ALL THAT PORTION OF GOVERNMENT LOT 4, SECTION 35, TOWNSHIP 27 NORTH, RANGE 3 EAST, W.M., AND OF LOT 4 EDMONDS TIDELANDS ACCORDING TO THE MAP ON FILE IN OLYMPIA, WASHINGTON ENTITLED "PLAT OF TIDE LANDS OF THE FIRST CLASS AT THE TOWN OF EDMONDS, LYING WESTERLY OF THAT CERTAIN STRIP OF LAND CONVEYED TO SEATTLE & MONTANA RAILWAY COMPANY, NOW KNOWN AS BURLINGTON NORTHERN, INC., A DELAWARE CORPORATION BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 5662 AND SOUTH OF A LINE WHICH IS PARALLEL TO AND DISTANT 247.5 FEET NORTH OF THE SOUTH LINE OF SECTION 35 AS PRODUCED FROM THE SOUTHEAST CORNER OF SECTION 35 THROUGH THE QUARTER CORNER ON THE SOUTH LINE OF SAID SECTION;

EXCEPT THAT PORTION CONTAINED IN ORDER ADJUDICATING PUBLIC USE AND NECESSITY UNDER SNOHOMISH COUNTY SUPERIOR COURT CAUSE NO. 05-2-13678-1, AS FOLLOWS:
COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 35;
THENCE ALONG THE SOUTH LINE OF SAID SECTION, NORTH 88°33'35" WEST 1306.22 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTE FE RAILWAY AND THE TRUE POINT OF BEGINNING;
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, NORTH 05°29'24" WEST 221.33 FEET;
THENCE NORTH 88°33'35" WEST 64.24 FEET;
THENCE SOUTH 83°44'46" WEST 150.85 FEET;
THENCE SOUTH 55°49'32" WEST 62.29 FEET;
THENCE SOUTH 40°13'07" EAST 218.50 FEET TO SAID SOUTH LINE;
THENCE ALONG SAID SOUTH LINE, SOUTH 88°33'35" EAST 145.84 FEET TO THE TRUE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

# EXHIBIT B

## *Richmond Beach Neighborhood Corridor Study*
## *For Point Wells Traffic Impacts*

**I. General:**

a. The objective of this study is to designate mitigation for traffic impacts of the BSRE Point Wells, LLP ("BSRE") Point Wells development which will create or improve multimodal mobility for pedestrians, bicyclists, transit riders, trucks and vehicles using the Richmond Beach Road Corridor which will maintain and improve safety for all users and compliance with ADA regulations.

b. Deliverables will be a mitigation list linked to traffic trip benchmarks for phased development during the AM or PM peak hour, whichever is greater and to mitigate impacts to current pavement conditions due to construction.

c. The City of Shoreline shall sponsor and facilitate a series of workshops with the neighborhood directly impacted by traffic volume increases resulting from the Point Wells project. BSRE's traffic engineers shall provide technical support. The objective is in part to conduct a public participation program to inform the consideration of amendments to the City's Point Wells subarea plan and capital facilities plans including traffic levels of service and road projects needed to mitigate these traffic volumes. Public participation in the Corridor Study should develop consensus with respect to the preferred improvements to address issues identified in the Corridor and adjoining streets, including necessary traffic controls, sidewalks, and roadway modifications.

d. The Corridor Study assumptions to be utilized in the Public Participation Process are set forth in Exhibit B-1.

**II. Public Participation Process:**

a. The public participation program will be completed in two segments (collectively "Corridor"). The Richmond Beach Drive NW component of this public participation effort is intended to focus on Richmond Beach Drive NW from the site access to the intersection of Richmond Beach Drive NW and NW 195$^{th}$ Place, NW 195$^{th}$ Place, and also NW 196$^{th}$ St between Richmond Beach Dr NW and 24$^{th}$ Ave NW (Segment A).

b. The second component will address the balance of the Corridor including NW 196$^{th}$ Street east of 24$^{th}$ Ave NW, NW Richmond Beach Road, N 185$^{th}$ Street to Aurora Ave. N. (Segment B).

c. Any of the public participation workshops or meetings for the two segments could be conducted at the same location and time, but would have to be agreed upon by both BSRE and the City.

d. Meetings are anticipated to occur at a location provided by the City. Workshop durations are expected to be between 90 and 120 minutes long. No public agency elected officials shall have workshop responsibilities, although they may observe. The tentative schedule of workshops and topics is attached as Exhibit B-2.

e. BSRE will provide traffic data, maps, and conceptual plans it has already developed to support this effort. The City shall retain an independent third party to act as facilitator.

f. Workshops for both segments should evaluate:

- Alternative traffic controls at intersections including new signals and roundabouts
- Sidewalks and walkability improvement elements, including completion of sidewalk system where missing
- On-street parking alternatives
- Landscaping alternatives
- ADA access plan elements, including intersection, midblock and driveway features
- Any transit elements related to corridor design

g. It is anticipated that Segment A is more sensitive to traffic impacts and mitigation for additional traffic on this segment should be developed first. Traffic mitigation proposals for Corridor safety, driveway access, pedestrian use, transit availability and right-of-way expansion should be based upon the following criteria. The level of service shall be calculated with the delay method described in the Transportation Research Boards Highway Capacity Manual 2010 or its updated versions; provided however, that for the purposes of this study, the net new trips on Segment A generated from the proposed development at Point Wells shall be assumed not to exceed 11,587 ADT:

Segment A:

1) No increase in existing right-of-way width except to accommodate bus stops and intersection improvements.

2) A gap analysis and sight distance analysis should be performed on "problem" driveways in Segment A and modeled with VISSIM for public demonstration. The following assumptions shall apply in evaluating the changed circumstance:

a) For left and right turns into driveways -- use the HCM LOS without modification for segment delays.

b) For "forward" moving exiting driveway turns use HCM.

c) For driveways that require "backing out" -- use the HCM methodology, but increase the acceptable gap to reflect the additional time needed to back out and then move forward (HCM gap plus 3 seconds).

Mitigation/design features to assist in driveway ingress/egress where gap improvement is needed:

i. Design to a 25mph speed limit – include physical features to manage speed.

ii. Center left turn lanes, parking lanes, bike lane.

iii. Turnaround/roundabout at north city limit line vicinity.

iv. Modify "problem" driveways to allow forward out movements.

v. Signal installation or modifications to create gaps.

vi. Or other modification mutually agreed between City and BSRE.

3) LOS D for intersections with no through movement less than E and a street segment V/C ratio no greater than 0.9. The V/C ratio for segments will be based upon a functional classification consistent with the mitigated roadway section.

4) A continuous ADA compliant non-motorized facility will be located on at least one side of Richmond Beach Drive NW of sufficient width to accommodate anticipated non-motorized demand with a buffer between the facility and the travel lane that could be a landscape strip, parking strip shoulder/bike lane or widened sidewalk.

5) Regularly spaced bus stops.

6) Conceptual design of traffic calming measures to limit cut-through traffic on neighborhood streets including NW 197th St, NW 198th St, and NW 199th St.

7) Sufficient design of Segment A to show roadway layout, driveway reconfigurations, location of rockeries or retaining walls, alternative properties access and modifications to landscaping in the right-of-way.

Segment B:

1) Increases in right-of-way at intersections only as needed to meet the preferred alternative or concurrency.

2) Residential and commercial driveway access will be preserved and traffic controls established to allow reasonable access into and out of driveways consistent with similarly classified streets in Shoreline.

3) LOS D for intersections with no through movement less than E and a street segment V/C ratio no greater than 0.9. The V/C ratio for segments will be based upon a functional classification consistent with the mitigated roadway section.

4) ADA compliant non-motorized facilities will be provided to fill any gaps in non-motorized connectivity.

5) Regularly spaced bus stops.

**1. Segment A Workshop 1 – Neighborhood Concerns.**

a. The objective of this meeting is to ensure that BSRE and the City come away with a complete understanding of neighborhood concerns relative to the increased traffic and the widened roadway design on Richmond Beach Drive NW and on NW 196th St to 24th Ave NW.

b. The Richmond Beach Drive meetings will include facilitated work groups of 6-10 people each with the objective of establishing key neighborhood concerns. Maps will be used to allow identification of existing problems and locations of concerns.

c. The facilitators will help the groups to focus on major areas of concern including safety, transit access, driveway operations, intersection LOS, non-motorized accommodation, parking, noise, and landscaping. Each group will report its concerns to the others and a combined list of concerns will be generated. The assembly will then be asked to prioritize the listed concerns as a group exercise.

**2. Segment A Workshop 2 – Potential Solutions**

a. DEA will develop a range of solutions to address the prioritized concerns developed in Meeting 1. The solutions will be in the form of generic cross sections showing various methods of addressing neighborhood concerns. Cross-sections will include various combinations of travel lanes, shoulders, parking lanes, sidewalks, medians and landscaping to address the concerns. DEA will also present an aerial photo (or plan view) showing the impacts of potential improvements relative to existing ROW and topography to help establish the feasibility of various options.

b. The meeting will include facilitated work groups of 6-10 people each with the objective of identifying the preferred cross-section(s) to address the prioritized concerns. The facilitators will help the groups explore the impacts of various options within the corridor.

c. Each group will develop a potential improvement plan for Richmond Beach Drive NW and will present its plan to the others. The assembly will then be asked to rate each plan relative to the prioritized concerns from the initial meeting. The assembly will then be asked to choose a preferred concept, or combination of concepts for further development.

3. **Segment A Workshop 3 – Present Proposed Improvement Concept**

a. DEA will prepare a conceptual drawing of the preferred plan developed in Meeting 2. The plan will show the roadway alignment within the ROW, lane widths, shoulder widths, sidewalk locations and widths, potential wall locations, driveways, mailbox locations, transit stops, crosswalks, medians, intersection controls and landscaping.

b. The meeting will take the form of facilitated work groups of 6-10 people each with the objective of reviewing the proposed preferred improvement concept, confirming that it addresses the prioritized concerns, and offering suggestions and refinements to improve the concept. The facilitators will help the groups evaluate the concept by answering questions about alignment, ROW or other technical issues.

c. Each group will present its evaluation of the proposed improvement concept. The assembly will then be asked to choose a preferred concept, or combination of concepts.

4. **Segment B- Meetings 1 and 2.**

a. The objective of these meetings is to ensure that BSRE and the City come away with a complete understanding of neighborhood concerns relative to the increased traffic on this segment of the Corridor and adjoining streets.

b. The meetings will focus on improvements in principal arterial segments and adjoining streets which meet metrics listed above as traffic limiting factors.

c. The format in soliciting and finalizing a preferred concept for Corridor improvements and other traffic controls or modifications of adjoining streets shall follow the Workshops format for Segment A.

d. Combined Corridor Outcome Presentation. The City will hold an open house where citizens can view and comment on the final recommendations for the Corridor Study Area. BSRE need not participate in this meeting. This open house will be held prior to the Final Presentation to Council.

5. **Final Presentation – Present Final Improvement Concept**

a. DEA will prepare a conceptual drawing of the final Corridor plan based on feedback from final meetings on both segments. DEA will assist City staff in making a presentation summarizing the workshop process. The presentation will recap the outcome of each meeting and how the information and feedback from each meeting was incorporated into the final improvement concept. This presentation will be made to City Council at a regular scheduled meeting to provide a broader public presentation of the workshop outcome, given that acceptance of the study will be a prerequisite to actions on Comprehensive Plan changes and a Municipal Services Agreement that will affect the entire City.

b. The Traffic study and modeling will establish AM and PM peak hour demands, plus the corresponding mitigation required for the maximum trips permitted for the final build out of the project. The modeling output will be required to include for each phase the following; 1) base traffic without the project, 2) base plus project without mitigation, 3) base plus project traffic with mitigation. Once BSRE finalizes its proposed phasing and construction timetable, the results of such modeling will be used to assign a maximum peak hour trip count for each phase of the project.

c. Council shall have Comprehensive Plan amendments for the Point Wells Subarea Plan, Capital Facilities Plan and Capital Improvement Plan docketed for 2013. If the Corridor Plan is acceptable it shall be considered in amendments to these Comprehensive Plan elements and the Municipal Services Agreement for the BSRE Point Wells project.

# EXHIBIT B-1

## *Corridor Study General Scope and Assumptions*

### I. Study Assumptions:

- Acceptance of intersections and significant routes listed in Section IV below as the study area for the traffic model.
- Background traffic growth rate of ¼ percent per year.
- Use City of Shoreline's regional trip distribution per DKS model for existing and future modeling (2010 version).
- AM and PM peak hours will be modeled.
- As left turn gap analysis is evaluated for Segment A, it should include graphic simulation with Sim Traffic or VISSIM models.
- All improvements will be in accordance with the City of Shoreline adopted Codes and or other mutually acceptable Engineering Standards to the extent they do not conflict with the assumptions and objectives set herein.

### II. Documentation of Existing Conditions.

- Use 2010 or newer traffic volume data, and peak-hour turning movements.
- Use most recent complete five year accident history.
- Complete a reconciliation of existing plats and surveys or conduct additional survey, through a Licensed Surveyor, to create an aerial map from NW 197th north to the King County/Snohomish County Line that has the same level of accuracy as the aerial maps for the rest of the Corridor. Develop a base map using aerial photography for the corridor, updated with the reconciliation above, that includes: existing right-of-way widths, topography (where needed), pavement width and edge of pavement, additional right-of-way infrastructure including sidewalks, drainage facilities, driveway access, etc.; locations and details of traffic control devices (signs, striping, guardrails, etc.).

