



SNO-KING WATERSHED COUNCIL



HAND DELIVERED

December 23, 2019

Snohomish County Hearing Examiner
3000 Rockefeller Avenue
Everett, WA 98201

APPEAL	
DATE	12 / 23 / 19
TIME	2 : 30 AM
AMT \$	500.00
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INITIALS	MK/IDL

Subject: Notice of Appeal, Permit No. 18-113924-SPA (Snow Ridge)
DECISION OF THE DIRECTOR, dated December 8, 2019; and
DNS Decision, dated December 2, 2019
Declaration of William Lider, PE in Support of Appeal

The Sno-King Watershed Council ("SKWC" or "Appellant") appeals the subject Planning and Development Services ("PDS") decision, the subject SEPA determination, and the decision to grant variances to the subject project under permit number 18-113924-SPA for the Snow Ridge development located at 3101 and 1307 Filbert Road (SR-524), Lynnwood. The project proposes to construct 26 residential units on 3.94 acres. The challenged decisions are attached hereto¹.

The project proposes to construct a 60-inch stormwater infiltration tank immediately above a glacier till soil lens adjacent a steep slope, immediately adjacent to the Washington State Department of Transportation ("WSDOT") State Route SR-524 right-of-way.

Pursuant to 30.61.300 SCC and 30.71.050 SCC this appeal includes:

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

FACTS

The Appellant is incorporated as a non-profit, 501(c)(3) tax exempt, environmental organization with members in both King and Snohomish Counties as well as in the project area. SKWC

¹ Reference Attachment 2 Permit Decision 18-113924-SPA; and Attachment 3 SEPA Threshold Determination

operates its Water Watcher's program that monitors stream water quality in many waterbodies in King and Snohomish Counties; this water quality data is regularly posted on SKWC's website:

<http://snokingwatershedcouncil.org/water-watchers/>.

SKWC members' quality of life is benefited by knowing that the water quality of Swamp Creek listed on Snohomish County's Chinook Distribution Map dated February 1, 2016 as a known stream for federally listed threatened Chinook salmon, a primary prey species for Puget Sound Orca whales, another federally listed, threatened species, as well as other fish species are protected for their enjoyment. In addition, portions of the Snow Ridge property are within the Martha Lake Creek buffer; and Martha Lake Creek is noted as a fish habitat stream by Snohomish County.

SKWC was recently awarded a \$25,000 grant by King County as a part of its *WaterWorks* Grant Funding, Round 4 to continue citizen monitoring water quality; and SKWC was recognized by proclamation before the City Council of Kenmore on November 12, 2019 for its efforts in enhancing water quality in the City of Kenmore.

SKWC vision – healthy streams, rivers, lakes, and Puget Sound, for people, and for wildlife.

SKWC mission – work for the health of streams and watersheds in north King and south Snohomish Counties.

Our goals:

1. Advocate for stream and watershed protection and restoration
2. Network watershed protection & environmental groups and individuals
3. Implement watershed conservation, restoration & salmon recovery projects
4. Improve awareness and behavior via outreach and education

SKWC provided support to the City of Kenmore in its appeal of a 36" stormwater pipe installation under Airport Road, DNS No. 15-003 that resulted in a restrictor plate being installed to help prevent downstream erosion in Swamp Creek and the City of Kenmore. In its appeal, the City of Kenmore noted that it continues to spend more than \$100,000 annually at a surface water facility located in Swamp Creek just downstream of the Snohomish County border to remove sediment and debris from Swamp Creek originating from the excessive flows caused by stormwater runoff created in Snohomish County.

SKWC successfully appealed the Airport's DNS 15-004 to convert high value wetlands into a stormwater detention pond and the illicit construction of a 4-acre parking lot without permits, forcing the Airport to withdraw DNS 15-004 in December, 2015, cancel the project, restore the

areas that were disturbed without permits, and entered into a Consent Decree resulting in a settlement payment of \$210,000 for attorney's fees and environmental restitution by Snohomish County for illicit construction related to Wetland ERR and harm to Swamp Creek.

SKWC settled its appeal of the Paine Field Airport Terminal project with tenant Propeller under Permit Number 16-109244 LDA and Permit No. 16-109244 LDA, only after the County and Propeller agreed to correct design deficiencies identified by SKWC in the stormwater flow control design that had been approved by PDS necessary to protect Japanese Gulch Creek from the non-code compliant stormwater design that had been approved by PDS; and a settlement payment of \$10,000 by Propeller to SKWC.

