

RECEIVED

MAY 06 2019

CITY OF LAKE STEVENS



Snohomish County

**Public Works**

*Transportation & Environmental Services*

3000 Rockefeller Ave., M/S 607

Everett, WA 98201-4046

(425) 388-3464

[www.snoco.org](http://www.snoco.org)

**Dave Somers**

*County Executive*

April 30, 2019

City of Lake Stevens Planning & Community Development  
ATTN: Melissa Place, [mplace@lakestevenswa.gov](mailto:mplace@lakestevenswa.gov)  
PO Box 527  
Lake Stevens, WA 98258-0257

Subject: SEPA MDNS and Notice of Planned Action - LUA2019-0068 and LUA2019-0069

Dear Melissa Place,

Snohomish County Public Works has reviewed the subject Planned Action and SEPA MDNS for the proposal to construct a new road alignment, 24th Street SE. In reviewing the plan, we offer the following comments/recommendations:

The description of the proposal in Section 11 of the checklist states that a new multilane roundabout will be constructed at the intersection of 24th Street SE and SR9 in association with commercial development in the area. The roundabout is not shown on the plan attached to the SEPA checklist so it appears that the roundabout is not part of the proposal for which a MDNS has been issued. However, 24th Street SE and the realignment of South Lake Stevens Road should be designed to accommodate the proposed change in intersection control at SR9. South Lake Stevens Road west of SR9 and the proposed realignment is a County arterial road.

Section 14 of the checklist refers to a Traffic Impact Analysis (TIA) and addendum to the TIA conducted for commercial development of the site north of 24th Street SE. The TIA shows the new intersection of 24th Street SE and South Lake Stevens Road located about 425' from the future roundabout proposed at SR9. The TIA states that 95 percentile queues westbound approaching the intersection would be 225' and that eastbound queues approaching the roundabout at SR9 would be 300'.

The plan attached to the SEPA checklist shows the new intersection of 24th Street SE and South Lake Stevens Road located about 150' to 200' from the future roundabout. This separation is insufficient for the queues identified in the analysis. The intersection should be located where shown on the plan in the TIA.

The TIA only analyzes PM peak hour traffic not AM peak hour traffic. While this is to be expected as the proposed commercial development would not be operational during the AM peak hour, the City's proposal to construct 24th Street SE and realign South Lake Stevens Road should also analyze AM peak hour traffic. A significant volume of traffic uses South Lake Stevens Road west of SR9 to avoid westbound queues on 20th Street SE and southbound queues on SR9 approaching US2.

Design of the roundabout at the intersection of 24th Street SE and SR9 and the realignment of South Lake Stevens Road to intersect with 24th Street SE should include analysis of the anticipated diversion of AM peak

traffic from 20th Street SE to the westbound approach of South Lake Stevens Road to SR9. This AM analysis may have been included in the ICE report prepared for WSDOT but has not been provided for County review.

South Lake Stevens Road and 87th Avenue SE provide an important County arterial route between Lake Stevens and Bickford Avenue as an alternative to SR9. Section 11 of the checklist discusses a South Lake Stevens Road Connector. The realignment of South Lake Stevens Road should be constructed as a through road, as generally shown on the enclosed drawing, to its intersection with 24th Street SE, not with a separate connector road as shown on the plan in the TIA. While the TIA analyzes South Lake Stevens Road east of SR9, it does not analyze impacts of traffic on this route west of SR9 to its intersection with Bickford Avenue. This should be addressed in an addendum to the TIA and used to inform design. Design of the realignment should be done in cooperation with Snohomish County Public Works.

We also noted from review of the TIA that the proposed commercial development proposes a roundabout as mitigation at the intersection of the westbound SR2 off-ramp and Bunk Foss Road. Bunk Foss Road is a County road where AM peak hour capacity is limited. Though not part of this proposal we bring this to the City's attention as design of intersection improvements at this location will need to be done in cooperation with Snohomish County Public Works.

Should you have any questions, please contact Mohammad Uddin at 425-388-3099.

Sincerely,



Douglas W. McCormick, P.E.  
Snohomish County Engineer

cc: Stephen Dickson, PW Transportation and Environmental Services Director  
Mohammad Uddin, PW Traffic Operations Engineering Manager/Traffic Engineer  
Randy Blair, PW Special Project Manager  
Brook Chesterfield, PW Special Projects Coordinator

20TH ST SE

PARCEL NO.  
00457000032001

PARCEL NO.  
00457340000400

91ST AVE SE

PARCEL NO.  
00457340000500

93RD AVE SE

PARCEL NO.  
0045700003001

PARCEL NO.  
004570000102

PARCEL NO.  
0045700002201

PARCEL NO.  
0045700002304

PARCEL NO.  
0045700002401

PARCEL NO.  
0045700002501

PARCEL NO.  
0045700002502

PARCEL NO.  
0045700002503

24TH ST SE

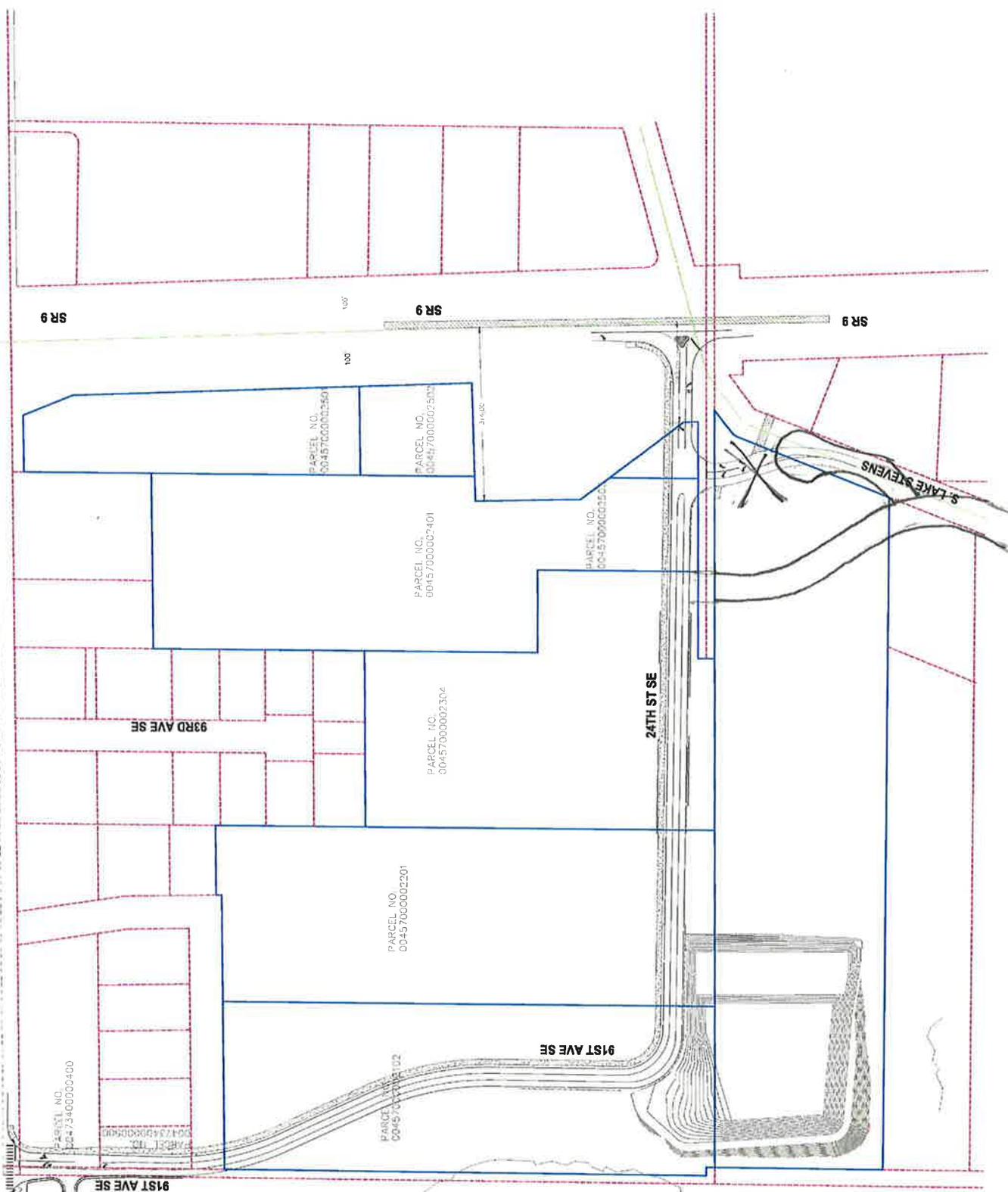
91ST AVE SE

SR 9

SR 9

SR 9

S LAKE STEVENS







**Snohomish County**

**Public Works**

*Transportation & Environmental Services*

3000 Rockefeller Ave., M/S 607

Everett, WA 98201-4046

(425) 388-3464

[www.snoco.org](http://www.snoco.org)

**Dave Somers**  
*County Executive*

April 30, 2019

City of Lake Stevens Planning & Community Development  
ATTN: Melissa Place, [mplace@lakestevenswa.gov](mailto:mplace@lakestevenswa.gov)  
PO Box 527  
Lake Stevens, WA 98258-0257

Subject: SEPA MDNS and Notice of Planned Action - LUA2019-0068 and LUA2019-0069

Dear Melissa Place,

Snohomish County Public Works has reviewed the subject Planned Action and SEPA MDNS for the proposal to construct a new road alignment, 24th Street SE. In reviewing the plan, we offer the following comments/recommendations:

The description of the proposal in Section 11 of the checklist states that a new multilane roundabout will be constructed at the intersection of 24th Street SE and SR9 in association with commercial development in the area. The roundabout is not shown on the plan attached to the SEPA checklist so it appears that the roundabout is not part of the proposal for which a MDNS has been issued. However, 24th Street SE and the realignment of South Lake Stevens Road should be designed to accommodate the proposed change in intersection control at SR9. South Lake Stevens Road west of SR9 and the proposed realignment is a County arterial road.

Section 14 of the checklist refers to a Traffic Impact Analysis (TIA) and addendum to the TIA conducted for commercial development of the site north of 24th Street SE. The TIA shows the new intersection of 24th Street SE and South Lake Stevens Road located about 425' from the future roundabout proposed at SR9. The TIA states that 95 percentile queues westbound approaching the intersection would be 225' and that eastbound queues approaching the roundabout at SR9 would be 300'.

The plan attached to the SEPA checklist shows the new intersection of 24th Street SE and South Lake Stevens Road located about 150' to 200' from the future roundabout. This separation is insufficient for the queues identified in the analysis. The intersection should be located where shown on the plan in the TIA.

The TIA only analyzes PM peak hour traffic not AM peak hour traffic. While this is to be expected as the proposed commercial development would not be operational during the AM peak hour, the City's proposal to construct 24th Street SE and realign South Lake Stevens Road should also analyze AM peak hour traffic. A significant volume of traffic uses South Lake Stevens Road west of SR9 to avoid westbound queues on 20th Street SE and southbound queues on SR9 approaching US2.

