



FYI -
SENT US MAIL
LINK THROUGH
COUNTY WEBSITE
TO SUBMIT COMMENTS
DID NOT WORK.

March 29, 2014

Mr. Darryl Eastin
Snohomish County Planning and Land Services
3000 Rockefeller
M/S 604, 2nd Floor, Robert Drewel Building
Everett, WA 98201

SUBJECT: 2nd Notice Regarding Determination of [Non]Significance and request for Comments on the Scope of the EIS Point Wells Mixed Use Development Project

Dear Mr. Eastin:

Please accept these as comments on the 2nd Notice Determination of [Non]Significance and Request for Comments on the Scope of the EIS for the Point Wells Mixed Use Development Project. My understanding is that the comment period has been extended to April 2, 2014 due to a lack of sufficient notice associated with posting of the first scoping notice.

INCORRECT TERMINOLOGY

The reason the "SUBJECT" line and the introductory paragraph above makes reference to "[Non]Significance" is that the 2nd notice (enclosed) is titled "2nd NOTICE OF DETERMINATION OF NONSIGNIFICANCE AND REQUEST FOR COMMENTS ON SCOPE OF EIS". (**Emphasis added**).

I mention this because "NONSIGNIFICANCE" is the incorrect term and is misleading in the context of SEPA. As you know, a Determination of Significance (DS) is required to initiate the environmental impact statement process and scoping. "Determination of significance" is specifically stated in Washington Administrative Code (WAC) section 197-11-360 and in the title of the form identified in WAC 197-11-980.

While I am familiar with the SEPA terminology, it is uncertain to what extent any member of the public might have been confused by the use of the incorrect terminology in the context of a scoping notice. The remedy to this would be to reissue the scoping notice again with the correct determination listed in the notice.

COMMENTS ON SCOPE

The following are comments specific to certain other elements of the scoping notice.

Based on the County's website, the proposal includes,

“Redevelopment of an existing site will include a mix of 3,000 residential units, 250,000 square feet of commercial / retail space, and public recreational uses. The site includes approximately 45.7 acres of uplands that would be used for mixed-use redevelopment. It also includes approximately 16 acres of adjoining tidelands that would remain undeveloped except for the site's existing deep water pier. The tidelands would retain their current Shoreline Master Program Conservancy Environment designation. The site also includes approximately 3,500 feet of beach frontage on Puget Sound.”

Alternatives

- Given how traffic is a significant issue, especially in light of the limited access into and out of the project site, an alternative should be added that studies a second main access in and out of the site. Whether it is an alternative that is discussed in detail, or a discussion in the EIS that explains why an alternative with a second access was screened out, it would be helpful to the public and decision-makers to understand why a second access is not being considered and/or the impacts of providing an additional access point into the site.
- An alternative needs to be considered that provides for even lower density, perhaps consisting of a townhouse development with buildings of lower height. This would be a reasonable alternative. This would provide for an additional appropriate baseline of impacts using a development scenario and alternative that while perhaps not consistent with nearby housing types, would be more consistent with surrounding residential densities.

Elements of the Environment

- The list of elements of the environment to be analyzed in the EIS appears to be comprehensive of those listed in WAC 197-11-444. What is unclear though, is what sub-elements are proposed for analysis. For instance, noise is listed in the scoping notice, but noise is a sub-element of Environmental Health (which is also listed). That in itself is fine, but sub-elements of other elements of the environment are not mentioned, leaving it unclear what sub-elements are really going to be analyzed in the EIS. Given the nature and location of the proposal, they all should be.
- The information provided indicates that the development will occur in phases. Environmental clean up of the site is also identified as occurring in phases. Given that clean up of the site is proposed after portions of the site are developed, then the EIS needs to consider the impacts of hazardous waste clean up on developed on-site businesses and residents within the Point Wells development.

- The Scoping Notice indicates the DEIS will study energy/greenhouse gasses. The effect of sea level rise on this property needs to be considered in that evaluation.
- The analysis in the DEIS needs to consider similar development projects of this density and scale that only have one major access into and out of the site, in an area surrounded by lower density residential land uses. This would be one practical means of identifying and evaluating impacts associated with this type of development situation.

PUBLIC PROCESS

In light of issues regarding timely posting of notice during the initial scoping notice and now the reference to Determination of "NonSignificance" in the second notice, the public process needs to engender trust for the public.

The public comment period on the Draft Environmental Impact Statement (DEIS), when released, needs to be more than the 30 day minimum. Rather than respond to a request for an extended comment period when the DEIS is issued, Snohomish County should communicate to the public now that it will provide at least a 45 day minimum comment period, if not longer, when the DEIS is released.

Thank you for the opportunity to comment.

Sincerely



David Osaki

PO Box 75185
Seattle WA 98175-0185

Enclosure. Second notice.



NOTICE

2nd NOTICE OF DETERMINATION OF NONSIGNIFICANCE AND REQUEST FOR COMMENTS ON SCOPE OF EIS

File Name: Point Wells Development

File Number: 11-101457-000-00-LU

Description of Proposal: Snohomish County is reviewing an application for the proposed Point Wells mixed use redevelopment project consisting of residential, commercial, mixed use and public services. The project site is approximately 61 acres with approximately 19 acres of tidelands and 45 acres of upland areas. Currently, the site serves as a marine fuel terminal, petroleum storage facility, and asphalt batching plant. The project is likely to be constructed in four phases. At build out, the project will consist of 47 buildings containing 3,081 dwelling units and approximately 32,000 square feet (SF) of commercial space (with floor area for on-site police and fire service); and approximately 94,000 SF of retail space. The tallest proposed building would be approximately 175 to 180 feet tall. The project would include recreational activity areas, passive open space, public dock and associated infrastructure. Cleanup of the project site will be required for the Point Wells project. Site cleanup will be reviewed and conducted by the Washington State Department of Ecology (Ecology). Ecology will be SEPA lead agency for the site cleanup project.

