



NOTICE OF SEPA MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS) DECISION

File Name: Zahradnik Binding Site Plan
File Number: PLN #941
Applicant: Grandview North LLC
Location: Northwest of the State Route 9 and 172nd Street Intersection
Parcel No.: 31052400302000
Date of Application: April 15, 2022
Date of Completeness: April 25, 2022
Date SEPA Checklist Prepared: August 16, 2022
Date of Threshold Determination: January 4, 2023
Lead Agency: City of Arlington Community and Economic Development Department
Lead Agency Contact: Amy Rusko, arusko@arlingtonwa.gov, 360-403-3550

PROJECT DESCRIPTION: The applicant is proposing a binding site plan to divide the subject parcel into six buildable lots, along with Tract 999 to be reserved as a wetland conservation area. The total site consists of 16.82 acres and is located on the northwest corner of the State Route 9 and 172nd Street intersection. The build out of the site proposes to construct commercial, retail, and office space along 172nd Street NE (lots 4, 5, & 6), one mixed use building north of the commercial businesses and two three-story apartment buildings (lots 3), one mixed use building north of the commercial businesses and two three-story apartment buildings (lots 2), and townhouses on the west side of the property will occupy the street frontage of 85th Avenue (lot 1). This allows for a natural flow of transitioning from commercial, mixed-use, to residential and provide townhouses as the buffer between the street and higher density residential to the neighboring property owners.

The estimated grading on the site consists of approximately 36,000 cubic yards of cut and 4,000 cubic yards of fill. There are four wetlands located on the site, two are not considered waters of the state and will be filled as part of the development, with mitigation. The other two wetlands will be buffered and enhanced through Tract 999.

The future development proposed on the site is required to receive separate permitting for each lot within the binding site plan. The project under review at this time is for the binding site plan only to divide the property.

APPROVALS REQUIRED: City of Arlington: Zoning Permit, Special Use Permits, Conditional Use Permits, SEPA Review, Design Review, Site Civil Permits, Utility Permits, Complete Streets, and Building Permits. Department of Ecology: Stormwater General Permit.

SEPA THRESHOLD DETERMINATION: The City has determined that with the mitigation measures identified herein, this proposal would not have a probable and unavoidable significant 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 on request. However, we have identified impacts by the proposed project that requires mitigation. In addition to the requirement that the development must comply with all City of Arlington zoning and development regulations, the following conditions of approval of the permit decision apply:

(B)(1) Earth: In order to mitigate for potential earth impacts, the Applicant shall implement Best Management Practices per Department of Ecology for Stormwater Pollution Prevention and TESC Controls to prevent erosion during and after construction.

- a. Heavy equipment shall be refueled in a designated area. Absorbent pads and spill containment equipment shall be stored on-site for quick response and placement to reduce the potential for contaminants to reach the streams or wetlands should any sort of spill or leakage occur.
- b. Sediment fencing shall be placed around the perimeter of the staging areas, between the staging area and any surface water, wetland, or stream.
- c. The contractor shall be responsible for adhering to the Spill Prevention Control and Countermeasures (SPCC) Plan. The contractor shall designate at least one employee as the Certified Erosion and Spill Control Lead (CESCL). The CESCL shall be responsible for installing and monitoring erosion control measures and maintaining spill containment and control equipment. The CESCL shall also be responsible for ensuring compliance with all local, state, and federal erosion and sediment control requirements. The CESCL shall be responsible for monitoring, documenting, and reporting all construction/discharge activity as required by the Department of Ecology. Moreover, the CESCL shall be responsible for inspecting all temporary erosion and sediment control measures on a regular basis, as well as maintaining and repairing such measures and ensuring their continued performance.

(B)(2) Air: In order to mitigate for potential air impacts, the Applicant shall implement dust control measures to reduce fugitive dust emissions during construction. A Construction Management Plan shall be submitted to the City prior to commencement of construction to ensure these measures. Construction equipment emissions shall comply with all State and Federal regulations for emissions.

(B)(3)(a) Surface Water:

- a. There are four Category II Wetlands on the property, listed in the project documents as Wetland A, B, C and D. Wetland A and B are located within the southern portion of the property and are proposed to be filled (0.872 acres). Wetland C and D and associated buffer areas (4.31 acres) are located within the northeast portion of the property and will remain largely undisturbed.
- b. To mitigate for Wetland A and B the applicant has purchased two parcels of land (31052400201300 and 31052400203100) within the Portage Creek sub-basin to dedicate as Native Growth Protection Area to the City of Arlington. These parcels contain a segment of Prairie Creek and part of an associated Category I wetland complex. All invasive species shall be removed from the property and dedicated to the city after the clean-up of the site has occurred.
- c. To mitigate for Wetland A and B the applicant is required to purchase mitigation credits from Skykomish Habitat Mitigation Bank to provide additional off-site mitigation for the proposed wetland impacts.
- d. To mitigate for Wetland C and D the applicant shall protect the critical area tract with the installation of permanent fencing and signs along the edge of the buffer per AMC 20.93.290(a).
- e. To mitigate for Wetland C and D the applicant shall protect the critical area tract with the installation of temporary fencing and signs along the edge of the buffer during construction.
- f. The proposal shall comply with the Critical Area Study and Mitigation Plan completed by Wetland Resources, revised July 26, 2022.
- g. Required Department of Ecology permits shall be obtained prior to any construction activities commencing on the site.

