



## Sno-King Watershed Council Update - July 2, 2020

### **Letter from the President**

Dear friends, supporters, and partners,

I hope you are managing to stay physically and mentally healthy during these crazy times. Perhaps out of the clouds of our worldwide pandemic and protests, we can see some rays of sunshine with better disease preparedness and better treatment of all people. One can hope!

After a brief pause, the wheels of “progress” restarted and so have various development projects. Therefore, so have our efforts to protect the streams and natural areas many of these projects threaten. Our volunteer water monitoring program has mostly been put on hold, but we are moving forward in a few areas. We also have been investigating some local environmental threats which were brought to our attention.

We appreciate the work that you all put into protecting our local environment. Here are some updates on what we have been doing so far this year in our major programs. Feel free to contact me with any questions, if you would like to support us, or to get involved.

Eric Adman  
President, Sno-King Watershed Council

### **Sno-King Water Watchers Program**

We are excited to report that we are again receiving grant support for this program from the King County Wastewater Division’s WaterWorks grant program! This will fund us for the next 2 years.

We had lots of plans and activities in place when the pandemic hit in March. These included:

- Water monitoring - Our trained volunteers were continuing regular monthly water quality monitoring on streams and lakes in King and Snohomish Counties. Most of this was put on hold due to the COVID-19 virus, but a few of our monitors with their own kits have been able to continue. We are planning to get this restarted, consistent with reopening guidelines.
- Classes – We had training classes planned for new water monitors in April in Water Chemistry monitoring, Bacteriological monitoring, and Biomonitoring. Those had to be cancelled. We currently have classes scheduled for September for new monitors, which we hope to be able to conduct.
- Project with Duwamish Tribe – The Tribe has a project planned called Ridge to River, to create a hiking trail that connects locations in the watershed including the longhouse. As part of this project, they would like to train tribal youth and community members to monitor the water quality of some small tributary streams that

cross the proposed trail. We are working to help train volunteers to monitor the water quality of these streams.

- Work with youth – in partnership with Duwamish Tribe, Puget Soundkeeper, and Unleash the Brilliance (UTB), we have water monitoring training planned for August, for 10-15 youth and advisors (depending on state and local reopening guidelines). UTB is a unique youth mentoring program. UTB youth monitor a particular Duwamish tributary, Springbrook Creek, as part of Puget Soundkeeper's Lost Urban Creeks project.



Unleash the Brilliance, Puget Soundkeeper, and Sno-King members at training in 2019

- BIBI training and assessment – BIBI stands for Benthic Index of Biotic Integrity. That's a mouthful! It is a quantitative method for assessing stream health, by looking at the insects and other "macroinvertebrates" that live in the stream bottom. We are currently planning to conduct training on this method, and do assessments of several local streams in early Fall 2020.
- Technical assistance – We are asked from time to time to look into pollution problems or help people looking to start water monitoring groups. Recently, it was brought to our attention that a large local landfill and gravel pit in Bothell had discolored runoff and sediment flowing off of it, and that tests had identified arsenic in the runoff. We are working with the Snohomish County Health Department and local Homeowner's Associations to investigate further. Depending on the outcome, we may initiate some testing ourselves.

## **Protecting Puget Sound via Project Reviews and Appeals**

Our work reviewing and appealing ill-advised or poorly designed projects which will adversely affect streams and natural areas has continued full-speed during the first half of the year.

Last year we received support from multiple individual donors, the Rose Foundation, and the Charlotte Martin Foundation. This year, we are happy to report that we have received additional funding to continue our work from the Puget Sound Stewardship and Mitigation Fund! This is a grantmaking fund enabled by Puget Soundkeeper and other Clean Water Act advocates to protect the health of Puget Sound and its residents by

enforcing federal water quality laws against serious violators. The Fund's goal is to mitigate past pollution runoff by supporting community-based efforts to protect or improve the water quality of Puget Sound.

Here are the projects we are looking at:

### Snow Ridge Development Appeal

Snow Ridge is a 26-single family development located immediately east of I-405 on, State Highway SR-524 at 1301 Filbert Road, Lynnwood. SKWC appealed Snohomish County's SEPA decision and identified downstream flooding issues during two, 2-year storm events last winter at the newly constructed Larch & Locust Way roundabouts; this flooding had not been identified by developer or Snohomish County. SKWC also identified that the Snow Ridge development infiltration system would destabilize the steep slope above the State highway, putting the public's safety at risk. WSDOT subsequently confirmed the landslide hazard created by the Snow Ridge's proposed stormwater infiltration.

On March 26, 2020, Snohomish County Hearing Examiner Camp ruled in favor of SKWC:

1. PDS' SEPA determination of no significant impact was reversed;
2. PDS' approval of the administrative site plan was also reversed;
3. SKWC would not have to pay another filing fee to continue its appeal.
4. The land use application is remanded to PDS for a new threshold determination and review of the administrative site plan.

Had it not been for SKWC's appeal, this unsafe project approved by PDS would have been constructed.