SKWC was unsuccessful in its appeal of Paine Field Airport DNS 17-01 for Paul Allen's 1-acre expansion of the Flying Heritage Collection to require flow control and water quality treatment for stormwater runoff at Paine Field; however, SKWC was successful in convincing the Department of Ecology to eliminate this egregious redevelopment rule requiring fifty percent of the assessed parcel value of the existing site/parcel improvements used to circumvent stormwater flow control BMPs (aka the Paul Allen Loophole) permitted under SCC 30.63A.310(3) redevelopment rules. Under the new 2019 *Stormwater Management Manual for Western Washington*, the 50% rule only applies to the assessed value of the disturbed land area and not the entire parcel; this change will require future redevelopment projects such as the Paine Field Flying Heritage Collection Building C to comply with all stormwater runoff protection BMP's, when Snohomish County updates its stormwater manual.

In addition to its prolific civic activism on behalf of salmon and local watersheds, described in the preceding paragraphs, SKWC directly benefits from healthy waters (and stormwater code compliance), in that SKWC's members appreciate viewing salmon and recreating in and around the affected waterbodies, especially Martha Lake Creek and Swamp Creek. To the extent this project fails to comply with applicable stormwater provisions, and fails to analyze the impact to salmon and water quality from stormwater mismanagement, SKWC's members will suffer a loss of salmon viewing enjoyment and other recreational opportunities. A favorable ruling by the hearing examiner that forced the developer to provide the necessary stormwater treatment and mitigation would protect SKWC's interest in uncontaminated salmon streams and water quality.

Statement of Error in the Decisions

On October 18, 2018 William Lider, PE submitted preliminary comments² on the preliminary permit documents submitted for Snow Ridge under Permit No. 18-113924-SPA. Then in

² Reference Attachment 4, William Lider Letter dated October 18, 2018

response to an unsolicited November 15, 2018 e-mail from Tom Sage, PDS Drainage Plans Reviewer, Mr. Lider responded that his comments had not been responded to and requested a “point by point” response that was never provided, as stipulated in Snohomish County’s 2nd Review Completion Letter³. There was no other communication with Mr. Lider to follow-up on his concerns until December 3, 2019 when, as a party of record, Mr. Lider was notified that a decision had been issued for the Snow Ridge DNS and SPA permit by PDS. On December 16, 2019 Mr. Lider met with Mr. Sage in the County’s Administration Building to discuss unresolved comments and comments that were not responded to by Snow Ridge. Mr. Sage indicated that PDS was unwilling to modify its decision, leaving SKWC with only a single option to affect positive changes to this project—to make this appeal.

Specific errors are as follows:

1. Failure to Use the Correct Stormwater Manual

In his preliminary comments on the SPA design, Mr. Lider noted that different stormwater manuals were referenced in some of the project reports. All design must be accomplished in accordance with the Snohomish County 2016 *Drainage Manual*, as revised in 2017 (hereinafter referred to as the “*Drainage Manual*”). This comment was ignored by Snohomish County and Snow Ridge.

SCC 30.63A.110 mandates that projects such as Snow Ridge “shall comply with the *Drainage Manual*.” (Emphasis Added). Snow Ridge vested on March 29, 2018 and is therefore subject to Snohomish County’s current *Drainage Manual*.

Furthermore, under its current 2016 NPDES Permit, Snohomish County is required to use its *Drainage Manual* as its sole documentation for stormwater design.⁴ Snohomish County is allowing Snow Ridge to “Cherry Pick” from stormwater manuals in violation of its own policy⁵.

SNOCO spent tens of thousands of dollars writing its *Drainage Manual* and going through multiple reviews with the Department of Ecology at great expense to the taxpayers, in order to have its *Drainage Manual* deemed equivalent to Ecology’s 2014 *Stormwater Management Manual for Western Washington*. To then allow developments like Snow Ridge to cherry pick alternate stormwater design manuals is a misplacement of the public’s trust, a violation of the County Code, and a violation of the County’s municipal stormwater permit.

It must be concluded that Snohomish County erred in its decision to issue the DNS and approval of Snow Ridge’s Site Plan Application that is the subject of this appeal because Snow Ridge did not use the correct stormwater manual.

