

## PA23031 - COMMENT RESPONSES

---

2707 Colby Avenue, Suite 900, Everett, WA 98201 | P 425.252.7700

To: Chris Holland, Planning Manager, City of Marysville

cc: Thomas Boydell, Economic Development Manager, City of Marysville

From: Peter Battuello, Director of Environmental Services, Perteet  
Andrea Bachman, Senior Environmental Scientist, Perteet

Date: March 25, 2024

Re: # PA23031 - Marysville Riverwalk — Response to Technical Review 1

---

Below are responses to the comments on Technical Review 1 (3/4/24). Comments are italicized, followed by our response in standard text.

### City of Marysville Community Development – Planning Division

1. *Provide file number PA23-031 on all future plan submittals.*

Noted

2. *The grading plans (E031) shall be amended so that **no** temporary stockpiling occurs on the lagoon fillpad (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).*

Grading plans have been revised.

3. *Prior to SLP approval, please provide a response to the comments from The Tulalip Tribes (Comments No. 33–38).*

See responses to comments 33-38, and additional comments 39-41, received on March 5, 2024.

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.*

Geotech being procured to provide requested analysis.

- b. *Prior to commencement of grading activity, the applicant shall provide certification that the fill material is clean and suitable for site development.*

Initial information on fill soil from the Port of Everett is attached. Additional geotechnical and chemical testing is being scheduled to confirm Port of Everett findings and conclusions. If a different source of fill material is later determined, then certification will be provided on that material as well.

- c. *Prior to issuing any ground disturbing activity permits, the applicant will be required to submit a cultural*

**MEMORANDUM**

---

*resources survey to DAHP for review, and follow any recommendation issued by DAHP, or affected Tribes.*

The cultural resources report has been submitted to the Corps as part of the Section 404 submission. DAHP and Tribes will consult through the Corps. A copy is provided for City records.

- 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.*

The Corps of Engineers, Department of Fish and Wildlife, and Department of Ecology are currently reviewing the materials. The Corps will facilitate consultation with Tribal stakeholders.

- 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.*

Noted

- 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.*

An inadvertent discovery plan (IDP) will be needed for stormwater pipe abandonment and removal of contaminated soils. The IDP will address monitoring and response requirements for activities occurring below the existing ground surface and will be part of the contracting actions to fill the site.

- 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.*

Prescriptive requirements will be established in the IDP for this work (see response to comment 4 f)

**City of Marysville Public Works – Development Services**

- 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.*

Noted

- 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 curbline; and overlayment of the existing public street to its centerline. At this*

**MEMORANDUM**

---

*stage, no frontage improvements would be necessary.*

Noted

- 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.*

Drainage memorandum is attached.

- 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.*

Noted

- 9. *The onsite grading and placement of any retaining walls must be compliant with section 22D.050.030 of the MMC.*

Noted. The grading and fill plan will meet MMC standards. The current submittal does not include any retaining walls.

- 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.*

Noted

- 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.*

The site is currently served by sanitary sewer and no septic tanks occur on site. Existing monitoring wells will be abandoned or modified during filling. This will be done with permits from the Department of Ecology.

- 12. *Once the grading plans are being prepared, make sure we have the applicable notes added from the EDDS and the SEPA determination.*

Noted

- 13. *Engineering construction plan review fees will be due prior to release of approved civil construction plans.*

Noted

- a. *Engineering construction plan review per MMC 22G.030.020:*

Noted

- b. *Fees for a grading permit will be \$976 plus \$130/hour with a \$2000 deposit.*

Noted

**MEMORANDUM**

---

14. *Engineering construction inspection fees will be due prior to project final or building final whichever comes first.*

Noted

- 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.*

Noted

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.*

Applicant will adhere to the submittal and review schedule.

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.*

Noted

**City of Marysville Community Development – Building Division**

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.*

Noted

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.*

Noted

**MEMORANDUM**

---

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.*

Noted

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.*

Demolition permits and asbestos reports will be provided prior to building demolition.

21. *Any located underground or above ground fuel tanks will need a fire construction permit for the decommissioning of such fuel tanks.*

Noted. No tanks are anticipated.

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.*

No structures or underground vaults are planned for this project.

