



Snohomish County
Planning and Development Services

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County Executive

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MITIGATED DETERMINATION OF NONSIGNIFICANCE

Local File Number: 22 102098 SPA

Project File Name: 228th Multifamily Development

Applicant: Johnny Sweeney
NP Snohomish County 228th
Apartments, LLC

Location of Proposal: 1010 228TH ST SW, BOTHELL

Tax Account Number: 270436-002-003-00

Lead Agency: Snohomish County Planning and Development Services

DESCRIPTION OF PROPOSAL AND SITE:

The proposal would construct an apartment complex consisting of eight buildings with a total of 544 proposed units and 891 parking spaces, and all associated infrastructure on a 26-acre parcel. The proposal includes associated parking facilities, utilities, internal roads and pedestrian facilities, a stormwater collection, detention & treatment system, associated perimeter and site landscaping, and adjacent right-of-way improvements. Grading quantities for the proposal include 120,000 cubic yards of cut and 120,000 cubic yards of fill for the site.

The proposal has designed a stormwater system in accordance with the 2021 Snohomish County Drainage Manual (Drainage Manual). Stormwater from developed areas will receive enhanced water quality treatment and is proposed to be routed to a detention vault in the northwestern portion of the site. Treated water will then be released through an existing pipe into an adjacent stream onsite (Stream C) which then flows offsite into Crystal Creek (Stream B) and a large 11-acre wetland complex (Wetland B). The Drainage Manual contains wetland protection requirements for projects that will result in discharge of stormwater into a wetland or wetland buffer, known as Minimum Requirement (MR) 8. The applicant has applied and received approval of a stormwater drainage modification for requirements in the Drainage Manual used to demonstrate wetland hydroperiod protection under MR 8.

The project site is a former sand and gravel pit mine that operated from 1952 until 1965 and is undergoing final reclamation under Washington Department of Natural Resources Surface Mine Reclamation Permit No. 70-010402 to return the site to a residential use. During reclamation, the site was used for storage of sand, gravel, topsoil and other fill materials by the site's former owner, Fruhling Sand and Topsoil, Inc. (Fruhling). Fruhling stopped operations on the site in October 2022.

Past activities have contributed to environmental contamination on the site associated with arsenic in groundwater, surface water, and sediment; petroleum (diesel and heavy oil) in the soil; carcinogenic polycyclic aromatic hydrocarbons (cPAHs) in the soil; and methane gas in soil gas. In 2019, Fruhling entered a consent decree with the Department of Ecology to address discharges of arsenic-contaminated groundwater, and in 2021, Fruhling constructed a groundwater treatment system to reduce the concentration of arsenic in the groundwater leaving the

site. The applicant is also undergoing an independent cleanup of the known contaminants through its participation in the Department of Ecology's Voluntary Cleanup Program (VCP), Project ID XN0005. Successful cleanups completed through the VCP must meet the requirements and standards in the Model Toxics Control Act (MTCA), chapter 70A.305 RCW and chapter 173-340 WAC, and will receive a "No Further Action" opinion from Ecology. On January 23, 2024, Ecology provided the applicant with a "No Further Action Likely" opinion regarding the sufficiency of the applicant's proposed cleanup plan.

Mitigation fees are to be paid under chapters 30.66A, B, and C SCC, for the proposal's impacts to community parks, nearby road system traffic, and to the Northshore School District 417.

THRESHOLD DETERMINATION:

The lead agency for this proposal has determined the proposal does not have a probable, significant adverse impact on the environment. An environmental impact statement (EIS) is NOT required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with this agency and such information is adopted herein by reference. This information is available for public review upon request.

Compliance with Development Regulations and Other Applicable Local, State, or Federal Laws or Rules (RCW 43.21C.240):

In making the foregoing threshold determination, the lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, and provides adequate analysis and mitigation for the following specific environmental impacts as provided by RCW 43.21C.240 and WAC 197-11-158. Approval of the proposal shall be subject to, and conditioned upon, compliance with the requirements or mitigation measures set forth in all applicable development regulations, or other applicable local, state, or federal laws or rules, including the following:

