

1200 Bonneville Ave Industrial Site Preparation Critical Areas Variance and Site Development Plan NOTICE OF DECISION

City File #13-17-VAR/SDP

Description of Proposal: Fill and grade approximately 4.13 acres of land to prepare for future industrial development on an overall 16.76-acre site. The proposed project also includes a parking lot, landscaping, street trees, frontage improvements, utility and infrastructure improvements, and wetland mitigation.

Location: 1200 Bonneville Avenue, on tax parcels 28051200400300, 28051200400400, 28051200400600, and 28051200401100

Proponent: Reid Shockey/Shockey Planning Group, Inc. for Girard Properties 1, LLC

Date of Application: October 26, 2017

Date of Complete Application: April 30, 2018

Date of Notice of Application: May 10, 2018

SEPA Threshold Determination: May 20, 2019

Date of Public Hearing: July 15, 2019

Lead Agency: The City of Snohomish Planning and Development Services Department.

Decision: The Hearing Examiner determined the application is consistent with the Comprehensive Plan and applicable permit criteria and grants approval*, subject to conditions:

1. A third party fire-flow test shall be performed prior to issuance of a building permit.
2. The following design review conditions shall be met prior to issuance of site/civil permits:
 - a. A landscape plan, including proposed species list, shall be provided.
 - b. Proposed parking lot lighting shall be submitted for review.
 - c. A garbage enclosure structure shall be included in site/civil permit plans.
3. A detailed landscape plan shall be submitted for City review and approval prior to issuance of a site/civil construction permit. The landscape plan shall

demonstrate compliance with all applicable landscape standards, including the requirement for 5 percent of the developed area to have formal landscaping.

4. A minimum of three accessible ADA parking spaces, including one van-accessible, shall be provided on the site.
5. A Native Growth Protection Area easement shall be declared over the critical areas and buffers present on the development site, with the outer edge of the buffer marked with signage approved by the City and fencing in a manner that allows periodic access and maintenance of the stormwater facilities.
6. The dispersion trenches for the stormwater facility shall be relocated to avoid encroachment into the inner 50 feet of the wetland buffer area.
7. Traffic impact mitigation fees shall be remitted prior to issuance of a building permit. The rate charged shall be the rate in place at the time of building permit issuance. The current rate is \$1,603 per PM peak hour trip. However, the total fee may change if the rate changes before a building permit is issued.
8. The mitigation measures of the Mitigated Determination of Nonsignificance (MDNS) issued May 20, 2019 shall be followed:
 - a. All recommendations regarding site preparation and wall construction in the Sept. 16, 2016 geotechnical report (revised Dec. 1, 2017 and Dec. 8, 2017) prepared by Terra Associates, Inc., or as revised by a qualified professional engineer licensed in the State of Washington, shall be implemented including, but not limited to:
 - 1) Prior to wall construction, unsuitable soils shall be removed to expose all wall foundation bearing surfaces and areas of reinforced wall fill construction bearing soil. A qualified professional engineer licensed in the State of Washington shall verify the soil conditions are suitable for support of the new wall and structural fill before any structural fill is imported. A written report with photographic documentation of the engineer's observations shall be provided to the City.

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* This decision includes conditions designed to mitigate impacts of this proposed project as well as conditions required by the City code.



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CONDITIONS OF APPROVAL, CONTINUED

- 2) Wall foundation and reinforced fill zone subgrades shall be restored with structural fill consisting of granular soil containing a maximum particle size of 3 inches and containing a maximum of 30% by weight of fines (percent passing the #200 sieve). These standards may be revised as deemed necessary by a qualified professional engineer licensed in the State of Washington if approved by the City. Prior to use of structural fill, the fill shall be examined by a qualified professional engineer licensed in the State of Washington to verify the fill is suitable for use as structural fill. A weekly written report with photographic documentation shall be provided to the City of all structural fill used to ensure the suitability of the structural fill materials.
- 3) A log of the source of all imported structural fill placed on the site shall be maintained and verified by a qualified professional engineer licensed in the State of Washington and kept on site at all times so it is available for review by City inspectors. A copy of this log shall be provided to the City at the end of the project. The log shall, at a minimum, include the following information:
 - i. The point of origin of the material;
 - ii. The date the fill was excavated and delivered;
 - iii. The quantity of fill in cubic yards; and
 - iv. Statement that the fill is suitable for use as structural fill as specified in 8.a.2 above.
- 4) Structural fill shall be placed in uniform loose layers not to exceed 12 inches in depth and compacted to a minimum of 95 percent of the soil's maximum dry density, as determined by American Society for Testing and Materials (ASTM) Test Designation D-698 (Standard Proctor). The moisture content of the soil at the time of compaction shall be within 2 percent of its optimum, as determined by the ASTM standard. These standards may be revised as deemed necessary by a qualified professional engineer licensed in the State of Washington if approved by the City. Placement of fill and geogrid material shall be regularly observed by a qualified professional engineer licensed in the State of Washington to ensure there was adequate compaction and proper installation of the geogrid material required for wall construction. A weekly written report with photographic documentation shall be provided to the City.
- b. Wall construction shall be done pursuant to the following phases:
 - 1) Phase 1 shall include the subgrade preparation, footing foundation, a minimum of five-foot-height wall as measured above finished grade for the full length of the wall, and backfill with appropriate structural fill as approved by a qualified professional engineer licensed in the State of Washington.
 - 2) Phase 2 and each subsequent phase shall be a minimum of five-foot-height construction and backfill with appropriate structural fill for the full length of the wall.

