



DETERMINATION OF NON-SIGNIFICANCE

DESCRIPTION OF PROPOSED ACTION: Updates to the City's Shoreline Master Program that are applied city-wide within the identified shoreline jurisdiction of the City of Mount Vernon are proposed. City File Number: **PLAN(CA)21-0002**.

A summary of the proposed updates includes the following. The draft update documents contain the areas, maps and figures referenced below.

- References to the Community and Economic Development Department or Director have been changed to the Development Services Department or Director.
- The procedural requirements for the different types of shoreline permits are organized into one section (versus several) and clarified. No changes were made to the way shoreline permits are processed.
- The type of development not requiring a shoreline permit is cross-referenced to State law (WAC 173-27-044 and 173-37-045) and the text of the State law is removed from the SMP.
- The description of how shoreline jurisdiction is determined is elaborated upon to ensure jurisdictional areas are properly and consistently identified.
- Existing zoning and comprehensive plan designations were added to the list of factors that determine environmental designations.
- Figures 2 and 3 within the 2021 SMP map several areas being subject to shoreline jurisdiction that were not identified in the 2011 SMP. Importantly, these areas would have been subject to shoreline jurisdiction under the 2011 plan; however, they were not mapped as potentially being subject to the SMP. These areas are potentially subject to shoreline jurisdiction due to wetlands, that if present, could be associated with, influence, or be influenced by, either the Skagit River or Barney Lake.
- There are four (4) general areas where the environmental designations were updated or changed to ensure the designations were consistent with the factors listed in sub-section III(B) of the SMP (these factors are also listed in the paragraph immediately above). Descriptions of these areas and the reasons why their designations were changed are provided below. These areas are described in much greater detail in the parcel-by-parcel SMP Mapping Update Summary that is attached to this memo.

Area 1 (mapped on Figures 2 and 3) is located at the far north and northeast portions of the City. Following adoption of the 2011 SMP a new levee was completed along the north side of Hoag Road, east of the Burlington Northern Santa Fe railroad tracts. This new levee is identified on the SMP maps along with areas waterward of the levee, and areas 200 feet landward of the levee as subject to SMP jurisdiction. See the Mapping

Update Summary attached to this memo for the justification for the shoreline environmental designations assigned in this location.

Other areas are identified on Figures 2 and 3 as potentially being subject to shoreline jurisdiction, but only if wetlands are found on these areas that influence, or are influenced by, the Skagit River or Barney Lake. These areas were identified following a site-specific review where wetlands were found on a site that were influenced by the Skagit River; and this site was not shown as being subject to shoreline jurisdiction in the City's 2011 SMP. The accompanying Technical Memorandum dated April 30, 2021 from Dr. Lyndon Lee - Mitzell, contains a detailed background and analysis of this site. Once one site was identified staff had Dr. Lee complete an exercise of all nearby properties to see whether or not wetlands on these properties could influence, or be influenced by, the Skagit River or Barney Lake. These properties are shown on Figures 2 and 3 with horizontal lines through them. The justification for the environmental designations for these properties is detailed in the accompanying Mapping Update Summary. Importantly, these areas would have been subject to shoreline jurisdiction under the City's 2011 SMP; but they would have been assigned an environmental designation of Urban Conservancy until the City could update the shoreline map. This 2021 update eliminates the potential for multiple piecemeal map amendments by completing a comprehensive review and update of these areas.

Area 2 (mapped on Figure 5) consists of areas on the east and south side of the Skagit River. Following the adoption of the 2011 SMP the City completed additional portions of a floodwall and levee system that are updated on Figure 5. The newly constructed portions of the floodwall and levee slightly changed the areas subject to shoreline jurisdiction because this jurisdiction is identified as extending 200 feet landward from these areas. The environmental designations in these areas remained as Urban Conservancy on the properties owned by the City on and near the wastewater treatment plant and was kept as Urban Mixed Use on the landward side of the new floodwall and levee of the properties not owned by the City.

Area 3 (mapped on Figure 5) consists of areas waterward of the existing levee within and surrounding the City's Edgewater Park. The 2021 update modified the boundary between the Shoreline Natural and Shoreline Urban Conservancy Environmental Designations such that the Urban Conservancy designation encompasses the portions of Edgewater Park that are used by the public and actively maintained (i.e. mowed and trimmed) by the City's Park and Recreation Department. The Shoreline Urban Conservancy Environmental Designation in this area was also updated such that it extends between the Ordinary High Water Mark (OHWM) of the Skagit River to the existing levee – in the existing SMP this shoreline area is identified as extending from the OHWM but does not extend to the existing levee. See the accompanying Mapping Update Summary for additional details regarding the updates in this location.