³ Reference 2nd Review Completion Letter dated November 9, 2018, Tom Sage’s Comment No. 13

⁴ Reference SNOCO’s Phase I Municipal Stormwater Permit, paragraph S5.C.5ii

⁵ Reference Attachment 5, SNOCO Stormwater Regulation Vesting, September 30, 2010

2. Failure to Determine the Volumetric Water Holding Capacity of the Receptor Soil and Provide a Groundwater Mounding Analysis

In his preliminary comments on the SPA design, Mr. Lider noted that, pursuant to the *Drainage Manual*, Volume III, 3.3.5, and given the proximity of the proposed infiltration tank to the steep slope above the WSDOT SR-524 right-of-way, a groundwater mounding analysis should be required⁶.

Specifically, the following design steps were never taken by Snow Ridge to determine if the infiltration tank was correctly designed:

- Lateral extent of infiltration receptor;
- Horizontal hydraulic conductivity of the saturated zone to assess the aquifer's ability to laterally transport the infiltrated water;
- Impact of the infiltration rate and volume at the project site on ground water mounding, flow direction, and water table; and
- the discharge point or area of the infiltrating water.

Additionally, the *Drainage Manual*, Volume III, 3.3.5 requires a developer to:

“Conduct a ground water mounding analysis at all sites where the depth to seasonal ground water table or low permeability stratum is less than 15 feet from the estimated bottom elevation of the infiltration facility, and the area contributing runoff to the infiltration facility is one acre or larger.” (Emphasis Added).

The proposed Snow Ridge infiltration facility is set immediately above a glacier till soil stratum, much less than 15-feet below the infiltration facility; and with a contributory area much greater than 1-acre. Indeed, Snohomish County's drainage engineer Tom Sage agreed with Mr. Lider's assessment and provided comment to Snow Ridge on November 9, 2018⁷. In its response letter dated April 11, 2019 to Dorothy Crossman, Encompass incorrectly responded that a groundwater mounding analysis was not required because the groundwater depth was more than 15-feet.

Setting aside the fact that the soils at the test pits dug at the infiltration site showed signs of iron mottling, an indication of past seasonal high groundwater, there is absolutely no dispute that the glacier till, a low permeability stratum, is much less than 15-feet below the bottom of the proposed infiltration facility. SNOCO subsequently approved the DNS and SPA permit based on an incomplete design without required volumetric and groundwater mounding analysis.

⁶ Reference William Lider Letter dated October 18, 2018, Comments 13 & 14

⁷ Reference SNOCO 2nd Review Completion Letter dated November 9, 2018, Tom Sage review comment No. 1

SNOCO erred when it did not follow up on its November 9, 2018, 2nd Review Completion Letter and require the groundwater mounding analysis using and compliance with the other design requirements enumerated herein, prior to its DNS and decision to issue the SPA permit.

This lack of compliance with the *Drainage Manual* is especially egregious given that there is a substantial likelihood of significant environmental harm from seeps and blow-outs of groundwater into the WSDOT right-of-way and delivery of sediment to both Martha Lake Creek and Swamp Creek. Snohomish County erred in its decision to issue the DNS and SPA permit.

3. Incorrect Determination of Soil Infiltration Rate

The *Drainage Manual* only allows the soil grain size analysis method to be used “if the soil is recessional outwash or similar soil that has not been compacted by glacial advance.”⁸ Mr. Lider in his preliminary comments recommended that a large-scale Pilot Infiltration Test (PIT) be required given the soils in this area and close proximity of the infiltration facility to the steep slope.

In Mr. Sage’s November 9, 2018 comment letter, he states in Comment 3:

“Soil logs submitted with the Geotechnical Report from MTC Inc. dated August 9, 2018, show higher fines content and high blow counts at depths of around 7 ft., which we consider to be the dividing line between the unconsolidated soils (outwash) and over-consolidated materials with a higher silt content (till), for which we would typically use an infiltration rate of 0.25-0.30 in/hr. Please address.”

We are unable to find any record in project file documents furnished to Mr. Lider pursuant to Washington’s Public Records Act that Snow Ridge ever addressed Mr. Sage’s comment above. Snohomish County erred when it failed to require a large-scale PIT by incorrectly allowing the use of the soil grain size analysis method to determine the infiltration rate for the Snow Ridge infiltration facility.