23. *All utility easements and easement setbacks are to be met.*

Noted

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*

Noted

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.*

No buildings are included in this project. Building structures are anticipated to be part of future development once the property is transferred.

26. *Please provide scaled floor plans with square footage.*

**MEMORANDUM**

---

Not Applicable

27. *Show on the plans the type of building materials proposed, and if required, what type of fire-resistant construction will be required.*

No buildings are planned for this project.

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.*

Shoreline set back is shown on plans. No buildings are proposed.

29. *A Fire Sprinkler system will be required. The applicant is to verify this requirement with the Fire Marshal's Office.*

Not applicable

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.*

Noted

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.*

Noted

32. *Building application for plan review will be approximately 4-6 weeks for first-time plan review comments.*

No buildings are planned for this project.

**Washington State Department of Ecology**

*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 Sec on 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](mailto: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](mailto: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*

MEMORANDUM

---

*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.*

We understand and assume that on-site wetlands and part of the on-site ditch are Waters of the State and Waters of the United States. A complete JARPA submittal package was sent to the U.S. Army Corps of Engineers on January 29, 2024, including a mitigation bank Site Use Plan for existing Qwuloolt wetland credits (Perteet, January 24, 2024). The Corps reference number is (NWS-2024-119). Proposed mitigation measures are consistent with Ecology Publication # 21-06-003 and the Interagency Review Team is reviewing the proposal for the use Qwuloolt wetland credits. A 401-water quality certification meeting request was submitted on February 6, 2024, and a meeting was held on February 16, 2024 with Doug Gresham (Ecology) Austin Schmalz (Ecology), Tom Boydell (applicant/City of Marysville), and Andrea Bachman (Perteet) to discuss the project and required submittal materials for a 401 water quality certification request.

### Washington State Department of Archaeology & Historic Preservation

*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.*

A cultural resources report has been submitted to the Corps as part of the Section 404 submittal and for the Shoreline Substantial Development Permt. DAHP and Tribes will consult through the Corps.

**The Tulalip Tribes**

MEMORANDUM

---

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.*

Yes, the base flood elevation analysis was based on late century (2070-2099) flood models that considered future sea level rise through the floodplain.

34. *Which mitigation bank will be utilized for impacts to Wetland 2?*

The Qwuloolt 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?*

The soil hot spots will be removed by the city as part of the fill program. Groundwater contamination is area-wide throughout the lower Snohomish River delta and site groundwater will be monitored by the City during and following development. Any hazardous materials extracted during development will be monitored and properly treated and/or disposed.

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?*

The 70-foot shoreline setback is being enhanced with diverse native species suitable for the upland and marshland areas. The conceptual planting plan is provided in the Shoreline Narrative, dated December 15, 2024.

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?*

The stream channel alternative was deemed technically impractical because of the existing WWTP infrastructure, as addressed in the Stream Mitigation Proposal technical memorandum (Perteet, January 25, 2024). Separating the Wetland 1 flow from the stormwater will significantly improve and preserve water quality discharge to Wetland 2.

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?*

See response to #37. Site stormwater will require quality treatment, and depending on the developer's design, some may be discharged to WLI.

**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?*



**MEMORANDUM**

---

See Stream Mitigation Proposal Technical Memorandum, Perteet, January 25, 2024

*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?*

A rise analysis was conducted and determined to have no impact to the surroundings. A LOMR-F application has been submitted to FEMA to fill the floodplain. Areas above the base flood elevation are out of FEMA jurisdiction.

*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?*

The stockpile plan will be checked and revised to ensure no soil encroachment into the 70-foot setback. A revised grading plan was submitted to the permit file with these responses.

**Port of Everett**

*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.*

**MEMORANDUM**

---

*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](mailto:laurag@portofeverett.com).*

Traffic Impact Analysis has been completed (Transpo Feb 2024) and we are including that study for your consideration. The filling of the site will not produce new occupancy or traffic beyond haul trucks bringing fill material to the Site. The City recognizes the Port's concerns for traffic impacts and will provide these comments to future development partners that will be responsible for building housing and commercial projects. .

The applicant requests the City also inform Naval Station Everett of the project and keep them informed on changes to freight mobility or commuter traffic patterns.