

## FINAL MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)

**DATE** April 12, 2019

**APPLICATION ID:** Little Mountain Park Enhancements, Master Plan Modification, Critical Areas, and SEPA Process (City File: PLAN19-0013)

**PROJECT DESCRIPTION:** Proposed is the construction of an access road, a new trail head, an approximate 50 stall parking lot, restroom, a bicycle skills center and picnic table area to serve the public in a portion of Little Mountain Park.

Tree removal over approximately 2-acres is proposed with an estimated 7,500 to 15,000 board feet of timber to be harvested. An estimated 7,300 cubic yards (cy) of material will be exported and an estimated 200 cy of material will be imported as part of the proposed improvements. The site terracing will require the installation of numerous retaining walls.

Site stormwater will be routed to dispersion trenches where it will be treated and fully dispersed over native cover. A 60-foot, 18-inch, culvert will be placed in the Little Mountain Road right-of-way where the access road starts.

**PROJECT LOCATION:** The project site is identified as portions of property labeled by the Skagit County Assessor as parcels P28041 and P29611 that are located 1,500± linear feet south of the intersection of East Blackburn and Little Mountain Roads within a portion of the SW ¼ of Section 28, Township 34 North, Range 04 East, W.M.

The exhibit map below illustrates the approximate location of the proposed improvements in Little Mountain Park.



**APPLICANT & PROPERTY OWNER:**

City of Mount Vernon  
Attention: James Wepler  
1717 South 13<sup>th</sup> Street  
Mount Vernon, WA 98273  
Telephone - (360) 424-6213

**CITY STAFF CONTACT:**

Development Services Department  
Rebecca Lowell, Principal Planner  
910 Cleveland Ave  
Mount Vernon, WA 98273  
Telephone - 360-336-6214; Facsimile - 360-336-6283

**LEAD AGENCY:** Mount Vernon Development Services Department, the lead agency for this proposal, has determined that this project does 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.

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.

**CONDITIONS TO MITIGATE ENVIRONMENTAL IMPACTS:**

1. Any person engaged in ground disturbing activity who encounters or discovers historical and/or archeological materials in or on the ground shall:
  - a. Immediately cease any activity which may cause further disturbance;
  - b. Make a reasonable effort to protect the area from further disturbance; and,
  - c. Report the presence and location of the material to the proper authorities in the most expeditious manner possible.

**ENVIRONMENTAL DETERMINATION APPEAL PROCESS:** Appeals of the environmental determination must be filed in writing on or before 5:00 PM on **April 24, 2019** (10 days from the date of publication). Appeals must be filed in writing together with the required \$100.00 application fee to: 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 staff 'Contact Person' listed above.

City staff has created a page on the City's website where the site plans, technical reports, and other pertinent information can be viewed. This webpage can be viewed as follows: navigate to: [www.mountvernonwa.gov](http://www.mountvernonwa.gov); once here click on 'Departments' then 'Development Services' then then 'News & Notices' then scroll down the page to find the project name/number.

**RESPONSIBLE PERSON** Rebecca Lowell, Principal Planner



April 12, 2019

**SIGNATURE**

**DATE**

**ISSUED:** April 12, 2019

**PUBLISHED:** April 15, 2019

**SENT TO:** SEPA REGISTER, DOE, COE, COMMERCE, CNG, WDFW, DNR, DIKE AND DRAINAGE DISTRICTS (as applicable), DOT, FRONTIER, FRONTIER NW, DAHP, NW CLEAN AIR AGENCY, PORT OF SKAGIT COUNTY, PSE, SAMISH TRIBE, SCOG, SKAGIT COUNTY PDS, PUD #1, SKAGIT RIVER SYSTEM COOPERATIVE, SKAGIT RIVER SYSTEMS, SVC, SKAT, SWINOMISH TRIBE, AND UPPER SKAGIT TRIBE



