Wetland Mitigation Bank Use Plan

Sunnyside Village Cohousing Project Marysville, Washington

for King Creek LLC

August 22, 2022



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File No. 24145-001-01

August 22, 2022

Prepared for:

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Table of Contents

1.0 INTRODUCTION	. 1				
1.1. Project Location and Site Description	1				
2.0 PROJECT DESCRIPTION	. 1				
2.1. Construction Sequence	1				
2.2. Impact and Minimization Measures	2				
2.2.1. General Conservation Measures	2				
2.2.2. Measures to Reduce Impacts to Species and Habitats	3				
2.3. Mitigation Sequencing					
2.3.1. Avoidance	3				
2.3.2. Minimization					
2.3.3. Rectify					
2.3.4. Reduction					
2.3.5. Compensation	4				
3.0 WETLAND AND BUFFER IMPACTS	. 5				
3.1. Baseline Conditions	5				
3.2. Wetland and Buffer Impacts	5				
3.2.1. Unavoidable Impacts	5				
3.2.2. Impacted Site Functions	6				
4.0 MITIGATION STRATEGY	. 7				
4.1. Mitigation Bank Use Plan	7				
4.1.1. Site Selection					
4.1.2. Functions Provided at Mitigation Bank	7				
4.1.3. Proposed Mitigation Ratio and Bank Credit Requirements					
4.2. Credit Timing	8				
4.3. Summary and Conclusions					
5.0 REFERENCES	. 9				
LIST OF FIGURES					

Figure 1. Vicinity Map Figure 2. Site Plan Appendix A. Architectural Site Plan/Preliminary Plat Appendix B. Site Photographs



1.0 INTRODUCTION

This report has been prepared by GeoEngineers, Inc. (GeoEngineers) on behalf of King Creek, LLC (King Creek) to address wetland mitigation required for the Sunnyside Village Cohousing Development Project (project) located in Marysville, Washington. King Creek proposes to develop the 4.75-acre property located at 3121 66th Avenue NE with 32 cottages (700 to 1,200 square feet each) and a common house. Development will also include installation of sidewalks/hardscape, parking stalls and access drive lanes, landscaping and community gardens, and new underground utility construction. Construction is tentatively planned for the beginning of 2023, once permits have been obtained. Appendix A, Architectural Site Plan/Preliminary Plat provides the overall site plan for the project.

A wetland delineation identified and delineated three Category IV wetlands (Wetlands A, B and D) and one Category III wetland (Wetland C) within the 4.75-acre property (GeoEngineers 2020a). The proposed project will permanently impact Wetlands, A, B and D for a total impact area of 14,910 square feet. No impacts to Wetland C or its buffer will occur.

1.1. Project Location and Site Description

The proposed project is located in Water Resources Inventory Area (WRIA) 7 (Snohomish), near 3121 66th Avenue NE (Parcel #29050300402100) in Marysville, Washington within Snohomish County in Section 3 of Township 29 N and Range 5 E of the Willamette Meridian (W.M.) (Figure 1, Vicinity Map). The project is located within a suburban residential area.

The site contains multiple existing residential structures and paved access driveways, upland habitat with mowed grasses, mowed Himalayan blackberry (*Rubus armeniacus*) and Japanese knotweed (*Polygonum cuspidatum*), a forested area dominated by red alder (*Alnus rubra*) along the eastern property boundary and stands of Douglas fir (*Pseudotsuga menziesii*) along the northern and southern boundaries. Site photographs are included in Appendix B, Site Photographs.

2.0 PROJECT DESCRIPTION

As discussed in the introduction, the project proposes construction of 32 single-family detached units (also referred to as cottages) on a site that is currently occupied by one (1) existing single-family home. The existing home will be removed as part of the development of the proposed project. The cohousing development has been designed with a commitment to sustainable living and creation of affordable housing. Construction is tentatively planned for the beginning of 2023 and will require approximately 18 months to complete.

2.1. Construction Sequence

Below provides an anticipated sequence of construction events to develop the parcel:

- Mobilization to the construction site.
- Install Best Management Practices (BMPs) as needed such as: construct filter fence barriers along toes of slopes and around staging and stockpile areas; and construct runoff interception and diversion ditches and check dams, as necessary.