### III. Intersections and Roadways Identified for Analysis

| **Intersections identified for analysis** |
|---|
| Meridian Ave N and N 185th St |
| Meridian Ave N and N 175th St |
| SR99 and N 205th St (244th St SW) |

| |
|---|
| SR99 and N 200th St |
| SR99 and N 192nd St |
| SR99 and N 185th St |
| SR99 and N 175th St |
| SR99 and N 165th St |
| Fremont Ave N and N 205th St (244th St SW) |
| Fremont Ave N and N 200th St |
| Fremont Ave N and N 185th St |
| Fremont Ave N and N 175th St |
| Fremont Ave N and N 165th St |
| Dayton Ave N and N Richmond Beach Rd |
| Dayton Ave N and N 172nd St |
| Dayton Ave N and Carlyle Hall Rd NW |
| 3rd Ave NW and NW 205th St (244th St SW) |
| 3rd Ave NW and NW 200th St |
| 3rd Ave NW and NW 195th St |
| 3rd Ave NW and NW Richmond Beach Rd |
| 100th Ave W and SR 104 |
| 8th Ave NW and NW 205th St (244th St SW) |
| 8th Ave NW and NW 200th St |
| 8th Ave NW and NW 195th St |
| 8th Ave NW and NW Richmond Beach Rd |
| 15th Ave NW and NW Richmond Beach Rd |
| Woodway Park Rd and Algonquin Rd |
| Woodway Park Rd and 238th St SW |
| Timber Ln and 238th St SW |
| 20th Ave NW and NW 195th St |
| 24th Ave NW and NW 196th St |
| Richmond Beach Dr NW and NW 196th St |
| |
| **Routes identified for analysis** |
| Richmond Beach Drive NW: Woodway City Limits to NW 196th Street |
| NW 196th St: NW Richmond Beach Dr to 20th Ave NW |
| NW 195th St/NW Richmond Beach Rd: 20th Ave NW to 8th Ave NW |
| NW Richmond Beach Rd: 8th Ave NW to SR 99 |
| 8th Ave NW/NW 180th St/6th Ave NW: Richmond Beach Rd to N 175th Street |
| Dayton Ave N: N Richmond Beach Road to Carlyle Hall Rd NW |

| |
|---|
| Fremont Ave N: N 175th St to N 185th St |
| Fremont Ave N: N 185th St to 244th St SW |
| 20th Ave NW/Timber Lane/238th St SW: NW 196th St to Woodway Park Road |
| Woodway Park Road: 238th Street SW to Algonquin Road |
| 244th Street SW: 100th Avenue W to SR 99 |
| 8th Avenue NW: Richmond Beach Road to 244th Street SW |
| 3rd Avenue NW : Richmond Beach Road to 244th Street SW |
| 100th Avenue W: 244th Street SW to SR 104 |
| SR 99: 224th Street SW to N 185th Street |
| SR 99: N 165th Street to N 185th Street |

# EXHIBIT B-2

## *Public Meeting Schedule for Corridor Study*

| Meeting # | Date | Segment | Goal/Purpose | Location/Time |
|---|---|---|---|---|
| 1 | | B (A is also invited) | Overall Introduction on process.<br><br>Overview of data on the corridor – accidents, volumes, LOS, etc.<br><br>Small group facilitated breakouts to identify corridor issues, challenges, opportunities, neighborhood concerns, and criteria for evaluating concepts. | |
| 2 | | A | Overall introduction.<br><br>Overview of data, maps with ROW.<br><br>Small group facilitated breakouts to identify specific issues including driveways, access, parking, landscaping, noise, etc. Many of the comments will be site specific. Concerns will be prioritized. | |
| 3 | | A | Consultant will provide potential improvements addressing findings from Meeting #2.<br><br>Small groups discuss potential solutions considering priorities identified last meeting.<br><br>Each group will develop improvement plan. Report back. Full group will choose preferred concept(s) for further development. | |

| | | | | |
|---|---|---|---|---|
| 4 | | B | Consultant will present proposed concepts for improvements.<br><br>Small groups will review and comment, identifying suggestions for improvements. Small group will select preferred concept.<br><br>Report back.<br><br>Large group recommends preferred concept. Selects spokesperson (s). | |
| 5 | | A | Consultant will present a conceptual drawing(s) of preferred plan developed at Meeting #4.<br><br>Small groups will evaluate and comment, and identify suggestions to improve.<br><br>Report back.<br><br>Large group recommends preferred concept. Selects spokesperson (s). | |
| 6 | | A + B | Spokespersons from A and B will present their recommendations and preferred concept to the full group.<br><br>Full group will discuss, comment and suggest any modifications. | |

Segment A = Richmond Beach Drive from 205th to 195th/196th, and 195th/196th from Richmond Beach Drive to 24th NW

Segment B = NW Richmond Beach Road (all other segment names) from 24th Ave NW to Aurora Ave N

Meeting Times: all meetings will be open at 6:30 with 30 minutes to mingle, settle in and speak one-on-one with staff/consultants. Agenda will begin at 7 pm, and conclude promptly at 9 PM.

# EXHIBIT B

Projected Net New Traffic Trips By Phase

Projected Net New Traffic Trips By Phase

| Project Phase | Residential Units | Commercial SF | Retail SF | Project Trips (Daily) | Project Trips (AM Peak) | Project Trips (PM Peak) |
|---|---|---|---|---|---|---|
| I— South Village | 720 | 2,927 | 29,914 | 3,075 | 347 | 329 |
| II— Urban Center | 272 | 31,338 | 26,490 | 2,299 | 174 | 246 |
| IIIA— Central Village | 602 | 0 | 15,643 | 3,056 | 316 | 327 |
| IIIB— Central Village | 602 | 0 | 12,071 | | | |
| IVA— North Village | 445 | 0 | 0 | 1,598 | 134 | 171 |
| IVB— North Village | 444 | 0 | 0 | | | |
| **TOTAL** | 3,085 | 34,265 | 84,118 | 10,028 | 971 | 1,073 |

# EXHIBIT C

SENIOR UNITS BY PHASE

SENIOR UNITS BY PHASE

| | |
|---|---|
| Phase 1 | 288 |
| Phase 2 | 136 |
| Phase 3 | 313 |
| Phase 4 | 356 |
| Total | 1,093 |

# EXHIBIT D

Supplemental Transit Service

Supplemental Transit Service

BSRE shall ensure the availability of supplemental transit service serving the Project as follows:

**Section 1. Alternative Means of Providing Supplemental Transit Service.**

Supplemental service shall, at BSRE's election, be provided under contract with a public transit provider (for example, contracted service provided by Metro Transit), under contract with a private transit service, or by a transit service owned and operated by BSRE or its concessionaire.

**Section 2. Transit Route.**

Transit service shall be provided between the Project site and the Metro Park & Ride stop at North 192nd and Aurora Avenue North. At such time as the Sound Transit light rail station at 185th and Aurora Avenue becomes operational, the route shall be extended to such light rail station.

**Section 3. Frequency of Service.**

Supplemental transit service shall commence no later than the date upon which certificates of occupancy have been issued for seven hundred and twenty (720) units within the Project (which corresponds with the proposed number of units in Phase 1 of the Project). The frequency of service shall be determined in part by the demand therefor from Point Wells' residents. In addition, it is anticipated that service shall be provided on weekday mornings between 6:00 and 9:00 (the "**AM Peak Hours**") and on weekday evenings between 4:00 and 7:00 (the "**PM Peak Hours**"). BSRE will ensure the availability of sufficient seating capacity that the number of Project Trips shall remain within the limits established in the MOU included as Exhibit A hereto. At full buildout, it is anticipated that during the AM and PM Peak Hours that four (4) transit vehicles with a seating capacity of not less than forty (40) seats each shall depart Point Wells at least every fifteen (15) minutes.

**Section 4. Priority Use by Residents of Point Wells and Service for the General Public.**

The supplemental transit service described herein shall be primarily for the use and convenience of the residents of Point Wells. To the extent that seating remains available, and to the extent permitted by King County Metro, Point Wells' buses may stop along Richmond Beach Road to provide service to the Richmond Beach community. Subject to the approval of King County Metro, nothing herein shall prohibit BSRE or other operator of the supplemental transit service from collecting reasonable fares, either from such Point Wells residents or from members of the Richmond Beach community along such route.

**Section 5. Termination of Service.**

Supplemental transit service may be terminated at such time as a Sound Transit Commuter Rail station at the Project becomes operational or when the County and the City deem such service to no longer be necessary.

**Section 6. Successors and Assigns.**

BSRE shall ensure, either by way of binding agreements with other parties or through a Point Wells master homeowners association, that the obligation to provide such supplemental transit service shall be perpetual unless and until service may be terminated as provided in Section 5 hereto.

# EXHIBIT G

# CULTURAL RESOURCES TECHNICAL REPORT, POINT WELLS MIXED-USE REDEVELOPMENT PROJECT EIS, SNOHOMISH COUNTY, WASHINGTON

BY
MARGARET BERGER

GLENN D. HARTMANN, PRINCIPAL INVESTIGATOR

PREPARED FOR:
EA ENGINEERING, SCIENCE, AND TECHNOLOGY, INC., PBC
2200 SIXTH AVE., SUITE 707
SEATTLE, WA 98121

CRC PROJECT #1503K

CULTURAL RESOURCE CONSULTANTS, INC.
197 PARFITT WAY SW, SUITE 100
P.O. BOX 10668
BAINBRIDGE ISLAND, WA 98110

JUNE 1, 2015
**REVISED JULY 23, 2015**

Cultural Resource Consultants, Inc.

# CULTURAL RESOURCES REPORT COVER SHEET

Author: Margaret Berger

Title of Report: Cultural Resources Technical Report, Point Wells Mixed-Use Redevelopment Project EIS, Snohomish County, Washington

Date of Report: July 23, 2015

County(ies): Snohomish Section: 35 Township: 27 N, Range: 3 E

Quads: Edmonds West, WA Acres: 61

PDF of report submitted (REQUIRED) ☒ Yes

Historic Property Inventory Forms to be Approved Online? ☐ Yes ☒ No

Archaeological Site(s)/Isolate(s) Found or Amended? ☐ Yes ☒ No

TCP(s) found? ☐ Yes ☒ No

Replace a draft? ☐ Yes ☒ No

Satisfy a DAHP Archaeological Excavation Permit requirement? ☐ Yes # ☒ No

Were Human Remains Found? ☐ Yes DAHP Case # ☒ No

DAHP Archaeological Site #:

_____
_____
_____
_____
_____

- Submission of PDFs is required.
- Please be sure that any PDF submitted to DAHP has its cover sheet, figures, graphics, appendices, attachments, correspondence, etc., compiled into one single PDF file.
- Please check that the PDF displays correctly when opened.

**Executive Summary**

This report presents methods and results of a cultural resources analysis for the Point Wells Mixed-Use Redevelopment Project EIS in Snohomish County, Washington. On behalf of BSRE Point Wells, LP, EA Engineering, Science, and Technology, Inc., PBC (EA) requested that Cultural Resource Consultants, Inc. (CRC) prepare this cultural resources analysis to ensure that potential impacts to cultural resources are considered in the proposal in accordance with the Washington State Environmental Policy Act (SEPA), and other applicable regulations. CRC's investigations to date have included review of relevant background literature and maps, records on file at the Washington State Department of Archaeology and Historic Preservation (DAHP), and available project plans and related information, as well as visual reconnaissance.

Comment [GB1]: Also a visual reconnaissance of the site?

The majority of the Point Wells site has not been covered by prior cultural resources surveys. No previously recorded archaeological sites are located within the site. One overwater structure within the site was previously inventoried as a historic site and recommended not eligible for the National Register of Historic Places (NRHP). Redevelopment may impact this previously recorded historic structure as well as several additional structures over 50 years in age that are present within the site. It is assumed that these would be inventoried and evaluated for historical significance (i.e. eligibility for the NRHP) prior to redevelopment in conjunction with cleanup and remediation of the site overseen by Washington State Department of Ecology (Ecology). Evaluation of NRHP eligibility would take into consideration each structure's integrity (i.e. its ability to convey its significance) (NPS 2002). It is recommended that subsurface investigations be conducted to identify archaeological sites if redevelopment will intersect native soils beneath the limits of prior disturbance (e.g., remediation). Mitigation measures are recommended to avoid and minimize significant impacts to as-yet unrecorded cultural resources.

# Cultural Resources Technical Report, Point Wells Mixed-Use Redevelopment Project EIS, Snohomish County, Washington

TABLE OF CONTENTS


Executive Summary ..... i
Introduction ..... 1
Project Description ..... 1
Affected Environment ..... 2
  Environmental Context ..... 2
  Archaeological Context ..... 4
  Ethnographic Context ..... 6
  Historic Context ..... 7
    Historical Maps and Air Photos ..... 9
  Previously Recorded Sites and Surveys ..... 10
  Potential for Previously Unrecorded Cultural Resources ..... 12
  Treaty Context ..... 14
Significant Impacts ..... 15
  Impacts Common to All Alternatives ..... 15
  Alternative 1 ..... 16
  Alternative 2 ..... 16
  Alternative 3 (No Action Alternative) ..... 16
Mitigation Measures ..... 16
Significant Unavoidable Adverse Impacts ..... 17
References Cited ..... 18


FIGURES


Figure 1. EIS area marked on portion of Edmonds West, WA (USGS 1997) 7.5-Minute topographic quadrangle. ..... 30
Figure 2. 2014 aerial imagery marked with EIS boundary (base map: Google Earth). ..... 31
Figure 3. Project vicinity marked on georeferenced cadastral survey map (DAHP 2015; USSG 1860). ..... 32
Figure 4. Project area marked on georeferenced historical topographic sheet (Fox 2009; USCS 1874). ..... 32
Figure 5. 1977 air photo of the project area (Washington Department of Ecology 2014a). ..... 33
Figure 6. 2006 air photo of the project area (Washington Department of Ecology 2014b). Several tanks, a few buildings, and a dock were removed in the late twentieth century. ..... 33


TABLES


Table 1. Reports of cultural resources investigations on file at DAHP within a distance of approximately one mile from the study area. ..... 34
Table 2. Archaeological sites recorded within a distance of approximately two miles from the project on file at DAHP ..... 35

Table 3. Historic structures previously inventoried within approximately 1/4 mile from the project.....35
Table 4. Uninventoried historic structures within the EIS area. This includes structures that will be 50 years of age and therefore considered historic within the anticipated development period (2015-2035). .....36

**Introduction**

Cultural Resource Consultants, Inc. (CRC) was retained by EA Engineering, Science, and Technology, Inc., PBC (EA) to conduct a cultural resources analysis for the Point Wells Mixed-Use Redevelopment Project EIS. Two development alternatives and a no action alternative were included in the analysis. The goal of CRC's assessment was to identify any previously recorded cultural resources in the project area, and evaluate the potential for previously recorded and unrecorded archaeological sites and historic buildings to be disturbed by construction and operations under the EIS alternatives.

CRC's work was intended, in part, to assist in addressing state regulations pertaining to the identification and protection of cultural resources (e.g., RCW 27.44, RCW 27.53), and compliance with the Washington State Environmental Policy Act (SEPA). The Archaeological Sites and Resources Act (RCW 27.53) prohibits knowingly disturbing archaeological sites without a permit from the Washington State Department of Archaeology and Historic Preservation (DAHP), and the Indian Graves and Records Act (RCW 27.44) prohibits knowingly disturbing Native American or historic graves. Under SEPA, agencies must consider the environmental consequences of a proposal, including impacts to cultural resources, before taking action.

Assessment methods included a review of previous ethnographic, historical, and archaeological investigations onsite and in the local area, a records search at the Washington State Department of Archaeology and Historic Preservation (DAHP 2015) for known sites in the immediate area, and review of relevant background literature and maps (including General Land Office [GLO], United States Geological Service [USGS], and county atlases), as well as visual reconnaissance. Consideration of the project's potential impacts to cultural resources was based upon review of project correspondence (e.g., Letter from Gretchen Kaehler, DAHP, to Darryl Eastin, Snohomish County, Log: 022714-54-SN, 3 March 2014; copy on file at CRC), existing information about project site conditions, and the local archaeological, historical, and ethnographic records. Subsurface testing was not included because the project site is developed and the soils and groundwater contain contaminants that could be disturbed and released by subsurface explorations. This assessment utilized research design that considered previous studies, the magnitude and nature of the undertaking, the nature and extent of potential effects on historic properties, and the likely nature and location of historic properties within the project, as well as other applicable laws, standards, and guidelines (per 36 CFR 800.4(b)(1)).

Comment [GB2]: Also a visual reconnaissance of the site? And, indicate why a subsurface survey wasn't conducted (due to the developed nature of the site and the known presence of soil/groundwater contaminants)?

**Project Description**

BSRE Point Wells, LP, proposes to redevelop approximately 61 acres owned by BSRE Point Wells, LP, at Point Wells, located in unincorporated Snohomish County, Washington. The project includes 45 acres of upland and 16 acres of tideland. Approximately 56 acres are located west of the Burlington Northern Santa Fe (BNSF) railroad right-of-way and track. The remaining 5 acres are east of the railroad at an elevation about 50 ft higher than the area west of the railroad (Figure 1). These areas are referred to as "Lower Bench" and "Upper Bench," respectively. The project is at the southwestern corner of Snohomish County, adjacent to King County (Figure 1~~Figure 1~~~~Figure 1~~). It is also in the area interpreted by the Washington Department of Fish and Wildlife as having fishing and hunting rights ceded to the signatory tribes of the Treaty of Point Elliot of 1855 (WDFW 2015).

BSRE Point Wells, LP, seeks to formulate and implement a phased mixed-use urban development that, if approved and constructed, would convert the site from heavy industrial use into a new urban center with residential, commercial/office, retail, and public service uses, as well as infrastructure improvements and public amenities. The site plan for the Point Wells Project would include new public amenities and opportunities for access to the waterfront that do not exist under current conditions.

