

****EASTGLEN RESIDENTS PLEASE READ THE ATTACHED REPORT
PAGES 4-11 TO LEARN ABOUT THE ILLEGALITIES OF THE BIOSWALE THAT YOU WERE
DISHONESTLY SUBJECTED TO BY NORTHPOINT AND SNOHOMISH COUNTY.**

To those who requested a voice recording of the Sept. 19th community meeting, and some who were not able to attend, I am sorry this has taken me so long to get this to you.

Beside being busy with the hillside details, I tried to make a recording but it did not work out, so...I finally decided to give it to you in writing.

Sept.19, 2022 Community Meeting Notes:

- My husband opened the meeting and thanked Kenmore Shooting Range for graciously hosting us, and that we had cookies and waters during a break, and then turned the meeting over to me.
- I explained that my husband and I, Bruce and Joan Thomas, live in Meadowcreek Park East, and attended a community meeting at the gun range in late June. At that meeting, I volunteered to collect questions to give to Northpoint (NP), at their request, from the loosely connected 13 groups who had expressed concern about the project.
- At the next meeting in July, I volunteered to make signs and go door-to-door notifying neighbors of the community meeting. We gave out 500 flyers.
- I quickly saw that there lacked a cohesiveness among the groups, so I volunteered to organize. Another concerned neighbor had already purchased the domain SaveBothell, and was willing to join efforts with my husband and me, and SaveBothell quickly became a non-profit organization with me as one of the founding Board members.
- That led to the August meeting with NorthPoint, which by the way, was to be our meeting with them attending, but they heisted the meeting as a marketing campaign to push their project.
- WHAT WE KNOW:
- WHO DO WE TALK TO FOR HELP:
- We have been strongly advised by legal counsel to not talk to NorthPoint at all. Legal cited a case where in the appeal process, the Examiner said the plaintiff had a strong, reasonable, and valid case, but because they had spent much time fraternizing with the opposition, he dismissed their pleading.
- Any of you who have written to the County about the NP project, have been told you are now made a party of record. I have talked to many neighbors who said they have not received any information. You won't, until the County makes their final decision. Much of the information that goes back and forth is public information, but you must make a public request to acquire that.
We have been doing so for many months now in order to be informed as to what is happening on the project.
- Besides the form letters you receive from the county, the county then sends all of our concerns to NP to which NP then makes counter comments and sends those back to the

county planning dept. where they are then filed. We are not included in the process unless we go deeply digging. Seems one-sided to us.

- Politicians, while they should help us, are paid by the developers. Developers give huge contribution donations to candidates that run for office-especially county council offices because that is where they do business- in the counties. Jared Mead is our councilman for this area. I have written Jared twice with no reply and his assistant twice with only one form letter reply after she attended the August meeting.

When Jared was contacted by another neighbor after several unanswered emails about the variance, Jared responded "as you can imagine, I've received many inquiries from neighbors like yourself, but wanted to make a point to respond to each one individually." Remember I said I have never heard from him, nor have several other neighbors. He went on in the email to say "For your edification, myself nor PDS (Planning and Development Services) are legally allowed to block a variance so long as it meets the requirements and criteria laid out."

- That statement is false because the County Code for the variance which allows only up to 4 stories high says: "the variance may be granted only when there are special circumstances that apply to the property that are beyond the control of the applicant and where granting will not detrimentally affect other nearby properties."
- The point here is that Mr. Mead is playing political skate job, because the County has the authority to grant in the first place, so he is incorrect at best to say that legally neither he nor PDS are allowed to block a variance... PDS has the authority to grant and County Council is elected by us to oversee that PDS and other departments are following the law i.e. Snohomish County Codes.
- Joshua Machen is the PDS Project Manager for the NP project. Many of you have received form letters from him, with the statement, "The County can only reject or deny the application if it does not meet regulations."
- I am going to be showing you how not only the application is not meeting regulations, neither is PDS nor the County Council.
- So, we cannot look to politicians nor PDS to help us.