- Clear vegetation and grade the minimum area required for construction.
- Begin excavation work.
- Install utilities and stormwater detention feature.
- Construct roads.
- Pour foundations for cottages and common house.
- Construct hardscaping (patios and walkways).
- Install landscaping features.
- Remove erosion control features.
- Demobilize from the site.

2.2. Impact and Minimization Measures

Minimization measures and BMPs will be utilized during project activities to avoid impacts to Wetland C and species and their habitat. Conservation measures will focus on minimizing construction noise and the possibility of spills, preventing soil erosion and minimizing impacts to riparian vegetation. Special measures will be taken to ensure that all waste materials will be disposed of offsite and in accordance with applicable regulations, adequate materials and procedures are readily available on the site to respond to unanticipated weather conditions or accidental releases of materials in the event that activities are observed to result in water quality problems.

2.2.1. General Conservation Measures

- Temporary erosion and sediment control (TESC) plan will be fully implemented as part of the Water Quality Monitoring and Protection Plan (WQMPP). Construction techniques will use BMPs such as those described in the Washington State Department of Ecology's (Ecology) Stormwater Management Manual for Western Washington (Ecology 2014, updated 2019). Appropriate erosion control measures will be erected at appropriate locations.
- The contractor will employ adequate materials and procedures to ensure potential spills will be handled and disposed of in a manner that does not contaminate the surrounding area. The contractor will also ensure the proper management of oil, gasoline and solvents used in the operation and maintenance of construction equipment and that equipment remains free of external petroleum-based products prior to entering the work area and during the work, and for making any necessary repairs prior to returning the equipment to operation in the work area.
- An emergency spill containment kit must be located on site along with a pollution prevention plan detailing planned fueling, materials storage and equipment storage. Waste storage areas must be prepared to address prevention and cleanup of accidental spills.
- All construction-related debris will be cleaned up on a daily basis.
- Waste materials, including any concrete, riprap, miscellaneous garbage and/or other debris removed from the project site, will be transported off site for disposal in accordance with applicable regulations.
- Work will be in compliance with all other local, state and federal regulations and restrictions.

- Excavation will be limited to those areas necessary for access to the work areas and construction activities. The construction limits will be marked in the field and equipment will not be allowed outside the work area.
- Adequate materials will be maintained on site to respond to weather conditions and modify the construction plan as needed to accommodate unanticipated events.
- Routine inspections of the erosion control measures will be conducted daily during construction to ensure the effectiveness of the measures and to determine the need for maintenance or additional control measures.
- Grading and construction will be phased to reduce the time that soil is exposed to the extent possible.
- Spoil stockpiles will be covered if inclement weather is forecast to reduce the introduction of fine sediments into adjacent waters.
- Disturbed native vegetation will be replanted with similar native species.
- Fueling areas will be distinctly identified and established outside of sensitive areas, but within the construction area. These areas will be equipped with spill prevention and control devices.

2.2.2. Measures to Reduce Impacts to Species and Habitats

- No work will be performed within the Wetland C buffer or within Wetland C and flagging will remain in place for the duration of the construction delineating the boundary to ensure no equipment or materials are stored within Wetland C or its buffer.
- All debris resulting from construction shall be removed from the project area and prevented from entering Wetland C or its buffer.
- Construction procedures have been designed to minimize the opportunity for erosion to occur or sediment-laden water to migrate offsite.
- Depending on slope and weather conditions, filter fences will be installed along the perimeter of the work areas to help confine sediment and runoff. Straw bales or staked wattles may be added if concentrated surface water flow is observed.

2.3. Mitigation Sequencing

Design and planning of the project followed guidelines for mitigation sequencing outlined in joint guidance prepared by Ecology, U.S. Army Corps of Engineers (USACE) and U.S. Environmental Protection Agency (EPA) (Ecology et. al. 2021) and in the Marysville Municipal Code (MCC) 22E.010.110. Mitigation sequencing steps were applied in descending order during project design with the goal of avoiding, minimizing, rectifying/restoring, reducing/eliminating and compensating for impacts on critical areas (in this case wetlands). The following is a summary of mitigation sequencing conducted for the project.