The developer JM1 Holdings, LLC has since resubmitted a new design eliminating Low Impact Development (LID) infiltration measures and now proposes installing a traditional end of pipe stormwater detention vault. WSDOT has notified JM1 that its SR-524 stormwater system cannot accept any stormwater runoff from the Snow Ridge development. WSDOT has suggested that JM1 consider a stream basin diversion from the Swamp Creek Basin to the Martha Lake Creek Basin. SKWC opposes this option because:

1. The proposed basin diversion violates County Code, Minimum Requirement No. 4 to maintain existing drainage patterns and outfalls;
2. Impacts to Martha Lake Creek have not been identified and a new Critical Areas Report (CAR) and SEPA determination is required;
3. There is not sufficient cover over a new pipe under SR-524 that prevent fish entry into the dead-end culvert outfall from Snow Ridge;
4. WSDOT must increase the pipe size under new roundabouts and restore the original flow to Swamp Creek, before Snow Ridge is allowed to proceed with its current design;
5. JM1 Holdings refuses to consider reducing the housing density to allow larger lots that would allow construction of rain gardens, bioretention ponds, and similar LID measures.

SKWC continues to monitor this project and will continue its active appeal of any code deviations or waivers that do not fully protect Swamp Creek and Martha Lake Creek.

### 43<sup>rd</sup> Avenue SE Appeal

This Snohomish County Public Works project proposes to construct 1.7 miles of urban arterial roadway between 180<sup>th</sup> Street SE and Maltby Road. Much of the urban arterial is outside of the urban growth area (UGA) promoting more development sprawl; and the project will impact 9 acres of wetland in the North Creek and Little Bear Creek drainage basins. Public Works proposes to mitigate these impacts using regional facilities that are miles away or



located in King County. SKWC contends that this mitigation will not mitigate the road impacts and that Public Works failed to adequately address the growth impacts outside the UGA. SKWC appealed the County's Determination of Non-Significance (DNS) decision on March 2, 2020.

On March 6, 2020, the Hearing Examiner stayed SKWC's appeal at the request of the County, because the Land Disturbing Activity (LDA) permit drawings had not been finalized or approved by PDS. SKWC is currently waiting for Public Works to complete its design so that our appeal may proceed.

SKWC has learned from neighbors along 43<sup>rd</sup> Avenue SE that Public Works is currently proceeding with appraisals to take private property along 43<sup>rd</sup> Avenue SE. SKWC opposes this action and urges all its members to contact the County Council and have them defund this effort until SKWC's appeal is adjudicated.

### Pinecrest Pointe Development

Pacific Ridge homes proposes to construct 6-homes on 1.4 acres at 21621 Cypress Way, Lynnwood. The stormwater infiltration pond is located above a steep, landslide hazard slope that is also designated as an erosion hazard. The emergency overflow spillway will discharge stormwater towards a critical high voltage Seattle City Light transmission tower that brings hydro-electrical energy from eastern Washington to Seattle. The project is also opposed by downslope property owners. SKWC feels that this project threatens the high voltage transmission tower, downslope properties, and Swamp Creek. SKWC has submitted comments against the project.

PDS is currently reviewing the project and approval of the design drawings and project's SEPA determination is currently pending. SKWC is continuing to track this project.

### Frognal Estates

This project is located near Picnic Point County Park and proposes to construct 112 lots on 22 acres above a landslide hazard area. Neighbors have been fighting this project since 2005. In December 2018, SKWC filed a motion in King County Superior Court to halt the early clearing of significant trees. The judge initially issued a restraining order to stop the logging, but then reversed her order and allowed the site to be clear cut.



The site of the Frognal Estates subdivision while it was being logged in December 2018. (Noah Haglund / Herald file)

The Alderwood Water and Sewer District (AWWD) subsequently denied Frognal's sanitary sewer design done by Land Technologies, Inc., after SKWC pointed out that the new sewer line for Frognal was to be installed on a landslide hazard slope. Since 2018 Frognal still has not been able to come up with a sewer system design that is acceptable to AWWD and no construction work or stabilization has occurred at the site since it was clear-cut.

The lender to Frognal Holdings, LLC has called in its bank note, because the project is over \$10-million in arrears on its loan payment. The Frognal property is currently scheduled to be auctioned off to the highest bidder on the County Courthouse steps on July 24, 2020 at 10:00 am.

It is unknown at this time if there will be a buyer for a project that has been deemed not constructible as designed or if a new buyer might seek to redesign the project. SKWC continues to monitor the project.

### **Ironwood Development**

This project designed by Land Technologies, Inc. is located at 17710 Clover Road, Bothell, near the Lynnwood High School and proposes to construct 88-lots on 15.7-acres. An old stream bed, wetlands, and ravine will be filled with 100,000 cubic yards of fill. The entire site has been designated as a [Priority Habitat and Species](#) (PHS) area by the Washington Dept. of Fish & Wildlife (WDFW); however, Snohomish County elected not to provide any protections for PHS areas under its development code.

Land Technologies has requested a reduction in the wetland's protective buffer width to accommodate additional lots; and they have also requested early clearing at this site, as they did at Frognal Estates.

SKWC submitted comments on April 6, 2020 and is awaiting a decision on the project from PDS. We will continue to track this project.

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As always, feel free to get in touch with any questions, comments, or issues.

### **Sno-King Watershed Council Board**

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