



MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS) & NOTICE OF PUBLIC HEARING

APPLICATION NAME & NUMBER: High Point Estates Preliminary Plat (PLAN19-0042), SEPA (PLAN19-0036), and Traffic Concurrency (ENGR19-0053)

PROJECT DESCRIPTION: Proposed is a 15.3-acre preliminary plat that will create 49 single-family lots, two tracts containing stormwater facilities, one tract containing a wetland and its associated buffer, and one open space tract. The residential lots range in size from approximately 7,500 square feet (sf) to 11,800 sf with an average lot size of 8,061 sf.

Approximately 2,975 linear feet of new public roads, 3,100 linear feet (lf) of 8-inch potable water line, 3,200 lf of 8-inch sanitary sewer lines and structures, and 520 linear ft of 8-inch storm sewer conveyance lines, two stormwater facilities and dry utilities (power, cable, fiber, etc) will be constructed/installed to serve the proposed residential development. Additionally, the portions of East Division Street and North 53rd Street abutting the project will be widened and sidewalks will be added.

An estimated 224 thousand board feet (mbf) of timber (consisting of western red cedar, red alder, big leaf maple, paper birch, douglas fir, western hemlock, and black cottonwood) will be harvested from this site to allow the proposed project to be developed.

Material will be exported and imported for site development. Specifically, an estimated 25,000 cubic yards (cy) of material will be exported and an estimated 20,000 cy of material will be imported.

Approximately ½ an acre of wetlands will need to be filled to develop the site.

PROJECT LOCATION: The project site is described by the Skagit County Assessor as parcels P126391 and P27513. The site is located on the north side of East Division Street immediately east of North 53rd Street.

APPLICANT:
AVT Consulting, LLC
1708 F Street
Bellingham, WA 98225
(360) 527-9445

PROPERTY OWNER:
GB Emerald LLC (Gurpreet Cheema and Barinder Mayre)
Harjit K. Cheema
P.O. Box 1192
Sumas, WA 98295

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

The Mount Vernon Development Services Department (the lead agency) has determined that this proposal will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. 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 (and available to the public) with the lead agency. The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed with the mitigation measures listed below; in conjunction with, the City's existing 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.

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.

Additionally, City staff have created a page on the City's website where the completed Environmental Checklist, site plans, technical reports, and other pertinent information can be viewed. This webpage can be viewed as follows: navigate to: 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.

CONDITIONS NECESSARY 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.
2. The two wetlands near the southeast portion of the site that will only be partially filled will be required to mitigate for the buffer areas they are required to have through the City's managed ecosystem alternative found in MVMC 15.40.110 that entails buying down the buffer areas and enhancing the buffers area left on-site. Alternatively, the applicant could fill these wetlands in their entirety and not have to use the City's managed ecosystem alternative.
3. A five-foot wide tract/easement shall be created on the east side of North 53rd Street and along the north side of East Division Street. The tract/easement shall comply with all of the following:
 - a. This area shall have a six-foot tall decorative, wood fence installed where it abuts Lots 1, 4, 5, 10 – 13, the south storm Tract A, and Tract B containing wetlands abutting East Division Street.
 - b. Between the fence and the sidewalks minimum 2-inch caliper street trees shall be installed at 30-foot intervals and minimum 2-gallon shrubs shall be installed between the street trees.
 - c. The height of the fence shall be reduced, or the fence shall be located further northeast, such that it does not create a sight distance problem at the intersection of East Division and North 53rd, and where proposed Road A intersects with North 53rd Street.
 - d. The future Homeowner's Association will be responsible for the monitoring and maintenance of the fencing and landscaping within the 5-foot wide tract. The 5-foot wide area can be an easement where it crosses Lots 10 – 13, with the remaining areas required to be a tracts.
4. All work completed near the on-site wetlands and their associated buffers that are not proposed to be filled shall comply with all of the following conditions:
 - a. The City's consultant biologist or the applicant's biologist shall monitor this work and shall submit reports documenting the progress and completion of these activities to the City.
 - b. The biologist monitoring this work is responsible for ensuring construction activities do not result in adverse impacts to the wetlands or their associated buffers. As such, if while monitoring construction activities the biologist deems it necessary to have the applicant install or implement additional mitigation measures to protect the functions and values of the stream the applicant shall be responsible for completing these requests in a timely manner.

- c. The applicant shall be responsible for all costs associated with this work (this includes the cost of the City's biologist and any mitigation measures they deem necessary during construction).