4. Infiltration Tank is not Designed in Accordance with Snow Ridge’s Geotechnical Engineer’s Recommendations

In Materials Testing & Consulting, Inc.’s (“MTC”) letter dated August 2, 2019, it is stated that,

“primary stormwater infiltration system has been relocated approximately 75 feet to the north from the previously planned location to reduce the potential influence on the slope that borders the south end of the proposed development area.”⁹

And,

⁸ Reference *Drainage Manual*, Volume III, 3.3.6

⁹ Reference Attachment 6 MTC Letter dated August 2, 2019 to JM1 Holdings, LLC, page 1, paragraph 3

“Exact details and depths of the relocated infiltration system are in process and not fully known at this time, but we understand they will be placed at depths of approximately 5 feet or less to meet minimum 5-foot separation requirements.”⁹

A comparison between the SPA permit drawings sealed by Nicole Mecum, dated October 9, 2018 and the SPA permit drawings sealed by Nicole Mecum, dated October 16, 2019 indicates that the infiltration facility was only moved 40-feet back and not 75-feet back as reviewed by MTC.

MTC goes on to state:

“Final Commentary on Design Limiting Factors:

Per the DoE SMMWW (2012/2014), Volume III, Section 3.3.7 for Site Suitability Criteria, (SSC-5), typically three (3) feet or more of vertical separation is required from the facility base to seasonal groundwater level for small-scale features such as infiltration trenches, subsurface gravel beds, or small basins. MTC understands that Snohomish County requires for this project a minimum of five (5) feet of separation between the basal depth of infiltration infrastructure and restrictive soil horizon due to the proximity to critical area slope and the size of the infiltration gallery (per previous project discussions). It is the responsibility of the designer to ensure the system is placed to meet or exceed this requirement based on the subsurface information presented in this letter. If questions arise or for final verification that this design requirement is met, MTC can be contacted for consultation and review of plans¹⁰.” (Emphasis Added)

The 75-foot set back from the initial tank location and 5-foot separation recommended by MTC was not maintained—meaning the *Drainage Manual* and the recommendations of its own geotechnical engineer were not followed. Snohomish County erred by failing to recognize that the infiltration facility is not correctly located back from the steep slope as contemplated by MTC and that the 5-foot separation recommended by MTC was not provided. The incorrectly designed infiltration facility will exacerbate downstream flooding and erosional damage that was documented by Mr. Lider on December 21, 2019 in error statement 5 below.

5. Drainage Report Fails to Identify Downstream Flooding Problem

Snohomish County’s 2017 *Drainage Manual*, Volume I, section 3.3 states in part:

“The applicant shall prepare a general off-site analysis report comprising a downstream analysis and an upstream analysis. The off-site analysis shall assess existing and potential problems related to off-site water quality, stream channel erosion, slope stability, conveyance system capacity, and drainage impacts associated with the new development or redevelopment project.

¹⁰ Reference MTC Letter dated August 2, 2019 to JM1 Holdings, LLC, page 8, paragraph 1

The analyses shall be qualitative unless the County determines that a quantitative analysis is needed, or if a quantitative analysis is required as described below.

- Locate existing or potential constrictions or capacity deficiencies in the drainage system;
- Identify existing or potential flooding problems;
- Identify existing or potential overtopping, scouring, bank sloughing, or sedimentation;”

On December 21, 2019, a Saturday, at approximately 12:30 pm Mr. Lider viewed, photographed, and video recorded SR-524 during a significant rain storm¹¹. Additional photographs and video will be presented at hearing.

Saturday afternoons are considered a, “non-peak” traffic flow time. Flooding, overtopping, scouring, and sediment delivery to Martha Lake Creek and Swamp Creek was occurring immediately east of SR-524 roundabout to north bound Larch Way, as observed by William Lider on December 21, 2019. This flooding, approximately 400-feet west of the Snow Ridge/Forest on Filbert access road, was not identified in any of the iterations of the Snow Ridge drainage report. At approximately 4:00 pm Mr. Lider spoke with his son who had just driven this Section of SR-524 and he confirmed that water was still flowing over the State Highway at that time and traffic was still stop-and-go.

Not only is this flooding an environmental and erosion hazard, it also potentially undermines and erodes the SR-524 and its shoulders, endangers the traveling public, and increases the risk of hydroplaning accidents.

The Snow Ridge project’s infiltration design has not been adequately vetted as discussed in statement points 2, 3, & 4 above. The project also proposes pavement and channel modifications to the Snow Ridge/Forest on Filbert access road to SR-524 that will exacerbate roadway flooding, overtopping, scouring and sediment delivery to Swamp Creek observed and documented by Mr. Lider.

Snohomish County erred in its approval the Snow Ridge Drainage Report’s downstream analysis by not identifying these downstream problems. A quantitative analysis of downstream flooding is therefore warranted per the *Drainage Manual*, Volume I, Section 3.3.