Design of the roundabout at the intersection of 24th Street SE and SR9 and the realignment of South Lake Stevens Road to intersect with 24th Street SE should include analysis of the anticipated diversion of AM peak

traffic from 20th Street SE to the westbound approach of South Lake Stevens Road to SR9. This AM analysis may have been included in the ICE report prepared for WSDOT but has not been provided for County review.

South Lake Stevens Road and 87th Avenue SE provide an important County arterial route between Lake Stevens and Bickford Avenue as an alternative to SR9. Section 11 of the checklist discusses a South Lake Stevens Road Connector. The realignment of South Lake Stevens Road should be constructed as a through road, as generally shown on the enclosed drawing, to its intersection with 24th Street SE, not with a separate connector road as shown on the plan in the TIA. While the TIA analyzes South Lake Stevens Road east of SR9, it does not analyze impacts of traffic on this route west of SR9 to its intersection with Bickford Avenue. This should be addressed in an addendum to the TIA and used to inform design. Design of the realignment should be done in cooperation with Snohomish County Public Works.

We also noted from review of the TIA that the proposed commercial development proposes a roundabout as mitigation at the intersection of the westbound SR2 off-ramp and Bunk Foss Road. Bunk Foss Road is a County road where AM peak hour capacity is limited. Though not part of this proposal we bring this to the City's attention as design of intersection improvements at this location will need to be done in cooperation with Snohomish County Public Works.

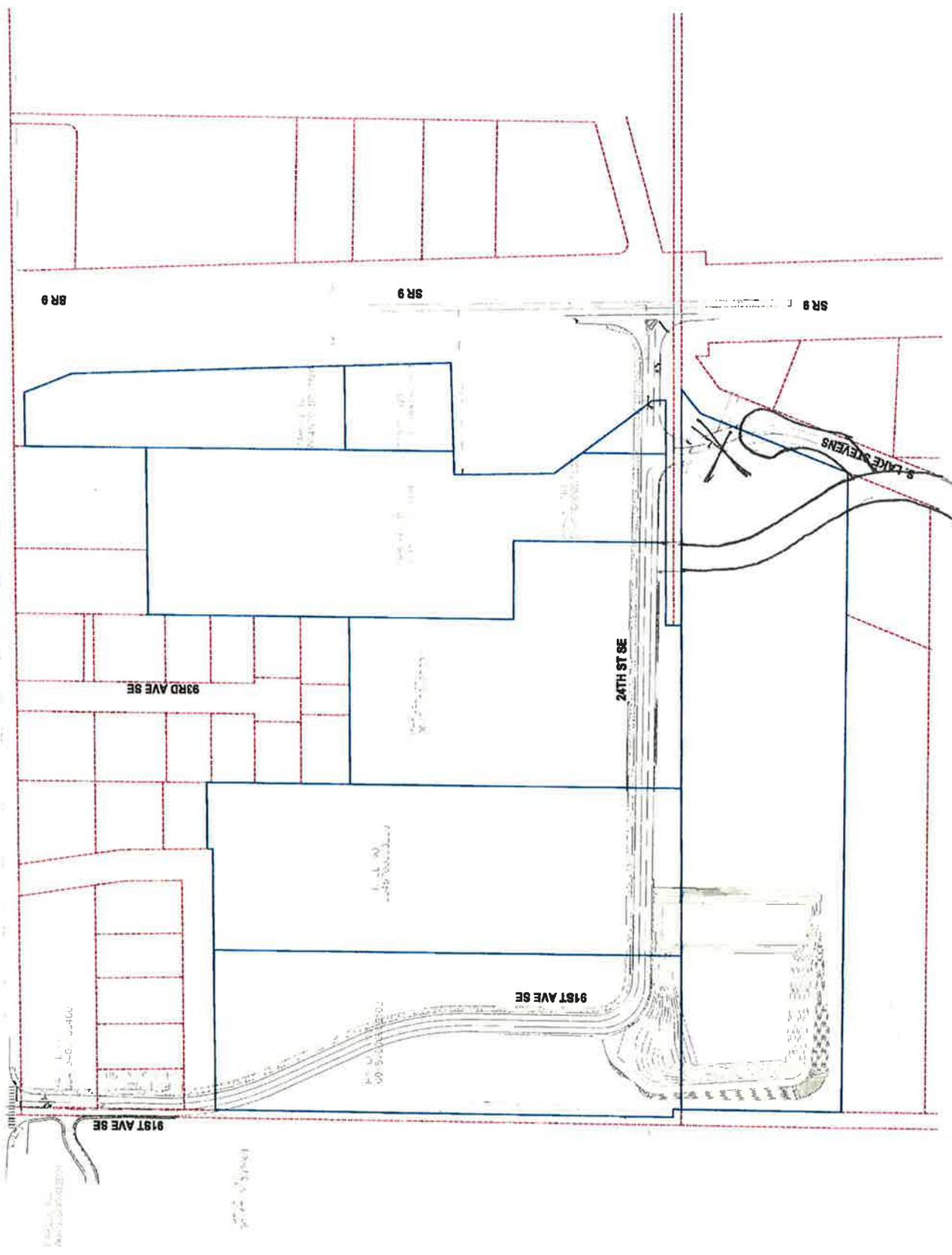
Should you have any questions, please contact Mohammad Uddin at 425-388-3099.

Sincerely,

A handwritten signature in blue ink that reads "Douglas W. McCormick". The signature is fluid and cursive.

Douglas W. McCormick, P.E.  
Snohomish County Engineer

cc: Stephen Dickson, PW Transportation and Environmental Services Director  
Mohammad Uddin, PW Traffic Operations Engineering Manager/Traffic Engineer  
Randy Blair, PW Special Project Manager  
Brook Chesterfield, PW Special Projects Coordinator







STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000  
711 for Washington Relay Service • Persons with a speech disability can call (877) 833-6341

May 6, 2019

Melissa Place  
Lake Stevens City Hall  
PO Box 257  
Lake Stevens, WA 98258

**Re: 24<sup>th</sup> St. SE Road Project, West of SR 9 & Lake Stevens Rd.  
LUA2019-0069, Ecology SEPA #201902179**

Dear Melissa Place:

Thank you for the opportunity to provide comments on the 24<sup>th</sup> St. SE Road Project. Based on review of the State Environmental Policy Act (SEPA) checklist associated with this Project, the Department of Ecology (Ecology) has the following comments:

The wetlands delineated on this property would be considered waters of the state subject to the applicable requirements of state law (see RCW 90.48 and WAC 173.201A) and possibly require a permit under Section 401 of the Clean Water Act (33 USC §1341) and 40 CFR Section 121.2. Because direct wetland impacts are proposed, 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, take the following steps:

- Contact the U.S. Army Corps of Engineers (Corps) for a jurisdictional determination of whether the wetlands on the property are under federal jurisdiction.
- Contact Ecology for any non-jurisdictional wetlands over which the Corps does not regulate.
- Submit a Joint Aquatic Resource Permit Application (JARPA) form for wetland impacts to Ecology at [ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)
- Submit a mitigation plan for unavoidable wetland impacts following the standards in Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Ecology Publication #06-06-011a).

For more information about SEPA and Ecology, please visit <https://ecology.wa.gov/regulations-permits/SEPA-environmental-review>.

Thank you for considering these comments from Ecology. If you have any questions regarding these comments, please contact Doug Gresham with the Shorelands and Environmental Assistance Program at (425) 649-7199 or by email at [doug.gresham@ecy.wa.gov](mailto:doug.gresham@ecy.wa.gov).

Melissa Place  
May 6, 2019  
Page 2

Sincerely,

A handwritten signature in blue ink that reads "Amelia Petersen". The signature is written in a cursive style.

Amelia Petersen, Backup SEPA Coordinator

Sent by email: Melissa Place, [mlace@lakestevenswa.gov](mailto:mlace@lakestevenswa.gov)

E-cc: Doug Gresham, Ecology  
Aaron Halverson, City of Lake Stevens Public Works Department - Applicant

---



6406 Marine DR NW  
Tulalip, WA 98271  
360-716-4214

---

May 6, 2019

Melissa Place  
Senior Planner  
City of Lake Stevens

On behalf of The Tulalip Tribes we thank you for the opportunity to provide comments on this project and future proposals. We look forward to future correspondence and communication. These comments pertain to the 24<sup>th</sup> St SE, 91<sup>st</sup> Ave SE Road Extension, S. Lake Stevens Road Connector and Costco Projects, parcel numbers 004570000002102, 004570000002201, 004570000002304, 004734000000400, 00457000002401, and 00457000002503.

The Tulalip Tribes reserved the right to take fish in their usual and accustomed fishing places pursuant to the Treaty of Point Elliot of January 22, 1855 (12 Stat. 927). The Tulalip Tribes are co-managers of fisheries and fish habitat with the State of Washington. Water of appropriate quality and quantity to support habitat for maintaining and enhancing fish runs is essential to the Tribes' treaty fishing rights. Mistyping streams and filling of wetlands affect fish habitat, water quantity and water quality impairs habitat and results in a reduction in tribal treaty resources.

After reviewing the critical areas reports for the proposed project there is misidentification of critical areas that exist on site. A tributary to Mosher Creek exists, but was not identified in both critical area reports. This type (F) fish bearing stream exists through the center of the parcels (see attached aerial and LiDAR maps). This stream would require 100 foot buffers according to Lake Stevens Municipal Code 14.88.430. Missing this important habitat feature, is a significant error and requires further assessment to the anticipated environmental impacts on the site, and how the site should be developed if at all.

The stormwater information for the Costco development is insufficient in that there is no geologic information provided and no indication that low impact development or green infrastructure were considered for the project. The project applies a conventional detention/retention pond that concentrates and collects all water from a soon-to-be completely impervious site (rooftop and

The Tulalip Tribes are federally recognized successors in the interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.



6406 Marine DR NW  
Tulalip, WA 98271  
360-716-4214

parking lot). It appears that the project will prevent any infiltration of rainwater for groundwater and summer base flows for Mosher Creek and the nearby natural wetlands. The quality of treated stormwater that emerges from the stormwater pond will be much lower in quality than if it was infiltrated, conveyed through forest conditions, or treated in by green infrastructure (i.e., pervious concrete, constructed wetlands, etc.). The development in the basin has reached a threshold to where the addition of more impervious surface will further impair water quality and significantly degrade stream habitat conditions...

The City of Lake Stevens appears to be acting as an agent to implement the development of a warehouse store to be developed in the same vicinity as the road improvements. The project should go through one SEPA review for the cumulative impacts on the environment. Rather the project going through separate piecemeal proposals that look at developmental impacts after previous degradation.

There is no Army Corps of Engineers permit mentioned in the application of the project. The wetlands proposed to be filled have connections to waters of the United States. This is a federal nexus giving the Army Corps of Engineers jurisdiction for a wetland fill permitting.