Can we represent ourselves in an appeal against the monied and developer supported County- probably not. Both the county and NP have legal experts advising them, as well as legal counsel. Why are we going to pretend to go it alone without such kinds of help? However, we do not have a 5-billion-dollar slush fund as NP, nor unlimited resources, called taxpayers' monies in the County. We need your help financially.

What's wrong:

- Mr. Machen said the development would be permitted unless regulations were not met.
- The problem is that the County controls the narrative-they do not follow the codes, but then if no one holds them accountable, they permit, even though regulations were NOT met.

Bill Lider is a professional stormwater engineer and spoke at the last meeting on Aug. 8.

He has been a workhorse for us and has given so much of his time and expertise to help us navigate these political waters. See the attached section of Bill Linder's report about the bioswale built along 9th Ave -

- Snohomish County Codes were not met
- Snohomish County personnel broke the law
- NP trespassed against the law on Eastglen HOA property
- There are numerous illegalities and broken codes as he shows in his report.
- Please read it to get a sense of who and what we are fighting against this dishonesty. Especially pp 4-11
- We believe the neighbors whose yards border that bioswale were intimidated into agreements that were illegal to begin with and the County and NP knew it.

Drainage issues:

- NP has identified the Fruhling Mine Pit in their site plans for drainage as forested land, instead of as pastured land. Two individuals in the room that evening have lived in this area for over 70 years, and that long, the site has been pastured. What that means for all of us downstream is run-off!!! and lots of it when over half of the 26 acres will be in impervious pavement and there will be 8 5-story apartments to have water run off of those. By saying the property is forested, they are able to build smaller retention ponds and catch basins and vaults because the forest earth retains more water than pasture land where it runs off more freely.
- Again, how is this happening-how does NP not know- we have old documents that state the land as pastured, yet NP application documents say forested. See pg. 12 of the attached Bill Linder report for document of this.
- The County has not asked them to change this at all.

Traffic:

- City of Bothell was paid by NP about \$265,000 for traffic mitigation, but that will not be used to do anything about the traffic problems we all sit in on 228th.
- The plan is that NP development will add up to 5,000 more daily trips of traffic.
- Though no formal traffic study has been done that we have found, only a traffic analysis, and modeling.
- The County early on signed off that traffic is concurrent because 228th is not in arrears- yes, you read that correctly, because the County does not owe money on 228th then that is the basis for the documents from the County saying the traffic is concurrent, and there is no problem.
- Further documentation says that if more than 50 peak hour trips of traffic is added to a roadway, then a study needs to be done, but so far, we have not seen a complete and adequate study. What was done was during Covid times, and so not an accurate picture of traffic flow on that street.
- The analysis goes on to give arbitrary numbers of ~192 peak morning trips will be added and ~238 peak afternoon trips will be added, but overall the County says there will be 3,000-5,000 more daily trips. None of these numbers make sense.
- How is all of this following regulations and law-of course, it is not, and so when Mr. Machen says they will permit unless regulations are not met, but then they change or ignore the regulations to begin with, this is dishonest to say the least. You and I cannot

get away with this in our building of something on our property. The County makes up new rules, or does not enforce established ones at their whim; the bottom line is that the county does this for lots of money from the developers.

Variance: (a little redundant here, but some additional points)

- The County code only allows 4 stories in multi-residential. So, NP wants 5 stories, because in their own words, it is because of the difficulty of the terrain being sloped and terraced that if they can only build 4 stories they can only get ~ 76% of their value, whereas 5 stories will give them ~95% value.
- No matter to the neighbors!
- Now remember above, I mentioned that Jared Mead said the council and PDS was bound to accept the variance HOWEVER, remember I quoted the actual code that says the county has the granting authority, not by default. And that the county can only grant when there are significant extenuating circumstances beyond the owner's control- NP knew the slope of the land when they bought the property-so that brings into question -- did they plan to twist politicians and county planners arms with money?
- But the same code says granting a variance cannot have a negative impact on the neighbors.
- Yet, we are being disregarded.
- It goes on. The NP documents say they are only asking for a 3- foot variance, not 10. A story is 10 feet, but the county has some strange way of measuring height and since this is on a hillside, NP has manipulated the measurements according to this skewed county way of measuring, and so NP has actually written in their documents that they are only asking for a 3-foot variance.
- Unbelievable!

