

**From:** Chris Holland  
**Sent:** Thursday, August 3, 2023 10:15 AM  
**To:** Ken McIntyre  
**Cc:** Haylie Miller; Angela Gemmer  
**Subject:** FW: [External!]Comprehensive Map Rezone and Sale of Parcels  
31053400200800, 31053400300300, 31053400200700 NP Arlington MIC  
Industrial LLC to KM Capital LLC

**Importance:** High

Ken-

Please see the e-mail below.

It appears that a stop work order and amended plans may be needed for the early grading permit that has been issued.

Thank you,

**Chris Holland** | Planning Manager

**CITY OF MARYSVILLE**  
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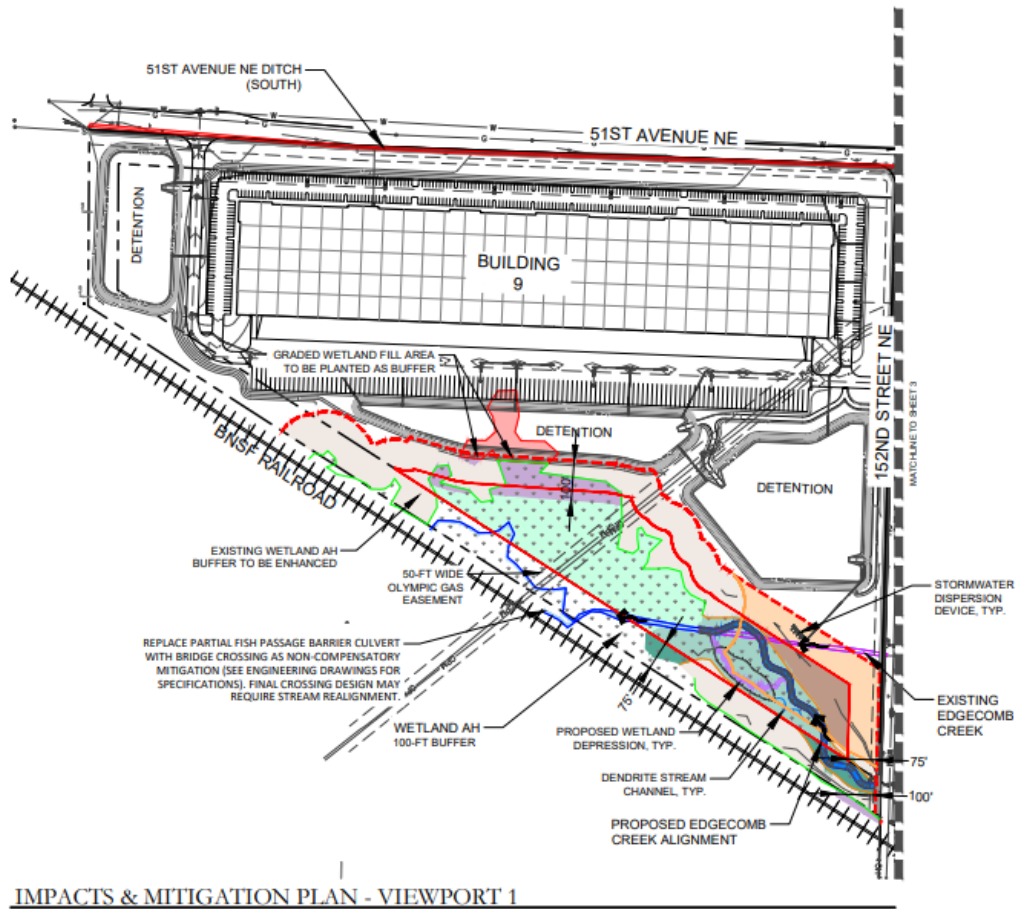
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**From:** Molstad, Neil (ECY) <[NEMO461@ECY.WA.GOV](mailto:NEMO461@ECY.WA.GOV)>  
**Sent:** Thursday, August 3, 2023 9:56 AM  
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**Subject:** [External!]Comprehensive Map Rezone and Sale of Parcels 31053400200800, 31053400300300,  
31053400200700 NP Arlington MIC Industrial LLC to KM Capital LLC

Hello,

It has come to Ecology's attention that three parcels within the Cascade Business Park development listed above, currently owned by NP Arlington MIC Industrial LLC (Northpoint), have been or soon will be sold to KM Capital LLC (KM).

Ecology has issued a Section 401 Water Quality Certification (WQC) authorizing direct impacts of 0.443 acres and indirect impacts of 0.595 acres to an existing wetland (Wetland AH) and an Administrative Order authorizing impacts to 0.314 acres of non-Federally regulated wetland (51<sup>st</sup> Avenue Ditch South) on these parcels. The WQC also approved wetland mitigation actions on the parcels, which are currently in progress. A snip of Northpoint's site plan, the proposed wetland impacts, and the mitigation areas is shown below:



It is important to note that Northpoint properly followed the mitigation sequencing process to justify the proposed wetland impacts on the parcels.

After reviewing documents related to a proposed zoning change for the parcels (Marysville File Number CPA23003) it seems clear that the new owner of these parcels (KM) will not be building the industrial warehouse shown on the plan above, but residential development instead. Ecology staff were on site yesterday with a Northpoint representative, who confirmed the impending/completed sale of the parcels and indicated that the portion of the parcels containing the ongoing mitigation activities would remain under Northpoint ownership.

From Ecology's perspective, the change of ownership of the parcels and the change of the proposed development from an industrial warehouse to residential means that this is a new project that should be considered in its own context, separate from the Cascade Business Park project. This means that this new project will need to follow the mitigation sequencing process to justify any proposed wetland impacts, would likely not be allowed to mitigate for any proposed wetland impacts at the Cascade Business Park mitigation area, since this mitigation site is not a mitigation bank, and may need to submit a WQC and/or Administrative Order requests under their own name, among other things.

Ecology staff observed construction equipment on the parcels yesterday, and it is Ecology's understanding that the City of Marysville has issued some type of early clearing and grading permit for the parcels.

**Until the issues described above have been resolved, Ecology recommends that no filling or grading occur within the 51<sup>st</sup> Avenue Ditch or within 100 feet of Wetland AH on these parcels.** Subsequent grading or filling in these areas may result in additional mitigation requirements or enforcement actions.

Please feel free to call or email me with any questions or comments. I am happy to participate in a meeting or phone call to discuss further.

Regards,  
Neil Molstad

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