A total of three critical area/delineation reports were done for the area these projects are located. The first report done by Altmann-Oliver Associates, LLC completed in 2012 identified 9 wetlands listed as A-I. The following reports done by The Watershed Company and Sewall Wetland Consulting, Inc. both delineated 6 wetlands. We identify that wetlands conditions do change over time, but would like further investigation of these discrepancies between delineations. It was identified in both Sewall and Watershed Company reports that wetland I of the Altmann report did not meet wetland criteria. There was no discussion of declassifying two more wetlands from the Altmann report. It is obviously unclear what wetlands will be used for the final site/ critical area plan.

It is very important to first avoid environmental impacts at all cost in determining options for this development proposal. The effort to avoid environmental impacts is questionable in this development proposal. If avoidance cannot be achieved then minimizing environmental impacts should be



6406 Marine DR NW  
Tulalip, WA 98271  
360-716-4214

prioritized. There was no discussion in the development application that addressed avoidance and minimization options on the environmental resources.

Mosher Creek is not only occupied by cutthroat trout; the only species noted in the wetland reports, but also by Coho Salmon and brook lamprey, both of which have been observed in Mosher Creek and the tributary to Mosher Creek adjacent the project. Coho salmon populations in the Snohomish basin have been trending down for the last several years. Development pressure, habitat degradation and degraded water quality are all to blame.

At least six wetlands were identified on site. Wetlands provide important water quality functions and contribute to stream flow. Allowing the filling of 1.87 acres of wetlands is unacceptable along with mitigating at a mitigation bank in another portion of the Snohomish Basin. The proposed habitat impacts on the site combined with mitigating off site is likely to result in water quality and quantity impairment within Mosher Creek. The additions to impervious surface area reduces infiltration and contributes to increased runoff and risks to channel erosion, the loss of salmon habitat and the introduction of pollutants to the hydrologic system of Mosher Creek. The area under this proposal lies within the headwaters of Mosher Creek. The loss of forest cover, 1.87 acres of wetland, the addition of impervious area, and storm water runoff, all present a significant threat to the health of Mosher Creek and to the salmonid resources present. The Tulalip Tribes consider the potential loss of habitat and reduction in salmonid production as a take of tribal treaty resources. The Tulalip Tribes object to this project as proposed and would strongly recommend revisiting all phases of habitat protection including avoiding (not building in this area), minimizing (much reduced wetland fill) and mitigating (mitigation on site not at a bank).

Sincerely,

Zach Lamebull

Ecologist

The Tulalip Tribes

(360) 716-4620

Kurt Nelson

Environmental Division Manager

# Aerial Photo Map for 91st/24th/Costco Development Projects

20th St SE

**Legend**

- Type F Waters
- Type F Ponds /Wetlands



This map is a product of Tulalip Tribes Natural Resources Department and is provided "as is" and makes no claim as to the accuracy, completeness, or content of any data contained herein without warranty or inference to warranty of any kind, either expressed or implied. All warranties of fitness for a particular purpose and of merchantability are hereby disclaimed.

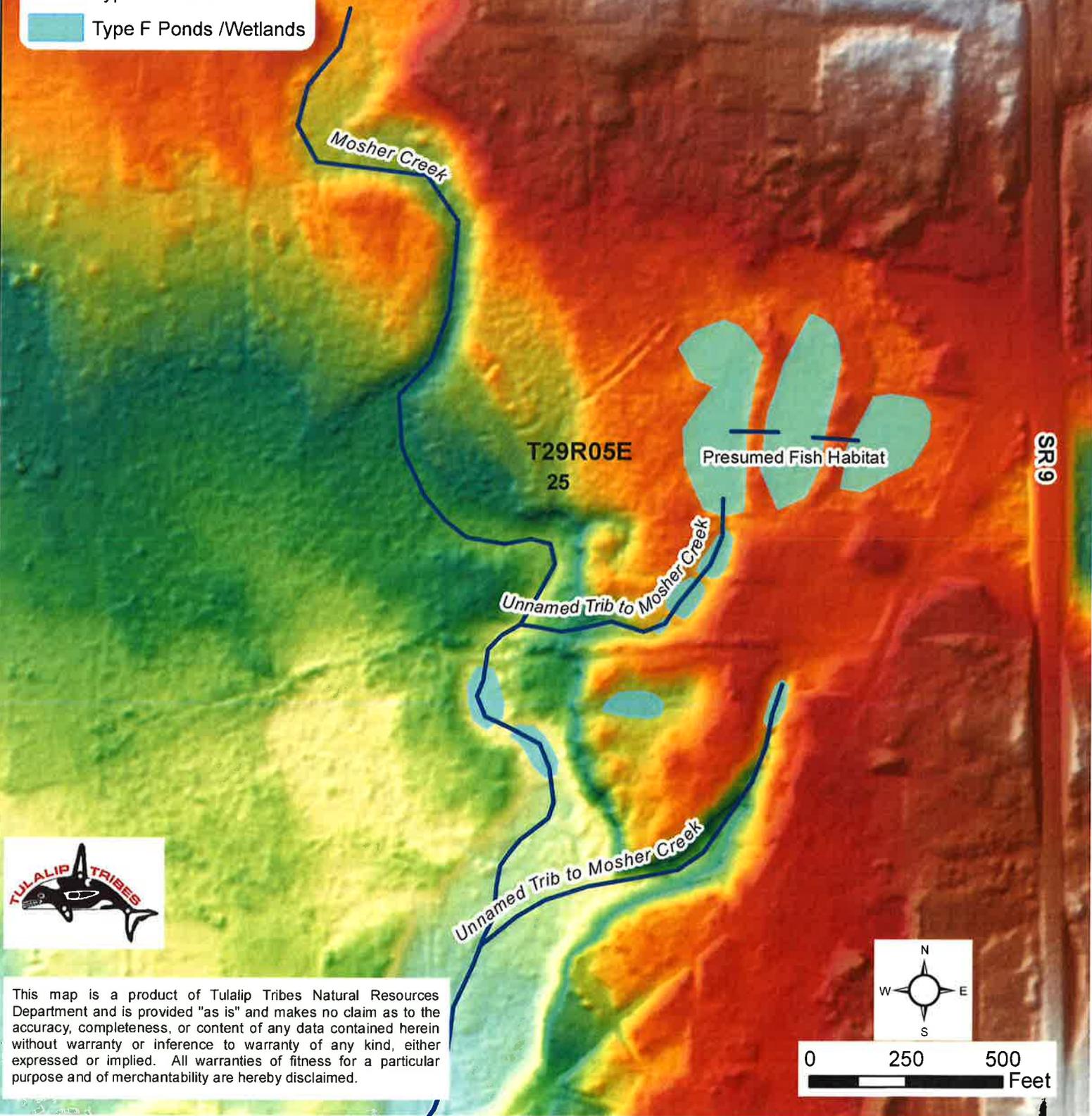
0 250 500 Feet

# LIDAR Hillshade Relative Elevation Map for 91st/24th/Costco Development Projects

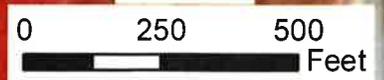
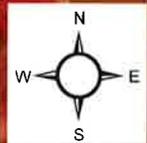
20th St SE

## Legend

- Type F Waters
- Type F Ponds /Wetlands



This map is a product of Tulalip Tribes Natural Resources Department and is provided "as is" and makes no claim as to the accuracy, completeness, or content of any data contained herein without warranty or inference to warranty of any kind, either expressed or implied. All warranties of fitness for a particular purpose and of merchantability are hereby disclaimed.







Natural Resources Department  
Environmental Division  
6406 Marine DR NW  
Tulalip, WA 98271

June 3, 2019

Melissa Place, Senior Planner  
City of Lake Stevens | Planning & Community Development  
1812 Main Street | PO Box 257  
Lake Stevens, WA 98258-0257

Subject: Lake Stevens Meeting on the 24<sup>th</sup> St. and Costco Project (5/30/2019)

Ms. Place,

With this letter I wanted to document what Tulalip staff mentioned at the meeting and heard from Lake Stevens' staff in regard to the referenced project.

Tulalip staff emphasized that water quality and quantity to Mosher Creek needs to be maintained and that our concerns involve potential impacts to fish and fish habitat in the stream system. Continued high intensity development like what was discussed, if not avoided, minimized or mitigated will substantially impair fish production in Mosher Creek.

Project and Site Discussions:

Tulalip heard Costco will look into LID, but it may not be feasible because of conditions. The Costco development will be a cut and fill, cutting the north side down and filling the south side, making infiltration not practical (stated by Lake Stevens' engineer). The north side retaining wall will be about 20 feet high. WSDOT stormwater pond collects runoff from Highway 9 and releases it to Centennial Creek to the east. The 24<sup>th</sup> St. cross-sectional profile was narrowed as much as possible to reduce impacts. Site constraints are present to the north with a waterline and to the south from a powerline (PSE or BPA). The regional stormwater pond is under redesign. It collects water from the Costco site to 20<sup>th</sup> Street. Stormwater will be treated on the Costco Site and within the pond. The pond will be open bottomed for infiltration.

Tulalip Recommendations:

- Tulalip staff suggested minor alignment to 24<sup>th</sup> may reduce wetland impacts. Lake Stevens Public Works staff said that was not an option.

The Tulalip Tribes are federally recognized successors in the interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.



6406 Marine DR NW  
Tulalip, WA 98271  
360-716-4617

- From Tulalip's perspective the planned projects appeared to be done in piecemeal and not assessed cumulatively. Part of the project was approved in 2011 as part of an EIS. Costco and 24<sup>th</sup> were added more recently.
- Tulalip mentioned that a forest practice application was needed for clearing the site.
- The stormwater pond should release water to the east and west to feed both the tributary wetlands and Mosher Creek.
- Infiltration on-site if possible, in order to continue to feed wetlands to the south.
- Reorienting the connector to South Lake Stevens Road to reduce wetland impacts.
- Possibly building a parking garage on site to reduce area affected.
- Development of a mitigation package that maximizes mitigation on site including the mitigation idea proposed by consultants – removing a berm between the wetlands. That mitigation appears to be roughly 0.6 acres or less. Replacement or removal of 4 culverts in the tributary stream south of the project site. Consultants from Costco will evaluate this suggestion. This action will provide fish access and functional lift to the wetland complex. Some off-site mitigation to complete mitigation requirements.

#### Lake Stevens will provide Tulalip the following documents

The geotechnical reports  
Alternatives Analysis  
EIS if possible  
Stormwater drawings for the project area (i.e. Costco, 91<sup>st</sup> and 24<sup>th</sup>)  
BiOp on Costco and 24<sup>th</sup> St.

#### After thoughts

After further review of liDAR and until we see boring information, we think it is highly likely with a 20 ft. plus cut in the north end of the Costco site, grading will expose groundwater, which will also need to be planned for.

Tulalip is still unclear how buffer losses to the wetlands will be mitigated – will this be addressed in the BiOp?



6406 Marine DR NW  
Tulalip, WA 98271  
360-716-4617

Tulalip still believes wetland impacts from 24<sup>th</sup> could be reduced with some reorientation of 24<sup>th</sup> along with the South Lake Stevens connector. This will hopefully be discussed in the alternatives analysis.