6. Left Turn Hazard Not Addressed

WSDOT’s initial review of Snow Ridge’s design proposal required the installation of “C-curbs” to prevent left turn movements on eastbound traffic on SR-524 into Snow Ridge. Mr. Lider’s

¹¹ Reference Attachment 7 – William Lider Photos 1 & 2, December 21, 2019

October 18, 2018 comment letter, Comments 19 & 20 noted the hazards of installing C-curbs on the SR-524 centerline and recommend a median strip to prevent left turn movements.

In a December 11, 2018 memorandum¹² from Chad Haubrich, Engineer II, Transportation Development Reviewer to Dorothy Crossman, Senior Planner, Mr. Haubrich stated:

“Snow Ridge Road is approx. 600 feet east of Larch Way, where WSDOT will soon be constructing a roundabout (RAB). While 600-ft appears to be a generous distance, traffic volumes and roadway geometries on SR 524 in this segment easily combine to generate queues and backup conditions that will be problematic for making left turns into and out of Snow Ridge Road. Traffic safety and congestion will surely worsen as more trips are generated by more developments along Snow Ridge Road, together with continued increases in traffic volumes on SR 524 from overall growth in the region. SR 524 is a Class 3 highway with a minimum intersection spacing of ½ mile. (Emphasis Added)

Consequently, it is imperative that movements at the Snow Ridge Road intersection with SR 524 be limited to Right-In Right-Out, consistent with WSDOT practices on access management. It is one of several measures that public agencies use to maintain acceptable and sustainable levels of highway safety and traffic flow efficiency. We note that people who live in parcels along Snow Ridge Road and wish to turn left off of SR 524 or onto SR 524 will have a safer intersection to use at SR 524/10th Place W, approx. 800 ft east of Snow Ridge Road.” (Emphasis Added)

Snohomish County and SKWC are both in agreement that, “traffic safety and congestion will surely worsen as more trips are generated by more developments along Snow Ridge Road;” and that, “it is imperative that movements at the Snow Ridge Road intersection with SR 524 be limited to Right-In Right-Out”. Use of 10th Place West for left turns into Snow Ridge is not an option, as there is no public road connection between 10th Place W and Snow Ridge.

Subsequently, WSDOT submitted comments in an October 29, 2018 e-mail reversing its requirement for a C-curb; the October 29, 2018 WSDOT e-mail was not placed in the project file or forwarded to SKWC as a part of its Public Records Request; nonetheless, Mr. Haubrich continued to recommend that Snow Ridge be limited to right turn movements only in his December 11, 2018 memo. The WSDOT October 29, 2018 e-mail is referenced in a subsequent May 7, 2019 e-mail from David Irwin to Dorothy Crossman. The left turn traffic safety hazard issue remains unaddressed as identified by Mr. Lider and Mr. Haubrich.

On December 21, 2019, a Saturday afternoon, Mr. Lider photographed westbound, stop-and-go traffic on SR-524 backed up in front of the Snow Ridge/Forest on Filbert access road¹³, making a left turn movement into Snow Ridge extremely hazardous.

¹² Reference Attachment 8 - December 11, 2018 Memo Haubrich to Crossman, Page 4 of 9

SKWC is concerned that traffic backed up behind stopped vehicles turning left into Snow Ridge will use the un-paved shoulder to drive around stopped vehicles turning left. The un-paved shoulder on the bank of Martha Lake Creek will quickly become rutted and deliver sediment directly into Martha Lake Creek, a fish bearing stream. To prevent this sediment delivery to Martha Lake Creek, SKWC recommends that either a raised median strip or a two-way, left-turn and median channelization similar to WSDOT Standard Plan M-3.40-03¹⁴ be required.

Snohomish County erred in approving the Snow Ridge design without addressing the left turn hazard, the potential for accidents, and sediment delivery to Martha Lake Creek from vehicles driving on the SR-524 shoulder to avoid lengthy delays created by left turning vehicles.

7. DNS Improperly Relies on Code Compliance

For the foregoing reasons, this project is not in compliance with the County Code. Yet the DNS claims that:

The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA.

Because the DNS's analysis and mitigation are predicated on code compliance that the project fails to achieve, the DNS fails to analyze and mitigate this project's impacts, in violation of SCC 30.61.122 and WAC 197-11-060; WAC 197-11-158 (adopted by reference at SCC 30.61.020).

