

April 8, 2022

City of Marysville
Planning and Development Services Department
80 Columbia Avenue
Marysville, WA 98270

**RE: M-51– Response to 1st Technical Review Completion Letter
PA22002**

Dear Reviewer,

Please refer to our responses below which address all review comments received from the City of Marysville on March 2, 2022 regarding the M-51 package. You will find the markup comments listed in the order that they were written followed by our response in *italics*.

Community Development Comments:

Chris Holland – 360.363.8270 – CHolland@marysvillewa.gov

1. Include File Number PA22002 on all future plans.

Response: All Plans have PA22002 add to them

2. Pursuant to the Snohomish Health District Health Officers Order No. 02-09, recorded under AFN 200209290702, you must hire a contractor certified under WAC 246-205 to prepare a cleanup plan for Health District review, implement the approved cleanup plan, and retest the site to assure the contaminants have been reduced to levels outlined in the Washington Department of Health's Guidelines for Contamination Reduction (Cleanup) and Sampling at Illegal Drug Manufacturing Sites and appropriate regulations.

Response: Per previous e-mail correspondence the cleanup has already been completed and approved by the County

The site is also subject to the Amended Health Officer's Order 02-09, recorded under AFN 200805080590. See pages 6 & 7 for corrective actions required.

Response: Per previous e-mail correspondence the cleanup has already been completed and approved by the County

Also, see Health Officer's Order No. 08-074, recorded under AFN 200807160351.

Response: Per previous e-mail correspondence the cleanup has already been completed and approved by the County.

Prior to issuing a grading permit verification of cleanup per the Health Officer's Order shall be required.

Response: Per previous e-mail correspondence the cleanup has already been completed and approved by the County

It appears a demolition permit was approved and closed out by the City (D21-0023), however, there is no documentation in the file related to the Health Officer's Order.

Response: Per previous e-mail correspondence the cleanup has already been completed and approved by the County

3. The following are comments related to the Conceptual Mitigation Plan, prepared by Soundview Consultants, dated January 2022:
 - a. The City disagrees that the proposed permanent buffer impacts for Wetland A – C are unavoidable. The applicant shall be required to demonstrate that there is no net loss of critical area functions and values for Wetland A – C, in order to approve permanent buffer impacts based on the priority sequencing outlined in MMC 22E.010.110(1)(a) – (f). The justification contemplates development of the site, however, a development application has not been submitted, so this justification is premature and may not be warranted. Additionally, in review of the conceptual mitigation plan it does not appear that the applicant has addressed whether or not the permanent buffer impacts result in no net loss of critical area functions and values. It simply states that purchase of wetland credits will compensate for the "unavoidable" permanent buffer impacts. It does not appear that an actual analysis of the functions and values of Wetlands A – C due to proposed grading activity were contemplated.

Response: Plans have been revised to remove any encroachment within the existing wetland and stream buffers. Further mitigation plans will not be required as there is no proposed disturbance within the buffers.

Buffer impacts to Wetlands A – C shall be avoided and a mitigation plan submitted in accordance with MMC 22E.010.140 through 22E.010.160.

Response: Plans have been revised to remove any encroachment within the existing wetland and stream buffers. Further mitigation plans will not be required as there is no proposed disturbance within the buffers.

- b. Based on comments from Department of Ecology, in an e-mail related to a project along 51st Avenue NE, known as Cascade Commerce Center (PA20047), dated October 26, 202, the 51st Avenue NE ditch is a regulated linear wetland (attached). Mitigation is required for any impacts proposed to the wetland and associated buffer.

Any temporary, or permanent, impacts to the 51st Avenue NE linear wetland and associated buffer shall be avoided, until the applicant obtains approval from The Corps and DOE to fill the wetland.

Response: Plans have been revised to remove any encroachment within the existing wetland and stream buffers. Further mitigation plans will not be required as there is no proposed disturbance within the buffers. Any further disturbance of the 51st buffer will be done upon approval from the corps and DOE, a note has been placed on the plan stating such.