- 3) Each construction phase shall be completed within six months of the start of construction of that phase.
- c. Pursuant to Snohomish Municipal Code 14.20.120A, if "substantial progress" is not achieved within two years of approval of the Site Development Plan and Variance the approval shall expire. A one-year extension may be granted if approved for good cause by the Director of Planning & Community Development. "Substantial progress" shall mean all wetland mitigation has been installed and accepted by the City.
- d. Pursuant to Snohomish Municipal Code 14.20.120A, the approval of the Site Development Plan and Variance shall expire if all of the elements of the approved site development plan have not been completed and accepted by the City within five years of approval of the Site Development Plan and Variance. A one-year extension may be granted if approved for good cause by the Director of Planning & Community Development.
- e. Wetland mitigation activities as described in the March 19, 2019 "Revision 4" to the March 26, 2018 "Critical Areas Report and Mitigation Plan for the 1200 Bonneville Ave. Project" prepared by Wetland Resources, Inc., shall be started no later than the first appropriate planting season (October-November or March-April) after Phase 1 of the retaining wall is completed.
- f. The boundary of the wetland shall be marked with construction fencing to guard against encroachment prior to the start of any grading or excavation activity.
- g. Prior to the start of any grading or excavation activity or wall construction, separate performance sureties shall be posted with the City as follows:
 - 1) Wetland mitigation performance surety in the amount of 150% of the estimated total cost of implementing the wetland mitigation plan as described in the Wetland Resources, Inc., plan; and
 - 2) Construction performance surety in the amount of 150% of the estimated total cost of the:
 - i. temporary erosion and sediment control BMP materials and installation; and
 - ii. retaining wall construction (including all associated materials); and
 - iii. right-of-way disturbance that may be done as part of the project construction.
- h. If "substantial progress" is not achieved within two years or project completion is not achieved within five years, and no extension or permit amendment has been granted, the Applicant shall submit a closure plan approved by the Director of Planning & Development Services for completion of wall construction to date or removal of the wall and imported fill and a return of unmitigated wetland areas to their original pre-wall construction condition. A condition of approval shall be attached to the approved Site Development Plan addressing this issue.
- i. Any and all damage to the right-of-way shall be repaired at the expense of the property owners.

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CONDITIONS OF APPROVAL, CONTINUED

- j. The property owners or their agent shall take proactive measures to protect the structural stability of Bonneville Avenue during construction as determined to be necessary by a qualified engineer licensed in the State of Washington. A written analysis of the potential of destabilizing Bonneville Avenue and recommendations to prevent it shall be submitted to the City for review and approval prior to the start of any grading or excavation activity.
- k. The property owners or their agent shall obtain a NPDES construction stormwater general permit from the Washington State Department of Ecology, and a copy of the permit shall be provided to the City prior to the start of any grading or excavation activity.
- l. Erosion and sedimentation control devices, in accordance with best management practices and approved by the City, shall be installed prior to the start of any grading or excavating activity.
- m. Prior to the start of any grading or excavation activity the property owners or their agent shall submit a truck haul route plan to the City for approval. City designated truck routes must be used. A truck special permit shall be required.
- n. Prior to the start of prior to the start of any grading or excavation activity or wall construction , the site shall be secured with fencing and/or other means, including warning signage, to prevent potential injury to the public.
- o. In the event that any ground-disturbing or other construction activities result in the unanticipated discovery of archeological resources, work shall be halted in the immediate area, and contact made immediately with City officials, the technical staff at DAHP, and tribal representatives. Work shall not resume until further investigation and appropriate consultation have concluded. In the unlikely event of the inadvertent discovery of human remains, work shall be immediately halted in the area, the discovery covered and secured against further disturbance, and contact effected with law enforcement personnel, consistent with provisions set forth in RCW 27.44.055 and RCW 68.60.055.
- 9. Mailbox type and location shall be approved by the U.S. Post Office prior to placement.
- 10. All work shall comply with the project narrative, plans, and recommendations of the professional studies and reports relating to geotechnical, stormwater drainage, critical areas, etc., as approved by the City.

Appeal: The appeal period for this decision is twenty-one (21) days from the date of this notice per SMC 1.14.210. Any appeal must be filed in writing with the Snohomish County Superior Court at 3000 Rockefeller Avenue, Everett, WA 98201. (Ord. 2155, 2008). All appeals shall be in accordance with SMC 14.20.170. (Ord. 2338, 2017)

**For Information Contact:
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Date of Notice: August 1, 2019