1. Land Disturbing Activities (chapter 30.63B SCC): The Director of PDS has determined that compliance with the requirements of chapter 30.63B SCC is adequate analysis and mitigation of the specific probable and adverse environmental impacts of the proposal as it relates to land disturbing activity, including clearing, grading, excavation, and stockpiling or filling of earthen materials on the property.
2. Stormwater/Water Quality (SCC 30.61.122): The Director of PDS has determined that compliance with the requirements of chapters 30.43C, 30.43D, 30.44, 30.62A, 30.62B, 30.62C, 30.63A, 30.63B, 30.65 and 30.67 SCC, in conjunction with the approved chapter 30.63A SCC stormwater modification, is adequate analysis and mitigation of the specific probable adverse environmental impacts of the proposal as it relates to drainage, including upon onsite and offsite changes to stormwater volume, release, rate, erosion, sedimentation, stream channel stability, and water quality where applicable.
3. Critical Areas (SCC 30.62A.030): The Director of PDS has determined that compliance with the requirements of chapter 30.62A SCC, in conjunction with the approved chapter 30.63A SCC stormwater modification, is adequate analysis and mitigation of the specific probable adverse environmental impacts of the proposal as it relates to critical areas, including wetlands, fish and wildlife habitat conservation areas, and their applicable buffers where applicable.
4. Traffic/Road Impact Mitigation (SCC 30.66B.010(2)): The Director of PDS has determined that compliance with the requirements of chapter 30.66B SCC, including payment of any road impact mitigation fee, is adequate analysis and mitigation of the specific probable adverse environmental impacts of the proposal on impacts to the road system (including traffic). The amount of Transportation Impact Fee is listed in the project file. Any aggrieved person may appeal the decision (pursuant to SCC.30.66B.370) applying an impact fee under Chapter

30.66B SCC to the Snohomish County Hearing Examiner by submitting a written appeal to Planning and Development Services, in the manner and form prescribed by SCC 30.71.050.

5. Existing Site Contamination: The Director of PDS has determined that the applicant's continued participation in Ecology's VCP, subject to the standards in MTCA, chapter 70A.305 RCW and chapter 173-340 WAC, and performance of those independent remedial cleanup actions determined necessary by Ecology to receive a No Further Action opinion, is adequate analysis and mitigation of the specific probable adverse environmental impacts of the proposal on the site's existing identified contaminated conditions associated with arsenic in groundwater, surface water, and sediment; petroleum (diesel and heavy oil) in the soil; carcinogenic polycyclic aromatic hydrocarbons (cPAHs) in the soil; and methane gas in the soil.

6. Methane Gas Mitigation: The applicant has submitted a methane mitigation plan for the proposal that includes a methane mitigation barrier, ventilation piping and vents for passive collection, mechanical extraction of soil vapors below buildings for active collection, and methane detectors. The Director of PDS has determined that the implementation of an approved methane mitigation plan is adequate analysis and mitigation of the specific probable adverse environmental impacts related to the release of methane gas from the site.

MITIGATING CONDITIONS:

In addition to compliance with those applicable development regulations set forth above, this Mitigated Determination of Nonsignificance (MDNS) is issued subject to the following conditions:

1. The applicant shall continue to participate in Ecology's Voluntary Cleanup Program for the site, Project ID XN0005, and shall perform those remedial actions necessary as set forth in Ecology's No Further Action Likely opinion or as otherwise determined by Ecology to achieve a No Further Action opinion.
2. In conjunction with the applicant's participation in the Voluntary Cleanup Program, the applicant shall comply with any Ecology-approved Compliance Monitoring Plan for continued monitoring of arsenic in groundwater at the site.
3. The applicant shall comply with any continuing maintenance, monitoring, and permitting requirements for the groundwater treatment facility as determined by Ecology.
4. In conjunction with the applicant's participation in the Voluntary Cleanup Program, in the event any unanticipated soil contaminants are discovered during site development work, the applicant shall comply with a Contaminated Media Management Plan approved by Ecology.
5. The applicant shall prepare a Final Methane Mitigation Plan, which must be approved by the Snohomish County Fire Marshal prior to the issuance of a Land Disturbing Activity Permit or Building Construction Permits for the proposal. The Final Methane Mitigation Plan shall include: i) a Methane Mitigation Compliance Monitoring Plan; ii) a Methane Mitigation System Response and Contingency Plan; and iii) a Construction Quality Assurance Plan.
6. Prior to any construction activity, the applicant shall provide a site-specific Methane Gas Health and Safety Plan detailing how construction will proceed in a manner protective of worker safety, which must be approved by Snohomish County Fire Marshal.
7. Prior to building occupancy, the applicant shall provide the County with a final letter from the environmental design engineer or equivalent engineer confirming that the methane mitigation design has been constructed and implemented according to the approved plans and specifications.
8. Monitoring shall be performed as required by the Methane Mitigation Plan. All monitoring shall be performed by a professional engineer licensed in the State of Washington.

9. The active methane mitigation system shall be monitored for eight (8) years. The active system may be decommissioned after five (5) years if, in the opinion of the Fire Marshal, the methane levels are at a safe level to discontinue active extraction of methane gas.

10. The passive methane mitigation system shall be monitored for a minimum of three (3) years after the active system has been decommissioned. If, in the opinion of the Snohomish County Fire Marshal, methane levels return to a level that requires active extraction to be resumed the active system shall be recommissioned.