## SEPA ENVIRONMENTAL REVIEW STAFF REPORT

### A. BACKGROUND

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**APPLICANT & APPLICATION NAME/NUMBER:** Little Mountain Park Enhancements, Master Plan Modification, Critical Areas, and SEPA Process (City File: PLAN19-0013)

	PROPERTY OWNER/APPLICANT:	CITY STAFF CONTACT:
<b>NAME:</b>	City of Mount Vernon Attention: James Wepler	Development Services Department Contact: Rebecca Lowell
<b>ADDRESS:</b>	1717 South 13 <sup>th</sup> Street Mount Vernon, WA 98273	910 Cleveland Ave Mount Vernon, WA 98273
<b>TELEPHONE:</b>	(360) 424-6213	(360) 336-6214

**PROJECT DESCRIPTION:** Proposed is the construction of an access road, a new trail head, an approximate 60 stall parking lot, restroom, a bicycle skills center and picnic table area to serve the public in a portion of Little Mountain Park.

Tree removal over approximately 2-acres is proposed with an estimated 7,500 to 15,000 board feet of timber to be harvested. An estimated 7,300 cubic yards (cy) of material will be exported and an estimated 200 cy of material will be imported as part of the proposed improvements. The site terracing will require the installation of numerous retaining walls.

Site stormwater will be routed to dispersion trenches where it will be treated and fully dispersed over native cover. A 60-foot, 18-inch, culvert will be placed in the Little Mountain Road right-of-way where the access road starts. **See the accompanying MDNS for the full project description.**

**PROJECT LOCATION:** The project site is identified as portions of property labeled by the Skagit County Assessor as parcels P28041 and P29611 that are located 1,500± linear feet south of the intersection of East Blackburn and Little Mountain Roads within a portion of the SW ¼ of Section 28, Township 34 North, Range 04 East, W.M.

### B. RECOMMENDATION

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Based on analysis of probable impacts from the proposal, the Responsible Official has made the following Environmental Determination:

DETERMINATION OF NON-SIGNIFICANCE	
<input type="checkbox"/>	Issue DNS with a 10 day Appeal Period.

DETERMINATION OF NON - SIGNIFICANCE - MITIGATED.	
<input checked="" type="checkbox"/>	Issue DNS-M with a 10 day Appeal Period.
<input type="checkbox"/>	Issue DNS-M with 14 day Comment Period followed by a 10 day Appeal Period.

### C. MITIGATION MEASURES

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.

The following conditions have been identified that will be used to mitigate the impacts of the proposal<sup>1</sup>:

1. Any person engaged in ground disturbing activity who encounters or discovers historical and/or archeological materials in or on the ground shall:
  - a. Immediately cease any activity which may cause further disturbance;
  - b. Make a reasonable effort to protect the area from further disturbance; and,
  - c. Report the presence and location of the material to the proper authorities in the most expeditious manner possible.

#### ADVISORY NOTES TO APPLICANT

The following notes are supplemental information provided in conjunction with the environmental determination. Because these notes are provided as information only, they are not subject to the appeal process for environmental determinations.

### D. ENVIRONMENTAL IMPACTS AND MITIGATION

In compliance with RCW 43.21C. 240, project environmental review addresses only those project impacts that are not adequately addressed under existing development standards and environmental regulations.

#### 1. EARTH

Impacts: Grading activities: an estimated 7,300 cubic yards (cy) of material will be exported and an estimated 200 cy of material will be imported.

Mitigation Measures: Listed within the applicant’s environmental checklist as well as required compliance with the City’s existing standards and regulations for land disturbing. Construction best management practices will be utilized to minimize potential impacts from earthwork grading and clearing on the site.

The applicant’s contractor(s) will be required to comply with the City’s code requirements related to stormwater runoff and site grading. The applicant will also be required to obtain and comply with the WA State Department of Ecology’s NPDES permit and their associated requirements.

<sup>1</sup> These SEPA mitigation measures (conditions) are in addition to conditions and/or mitigation measures that will be applied through the City’s existing development regulations.