8. Project's Impacts Are Actually Significant

Contrary to the County's conclusion in the DNS, the environmental impacts regarding stormwater are likely to be significant and adverse. These impacts include, but are not limited to, erosion and sedimentation of Martha Lake Creek and Swamp Creek as well as impacts to SR-524. These impacts are likely to degrade habitat for salmonids and other fish species, adversely affect water quality, and impair recreational opportunities currently enjoyed by SKWC members. Therefore, an EIS should have been prepared, not a DNS. See WAC 197-11-330.

Specific Relief Requested by the Appellant

The Hearing Examiner is requested to remand the subject permit and DNS back to PDS with the following corrections and requirements:

¹³ Reference Attachment 9, Photos 3 & 4, December 21, 2019

¹⁴ Reference Attachment 10, WSDOT Standard Plan M-3.40-03

1. Vacate Permit No. 18-113924-SPA and Snohomish County's SEPA threshold determination for the Snow Ridge project.
2. Remand the entire design back to Snow Ridge and require all reports, studies, design drawings, etc. to be revised in accordance with Snohomish County's 2016 *Drainage Manual*, revised 2017; or Snohomish County's most current *Drainage Manual*.
3. Require the geotechnical and drainage report to include a volumetric analysis for:
 - Lateral extent of infiltration receptor;
 - Horizontal hydraulic conductivity of the saturated zone to assess the aquifer's ability to laterally transport the infiltrated water;
 - Impact of the infiltration rate and volume at the project site on ground water mounding, flow direction, and water table;
 - the discharge point or area of the infiltrating water; and
 - Require a ground water mounding analysis as recommended by Snohomish County using MODRET or an equivalent model.
4. Require a large-scale Pilot Infiltration Test (PIT) to be run per the *Drainage Manual*, Volume III, 3.3.6 to determine the design infiltration rate. All field notes, measurements, and other backup data to support the calculated infiltration rate must be included in the final drainage report.
5. Require the infiltration facility to be set back a minimum of 75-feet from location shown on the October 9, 2018 SPA drawings; or further if warranted by the volumetric analysis.
6. Require written confirmation from WSDOT that it is satisfied that the Snow Ridge's final stormwater infiltration system design, including groundwater mounding and volumetric storage calculations, such that Snow Ridge's design will not adversely affect and destabilize the SR-524 slope by adding additional stormwater to the WSDOT right-of-way; or impede WSDOT's ability to widen SR-524 in the future.
7. Require a quantitative analysis of downstream flooding pursuant to Snohomish County's 2017 *Drainage Manual*, Volume I, Section 3.3.
8. Require construction of a raised median or center left turn lane similar to WSDOT Standard Plan M-3.40-03 to either prevent or safely allow left turn movements for eastbound traffic on SR-524 into Snow Ridge/Forest on Filbert; or hold the SPA permit approval in

abeyance until such time that a suitable traffic mechanism is provided to either safely allow left turns or prohibit left turns completely.

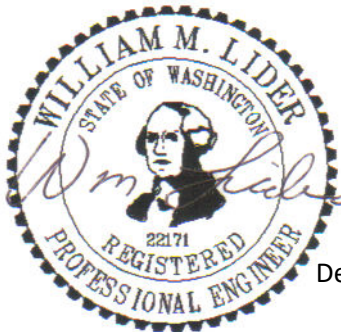
9. Order Snohomish County not to issue a new permit decision and threshold determine until all necessary changes to the project have been made, and allow sufficient time for public review and comment of all revised documents.

10. Require the County to issue an EIS for the project.

Please direct all correspondence on this appeal to Alex Sidles, Bricklin & Newman, LLP, 1424 Fourth Avenue, Suite 500, Seattle, WA 98101, Telephone: 206-264-8600, e-mail: Sidles@bnd-law.com as the primary contact person representing the SKWC in this appeal.

Thank you for your attention and consideration given to the issues raised in this appeal.

Respectfully submitted,
SNO-KING WATERSHED COUNCIL



December 23, 2019

William M. Lider, PE, Board Member
Sno-King Watershed Council

Attachments:

1. Declaration of William Lider, PE in Support of SEPA Appeal
2. Permit Decision 18-113924-SPA
3. SEPA Threshold Determination, Permit 18-113924-SPA
4. William Lider Letter dated October 18, 2018
5. SNOCO Stormwater Regulation Vesting, September 30, 2010
6. MTC Letter dated August 2, 2019 to JM1 Holdings
7. William Lider Photographs 1 & 2, December 21, 2019
8. December 11, 2018 Memo Haubrich to Crossman
9. William Lider Photographs 3 & 4, December 21, 2019
10. WSDOT Standard Plan M-3.40-03

cc: SKWC Board of Directors