



March 4, 2024

Thomas Boydell
Economic Development Manager
501 Delta Avenue
Marysville, WA 98270

Re: Riverwalk – *Technical Review 1*
PA23031

Dear Thomas,

After reviewing the application materials for the above referenced proposal, the following technical review comments are provided below.

City of Marysville Community Development – Planning Division

Chris Holland, Planning Manager
360.363.8207
cholland@marysvillewa.gov

1. Provide file number PA23-031 on all future plan submittals.
2. The grading plans (E031) shall be amended so that **no** temporary stockpiling occurs on the lagoon fill pad (Stockpile A), as the PW Department utilizes this space for operational purposes. Until the PW Department has been relocated all stockpiling shall be placed on the Interfor property (60 State Avenue).
3. Prior to SLP approval, please provide a response to the comments from The Tulalip Tribes (Comments No. 33 – 38).
4. DRAFT SLP Conditions (not all inclusive):
 - a. Prior to grading plan approval a geotechnical engineering analysis shall be prepared demonstrating that the fill will not impact the existing underlying soils and that no impact to the WWTP lagoon and aeration basin wall will occur.
 - b. Prior to commencement of grading activity, the applicant shall provide certification that the fill material is clean and suitable for site development.
 - c. Prior to issuing any ground disturbing activity permits, the applicant will be required to submit a cultural resources survey to DAHP for review, and follow any recommendation issued by DAHP, or affected Tribes.
 - d. Prior to issuing any ground disturbing activity permits, the applicant is required to obtain all necessary permits from Federal, Tribal and State agencies for the proposed creek relocation, permanent wetland fill and regulated buffer impacts.
 - e. Prior to close-out of the grading permit the applicant shall obtain final approval of the Conditional Letter of Map Revision (CLOMR) from US Department of Home Land Security – FEMA Division.

- f. If deep ground disturbance with the potential to extend into historical fill and underlying native sediments cannot be avoided by future development and archaeological survey with subsurface testing using methods capable of accessing deeply buried deposits (e.g. sonicoring) shall be required, prior to issuing building permits.
- g. If at any time during construction archaeological resources are observed in the project area, work shall be temporarily suspended at that location and a professional archaeologist shall document and assess the discovery. The Department of Archaeology and Historic Preservation (DAHP) and all concerned tribes shall be contacted for any issues involving Native American sites. If project activities expose human remains, either in the form of burials or isolated bones or teeth, or other mortuary items, work in that area shall be stopped immediately. Local law enforcement, DAHP, and affected tribes shall be immediately contacted. No additional excavation shall be undertaken until a process has been agreed upon by these parties, and no exposed human remains should be left unattended.

City of Marysville Public Works – Development Services

Shane Whitney, Civil Plan Reviewer
360.363.8227
swhitney@marysvillewa.gov

5. Per MMC 14.03.250, utilities are to be extended along the street frontages of the proposed project. At this time as there is no proposal to review for building, no extensions are necessary.
6. Frontage improvements are required per MMC 12.02A.090 on all projects. Frontage improvements are described as curbs, gutters, and sidewalks; underground storm drainage facilities; patching the street from its preexisting edge to the new curb line; and overlayment of the existing public street to its centerline. At this stage, no frontage improvements would be necessary.
7. All projects in the city of Marysville must comply with requirements stipulated under the MMC 14.15.040 and 14.15.050. The proposal for bringing in the fill will require a drainage report that is compliant with minimum requirements 1 – 5 of the Ecology stormwater manual.
8. Survey control datum NAVD-88 and NAD-83 are required to be used. Civil construction plans will not be accepted in any other datum.
9. The onsite grading and placement of any retaining walls must be compliant with section 22D.050.030 of the MMC.
10. A right of way use permit for all work proposed within City right of way is required. Cost for the ROW permit is \$648.00, fees to be paid prior to issuance.
11. The applicant is responsible for identifying any existing well or septic systems on site or on adjacent properties. If there are any existing septic systems on site they need to be decommissioned based on the Snohomish Health District standards. If there are any wells on site they need to be decommissioned based on Department of Ecology standards.
12. Once the grading plans are being prepared, make sure we have the applicable notes added from the EDDS and the SEPA determination.
13. Engineering construction plan review fees will be due prior to release of approved civil construction plans.
 - a. Engineering construction plan review per MMC 22G.030.020:
 - b. Fees for a grading permit will be \$976 plus \$130/hour with a \$2000 deposit.