Contaminants are present in the site soil and groundwater from past industrial uses. The site will undergo cleanup/remediation by Washington State Department of Ecology (Ecology) under the provisions of the Model Toxic Control Act (MTCA). There will likely be some overlap between the later phases of cleanup and early construction of the Point Wells Project on portions of the site that have already been cleaned up. For purposes of the Point Wells Project, Snohomish County Planning and Development Services (PDS) is serving as the SEPA lead agency. For purposes of the cleanup/remediation plans and actions on the site, Ecology is the responsible entity, and will conduct separate SEPA review. This analysis assumes that the site has been remediated consistent with such terms and conditions as may be required by Ecology in connection with its independent review.

Two development alternatives (Alternative 1 – Urban Center Alternative, and Alternative 2 – Urban Village Alternative) and a no action alternative are proposed as described in Chapter 2 of the Draft EIS. For the purposes of this assessment, the area of potential impacts to cultural resources is considered to be the EIS study area as described above and shown in Figures 1 and 2. This area is anticipated to include construction access, staging, and laydown areas, as well as utilities and roads.

**Affected Environment**

Determining the potential for the project to contain cultural resources was largely based upon review and analysis of previously collected environmental and cultural information for the project area. Environmental and cultural context information for this project is derived from relevant published reports, articles, and books (e.g., Cameron 2005; Nelson 1990; Suttles and Lane 1990); historical maps and documents (e.g., Metsker 1936; USCGS 1874; United States Surveyor General [USSG] 1860); historical air photos (Ecology 2006); geological and soils surveys (e.g., USDA NRCS 2015; WA DNR 2015); ethnographic accounts (e.g., Waterman 2001); and reports of archaeological and historical investigations (e.g., Gillis et al. 2006; Dellert et al. 2011) pertinent to the Point Wells site. The following discussion of project area geology, archaeology, history, and ethnography incorporates context information from CRC's prior work in the Edmonds area (e.g., Berger 2014; Kelly 2012) by reference.

Comment [GB3]: What about the previous historic/cultural resources report prepared for the site and project by HRA (attached to the 2011 SEPA Checklist in the UC application)?

Comment [CC4]: Previous cultural resources assessment is cited here.

***Environmental Context***

The project area is geographically situated on the eastern shoreline of Admiralty Inlet within the Willamette-Puget Lowland physiographic province, a province that is characterized by the wide "trough" between the Coast and Cascade Ranges (McKee 1972:290). The project is within the *Tsuga heterophylla* (Western Hemlock) vegetation zone typical of much of lowland western Washington (Franklin and Dyrness 1973). Native plants in this zone include dense forests of western hemlock, western red cedar, and Douglas fir with dense understory of Oregon grape,

salal, snowberry, and sword fern. The Point Wells site's Upper Bench currently contains several buildings and a retention pond, while the Lower Bench contains an asphalt plant and marine fuel terminal. Sheet pile wall, concrete seawall, and riprap have been used as shoreline protection on the western edge of the project area. Vegetation within the project is mainly limited to the southwestern shoreline and the area east of the railroad tracks. Small unnamed streams occupy drainages east of the project, some of which have been routed through pipes in the project.

Geomorphology of the project area was shaped in part by glacial events that took place during the Late Pleistocene following the advance of several glaciations that originated in Canada and extended between the Cascade and Olympic mountain ranges into the Puget Lowland (Downing 1983; Kruckeberg 1991). At the end of the Fraser Glaciation, glacial advance and retreat scoured and compacted underlying geology while meltwaters carved drainage channels and deposited till and outwash over the Puget Lowland (Booth et al. 2003; Thorson 1981).

The interplay of Holocene climate change, sea level change, and seismic activity, along with related geomorphic processes such as stream incision, bluff erosion, and alluvial deposition, further shaped the project area landscape. According to Lewarch et al. (2002), Point Wells was a gently sloping landform comprised of glacial deposits located several hundred feet inland from the marine shoreline of Puget Sound until postglacial sea levels began to rise. Sea levels began to rise rapidly after 8000 BP and then rates of increase slowed in the late Holocene. Sea level was within several meters of modern sea level by about 5000 BP and within one meter by about 1000 BP (Eronen et al. 1987). At Point Wells, the shoreline and bluffs are thought to have stabilized within the past 2,500 years (Gillis and Larson 2006a:8). The project is in the Southern Whidbey Island Fault Zone. Stratigraphic markers of subduction-thrust earthquakes and the uplift, subsidence, and deformation that accompany them have been observed at multiple locations on Puget Sound (Troost and Stein 1995). Evidence of seismic deformation nearest to the project comes from sediment cores collected from two marshes on southern Whidbey Island, which show uplift north of a fault strand and subsidence south of it between 2,900 and 3,400 years ago (Johnson et al. 2004).

The surface geologic deposit mapped in the Upper Bench is Qgt (Pleistocene continental glacial till from the Fraser glaciation) and the Lower Bench contains Qf (artificial fill, including modified land) (WA DNR 2015). Yount et al. (1993) map modified land on the Lower Bench and the western part of the Upper Bench, noting that such areas generally were brought to grade using cut and fill methods. Yount et al. (1993) map Vashon advanced outwash deposits in the eastern part of the Upper Bench. Soil units mapped within the site are Urban Land, the Alderwood-Urban land complex, 8 to 15 percent slopes, and Alderwood-Everett gravelly sandy loams, 25 to 70 percent slopes (USDA NRCS 2015). Urban Land covers the Lower Bench and consists of nearly level to gently sloping areas covered by streets, buildings, parking lots, and other structures that obscure or alter native soils (Debose and Klungland 1983). The Alderwood-Urban land complex consists of areas of Urban land intermingled with Alderwood soils, which formed on till plains in basal till parent material. The Alderwood-Everett soil consists of areas of Alderwood soils intermingled with Everett soils, which formed on terraces and plains in glacial outwash (USDA NRCS 2015).

Land within the project is generally level aside from a steep slope on the Upper Bench east of the BNSF railroad. Elevation of the Lower Bench is 10 to 20 feet above sea level behind a concrete, timber, and steel sheet pile seawall and rock bulkhead; elevation of the Upper Bench is about 50 feet higher. The Upper Bench is on top of a bluff. The Lower Bench has been filled and most of the shoreline is modified. Twentieth century industrial development altered the landscape of the project through grading and filling to produce level ground surfaces (Worthley 1975). The Lower Bench was historically an accretion shoreform (Johannessen et al. 2005; Washington State Department of Ecology 2015) or cuspate foreland (Downing 1983). Both terms describe depositional beaches that have developed seaward of the original coastline. They are characterized by a distinct ridge of sand or gravel with a lower area to the landward side, often containing a lagoon or wetland (Collins and Sheikh 2005; Downing 1983; Shipman 2008; Washington State Department of Ecology 2015). Johannessen et al. (2005:34) identify Point Wells as a former longshore lagoon.

Subsurface explorations have previously been conducted within the project by geologists and archaeologists in order to characterize deposits and identify potential archaeologically sensitive matrices. Geotechnical borings monitored by archaeologists in the southern part of the project indicated the presence of fill 6 to 7 feet thick on top of Holocene beach and tidal marsh deposits that extend to approximately 20 feet below ground surface, over pre-Fraser non-glacial fluvial deposits (Gillis and Larson 2006b:5). Archaeological borings west of the seawall encountered recent beach and wetland deposits to a depth of 15 feet below surface, underlain by older beach deposits to a depth of 30 feet below surface (Gillis and Larson 2006b:5). Based upon the presence of wetland matrices, a spit or berm was likely present along the west side of Point Wells, allowing peat deposits to form over hundreds or thousands of years (Gillis and Larson 2006b:13). A 2010 report details more geotechnical borings and includes logs from prior explorations reaching at least 20 feet below surface (Hart Crowser 2010). Deposits identified within the project consisted of fill, colluvium (on the Upper Bench only), pre-Fraser nonglacial fluvial deposits, and pre-Fraser nonglacial lacustrine deposits (Hart Crowser 2010:5-6).

***Archaeological Context***

As previously discussed by Berger (2014), regional and local studies have provided an archaeological and historical synthesis of approximately the last 10,000 years of human occupation in western Washington (e.g., Larson and Lewarch 1995; Morgan 1999; Nelson 1990). Human use of the greater region is generally structured around the value of natural resources available in local environments including fresh water, terrestrial and marine food resources, forests, and suitable terrain. The archaeological context for evaluating the project area is provided by the regional chronological sequence and research domains as included in Blukis Onat (1987), Miss and Campbell (1991:40-45), and in cultural resource reports prepared for other various local projects (e.g., Lewarch et al. 2002).

Archaeological evidence suggests human occupation in the Puget Sound occurred following the last glacial retreat at the end of the Pleistocene, approximately 14,000 - 10,000 years ago. Changes to the landscape following deglaciation significantly influenced the spatial distribution of human activities, based on the availability of resources and the suitability of certain landforms for occupation. The earliest evidence of a human presence in the region, consisting primarily of a few chronologically diagnostic stone tools and flakes, indicates that humans colonized the Puget

Sound shortly after the retreat of ice from the last glaciation at the end of the Pleistocene (Carlson 1990). Recently, a Paleoindian component was identified in stratified sediments at a site in Redmond on Bear Creek, a tributary of the Sammamish River (Kopperl et al. 2010), approximately 15 miles southeast of the project.

Archaeologists have identified an early period of occupation dated to between 9000 – 5000 BP (before present) based on broad similarities in lithic assemblages. Many of the early sites are associated with the Olcott Complex in Western Washington, which are contemporaneous with similar Cascade Phase sites identified east of the Cascade Mountains. Olcott sites have been defined partly by the shared distribution of laurel-leaf-shaped bifaces and upland or upper river terrace site locations (Miss and Campbell 1991; Morgan and Hartmann 1999; Nelson 1990). These sites are found on or near the ground surface of glacial landforms. The Olcott complex is believed to be representative of highly mobile hunter-gatherers who typically did not utilize marine resources (Carlson 1990), and several Olcott sites have been documented and studied throughout Western Washington and the Olympic Peninsula. Many Olcott sites have been identified in Snohomish County (see Miss and Campbell 1991), including the Olcott type-site (Kidd 1964). Marine shorelines from this period are submerged, possibly eliminating a sizable portion of the archaeological record of this era (Miss and Campbell 1991:19).

After 5000 BP, archaeological evidence suggests a change in settlement patterns and subsistence economy in the region. From 5000 to 3000 BP an increasing number of tools were manufactured by grinding stone, and more antler and bone material was used for tool production. ~~Living room (2) f~~Occupation floors with evidence of hearths and structural supports suggesting more long-term habitations are more common during this period in contrast to the Olcott Complex. On Puget Sound, evidence of task-specific, year-round, broad-based activities, including salmon and clam processing, woodworking, and basket and tool manufacture, date from approximately 4200 BP (Larson and Lewarch 1995).

Characteristic of the ethnographic pattern in Puget Sound, seasonal residence and logistical mobility, occurred from about 3000 BP. Organic materials, including basketry, wood and food stuffs, are more likely to be preserved in sites of this late pre-contact period, both in submerged, anaerobic sites and in sealed storage pits. Sites dating from this period represent specialized seasonal spring and summer fishing and root-gathering campsites and winter village locations. Sites of this type have been identified in the Puget Sound lowlands, typically located adjacent to, or near, rivers or marine transportation routes. Fish weirs and other permanent constructions are often associated with large occupation sites. Common artifact assemblages consist of a range of hunting, fishing and food processing tools, bone and shell implements and midden deposits.

Similar economic and occupational trends persisted throughout the Puget Sound region until the arrival of European explorers. Beginning approximately two hundred years ago, relatively rapid social changes occurred under the pressures of acculturation. Contact between peoples of the Puget Sound region and those of Europe and the United States stimulated the local introduction and adoption of new technologies and political organization (Marino 1990; Suttles and Lane 1990).

*Ethnographic Context*

The project area was within an intertribal resource area and would have been used by various southern Coast Salish groups over time including Suquamish, Duwamish, Snohomish, and Snoqualmie peoples (Lane 1975a, 1975b; Tweddell 1974). The Point Wells site lies within the traditional territory of the "shil-shol-ahbsh" (Shilsholamish) or "narrow inlet people," a band of the Duwamish tribe (Costello 1895; Waterman 1922:187), as well as that of ancestors of the Tulalip Tribes such as the Snohomish. The Duwamish are a Southern Lushootseed-speaking southern Coast Salish group (Suttles and Lane 1990). Shilsholamish territory extended from Smith Cove and Lake Union in Seattle north to the Snohomish River (Costello 1895:86). The Snohomish are a southern Coast Salish Northern Lushootseed-speaking tribe with traditional territory including the area from the mouth of the Snohomish River to Monroe, on Whidbey Island opposite Mukilteo, and the southern tip of Camano Island (Ruby and Brown 1992; Spier 1936; Suttles and Lane 1990; Tweddell 1974).

Settlements were often located on major waterways, heads of bays, or inlets, and people practiced a seasonal subsistence economy that included hunting, fishing, and plant food horticulture. In the winter, southern Coast Salish people lived at large permanent villages and they spent the summer hunting, fishing, and gathering at specialized, temporary camps located near food resources. There was an abundance of plant and animal resources available in estuarine and marine environments in the region. A combination of fish, shellfish, marine mammals, waterfowl, game, roots, and berries served as a rich, diverse, and relatively reliable resource base (Suttles and Lane 1990:489). Marine shorelines and intertidal zones were used intensively for habitation and resource processing and for resource procurement, respectively (Miss and Campbell 1991:52).

Ethnographers (Smith 1940, 1941; Snyder 1968; Spier 1936; Tweddell 1974; Waterman ca. 1920, 1922, 2001) gathered locations of villages and names for resource areas, water bodies, and other landscape features from informants. Point Wells is recorded as a named place in the ethnographic record, and other place names are noted on the surrounding landscape. The name for Point Wells is *l"tl³EtL stu'bus* ("this side of *stubus*"), a reference to Point Edwards, called *stu"bus* and located just over one mile to the north. According to Waterman (2001:55), pairs of promontories were often named in this way. Tweddell (1974:624) notes the Snohomish name *s'toboc* for both Point Edwards and Point Wells. According to Morisset (Letter to Darryl Eastin, Snohomish County Planning and Development Services, from Mason D. Morisset, Attorney for the Tulalip Tribes, Re; Point Wells Development, 11 April 2011; copy on file at CRC), there were Snohomish villages at Point Wells and Pont Edwards. The beach south of Richmond Beach was called *Q³e'q³e'wa:dEt* ("kinnickinick, Indian tobacco"), named for "a vine with leaves like those of huckleberry" (Waterman 2001:55). The Shilsholamish village nearest to the project, according to Waterman (2001:45-46), was *Cllco'* at Salmon Bay in what is now the City of Seattle. This name was translated as "like shoving a thread through a bead, threading or inserting something," which was descriptive of the narrow estuary that served as a connection to Lake Union and Lake Washington (Waterman 2001:45). On the west side of the Sound opposite Point Wells south of Kingston, three points used as campsites were called *kayópšed* (untranslated) (Snyder 1968:136).

*Historic Context*

Early Euro-American settlement of Snohomish County began on the heels of the Donation Land Claim Act of 1850. In 1853, the United States organized Washington Territory and appointed Isaac I. Stevens as its governor. Following several years of conflict, the Point Elliot Treaty was signed at Mukilteo on January 22, 1855. The treaty called for cession of lands to the United States and the maintenance of fishing rights and annuities, as well as the concentration of Indian people living in western Washington upon reservation lands (Marino 1990). Native people were forced to abandon most of their Puget Sound villages and relocate to reservations. The treaty dissolved Indian title to their traditional and accustomed lands and by 1855-1856 the federal government used military force to contain Indian people dissatisfied with the poor quality of reservation lands.