Parking Spots:

- Here is another gem. Kimley Horn is the agency NP hired to do their traffic analysis as well as parking lot credit adjustment request to the county.
- In their report they state 544 units, though then list the number of each type of unit- studio, one bedroom, one + den, two, two + den, and that total in the SAME document is 610 units. Now obviously, these highly paid professionals are not proofreading their own legal documents they are sending to the county. To their credit, it could be that besides not proofing their work, the number of apartments planned for that site has changed 4-6 or more times over the course of the application process.
- But it gets worse. The county code requires two parking spots per unit, which would be 1088. In this document, Kimley then uses a model from the Institute of Traffic Engineering to say that for these apartments that can be reduced to 1.6 per unit or even less, so as low as 633 parking spots, but they are going to be generous and put in 994, still almost 100 less than code requires. And in our economy, a 2 bedroom with den, may house 4-6 young professionals all with cars.
- But it gets still worse. Kimley bases their request for reduction on a county code-I guess they hope no one, including in the county-looks up the code, because it is for parking spaces for **retirement homes**, assuming by that time only one resident would own a car or no car at all. They are using a retirement home code for a Class A Luxury Apartment

complex in order to save money and not have to put in as many parking spots. If this is an oversight, then they should not be building buildings. If this is intentional, then this is criminal and lying!

- Kimley goes on to say that there is transit access readily available, and NP is going to designate some carpool, vanpool parking spots, so the county code requiring that the transit must be close and permanent has been met they say in their report.
- At this point, we have not seen the county challenge this report.
- Unbelievable again!

Landslide Hazard:

- After the Oso landslide in 2014, in 2015 the state, with our tax money, went through and designated all landslide hazard areas throughout the state. I have a copy which you can access online also-please ask me if interested-that shows in Aug. 2016, the Fruhling Pit is landslide hazard in areas. Certain portions exceed the 33% slope incline, and other portions are hazardous as basal undercutting areas, meaning there are underground streams that could erode the hillside.
- In 2021, NP hired a geo-technical agency that said oh no, it is not landslide hazard, and in the responses between NP and the County, "The County has concurred with the determination provided by the Geotechnical Engineer that there are no landslide hazard critical areas on the site."
- So, who is lying?
- Do we get a tax refund then for misuse of our funds, or was the state correct, and now back door deals are being made to all of our harm?
- NP's own verbiage to the county speaks of the unstable soil, and why they need the county to grant them special privileges when they build, yet then they deny that it is landslide hazard. Then, add 14 acres of impervious pavement, and 8 5-story cement buildings on unstable landfill with water flowing beneath the soil and heavy rainfalls we have.
- We are all in jeopardy!
- Unbelievable again and again!

11th Ave extended:

- NP does not want to pay for 11th to be extended, but the county has had this on their plan books for over 40 years, and don't want to give it up, and have waited to get a developer to pay for it.
- To what value will this be?-basically to no one, except the people coming down the hill who don't want to wait in the long back up as 5,000 more trips a day are added- and decide to cut through our housing developments to avoid the light on 14th.
- We have a document, again these people get paid for these, that the lead NP engineer wrote that only 141 homes inside Eastglen and Meadowcreek Park East would be using the extension, so it is really no problem to extend then because it will only be the neighbors themselves using the access.

- Who are we kidding? Because he is in Missouri, and does not know our area, he writes these things to our county members, who equally don't know our area, and they agree to this stuff for money!
- We do have a document in which one of the county engineers noted that 120+ people had already voiced opposition to this, so that was a good point, but they have not backed down from this plan yet.
- We need to realize these people-developers and county personnel, elected and unelected, do not think like you and I do.
We look for the well-being of our families, and children, our home values, our neighborhoods, our serene way of life in these areas, while they look at money.