Location: Property is located at the extreme southwest part of Snohomish County adjacent to the Town of Woodway and the City of Shoreline; at the northwest terminus of Richmond Beach Drive.

Tax Account Numbers: 270335-003-011-00; 270335-003-030-00; 270335-003-027-00; 270335-003-028-00; 270335-003012-00; 270335-003-040-00; 270335-003-039-00; 270335-003043-00; 270335-003038-00

Applicant: BSRE Point Wells, L.P, a Delaware limited partnership; contact is Gary Huff, Attorney - Karr, Tuttle, Campbell.

Date of application/Completeness date: March 04, 2014

Approvals required: Urban Center Development Application and Site Plan Approval, and Shoreline Substantial Development Permit, Land Disturbing Activity (Grading) permit and Short Subdivision Approvals, and associated construction permits.

Lead Agency: Snohomish County Planning & Development Services

Note: The original Notice of Determination of Significance and request for comments on the scope of the EIS provided for a 30-day extended comment period of February 2, 2014 to March 3, 2014. Due to a lack of posting of the original notice, this second notice provides a new 21-day EIS scoping comment period and new 14-day appeal period to comply with the notice posting requirements of 30.61.110 SC. The extended scoping period is not required for the second notice. All scoping comments received during the original 30-day scoping period are valid including comments received at the two public EIS scoping meetings. This Notice provides a new 21-day EIS scoping comment period.

EIS required/SEPA Decision: On February 2, 2014, PDS determined that this proposal is likely to have a significant adverse impact on the environment. An EIS is required under RCW 43.21C.030(2)(c) and will be prepared. An environmental checklist or other materials indicating likely significant environmental impacts, and the full length version of this notice, can be reviewed at Snohomish County Planning and Development Services, located at 3000 Rockefeller Ave. in Everett or on-line at: <http://www.snohomishcountywa.gov/1511/Point-Wells>.

New Scope of EIS Comment Period: Comments must be received by 5:00 PM April 2, 2014.

New SEPA Appeal Period: The DS may be appealed pursuant to the requirements of Section 30.61.300 SCC and must be received no later than March 26, 2014. The appeal must contain the items set forth in 30.71.050(5) SCC as follows:

- (a) Facts demonstrating that the person is aggrieved by the decision;
- (b) A concise statement identifying each alleged inadequacy in the threshold determination;
- (c) The specific relief requested; and
- (d) Any other information reasonably necessary to make a decision on appeal.

Please note that failure to file a timely and complete appeal including all the above items shall constitute waiver of all rights to an administrative appeal under county code. In addition to the above requirements, SCC 30.61.305(1) also requires that any person filing an appeal of a threshold determination made pursuant to this chapter shall file with the hearing examiner, within seven days of filing the appeal, a sworn affidavit or declaration demonstrating facts and evidence, that, if proven, would demonstrate that the issuance of the threshold determination was clearly erroneous.

Project Manager: Darryl Eastin, 425-388-3311, ext. 1068

Project Manager e-mail: darryl.eastin@co.snohomish.wa.us

Date of Notice: March 12, 2014

HOW TO USE THIS BULLETIN

To learn more about a project:

- Call the planner assigned to the project.
- Review project file at Snohomish County Planning and Development Services (PDS) 2nd Floor Customer Service Center, Administration Building East.
- Permit Center and Record Center Hours
 - o 8:00 a.m. to Noon & 1:00 p.m. to 3:00 p.m. Monday, Tuesday, Wednesday and Friday
 - o CLOSED on Thursdays
 - o Please call ahead to be certain the project file is available.
 - o Please Note: submittals of projects are now taken by appointment only

To comment on a project:

- Submit written comments to PDS at the address below. All comments received prior to issuance of a department decision or recommendation will be reviewed. To ensure that comments are addressed in the decision or recommendation, they should be received by PDS before the end of the published comment period.
- Comments on a project scheduled for a hearing before the hearing examiner, may be made by submitting them to PDS prior to the open record hearing.
- PDS only publishes the decisions that are required by Snohomish County Code. Persons will receive notice of all decisions that they have submitted written comment on, regardless of whether or not they are published.

To appeal a decision:

- Department decisions (including SEPA threshold determinations): submit a written appeal and the \$500 filing fee to PDS prior to the close of the appeal period. Refer to SCC 30.71.050(5) for details on what must be included in a written appeal.
- A SEPA appeal also requires that an affidavit or declaration be filed with the hearing examiner within seven days of filing the appeal, pursuant to SCC 30.61.305(1).

HOW TO REACH US:

The Customer Service Center for the Snohomish County Planning and Development Services is located on the 2nd floor of the County Administration Building East, 3000 Rockefeller Avenue, M/S 604, Everett WA 98201 425-388-3311 TTY

More information can be reviewed online at snohomishcountywa.gov/PDSPostcard

VERIFICATION OF NOTICE POSTING

A COPY OF THIS NOTICE SHALL BE RETURNED TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES WITHIN 14 DAYS OF APPLICATION

I hereby verify that on the _____ day of _____, 2014, I posted the above property in at least two (2) conspicuous places on the subject property in accordance with Snohomish County regulations. Said signs are posted at the following locations:

_____ and _____

Signed: _____

RETURN TO: Snohomish County Planning & Development Services
ATTN: Legal Notice Center
3000 Rockefeller Avenue, M/S 604
Everett, WA 98201

11-101457-000-00-LU