Based upon review of GLO records on file at the Bureau of Land Management (BLM), Euro-American settlement of the site began in the 1870s. A patent for lands containing the project was issued to Daniel Hines on February 25, 1874 (Serial/Accession No. WAOAA 076063, Sale-Cash Entry, 148.50 acres total) (BLM 2015). The 1871 territorial census lists a Daniel Hines in Snohomish County as a 28 year old farmer from Ohio (Ancestry.com 2006).

The logging industry was attracted to the project area by the great timber potential offered by coastal forests of cedar (Whitfield 1926). In the project vicinity, small sawmills were established at Lake Ballinger and a shingle mill operated near the present-day intersection of Dayton Avenue and Richmond Beach Road (Copass 1996:3). Euro-American settlement in the Edmonds area began in the 1860s but remained sparse until the 1880s. The railroad corridor that passes through the project has been in use since the late nineteenth century, with the Great Northern Railroad reaching Edmonds in 1891 (Cameron 2005:106-108; O'Donnell 1993).

After lands were logged, Euro-American use of the project area in the late nineteenth century to early twentieth century consisted of farming and grazing. Several families grazed their cows on Point Wells (Worthley 1973:31, 48, 89). The Richmond Beach area was known for its strawberry crop, chickens, and eggs in particular (Worthley 1973:17, 22). By 1891, Richmond Beach had a large enough population to support a school, and by 1899 a library had been established (Copass 1996:4). By 1897 there was a residential community of houses "along the beach road to Point Wells" (Worthley 1975:3).

Local residents in the 1970s recalled that William J. Potts, a Great Northern Railroad depot agent at Edmonds, purchased 80 acres on Point Wells in the late 1890s (Worthley 1973:12, 89). From 1900 until the Shell Oil facility was built in 1912, Potts's land was home to a fruit farm and many cattle (Worthley 1973:89). Shoreline residents in the 1970s recalled Point Wells also being used in the early 1900s by Indians traveling by canoe from the north to work in farm fields in the river valleys of central and southern Puget Sound (Worthley 1973:48; Worthley 1975:84). Groups of Indians traveling by canoe would land at spits and beaches along the shoreline to fish, clam, hunt, and sleep along the way (Worthley 1973:81).

A 1907 publication described Point Wells as low and extending from a high bluff behind it, with anchorage between it and Edmund Point to the north (U.S. Hydrographic Office 1907:75-76). A few years later, it was described as a "low sandy point projecting 450 yards from the high land"

with a small shipyard on the point and a landing wharf on its north side (USCGS 1909:153). About ½ mile south of the project at Richmond Beach, there was a shingle mill with a short wharf; another wharf for loading gravel was ½ mile farther to the south (USCGS 1909:153).

Standard Oil Company and the Asiatic Oil Company (a predecessor of Royal Dutch-Shell) built a regional distribution terminal at Point Wells to meet the growing demand for petroleum products. Tanker ships brought the oil products from California refineries. Oil was stored on-site to fuel steamships as well as for local distribution by railroad tank car. A March 1912 newspaper article anticipated the new storage tank facility to be operational within 60 days, poising it to be the first ready by the opening of the Panama Canal. Standard Oil had 47 acres of land, 20 of which were filled (Seattle Times 24 March 1912:44). According to Worthley (1975:60), Standard Oil used a dredge to fill the ground behind the beach with sand and gravel in order to support the tanks. Facilities completed or in progress in March 1912 included six fuel oil storage tanks, a 400 foot long dock extending to 40-ft deep water, a concrete fuel pump house, and a concrete boiler house (Seattle Times 24 March 1912:44). A 940-ft long spur track was planned, as was a water pipe from a spring on Standard Oil's 17 acres above the Great Northern railroad tracks. The Asiatic Oil Company's facility, adjacent to the north of Standard Oil, was built to handle gasoline. In 1912, six tanks were under construction. A 250-ft long dock with dolphins was planned to accommodate steamships delivering bulk cargoes of gasoline (Seattle Times 24 March 1912:44).

By 1915, Standard Oil had 19 waterfront service stations with delivery facilities in Washington (Standard Oil Company 1915a:17). By 1917 Point Wells was "distinguished by prominent oil tanks and the wharf and warehouses at the foot of the bank" (USCGS 1917:205). There was a Standard Oil Company "compound on the hill above the plant" with five houses and a large car garage by 1927 (Worthley 1975:25). A fog signal with an electric siren was planned to be built and operated by Standard Oil on its wharf at Point Wells in 1920 (U.S. Hydrographic Office 1920:156). The signal was recently deactivated (Office of Coast Survey 2015).

Industries on the Point Wells waterfront were a major local source of employment, even during the Great Depression (Worthley 1973, 1975). Point Wells was the site of a conflict on June 30, 1934 during a weeks-long strike and dispute over a labor agreement between the International Longshoremen's Association (ILA) and employers at ports across the West Coast. Striking ILA members confronted strikebreakers at the Standard Oil facility in an attempt to prevent them from servicing tankers. The strike leader and head of the ILA, Shelvy Daffron was fatally shot (Seattle Post-Intelligencer 1 July 1934:1, 8). Similar confrontations occurred at several other ports, notably Seattle and San Francisco, but the strike held until July 31 following arbitration by the National Longshoreman's Board and a vote by union members to accept the new labor agreement (Reider and Crowley 1999).

Use of the Point Wells site in the middle twentieth century continued to be dominated by petroleum companies including Washington Refining Company, Shell Oil, and Standard Oil (Kroll Map Company 1943; Metsker 1936). Standard Oil occupied all of the Lower Bench by 1943. Standard Oil merged with five other companies in 1977 to form Chevron USA Inc. (Chevron Corporation 2015). Chevron used the facility as an asphalt petroleum refinery and light products/lube oil distribution terminal. The various types of petroleum products stored and/or

processed at the Point Wells site included crude oil, asphalt products, lubrication oils, fuel oils, aviation fuels, motor vehicle and marine vessel fuels, and thinners. The light products/lubrication oil distribution terminal and refinery are no longer in operation, but the facility continues to operate as a marine fuel and asphalt distribution center. The marine fuel transfer and asphalt distribution facility continues to be operated by Paramount Petroleum Corporation under the terms of an agreement with BSRE (David Evans and Associates 2011:1).

Historical Maps and Air Photos

A nautical chart produced by the Wilkes Expedition labels the project location as Pt. Wells and the landform is an accretionary beach backed by a steep bluff with forests to the east (U.S. Ex. Ex. 1841). The General Land Office (GLO) cadastral survey map does not show any cultural features such as trails, roads, residences, villages, or homestead improvements in or adjacent to the Point Wells site (Figure 3~~Figure 3~~). The nearest cultural feature is a land claim labeled Ira Bartholamue approximately 3.5 miles east of the project on the northeast side of Lake McAleer (present-day Lake Ballinger) (USSG 1860). An 1874 coast chart shows the Lower Bench as a broad, vegetated low point with a sandy beach to the west and wooded slopes to the east on the Upper Bench (USCGS 1874) (Figure 4~~Figure 4~~).

Review of historical maps indicates that the site was partially developed at the end of the nineteenth century. By 1895 there were two structures east of the Great Northern railroad tracks on the Upper Bench as well as a road descending from the Upper Bench to the Lower Bench terminating at a structure near the center of the Lower Bench (USGS 1895). Lands within the project were classified as "cut areas, not restocking" and the surrounding uplands were among "cut areas restocking," indicating the area had already been logged once by the end of the nineteenth century (USGS 1897).

A photograph from 1909 shows a shipyard at the launch of the fireboat *Duwamish*, which is still used by the Seattle Fire Department (Duwamish, a fire boat, being launched at Richmond Beach, 1909; Image 604, Shoreline Historical Museum Photograph Collection, Shoreline, Washington). According to the caption by Shoreline Historical Museum staff, "the shipyard at Richmond Beach was located at Point Wells, before the Standard Oil docks." The photograph shows a two-story wooden building along with pilings and shipways at the base of a forested bluff. The position of the shipyard relative to the Point Wells site is not clear from this photograph. A county atlas from 1910 shows several landowners within the site including Bank of California, Factory Imp. Co., L. S. Nelson, Coast Land Co., H. E. Johnson, the J. M. Colman Co., and Keith Inv. Co. (Anderson Map Company 1910).

Photographs of Standard Oil's Point Wells facility in a company bulletin from 1915 show several storage tanks, the Standard Oil and Asiatic Oil Company docks, and Standard Oil Company buildings on the Lower Bench (Standard Oil Company of California 1915b:8-9). An aerial photograph of Point Wells taken in 1932 shows the Lower Bench as almost entirely covered by fuel storage and distribution facilities, with no structures on the very northern and southern ends of Point Wells. The Upper Bench appears forested and undeveloped (Charles Laidlaw, Aerial of Standard Oil tank farm and docks from southwest, Point Wells, 1932; Image 1983.10.18037, PEMCO Webster & Stevens Collection, Museum of History & Industry, Seattle). A 1934 county atlas shows Washington Refining Co. as owner of the northern part of the Lower Bench,

Standard Oil Co. as owner of the central part of the Lower Bench, Wash. C. Co. and M. Coleman as owners of the southern third of the Lower Bench, and M. Coleman as owner of land in the Upper Bench (Kroll Map Company 1934).

There was a fire on the Standard Oil dock in 1935 (Standard Oil docks fire, ca. 1935; Image 594, Shoreline Historic Museum Photograph Collection, Shoreline, Washington). An undated photograph shows Shell Oil's tanks and dock at "Richmond Beach," but the landform and dock appear to be identical to those visible in historical imagery of Point Wells (Shell Oil tanks at Richmond Beach, bird's-eye view, n.d.; Image 630, Shoreline Historical Museum Photograph Collection, Shoreline, Washington). A 1936 county atlas shows Wash. Ref. Co. as owner of the northern 1/3 of the Lower Bench, Standard Oil Co. as owner of the Upper Bench and the central part of the Lower Bench, and J. M. Colm., and E. L. Reber as owners in the southern end of the Lower Bench (Metsker 1936).

A 1942 topographic map shows a road parallel to the east side of the railroad tracks with a ramp crossing to the west-southwest over the tracks to the Lower Bench. On the Lower Bench there were three large buildings on the southern part of the point and two smaller buildings near the base of the bluff, along with the existing dock and the dock formerly in the northwestern part of the project; the Upper Bench appears undeveloped (USGS 1942). The 1943 county atlas shows Standard Oil Co. as owner of all of the Lower Bench and Heberlein as owner of the Upper Bench (Kroll Map Company 1943). This map notes two lights, one near the northwest edge of the Lower Bench and the other near the foot of the bluff. Archival review did not identify a lighthouse at Point Wells as suggested by Dellert et al. (2011:4); the lights at Point Wells were likely simple warning lights mounted on poles, similar to the pole-mounted fog siren erected by Standard Oil (U.S. Hydrographic Office 1920:156).

A 1955 topographic map shows more buildings, dozens of oil tanks, and rail spurs on the Lower Bench as well as a building on the Upper Bench (USGS 1955). Review of county assessor records indicates construction of several new buildings within the EIS area in the 1950s (Snohomish County 2015). The 1960 county atlas shows several oil tanks, the northern and southern rail spurs, and Heberlein Road, with all land in the EIS area owned by Standard Oil Co. (Kroll Map Company 1960). More tanks and buildings were added by 1969 (USGS 1969). The 1975 county atlas shows the entire EIS area as owned by Standard Oil Co. with both docks and rail spurs and several oil tanks (Metsker 1975). Conditions remained relatively unchanged from the 1960s until the 1980s when the dock at the northwest edge of the project was removed (Historicaerials.com 2011). Tanks and other structures were removed from the southern half of the Lower Bench by 2002 (Historicaerials.com 2011).

***Previously Recorded Sites and Surveys***

Fourteen cultural resource assessments on file at DAHP have previously been prepared within a distance of approximately one mile from the Point Wells site (Table 1~~Table 1~~~~Table 1~~). These have included archaeological and historic resource surveys for sewer projects (e.g., Gillis and Larson 2006a), proposed transportation developments (e.g., Juell 2006), and proposed park improvements (Gill 2008). Additionally, a records search and literature review report was previously prepared for an area that overlaps most of the current project site (Dellert et al. 2011). That study did not identify any cultural resource sites within the project but recognized Point

Wells as a landform type commonly used by tribes for habitation and resource gathering (Dellert et al. 2011:9).

Cultural resource studies for the Brightwater Regional Wastewater Project intersect the southern portion of the current site (Gillis and Larson 2006a, 2006b, 2006c; Gillis et al. 2006; Lewarch et al. 2002, 2006). Cultural resource studies were conducted for project elements including the Point Wells Portal south of the site, the Point Wells Marine Outfall along the southwestern edge of the site, and a staging area within the site north of the Portal. A cultural resources assessment was prepared for that project's EIS (Lewarch et al. 2002) and an archaeological treatment and monitoring plan was developed for the project (Lewarch et al. 2006). Reconnaissance survey and sidescan sonar survey of shallow waters at the Brightwater Point Wells Portal and Outfall did not identify any archaeological or historic sites including shipwrecks (Lewarch et al. 2002:124, 158), nor did archaeological monitoring of drilled borings (Gillis and Larson 2006b; Gillis et al. 2006). However, old beach landforms below historic period fill at Point Wells were considered to have a high probability for intact significant archaeological deposits (Gillis et al. 2006; Lewarch et al. 2006). Further details of these studies are included in Table 1.

As a result of these investigations, relatively few archaeological or historic sites have been identified in proximity to the current project. All previously recorded archaeological sites are located over one mile away from the ~~study area~~Point Wells site, and only three archaeological sites have been recorded within a three-mile radius (Table 2~~Table 2~~~~Table 2~~). Of these, one site (45SN574) was recommended eligible for the National Register of Historic Places (NRHP) and one (45SN531) was recommended not eligible. The third site (45SN310) has not been evaluated for NRHP eligibility. No previously recorded archaeological sites would be impacted by the project.

The site nearest to the project is 45SN310. This site is located near the Deer Creek Hatchery access road and was identified as finely crushed mussel, barnacle and cockle shells visible in patches at the ground surface in a 10-x-15-meter area (Bard and McClintock 1996:6). The thickness of archaeological deposits at this site is unknown. No subsurface testing has been reported for this site.

Site 45SN531 is a segment of railroad grade from the Seattle-Everett Interurban Electric Railway located west of Lake Ballinger. The recording archaeologists did not observe any railroad ties, metal track fragments, or other materials clearly associated with the grade's use as public transportation in the early twentieth century (Gilpin and Gillespie 2009). This site was recommended not eligible for the NRHP due to diminished integrity of workmanship, setting, design, materials, feeling, and association (Gilpin and Gillespie 2009:45-46).

Site 45SN574 was identified as a fill layer containing historic-era artifacts associated with the Great Northern Railroad's section foreman's house, water tower, and cabin during an archaeological survey for proposed storm drain improvements at the Edmonds Rail Station (Shantry et al. 2011:1). Archaeological monitoring and testing were conducted to collect samples of archaeological material and document site stratigraphy. Based upon the results of these investigations, site 45SN574 was considered to have the potential to provide significant

information about the past, namely details about working class life on the Edmonds waterfront in the early twentieth century (Shantry et al. 2011:39).

