



CRITICAL AREAS PERMIT

FINDINGS, CONCLUSIONS, AND DECISION Quarterra Multifamily/Mixed Use Project #LUA2025-0031

A. SUMMARY OF REQUEST:

QMC Enumclaw Holdings LLC submitted a Critical Areas Permit application for a proposed mixed-use development on the subject property. The proposed project will include 216 apartments across 9 three-story buildings, a central clubhouse and amenities area, 41 townhome units across 8 three-story buildings, and approximately 15,000 sq ft of retail/commercial space across 3 buildings. The proposed project will also include parking, open and recreation space, street and utility extension/improvements on approximately 13.97 acres. The property is located within the General Office District (GO) zoning district and the Mixed-Use Overlay District.

B. GENERAL INFORMATION:

- A. Application: Permit No. LUA2025-0031
- B. Applicant: QMC Enumclaw Holdings LLC c/o Brad Machat
1325 4th Ave Ste 1300,
Seattle, WA, 98101
- C. Property Owner: Jason T Boyovich & Trinity Lutheran Church
- D. Location: 24515, 24631, 24711 SE 440th St, Enumclaw WA, 98022
Parcel #2320069041, 2320069156, 2320069213, 2320069188
- E. Zoning: General Office District (GO) and Mixed-Use Overlay District
- F. Comprehensive Plan: Office
- G. Submittal: An application for Critical Areas Permit was submitted on October 9, 2025.
The application was deemed complete on November 6, 2025.
- H. Site Description: The subject property consists of four tax parcels situated in the Southwest ¼ of Section 23, Township 20 North, Range 06 East, W.M. There are existing buildings and accessory structures on the property which will be removed to prepare for the proposed development.
- I. Surrounding Zoning: North: GO/Mixed Use Overlay and R-2
East: R-2
South: R-2 Moderate Density Single-Family Residential District
West: GO/Mixed Use Overlay
- J. Adjacent Land Use: North: Existing residential and religious institution
East: Existing religious institution
South: Existing residential
West: Vacant property and existing commercial

K. Other Permits/Approvals Req'd: Land Disturbing Activity Permit, Building Permit, Demolition Permit, Right-of-way permit, Ecology Construction Stormwater Permit, WSDOT Permit

- C. **SEPA ENVIRONMENTAL DETERMINATION:** The project required environmental review under the State Environmental Policy Act (SEPA). The applicant submitted a SEPA application on January 31, 2025 (LUA2025-0003). A notice of application and optional determination of nonsignificance with a public comment period was issued on April 4, 2025. A SEPA Mitigated Determination of Nonsignificance was issued on October 1, 2025.
- D. **SHORELINE ENVIRONMENT DESIGNATION:** The project is not located within any identified City of Enumclaw or King County Shoreline Master Program.
- E. **FLOODPLAIN DESIGNATION:** FEMA Zone 'X' – FIRM Panel Map Numbers 53033C1510G.
- F. **CRITICAL AREAS:** See City of Enumclaw 2024 Comprehensive Plan Maps & GIS such as Floodplain, Streams, and Wetlands Map (Exhibit NE-1), Critical Aquifer Recharge Areas and Wellhead Protection Areas (Exhibit NE-2), Geologic Hazards Map (Exhibit NE-3), Fish and Wildlife Habitat Conservation Areas Map (Exhibit NE-4).
- G. **FINDINGS OF FACT:**
- A. The applicant submitted a Critical Area Permit application on October 9, 2025. The application was deemed complete on November 6, 2025.
- B. In accordance with Enumclaw Municipal Code (EMC) 19.02.090(A), the applicant submitted a Wetland and Fish and Wildlife Habitat Assessment Report by Soundview Consultants LLC (SVC) dated November 21, 2024 and a Conceptual Mitigation Plan by Soundview Consultants LLC (SVC) dated August 2025.
- C. According to the Wetland and Fish and Wildlife Habitat Assessment Report, SVC investigated the subject property for the presence of potentially regulated wetlands, waterbodies, fish and wildlife habitat, and/or priority species and confirmed a lack of onsite wetland presence. SVC identified one wetland (Wetland 1) and one stream (Stream 1) offsite within 300 feet of the subject property.
- Wetland 1 was classified as a Category III wetland subject to a standard 50-foot buffer. Offsite Stream 1 is classified as a Type Ns stream and subject to a standard 25-foot buffer. There is also a 15-foot setback from the outer edge of any wetland or stream buffer. SVC states that no other potentially regulated wetlands, waterbodies, fish and wildlife habitat, or priority species were identified within 300 feet of the subject property. The applicant submitted map exhibits within the assessment report which shows the existing conditions of said critical areas under 'Appendix A – Existing Conditions Exhibit'. *Wetland and Fish and Wildlife Habitat Assessment Report, pg. i.*
- D. Wetland Buffer Requirements under EMC 19.02.090 and Streams and Watercourse Standard buffer Width Requirements under EMC 19.02.100 found in EMC Chapter 19.02 Critical Areas Regulations details wetland, stream, and watercourse categories and buffers widths. The applicant proposed a buffer reduction from a 50-foot standard buffer to a 25-foot reduced buffer with wetland buffer enhancement which will improve wetland and wetland buffer function through installation of native trees and shrubs, and removing non-native invasive species which will increase shading, improve habitat diversity within the wetland and buffer, reduce presence of non-native invasive species, and lead to an overall net lift in ecological function within the wetlands and associate buffer. *Wetland and Fish and Wildlife Habitat Assessment Report, pg. i.* The applicant also submitted map exhibits with the existing conditions and proposed mitigation plan under 'Appendix A – Existing Conditions and Proposed Exhibits' within the Conceptual Mitigation Plan. *Mitigation Plan Appendix A Sheets, pdf pg. 22-25.*