2.3.1. Avoidance

The first criterion is to avoid impacts by not taking a certain action or parts of the action. It was not possible to develop a dense cohousing project and avoid impacts to all regulated wetland habitat on the property. Avoidance of impacts to Wetlands A, B and D would result in a development area that does not allow for a viable project based on the need to ultimately construct affordable housing.



2.3.2. Minimization

The second criterion is to take appropriate and practicable steps to minimize those adverse impacts that cannot be avoided. Wetland and associated buffer impacts have been minimized as much as possible. No impacts will occur to the Category III wetland (Wetland C) or its buffer. On-site minimization is proposed to reduce the magnitude of impacts to wetland and wetland buffer functions that will result from the proposed project and, therefore, reduce the amount of compensatory mitigation required. The three Category IV wetlands (Wetlands A, B and D) will be completely filled (approximately 14,910 square feet/0.34 acres of permanent wetland impacts).

A Storm Water Pollution Prevention Plan (SWPPP) and a TESC Plan will be developed for the project. These documents identify BMPs that will be implemented when working in or adjacent to wetland and buffer habitat associated with Wetland C to minimize adverse impacts on water quality. BMPs that will be implemented for the project may include those listed in Section 2.2 Impact and Minimization Measures above.

All stormwater generated by the project will be treated and dispersed towards the east (outside the buffer for Wetland C) to maintain the existing hydrology/contribution basin for Wetland C.

2.3.3. Rectify

The project will not include repair, rehabilitation or restoration of wetland habitat as no temporary impacts to wetlands or wetland buffers are proposed. Permanent wetland impacts are proposed to completely fill the three Category IV wetlands (Wetlands A, B and D) for a total impact area of 14,910 square feet or 0.34 acres. The remaining onsite wetland, Wetland C, will not be impacted during construction or as part of the long-term use of the site. As shown on Architectural Site Plan (ASA; Appendix A), the Wetland C buffer will be completely protected for the longevity of the site use. As shown on the ASA, in addition to protecting the Wetland C buffer, limited features are proposed within the wetland buffer setback. Several parking stalls and fenced portions of cottage yards are included within the buffer setback, all allowed activities per MCC 22E.010.380. Outside of the wetland buffer setback area, proposed landscaping across the cohousing community includes native tree, shrub and herbaceous vegetation.

2.3.4. Reduction

The remaining onsite wetland (Wetland C) will not be impacted during construction or in perpetuity of the cohousing development. The cohousing community has been intentionally designed to limit impacts to the natural environment to the greatest extent practicable with a firm decision to ensure no impacts to Wetland C occurred as part of construction or the proposed development layout. The cohousing community's focus on sustainable living, including yards, a shared vegetable garden and shared orchard will create a mix of dense housing combined with vegetated open space and gardens, resulting in a lower level of impact from activities adjacent to Wetland C and its buffer.

2.3.5. Compensation

The fifth criterion is to provide appropriate and practicable compensation for the remaining impacts that cannot be avoided or minimized. The project will result in approximately 14,910 square feet (0.34 acres) of permanent wetland impacts to the three category IV emergent wetland. Use of mitigation bank credits is proposed to compensate for the permanent wetland impacts from the proposed cohousing development.



3.0 WETLAND AND BUFFER IMPACTS

3.1. Baseline Conditions

GeoEngineers completed a detailed field assessment delineating and characterizing wetland, and other habitat features within the project site, as described in detail in a prior report (GeoEngineers 2020a). As discussed above, the site assessment revealed wetland conditions within the property as shown on Figure 2, Site Plan. Per MCC 22E.010.060, the documented wetlands were rated using *Washington State Wetland Rating System for Western Washington, revised 2014* (Hruby 2014). Three Category IV wetlands (Wetlands A, B and D) and one Category III wetland (Wetland C) were identified during the field investigation.

The majority of the property is characterized by upland habitat dominated by mowed grasses and mowed Himalayan blackberry. Stands of Douglas fir are located at the northern and southern boundaries of the parcel. There is a forested area dominated by red alder located along the eastern property boundary. A gravel access road, a relict gravel road and one single-family residence are located on the property which slopes gradually to the south.

The geotechnical test pit investigation indicated the presence of native glacially consolidated soils which have very low infiltration capacity and create conditions for shallow perched groundwater (GeoEngineers 2020b).