Only one register-listed historic property is located within a distance of approximately one mile from the project. This is the IOOF Cemetery, established in 1894 near the present-day intersection of North of Edmonds Way and 100th Street and listed on the WHR in 1972 (DAHP 2015). However, several historic buildings have been inventoried within approximately ¼ mile from the project (Table 3~~Table 3~~Table 3). These include several single-family homes dating from the late nineteenth century to the middle twentieth century. These were added to the Historic Property Inventory (HPI) inventory as part of DAHP's 2011 HPI Upload Project, which involved the addition of available information from the County Assessors' building records to WISAARD (ACI 2011a). None of the uploaded data was field verified at the time, nor were eligibility assessments conducted.

One of the previously recorded historic structures is located in the tidelands portion of the Point Wells site. This is a long, narrow rectangular building supported on a wharf that was identified as a part of the Point Wells refinery during a maritime heritage survey (ACI 2011b). The date of construction was estimated to be 1915 although the county assessor records did not confirm this (Howard and Johnson 2011:3). The building has a gable roof, corrugated metal cladding, and corrugated metal roofing, and did not appear to meet NRHP eligibility criteria (Howard and Johnson 2011). Comparison of photographs of this structure with those of other inventoried waterfront oil terminal structures (ACI 2011b; DAHP 2015) suggests that the materials and plan are typical for the time period and function but the structure at Point Wells appears to be in relatively poor condition.

***Potential for Previously Unrecorded Cultural Resources***

The DAHP statewide predictive model uses environmental data about the locations of known archaeological sites to identify where previously unknown archaeological sites are more likely to be found. The model correlates locations of known archaeological sites to environmental data "to determine the probability that, under a particular set of environmental conditions, another location would be expected to contain an archaeological site (Kauhi and Markert 2009:2-3). Environmental data categories included in the model are elevation, slope, aspect, distance to water, geology, soils, and landforms. The model assigns a probability ranking of "Survey Highly Advised: Very High Risk" for the majority of the Point Wells site with portions of the shoreline marked "Survey Contingent Upon Project Parameters: Low Risk" and the southwestern part of the project labeled "Survey Highly Advised: High Risk" (DAHP 2015). Precontact and ethnographic land use patterns suggest that Point Wells would have been an attractive landform for resource procurement activities (e.g., shellfish collection, fishing, plant gathering), resource processing, and as a landing and stopover on journeys by canoe.

Information derived from historical maps, photographs, geological borings, and other sources indicate that the landscape of the Point Wells site has been thoroughly modified by industrial development. The presence of the soil unit Urban Land (USDA NRCS 2015) in the majority of the project indicates that natural land surfaces have been altered and any archaeological deposits may have been destroyed, buried, or otherwise obscured. The surface geologic and soil units on the Upper Bench indicate that deposition during the Holocene has been minimal and any

archaeological material would have been deposited near the present-day ground surface. Due to the extent of past disturbance, intact archaeological deposits are considered unlikely to be preserved on the Upper Bench. On the Lower Bench, intact archaeological deposits may be preserved on the relict beach or pre-Fraser surfaces beneath the extent of prior fill or other disturbances.

Evidence of early historic uses of the project, such as logging and grazing, is considered unlikely to be preserved within the project. These activities could potentially have resulted in deposition of archaeological materials; such deposits could arguably be significant if they retained depositional integrity and could result in data that would inform research questions regarding facets of historical life relevant to the social, economic, or cultural development of the region. Development of the fuel terminal in the 1910s is likely to have disturbed or removed earlier historic-period features such as the road and structure shown on the 1895 topographic map or the former shipyard.

Several standing structures are present within the Point Wells site and, based upon review of county assessor records, several of these are historic (i.e. at least 50 years old) (NPS 2002; OAHP n.d.). With the exception of a boiler house built in 1991 and a bio-remediation building built in 1999, existing structures within the project date from 1915 to 1970 (Snohomish County 2015) (Table 4). These structures are associated with development of Point Wells as a regional oil and gasoline distribution center in the early to middle twentieth century.

Resources are typically defined as significant or potentially significant if they are identified as of special importance to an ethnic group or Indian tribe or if the resource is considered to meet certain eligibility criteria for local, state, or national historic registers, such as the NRHP. Based on NRHP assessment criteria developed by the National Park Service, historical significance is conveyed by properties:

A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
B. That are associated with the lives of persons significant in our past; or
C. That embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
D. That have yielded, or may be likely to yield, information important in prehistory or history [NPS 2002:2].

According to the NRHP guidelines, the "essential physical features" of a property must be intact for it to convey its significance, and the resource must retain its integrity, or "the ability of a property to convey its significance." The seven aspects of integrity are:

- Location (the place where the historic property was constructed or the place where the historic event occurred);
- Design (the combination of elements that create the form, plan, space, structure, and style of a property);

- Setting (the physical environment of a historic property);
- Materials (the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property);
- Workmanship (the physical evidence of the crafts of a particular culture or people during any given period of history or prehistory);
- Feeling (a property's expression of the aesthetic or historic sense of a particular period of time); and
- Association (the direct link between an important historic event or person and a historic property) [NPS 2002:44].

Historic structures within the Point Wells site may meet NRHP Criterion A if they can be demonstrated to be associated with significant events or historical patterns (e.g., development of fuel oil refineries and distribution networks). Results of archival review suggest that the structures are not associated with significant historical persons (Criterion B) and they do not appear to have any significant engineering or architectural features (Criterion C), nor do the remaining dock, storage tanks, and industrial buildings appear to have potential to provide information important to history (Criterion D) (NPS 2002). Review of NRHP listings for the State of Washington (DAHP 2015) indicates that fuel oil facilities dating to the early twentieth century are a rare resource type, but the remaining Standard Oil and Asiatic Oil Company/Shell Oil structures do not appear to be exemplary (NRHP 2002).Based upon county assessor records, only two structures within the Point Wells site may date to original initial oil terminal development. These are the previously recorded building on the wharf and an uninventoried training building/industrial office (see Tables 3 and 4). Most of the existing buildings were constructed in 1950 or later (see Table 4). Due to diminished integrity of design, setting, materials, and workmanship resulting from changes to the structures and their surroundings over the years, historic structures within the site may not meet eligibility criteria for listing on the NRHP.

Comment [GB5]: Need to complete sentence.

Comment [GB6]: Indicate which one this is. Is it the structure on the large dock onsite?

***Treaty Context***

Point Wells is in the area recognized by the Washington Department of Fish and Wildlife (WDFW) as having fishing and hunting rights ceded to the signatory tribes of the Treaty of Point Elliot as part of the "usual and accustomed grounds and stations" for hunting and fishing. A large number of tribes were original signatories to the Treaty of Point Elliot. Several of these now have representation by successor tribes that combined two or more of the signatory tribes. For instance, the Tulalip Tribes are the successors for the Snohomish, Snoqualmie, Skykomish and several other allied tribes north of Point Wells (Tulalip Tribes 2014). To the south of Point Wells, the Duwamish tribe discussed above (and also a signatory to the Treaty of Point Elliot), joined with the Upper Puyallup bands (signatories to the Treaty of Medicine Creek) to become the Muckleshoot Indian Tribe. The Muckleshoot Tribe now has rights under both treaties (although only the Treaty of Point Elliot covers the geography that includes Point Wells) (Muckleshoot Indian Tribe n.d.).

The "usual and accustomed" language in the Treaty of Point Elliot is relevant to the Point Wells project in two ways. First, the tribes (or successor tribes) recognized by WDFW as having rights in the vicinity of Point Wells are the tribes that would most likely have a claim to precontact artifacts if any are found during construction of Point Wells. Second, the same tribes are also the

most likely to have an interest in the pollution remediation and shoreline restoration work necessary for the Point Wells project (and which would be addressed through a separate EIS process). Early identification and involvement of tribes with rights and/or interests in cultural resources and remediation or shoreline work will help facilitate environmental review and avoid potential project delays.

**Significant Impacts**

Because the Point Wells site is considered to have a low potential to contain intact archaeological deposits due to modifications from past industrial development (e.g., dredging and filling of the site), no significant impacts to archaeological sites are anticipated. No precontact or historic period archaeological sites have been identified within the site; however, there have been reported finds of precontact artifacts in the vicinity of the project area (see Tables 1 and 2; Letter from Gretchen Kaehler, DAHP, to Darryl Eastin, Snohomish County, Log: 041811-19-SN, 18 April 2011; copy on file at CRC). Significant impacts to archaeological sites could occur if development disturbs as-yet unknown archaeological sites. For example, disturbance of shell midden or other archaeological deposits currently buried beneath fill material would constitute a significant impact. Historic-period or precontact artifacts may also be encountered within fill deposits but these would be out of context and would lack integrity or significant information potential (NPS 2002); disturbance of these highly disturbed materials would not be a significant impact. Archaeological deposits at the interface between native soils and fill may have been disturbed by past development but may retain some degree of depositional integrity; disturbance of such deposits would likely be a significant impact. Significant impacts to historic sites could be generated by demolition, removal, or other physical alterations to historic structures.

***Impacts Common to All Alternatives***

One historic structure, a building on a dock, has been recorded within the Point Wells site. This building was recommended not eligible for the NRHP (Howard and Johnson 2011) but it has not been formally evaluated. Plans currently call for this building to be retained but it may be modified by redevelopment. Significant impacts to this structure would occur if it is determined eligible for the NRHP and redevelopment alters its character defining features or its ability to convey its historical significance. Indirect (e.g., visual, vibration) impacts may also occur but would likely be insignificant.

Comment [GB7]: Again, this structure is actually located onsite

Comment [GB8]: According to the UC submittal drawings, this structure would be retained, but may be altered with redevelopment.

Approximately ¼ of the Lower Bench has previously been investigated for archaeological or historic sites in conjunction with the Brightwater project (Gillis and Larson 2006a, 2006b, 2006c; Gillis et al. 2006; Lewarch et al. 2002). These surveys were confined to the southwestern portion of the project. No archaeological sites have been recorded within the Point Wells site. Development under each of the alternatives would not generate impacts to previously recorded archaeological sites. However, the Redevelopment Project or other future development with subsurface impacts reaching beneath the depths of fill and prior disturbances (e.g., soil removal performed under remediation) could affect as-yet unknown archaeological sites. It is assumed that potential impacts associated with cleanup/remediation of the site will be analyzed through a separate review process overseen by Ecology.

*Alternative 1*
Under this alternative, the site would be redeveloped as a mixed-use urban center. Development would include approximately 3,081,000 square feet (sq. ft.) of residential uses (3,081 units), 32,262 sq. ft. of commercial/office uses (with space for on-site police and fire facilities), 94,300 sq. ft. of retail uses, and open space. If as-yet unrecorded archaeological sites are present within the Point Wells site, they would be buried beneath fill. Demolition, removal, or other physical alteration of any structures over 50 years old would impact historic sites. Due to diminished integrity of design, setting, materials and workmanship resulting from changes to the structures and their surroundings over the years, these historic sites may not meet eligibility for listing on the NRHP.

*Alternative 2*
Under this alternative, the site would be redeveloped as a mixed-use urban village. The urban village development would include the same site plan as Alternative 1. However, the maximum building height would be less. Approximately 2,600,000 sq. ft. of residential uses (2,600 units) would be provided under Alternative 2. The same amounts of commercial/office uses with space for on-site police and fire facilities (32,262 sq. ft.), retail uses (94,300 sq. ft.), and open space as Alternative 1 is assumed for Alternative 2. If as-yet unrecorded archaeological sites are present within the Point Wells site, they would be buried beneath fill. Demolition, removal, or other physical alteration of structures over 50 years old would impact historic sites. Due to diminished integrity of design, setting, materials and workmanship resulting from changes to the structures and their surroundings over the years, these historic sites may not meet eligibility for listing on the NRHP.

*Alternative 3 (No Action Alternative)*
Under the no action alternative, the site would remain in industrial use, with possible reuse of existing underutilized industrial facilities. The site could also be developed in the future in accordance with the uses allowed by the site's current Planned Community Business (PCB) zoning. Because no action is proposed under Alternative 3 at this time, no impacts to cultural resources would be generated. Under this alternative, there would be a continuation of existing conditions. Continued existing operations within the site would not affect any recorded cultural resources. If the site is developed in the future in accordance with its zoning, impacts on historic and cultural resources would be similar to the impacts described under Alternatives 1 and 2.

**Mitigation Measures**
The following mitigation measures could be implemented to help avoid and manage significant impacts to cultural resources within the Redevelopment Project:

- Initiate formal government-to-government consultation with Tribes in Washington State to determine which Tribes have an interest in the Point Wells site. Include in the EIS, and FEIS, opportunities for interested tribes to provide statements summarizing their usual and accustomed use of Point Wells and nearby waters. Coordinate these efforts with a separate, but parallel, SEPA process for remediation of contaminants on the site that will have the Washington State Department of Ecology as the SEPA lead agency.
- Document and evaluate historical significance of structures within the Point Wells site that are over 50 years old prior to redevelopment (in association with environmental review overseen by Ecology for site cleanup/remediation).

- Conduct subsurface archaeological investigations prior to construction if redevelopment is anticipated to intersect native soils (i.e. below the depth of fill and other documented prior disturbances such as remediation).
- Consider establishing a heritage program that helps guide development by incorporating a heritage theme in the new development.
- Partner with existing businesses or agencies with a strong interest in history, and which likely maintain good historical records.

Should any potentially significant archaeological or historic sites be encountered in development under the proposal and it is not possible to avoid them, impacts would be generated. These impacts could potentially be minimized through development and implementation of mitigation measures appropriate to the nature and extent of discovered sites. Mitigation measures may include one or more of the following:

- Limiting the magnitude of the proposed work;
- Modifying proposed development through redesign or reorientation to minimize or avoid further impacts to resources;
- Rehabilitation, restoration, or repair of affected resources;
- Preserving and maintaining operations for any involved significant historic structures;
- Archaeological monitoring, testing, or data recovery excavations;
- Documentation of historic elements of the built environment through photographs, drawings and narrative, at the appropriate level based upon Department of Archaeology and Historic Preservation standards (DAHP 2010).

In the event that ground disturbing or other activities do result in the inadvertent discovery of archaeological deposits, work should be halted in the immediate area and contact made with the DAHP in Olympia. Work should be halted until such time as further investigation and appropriate consultation is concluded. In the unlikely event of the inadvertent discovery of human remains, work should be immediately halted in the area, the discovery covered and secured against further disturbance, and contact effected with law enforcement personnel, consistent with the provisions set forth in RCW 27.44.055 and RCW 68.60.055.

**Significant Unavoidable Adverse Impacts**

No significant unavoidable adverse impacts to cultural resources are anticipated to be generated by the proposal. By implementing the mitigation measures recommended above, it should be possible to prevent any significant unavoidable impacts. Should any potentially significant archaeological or historic sites be discovered and it is not possible to avoid them, impacts would be generated. However, it is expected that these impacts could potentially be minimized through development and implementation of additional mitigation measures appropriate to the nature and extent of discovered sites.

**Limitations of this Assessment**

No cultural resources study can wholly eliminate uncertainty regarding the potential for prehistoric sites, historic properties or Traditional Cultural Properties (TCPs) to be associated with a project. The information presented in this report is based on professional opinions derived from our analysis and interpretation of available documents, records, literature, and information

identified in this report, and on our field investigation and observations as described herein. Conclusions and recommendations presented apply to project conditions existing at the time of our study and those reasonably foreseeable. The data, conclusions, and interpretations in this report should not be construed as a warranty of subsurface conditions described in this report. They cannot necessarily apply to site changes of which CRC is not aware and has not had the opportunity to evaluate.