11. All methane monitoring reporting required by the Methane Mitigation Plan shall be submitted to Snohomish County PDS and the Snohomish County Fire Marshal's Office annually until methane gas levels drop below levels that require mitigation as determined by Snohomish County Fire Marshal's Office.

COMMENTS:

This Mitigated Determination of Nonsignificance is issued under WAC 197-11-340 (2)/WAC 197-11-350 and is subject to a 14-day comment period.

Written comments may be submitted to the lead agency at the address below or emailed to the project manager. Comments must be received by **April 29, 2024**.

APPEALS:

This MDNS may be appealed pursuant to the requirements of SCC 30.61.300 and chapter 2.02 SCC. The fourteen (14) day appeal period commences on the date of publication of notice. Any appeal must be addressed to the County Hearing Examiner, accompanied by a filing fee of \$1,500.00, and be filed in writing at the Customer Support Center on the 2nd Floor, County Administration Building East, Everett, WA.

Appeals may also be accepted electronically by the Planning and Development Services Department and paid for by credit card over the phone as follows:

1. Scan the original manually signed (handwritten) copy of the appeal document.
2. Send your appeal as an email attachment to epermittech@snoco.org. Please include your phone number where you can be reliably reached.
3. Staff will call you to collect your credit card information and process your payment.
4. Mail the original to Snohomish County PDS, 3000 Rockefeller M/S 604, Everett, WA 98201.

The appeal must be received by **April 29, 2024**. 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.

Please note that failure to file a timely and complete appeal including all the above items 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.

Contact Person: Joshua Machen, joshua.machen@snoco.org

Responsible Official: Mike McCrary, Planning Director
Planning and Development Services

Address: County Administration Building East, 2nd Floor
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Signature:  **Date:** 04/05/2024

Joshua Machen, AICP, Principal Planner for Responsible Official

Date Issued: April 13, 2024 – kjarnett/NRC

DISCLAIMER:

The determination that an environmental impact statement does not have to be filed does not mean there will be no adverse environmental impacts. Snohomish County codes governing noise control, land use performance standards, construction, and improvement of county roads, off site road improvement obligations, drainage control, fire protection and building practices will provide substantial mitigation of the aforementioned impacts.

The issuance of this Mitigated Determination of Nonsignificance should not be interpreted as acceptance or approval of this proposal as presented. Snohomish County reserves the right to deny or approve said proposal subject to conditions if it is determined to be in the best interest of the county and/or necessary for the general health, safety and welfare of the public to do so.

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Adjacent Property Owners

Notice of the issuance of this Mitigated Determination of Nonsignificance has been mailed to property owners of record within 500 feet of the external boundaries of this project.

ATTACHMENTS

1. Environmental Checklist
2. Vicinity Map
3. Site Plan

SEPA ENVIRONMENTAL CHECKLIST***Purpose of checklist:***

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background

- ✓ 1. Name of proposed project, if applicable:

NP 228th Apartments

- ✓ 2. Name of applicant:

NP Snohomish County 228th Apartments, LLC

3. Address and phone number of applicant and contact person:

✓ **NP Snohomish County 228th Apartments, LLC**
Attn: Johnny Sweeny
4825 NW 41st St., Ste. 500
Riverside, MO 64150
816-381-2901
jsweeney@northpointkc.com

4. Date checklist prepared:

✓ **August 2023, Updated March, 2024**

5. Agency requesting checklist:

✓ **Snohomish County**

6. Proposed timing or schedule (including phasing, if applicable):

✓ ***Intent is to break ground immediately upon the issuance of permits. The construction of multifamily apartments will be initiated immediately after completion of the excavation and underground work, including utilities and drainage infrastructure. No phases are proposed at this time. Completion of the buildings on site may be phased.***

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

✓ ***At this point in time, there are no plans for future additions, expansion or further activity related to or connect with this proposal.***

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

✓ ***The following environmental studies have been drafted for this development proposal:***
Geotechnical Report prepared by Terra Associates, Inc
Critical Area Study and Buffer Mitigation Plan prepared by Wetland Resources
Wetland Protection Analysis prepared by Wetland Resources
Traffic Impact Analysis prepared by Kimley-Horn
Drainage Report and SWPPP prepared by LDC, Inc.
Methane Mitigation Plan prepared by Puget Sound Environmental
Critical Aquifer Recharge Areas Report prepared by Terra Associates, Inc

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

✓ ***The property is a former sand and gravel mine undergoing final reclamation under a WA DNR approved reclamation plan form SM-8A, under WA DNR Surface Mine Reclamation Permit No. 70-010402. The approved DNR reclamation plan calls for returning the property into a residential best use. The cessation of the WA DNR reclamation permit will occur once the WA DNR permit conditions have been achieved and following issuance of approved site development permits from Snohomish County.***

The former property owner (Fruhling Sand and Topsoil, Inc) is under a Consent Decree (Waste Action Project, Plaintiff, v. Fruhling Sand and Topsoil, Inc. Case NO. 2:17-cv-00498-RSM), Agreed

Order Docket No. 16479, and Amended Agreed Order Docket No. 18098 with the WA DOE. Fruhling Sand and Topsoil, Inc. is actively working towards satisfaction of the agreed order with WA DOE.