Contaminants:

- We know and have documentation that cadmium, arsenic, and methane are at above safe levels on that property. NP in their own words says that clean-up will be on-going for years. How will that happen, once apartments sit on the land?
- At the Aug. meeting when NP was asked about this, they gave the usual response we have heard that these gases are naturally occurring in the soil, and so are organic, and not a problem. The problem with this answer is that they have not tested the materials to know if they are organically occurring or not. Soil tests have been done, but not conclusive evidence as to what the source of the gases is.
- The NP plan drawings show methane removal lines running horizontally across the property and venting along 228th. That does not seem safe if someone decided to throw a cigarette out the window into the area or some other kind of intentional ill act was done, and certainly is not safe when apartments with people in them sit over the top of those methane lines-that is absolutely a known danger! When a refrigerator runs it arcs a spark when it comes on, and if there is any leak in the floor of the apartment building, that could ignite with the methane, so says an engineer familiar with the project.
- That brings another issue, that 228th is closed when it is icy or snows, and the fire trucks might not get there very soon.
- Hazards upon hazards; this is not fearful hysteria on our parts, these are real life concerns and based on true life examples.

Schools:

- One of the first people I contacted when I volunteered was the VP of Northshore School Board.
- His response was the district is not concerned about influx of students from more developments-they just educate children, get money from the developers, and go from there.
- Our questions are so money is given today to which schools? If it is to elementary schools, then those children grow up and middle schools, and high schools then need to be built to school them-of course the developer is long gone, of course the money paid to the schools is long gone, and so we the taxpayers get the bill-correct?

What Can We Do:

- Keep writing letters to councilmember Jared Mead, and Joshua Machen, and other ones we will let you know in our newsletters.
- Research and send information to us.
- Keep your eyes open to watch for any activity on the site.
- Appreciate those who have let me know activity going on up to this point-been very helpful to us.
- The main thing is that we are UNITED in our efforts.
- Sno Co will most likely permit with a DNS-Determination of Non-significance whenever they decide to.
- At that point we have 14 days to submit our appeal. This work is very expensive, we need specialists and legal to represent us, but we MUST be prepared ahead of time.
- The County and NP have specialists and legal representatives, but they also have unlimited tax coffers, and NP is a \$5 billion company.
- We need your help financially. At least, 500 people signed our letter, so if each person that signed gave \$100 we could meet our goal of \$50,000.
- I have been asked can we win or at least make changes to this behemoth. My answer is two-fold: our chances of winning are as good as losing as far as odds go, and secondly, I would rather go down fighting than to have never fought at all.
- Our property values are sorely affected. Our children's safety, and our families' serenities are at stake!
- We may lose, no guarantees but for the price of one date night, or a movie night with the kids, to pitch in to fight for the well-being of our neighborhoods, I think is absolutely worth the investment!
- Please donate!

I then took questions from the audience:

I was asked who gets the money people donate?

Answer: We are regulated by state law, and the books are open to anyone to see. We by law cannot get paid as volunteers on the Board, so all funds go to the appeal process.

I am sorry, I do not remember other questions, mostly they were along the lines of what can we do, how much time do we have, etc. Of course, we do not know how much time we have. I will send updates in our newsletters.

After questions, and a short break, I introduced Mr. Rick Aramburu, our hired legal counsel. We had researched and spoken to about half a dozen land use attorneys, and two names consistently were recommended to us. The other of those two was not available anyway, but above all, Mr. Aramburu agreed at no charge to look at our case and let us know if we had

merit to move forward or not. Then, one individual stepped forward and gave several thousand dollars to retain Mr. Aramburu.

Mr. Aramburu spoke for a few minutes, and told a story of a similar area he litigated on many years back in King County that had been a landfill. In the Appeal, the Hearing Examiner, determined that the project was a go for the developer, but then attached such stiff lifelong insurance requirements, that the developer backed out. Today, that property is the Newcastle Golf and Country Club.

He then answered questions from the audience.

If you have any questions for either of us, now that you have read this report, please feel free to ask, and I will get the answer to you.

Please DONATE!

Thank you all for your patience,
Joan and SaveBothell Board

Donate online:

<https://www.givesendgo.com/G9CYH?sharemsg=display>

Or by check:

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