It should be recognized that this assessment was not intended to be a definitive investigation of potential cultural resources concerns within the project area. Within the limitations of scope, schedule and budget, our analyses, conclusions and recommendations were prepared in accordance with generally accepted cultural resources management principles and practice in this area at the time the report was prepared. We make no other warranty, either express or implied. These conditions and recommendations were based on our understanding of the project as described in this report and the site conditions as observed at the time of our site visit.

This report was prepared by CRC for the sole use of EA. Our conclusions and recommendations are intended exclusively for the purpose outlined herein and the project indicated. The scope of services performed in execution of this investigation may not be appropriate to satisfy the needs of other users, and any use or re-use of this document, including findings, conclusions, and/or recommendations, is at the sole risk of said user. If there is a substantial lapse of time between the submission of this report and the start of construction, or if conditions have changed due to project (re)design, or appear to be different from those described in this report, CRC should be notified so that we can review our report to determine the applicability of the conclusions and recommendations considering the changed conditions.

**References Cited**


Ancestry.com
2006 Washington State and Territorial Censuses, 1857-1892 [database on-line]. Ancestry.com Operations Inc., Provo, Utah.

Anderson Map Company
1910 *Snohomish County Township Atlas.* Anderson Map Company, Seattle.

Artifacts Consulting, Inc. (ACI)
2011a *Assessors Data Project: Snohomish County.* Prepared for DAHP by Historic Preservation Northwest, GeoEngineers, Historic Preservation Northwest, and Artifacts Consulting, Inc. (Project Lead). On file at DAHP, Olympia.
2011b *A Maritime Resource Survey for Washington's Saltwater Shores.* Prepared for Department of Archaeology and Historic Preservation, Olympia. Artifacts Consulting, Inc., Tacoma.

Bard, J., and R. McClintock
1996 Edmonds Crossing Discipline Report Supplement, Presence Absence Testing for Archaeological Resources. Prepared for FHWA, WSDOT, and City of Edmonds. CH2M HILL, Bellevue, Washington.

Błukis Onat, Astrida R.
1987 *Resource Protection Planning Process Identification of Prehistoric Archaeological Resources in the Northern Puget Sound Study Unit.* Submitted to the Washington Office of Archaeology and Historic Preservation, Olympia, Washington. BOAS, Inc., Seattle.

Booth, Derek B., Ralph A. Haugerud, and Kathy Goetz Troost
2003 The Geology of Puget Lowland Rivers. In *Restoration of Puget Sound Rivers*, edited by David R. Montgomery, Susan Bolton, Derek B. Booth, and Leslie Wall, pp. 14-45. University of Washington Press, Seattle.

Bucknam, Robert C., Elizabeth Hemphill-Haley, and Estella B. Leopold
1992 Abrupt Uplift Within the Past 1700 Years at Southern Puget Sound, Washington. *Science* 258:1611-1614.

Bureau of Land Management (BLM)
2015 Land Patent Search – BLM GLO Records. Electronic resource, http://www.glorecords.blm.gov/search/default.aspx, accessed May 22, 2015.

Cameron, David A. (editor)
2005 *Snohomish County: An Illustrated History.* Kelcema Books, LLC, Index, Washington

Carlson, R. L.
1990 Cultural Antecedents. In *Handbook of North American Indians, Volume 7: Northwest Coast*, pp. 60-69. Smithsonian Institution Press, Washington, D.C.

Chevron Corporation
2015 A New Identity, 1947-1979. Electronic resource, http://www.chevron.com/about/history/1947/, accessed May 29, 2015.

Collins, B. D., and A. J. Sheikh
2005 *Historical Reconstruction, Classification, and Change Analysis of Puget Sound Tidal Marshes.* Puget Sound River History Project, Department of Earth and Space Sciences, University of Washington, Seattle. Report to the Washington Department of Natural Resources Aquatic Resources Division, Olympia, Washington.

Copass, C.
1996 Historic Resources Survey and Inventory Update for the City of Shoreline with Appendix A, Overview of Shoreline History. Prepared for City of Shoreline and King County Historic Preservation Program.

Costello, J. A.
1895 *The Siwash: Their Life Tales and Legends and of Puget Sound and Pacific Northwest.* The Calvert Company, Seattle.

Debose, Alfonso, and Michael W. Klungland
1983 *Soil Survey of Snohomish County Area, Washington.* United States Department of Agriculture, Soil Conservation Service, Washington, D.C. In cooperation with Washington State Department of Natural Resources and Washington State University Agriculture Research Center, Pullman, Washington.

Dellert, J., J. Butler, and B. A. Hicks
2011 Cultural Resources Records Research and Literature Review for the Proposed Richmond Beach Asphalt Terminal Redevelopment Project, City of Edmonds, Snohomish County, Washington. Prepared for Paramount Petroleum Company. Historical Research Associates, Inc., Seattle.

Downing, John
1983 *The Coast of Puget Sound.* University of Washington Press, Seattle.

Eronen, Matti, Tuovi Kankainen, and Matsuo Tsukada
1987 Late Holocene Sea Level Record in a Core from the Puget Lowland, Washington. *Quaternary Research* 27:147-159.

Fox, Matt
2009 Google Earth Library, Historical T-Sheets. Electronic resource, http://www.gelib.com/wp-content/uploads/2009/tsheets_nl.kml, accessed May 22, 2015.

Franklin, J. F., and C. T. Dyrness
1973 *Natural Vegetation of Oregon and Washington.* General Technical Report PNW-8. Pacific Northwest Forest and Range Experiment Station, US Forest Service, Portland, Oregon.

Gillis, Nichole A. and Lynn L. Larson
2006a Draft Brightwater Conveyance Final Design Portals Field Reconnaissance, King and Snohomish Counties, Washington. Prepared for King County Department of Natural Resources and Parks, Wastewater Treatment Division, Seattle. Larson Anthropological Archaeological Services Limited, Gig Harbor, Washington.
2006b Letter to William Cranston, MWH-Jacobs Associates, Seattle, Re: Final Archaeological Monitoring of Additional Borings at the Marine Outfall Connector at Point Wells for the Brightwater Project. Larson Anthropological Archaeological Services Limited, Gig Harbor, Washington.
2006c Final Brightwater Conveyance Final Design Additional Properties Field Reconnaissance Addendum. Prepared for King County Department of Natural Resources and Parks, Wastewater Treatment Division, Seattle. Larson Anthropological Archaeological Services Limited, Gig Harbor, Washington.

Gillis, N. A., D. E. Lewarch, and L. L. Larson
2006 Brightwater Conveyance Final Design Archaeological Resources Monitoring and Review of Geotechnical Borings and Test Pit Monitoring. Prepared for King County

Department of Natural Resources and Parks, Wastewater Treatment Division, Seattle. Larson Anthropological Archaeological Services Limited, Gig Harbor, Washington.

Gilpin, J., and A. Gillespie
2009 Cultural Resources Assessment for the Edmonds Interurban Trail Project, Snohomish County, Washington. Prepared for KPFF Engineers, Seattle. Historical Research Associates, Inc., Seattle.

Google Inc.
2015 Google Earth Pro (Version 7.1.4.1529) [Software] Available from http://www.google.com/earth/download/gep/agree.html, accessed May 21, 2015.

Hart Crowser
2010 Preliminary Geotechnical Engineering Study, Point Wells Development, Richmond Beach, Washington. Prepared for Paramount Petroleum Corporation. Hart Crowser Inc., Seattle.

Howard, S., and S. Johnson
2011 State of Washington Historic Property Inventory Report, 20500 Point Wells Rd, Edmonds WA. On file at Washington Department of Archaeology and Historic Preservation, Olympia.

Johannessen, J. W., A. MacLennan, and A. McBride
2005 Inventory and Assessment of Current and Historic Beach Feeding Sources/Erosion and Accretion Areas for the Marine Shorelines of Water Resource Inventory Areas 8 & 9, Prepared for King County Department of Natural Resources and Parks, Seattle. Coastal Geologic Services, Bellingham, Washington.

Johnson, L. E.
2011 City of Edmonds Historic Resources Survey 2011. Prepared for the City of Edmonds & the Washington State Department of Archaeology and Historic Preservation, Olympia. The Johnson Partnership, Seattle.

Johnson, S. Y., R .J. Blakely, T. M. Brocher, B. L. Sherrod, H. M. Kelsey, and D. J. Lidke
2004 Fault number 572, Southern Whidbey Island fault zone, in USGS Quaternary Fault and Fold Database. Electronic resource, http://earthquakes.usgs.gov/hazards/qfaults, accessed September 11, 2014.

Juell, K. E.
2006 Archaeological Site Assessment of Sound Transit's Sounder: Everett-to-Seattle Commuter Rail System, King and Snohomish Counties, Washington. Prepared for Herrera Environmental Consultants, Seattle, and Sound Transit, Seattle. Northwest Archaeological Associates, Inc., Seattle.

Kauhi, Tonya C., and Joanne Markert
2009 Washington Statewide Archaeology Predictive Model Report. GeoEngineers, Seattle.

Kelly, K. M.
2012 Cultural Resources Assessment for the 76th Avenue W and 212th Street SW Intersection Improvement Project, Edmonds, WA. Prepared for David Evans and Associates, Inc. Cultural Resource Consultants, Inc., Bainbridge Island, Washington.

Kidd, Robert S.
1964 A Synthesis of Western Washington Prehistory from the Perspective of Three Occupation Sites. Unpublished Master's thesis. Department of Anthropology, University of Washington, Seattle.

Kroll Map Company
1934 *Atlas of Snohomish County*. Kroll Map Company, Seattle.
1943 *Atlas of Snohomish County*. Kroll Map Company, Seattle.
1960 *Atlas of Snohomish County*. Kroll Map Company, Seattle.

Kruckeberg, Arthur R.
1991 *The Natural History of Puget Sound County*. University of Washington Press, Seattle.

Lane, B.
1975a *Identity, Treaty Status and Fisheries of the Tulalip Tribe of Indians*. Report prepared for the U.S. Department of the Interior and the Snoqualmie Tribe of Indians.
1975b *Identity and Treaty Status of the Duwamish Tribe of Indians*. Report prepared for the U.S. Department of the Interior and the Duwamish Tribe of Indians.

Larson, Lynn L., and Dennis E. Lewarch (editors)
1995 *The Archaeology of West Point, Seattle, Washington: 4,000 Years of Hunter-Fisher-Gatherer Land Use in Southern Puget Sound*. Larson Anthropological/Archaeological Services, Gig Harbor, Washington.

Lewarch, Dennis E., Leonard A. Forsman, David R. Iversen, Kurt W. Roedel, Kate A. Shantry, and Lynn L. Larson
2002 Cultural Resources Assessment Brightwater Treatment Facility and Conveyance System. Submitted to King County Department of Natural Resources, Seattle. Larson Anthropological Archaeological Services Limited, Gig Harbor, Washington.

Lewarch, Dennis E., G. A. Kaehler, E. C. Reetz, N. Gillis, and Lynn L. Larson
2006 Brightwater Regional Wastewater Treatment System, Archaeological Resources Treatment and Monitoring Plans. Prepared for King County Department of Natural Resources, Seattle. Larson Anthropological Archaeological Services Limited, Gig Harbor, Washington.

Marino, Cesare
1990 History of Western Washington Since 1846. *In Handbook of North American Indians, Vol. 7: Northwest Coast*, edited by Wayne Suttles, pp. 169-179. Smithsonian Institution Press, Washington, D.C.

McKee, Bates
1972 *Cascadia: The Geologic Evolution of the Pacific Northwest.* McGraw Hill Book Company, New York.

Metsker, Charles F.
1936 *Metsker's Atlas of Snohomish County, Washington.* Metsker Map Company, Tacoma, Washington.

Metsker Map Company
1975 *Metsker's Atlas of Snohomish County, Washington.* Metsker Map Company, Tacoma, Washington.

Minard, J. P.
1983 *Geologic map of the Edmonds East and part of the Edmonds West quadrangles, Washington.* 1:24,000. Miscellaneous Field Studies Map MF-1541. USGS, Washington, D.C.

Miss, C. J., and S. K. Campbell
1991 *Prehistoric Cultural Resources of Snohomish County, Washington.* Submitted to Washington Office of Archaeology and Historic Preservation, Olympia. Northwest Archaeological Associates, Inc., Seattle.

Morgan, Vera E. (editor)
1999 *The SR-101 Sequim Bypass Archaeological Project: Mid- to Late-Holocene Occupations on the Northern Olympic Peninsula, Clallam County, Washington.* Eastern Washington University Reports in Archaeology and History 100-108. Archaeological and Historical Services, Eastern Washington University, Cheney, Washington.

Muckleshoot Indian Tribe
n.d. History of the Muckleshoot Indian Tribe and its Reservation. Electronic document, http://www.muckleshoot.nsn.us/about-us/overview.aspx, accessed July 21, 2015.

National Park Service (NPS)
2002 How to Apply the National Register Criteria for Evaluation, National Register Bulletin No. 15. Electronic document, http://www.nps.gov/nr/publications/bulletins/nrb15/, accessed May 20, 2010.

Nelson, Alan R., Samuel Y. Johnson, Ray E. Wells, Silvio K. Pezzopane, Harvey M. Kelsey, Brian L. Sherrod, Lee-Ann Bradley, Rich D. Koehler III, Robert C. Bucknam, Ralph Haugerud, and William T. Laprade
2002 *Field and Laboratory Data from an Earthquake History Study of the Toe Jam Hill Fault, Bainbridge Island, Washington.* Open-File Report 02-0060. U.S. Geological Survey, Washington, D.C.

Nelson, Charles M.
1990 Prehistory of the Puget Sound Region. In *Northwest Coast, Handbook of North American Indians*, Volume 7, edited by W. Suttles, pp. 481-484. Smithsonian Institution, Washington, D.C.

Office of Archaeology and Historic Preservation (OAHP)
n.d. *Washington Heritage Register*. Publication on file at Washington Department of Archaeology and Historic Preservation, Olympia.

Office of Coast Survey
2015 Notice to Mariners, Chart: 18473, Puget Sound-Oak Bay to Shilshole Bay, Edition 8. Electronic document, http://ocsdata.ncd.noaa.gov/ntm/resultList.aspx?Chart=18473&Edition=8&DateSince=20050926, accessed May 27, 2015.

Reider, R., and W. Crowley
1999 West Coast Waterfront Strike of 1934. Electronic document, http://historylink.org/index.cfm?DisplayPage=output.cfm&file_id=1391, accessed May 28, 2015.

Ruby, Robert H., and John A. Brown
1992 *A Guide to the Indian Tribes of the Pacific Northwest*. University of Oklahoma Press, Norman.

*Seattle Post-Intelligencer*
1934 Dock Striker Shot in First Gun Battle of Walkout. 1 July:1, 8. Seattle, Washington.

*Seattle Times*
1912 Oil Companies Build for Needs of Future. 24 March:44. Seattle, Washington.

Shantry, K., B. Rinck, A. Valentino, and R. Smith
2011 Archaeological Monitoring and Testing at the Edmonds Commuter Rail Station, Snohomish County, Washington. Prepared for Sound Transit, Seattle. Northwest Archaeological Associates/SWCA, Seattle.

Shipman, H.
2008 *A Geomorphic Classification of Puget Sound Nearshore Landforms*. Puget Sound Nearshore Partnership Report No. 2008-01. Published by Seattle District, U.S. Army Corps of Engineers, Seattle, Washington.

Snohomish County Assessor's Office
2014 Snohomish County Online Property Information. Electronic resource, http://gis.snoco.org/maps/property/viewer.htm, accessed September 10, 2014.

Snyder, W. A.
1968 *Southern Puget Sound Salish: Texts, Place Names and Dictionary.* Sacramento Anthropological Society Paper 9. Sacramento State College, Sacramento, California.