14. Engineering construction inspection fees will be due prior to project final or building final whichever comes first.
 - a. Engineering construction inspection fees per MMC 22G.030.020:
 - b. Fees for the project will be \$130/hour with a \$2500 deposit. The deposit is required prior to issuance of the grading permit. Should final inspection fees exceed the deposit, fees shall be paid prior to project acceptance.
15. All civil construction plan submittals are to be routed directly to Shane Whitney, Civil Plan Reviewer. The first *civil construction* plan submittal is to consist of a completed grading permit application, a plan set, a copy of the drainage report, and a copy of the geotechnical report. Once the documents are ready to be submitted, we will provide you a link to where the materials can be uploaded to. Review timing:
 - a. First review = 5 weeks
 - b. Subsequent reviews will be 3 weeks.
16. Please be advised these comments are in reference to specific items and do not imply a full review of the proposed application. Additional comments which may change the design requirements will be provided during the civil construction plan review process.

City of Marysville Community Development – Building Division

Michael Snook, Building Official
360.363.8210
msnook@marysvillewa.gov

17. Applicant shall comply with any and or all provisions the 2018 Edition of the International Building, Residential, Mechanical, 2018 Uniform Plumbing Codes, and current Washington State Amendments, or 2021 International Codes and Uniform Plumbing code if submitted after March 15, 2024.
18. All plans and permit applications will be required to be submitted electronically as part of their submittal process. One (1) complete set of building plans, structural calculations, and 2018 Washington State Energy Code work sheets. 2021 Washington State Energy Codes required if submitted after March 15, 2024.
19. Contact our office if you have questions in regards to permit applications, checklists and/or handouts that you and/or your design team will be preparing plans for on your project.
20. If any demolition of structures is proposed, and you are unsure if permit/s will be required for the removal of any structures. Please contact the Building Division at 360-363-8100, to ask any specific questions. An asbestos report will be required for each demo permit.
21. Any located underground or above ground fuel tanks will need a fire construction permit for the decommissioning of such fuel tanks.
22. Separate permits will be required for any proposed rockeries or underground storm vaults. One (1) complete set of building plans, structural calculations, site plan, and Geotech Report are to be submitted for review.
23. All utility easements and easement setbacks are to be met.
24. A grading permit will be required. A Geotechnical report shall be submitted to the City for this project. This is to be an in-depth report to address the following:
 - a. Soil Classification
 - b. Required Drainage Systems
 - c. Soil Compaction Requirements

- d. Type of Footings, Foundations, and Slabs Allowed
 - e. Erosion Control Requirements
 - f. Retaining Walls
 - g. Fill and Grade
 - h. Final Grade
25. The building structure will be required to be designed under the 2018 IBC, Chapter 16, and Structural Design Requirements. Or 2021 IBC, if submitted after March 15, 2024. The seismic zone criteria is to be established under the guidelines of a Washington State Licensed Structural Engineer and based on the Geotech report.
 26. Please provide scaled floor plans with square footage.
 27. Show on the plans the type of building materials proposed, and if required, what type of fire-resistant construction will be required.
 28. Site plan is to show the distance from the proposed structure to the property lines, from all sides of the building. Site plans must also show the 70-foot shoreline setback line.
 29. A Fire Sprinkler system will be required. The applicant is to verify this requirement with the Fire Marshal's Office.
 30. All Electrical installations are to be permitted, inspected and approved through the City. The current code is NEC 2020 with WCEC Amendments. The 2023 NEC will be adopted January 1, 2024. A separate application, plans, and plan review will be required.
 31. Special Inspection may be required. The list of the type of inspections shall be indicated on the plans by the Engineer of Record. The owner is to notify the City of the registered special inspection agency prior to permit issuance.
 32. Building application for plan review will be approximately 4-6 weeks for first-time plan review comments.