Sincerely,  
The Tulalip Tribes

A handwritten signature in black ink that reads "Kurt Nelson".

Kurt Nelson  
Environmental Division Manager





Natural Resources Department  
Environmental Division  
6406 Marine DR NW  
Tulalip, WA 98271

June 12, 2019

.....

Melissa Place, Senior Planner  
City of Lake Stevens | Planning & Community Development  
1812 Main Street | PO Box 257  
Lake Stevens, WA 98258-0257

Subject: Lake Stevens Meeting on the 24<sup>th</sup> St. and Costco Project (5/30/2019)

Ms. Place,

To follow-up on our last letter, staff from the Tulalip Tribes reviewed portion of the following geotechnical reports:

**Terracon Consultants Inc. Draft Geotechnical Engineering Report Costco Wholesale CW#17-0230, date May 2018**  
**HWA Geosciences Inc. Draft Geotechnical Report, 24<sup>th</sup> Street SE and 91<sup>st</sup> Avenue SE Extensions, dated April 2019**

Our review focused on subsurface geology and groundwater levels encountered on the planned Costco and adjacent roads and how the projects may alter and effect groundwater that feeds the wetlands directly south of the project site.

Fueling Facility Concerns

In reviewing the Terracon geotechnical engineering report, the project description (Page 2), mentions below grade structures that includes a fueling facility. Based on the groundwater elevations encountered, these UST's will be well below groundwater levels identified on the site. Concerns include long term risks to contaminating groundwater and interrupting groundwater flow and reduced contributions to wetland to the south of the site. The project description also mentions portions of the site on the north side will be reserved for future expansion. This indicates to us there is some flexibility on how the site is designed allowing for potential redesigns that reduce wetland and groundwater impacts.

Page 20. Below Grade Structures. *“Terrecon did not conduct a groundwater study of sufficient scope or duration to estimate seasonal groundwater level fluctuations or predict how mass grading will affect groundwater regime at the UST location.”* This investigation needs to be performed in order to determine the

The Tulalip Tribes are federally recognized successors in the interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.



6406 Marine DR NW  
Tulalip, WA 98271  
360-716-4617

groundwater levels and quantities to expect, how it will be directed, treated, and how contamination will be avoided.

#### Groundwater Concerns

It appears to us that many of the borings may have ended in advance outwash as opposed to glacial till as suggested in the Terracon report. Advanced outwash is commonly water bearing. Advanced outwash is mentioned in and is shown on Figure 3 in the HWA Geosciences report. Many of the borings terminate at depths in the advance outwash. The nature of the subsurface geology, surficial features shown on LiDAR and the high ground water table at a 300 – 320 ft. elevation suggests that the existing groundwater at the site may not be perched as indicated in this report, but may be indicative of a shallow groundwater table that receives water from a much broader area to the north. In other words, the amount of groundwater in the east half of the site maybe more substantial then indicated in these reports. This groundwater is also the source of water for the wetlands to the south of the project, and possibly Centennial Creek to the east.

Page 5. Groundwater observations from test pits dug in 2015 should not be used because of the unusual nature of the precipitation amounts that year.

The base or footing of retaining walls associated with the Costco site and 24<sup>th</sup> Street are likely to be in groundwater, the groundwater investigation mentioned previously should also evaluate planned retaining walls and how they will not contaminate groundwater and allow groundwater flow to the south. Otherwise these structures have the potential to significantly alter wetland conditions south of the proposed project.

There does not appear to be any geotechnical investigation or summary of conditions associated with the proposed South Lake Stevens connector, yet it is included in this project. Are there designs or information that forms the basis of the design?

Has the City of Everett been contacted in regard to the construction associated with protecting the water transmission lines crossed by 91<sup>st</sup> Ave SE? Altering existing conditions around a 90 year old transmission line should be a serious concern.

Sincerely,  
The Tulalip Tribes

Kurt Nelson  
Environmental Division Manager

To Whom This May Concern,

As a neighboring property to the proposed building/road project #LUA2019-0069, I would like to go on record regarding some concerns and facts about this property that have not been recognized in the SEPA application or addressed correctly in the SEPA checklist to be considered for further review.

The City of Lake Stevens & Consulting Groups related to this project have stated that mitigating these wetlands will have a minimal impact to the area but you will see **FACTS** that were withheld or not included in the SEPA MITIGATED DETERMINATION OF NON-SIGNIFICANCE. In the comments that follow I will go through different areas of these documents and point out misrepresented information that has been submitted for approval.

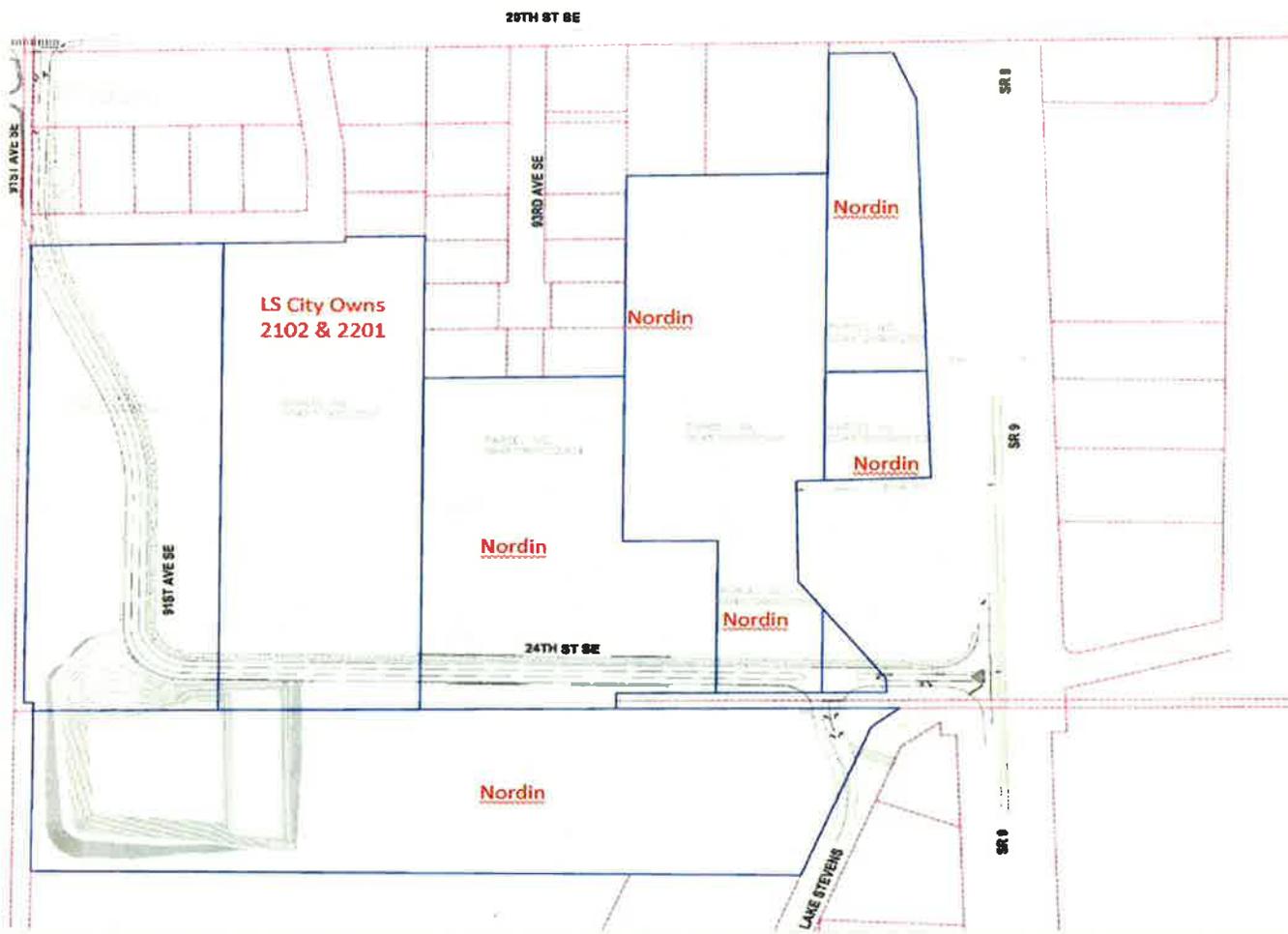
**FACT:** Location section - City has listed 3 parcels to be impacted, when in their own site map shows other parcels that were not included in the application. Additional discussion of this issue is covered on question of the SEPA Checklist.

➤ **SEE SITE MAP Exhibit (A)**

**SEPA Mitigated Determination of Non-significance - Pg.1 -**

**City LS States:** (Project Location) The new roadway will be located west of State Route 9 and South Lake Stevens Rd. Assessor Parcel Numbers: 0045700002102, 0045700002201, 0045700002304

**EXHIBIT (A)**



**REFERENCE DOCUMENT: SEPA Mitigated Determination of Non-significance - Pg.1 -**

**FACT:** Threshold Determination- The City determined there was no environmental impact statement required for this project, but the determination was based on inaccurate information that has not include the full scope of the property or neighboring properties habitat. The *Lead Agency* & the *Proponent* for the proposal is THE CITY OF LAKE STEVENS.

*City LS: (Threshold Determination) The City of Lake Stevens, acting as lead agency of this proposal has determined that it does not have a probable significant adverse impact to the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This MDNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date of issuance.*

**REFERENCE DOCUMENT: SEPA CHECKLIST SECTIONS "A & B" – Exhibit (B-1 through B-8)**

**FACT:** In the question below the city has failed to divulge this project true nature in relation to the Costco project.