Spier, Leslie
1936 *Tribal Distribution in Washington.* General Series in Anthropology, Number 3. George Banta Publishing, Menasha, Wisconsin.

Standard Oil Company of California
1915a *Standard Oil Bulletin.* Vol. III, No. 5. Standard Oil Company of California, San Francisco.
1915b *Standard Oil Bulletin.* Vol. III, No. 8. Standard Oil Company of California, San Francisco.

Suttles, Wayne, and Barbara Lane
1990 Southern Coast Salish. In *Northwest Coast, Handbook of North American Indians,* Volume 7, edited by W. Suttles, pp. 485-502. Smithsonian Institution, Washington, D.C.

Thorson, Robert M.
1981 *Isostatic effects of the last glaciation in the Puget Lowland, Washington.* U.S. Geological Survey, Open-file Report 81-370.

Troost, Kathy A., and Julie K. Stein
1995 Geology and Geoarchaeology of West Point. In *The Archaeology of West Point, Seattle, Washington: 4000 Years of Hunter-Fisher-Gatherer Land Use in Southern Puget Sound,* edited by L. L. Larson and D. E. Lewarch, pp. 2.1-2.77. Prepared for King County Department for Metropolitan Services. Larson Anthropological /Archaeological Services, Seattle, Washington.

Tulalip Tribes
2014 About Us. Electronic document, http://www.tulaliptribes-nsn.gov/Home/WhoWeAre/AboutUs.aspx, accessed July 21, 2015.

Tweddell, Colin E.
1974 Historical and Ethnological Study of the Snohomish Indian People. In *Coast Salish and Western Washington Indians, Volume 2,* edited by David Agee Horr, pp. 475-694. Garland Publishing, Inc., New York.

United States Coast Survey (USCS)
1874 *Topographic Sheet 1390a, Admiralty Inlet from Pt. Edmund to Meadow Pt., Wash. Ter.* 1:10,000 scale. Fred A. Lawson, surveyor. U.S. Coast Survey, Washington, D.C.

U.S. Coast and Geodetic Survey (USCGS)
1899 *Admiralty Inlet and Puget Sound to Seattle, Washington.* 1:80,000 Scale. USCGS, Washington, D.C.

1909 *United States Coast Pilot: Pacific Coast. California, Oregon, and Washington.* Second Edition. Government Printing Office, Washington, D.C.
1917 *United States Coast Pilot: Pacific Coast. California, Oregon, and Washington.* Third Edition. Government Printing Office, Washington, D.C.

United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS)
2015 Web Soil Survey. Electronic resource, http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx, accessed May 22, 2015.

U.S. Exploring Expedition
1841 *Chart of Admiralty Inlet, Puget Sound and Hoods Canal Oregon Territory.* 1:140,192 Scale. On file at United States Office of Coast Survey, Historical Chart and Map Collection.

U.S. Geological Survey (USGS)
1895 *Snohomish. Washington 1:125,000 topographic quadrangles.* USGS, Washington, D.C. On file at University of Washington Libraries, Map Collection.
1897 *Land Classification Sheet, Seattle Quadrangle, 1:125,000.* USGS, Washington, D.C. On file at University of Washington Libraries, Map Collection.
1942 *Edmonds, Washington.* 1:62,500. 15-x-15-Minute Series. USGS, Washington, D.C.
1955 *Edmonds West Quadrangle, Washington.* 1:24,000. 7.5-Minute Series. USGS, Washington, D.C.
1958 *Edmonds, Washington.* 1:62,500. 15-x-15-Minute Series. USGS, Washington, D.C.
1969 *Edmonds West Quadrangle, Washington.* 1:24,000. 7.5-Minute Series. USGS, Washington, D.C.
1976 *Edmonds West Quadrangle, Washington.* 1:24,000. 7.5-Minute Series. USGS, Washington, D.C.
1990 Edmonds West Digital Orthophoto Quadrangle, SE Quadrant. Electronic document, http://gis.ess.washington.edu/data/raster/doqs/doq1/seattle/images/47122g4_se_1990.zip , accessed September 10, 2014.
1997 *Edmonds West Quadrangle, Washington.* 1:24,000. US Topo 7.5-Minute Series. USGS, Washington, D.C.

U.S. Hydrographic Office
1907 *The Coast of British Columbia from Juan de Fuca Strait to Portland Canal, together with Vancouver and Queen Charlotte Islands.* Second Edition. Government Printing Office, Washington, D.C.
1920 *Notice to Mariners.* No. 7, February 14. Government Printing Office, Washington, D.C.

United States Surveyor General (USSG)
1860 General Land Office Map, Township 27 North, Range 3 East, Willamette Meridian. Electronic document, http://www.blm.gov/or/landrecords/survey/yPlatView1_2.php?path=PWA&name=t270n030e_001.jpg, accessed May 25, 2015.

Washington Department of Fish and Wildlife
2015 *Tribal Ceded Areas in Washington State.* Washington Department of Fish and Wildlife Interpretation map of Tribal Ceded Areas by Treaty or Executive Order. Electronic resource, http://wdfw.wa.gov/hunting/tribal/wa_tribal_ceeded_lands.pdf, accessed July 21, 2015.

Washington State Department of Archaeology and Historic Preservation (DAHP)
2010 DAHP Mitigation Options and Documentation Standards. Electronic document, http://www.dahp.wa.gov/sites/default/files/MitigationDocumentationStandards.pdf, accessed April 29, 2015.
2014 Survey and Inventory Standards: Washington State Standards for Cultural Resource Reporting. Electronic document, http://www.dahp.wa.gov/sites/default/files/External%20FINAL_0.pdf, accessed November 20, 2014.
2015 The Washington Information System for Architectural and Archaeological Records Data. Electronic resource, https://secureaccess.wa.gov/dahp/wisaard/, accessed May 21, 2015.

Washington State Department of Ecology
2014a Washington State Coastal Atlas Shoreline Photos, Puget Sound, Point Wells 1977. Electronic resource, https://fortress.wa.gov/ecy/shorephotos/yr1970/Snohomish/hi_res/SNO0677_153.jpg, accessed May 22, 2015.
2014b Washington State Coastal Atlas Shoreline Photos, Puget Sound, Point Wells 2006. Electronic resource, https://fortress.wa.gov/ecy/shorephotos/yr2006/Snohomish/hi_res/060627_03816.jpg, accessed May 22, 2015.

Washington State Department of Natural Resources (WA DNR)
2015 Washington Interactive Geologic Map. Division of Geology and Earth Resources – Washington's Geological Survey. Electronic resource, https://fortress.wa.gov/dnr/geology/, accessed May 22, 2015.

Waterman, T. T.
ca. 1920 *Puget Sound Geography.* Manuscript No. 1864, National Anthropological Archives, Washington, D.C.
1922 The Geographical Names Used by the Indians of the Pacific Coast. *Geographical Review* 12(2):175-194.
2001 *sda?da? g"eł dibeł lešucid ?acaciłtalbix" Puget Sound Geography.* Vi Hilbert, Jay Miller, and Zalmai Zahir, contributing editors. Lushootseed Press, Federal Way, Washington.

Whitfield, William
1926 *History of Snohomish County, Washington. Vol. 1.* Pioneer Historical Publishing Company, Seattle

Worthley, Ruth (ed.)
1973 *Shoreline Memories*, Vol. 1. Shoreline Historical Museum, Shoreline, Washington.
1975 *Shoreline Memories*, Vol. 2. Shoreline Historical Museum, Shoreline, Washington.

Yount, J. C., J. P. Minard, and G. R. Dembroff
1993 *Geologic map of surficial deposits in the Seattle 30' by 60' quadrangle, Washington.* Open-File Report OF-93-233. U.S. Geological Survey, Washington, D.C.

## Figures and Tables

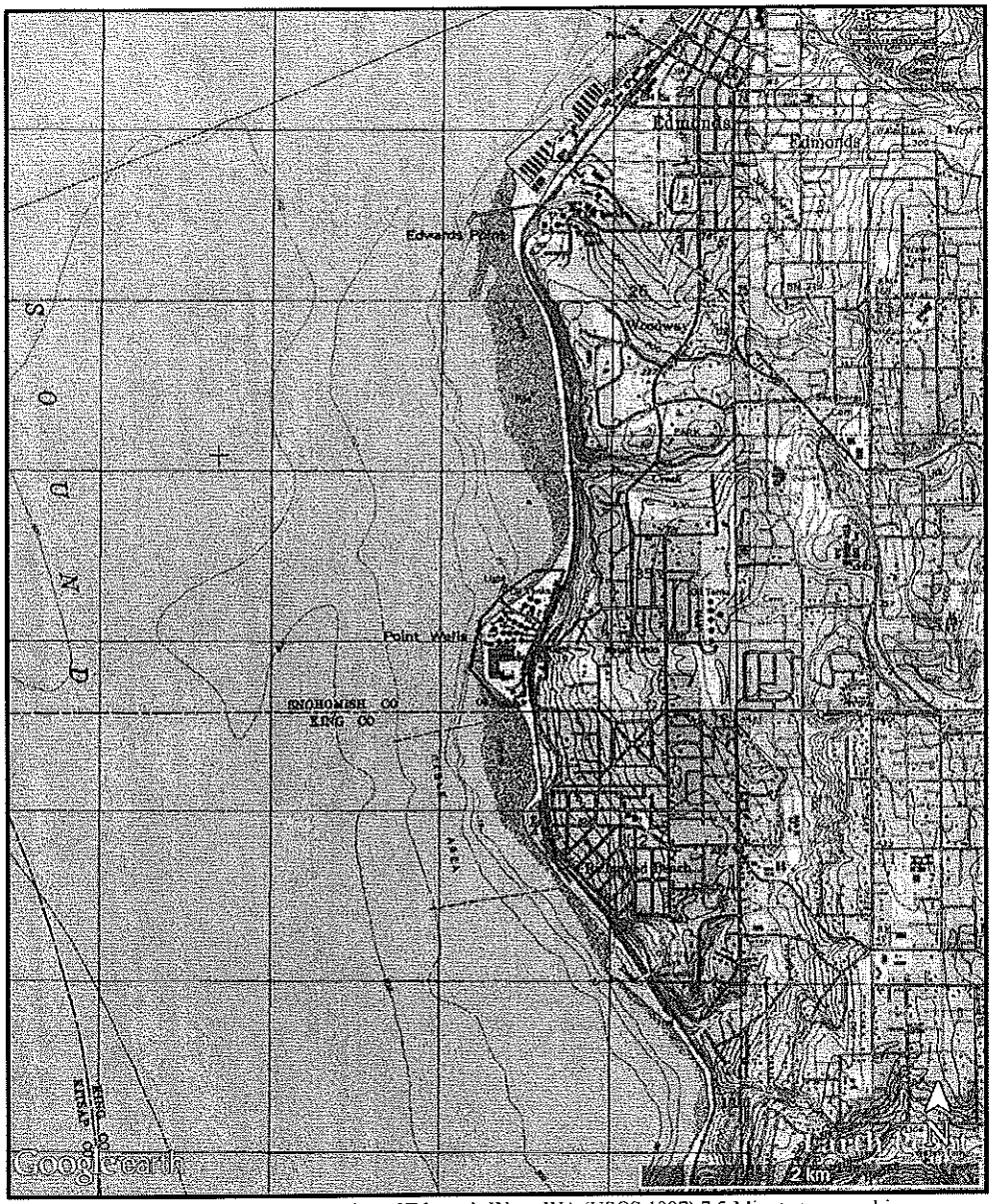



Figure 1. Point Wells site marked on portion of Edmonds West, WA (USGS 1997) 7.5-Minute topographic quadrangle.

Figure 2. 2014 aerial imagery marked with EIS boundary (base map: Google Earth).

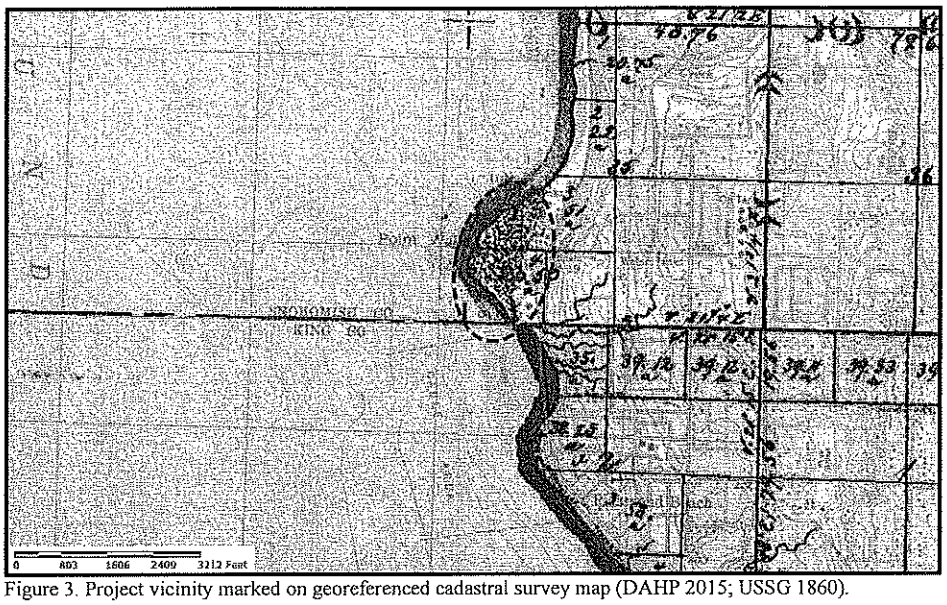



Figure 3. Project vicinity marked on georeferenced cadastral survey map (DAHP 2015; USSG 1860).

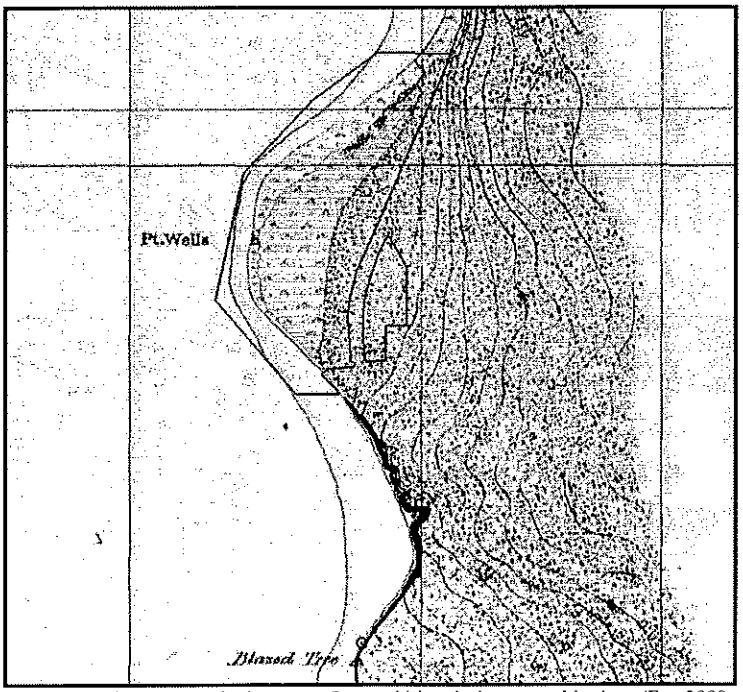



Figure 4. Project area marked on georeferenced historical topographic sheet (Fox 2009; USCS 1874).