Area 4 (mapped on Figure 5) consists of two tax parcels owned by the Mount Vernon School District that are developed as part of Washington Elementary School. The parcel

numbers are P26397 and P26391. The 2011 SMP identified the area of these parcels 200 feet landward of the existing levee designated as Shoreline Residential. Because these two parcels are developed as part of an elementary school their designation has been changed to Urban Mixed Use. See the accompanying Mapping Update Summary for additional details regarding the updates in this location.

- The following General policy has been removed from the SMP because it mirrors requirements in existing State law thereby making it unnecessary to have in the City's SMP. This policy is as follows:

The Director of the Community Development Services Department will periodically initiate review of conditions on the shoreline and conduct appropriate analyses to determine whether or not other actions are necessary to protect and restore the ecology, protect human health and safety, upgrade visual qualities, and enhance residential, commercial, and recreational uses on the City's shorelines. Specific issues to address in such evaluations include, but are not limited to:

- a. Water quality
 - b. Conservation of aquatic vegetation (e.g. control of noxious weeds and enhancement of vegetation that supports more desirable ecological functions and recreational conditions)
 - c. Upland vegetation
 - d. Changing visual character as a result of new development, including redevelopment and individual vegetation conservation practices
 - e. Shoreline stabilization and modifications
- The currently adopted version of the City's critical areas ordinance is adopted into Appendix C sans the provisions DOE requires be removed.
 - The relief for shoreline restoration projects from WAC 173-27-215 is adopted by reference into the updated SMP.
 - The definition of associated jurisdictional wetlands is expanded to include the definition of such found in WAC 173-22-040.
 - The date of receipt of the final decision is updated to the date of filing of a final decision throughout the plan.
 - A definition for Substantial Development is added to the SMP.

LOCATION: this is a non-project action that would apply city-wide.

APPLICANT & LEAD AGENCY: City of Mount Vernon, Development Services Department

The lead agency for this proposal has determined that the proposed amendments will not have a probable adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

Environmental Determination Comment Process: Comments on the environmental determination must be received in writing on or before 4:30 PM **July 29, 2021** (14 days from the date of issuance). Comments received within the 14 days will be reviewed and considered by the Development Services Department. Those persons wishing to submit comments will receive a response from the Responsible Official prior to the end of the SEPA appeal period.

Environmental Determination Appeal Process: Appeals of the environmental determination must be filed in writing on or before 4:30 PM **August 8, 2021** (10 days following the 14 day comment period).

Appeals must be filed in writing together with the required \$100.00 application fee with: Hearing Examiner, City of Mount Vernon, 910 Cleveland Ave, Mount Vernon, WA 98273. Appeals to the Examiner are governed by City of Mount Vernon Municipal Code Section 15.06.215. Additional information regarding the appeal process may be obtained from the City of Mount Vernon Development Services Department, (306) 336-6214.

CONTACT PERSON: Rebecca Lowell, Principal Planner
Development Services Department
910 Cleveland Avenue
Mount Vernon WA 98273
Telephone - 360-336-6214

The application and supporting documentation are available for review upon request. Copies will be provided upon request at the cost of reproduction. If you wish to comment on the proposed amendments, you may provide verbal or written comment at the public hearings. **PUBLIC COMMENTS ARE NOT ACCEPTED BY THE DEPARTMENT THROUGH EMAIL.** Comments submitted on paper are required to be mailed or delivered to the Development Services Department at the address listed above. Comments not meeting the requirements of this section are considered as not being received by the city.

Any person may comment on the application, receive notice and request a copy of the decision once it is made. To receive additional information regarding this project contact the Development Services Department and ask to become a party of record.

City staff has created a page on the City's permit portal where the site plans, technical reports, and other pertinent information can be viewed by following these directions: navigate to: <https://ci-mountvernon-wa.smartgovcommunity.com/Public/Home> once on this webpage click on the blue "GO" link under the heading "My Portal". Type in the project number identified in this notice into the search bar near the top of the screen. Click on the project number listed below the search bar when it appears.

SEPA RESPONSIBLE OFFICIAL: Rebecca Lowell, Principal Planner (signature on file)

ISSUED AND PUBLISHED: July 16, 2021

SENT TO: CORPS OF ENGINEERS, WA AGRICULTURE, DAHP, WA COMMERCE, WA CORRECTIONS, WA EFSEC, WDFW, WA HEALTH, DNR, STATE PARKS, PARKS COMMISSION, PSP, PSRC, WA DOT, DOE, DSHS, NW CLEAN AIR, SEPA REGISTER, SEPA UNIT, SKAT, COUNTY PDS, COUNTY ASSESSOR, DIKE AND DRAINAGE DISTRICT, SCOG, PORT OF SKAGIT, MVSD, SVC, SKAGIT COOP, SWINOMISH, UPPER SKAGIT, SAMISH, SAUK-SUIATTLE, TULALIP, AND STILLAGUAMISH TRIBES, SKAGIT PUD, PSE, FRONTIER, CNG AND COMCAST