ENVIRONMENTAL DETERMINATION APPEAL PROCESS: Appeals of the environmental determination must be filed in writing on or before 5:00 PM on **JULY 25, 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 staff 'Contact Person' listed above; or by downloading a copy of the referenced MVMC at www.mountvernonwa.gov

OPEN RECORD PUBLIC HEARING: An open record public hearing will be held before the Mount Vernon Hearing Examiner on **AUGUST 9, 2019** at 3PM at City Hall (910 Cleveland Ave.). The Hearing Examiner will make a recommendation to the City Council. The City Council will make a final decision on this project at a closed record public hearing once they have the Hearing Examiner's recommendation.

RESPONSIBLE PERSON: Rebecca S. Bradley-Lowell, Principal Planner



July 16, 2019

SIGNATURE

DATE

ISSUED: July 16, 2019

PUBLISHED: July 17, 2019

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



SEPA ENVIRONMENTAL REVIEW STAFF REPORT

A. BACKGROUND

APPLICANT & APPLICATION NAME/NUMBER: High Point Estates Preliminary Plat (PLAN19-0042), SEPA (PLAN19-0036), and Traffic Concurrency (ENGR19-0053)

	PROPERTY OWNER/APPLICANT:	CITY STAFF CONTACT:
NAME:	AVT Consulting, LLC	Development Services Department Contact: Rebecca Lowell
ADDRESS:	1708 F Street Bellingham, WA 98225	910 Cleveland Ave Mount Vernon, WA 98273
TELEPHONE:	(360) 527-9445	(360) 336-6214

PROJECT DESCRIPTION: Proposed is a 15.3-acre preliminary plat that will create 49 single-family lots, two tracts containing stormwater facilities, one tract containing a wetland and its associated buffer, and one open space tract. The residential lots range in size from approximately 7,500 square feet (sf) to 11,800 sf with an average lot size of 8,061 sf.

Approximately 2,975 linear feet of new public roads and utilities will be constructed/installed to serve the proposed residential development.

An estimated 224 thousand board feet (mbf) of timber will be harvested from this site to allow the proposed project to be developed. An estimated 25,000 cubic yards (cy) of material will be exported and an estimated 20,000 cy of material will be imported. Approximately ½ an acre of wetlands will need to be filled to develop the site.

See the accompanying MDNS for the full project description.

PROJECT LOCATION: The project site is described by the Skagit County Assessor as parcels P126391 and P27513. The site is located on the north side of East Division Street immediately east of North 53rd Street.

B. RECOMMENDATION

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. SEPA PROCESS TIMELINE

Benchmark:	Date:	Authority:
Application Submitted	February 27, 2019	MVMC 14.05.110(C)(1) to (3)
Application Deemed Technically Complete	March 25, 2019	MVMC 14.05.110(D) RCW 36.70B.070
Project Placed On Hold	March 25, 2019	MVMC 14.05.130
NOA/Optional MDNS Issued	June 11, 2019	MVMC 14.05.150(A) RCW 36.70B.110 WAC 197-11-355
NOA/Optional MDNS Comment Period Ended	June 24, 2019	MVMC 15.06.120 WAC 197-11-355 RCW 43.21C.110
MDNS Issued with Comment and Appeal Period – Accompanied by Environmental Report	July 16, 2019	MVMC 15.06.215 WAC 197-11-355(4)

D. 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 proposal¹:

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.
2. The two wetlands near the southeast portion of the site that will only be partially filled will be required to mitigate for the buffer areas they are required to have through the City’s managed ecosystem alternative found in MVMC 15.40.110 that entails buying down the buffer areas and enhancing the buffers area left on-site. Alternatively, the applicant could fill these wetlands in their entirety and not have to use the City’s managed ecosystem alternative.
3. A five-foot wide tract/easement shall be created on the east side of North 53rd Street and along the north side of East Division Street. The tract/easement shall comply with all of the following:
 - a. This area shall have a six-foot tall decorative, wood fence installed where it abuts Lots 1, 4, 5, 10 – 13, the south storm Tract A, and Tract B containing wetlands abutting East Division Street.

¹ 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.

- b. Between the fence and the sidewalks minimum 2-inch caliper street trees shall be installed at 30-foot intervals and minimum 2-gallon shrubs shall be installed between the street trees.
 - c. The height of the fence shall be reduced, or the fence shall be located further northeast, such that it does not create a sight distance problem at the intersection of East Division and North 53rd, and where proposed Road A intersects with North 53rd Street.
 - d. The future Homeowner's Association will be responsible for the monitoring and maintenance of the fencing and landscaping within the 5-foot wide tract. The 5-foot wide area can be an easement where it crosses Lots 10 – 13, with the remaining areas required to be a tracts.
4. All work completed near the on-site wetlands and their associated buffers that are not proposed to be filled shall comply with all of the following conditions:
- a. The City's consultant biologist or the applicant's biologist shall monitor this work and shall submit reports documenting the progress and completion of these activities to the City.
 - b. The biologist monitoring this work is responsible for ensuring construction activities do not result in adverse impacts to the wetlands or their associated buffers. As such, if while monitoring construction activities the biologist deems it necessary to have the applicant install or implement additional mitigation measures to protect the functions and values of the stream the applicant shall be responsible for completing these requests in a timely manner.
 - c. The applicant shall be responsible for all costs associated with this work (this includes the cost of the City's biologist and any mitigation measures they deem necessary during construction).