The current property owners (NP Snohomish County 228th Apartments, LLC) have enrolled the property into WA DOE Expedited Voluntary Cleanup Program (VCPx) and are working towards receiving an No Further Action (NFA) determination for the property. Final cleanup measures will be instituted during site development activities. WA DOE will be issuing a NFA determination once final cleanup measures have been achieved. Final cleanup measures will include long-term compliance monitoring and the likely placement of restrictive environmental covenants being place on the property. Further actions under the Consent Decree will be pursued as may be required by WA DOE.

10. List any government approvals or permits that will be needed for your proposal, if known.

Government approvals or permits required include administrative site plan and URDS approval, construction plan approval, Land Disturbing Activities permit approval, Traffic Concurrence, Forest practice permit, right-of-way use permit and SEPA determination through Snohomish County along with associated building permits and approvals for utilities. NPDES issuance through WA DOE is also required.

WA DNR will need to approve the final attainment of conditions set forth in the reclamation plan and permit (form SM-8A, under WA DNR Surface Mine Reclamation Permit No. 70-010402).

WA DOE will need to approve the following:

- 1. Satisfaction of Agreed Order (Agreed Order Docket No. 16479 and Amended Agreed Order Docket No. 18098).**
- 2. Supplemental Remedial Investigation/Feasibility Study (RI/FS) and Cleanup Action Plan (CAP) being prepared by Landau Associates, Inc. on behalf of the current property owners.**
- 3. If deemed necessary, a site-specific NPDES and State Waste Discharge Permit for long-term management of a single point-source discharge of groundwater to surface water.**

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

NP 228th Apartments is a residential development in the LDMR zone proposing 544 multifamily apartment units plus amenity spaces across eight buildings. Covered parking areas may be provided using car ports or garages. This proposal includes all required site and utility improvements to support this use including but not limited to stormwater facilities, Water and sewer main extensions, public road widening and establishment, and clearing and grading. There may be some trees and timber removed as part of this project. The proposed development is located on one parcel in the Southwest County UGA, City of Bothell Municipal Urban Growth Area, and will be accessed via 228th St SW. Right-of-way improvements, utility expansion, and the development of active open space areas are included in the administrative site plan.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

✓ **The property is located in the SEC 36, TWN 27, RGE 4E, W.M and on the following parcel in Snohomish County: 27043600200300.**

B. Environmental Elements

1. Earth

✓ a. General description of the site:
(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)?

✓ **Topography of the site is a hillside, with a south-west aspect ~2:1 (or flatter) slope. The peak of the site, in the northeast corner, is approximately 200 vertical feet higher than the toe of the slope on the west side, and is also a ~2:1 slope or flatter. The slopes are manmade, in that that site was a gravel pit that was filled back in.**

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

✓ **Site soils consist of approximately 15 to 120 feet of organic fill soils overlying native silty sand, sandy silt, and sand. The organic fills were placed during the permitted mine reclamation.**

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

✓ **There are no surface indications or history of unstable soils in the immediate vicinity.**

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

✓ **The site is anticipating approximately 120,000 cy of cut and 120,000 cy of fill for the site. This earthwork will occur throughout the developable land within the site. The source of fill brought to the site will be from local sources.**

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

✓ **Erosion could occur on this site. The site is steep and therefore the disturbed soils will need to be well protected and adequate conveyance facilities will be required during construction.**

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

✓ **Approximately 53.7 percent of the site will be covered by impervious surfaces after project construction is complete.**

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:



Best Management Practices (BMPs) will be used to control erosion. Measures may include diverting surface water away from the stripped or disturbed areas using interceptor swales and other BMP's. Silt fences and/or other barriers may be erected to prevent sediment laden water from leaving the site, if necessary. Disturbed areas will be planted as soon as practical and vegetation maintained until established.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.



During construction, the primary emissions to the air will be exhaust, odor and dust generated from large machinery per typical construction. After construction, the primary source of emissions to the air would be generated from vehicular traffic of residents living onsite.

A methane mitigation system will be constructed and operated to address elevated methane gas concentrations in the subsurface at this property. WA DOE and Snohomish County Health District is fully aware of this issue. A methane mitigation design has been submitted to WA DOE for approval for use at the site.

The County has required that a 3rd party review be conducted on the proposed methane mitigation design. This review has been performed by Herra and revisions to the methane mitigation design have incorporated and satisfied these comments.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.