(B)(3)(b) Ground Water: In order to mitigate for potential impacts to ground water the Applicant shall employ best design practices meeting the current Department of Ecology's Stormwater Management Manual for Western Washington.

(B)(3)(c) Water Runoff: In order to mitigate for potential impacts to water runoff the Applicant shall follow the current edition of the Department of Ecology Stormwater Management Manual for Western Washington and Best Management Practices used to protect groundwater. All onsite stormwaters will be collected, treated, and detained or infiltrated to match preexisting runoff conditions on site.

(B)(4)(b) Plants:

- a. The project will remove existing vegetation and import fill. Landscaping of approximately 25% of the site will be included as part of the development consisting of native grasses and street trees as required by AMC 20.76.
- b. The proposed project shall comply with the Conceptual Mitigation Plan for the stream and wetland areas. The project shall follow AMC Chapter 20.76 and the landscape plans proposed with the binding site plan.

(B)(5)(d) Animals: The applicant shall protect Wetland C and D and associated buffers as identified on the northern portion of the property.

(B)(6) Energy and Natural Resources: The applicant shall comply with all current energy code requirements to minimize the amount of energy needed for the finished buildings.

(B)(7)(a) Environmental Health: Applicant shall comply with current codes to reduce or control environmental health hazards. A spill prevention plan shall be in place according to local, State and Federal policies. All businesses shall keep Material Safety Data Sheets for all chemicals stored on individual properties or within the building structure.

(B)(7)(b) Noise: City of Arlington noise standards found in AMC 9.20.060 shall be complied with. Specifically, in section 9.20.060(8) noises resulting from any construction or development activity or the operation of heavy equipment from 7:00pm to 7:00am Monday through Saturday shall be prohibited. The project will generate short term noise associated with construction activities. Construction hours will conform to City requirements. Noise from light vehicle traffic will be generated during business hours at project completion.

(B)(8)(L) Land and Shoreline Use:

- a. The property owner shall provide Arlington Municipal Airport Avigation Easement and Disclosure Statement language on the face of the Binding Site Plan. The subject property is located with both Airport Protection District C and D.
- b. All permissible uses on the site shall comply with the Mixed-Use Development Regulations. All uses shown on the site plan shall be consistent with these regulations.
- c. The applicant has proposed to remove 93 significant trees on the subject site. The replacement ratio of significant trees is 3:1, for a total replacement of 279 trees. The site plan proposes 118 trees to be planted with the proposed development. The applicant shall provide payment for the 161 remaining trees per the in-lieu tree mitigation impact fee at a rate listed in the most current adopted City of Arlington Fee Schedule.
- d. The Binding Site Plan SEPA Decision addresses the overall site plan, critical areas, and current uses and/or impacts to the site. The city shall determine if future development requires an amended SEPA checklist. This would only be required if the proposed uses or impacts exceed the thresholds of the original project description.

(B)(10) Aesthetics: The proposal is required to meet the City of Arlington Mixed-Use Development Regulations and the applicable design requirements prior to building permit issuance. The building placement shown on the Binding Site Plan are conceptual only. The final approved layout will occur with each individual land use permit required for each lot.

(B)(11)(a) Light and Glare: To mitigate for potential light pollution, the Applicant is required to install LED light fixtures that are down shielded and do not glare onto the wetlands or buffer areas. The property is located within the Arlington Airport Protection District – Subdistrict C and D – that is comprised of the Federal Aviation Regulations (FAR) parts 77 Imaginary surfaces.

(B)(12)(c) Recreation:

- a. To mitigate recreation, the Applicant provides 6 mini-parks, a commercial plaza area, walking trail along the wetland buffer, and open space throughout the development. The total amount of mini-parks and open space results in 86,754 square feet.
- b. The property owner/applicant of each lot shall pay Community Park Impact Fees in the amount adopted by the most current code and/or fee schedule in place at time of building permit submittal.

(B)(13) Historic and Cultural Preservation: An Unanticipated Discovery Plan (UDP) was submitted with the Binding Site Plan. The property owner shall contact the Stillaguamish Tribe and provide notification of construction and the opportunity for tribal monitoring prior to ground disturbance of the site. If historical, cultural, or archaeological sites or artifacts are discovered in the process of development, work on that portion of the site shall be stopped immediately, the site secured, and the find reported as soon as possible to the City of Arlington Community & Economic Development Director, the Stillaguamish Tribe of Indians, the State Historical Preservation Officer, and implement all measures of the UDP. A copy of the UDP is required to be on-site at all times during construction.