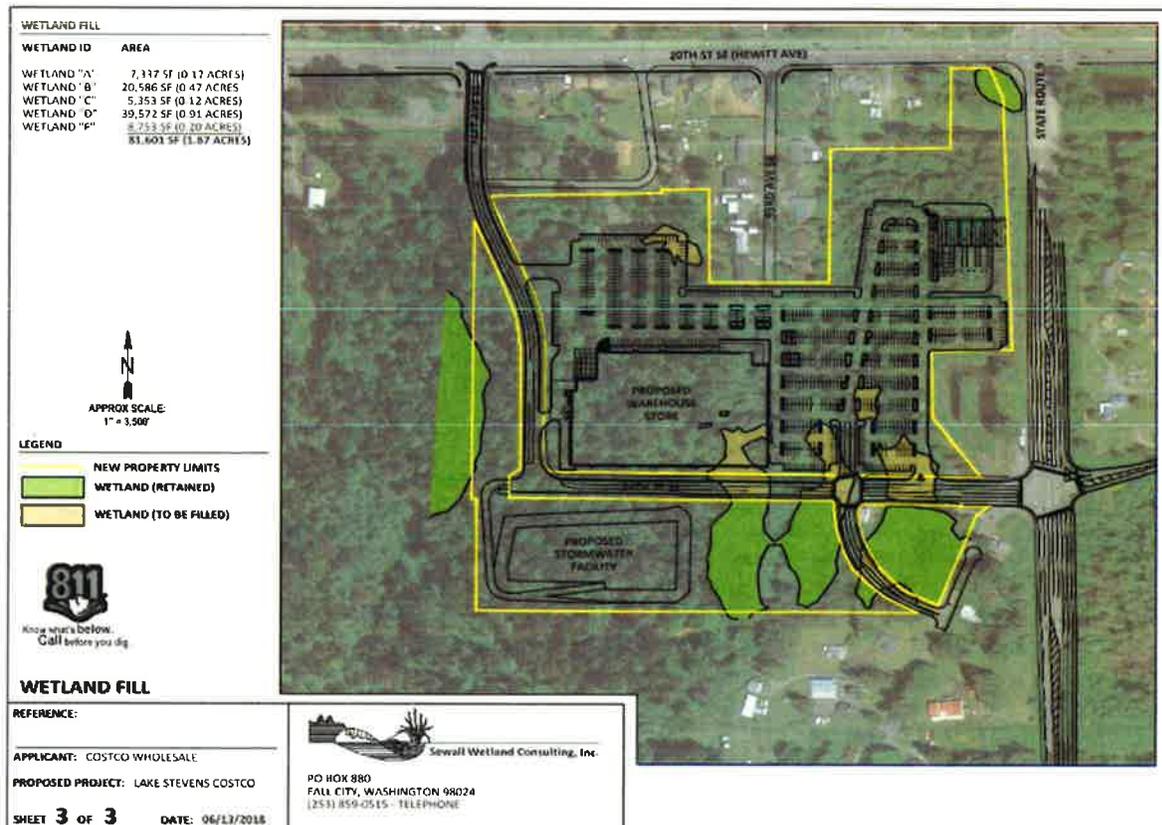
**SEPA CHECKLIST SECTION "A" Pg.1 – Exhibit (B)**

**Q. 7 –** Do you have any plans for future additions, expansions, or further activity related to or connected with this proposal? If yes explain. SEE EXHIBIT (B-1)

- *City LS: It is anticipated that 24<sup>th</sup> street SE would be constructed further west as a logical extension when future development occurs; timeframe is unknown.*

**EXHIBIT (B-1)**

RE: Costco Wholesale Lake Stevens – Critical Areas Report  
CW #17-0230  
SWC Job #18-105



**MITIGATION BANK USE PLAN  
COSTCO LAKE STEVENS AND CITY OF LAKE STEVENS  
24<sup>TH</sup> STREET EXTENSION PROJECT  
NWS-**

**January 25, 2019 - Sewall Wetland Consulting, Inc.**

**For:  
Peter Kahn  
Costco Wholesale  
999 Lake Drive  
Issaquah, Washington 98027  
Bank Use Plan Outline**

**1. Project Description**

This project is located on Parcels #00457000002102, 2201, 2304, 2401, 2501 & 2502, located west of SR 9 in the City of Lake Stevens, Washington. The proposed project includes the construction of a Costco Warehouse with associated infrastructure, as well as the City of Lake Stevens extension of SE 24<sup>th</sup> Street through the site. The proposed project would fill all or part of 5 wetlands resulting in a total of 1.87 acres of wetland fill.

**SEPA CHECKLIST SECTION "A" Pg.3 – Exhibit (B) continued**

**Q. 12 – Location of the proposal.** Give sufficient information for a person to understand the precise location of your proposed project, include a street address, if any, and section, township, and range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

- **City States:** the new roadways will be located southwest of the SR-9 and 20<sup>th</sup> St SE intersection. Please see the attached site plan map. Assessor Parcel Numbers: 00479400000400, 00457000002102, 00457000002201, 00457000002304, 00457000002401, and 00457000002503

**EXHIBIT (B-3) As previously Noted NOT All parcels are being identified consistently**

Ref.LUA2019-0069 SEPA APPLICATION



**SEPA MITIGATED DETERMINATION  
OF NON-SIGNIFICANCE**

**Issuance Date:** April 22, 2019

**Project Name (No.):** 24<sup>th</sup> St SE Road Project (LUA2019-0069)

**Lead Agency:** City of Lake Stevens

**Proponent:** City of Lake Stevens

**Description of Proposal:** This project is to construct 24th St SE, a new road, west of State Route 9 and south of 20th St SE for approximately 1,400 feet in length. The roadway will consist of one eastbound lane and one westbound lane with a four-foot planter strip and a ten-foot wide multi-use path on the north side. The construction of this new public road will provide an alternate route to support growth along the south side of 20th St SE and help reduce congestion along 20th St SE. Future development of this area was anticipated and evaluated in the City's 20th St SE Corridor Subarea Plan and associated EIS. This project is consistent with the Lake Stevens Comprehensive Plan and the Capital Improvement Plan for the city. 24th St SE was identified in the 20th St SE Corridor Subarea Plan as a key connecting roadway but potential environmental impacts of the construction of this road were not fully analyzed in the EIS thus requiring a SEPA determination at this time.

**Project Location:** The new roadway will be located west of State Route 9 and South Lake Stevens Road. Assessor Parcel Numbers: 00457000002102, 00457000002201, and 00457000002304

**EXHIBIT (B-4)** As previously Noted NOT All parcels are being identified consistently

Ref. Parcel numbers section of the Land Use Development Application

 <p><b>CITY OF LAKE STEVENS</b></p>	
<p><b>Planning and Community Development</b>          1812 Main Street, P O Box 257          Lake Stevens WA 98258          Phone Number (425) 622-9430</p>	<p><b>To Be Completed By Staff</b>          Date of Application: _____          Staff Initials: _____          Permit Number: <u>LUA 2019-00667</u></p>

**TYPE I AND II – ADMINISTRATIVE DECISIONS  
 LAND USE DEVELOPMENT APPLICATION**

<b>CHECK ONE</b>	
<p><b>TYPE I</b></p> <p><input type="checkbox"/> Administrative Design Review</p> <p><input type="checkbox"/> Administrative Modification</p> <p><input type="checkbox"/> Boundary Line Adjustment</p> <p><input type="checkbox"/> Change of Use</p> <p><input type="checkbox"/> Code Interpretation</p> <p><input type="checkbox"/> Fireworks Stand</p> <p><input type="checkbox"/> Floodplain Development</p> <p><input type="checkbox"/> Master Sign Program</p> <p><input type="checkbox"/> Minor Land Disturbance</p> <p><input type="checkbox"/> Reasonable Use Exception</p> <p><input type="checkbox"/> Shoreline Exemption</p> <p><input type="checkbox"/> Sign</p> <p><input type="checkbox"/> Temporary Use</p> <p><input type="checkbox"/> Type I Other: _____</p>	<p><b>TYPE II</b></p> <p><input type="checkbox"/> Administrative Conditional Use</p> <p><input type="checkbox"/> Binding Site Plan</p> <p><input type="checkbox"/> Major Land Disturbance</p> <p><input type="checkbox"/> Planned Action Certification</p> <p><input checked="" type="checkbox"/> SEPA Review</p> <p><input type="checkbox"/> Shoreline Substantial Development</p> <p><input type="checkbox"/> Short Plats</p> <p><input type="checkbox"/> Short Plat Alteration</p> <p><input type="checkbox"/> Short Plat Vacation</p> <p><input type="checkbox"/> Site Plan Review</p> <p><input type="checkbox"/> Type II Other: _____</p>
<b>All Shoreline Permits Require Floodplain Review</b>	

<b>Property Information</b>	Site Address: Southwest of the SR-9 and 20th St SE intersection <u>00 24th St SE</u>	
	Assessor Parcel No: 00457000002102, 00457000002201, 00457000002304	Property Square Feet: _____ Acres: _____
	Land Use Designation: Commercial	Zoning: Commercial District
	Number of Buildings on Site/: 2	Number to be Retained: 0
	Existing Impervious Surface Area: 0-10%	Proposed Impervious Surface Area: 65-75%
<b>Applicant</b>	Name/Company: Jessica Knoepfle, PW Administrative Assistant	
	Address: 1812 Main St.	City/State/Zip: Lake Stevens, WA 98258
	Phone: 425-622-9444	Applicants relationship to owner: City employee
	Fax: _____	Email: _____
<b>Primary Contact</b>	Name/Company: Aaron Halverson, Capital Projects Coordinator, City of Lake Stevens	
	Address: 1812 Main St.	City/State/Zip: Lake Stevens, WA 98258
	Phone: 425-622-9447	Email: ahalverson@lakestevenswa.gov

**CHECKLIST SECTION "B" environmental elements**

**Fact:** The consulting agencies “Sewall Wetland Consulting, Inc. along with The Watershed Company and Altmann Oliver Associates, LLC” overlooked key elements that effect the ecological system in the area; and of Mosher Creek to the SW of the project. One of the wetlands in the area is a major contributor to Mosher Creek and should this area be disturbed it would cause catastrophic damage to the current flow rates of the salmon bearing stream. As you will see in Exhibit B-5 below there are in fact 4 additional wetland areas & a seasonal stream that were not included in any of the listed reports.

**SEPA CHECKLIST SECTION “B” Pg.5 – Exhibit (B) continued**

**3. Water**

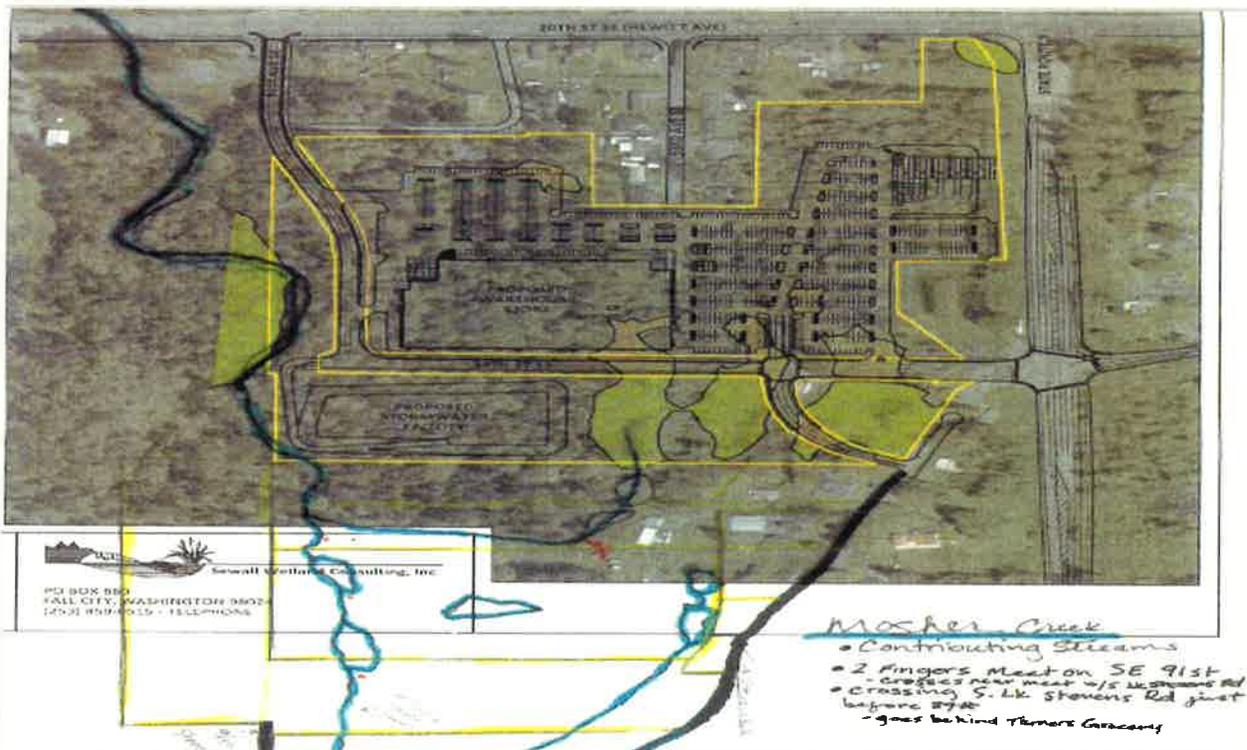
**a. Surface Water**

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetland)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

*City LS:* There are six wetlands and one stream with in the study area for this project. This consists of wetlands A, B, C, D, F, & M (as named in the Sewall report) and Mosher Creek. The proposed road alignments will intersect with some of the wetlands and their buffers and the buffer fo Mosher Creek which will require mitigation complying with local, state and federal regulations. The proposed mitigation for the wetland impacts is the purchase of credits from the accredited wetland bank of Snohomish county.