Nexus: MVMC Chapters 13.33 (Storm Water Drainage Utility), 15.04 (Building Code), 15.16 (Grading, Excavation and Fill), 15.18 (Land Clearing), and Mount Vernon Engineering Standards.

## **2. STORMWATER**

Impacts: Site stormwater will be routed to dispersion trenches where it will be treated and fully dispersed over native cover.

Mitigation Measures: Listed within the applicant's environmental checklist, detailed within their Stormwater Analysis prepared by a licensed Professional Engineer, shown on their construction plans, and the mitigation measures outlined with this MDNS. In addition, the applicant will comply with City, State and Federal regulations. Runoff during construction will be handled in conformance with the City's regulations and standards. A NPDES permit from the State of Washington Department of Ecology for construction activities will be required as part of this project.

Nexus: MVMC Chapters 13.33 (Storm Water Drainage Utility), 15.16 (Grading, Excavation and Fill), and Mount Vernon Engineering Standards.

## **3. TRAFFIC**

Impacts: an estimated one (1) new PM peak hour traffic trips will be generated from the proposed project.

There will also be construction related traffic that will occur as this site is being developed.

Mitigation Measures: Compliance with the City's MVMC provisions.

Nexus: MVMC Title 12, Chapter 14.10 (Concurrency Management), Chapter 3.40 (Impact Fees), 15.16 (Grading, Excavation and Fill), 16.16 (Design Standards for Non-arterial Streets) and Mount Vernon Engineering Standards.

## **E. CITY & AGENCY COMMENTS**

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The proposal has been circulated internally to applicable City Departments and to all of the following agencies, districts, utility companies and tribes: WA State Department of Ecology, Federal Army Corps of Engineers, WA State Department of Commerce, Cascade Natural Gas, WA State Department of Fish and Wildlife, WA State Department of Natural Resources, WA State Department of Transportation, WA State Department of Archeology and Historic Preservation, NW Clean Air Agency, Skagit Council of Governments, Port of Skagit County, Skagit County Planning and Development Services, Samish Tribe, Skagit River System Cooperative, Skagit River Systems, Skagit Valley College, Skagit Transit, Swinomish Tribe, Upper Skagit Tribe, Frontier, Frontier Northwest, Puget Sound Energy, Public Utility District #1, and the Dike and Drainage Districts the subject site is located within.

Copies of all Comments are contained in the Official File

Copies of Comments received from City Staff and Agencies are attached to this report

Following is a list of the comments received from City Staff and Agencies:

- Email dated January 3, 2019 from Andrew Bratlien, P.E. with Transportation Solutions Inc
- Letter dated March 22, 2019 from Rebecca Lowell with the City's Development Services Department

## **G. ENVIRONMENTAL DETERMINATION COMMENT & APPEAL PROCESS**

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The City is using its discretion under WAC 173-11-355(4) to issue a MDNS with a 10-day appeal period. Appeals of the environmental determination must be filed in writing on or before **5:00 PM on APRIL 24, 2019**. Appeals must be filed in writing together with the required \$100.00 application fee to: 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 by calling (306)336-6214.

## **H. NOTES TO THE APPLICANT**

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Revised site plans to address each of the following needs to be submitted, reviewed, and approved before the indicated permits/approvals can be issued by the City:

1. A landscaping plan must be submitted that identifies the type, location and installation methods of required landscape areas. Attached is an example landscape plan and standard details that will need to be incorporated into the landscape plan.
2. A cross-walk must be installed where the 4-foot pedestrian lane ends at the SE portion of the parking lot.
3. No-Parking and Fire Lane signage will be required to be installed at the direction of the Fire Marshall.
4. The loading space between the two ADA van accessible spaces must be increased from four feet to five feet to meet City and ADA codes/standards.