- E. Per EMC 19.02.090(C)(4), “An applicant may request the administrator’s approval of a buffer reduction plan that is based upon the condition of the vegetation in the existing buffer, the slope of the land adjacent to the buffer, the proposed land use, the risk of negative impacts to the buffer and wetland, and the opportunity for wildlife and fish species to use the buffer habitat.”

The applicant provided additional analysis under the Conceptual Mitigation Plan Section 2.3.1 Mitigation Sequencing section (pg. 5). As the applicant noted, per EMC 19.02.230(B), projects should first attempt to avoid impacts all together by not taking certain actions, however, if actions cannot be eliminated, then the project shall follow the mitigation sequencing of impact minimization, impact rectification, impact reduction over time, or impact compensation. The applicant stated that “the project was carefully designed to avoid impacts to critical areas to the greatest extent feasible by fulling utilizing developable upland areas [and proposing] no direct impact to critical areas” (pg. 5). Additionally, the applicant will implement best management practices (BMPs) and temporary erosion and sediment control (TESC) measures, provide buffer enhancement within the proposed 25-ft reduced buffer via installation of native trees and shrubs that over time will increase shading, improve habitat diversity, reduce presence of non-native invasive species, and lead to an overall net lift in ecological function within the wetlands and associated buffer. Lastly, the applicant has proposed a five-year buffer monitoring to ensure success of mitigation plan and any additional steps or remedial actions, as needed, to meet goals and performance standards (pg. 5-7). *Conceptual Mitigation Plan Mitigation Sequencing, pg. 5-7.*