None known. There are no off-site sources of emissions or odor that may impact this proposal.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:



There are currently no measures to reduce or control emissions or impacts to the air.

A methane mitigation system is currently under WA DOE review for construction at the site. The methane mitigation system will control methane emissions.

3. Water

- a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.



Five streams (Stream A, Stream B/Crystal Creek, Stream C, Stream D, and Stream E) and five wetlands (Wetlands A-E) are located in the vicinity of the site.

Stream A is a narrow Type F tributary to Crystal Creek that is located in the southwest portion of the site.

Stream B/Crystal Creek is a large Type F stream that flows south through the northwest corner of the property.

Stream C is a short Type F tributary to Crystal Creek that originates at a stormwater discharge point in the northwest corner of the site. The stream flows for 50 feet before converging with Crystal Creek.

Stream D is a narrow Type Ns stream that originates approximately 40 feet east of the site and flows away from the site to the east.

Stream E is an untyped stream that originates where groundwater discharges from slopes south of the site. Water within the stream moves to the south before infiltrating prior to reaching a typed downstream channel.

Streams A - D are tributaries to Swamp Creek which is located approximately 1,650 feet west of the site.

Wetland A is a small Category II riverine wetland located along the banks of Stream A southwest of the subject site.

Wetland B is a large Category II depressional wetland that abuts the northwest portion of the property. Crystal Creek flows southward through Wetland B.

Wetland C is a Category III depressional wetland located in an isolated NGPA tract approximately 100 feet southeast of Wetland B and 300 feet south of the site.

Wetland D is a linear Category III depressional wetland located approximately 100 feet south of the site.

Wetland E is a Category III depressional wetland located approximately 70 feet north of the site within the Kenmore Shooting Range. Crystal Creek flows south through Wetland E prior to reaching the site.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No work is proposed within any wetland or stream area; however, work is proposed within 200 feet of Streams A, B, C, and D as well as Wetlands A, B, D, and E. Proposed work within 200 feet of Stream A, Wetland A, and Wetland D is limited to the construction of roads, pedestrian walkways and utilities to serve the apartment complex. Road improvements and residential structures are proposed within 200 feet of Stream B/Crystal Creek, Stream C, Stream D, Wetland B, and Wetland E. A critical area Study and Mitigation Plan has been prepared by Wetland Resources, Inc to address buffer modifications and work within 200 feet of the critical areas.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

No fill or dredge material will be removed from surface water or wetlands as part of this project.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No surface water withdrawals or diversions are proposed as part of this project.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

The proposal does not lie within a 100-year floodplain.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

✓ ***The proposal will not result in the discharge of waste materials to surface waters. This site will be served by a public sewer system operated by the Alderwood Water and Wastewater District. Waste materials deposited by automobiles on interior roadways and driveways will be collected in a subsurface (piped) system and conveyed to the detention facility. Pollutants will be separated and filtered prior to release. Yard and rooftop drainage will be relatively clean and free of waste materials.***

- b. Ground Water: [\[help\]](#)

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

✓ ***No groundwater will be withdrawn from a well for drinking water or other purposes. Water is to be provided by a public system operated by the Alderwood Water and Wastewater District.***

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

✓ ***There will be no waste material discharged into the ground from septic tanks or other sources. This site is to be served by a public sewer system operated by the Alderwood Water and Wastewater District.***

- c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

✓ ***Runoff on this site is primarily from rainfall on the site itself, no significant flow is expected from any adjacent property. The site's proposed hard surfaces are mitigated as required by the 2021 Snohomish County Drainage Manual stormwater regulations. Per the geotechnical report infiltration is not feasible. LID Best Management Practices are implemented to the extent feasible. Runoff from roofs, roads, driveways, and walkway surfaces will be captured via downspouts, tightlines, catch basins and pipe and routed to onsite water quality and detention facilities prior to release.***

A single point-source discharge of groundwater to surface water does exist at the site. The former property owners are under a consent decree and agreed order with WA DOE to address this discharge. Long-term compliance monitoring of this discharge will likely be covered under a site-specific NPDES stormwater and State Waste Discharge permit.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

✓ ***It is unlikely that waste materials will enter ground or surface waters. Waste materials deposited by automobiles on interior roadways and driveways will be collected in a subsurface (piped) system and conveyed to the detention facility. Pollutants will be separated and filtered prior to release as required by the drainage manual. Yard and rooftop drainage will be relatively clean and free of waste materials.***

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.



The proposal will not alter or otherwise affect the drainage patterns in the vicinity of the project site.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:



All adopted development and engineering requirements imposed by the County to control hydrologic impacts on adjacent properties will be incorporated into final construction plans and implemented by the proponent. Storm drainage facilities will be designed in accordance with versions of the DOE Storm Water Manual, and Snohomish County Drainage Manual and Snohomish County EDDs.