## Hawney, Kirsten

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**From:** Andrew Bratlien <andrewb@tsinw.com>  
**Sent:** Thursday, January 3, 2019 4:12 PM  
**To:** Hawney, Kirsten  
**Cc:** Victor Salemann  
**Subject:** RE: Little Mountain Bike Skills Parking Lot

Hi Kirsten,

For this one, based on ITE average trip rates for land use "Public Park" assuming a 1.7 acre area, the project will generate fewer than 1 PM peak hour trip. My recommendation is that the project be exempt from a detailed concurrency review.

Thanks,  
Andrew

**Andrew L. Bratlien, PE**  
**Senior Transportation Engineer**

**TSI**

**Transportation Solutions, Inc.**

8250 165th Avenue NE, Suite 100  
Redmond, WA 98052-6628  
T 425.883.4134 ext. 122  
F 425.867.0898  
[andrewb@tsinw.com](mailto:andrewb@tsinw.com)  
[www.tsinw.com](http://www.tsinw.com)

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**From:** Hawney, Kirsten <KirstenH@mountvernonwa.gov>  
**Sent:** Thursday, January 3, 2019 3:27 PM  
**To:** Andrew Bratlien <andrewb@tsinw.com>  
**Cc:** Victor Salemann <victors@tsinw.com>  
**Subject:** Little Mountain Bike Skills Parking Lot

Hello Andrew,

We have another new traffic concurrency review for you. This one is a city project so no estimate is necessary on the review fees.

Thank you!

Kirsten Hawney, Planning Coordinator  
City of Mount Vernon  
910 Cleveland Ave.  
Mount Vernon, WA 98273  
(360)336-6262 direct (360)336-6214 main

Please note: My incoming and outgoing email messages are subject to public disclosure requirements per RCW42.56

EXTERNAL EMAIL - Please be careful with links and attachments.



March 22, 2019

City of Mount Vernon  
Attention: Mr. James Wepler  
1717 South 13<sup>th</sup> Street  
Mount Vernon, WA 98273

Reference: Little Mountain Park Master Plan Modification, Critical Areas, and SEPA Process,  
PLAN19-0014, Request for Corrections and Additional Information

Dear James:

The items you submitted for the above-referenced permit/approval have been reviewed by the City departments responsible for approving different aspects of your application. The following list of comments is the result of this consolidated review.

Each of the items in this list require responses and/or revised or new materials to be re-submitted to the City before any further action can be taken on this permit. Pursuant to Mount Vernon Municipal Code (MVMC 14.05.130) a hold is placed on this application and the time it takes you to respond to this list of items is excluded in calculating permit processing timeframes. Once revised/corrected materials are submitted to the City your permit processing timeframe starts again.

1. The Fire Marshal's review comments are as follows, *"Our fire apparatus cannot make it into the parking lot as the initial bend is too steep (radius). After what appears to be a 10 point turn to get in to the parking lot, the end loop is also too steep (radius) so our engine would have to back out. There are no buildings proposed at this time. However, car fires, incendiary type fires can accrue. And if at some point restrooms are installed then we have building access requirements."* MVMC 15.08.130 (G): The required inside turning radius of a fire apparatus access road shall be 28 feet. The outside radius shall be 45 feet.
2. You will need to consult with Steve Riggs to ascertain the requirements for no parking signs and curb/road painting that will be required for this project.

A complete response to each of the items listed above is required to be submitted at the same time. Consistent with Mount Vernon Municipal Code Chapter 14.05.110(D)(3) this response must be received by our Department within 90-days of the date on this letter to avoid this application being withdrawn from consideration. Withdrawn application must be resubmitted as new applications requiring repayment of all applicable fees and processing requirements.



A complete response is required to include: 1) a written document addressing all of the comments provided (one copy), 2) new and/or updated technical reports (one copy), 3) plan corrections, identified by clouding and noted in a revision list on the plan sheet(s), being incorporated into a full set of revised plans (one copy), 4) a transmittal that itemizes everything you are resubmitting to the City, and 5) an electronic copy of the entire re-submittal saved on a thumb drive.

We look forward to working with you as this application continues to be processed. Should you have questions or comments, do not hesitate to contact me at: (360) 336-6214 or via email at: [rebeccab@mountvernnwa.gov](mailto:rebeccab@mountvernnwa.gov).