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.

E. 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 25,000 cubic yards (cy) of material will be exported and an estimated 20,000 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.

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 from pollution-generating hard surfaces will be treated through a stormwater wetpond or similar feature and will be attenuated via two detention ponds with control structures/outfalls that will flow into existing stormwater conveyance infrastructure owned by the City in North 53rd and Crested Butte Boulevard.

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.

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: The 49 single-family homes will generate 49 new PM peak hour traffic trips.

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.

4. CRITICAL AREAS

Impacts: There are seven palustrine forested (PFO), depressional wetlands (named wetlands A – G) located across the subject site. Wetlands A – D, F and G are Category III wetlands with 75-foot buffers, and Wetland E is a Category IV wetland with a 50-foot buffer. The Applicant plans on filling .46 acres of on-site wetlands.

Mitigation Measures: The applicant has proposed off-site mitigation in the form of .43 credits to be purchased from the Skagit Environmental Bank.

The applicant will be required to comply with the City’s Critical Areas Code, there are mitigation measures applied through this SEPA process that are intended to mitigate impacts of the development. The Applicant will also be required to comply with the WA State Department of Ecology’s rules/requirements and (potentially) the Federal Corps of Engineers rules/requirements.

Nexus: MVMC Chapter 15.06 (Environmental Policies), Chapter 15.40 (Critical Areas Code), RCW 90.48, 33 U.S. Code Chapter 26 (Federal Water Pollution Control Act)

F. CITY & AGENCY COMMENTS

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:

- Letter from Katelynn Piazza with the WA State Department of Ecology dated June 24, 2019.

G. ENVIRONMENTAL DETERMINATION COMMENT & APPEAL PROCESS

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 JULY 25, 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.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000
711 for Washington Relay Service • Persons with a speech disability can call (877) 833-6341*

June 24, 2019

Rebecca Lowell, Principal Planner
Development Services Department
City of Mount Vernon
910 Cleveland Avenue
Mount Vernon, WA 98273

Re: High Point Estates – 49 Lot Long Plat
File# PLAN19-0042, PLAN19-0036, ENGR19-0053, Ecology SEPA# 201903254

Dear Rebecca Lowell:

Thank you for the opportunity to provide comments on the **High Point Estates – 49 Lot Long Plat**. Based on review of the State Environmental Policy Act (SEPA) checklist associated with this Project, we offer the following comments:

SHORELANDS AND ENVIRONMENTAL ASSISTANCE PROGRAM
Chris Luerkens, (360) 255-4399, Chris.Luerkens@ecy.wa.gov

Placement of fill in wetlands may require an individual or general (nationwide) permit from the U.S. Army of Corps of Engineers (Corps). The applicant should contact the Corps to determine if a permit is needed. Should an individual Corps permit be required, a water quality certification will also be required from Ecology. If the wetland is determined to be not subject to the Corps jurisdiction, it remains a jurisdictional wetland for Ecology and will require permitting by this agency.

We recommend the applicant submit a Joint Aquatic Resource Permit Application (JARPA) to Corps and Ecology for review. Along with the JARPA, the applicant should also submit the wetland delineation report, wetland mitigation report, site plans and vicinity maps.

Thank you for considering these comments from the Department of Ecology. If you have questions or would like to respond to these comments, please contact one of the commenters listed above.

TOXICS CLEANUP PROGRAM
Heather Vick, (425) 649-7064, Heather.Vick@ecy.wa.gov

There are two contaminated sites listed on Ecology's database within a one mile radius of this location. The two sites are less than 0.1 mile apart and about 0.6 mile to the northeast.

Rebecca Lowell

June 24, 2019

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Glenns Diesel (Facility Site ID No. 26541964; Cleanup Site ID No. 4265) has metals, petroleum hydrocarbons in the oil range and polycyclic aromatic hydrocarbons above cleanup levels confirmed in soil and suspected in ground water. Big Rock Grocery (Facility Site ID No. 85494711; Cleanup Site ID No. 10822) has gasoline and benzene above cleanup levels confirmed in soil and ground water.

The status of both sites is 'Cleanup Started'. Both of these sites are hydraulically downgradient of this location and so not expected to impact it.

Sincerely,



Katelynn Piazza
SEPA Coordinator

Sent by email: Rebecca Lowell, rebeccab@mountvernonwa.gov

cc: Claire Beruleit, AVT Consulting, LLC

ecc: Chris Luerkens, Ecology
Heather Vick, Ecology