- F. SVC’s investigation also included a fish and wildlife assessment in accordance with EMC 19.02.100. SVC identified a number of fish and wildlife having potential to occur within 300 feet of the subject property per the United States Fish and Wildlife IPac (Information for Planning Consultation) mapping database as detailed under Section 5.4 Fish and Wildlife Habitat Assessment (*Wetland and Fish and Wildlife Habitat Assessment Report, pg. 9*). SVC explains that certain ecosystems necessary for each identified fish and wildlife were not present on site or within 300 feet of the subject property which explains the lack of presence or likelihood of said fish and wildlife in this area.
- G. Per EMC 19.02.090(C)(4)(b), “if the assessment rating supports the applicant’s request for buffer width reduction and/or variable width buffers, the administrator will make a decision to allow buffer reduction, with or without mitigation.” The applicant reiterated that “the proposed buffer enhancement actions will include removing non-native invasive species and replanting [the area] with native trees and shrubs, as needed, to improve ecological functions within the onsite buffer areas.” The intent is to provide native plantings that will enhance the habitat functions and critical area protection, improve hydrology and quality of water leaving the project site, and increasing buffer screening between wetlands and the proposed development. This is to achieve the applicant’s goal to “improve and protect offsite wetland functions by enhancing wetland buffer area onsite.” The applicant also itemized the specific performance standards under the Conceptual Mitigation Plan Section 3.3 Goals, Objectives and Performance standards.
- H. Per the Conceptual Mitigation Plan, “the wetland mitigation actions will require continued monitoring and maintenance to ensure the mitigation actions are successful. Therefore, the buffer enhancement area will be monitored for a period of five years, with formal inspections by a qualified Project Scientist. Monitoring events will be scheduled at the time of construction, 30 days after planting, and minimally on an annual basis during Years 1, 2, 3, 4, and 5.” The applicant will submit a copy of the report to the City within 90 days of each monitoring event. *Conceptual Mitigation Plan, pg. 12.*

H. DECISION:

The Critical Areas Permit application to associated with the proposed Quarterra Multifamily/Mixed Use Project, as described in this staff report and application, is hereby **GRANTED** subject to the following conditions:

1. In accordance with EMC 19.02.210(A), “as a condition of any permit, the city may require the permit holder to create a separate critical area management tract containing the areas determined to be critical areas. Critical area management tracts are legally created tracts containing critical areas, and compensation areas that shall remain undeveloped in perpetuity, except for allowed activities pursuant to this chapter.” Prior to issuance of building occupancy permit for the first residential building, the applicant shall provide a critical area management tract or easement as part of a boundary line adjustment or via separate recorded document.
2. In accordance with EMC 19.02.210(B), “the city may require, as a condition of any permit, that the critical area management tracts be protected and maintained in perpetuity by a critical area management easement which must be recorded.” Prior to issuance of building occupancy permit for the first residential building, the applicant shall submit a copy of the recorded covenant/easement document which establishes the ownership, maintenance, and management of the wetland and buffer areas. The development’s Homeowner’s Association shall own and be in charge of the critical areas management tract/easement.
3. In accordance with EMC Chapter 19.02 Appendix C, the Conceptual Mitigation Plan prepared by Soundview Consultants LLC (SVC) dated August 2025 shall be met including planting requirements, maintenance and performance measures, contingency plan, and financial assurances outlined in the plan.

I. EMC 19.02.160 Criteria for permit review, approval, denial, and issuance (in part)

- A. A permit shall only be granted if the permit, as conditioned, is consistent with the purposes and intent of this chapter. Additionally, permits shall only be granted if:
 1. A proposed action:
 - a. Avoids significant adverse impacts to critical areas; or
 - b. Takes affirmative and appropriate measures to minimize significant adverse impacts to critical areas; or
 - c. Mitigates (compensates for) unavoidable significant adverse impacts to critical areas;
 - d. Assures no net loss of wetland function and value;
 2. The proposal is compatible in design, scale, and use with other development or potential development in the area; and
 3. The proposed actions implement to the maximum extent possible, the best available construction, design, and development techniques that will result in the least adverse impact to the critical area.
- B. Any alteration to a critical area, unless otherwise provided for in this chapter, shall be reviewed and approved, approved with conditions, or denied based on the proposal’s ability to comply with all the following criteria:
 1. The proposal minimizes the impact on critical areas in accordance with mitigation sequencing, EMC 19.02.230;
 2. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
 3. The proposal is consistent with the general purposes of this title and the public interest;
 4. Any alterations permitted to the critical area are mitigated in accordance with mitigation requirements, EMC 19.02.250;
 5. The proposal protects the critical area functions and values consistent with the best available