Sincerely,



Rebecca S. Lowell,  
Principal Planner

C: John Semrau, P.E.

Enclosures:

- Notice of Application and Proposed SEPA Determination

**NOTICE OF APPLICATION & PROPOSED OPTIONAL  
MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)**

**APPLICATION ID:** Little Mountain Park Enhancements, Master Plan Modification, Critical Areas, and SEPA Process (City File: PLAN19-0013)

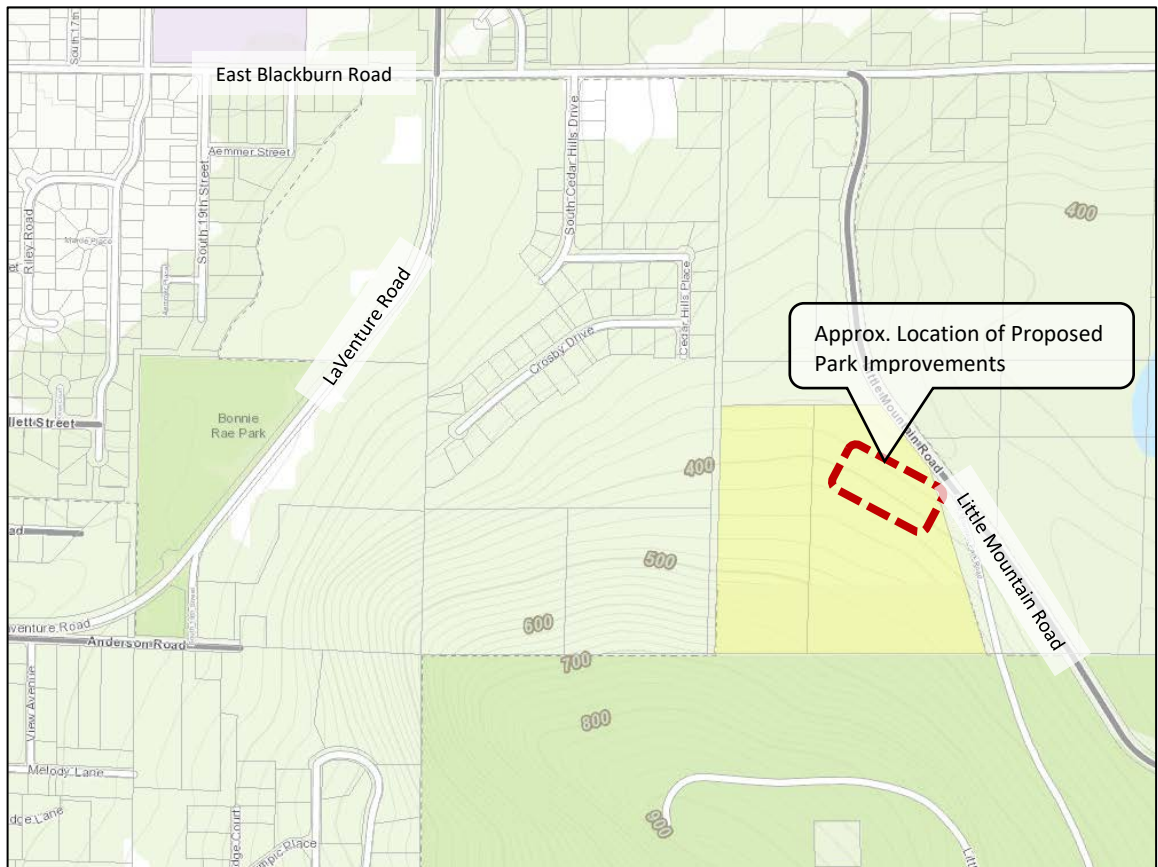
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The exhibit map below illustrates the approximate location of the proposed improvements in Little Mountain Park.