Please see the Wetland and Stream Delineation Report by the Watershed Company dated September 7, 2017 and the revised on May 30, 2018, the Critical Area Report and Habitat report by the Sewall Wetland Consulting Dated February 18, 2019, the Mitigation Bank Use Plan dated January 26, 2019 by Sewall Wetland Consulting, Inc. , and the 2012 Wetland Delineation by Altmann-Oliver Associates, LLC for more details

**EXHIBIT (B-5)** Areas in blue mark the unidentified areas in the reports listed above.



**Fact:** The proposed Mitigation of these wetland will alter and affect drainage patterns in the area as shown in exhibit (B-5) above due to inaccurate charting or lack of due diligence done by the consulting firms when mapping the down stream affected areas.

**SEPA CHECKLIST SECTION "B" Pg.7 – Exhibit (B) continued**

**3. Water**

c. Water runoff (including stormwater)

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

*City LS: The discharge point into Centennial Creek released water into existing wetland areas. The project modifies the volume of water released into Centennial Creek and requires approval from the Department of Ecology. The discharge from the regional pond to the south releases into an existing channel in the vicinity of the existing wetlands which flows to the Ebey Slough. Overall stormwater release would mimic predeveloped conditions*

**Fact:** In the Plant section of the SEPA Checklist the City has miss stated the nature & types of vegetation found on the site. Reference Exhibit B-6 screen shots from The Watershed & Sewall Wetland reports regarding wetland E/D.

**SEPA CHECKLIST SECTION "B" Pg.7 – Exhibit (B) continued**

**4. Plants**

a. Check the types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cear, pine, other

shrubs

grass

pasture

crop or grain

Orchards, vineyards or other permanent crops.

wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

### 4.2.3 Wetland E

Wetland E is a depression wetland near the center of the study area that is primarily forested and includes a relatively large ponded area. Some flags from previous delineations were found near the wetland boundary in the correct

The Watershed Company  
September 7, 2017

location, confirming the wetland boundary has not changed. The Wetland E boundary is defined by an abrupt change in topography and is unlikely to change over time.

Cowardin vegetation classifications include palustrine aquatic bed, scrub-shrub, and forested. The ponded area is entirely covered in yellow pond lily (*Nuphar polysepala*). The forested community consists of black cottonwood, red alder, and Pacific willow with an understory of Sitka willow, salmonberry, Douglas spruce, cattail, and reed canarygrass.

Soils are primarily black mineral with a high organic content and redoximorphic features near the surface. Hydrology was evident from inundation, saturation, and high water table observed at the time of the study.



Figure 4. Ponded area behind cattail and reed canarygrass at Wetland E.

### Wetland D

Wetland D is located on the south side of the site and was flagged with flags D1-D76, plus two small very close wetland areas flagged with H1-H4 and I1-I4. This wetland complex was identified as Wetland E in the Altman and Watershed reports. This large wetland contains areas of forested, scrub shrub, emergent and aquatic bed wetland classes.

A ditch enters Wetland D on its west side and drains water from wetland A into Wetland D. This water is directed through the wetland towards the aquatic bed portion of the wetland on the southwest side of the wetland. The edge of the wetland on its southwest side consists of an old earthen berm with a culvert located between flags D63 & D64. This water drains into an offsite stream channel which drains south and westerly into Mosher Creek.

~~The forested portion of Wetland A is dominated by an overstory of red alder with an understory of salmonberry and lady fern. The scrub shrub portion includes sitka willow and hardhack whereas the emergent portion is dominated by reed canary grass with some buttercup. The~~

Coston Lake Stevens #18-105  
Sewall Wetland Consulting, Inc.  
February 18, 2019  
Page 15

aquatic bed portion appears to be an old excavated pond abutting the southerly berm or outlet of the wetland. The aquatic bed portion is vegetated with yellow pond lily and some cattail.

Soil pits excavated within the edge of the wetland revealed a dark gravelly loam soil with some redox concentrations and the presence of hydrogen sulfide. Some areas in the center are assumed to contain sapric muck soils, particularly in the aquatic bed area. Soils were saturated to the surface near the north and east sides and ponded up to 24" on the southwest aquatic bed area.

Using the 2014 WADOE Wetland Rating system and rating the wetland as a depressional wetland, this wetland scored a total of 20 points with 7 for habitat. This indicates a Category II wetland. Per LSMC 14.88.830 Table 14.88-II, Category II wetlands have a buffer that ranges from 45-190 feet depending on the habitat score. Category II wetlands with a high habitat score as Wetland D has, would have a 95' buffer for high intensity land use.

### Wetland E

There is no wetland E due to a flagging sequence error

**Fact:** In the Animal section of the SEPA Checklist the City has miss stated the types of Animals found on the site. As a resident to the area for 30+ years I have personally encountered the following animals in the last 2 years that are not included in the City's response. (song birds, hawk, heron, eagle, dove, quail, owl, duck, Canadian geese, deer, bear, beaver, coyote, racoon, skunk, opossum, salmon, trout, and brook lamprey) In addition, the department of Ecology has in fact used this area for the release of Red tail hawks in the past.

**SEPA CHECKLIST SECTION "B" Pg.8 – Exhibit (B) continued**

**5. Animals**

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

birds: hawk, heron, eagle, songbirds, other: **"City LS" songbirds**

mammals: deer, bear, elk, beaver, other: **"City LS" other mammals (coyote, deer, raccoon)**

fish: bass, salmon, trout, herring, shellfish, other: **"City LS" resident cutthroat trout**

**Fact:** This is a relatively undeveloped area that has a Salmon steam (Mosher Creek) which has been consistently misrepresented by multiple agencies and consulting firms. This could be caused by most surrounding properties being owned and maintained by 2<sup>nd</sup> and 3<sup>rd</sup> generational owners and a general lack of awareness to the habitat that resides in the area. The City's response to the section below is based on false information provide by the Watershed & Sewall Reports that are referenced in Exhibit B-7. If the City had taken measures in talking to the long-time owners in the area we could have made them aware of the robust nature of the creek.

**SEPA CHECKLIST SECTION "B" Pg.8 – Exhibit (B) continued**

**5. Animals**

b. List any threatened and endangered species known to be on or near the site.

*City LS: No state or federally listed threatened or endangered plant or wildlife species were observed on the site, nor are they listed per WDNR and WDFW data reports per the Habitat Report by Sewall Wetland Consulting. Moser Creek is presumed to be fish veering or a Type F water due to the a lack of barriers in the creek. No state or federally listed fish species were noted in the stream no would any be expected to be found. It is likely that the only occupants of the creek are resident cutthroat trout.*

**EXHIBIT (B-7) Watershed Company pg. 3-4 & Sewall pg.14-15**

**3.3 Streams**

The study area was also evaluated for streams based on the presence or absence of an ordinary high water mark (OHWM) as defined by the Revised Code of Washington (RCW) 90.58.030 and the Washington Administrative Code (WAC) 220-660-030. The OHWM edge was located by examining the bed and bank physical characteristics and vegetation.

Onsite streams were classified using the stream typing system established by WAC 222-16-030, per City regulations.

## 4 FINDINGS

### 4.1 Site Information

The project site is located in sub-basins HUC 171100110203 and HUC 171100110103, within the Snohomish River Watershed Resource Inventory Area (WRIA 7), Township 29 North, Range 5 East; Section 25. Other than a residential property on the eastern boundary, the entire study area is within undeveloped forest land. Topography generally slopes from north to south, defining a southerly flow for streams within the study area. Wetlands were typically observed in topographic low points at the bases of mounds and hills.

As previously mentioned, public-domain information on the subject properties was reviewed for this study. A summary of findings is provided in Table 1.

Table 1. Summary of online mapping and inventory resources.

Resource	Summary
USDA Natural Resources Conservation Service, Web Soil Survey (WSS) application	Tokol gravelly medial loam, 0 to 8 and 8 to 15 percent slopes; Mukilteo muck
U.S. Fish and Wildlife Service National Wetland Inventory (NWI) maps	Freshwater Emergent Wetland, Freshwater Pond
Washington Department of Fish and Wildlife, Priority Habitats and Species (PHS on the Web)	Freshwater Emergent Wetland, Freshwater Pond
Washington Department of Fish and Wildlife, SalmonScape	No salmonids mapped near project site
Washington Department of Natural Resources, Forest Practices Application Mapping Tool (FPARS)	No mapped streams in study area
Snohomish County PDS Web Map	Mosher Creek (Unknown Stream Type), Mapped Wetlands
City of Lake Stevens maps	Mosher Creek, Mapped Wetlands

#### *Streams*

As identified in *The Watershed report*, Mosher Creek is present on the western side of the site and west of the proposed 24<sup>th</sup> Street road extension. Mosher Creek is a fairly pristine channel in this area with a width between OHWM of 8'-10' with a mix of sand and mud bottom substrates. No fish were observed in this stream, but as noted in *The Watershed report*, there are no obvious barriers to fish passage and as a result it is presumed to be fish bearing, or a Type F water.

Per City of Lake Stevens Municipal Code Chapter (LSMC) 14.88.430.c, Table 14.88-I, Type F streams have a 100' buffer measured from the OHWM.

T

**Fact:** The City's conservation plans in place are inadequate to the scale needed as they have not properly identified the area or animals that reside in or near the projected building sites. In addition, the City's response to SEPA CHECKLIST SECTION B-5-d is false as they have been very clear with their intentions to mitigate the wetlands existing within the recognized parcels for further development of the areas in question but they have not considered all of the other wetlands that will be directly damaged by their proposal.