3.2. Wetland and Buffer Impacts

This section describes anticipated permanent impacts of the project. Mitigation sequencing, described in the prior section, was conducted during project design and planning; however, some impact to wetlands and wetland buffers are unavoidable because of the project requirements described in the following sections.

3.2.1. Unavoidable Impacts

As presented above, impacts to Wetlands A, B and C and associated buffers from the proposed project were unavoidable because of the need for suitable and adequate area for development. Otherwise, the affordable housing community would not be feasible as construction costs per housing unit increase significantly with fewer units. Table 1 below shows the proposed impact location, impact type and type of mitigation proposed to compensate for impacts.



Location	Type of Impact	Impact Area (sq. ft.)	Duration of Impact	Type of Proposed Mitigation
Wetland A	Excavation and backfill	860	Permanent	Mitigation Bank
Wetland B	Excavation and backfill	13,000	Permanent	Mitigation Bank
Wetland D	Excavation and backfill	1,050	Permanent	Mitigation Bank
	Total Impact Area	14,910		

TABLE 1. WETLAND IMPACTS AND PROPOSED MITIGATION

3.2.2. Impacted Site Functions

A qualitative assessment of water quality, hydrology and habitat functions provided by the impacted wetlands and associated buffer areas was performed using information described in Ecology publications *Wetlands in Washington State-Volume 1: A Synthesis of the Science* (Sheldon et al. 2005) and *Wetland Buffers: Use and Effectiveness* (Castelle et al. 1992). All of the three wetland systems rate low for habitat functions because they only have one vegetation community (emergent), one to two hydroperiods (saturated and seasonally flooded) with a no habitat interspersion and connections to other wetland and upland areas. The wetlands rate moderate for water quality functions because they have herbaceous vegetation within the wetland that can filter sediment and since these wetlands are depressional they store all surface waters coming into them and therefore are very effective at reducing peak flows (Sheldon et al. 2005; Castelle et al. 1992; Hruby et al 1999). The wetlands rate moderate for hydrologic functions because although it does not possess woody vegetation (e.g., trees and shrubs) that will reduce flow velocities to help prevent flooding, land uses within 150 feet of the wetland generate excess runoff and surface flooding problems occur within the sub-basin downgradient.

All three of the impacted wetlands (Wetland A, B and C) are classified as a Category IV depressional wetlands with mowed herbaceous vegetation. No shrubs or trees were documented within these wetlands. Permanent impacts to wetland functions will result from the filling of these three wetlands, approximately 0.34 acres of wetland habitat. Although these wetlands offer limited habitat functions, elimination of these features from the property has the potential to impact the moderate water quality and low hydrologic functions they provide. These functions will be replaced by infiltration that will occur within the cohousing yards, orchard and vegetable garden as well as by the stormwater system that will collect, treat and disperse the surface water from impervious surfaces east of the property towards the buffer for Wetland C. Impacts to habitat will be insignificant because these wetlands are characterized by mowed grasses and herbaceous species as well as the noxious weed Japanese knotweed. The habitat value provided by the mowed wetlands will be at least retained by the cohousing yards, orchard and vegetable garden. The impacted wetlands are situated more than 100 feet from one another and isolated from other wetland areas. The protected wetland at the site, Wetland C (Category III), will continue to provide beneficial habitat connectivity as this wetland extends to the adjoining property to the east, which is associated with a City of Marysville owned tract of forested land with a stream (Figure 2). In addition, Wetland C is located in a vegetated ravine that is connected downslope to a large wetland complex and a fish-bearing stream that is a tributary to Ebey Slough.

4.0 MITIGATION STRATEGY

The preferred approach for compensating for unavoidable loss of wetland functions is through the use of mitigation bank credits. This is consistent with federal guidance prioritizing mitigation banking over permittee-responsible mitigation (see Code of Federal Regulations [CFR], Section 332.3(b)). Because the project site is within the service area for the Skykomish Habitat Wetland Mitigation Bank, and sufficient credits from this bank are currently available, King Creek proposes to offset permanent wetland impacts through the use of an appropriate number of credits at this bank. A Mitigation Bank Use Plan is provided below in Section 4.1 Mitigation Bank Use Plan.