- science and results in no net loss of critical area function and values; and
6. The proposal is consistent with all other applicable local, state, and federal regulations and standards.
- C. The city may condition the proposed activity as necessary to mitigate impacts to critical areas to conform to the standards required by this chapter.
- D. Except as provided for by this chapter, any project that cannot adequately mitigate its impacts to critical areas in the sequencing order of preferences in EMC 19.02.230 shall be denied.
- E. Favorable Determination. If the administrator determines that the proposed activity meets the criteria in this section and complies with the applicable provisions of this chapter, the administrator shall prepare a written notice of determination and identify any required conditions of approval. The notice of determination and conditions of approval shall be included in the project file and be considered in the next phase of the city's review of the proposed activity in accordance with any other applicable codes or regulations.
1. Any conditions of approval included in a notice of determination shall be attached to the underlying permit or approval. Any subsequent changes to the conditions of approval shall void the previous determination pending rereview of the proposal and conditions of approval by the administrator.
 2. A favorable determination should not be construed as endorsement or approval of any underlying permit or approval.

EMC 19.02.160 Analysis: The applicant proposed a buffer reduction from a 50-foot standard buffer to a 25-foot reduced buffer with wetland buffer enhancement for Wetland 1 which is subject to EMC Section 19.02.090(C)(4). Staff notes that the "Buffer Risk and Opportunity Assessment" worksheet referenced under EMC Section 19.02.090(4)(a) does not exist, therefore, applicants are asked to provide an equivalent analysis within a critical areas report and mitigation plan which meets EMC Section 19.02.140 and Section 19.02.240.

In accordance with EMC Section 19.02.230, the applicant provided the project's mitigation sequencing analysis for proposed compensatory mitigation under the Conceptual Mitigation Plan Section 2.3.1 Mitigation Sequencing section stating the process for carefully designing the project to avoid impacts on critical areas to the greatest extent feasible and avoiding direct impact to identified critical areas meeting the minimum requirements in EMC Section 19.02.160(A-B) & Section 19.02.230(B) (*Conceptual Mitigation Plan, pg. 5*). The applicant also provided the proposed mitigation strategies under Section 3.1 (*pg. 8-13*) meeting the minimum requirements in EMC Section 19.02.160(A-B). The mitigation plan included baseline information, environmental goals, objectives, and performance standards, maintenance and monitoring plan, contingency plan, and financial assurances meeting the minimum requirements in EMC Chapter 19.02 Appendix C. *See additional information above within Findings of Fact C-H.*

Based on the proposed mitigation plan, the proposed buffer reduction does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site. The applicant also stated that "the onsite mitigation actions attempt to closely adhere to local critical area regulations specified in EMC 19.02.240 while also utilizing the best available science. The proposed mitigation actions are intended to enhance the existing degraded buffer functions and values by providing an overall improvement in the quality of water quality, hydrologic, and habitat functions ... [and] proposes buffer enhancement to improve and uplift ecological functions on the site in the currently degraded buffer" (*Conceptual Mitigation Plan, p. 8*). The applicant also reviewed the project's consistency with applicable local, state, and federal regulations and standards under Chapter 6 Regulatory Consideration within the wetland assessment report (*Wetland and Fish and Wildlife Habitat Assessment Report p. 12-14*).

A written notice of determination with additional conditions has been issued per EMC Section 19.02.160(C & E). Additional conditions are listed as part of the critical areas permit decision regarding critical area tract and easement requirements, mitigation plan implementation, and consistency of civil plans with proposed mitigation plan which meets the minimum requirements under EMC Section 19.02.210 & Section 19.02.240. *See Decision Section in Critical Areas Permit decision document.*

Project Staff Contact: Wynstan Larsen, Senior Planner
Phone: 360-615-5725 **Email:** wlarsen@ci.enumclaw.wa.us

Administrator of Development Regulations:

Chris Pasinetti, AICP
Community Development Director

DATE: 2-4-2026 _____

Exhibits:

- Exhibit A – Application
- Exhibit B – Wetland and Fish and Wildlife Habitat Assessment Report
- Exhibit C – Conceptual Mitigation Plan
- Exhibit D – Site Plan