➤ **SEE Exhibit B-5 to see additional areas affected & review Watershed Finding report Exhibit B-7**

**SEPA CHECKLIST SECTION "B" Pg.9 – Exhibit (B) continued**

**5. Animals**

d. Proposed measures to preserve or enhance wildlife, if any:

*City LS: All wetland areas not impacted by construction of the roads will be preserved. Wetland areas impacted will be mitigated by the purchase of credits in an offsite wetland bank*

**Fact:** The City has failed to recognize people that would be displaced from their home in section 8 of the SEPA CHECKLIST. One of the homes set for Demolition under this proposed project has a Long-Term Renter that resides on the property and has not received any kind of formal notice, which may cause a financial hardship.

**SEPA CHECKLIST SECTION "B" Pg.11 & 12 – Exhibit (B)**

**8. Land and shoreline use**

c. Describe any structures on site.

*City LS: Two existing vacant homes*

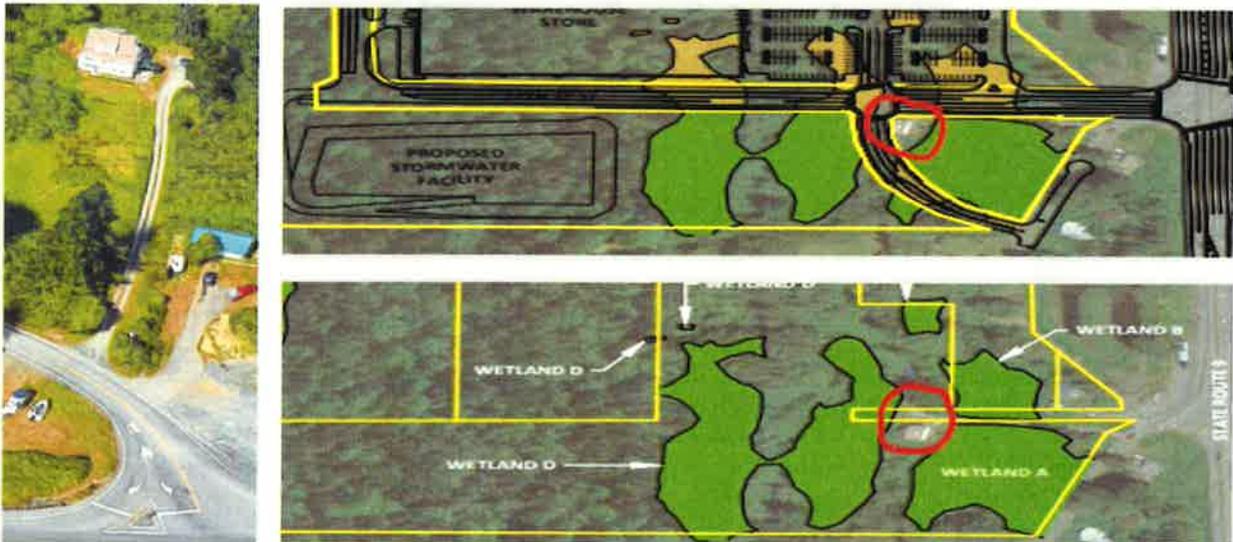
d. Will any structures be demolished? If so, what?

*City LS: Both homes will be demolished.*

j. Approximately how many people would the completed project displace?

*City LS: The road project would not displace any people.*

**EXHIBIT (B-8)**



**Summary:**

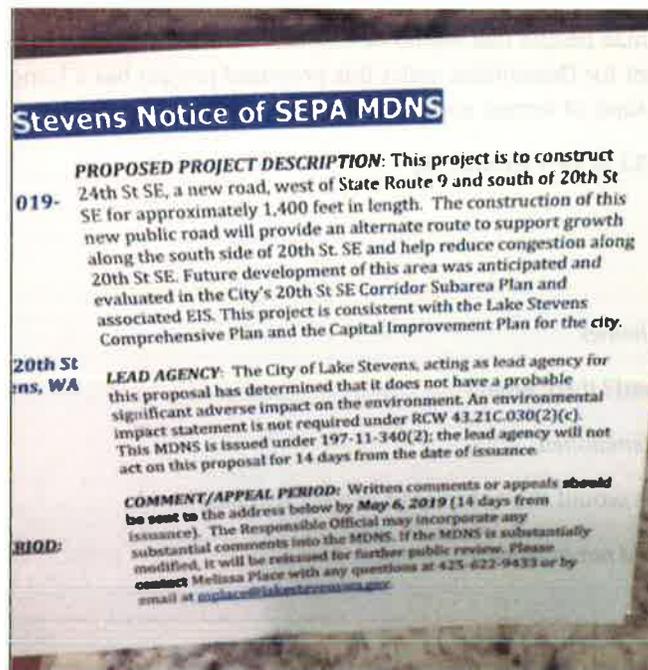
As a neighbor to this proposed project I am extremely disheartened by the way the City of Lake Stevens has conducted themselves and the gross negligence that has taken place, in inaccurately reporting the complexity of its ecosystem.

While I could reference all kinds of emotional connections I have with land, experience I have had, and future aspirations; I have chosen to address the FACTS & the mishandling / general disregard, for the people and animals that call this our home.

I became aware of this project on Wednesday April 25<sup>th</sup> 2019 via Facebook. This SEPA MDNS directly threatens mine and neighboring properties that fall within the 300' buffer based on the distribution map of whom received notices. Neither I, nor-neighboring parcel owners received a notice due to an imaginary line that divides the city of Lake Stevens & unincorporated Snohomish county folk whom share a Lake Stevens address; since being annexed from East Everett.

Below I have included Exhibit C of the 24<sup>th</sup> St SE Notice of SEPA MDNS, the 300' Owners Map, and some supporting screen shots of the Snohomish county property description/ parcel map of properties that fall within the buffer.

**EXHIBIT (C)**







**From:** [Sally Jo Sebring](#)  
**To:** [Melissa Place](#)  
**Subject:** Comments on SEPA Mitigated DNS on LUA2019-0069 24th St Rd Project  
**Date:** Monday, May 6, 2019 4:25:23 PM

---

Planner Melissa Place,

Here are my comments regarding the SEPA Mitigated DNS on the 24<sup>th</sup> St Rd Project, including related documents:

1. SEPA application and process:
  - A. A SEPA decision is considered a Type II decision under Lake Stevens Municipal Code. Type II applications should have public notice of the application and a comment period before the decision. Since there was no permit application combined with this, the city apparently decided there didn't need to be a public notification or comment period before the decision was issued. City code states that in order to appeal a decision as a non-applicant, you have to have made comment on the application before the decision. The process the City of Lake Stevens used in this situation did not allow for public comment prior to the decision so, in essence, the City of Lake Stevens created a process in which they probably feel an appeal by the non-applicant (the City) would not have standing.
  - B. The SEPA application was received by the city on April 18, 2019. On April 22, 2019, the 2<sup>nd</sup> business day after the application was received, the SEPA MDNS was issued. Even allowing for potential pre-application meetings, this seems like a hurried decision, considering the complexity of the semi-related reports and issues.

Remedy: Vacate the MDNS decision, publicly notice the SEPA application and allow public comment, and, then, considering those comments and with more scrutiny of the reports, issue a new decision regarding the SEPA application. Follow this with the fourteen-day appeal period.

2. Use of mixture of current and proposed Critical Areas ordinances:
  - A. Even though the City of Lake Stevens has chosen, repeatedly over several years, to not update their critical areas ordinance to mandated current best available science, other than the first report (Altmann-Oliver Associates), the wetland ratings are all based on the new wetlands rating system. The City's code isn't using that rating system, but a party may decide to vest in the new critical areas ordinance conditions. The consultants, particularly, Sewall Wetland Consultants found a way to mix and match parts of the current and proposed regulations to provide the least environmental protection possible. They used the new rating system, which may have given some of the wetlands lower ratings. They used the current (old) buffers since these would be significantly smaller. In the mitigation banking feature, they also used the old regulations to the applicants' benefit since the low ratio category they used will not be available under the new regulations. If they used the proposed regulations and best available science, a much higher mitigation ratio would be required.
  - B. I remember in one of the briefings or hearings, probably a year or two ago, on the proposed Critical Areas Ordinance update Community Development Director Wright

communicating that the Department of Ecology would not allow the City to update the Critical Areas Ordinance by only updating the wetland rating system and not updating the buffers. That ordinance has still not passed, yet the consultants are doing exactly what the Department of Ecology would not allow for the update.

Remedy: Require the consultants/applicant to be consistent in their use of environmental regulations. If they want to use the old (current) regulations, they should use them across the board. If they want to use the best available science, that should be used across the board.

3. Sewall Wetland Consulting Critical Areas Report and wetland identification:

- A. The mix and match of all the application's supporting reports adds confusion to the SEPA application and the reports. The reports were done for various clients for various purposes involving various parcels. Not all the same. And Sewall renames all the wetlands. The SEPA application is for 24<sup>th</sup> St SE, the initial wetlands report by Altmann Oliver Associates covers all of the parcels for both the Costco warehouse project and the road projects. The Watershed Company Wetland and Stream Delineation Report is only for the "study area" of new road construction (apparently 91<sup>st</sup> Ave SE extension, 24<sup>th</sup> St SE and S. Lk. Stevens Connector roads creation). The Sewall Wetland Consulting Critical Areas report is specifically for the Costco Warehouse site and within 200' of that location. The Sewall Wetland Consultants Mitigation Bank Use Plan, based on the wetlands from the Sewall Critical Areas report, is for the Costco site and the 24<sup>th</sup> St extension project. Since it appears the Sewall Wetlands Consultants Mitigation Bank Use Plan is put forth as the mitigation banking report for both the Costco site and the roads, all wetlands on the site and roads should be included. The Watershed Report left out Wetlands B & C (from the Altmann Oliver Associates report), apparently because they were out of the footprint of the proposed 24<sup>th</sup> St SE. The Sewall report includes Wetland B (from AOA report) and renames it Wetland F, but leaves out left Wetland C (from AOA report). Wetland C appears to be on the Costco parcel from Sewall's own diagrams, though possibly not impacted. The Sewall report also left out Wetland J as indicated in the Watershed Company Wetland and Stream Delineation Report. It isn't mentioned in either of the Sewall reports, though the Watershed Company found it to be a Category III wetland with a moderate habitat score. It's location appears to be within the area of the actual Costco building. (There is another wetland "I" from the Altmann Oliver Associates report that the Watershed decided was not a wetland. Wetland J is not this wetland.)

Remedy: Sewall Critical Areas Report should be revised to account for Wetlands C (from Altmann Oliver report) and J (from Watershed Company report). The Sewall Mitigation Bank Use report should be revised to reflect these additional wetlands. Both reports should be revised and re-submitted to the lead agency for review for this SEPA application.

4. Sewall Wetland Consulting Mitigation Bank Use Plan lack of including buffers in the mitigation banking plan. The acreage appears to only include the acreage of wetlands that will actually be filled, rather than also including the buffers that are lost which are also significant. The report itself, on p. 5 *Confirmation of Mitigation Credit Availability* shows a credit to impact

ratio of 1 to 1 for Critical Area Buffer.