4.1. Mitigation Bank Use Plan

King Creek plans to compensate for unavoidable wetland impacts through utilization of mitigation bank credits from the Skykomish Habitat Mitigation Bank (the "Bank"). The Mitigation Banking Instrument (MBI) for this mitigation bank was approved in 2006 (Skykomish Habitat LLC 2006a).

4.1.1. Site Selection

The location of the bank is illustrated on Figure 1. The primary service area of the bank is WRIA 7, below the 2,500-elevation contour, including the non-tidally influenced portions of the Snohomish River that enter the river downstream of the State Highway Route 2 bridge near the City of Everett, which includes the project area (Skykomish Habitat LLC 2006a). Ebey Slough is the longest of the three major sloughs in the Snohomish estuary. The project site drains towards Wetland C, which is located in a vegetated ravine that is connected downslope to a large wetland complex and a fish-bearing stream that is a tributary to Ebey Slough. The purpose of the bank is to generate mitigation credits for projects that will have an adverse impact to waters of the United States, including wetlands, that need to compensate for those impacts as a condition of their permits (Skykomish Habitat LLC 2006a).

4.1.2. Functions Provided at Mitigation Bank

The bank provides wetland mitigation credits for impacts to wetlands within the service area through restoration, rehabilitation, creation and enhancement of approximately 260 acres of wetland and associated upland habitat (Skykomish Habitat LLC 2006a). The overall ecological goal of the Skykomish Bank is to restore, rehabilitate and enhance wetlands and salmonid habitat through the creation of a floodplain wetland complex and braided side channel complex along the north bank of the Skykomish River, approximately 2.5 miles upstream of the Snohomish River (Skykomish Habitat LLC 2006b). A portion of the bank created and enhanced palustrine emergent wetland habitat to increase wildlife habitat, floodwater attenuation and water quality (Skykomish Habitat LLC 2006b). Similar to the low habitat functioning grass dominated wetlands that occur on the Sunnyside site, the area targeted at the Bank for wetland creation consisted of disturbed pasture. Creation of palustrine emergent wetlands within this area was intended to increase the mammal, amphibian and bird habitat and native plant richness as existing function was limited (Skykomish Habitat LLC 2006b). The created wetlands were intended to provide significant increases to habitat function, water quality, flood attenuation and sedimentation benefits and provide floodplain connectivity (Skykomish Habitat LLC 2006b). In addition, the Bank rehabilitated an emergent wetland dominated by reed canary grass (Phalaris arundinacea) and other non-native species to provide a structurally complex native plant community that includes scrub-shrub and forested wetland classes.



Although the cohousing project will impact palustrine Category IV emergent wetland habitat, resulting in subsequent degradation in wetland area and function, purchasing of bank credits will replace the existing low functions on site with significant higher quality function within the Bank. In addition, the benefits from the Skykomish Habitat Bank occur in the same watershed (Snohomish River Watershed) as the project site. Therefore, use of credits from the Skykomish Habitat Bank is appropriate for the types of impacts that will result from this project and result in a net benefit for habitat within the watershed.

4.1.3. Proposed Mitigation Ratio and Bank Credit Requirements

The MBI specifies that 0.85 credits are required to offset every 1 acre of permanent impacts to Category IV wetlands (Skykomish Habitat LLC 2006b). Based on the MBI document, 0.34 acre of Category IV wetland fill would require 0.29 credits to compensate.

In accordance with the rationale provided above, the allocation of credits proposed to offset the project impacts is tabulated in Table 2, below.

Impact Location	Category of Impacted Wetland	Impact Acreage	Standard Credit Ratio Per Impacted Acre ¹	Required Credit Amount
Wetland A	IV	0.02	0.85	0.29
Wetland B	IV	0.30		
Wetland D	IV	0.02		
	TOTAL IMPACT	0.34		

TABLE 2. PROPOSED MITIGATION BANK CREDITS

Notes:

1. The Skykomish Habitat Mitigation Banking Instrument, Appendix 1 (Skykomish Habitat LLC 2006b).

4.2. Credit Timing

The Skykomish Habitat Mitigation Bank currently has sufficient credits available to offset wetland impacts of this project. King Creek will reserve and transfer the credits upon approval of permit documents and prior to construction of the project. Proof of transfer will be provided to permitting agencies prior to construction.