A drainage modification with regard to Minimum Requirement 8 and the proposed stormwater discharge from the site has been prepared. This modification has been reviewed by a 3rd party reviewer as required by Snohomish County. Review comments have been incorporated and addressed in the modification request and in the overall stormwater design and analysis. The inputs for the stormwater detention modeling in the modeling software WWHM has received review from Clear Creek Solutions, Inc. Clear Creek has designed WWHM, the software that is used to model the detention system. A letter from Clear Creek has been included in permit submittals with Snohomish County indicating that inputs for the detention system regarding Minimum Requirement #7 and #8 are correct.

4. Plants



a. Check the types of vegetation found on the site:

- ☒ deciduous tree: alder, maple, aspen, other
- ☒ evergreen tree: fir, cedar, pine, other
- ☒ shrubs
- ☒ grass
- ☐ pasture
- ☐ crop or grain
- ☐ Orchards, vineyards or other permanent crops.
- ☒ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☒ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?



The site will be generally cleared of vegetation and debris to develop the proposed residential units. The vegetation within the wetlands or stream will not be altered and plants in steep slopes along property lines also remaining largely undisturbed. Buffer mitigation is being utilized to ensure that no vegetation will be removed from the final buffer of the wetlands and streams. A critical area Study and Mitigation Plan has been prepared by Wetland Resources, Inc to address buffer modifications and work within 200 feet of the critical areas.

c. List threatened and endangered species known to be on or near the site.



There are currently no known threatened or endangered plant species onsite.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:



Landscaping onsite has been designed in accordance to Snohomish County Code Section 30.25.

- e. List all noxious weeds and invasive species known to be on or near the site.



Noxious weeds or invasive species onsite consist of Himalayan Blackberry and other typical invasive species, which will be removed in cleared areas as part of the clear and grade process.

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

Birds that may utilize the site include hawks, eagles, songbirds, and American crow. Mammals that use the site may include beaver, Columbian black-tailed deer, Virginia opossum, shrews, Douglas' squirrel, eastern gray squirrel, raccoon, eastern cottontail rabbits, and various bat species. The on-site portion of Crystal Creek is potential habitat for Chinook salmon, Coho salmon, Pink salmon, Chum salmon, bull trout, and steelhead. Amphibians expected to use the site include pacific tree frog, northwest salamander, and rough-skinned newt.

- b. List any threatened and endangered species known to be on or near the site.

There are no known threatened or endangered species on or near the site.

- c. Is the site part of a migration route? If so, explain.

All of western Washington is covered by the Pacific Flyway Migration Route. This is one of the four major North American migration routes for birds, especially waterfowl. It extends from Alaska and Canada to Mexico and South America.

- d. Proposed measures to preserve or enhance wildlife, if any:

New landscaping of native plants will provide a familiar environment to native animals, insects and fungi. The significant amount of land onsite that will be preserved as part of a critical area and buffer will also preserve natural environment for existing species. In addition to the critical areas onsite, there is both public and private designation of open space throughout the development.

- e. List any invasive animal species known to be on or near the site.

American bullfrog are present along the Crystal Creek channel within Wetland B.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Electric and/or natural gas will likely be used for heating, cooking, and lighting the homes.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No, the proposed development will not impact the potential use of solar energy by adjacent properties.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

The buildings will meet or exceed the current energy code. Energy conservation features will be decided on by the property owner at time of building permit application.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

✓ ***The property is enrolled in WA DOE Voluntary Cleanup Program to address elevated levels of arsenic in groundwater and elevated methane gas in the subsurface. Mitigation measures are underway or will be implemented as part of site development activities.***

1. Describe any known or possible contamination at the site from present or past uses.

✓ ***Due to prior surface sand and gravel mining and subsequent reclamation activities at the property, elevated arsenic exists in groundwater and elevated methane gas exist in the subsurface. The property is enrolled into WA DOE VCPx to address these issues.***

2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

✓ ***Due to prior surface sand and gravel mining and subsequent reclamation activities at the property, elevated arsenic exists in groundwater and elevated methane gas exist in the subsurface. The property is enrolled into WA DOE VCPx to address these issues.***

3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

✓ ***There are no known toxic or hazardous chemicals that may be stored, used or produced during the project's development or construction, or at any point during the operating life of the project.***

4. Describe special emergency services that might be required.

✓ ***Other than normal police, emergency aid, and fire protection services, no special emergency services are anticipated.***

5. Proposed measures to reduce or control environmental health hazards, if any:

There are currently no proposed measures to reduce or control environmental health hazards.

b. Noise

1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

✓ ***The proposed project is directly across 228th St SW from the Kenmore Shooting Range. The other potentially noisy use is the Bothell Fire Department, which is 0.25 mi to the east of the development.***