Remedy: Evaluate the current Mitigation Bank Use Plan regarding mitigation for buffers, revise and re-submit to lead agency for review for this SEPA application.

5. Other elements of Sewall Wetland Consulting Mitigation Bank Use Plan for Costco Lake Stevens and City of Lake Stevens 24<sup>th</sup> Street Extension Project:
- A. This report was apparently using a previous report for a different project for a template and has missing information and misinformation.
    1. On page 3, section 2, *Existing Conditions of Wetlands and Buffers*, Wetland M is missing a separate heading as the other wetlands have and is missing the one to two-line description.
    2. On page 3, section 3, *Avoidance and Minimization of Wetland Impacts*, this text is not connected to the project in question. The streets aren't correct, the wetlands information isn't correct.
    3. On page 4, section 5 *Impacted Wetland Functions*, the text in this section in no way fits this project. It apparently is from another project and another report and in no way reflects the number or value of the wetlands in the 24<sup>th</sup> St Extension and Costco projects.
    4. On page 4, section 6, the text, once again is talking about a different project. Several times, Bella Vista Marysville Project is referred to.
    5. Wetland M is missing from the remainder of the report. It either should be mentioned in *Avoidance and Minimization of Wetland Impacts* or *Unavoidable Wetland Impact Acreage*. In all reports (though not clarified in Sewall Critical Areas Report, it appears to be Wetland A from Altmann Oliver Associates and Watershed Company reports) it was rated as a Category II wetland with either high or moderate habitat score. It needs to be accounted for clearly in this report.

Remedy: This report, which is the basis for the "mitigated" part of the NDS should be accurate as to project and all other details. This report is vital and should be reviewed by the consultant for accuracy in all aspects, corrected, and re-submitted to the lead agency for further review.

Thank you for your consideration of these comments.

Sally Jo Sebring

1023 99<sup>th</sup> Ave SE  
Lake Stevens WA



**From:** [Melissa Place](#)  
**To:** [Sally Jo Sebring](#)  
**Subject:** RE: SEPA appeal questions  
**Date:** Thursday, May 2, 2019 5:07:00 PM

---

Hi Sally Jo, as we discussed on the phone today, a SEPA Appeal is a Type II Process and would be heard by the Hearing Examiner. Per our Fees Resolution, the cost would be \$150 + \$1,000 deposit for the Hearing Examiner.

In order to appeal you have to have standing to appeal which means that you have to have provided written comments on the proposal. Below is LSMC 14.16B.170 which sets forth the process for a Type II appeal.

In addition, I wanted to mention that if the city receives substantive comments on the MDNS then the SEPA Official may choose to issue an addendum to the MDNS to address the comments.

Hope that helps.

Thanks, Melissa

**Melissa Place, Senior Planner**  
**City of Lake Stevens | Planning & Community Development**  
1812 Main Street | PO Box 257  
Lake Stevens, WA 98258-0257  
**425.622.9433** | [mplace@lakestevenswa.gov](mailto:mplace@lakestevenswa.gov)

**NOTICE:** All emails and attachments sent to and from City of Lake Stevens are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

My regular hours are Monday, Tuesday, and Thursday, 8:00 am to 5:00 p.m. I am not in the office on Wednesdays and Fridays. I will review your email upon my return. If you need immediate assistance, please contact [jfenrich@lakestevenswa.gov](mailto:jfenrich@lakestevenswa.gov) or call 425-622-9430.

#### **14.16B.710 Appeal of Type I and II**

#### **Administrative Decisions.** **SHARE**

If a Type I or II decision has an administrative appeal available as set forth in Section [14.16B.115](#) or [14.16B.215](#), except for shoreline permits, the following procedures shall be followed:

- (a) Appellant. The project applicant or any person who submitted written comments prior to the date the decision was issued may appeal the decision.

(b) Form of Appeal. A person appealing a Type I or II decision must submit a completed appeal form which sets forth:

- (1) Facts demonstrating that the person is adversely affected by the decision;
- (2) A concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria;
- (3) The specific relief requested; and
- (4) Any other information reasonably necessary to make a decision on the appeal.

(c) Time to Appeal. The written appeal and the appeal fee, if any, must be received by the Department of Planning and Community Development no later than 4:00 p.m. on the fourteenth day following the date of the notice of decision.

(d) Notice of Appeal. If a Type I or II decision is appealed, a hearing before the designated appeal body (as established in the table in Section [14.16B.115](#) or [14.16B.215](#)) shall be set and notice of the hearing shall be mailed or emailed to the appellant, the applicant, and all parties of record by the applicable department director. Notice shall be mailed or emailed no less than 10 days prior to the appeal hearing, except that if the Type I or II decision has been consolidated with a recommendation on a Type III or IV application, any appeal of the Type I decision shall be consolidated with the

Type III or IV public hearing. No separate notice of a Type I or II appeal needs to be provided if the public hearing has already been scheduled for the Type III or IV component of an application.

(e) Hearing Examiner.

(1) Public Hearing. The Hearing Examiner shall conduct an open record hearing on a Type I or II appeal. The appellant, the applicant, and the City shall be designated parties to the appeal. Each party may participate in the appeal hearing by presenting testimony or calling witnesses to present testimony. Interested persons, groups, associations, or other entities who have not appealed may participate only if called by one of the parties to present information or to present testimony on a consolidated Type III or IV application; provided, that the Examiner may allow nonparties to present relevant testimony if allowed under the Examiner rules of procedure.

(2) Decision on Appeal.

(i) Within 14 days after the close of the record for the Type I or II appeal, the Hearing Examiner shall issue a written decision to grant, grant with modifications, or deny the appeal. The Hearing Examiner may grant the appeal or grant the appeal with modification if:

a. The appellant has carried the burden of proof; and

b. The Examiner finds that the Type I or II decision is not supported by a preponderance of the evidence.

(ii) The Hearing Examiner shall accord substantial weight to the decision of the applicable department director.

(iii) Reconsideration Period. Any person who participated in the hearing may file a written request with the Hearing Examiner for reconsideration within 10 business days of the date of the Hearing Examiner's decision. The request shall explicitly set forth alleged errors of procedure or fact. The Hearing Examiner shall act within 14 days after the filing of the request for an appeal by denying the request, issuing a revised decision, or calling for an additional public hearing.

(f) Appeal of Hearing Examiner Decision on Appeal. A Hearing Examiner decision on a Type I or II appeal may be appealed to the Snohomish County Superior Court by filing a land use petition which meets the requirements set forth in Chapter 36.70C RCW. The petition must be filed and served

upon all necessary parties as set forth in State law and within the 21-day time period as set forth in RCW [36.70C.040](#).

Requirements for fully exhausting City administrative appeal opportunities must be fulfilled.

(g) Time Period to Complete Appeal Process. In all cases, except where the parties to an appeal have agreed to an extended time period, the administrative appeal process generally shall be completed within 90 days from the date the original administrative appeal period closed. The administrative appeal process shall be deemed complete on the date of issuance of the Hearing Examiner's decision or the City Council's decision on the appeal.

(h) Shoreline Permit Appeals. An appeal of a shoreline exemption or shoreline substantial development permit shall be to the State Shoreline Hearings Board and shall be filed within 21 days of the receipt of the City's decision by the Department of Ecology, as set forth in RCW [90.58.180](#). (Ord. 855, Sec. 16, 2011; Ord. 811, Sec. 3 (Exh. 2), 2010)

**From:** Sally Jo Sebring <sallyjosebring@frontier.com>

**Sent:** Wednesday, May 1, 2019 6:41 PM

**To:** Melissa Place <mplace@lakestevenswa.gov>

**Subject:** SEPA appeal questions

Planner Place,

I have looked, but not found, information on what a SEPA appeal entails. I see the mention of it in  
th

the Public Notice for the MDNS for the 24 St SE project along with mention of a fee, but I can't find the process the appeal goes through. Could you direct me to the Municipal code that governs an appeal of a SEPA determination? I think my problem is that I don't know what type of decision a SEPA MDNS is. Can you also clarify the fee amount for an appeal of a SEPA MDNS?

Thank you,  
Sally Jo Sebring

**From:** [Sarah Nolan](#)  
**To:** [Melissa Place](#)  
**Subject:** Fwd: Comment of the MDNS  
**Date:** Monday, May 6, 2019 5:02:21 PM

---

Sent from my iPhone

Begin forwarded message:

**From:** [erinmcquiston65@gmail.com](mailto:erinmcquiston65@gmail.com)  
**Date:** May 6, 2019 at 5:00:31 PM PDT  
**To:** [nolanbates933@gmail.com](mailto:nolanbates933@gmail.com)  
**Subject:** Comment of the MDNS

Dear Community Leader to The City of Lake Stevens;  
I Erin McQuiston reside at 2404 So. Lake Stevens rd. I am the renter of the Nordin property parcel #00457000002503 which is slated to be tore down should you proceed with the 24th, 91st so. Lake Stevens rd. project. I would like to go on record to comment on some of the environmental aspects of this property based on my personal experiences from residing on it for the last 15 years.

The day we moved in Mr Nordin (Sr.), then in his mid 80's, was digging the trench in the front yard, he made sure to instill the importance of keeping the trenches clear "because there is a system to this land". Which I didn't fully understand at the time but learned exactly what he meant over the years.

I signed my 1st rental agreement in 2003 and at that time I also signed a release to allow the Washington State of Ecology to use my residence as a place to release Red Tailed Hawks.

When we first moved in my daughter was excited as she was hoping to get a horse because of all the land but as she soon found out our property was mostly wetlands and the land in front of the house is not a pasture like she thought but a boggy area that the owners tried to mow from time to time to no avail as the equipment would sink and get stuck so they eventually gave up mowing the area.

My children, family and friends have witnessed the large various wildlife that calls this place home. Every year we have fawns that make their way around the property, owls and frogs that serenade you to sleep and a large bee population that buzz here and there pollinating the wild flowers as they go. We sit for hours watching the eagles and listening to the birds as they happily sing their songs. In the years I have lived here I have witnessed this pristine land sustaining the robust natural habitat that can calm your mind in this busy world we live in. It has served as an oasis for everyone to come and decompress, to just sit, look and listen despite being right off the highway., it's like entering a different world where life is much simpler.

As a family we have celebrated and experienced life's triumphs and struggles at this place we call our home, where we sit and enjoy each-others company in a surrounding that relaxes your senses and helps heal your soul. Now we are all deeply saddened by the thought that this amazing place will be ripped apart, trees cut down and wetlands filled to be covered by concrete and parking spaces; a true death to this land. Now as a family we face the financial and emotional challenge in trying to find a new place to gather after being displaced from a wonderful way of life.

The true environmental aspects of this land have been disregarded and overlooked by those seeking to develop this area while hiding behind the rouse that this will strengthen the area and it's community. I propose that if you are to do anything with this land, save it, save it for our children. Make it a place people can come and learn about a place we've been blessed to call our home. Educate them on the delicate nature of our ecosystem and allow them the opportunity to see how truly blessed we are to be surrounded by nature.

Sincerely,  
Erin McQuiston  
Sent from my iPhone