Washington State Department of Ecology

Doug Gresham, Wetland Specialist
 425.429.1846
doug.gresham@ecy.wa.gov

I have concerns with the wetland permitting process and mitigation bank purchase.

The wetlands delineated on this property would be waters of the state subject to the applicable requirements of state law (see RCW 90.48 and WAC 173.201A) and Section 401 of the Clean Water Act (33 USC §1341) and 40 CFR Section 121.2. Because direct impacts are proposed in Wetland 2, the applicant shall obtain all necessary state and federal authorizations prior to beginning any ground-disturbing activities or vegetation removal. To obtain state and federal authorization, you should provide:

- A jurisdictional determination from the U.S. Army Corps of Engineers stating which delineated wetlands on the property are under federal jurisdiction.
- A JARPA form for impacts to jurisdictional wetlands submitted to Ecology at ecyrefedpermits@ecy.wa.gov.
- For any non-federally regulated wetlands that the U.S. Army Corps of Engineers does not take jurisdiction for, submit a JARPA to Ecology at ecyrefedpermits@ecy.wa.gov so we can issue an Administrative Order.
- A mitigation plan for unavoidable wetland impacts following the standards in Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Ecology Publication # 21-06-003).

Although there are two mitigation banks (Skykomish Habitat and Snohomish Basin) within the Snohomish River drainage basin, it appears that this project site is outside of their service area. I recommend contacting the Interagency Review Team to verify these mitigation banks are eligible for use.

Washington State Department of Archaeology & Historic Preservation

Stephanie Jolivette, Local Governments Archaeologist
360.3628.2755
stephanie.jolivette@dahp.wa.gov

Project Tracking Code: 2023-12-08318

Thank you for contacting the Washington State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP) and providing documentation regarding the above referenced project. As a result of our review, our professional opinion is that the project area has the potential to contain archaeological resources. The project is in an area determined to be at high to very high risk of containing archaeology according to the DAHP predictive model and is near fresh water and wetland resources that would have been utilized by Native American groups and early Settlers. The scale of the proposed ground disturbing actions would destroy any archaeological resources present. Therefore, we recommend a professional archaeological survey of the project area be conducted prior to ground disturbing activities, including demolition, filling, and other site prep activities. We also recommend any buildings or structures older than 50 years be assessed prior to demolition. Based on the SEPA checklist, a cultural resource consulting firm has already begun the assessment process for the property, and we look forward to reviewing the resulting documents.

We also recommend continued consultation with the concerned Tribes' cultural committees and staff regarding cultural resource issues.

These comments are based on the information available at the time of this review and on behalf of the SHPO in conformance with Washington State law. Should additional information become available, our assessment may be revised.

Thank you for the opportunity to comment on this project and we look forward to receiving the survey report. The survey report should be uploaded directly into the DAHP Online WISAARD system by the cultural resource consultant to expedite DAHP review. Please ensure that the DAHP Project Number (a.k.a. Project Tracking Code) is shared with any hired cultural resource consultants and is attached to any communications or submitted reports. Should you have any questions, please feel free to contact me.

The Tulalip Tribes

Todd Gray, Environmental Protection Ecologist
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toddgray@tulaliptribes-nsn.gov

I'm happy to see the project is planning to build the new stream channel and fish-passable culverts as we discussed. Here's a few questions and comments for this go-around

- 33. Is the base flood elevation of 13ft taking future sea level rise into account? These considerations seem to be somewhat slow to make their way into regulations. The City of Everett, for example, is just now proposing to raise the planned elevation of one of their projects from 17ft +MLLW to 21ft +MLLW to account for potential sea level rise.
- 34. Which mitigation bank will be utilized for impacts to Wetland 2?
- 35. Since contaminant hot spots are proposed to be capped, has the potential for lateral movement of contaminants under the cap been assessed?