4.3. Summary and Conclusions

This Wetland Mitigation Plan and Bank Use Plan provides documentation of mitigation sequencing that is proposed to be implemented for impacts to wetlands and buffers resulting from the proposed Sunnyside Village Cohousing Development Project as well as compensation for unavoidable impacts through utilization of mitigation bank credits and restoration of temporary impact areas. Approximately 0.34 acres of wetland will be permanently impacted (cut and filled) as a result of the project. The project does not include any temporary impacts to wetland or buffer habitat. This plan describes the anticipated impacts to wetland functions and proposes use of mitigation bank credits to offset these impacts. Implementation of on-site minimization measures and utilization of mitigation bank credits as described in this report are anticipated to adequately offset project impacts to ecological functions when taken together and are consistent with applicable regulatory guidance.

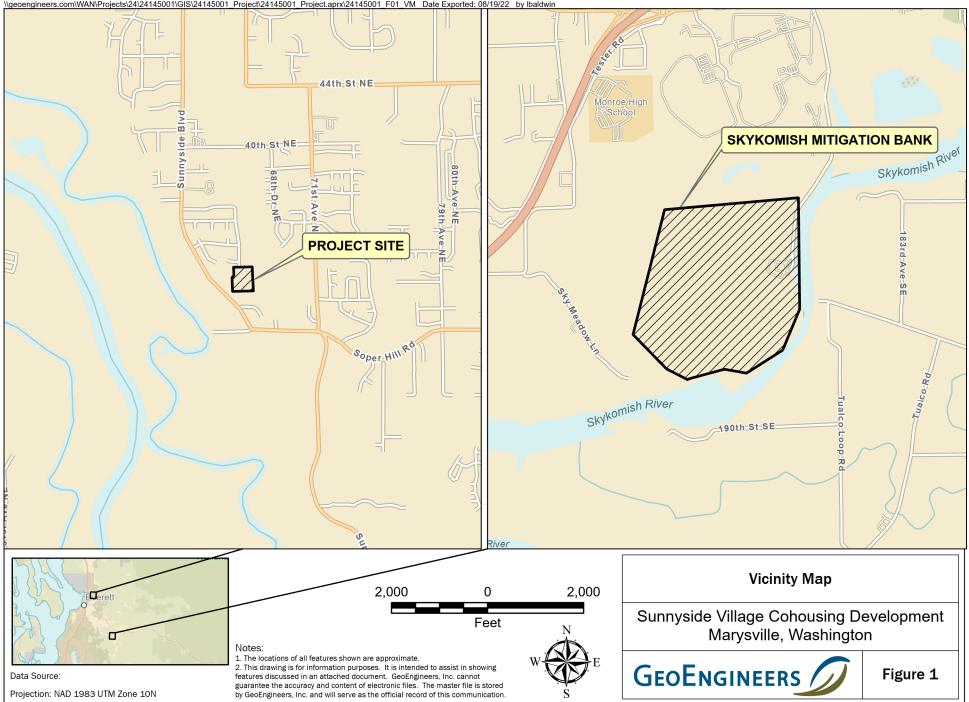


5.0 REFERENCES

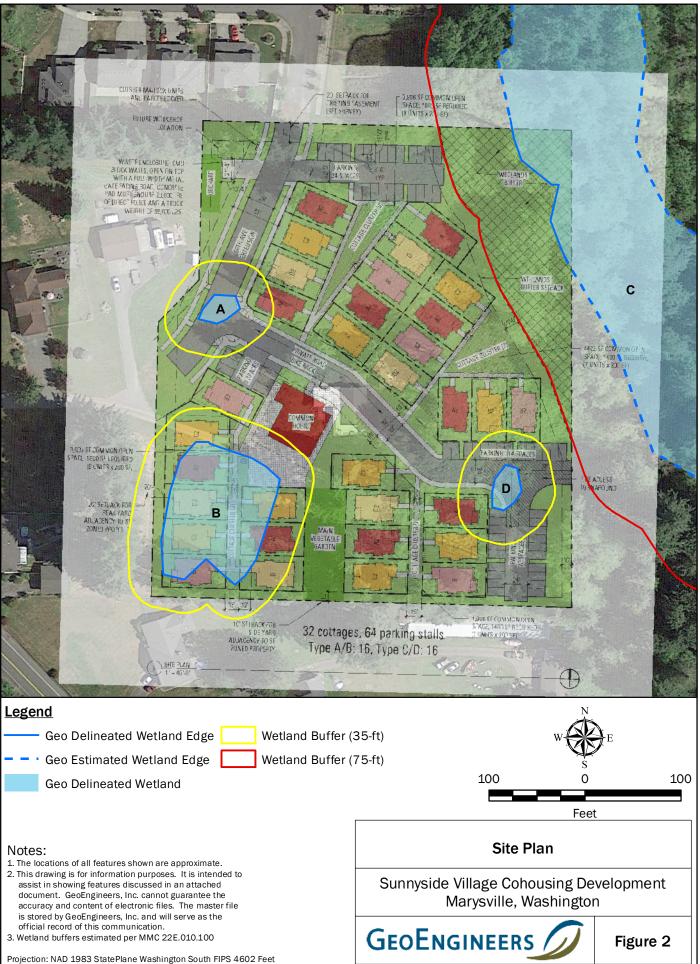
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APPENDIX A Architectural Site Plan/Preliminary Plat