4. The proposed grading proposes impacts to Edgecomb Creek and other offsite wetland buffers along the eastern property boundary. A permit has been issued to relocate Edgecomb Creek, filling of the off-site wetlands and creation of a new creek and wetland corridor along the BNSF spur line as part of the Cascade Business Park development. Although this project is underway, completion is not anticipated until the Summer 2022. The applicant will be required to avoid

impacts to Edgecomb Creek and other offsite wetland buffers until the creek relocation project has been completed and accepted by “the agencies.”

Response: Plans have been revised to remove any encroachment within the existing Edgecomb Creek buffer

5. The grading plans shall be revised to avoid any impacts to the off-site wetlands and associated buffers and the 51st Avenue NE linear wetland and associated buffer. This includes piping and installation of the proposed construction entrance from 51st Avenue NE onto APN 31052700200700.

The existing site entrance on APN 31052700301100 can be used for grading activity.

Response: Plans have been revised to remove any encroachment within the existing wetland and stream buffers. Further mitigation plans will not be required as there is no proposed disturbance within the buffers.

NPDES Comments:

Brooke Ensor , NPDES Coordinator

1. The City has adopted the 2012 Stormwater Management Manual for Western Washington, as amended in 2014 (2014 Manual), as our design standard.

Response: Noted

2. Surface Water capital improvement charges may apply to your project. Refer to code section 14.07.010 for more information.

Response: Noted

3. SWPPP related comments:

- Please specify that a vacuum sweeper will be used to clean the road.

Response: Vacuum Sweeper has been added tot eh SWPPP

- Update SWPPP to indicate a wheel wash may need to be installed. For large grading projects the developer should anticipate upgrades to the construction entrance may be required at some point.

Response: Wheel wash has been added to the SWPPP

4. City requirements do not negate any other state or federal requirements that may apply.

Response: Noted

Ecology Comments:

Neil Molstad – 425.389.5549 – neil.molstad@ECY.WA.GOV

1. Preliminary Determination: Based on our review, Ecology has made a preliminary determination that the 51st Avenue Ditch is a state regulated wetland and that Ditches V and W are not state

regulated wetlands.

Response: Noted

2. It is important to note that although Ditches V and W are not considered state regulated wetland, both features are still "waters of the state" as defined in RCW 90.48.020: Wherever the words "waters of the state" shall be used in this chapter, they shall be construed to include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington.

Response: Noted

3. Ecology has requested that the Cascade Commerce Center project applicant submit a JARPA and a water quality protection plan for the project. When it is determined that the project meets state water quality protection standards Ecology will issue an Administrative Order formally approving the project.

Response: Not applicable to this site, mention of neighboring site development.

Archaeology - Survey Comments:

Stephanie Jolivet – 360.586.3088 – Stephanie.Jolivet@dahp.wa.gov

DABP Letter February 16, 2022:

1. We concur with the results and recommendations made in the survey report.

Response: Noted

2. Specifically, as no cultural resources were found during the survey, we do not recommend further direct archaeological supervision of the project. However, we do recommend that a standard Inadvertent Discovery Plan is followed during all ground disturbing activities.

Response: Noted

3. We have reviewed the provided Historic Property Inventories that were submitted for the project area and have no specific concerns for any of these properties.

Response: Noted

Environmental Protection Ecology Comments:

Todd Gray – 360.716.4620 – toddgray@tualiptribes-nsn.gov

1. I urge the project proponents to refrain from any activities within those buffers.

Response: Plans have been revised to remove any encroachment within the existing wetland and stream buffers. Further mitigation plans will not be required as there is no proposed disturbance within the buffers.

Cultural Resources Department Comments:

Kerry Lyste – 360.572.3072 – klyste@stillaquamish.com

M-51 – Technical Review Completion Letter
April 8, 2022

1. We will want to receive notification on ground disturbance for this project, and depending on the level of disturbance, may recommend archaeological monitoring as well.

Response: Noted

Sincerely,
LDC, Inc.



Joe Hopper, PE
Senior Project Manager
Kent Office