



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

File Name: Amber Grove Preliminary Unit Lot Subdivision
File Number: PLN #1018
Applicant: Lot 19, LLC
Location: 19700 Block of 74th Avenue NE
Parcel No.: 31051400101800
Date of Application: December 9, 2022
Date of Completeness: January 5, 2023
Date Notice of Application: January 12, 2023
Date SEPA Checklist Prepared: April 20, 2023
Date of Threshold Determination: May 16, 2023
Date Published: May 17, 2023
Lead Agency: City of Arlington
Lead Agency Contact: Amy Rusko, arusko@arlingtonwa.gov, 360-403-3550

PROJECT DESCRIPTION: The applicant is proposing a preliminary unit lot subdivision through a conditional use permit for an 84 townhome development on approximately 14.56 acres within the residential high capacity zone. The proposal is for a townhouse style project consisting of 21 four-unit buildings, each building will contain four units. Each unit has its own attached garage for two parking spaces and guest parking will be provided throughout the development. Access to the site includes drive aisles from an existing City of Arlington unopen right-of-way to 74th Avenue NE.

The site contains streams and Category III wetlands that are part of a Consent Decree recorded April 3, 2001 with Snohomish County for Case Number C99-1711C the EPA had filed in the United States District Court Western District of Washington. Construction of the access point will require some temporary impacts at the stream crossing due to a girder bridge that will span "bank-to-bank" width of the stream. Temporary and permanent impacts to the streams and wetlands buffers are proposed to be mitigated by providing additional replacement buffers in other areas of the site.

The site grading includes 25,000 cubic yards of cut and fill. About 10,000 cubic yards of this volume will be existing surface soils that will be stripped and conditioned to be replaced in landscape areas of the site. Approximately 50% of the site will remain in Native Growth, however the proposal includes the removal of 237 significant trees and replacement planting of 535 trees.

Project improvements to the site include frontage improvements along 74th Avenue and the unimproved public right-of-way, landscaping, park and open space, critical area protection, and the extension of city water and sewer.

APPROVALS REQUIRED: City of Arlington: Conditional Use Permit, SEPA Review, Civil Permit, Utility Permit, Complete Streets and Building Permits. Department of Ecology: Stormwater General Permit and Water Quality Certification, US Army Corps of Engineers JARPA, Washington Department of Fish and Wildlife Hydraulic Project Approval.

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 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 Certified Erosion and Sediment Control Lead is required to monitor the site.

(B)(2) Air: In order to mitigate 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: In order to mitigate for impacts to the two ESA Fish Stream tributaries to Portage Creek and the off-site Category III wetland along the north boundary of the site, the applicant shall follow the Settlement Agreement Consent Decree with the EPA (case number C99-1711C) recorded with the Snohomish County Auditor under recording number 200104030169, that regulates the wetlands and streams on the site. There are proposed impacts to the buffers of the stream with the road crossing, these buffer impacts are to be mitigated by providing replacement buffers in other areas of the site. The applicant shall obtain approval from the US Army Corps of Engineers, Washington Department of Fish and Wildlife and Washington Department of Ecology prior to construction commencing on the site.

(B)(3)(b) Ground Water: In order to mitigate 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 potential impacts to water runoff the applicant shall follow the current edition of the Department of Ecology's Stormwater Management Manual for Western Washington and Best Management Practices used to protect groundwater.

(B)(4)(b) Plants: In order to mitigate the removal of significant trees on the property the applicant shall replant trees on the site and pay an in-lieu tree mitigation fee for the remaining trees. Replacement of significant trees are calculated at a 3:1 ratio.

(B)(5)(d) Animals: In order to mitigate potential impacts to animals on the property the applicant shall provide protection to the stream and wetland during construction and provide native growth protection signage along all buffers prior to approval of final plat.

(B)(7)(A) Environmental Health: The 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.

(B)(7)(b)(2) 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)(10) Aesthetics: The proposal is required to meet the City of Arlington Development Design Standards of AMC 20.46 through a Design Review Board Decision prior to submittal of the Final Unit Lot Subdivision permit.

(B)(11)(a) Light and Glare: To mitigate potential light pollution, the applicant will be required to install light fixtures that are down shielded. The property is located within the Arlington Airport Protection District – Subdistrict C – that is comprised of the Federal Aviation Regulations (FAR) parts 77 Imaginary surfaces.

(B)(12)(c) Recreation: To mitigate the impacts on recreation the applicant is providing over an acre of on-site recreation for future residents. The applicant shall pay Community Park Impact Fees in the amount of \$1,497.00 per single-family attached dwelling unit.

(B)(13) Historic and Cultural Preservation: An Archaeological Report was provided with the project application and no precontact or historic cultural materials were observed. If during construction 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 reported as soon as possible to the planning director. The property owner also shall notify the Washington State Department of Archaeology and Historic Preservation and affected tribes. The applicant shall notify the Stillaguamish Tribe and submit an Unanticipated Discovery Plan prior to ground disturbance. The Stillaguamish Tribe may have a monitor on-site to observe site disturbances during the construction of the project.

(B)(14)(d) Transportation: The proposal is required to construct frontage improvements along 74th Avenue and provide a new public road with improvements extending east of 74th Avenue leading into the subdivision to the property line.

(B)(14)(f) Transportation: Trip generation has been calculated by Kimley Horn Traffic Consultants through a Traffic Impact Analysis. The report references land use code 215 for Single-Family Attached Housing per the ITE Trip Generation Manual, 11th Edition. The project proposes 84 townhouse units, which results in 47.88 new PM Peak Hour Trips.

- The Applicant is required to pay Traffic Mitigation fees in the amount of \$160,637.40 to the City of Arlington. The fee is equivalent to \$1,912.35 for each residential unit. City traffic impact fees shall be paid prior to building permit issuance and may be split between buildings.
- The Applicant is required to pay Traffic Mitigation fees in the amount of \$47,419.20 to Snohomish County. The Snohomish county fee is equivalent to \$564.51 for each residential unit. Snohomish County traffic impact fees shall be paid prior to building permit issuance.

(B)(15) Public Services: The applicant shall pay Arlington School District Mitigation Fees in the amount of \$3,455 per two/+ bedroom multi-family dwelling unit. The applicant shall provide proof of payment to the Arlington School District 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. All utilities shall be installed underground.

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: There is a 14-day comment period for this MDNS. If you would like to comment on this Threshold Determination, written comments must be received by **5:00 PM on Wednesday, May 31, 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

May 16, 2023

DATE



SIGNATURE OF SEPA RESPONSIBLE OFFICIAL

TO APPEAL A DECISION: An agency or person may appeal the City's procedural compliance with WAC 197-11. The appeal shall meet the requirements of AMC 20.98.210, AMC 20.20, and AMC 20.24. The fourteen (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. An appeal hearing of the MDNS shall combined with the Public Hearing for the project. The appeal must be received by **5:00 PM on Wednesday, May 31, 2023.**

Proposed Site Plan