3

<u>OPEN SPACE</u>

GENERAL NOTES:

NET PROJECT AREA

DENSITY

<u>SETBACKS</u>

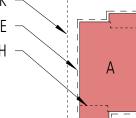
PARKING

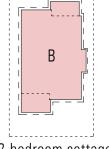
DIMENSIONS IN MMC

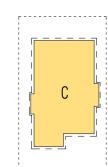
200 SF COMMON OPEN SPACE REQ PER DWELLING UNIT - 50% MUST BE LOCATED CENTRALLY TO THE COTTAGE GROUPING; NOTED ON PLAN. 200 SF PRIVATE OPEN SPACE REQ PER DWELLING UNIT; 360 SF TO 432 SF PROVIDED.

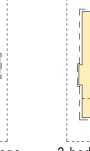
1

1















2

ZONED PROPERTY

4

4

1 SITE PLAN 1" = 40'-0"

3



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SUNNYSIDE VILLAGE

3121 66th Ave NE Marysville, WA 98270

8/22/2022 LAND USE APPLICATION SUBMITTAL

NO. DATE

DESCRIPTION

NOT FOR CONSTRUCTION

Architect Project No: 1819 Author: Checker:

ARCHITECTURAL SITE PLAN / PRELIMINARY PLAT

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APPENDIX B Site Photographs



Photograph 1. Looking east at the mowed fields north of the existing house. (January 23, 2020)



Photograph 2. Looking south at the small depression associated with Wetland A. (January 23, 2020)

Site Photographs

Sunnyside Village Cohousing Development Marysville, Washington

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Photograph 3. Wetland habitat was not observed within the mowed field north of the existing house. (January 23, 2020)



Photograph 4. Looking west toward Wetland B. Wetland B is located in the mowed field south of the abandoned gravel road that runs west to east across the property. (January 23, 2020)

Site Photographs Sunnyside Village Cohousing Development Marysville, Washington GEOENGINEERS /



Photograph 5. Wetland B had standing water in a portion of the wetland. (January 23, 2020)



Photograph 6. High water tables were present throughout the majority of the project site. (January 23, 2020)

Site Photographs

Sunnyside Village Cohousing Development Marysville, Washington

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Photograph 7. Two crabapple trees were located within Wetland B. (January 23, 2020)



Photograph 8. View looking south into Wetland B. Standing water was located in the southern portion of Wetland B. (January 23, 2020)

Site Photographs Sunnyside Village Cohousing Development Marysville, Washington Figure B-4

24145-001-00 Date Exported: 03/16/2020



Photograph 9. Red alder and salmonberry dominate Wetland C. (January 23, 2020)



Photograph 10. Water was slowly flowing south through Wetland C. (January 23, 2020)

Site Photographs

Sunnyside Village Cohousing Development Marysville, Washington

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Photograph 11. A large patch of Japanese knotweed is located in the southeastern portion of the property. (January 23, 2020)



Photograph 12. Wetland D is dominated by creeping buttercup and is located in the southeast portion of the property. Ponding visible within Wetland D. (January 23, 2020)

Site Photographs

Sunnyside Village Cohousing Development Marysville, Washington

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