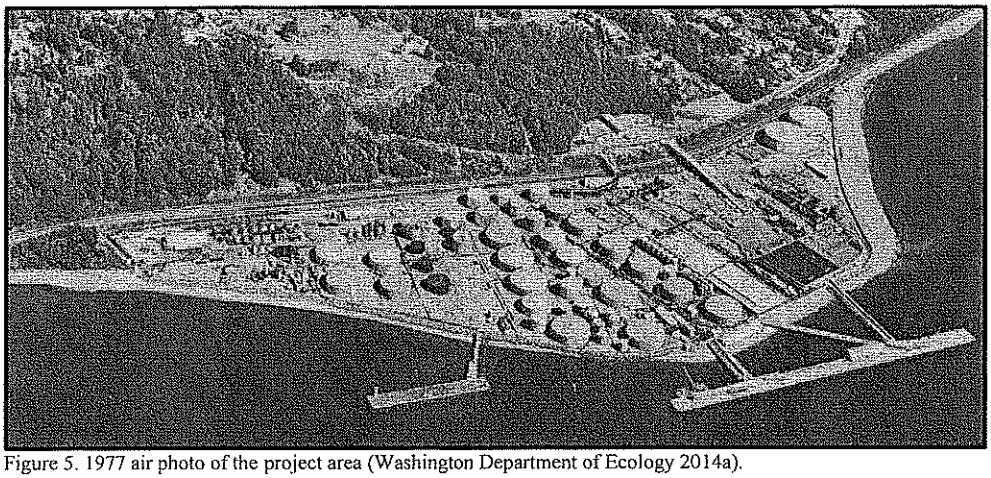


Figure 5. 1977 air photo of the project area (Washington Department of Ecology 2014a).

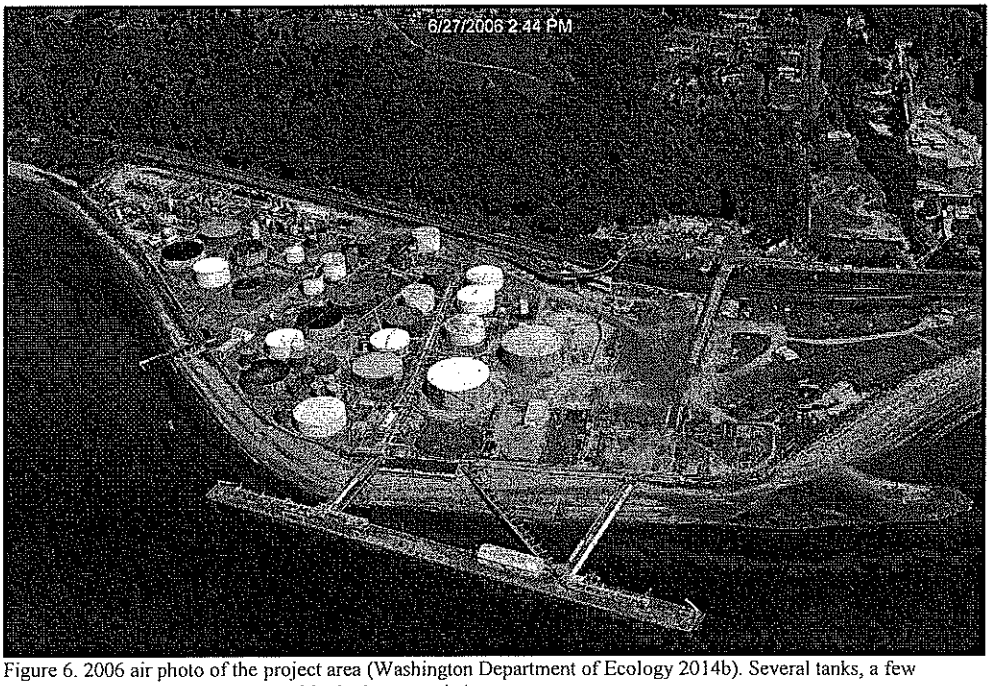



Figure 6. 2006 air photo of the project area (Washington Department of Ecology 2014b). Several tanks, a few buildings, and a dock were removed in the late twentieth century.

Table 1. Reports of cultural resources investigations on file at DAHP within a distance of approximately one mile from the Point Wells site.

| Author | Date | Title | Results and Recommendations |
|---|---|---|---|
| Copass | 1996 | Historic Resources Survey and Inventory Update for the City of Shoreline with Appendix A, Overview of Shoreline History | Identified and inventoried 59 historic sites and two historic district to supplement a prior historic resources survey completed in 1978. Inventoried property nearest to the project was Dalby House (2115 NW 199th St) built 1891/1935. Includes historical overview of Shoreline area. |
| Demuth | 1998 | Historic, Cultural, and Archaeological Resources Assessment for Everett-to-Seattle Commuter Rail Project Environmental Impact Statement | Provided cultural resources overview of rail corridor and station locations between Everett and Seattle, and evaluated commuter rail project alternatives for potential impacts to cultural resources. No archaeological or historic sites identified in the location of the current project. |
| Lewarch et al. | 2002 | Cultural Resources Assessment Brightwater Treatment Facility and Conveyance System | Evaluated alternatives for wastewater treatment system. Assessment included background research, reconnaissance survey, and monitoring of geotechnical borings. No archaeological or historic sites identified near current project. |
| Boyle | 2004 | A Historic Survey of Downtown Edmonds | Presented a historical overview of the City of Edmonds. Inventoried 83 historic buildings in the City of Edmonds. No historic sites inventoried in the current project. Inventoried property nearest to the project was the Great Northern Railway Section Foreman's House (1011 2nd Ave S) built in 1917. |
| King County | 2004 | Cultural Resources Documents Prepared for the Brightwater Regional Wastewater Treatment System | Includes Cultural Resources chapter from EIS, Historic Buildings and Structures technical report, and Cultural Resources Assessment report. Sidescan sonar survey of the shoreline near the southwest edge of the current project was recommended to identify shipwrecks. Development of archaeological treatment and monitoring plans recommended to mitigate potential effects to as-yet unknown archaeological sites. Inventory and evaluation of historic buildings recommended prior to construction. |
| Gillis et al. | 2006 | Brightwater Conveyance Final Design Archaeological Resources Monitoring and Review of Geotechnical Borings and Test Pit Monitoring | Archaeological monitoring of 3 borings at Point Wells did not locate any archaeological sites. Geomorphological data were used to assess probability for as-yet unknown sites in sampled areas. Tidal marsh margins and old beach surfaces were considered high probability for archaeological sites. Archaeological monitoring of ground disturbing work intersecting old beach deposits recommended. |
| Gillis and Larson | 2006 | Final Brightwater Conveyance Final Design Portals Field Reconnaissance | Background research, pedestrian survey, and shovel and auger probes did not identify any archaeological or historic sites. However, investigations did not reach native surfaces. Additional testing (e.g., drilled borings) recommended. |
| Gillis and Larson | 2006 | Final Archaeological Monitoring of Additional Borings at the Marine Outfall Connector at Point Wells for the Brightwater Project | Archaeological monitoring of nine borings at Point Wells did not identify any evidence of archaeological sites. Archaeological monitoring recommended for any construction excavations that allow for the observation of subsurface matrices with a moderate to high probability for archaeological resources such as older beach deposits. |
| Gillis and Larson | 2006 | Final Brightwater Conveyance Final Design Additional Properties Field Reconnaissance Addendum | Reconnaissance survey did not identify any archaeological sites at Point Wells. No further work recommended because the staging area was not expected to involve any disturbance that would exceed the depth of fill. |

| Author | Date | Title | Results and Recommendations |
|---|---|---|---|
| Juell | 2006 | Archaeological Site Assessment of Sound Transit's Sounder: Everett-to-Seattle Commuter Rail System, King and Snohomish Counties, Washington | Survey identified many areas of thick fill deposits, ballast, and steep side slopes; no further work recommended in these areas. Subsurface testing and/or monitoring of trench excavation were recommended in select locations where construction would reach native soils. |
| Lewarch et al. | 2006 | Brightwater Regional Wastewater Treatment System, Archaeological Resources Treatment and Monitoring Plans | Outlines research questions that could be answered by as-yet unidentified archaeological sites, describes potential methods for evaluative testing and data recovery, and outlines data analysis, management, reporting, and curation. Includes archaeological monitoring plan to be used during construction. |
| Gill | 2008 | Archaeological Assessment of the Richmond Beach Saltwater Park Improvements Project | Background research and pedestrian survey did not identify any archaeological or historic sites. No further work recommended. |
| Shong and Miss | 2010 | Results of Archaeological Monitoring for the Deer Creek Culvert Extension Project, Snohomish County, Washington | Archaeological monitoring was conducted during construction of drainage improvements. Excavated trenches and sediments were examined but no archaeological material was found. Sediments encountered consisted of displaced glaciolacustrine material (i.e. landslide deposits) and dredge spoils. No further work recommended. |
| Johnson | 2011 | City of Edmonds Historic Resources Survey – 2011 | Conducted a supplemental survey of historic structures in Edmonds. Inventoried 122 properties and made recommendations for further research about 42 properties meeting local landmark criteria. |

Table 2. Archaeological sites recorded within a distance of approximately two miles from the project on file at DAHP.

| Site Number | Site Name | Site Type | Distance from Project | Historic Register Status | Potential Impacts |
|---|---|---|---|---|---|
| 45SN310 | Deer Creek Hatchery Shell Scatter | Precontact shell midden | 1.5 miles NNE | Unevaluated. | None. |
| 45SN531 | Seattle-Everett Interurban Lake Ballinger Segment | Historic railroad properties | 2.8 miles E | Recommended not eligible for NRHP. | None. |
| 45SN574 | Edmonds Station | Historic debris scatter / concentration, historic structure unknown | 1.9 miles NNE | Recommended eligible for NRHP. | None. |

Table 3. Historic structures previously inventoried within approximately 1/4 mile from the project.

| Address | Built Date | Historic Function | Historic Register Status | Potential Impacts |
|---|---|---|---|---|
| 20500 Point Wells Rd, Edmonds | Unknown | Industry / Processing / Extraction – Processing Site | Recommended not eligible for NRHP (ACI 2011b). Site significance has not been formally evaluated. | If determined eligible for NRHP, redevelopment could generate significant direct (e.g., demolition or other physical alteration to the structure) or indirect (e.g., visual, vibration) impacts. |
| 24300 116th Ave W, Woodway | 1890 | Domestic - Single Family House | Unevaluated. | None. |

| Address | Built Date | Historic Function | Historic Register Status | Potential Impacts |
|---|---|---|---|---|
| 24420 11th Ave W, Edmonds | 1931 | Domestic - Single Family House | Unevaluated. | None. |
| 24302 116th Ave W, Woodway | 1969 | Domestic - Single Family House | Unevaluated. | None. |
| 20450 Richmond Beach Dr NW, Woodway | 1915 | Domestic - Single Family House | Unevaluated. | None. |
| 20424 25th Ave NW, Shoreline | 1957 | Domestic - Single Family House | Unevaluated. | None. |
| 2614 NW 202nd St, Shoreline | 1904 | Domestic - Single Family House | Unevaluated. | None. |
| 20416 Richmond Beach Dr NW, Shoreline | 1955 | Domestic - Single Family House | Unevaluated. | None. |
| 2415 NW 205th St, Shoreline | 1959 | Domestic - Single Family House | Unevaluated. | None. |
| 24018 25th Ave NW, Shoreline | 1961 | Domestic - Single Family House | Unevaluated. | None. |
| 2405 NW 205th St, Shoreline | 1959 | Domestic - Single Family House | Unevaluated. | None. |
| 2508 NW 202nd St, Shoreline | 1962 | Domestic - Single Family House | Unevaluated. | None. |
| 2627 NW 204th St, Shoreline | 1922 | Domestic - Single Family House | Unevaluated. | None. |
| 2621 NW 205th St, Shoreline | 1951 | Domestic - Single Family House | Unevaluated. | None. |
| 2512 NW 202nd St, Shoreline | 1968 | Domestic - Single Family House | Unevaluated. | None. |
| 20420 Richmond Beach Dr NW, Shoreline | 1955 | Domestic - Single Family House | Unevaluated. | None. |
| 20146 25th Ave NW, Shoreline | 1969 | Domestic - Single Family House | Unevaluated. | None. |
| 20128 Olympic Ave, Shoreline | 1949 | Domestic - Single Family House | Unevaluated. | None. |
| 20405 25th Ave NW, Shoreline | 1956 (1996 remodel) | Domestic - Single Family House | Unevaluated. | None. |
| 20155 24th Ave NW, Shoreline | 1967 | Domestic - Single Family House | Unevaluated. | None. |
| 2504 NW 202nd St, Shoreline | 1967 | Domestic - Single Family House | Unevaluated. | None. |
| 20145 24th Ave NW, Shoreline | 1967 | Domestic - Single Family House | Unevaluated. | None. |

Table 4. Uninventoried historic structures within the Point Wells site. This includes structures that will be 50 years of age and therefore considered historic within the anticipated development period (2015-2035).

| Parcel (s) | Address | Built Date | Structure Type | Use |
|---|---|---|---|---|
| 27033500304300 | 24233 Richmond Beach Dr, Edmonds | 1970 (1985 addition) | Truck repair garage | Service (repair) garage |
| 27033500301200 | 20500 Richmond Beach Dr NW, Edmonds | 1965 | Sales office | Unknown |
| 27033500301200 | 20500 Richmond Beach Dr NW, Edmonds | 1957 | Conveyor building | Storage |

| Parcel (s) | Address | Built Date | Structure Type | Use |
|---|---|---|---|---|
| 27033500301200 | 20500 Richmond Beach Dr NW, Edmonds | 1956 | Warehouse | Unknown |
| 27033500301200 | 20500 Richmond Beach Dr NW, Edmonds | 1955 | Dock warehouse | Storage |
| 27033500301200 | 20500 Richmond Beach Dr NW, Edmonds | 1955 | Dock office | Industrial office |
| 27033500301200 | 20500 Richmond Beach Dr NW, Edmonds | 1951 | Shed | Storage |
| 27033500301200 | 20500 Richmond Beach Dr NW, Edmonds | 1950 | Scale house / Office | General office |
| 27033500301200 | 20500 Richmond Beach Dr NW, Edmonds | 1950 | Control building | Industrial office |
| 27033500301200 | 20500 Richmond Beach Dr NW, Edmonds | 1950 | Break room / Warehouse | Storage |
| 27033500301200 | 20500 Richmond Beach Dr NW, Edmonds | 1941 | Locker rooms | Storage |
| 27033500301200 | 20500 Richmond Beach Dr NW, Edmonds | 1939 (1972 addition) | Main pier office | General office |
| 27033500301200 | 20500 Richmond Beach Dr NW, Edmonds | 1930 | Maintenance shop | Storage |
| 27033500301200 | 20500 Richmond Beach Dr NW, Edmonds | 1928 | Maintenance / Machine shop | Unknown |
| 27033500301200 | 20500 Richmond Beach Dr NW, Edmonds | 1915 | Training building | Industrial office |

# EXHIBIT H

## EXHIBIT H

### Information about the Ronald Waste Water District Lift Station

The project site is currently served by the Ronald Waste Water District ("RWWD") for purposes of waste water discharge. To serve the site, RWWD owns a lift station located on the southern portion of the site near the main entrance. Based on assurances of adequate capacity from the RWWD as to the lift station and related facility, the project plans assume that the lift station will continue to operate and serve the waste water discharge services for the site. It is our understanding that the RWWD facilities are currently operated and maintained by the City of Shoreline, including the lift station located on the project site. In addition, the City of Shoreline owns the real property upon and under which the lift station is located, pursuant to the terms of a transfer agreement with BSRE Point Wells, LP that allows for the relocation of the site should such relocation be necessary to accommodate the development of the site. However, no such relocation is currently contemplated. There may be corrections and/or adjustments made to the legal descriptions of the easements previously granted to the RWWD by the site's prior owner to ensure that the legal descriptions correctly describe the actual location of the existing lift station and related facilities.