36. How much opportunity might there be to enhance buffer, riparian, and set back areas, or provide landscaped areas that incorporate historic marshland species and conditions?
37. Has it been determined whether there is a potential threat of contaminants entering the new stream channel through hydrologic connection with the sewage lagoon? Will ongoing monitoring for contaminants in the new stream channel be a condition of the permit?
38. In the interest of maximizing water quantity in the new stream channel, it might make sense for treated stormwater from the site to be routed into wetland 1 to the greatest extent possible. Will this and other opportunities to maximize hydrologic input to the stream channel be explored?

New Comments (03.05.24)

39. I'm not really seeing a thorough explanation of why that stream channel between the development and the sewage lagoon is infeasible. The hydraulic Analysis only really talks about grading out of the floodplain. Could this be explained to me?
40. Speaking of which, will a flood hazard permit be required? There would be a substantial loss in floodplain by grading the entire site up. How will that be mitigated in order to comply with no-rise requirements?
41. Am I seeing that 46,950 cy of fill is to be stockpiled within the 70ft Slough setback? Isn't that area full of existing native vegetation?

Port of Everett

Laura M. Gurley, Director of Planning
425.388.0720
laurag@portofeverett.com

On behalf of the Port of Everett, we thank you for the opportunity to review and comment on the City of Marysville's Riverwalk SLP project. This project represents an exciting opportunity for the greater Marysville community and will certainly transform the Marysville waterfront in a positive way bringing in new mixed-use community amenities to the area.

As you work through this project, the Port of Everett respectfully asks that any projected impacts to freight routes and key transportation arterials are considered and/or mitigated for to ensure efficient movement of goods and people. As Snohomish County's only international seaport and as the third largest container port in the state, the Port of Everett's Seaport facilities support the movement of \$20-30 billion in commerce through Everett's customs district annually. These movements and the economic vitality of our area depend on ease and efficient access to the areas established freight routes. Furthermore, the Port of Everett Seaport is one of only 18 commercial strategic seaports nationwide in support of national defense and is also identified as a recovery port in the event of a natural or man-made disaster that affect access to our state's major seaports to the south.

Of utmost importance to delivering these critical operations is ensuring ease and efficiency of freight movement, as well as people movement, by way minimizing any potential impacts from a traffic congestion standpoint. State Highway 529 is a designated freight corridor recognized by the Puget Sound Regional Council and is also part of the U.S. Department of Defense's designated Strategic Highway Network directly tied to Naval Station Everett which is adjacent to the Port's international Seaport.

The City of Marysville is growing and understandably desires to accommodate this growth with quality projects such as the Riverwalk SLP, of which we are supportive. We simply ask that the

City consider potential traffic congestion and impacts on freight movement to and from the Port of Everett's international Seaport, nearby naval facilities, as well as to and from the City of Marysville and City of Arlington based Cascade Industrial Center because of the site's projected development of a significant number of new housing units and retail space to be located on or adjacent to SR 529.

We are looking forward to the Washington Department of Transportation's SR 529/1-5 interchange project, which is expected to offset some anticipated impacts. We appreciate the City's proactive approach with WSDOT in making this project a reality. We also recognize there could be impacts further south on 529 that should be considered.

We understand that a traffic impact analysis has not yet been completed for this project. As part of this analysis, we suggest that it include analysis of broader impacts away from the site, specifically analyzing SR 529 impacts as far south as the Port's international seaport and nearby Naval Station Everett facilities. Upon completion of that analysis, we request a meeting with you to review and consider the results.

We also want to flag that Naval Station Everett may be interested in the opportunity to comment on this project for similar reasons as the Port, as the City of Marysville is home to many sailors who commute daily to NSE via SR 529. If you have not already, the Port suggests including Naval Station Everett in this and future comment opportunities.

Thank you for considering our comments and concerns. We look forward to watching this waterfront development unfold. If you have any questions or would like to discuss further, please contact me at (425) 330-6564 or via e-mail at laurag@portofeverett.com.

After you have had an opportunity to review the technical review comments outlined above, please let me know what comments you would like to discuss or need clarification on, so I can invite the applicable staff member and schedule a technical review meeting. If you have any questions, please contact me at 360.363.8207, or by e-mail at cholland@marysvillewa.gov.

Sincerely,

Chris Holland

Chris Holland
Planning Manager

ecc: Haylie Miller, CD Director