2. What types and levels of noise would be created by or associated with the project on a short-term or a long term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

✓ ***Noise levels would be intermittently high throughout construction but should be limited to normal waking hours. These construction-related sounds will be from large machinery and ground disturbing activities. On a permanent basis, residential activity and noise created by daily vehicular trips would increase ambient noise levels in the vicinity.***

3. Proposed measures to reduce or control noise impacts, if any:

Noise generation and impact limits are governed under Snohomish County Code Section 10.01, Noise Control.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The proposed development is bordered by, and will be accessed via, 228th St SW on the north. The proposed development site has been used for the selling of landscape materials in recent years. It is zoned MR (Multiple Residential) with a future land use description of UHDR (Urban High Density Residential). Land use surrounding the property is comprised of single family detached homes to the south and west with R-9,600 zoning. The Kenmore Shooting Range on the north side of 228th is zoned R-9,600 but is currently being utilized as a recreational shooting range. The Canyon View Condos are directly east of the site and are located within the City of Bothell. The Shelton View Forest trail system is to the east and south adjacent to the site. The Shelton View Forest trail system is located upon parcels 27043600200800 and 27043600201300 and spans area directly east of the project and area to the southeast of the project, surrounding Shelton View Elementary School. These parcels are owned by Washington State Department of Natural Resources and McCoast LLC. Both parcels are within the City of Bothell and are zoned R9,600.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or non-forest use?

According to aerial imagery dating back to 1998, the project site has not been used as working farmland or working forest land.

1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

The proposal will not impact or be impacted by any surrounding working farm or forest land because the adjacent properties are primarily residentially developed.

- c. Describe any structures on the site.

The site is currently has a few small structures that support the use of the site as selling landscaping materials.

- d. Will any structures be demolished? If so, what?

All existing structures will be removed.

- e. What is the current zoning classification of the site?

The current zoning classification of the project site is Multifamily Residential (MR).

- f. What is the current comprehensive plan designation of the site?

The current comprehensive plan designation of the project site is Urban High Density Residential.

g. If applicable, what is the current shoreline master program designation of the site?



There is no current shoreline master program designation on the site.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.



Yes, please see the surface water section for a description of streams and wetland on or near the site.

i. Approximately how many people would reside or work in the completed project?



According to the U.S. Census Bureau's household size estimate from 2015 – 2019 for Snohomish County, this development will house roughly 1,458 people. This is using a 2.68 person per household calculation.

j. Approximately how many people would the completed project displace?



This project will not displace any people as the site is currently not used for housing.

k. Proposed measures to avoid or reduce displacement impacts, if any:



There are currently no measures to avoid or reduce displacement impacts because the project will not be displacing anyone.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:



The proposed development is compatible and consistent with the adjacent land uses. The surrounding parcels are already developed with residential buildings and the Multifamily Residential zone allows for this type of development.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:



There are no proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance because there are none in the immediate vicinity.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.



There will be a total of 544 residential units constructed onsite and will be available to middle-income residents.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.



There will be no housing units eliminated as part of this project.

c. Proposed measures to reduce or control housing impacts, if any:



All required traffic, park, and school impact fees will be paid as required by the County.



10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

The tallest height of the buildings will be a maximum of 48 feet for a 4-story apartment building with a basement.

- b. What views in the immediate vicinity would be altered or obstructed?

Canyon Ridge Condos within the City of Bothell east of the site have seasonal views to the west through vegetation. Depending on the location of the proposed buildings and building heights, some seasonal views for these condo residents may be altered or obstructed.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

The observance of building setbacks, retention of as much native vegetation as practical during construction and provision of ornamental and native landscaping would reduce aesthetic impacts of the project.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

The proposal would produce light from automobile headlights, street lighting, and home lighting, primarily at night.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Light or glare from the finished project should not be a safety hazard or interfere with views.

- c. What existing off-site sources of light or glare may affect your proposal?

Light from surrounding residential developments and automobile traffic on 228th St SW will likely be the only light or glare that could potentially impact the proposed development.

- d. Proposed measures to reduce or control light and glare impacts, if any:

No special measures to reduce or control light and glare impacts are proposed nor are they expected to be necessary.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

The site is roughly 0.65 miles northeast of both Locust Way Park and Forsgren Park.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

The project will not displace any existing recreational uses.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

The project will include internal sidewalks for walking, a dog run, interior and exterior fitness and miscellaneous recreational opportunities for the residents of the complex.