(B)(14)(b) Transportation: The proposal is required to provide a Community Transit stop on the property when transit is available to the site.

(B)(14)(c) Transportation: The subject development has proposed 536 total parking spaces on the property. The minimum parking required on each lot shall be evaluated prior to the approval of the individual land use permit for each lot. The number of parking spaces is dependent on the proposed use of each lot.

(B)(14)(d) Transportation: The property owner is required to dedicate 2,793 square feet, shown on the site plan at the southwest corner of lot 4 abutting 172nd Street for public right-of-way after improvements have been completed. The proposed development provides a new private road system, new intersections along 85th Avenue, and new crosswalks. The project shall comply with the city's Complete Streets Policy.

(B)(14)(f) Transportation: Trip generation and intersection impacts have been calculated by Gibson Traffic Consultants through a traffic impact analysis. The report uses the Institute of Transportation Engineers' Trip Generation Manual 11th Edition. The property owner/applicant is required to pay traffic mitigation fees in the amount of \$3,550.00 per PM peak hour trip to the City of Arlington. The traffic impact analysis provides a general description of the traffic counts and impacts to the subject property. A traffic impact analysis shall be required with the development of each lot showing the specific impact of each use on the property. In order to mitigate for traffic impacts for the residential and mixed-use buildings proposed on lots 1, 2, and 3, the city requires a traffic circle to be installed at the 85th Avenue and 84th Avenue intersection. In order to mitigate for traffic impacts for the commercial buildings on lots 4, 5, and 6, the city requires a traffic signal to be installed at the 85th Avenue and 172nd Street intersection. A development agreement shall be required to identify the specifics of the mitigation requirements. There will be two development agreements, one for the property owner of lots 1-3 and one for the property owner of lots 4-6. City traffic mitigation fees shall be paid prior to the issuance of each building permit.

(B)(15) Public Services: The applicant shall pay Arlington School District Mitigation Fees for each residential unit for the amount adopted in the most current Capital Facilities Plan. The applicant shall provide proof of payment prior to building permit issuance.

(B)(16)(a) Utilities: The applicant shall connect to the City of Arlington water and wastewater systems, extend utility lines as necessary and pay water and sewer connection fees. All improvements shall be installed during the Site Civil Construction phase of the project. Connection fees shall be paid at the time of building permit issuance.

(B)(16)(b) Utilities:

- a. The electrical poles and utility lines along the frontage of 172nd Street need to be removed and all electrical and other utilities on the poles shall be placed underground. This includes all utilities from the SR 9 and 172nd Street intersection to one pole west of the 85th Avenue and 172nd Street intersection.
- b. The Applicant shall construct all existing, extended, and new electrical power lines (not to include transformers or enclosures containing electrical equipment including but not limited to, switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, cable television, and other communication and utility lines in or adjacent to any land use or building permit approved after the effective date of this chapter shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with the administrative guideline entitled "Public Works Construction Standards and Specification." Even in the event the distribution line originates from a point opposite any public roadway from the new construction the service lines shall be placed beneath said roadway by means of boring or surface excavation across said roadway.

DISCLAIMER: The determination that an environmental impact statement does not have to be filed does not mean there will be no adverse environmental impacts. The City of Arlington codes governing noise control, land use performance standards, construction, and improvements of roads, off site road improvement obligations, drainage control, traffic, school, park, stormwater, and utility mitigations, fire protection; and building practices will provide substantial mitigation of the aforementioned impacts.

The issuance of this MDNS should not be interpreted as acceptance or approval of this proposal as presented. The City of Arlington reserves the right to deny or approve said proposal subject to conditions if it is determined to be in the best interest of the city and/or necessary for the general health, safety, and welfare of the public to do so.

Public SEPA Threshold Determination Comment Period: This MDNS Decision is issued under WAC 197-11-350; the lead agency will not act on this proposal for 14 days from the date of the published decision. Written comments must be submitted no later than **5:00 pm on Friday, January 20, 2023**. The Responsible Official may incorporate any substantial comments into the MDNS. If the MDNS is substantially modified, it will be reissued for further public review.

SEPA Responsible Official: Marc Hayes, Director of Community and Economic Development

January 4, 2023

DATE



SIGNATURE OF SEPA RESPONSIBLE OFFICIAL

TO APPEAL A DECISION: An agency or person may appeal the City's procedural compliance with WAC Chapter 197-11. The appeal shall meet the requirements of AMC 20.98, AMC 20.20, and AMC 20.24. The 14 day appeal period commences on the date of publication of notice. Any appeal to the Hearing Examiner must be addressed to the City Hearing Examiner, accompanied by an application, written findings, a filing fee (plus the actual cost of the Hearing Examiner), and be filed in writing at the City of Arlington, Community and Economic Development Department, 18204 59th Avenue NE, Arlington, WA 98223. The appeal must be received by **5:00 PM on Friday, January 20, 2023**, along with the appeal fee as set by resolution is paid.

Date Issued: January 4, 2023

Date Published: January 6, 2023