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**CITY STAFF CONTACT:**

Development Services Department  
 Rebecca Lowell, Principal Planner  
 910 Cleveland Ave  
 Mount Vernon, WA 98273  
 Telephone – (360) 336-6214

**OPTIONAL MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS):** As the Lead Agency, the City of Mount Vernon has determined that significant environmental impacts are unlikely to result from the proposed project. Therefore, as permitted under the RCW 43.21C.110, the City of Mount Vernon is using the Optional MDNS process to give notice that a MDNS is likely to be issued. Comment periods for the project and the proposed MDNS are integrated into a single comment period. There will be no comment period following the issuance of the Threshold Mitigated Determination of Non-Significance (MDNS). A 10-day appeal period will follow the issuance of the MDNS.

<b>DETAILS:</b>		
<b>Permit Application Date:</b>	December 27, 2018	<b>Technically Complete:</b> February 6, 2019
<b>Permits/Review Requested and/or Required:</b>	Minor Amendment to the Little Mountain Park Master Plan, SEPA, Land Clearing Permit (FPA #91-600-1260), Traffic Concurrency, Critical Area, Fill & Grade, and Right-of-Way Permits. <b>Other City Permits that may be Required:</b> None Known.	
<b>CONSISTENCY OVERVIEW:</b>		
<b>Zoning:</b>	Public	<b>Comprehensive Plan:</b> Public
<b>Environmental Documents that Evaluate the Proposed Project:</b>	SEPA Checklist prepared in December 2018, Drainage Report prepared by Semrau Engineering and Surveying dated December 2018, an Infiltration Feasibility Evaluation and Pavement Recommendations report prepared by GeoTest dated May 2018, a Wetland Reconnaissance prepared by Graham-Bunting Associates prepared in November 2016, civil plans, and site plans.	
<b>Development Regulations Used for Project Mitigation:</b>	The project is subject to the City’s SEPA Code, Critical Areas Ordinance, the Comprehensive Plan, Subdivision and Zoning Code, Drainage, Engineering and Concurrency Requirements and other applicable local, state and federal regulations as appropriate.	

**CONDITIONS BEING CONSIDERED TO MITIGATE ENVIRONMENTAL IMPACTS:**

1. Any person engaged in ground disturbing activity who encounters or discovers historical and/or archeological materials in or on the ground shall:
  - a. Immediately cease any activity which may cause further disturbance;
  - b. Make a reasonable effort to protect the area from further disturbance; and,
  - c. Report the presence and location of the material to the proper authorities in the most expeditious manner possible.

Comments on the Notice of Application and Proposed Mitigated Determination of Non-Significance (MDNS) must be submitted, in writing, no later than **5 PM on March 26, 2019**. Comments should be as specific as possible and include; your full name, your mailing address, and the name of the proposal you are commenting on. Comments submitted on paper are required to be mailed or delivered to the Development Services Department at the address listed above. Public comments are not accepted by the department through email. Comments not meeting the requirements of this section are considered as not being received by the city.

Comments should be as specific as possible. 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 website where the site plans, technical reports, and other pertinent information can be viewed. This webpage can be viewed as follows: navigate to: [www.mountvernonwa.gov](http://www.mountvernonwa.gov); once here click on ‘Departments’ then ‘Development Services’ then then ‘News Notices’ then scroll down the page to find the project name/number.

**ISSUED:** March 13, 2019

**PUBLISHED:** March 16, 2019

**SENT TO:** SEPA REGISTER, DOE, COE, COMMERCE, CNG, WDFW, DNR, DIKE AND DRAINAGE DISTRICTS (as applicable), DOT, FRONTIER, FRONTIER NW, DAHP, NW CLEAN AIR AGENCY, PORT OF SKAGIT COUNTY, PSE, SAMISH TRIBE, SCOG, SKAGIT COUNTY PDS, PUD #1, SKAGIT RIVER SYSTEM COOPERATIVE, SKAGIT RIVER SYSTEMS, SVC, SKAT, SWINOMISH TRIBE, AND UPPER SKAGIT TRIBE