13. Historic and Cultural Preservation

- ✓ a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

There are no known buildings or structures located onsite that are over 45 years old or are eligible for listings in the national, state or local preservation register.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

✓ ***There are no known landmarks, features, or other evidence of Indian or historic use on site.***

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

✓ ***Site walks and consultation of Washington State's Department of Archology and Historic Preservation's WISAARD Online GIS map were used to assess the potential impacts to cultural and historic resources on or near the project site.***

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

✓ ***Construction would be temporarily halted should evidence of historic archeological, scientific, or cultural importance be discovered. Local tribes would be notified.***

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

✓ ***The site will be accessed via 228th St SW and has two proposed access points.***

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

✓ ***The project site is served by the public bus system. The closest stop is at 4th Ave W & 228th St SW.***

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

✓ ***A total of 891 parking spaces will be provided on the site, with no designated parking spaces being eliminated. The inclusion of ADA accessible routes on the project site has brought the required number of parking stalls down to 823 per SCC 30.26.065(6). The new parking spaces will be located throughout the site with the majority uncovered.***

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

✓ ***New improvements will be made to 228th St SW including adding sidewalk, curb, gutter, and planter strip to the south side of the road. Additionally, 18 ft of width will be dedicated to right-of-way, resulting in a final width for 228th St SW of 98 ft. A multi-use path will be extended east/west along the 228th St SW ROW and another multi-use path connection will be made from 228th St SW to 11th Ave W within an easement for public pedestrian connectivity.***

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

✓ ***No, the project will not be in the general vicinity of water, rail, or air transportation and no reasonable increase in these transportation methods will occur.***

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

✓ ***A conservatively high estimate of the trip generation of the development has been performed using 566 units (more than what is ultimately planned to be constructed) and without taking credit for the existing uses on the site. This trip generation was calculated using the average trip generation rates published by the Institute of Transportation Engineers in Trip Generation Manual, 10th Edition. It is estimated that approximately 3,079 average weekday daily trips will be generated. The AM peak-hour, one hour between 7:00 AM and 9:00 AM, trip generation is anticipated to be approximately 204 trips. The PM peak-hour, one hour between 4:00 PM and 6:00 PM, trip generation is anticipated to be approximately 249 trips. The vast majority of the trips generated by the site are anticipated to be passenger vehicles.***

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

✓ ***No, the project will not interfere with the movement of agricultural or forest product. This proposal is in a residential area of Snohomish County.***

h. Proposed measures to reduce or control transportation impacts, if any:

✓ ***All traffic impact fees as required by Snohomish County Code.***

15. Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

✓ ***The project will place additional demands on public services such as fire protection, police protection, public transit and others; however, these systems are typically in place to absorb additional demands from new development.***

b. Proposed measures to reduce or control direct impacts on public services, if any.

✓ ***The payment of impact fees will help Snohomish County mitigate any adverse results of this development.***

16. Utilities

- ✓ a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____

Electricity and water are currently available at the site as it is currently being used as a landscape material supply facility.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

✓ ***The proposed utilities are water, sewer, telephone, cable, trash service, electric power and natural gas. These utilities will be extended into the site through the public right-of-way.***

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of Signee: _____ Tom Abbott

Position and Agency/Organization: _____ Principal Civil Engineer, Solid Ground Engineering

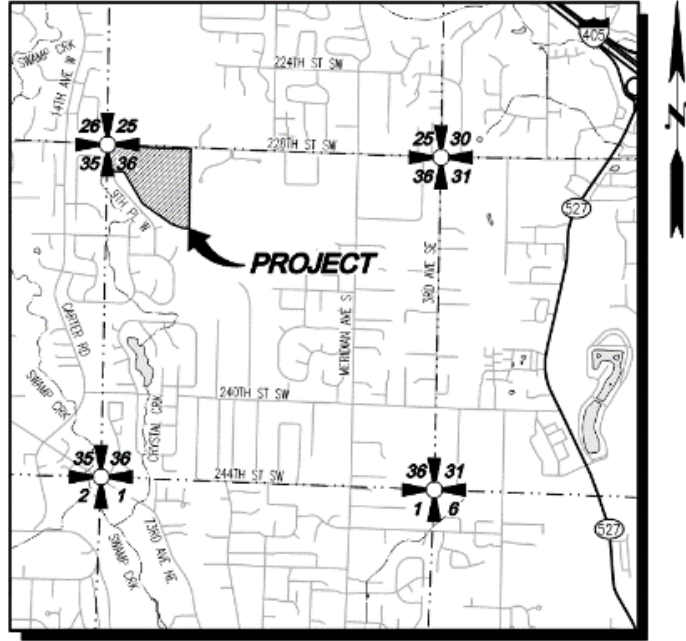
Date Submitted: _____ 3/15/2024

Reviewed by:

Planning and Development Services

04/05/2024

By: Joshua Machen, AICP Principal Planner



VICINITY MAP

SCALE: 1"=2000'

NP 228TH APARTMENTS ADMINISTRATIVE SITE PLAN

