



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

File Name: Allen Townhomes Preliminary Unit Lot Subdivision
File Number: PLN #1000
Owner/Applicant: JM1 Holdings, LLC
Contact: Land Pro Group
Location: 8927 172nd St NE
Parcel No.: 31052400301000 and 31052400300900
Date of Application: October 13, 2022
Date of Completeness: October 24, 2022
Date Notice of Application: November 7, 2022
Date SEPA Checklist Prepared: October 1, 2021 – Updated August 17, 2023
Date of Threshold Determination: September 25, 2023
Date Published/Posting: September 27, 2023
Lead Agency: City of Arlington Community and Economic Development Department
Lead Agency Contact: Amy Rusko, arusko@arlingtonwa.gov

PROJECT DESCRIPTION: The applicant is proposing a preliminary unit lot subdivision through a conditional use permit for a 36 townhome development on approximately 4.89 acres site, of which 2.2 acres are developable, within the residential high capacity zone. The proposal is for a townhouse style project consisting of three five-unit buildings, three four-unit buildings, and three three-unit buildings. 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 a new public road to the west and a private drive aisle to the east, both accessed from 172nd Street NE. The site contains a Category III wetland (Wetland A) that is proposed to remain protected with buffer averaging (no net loss) due to the irregular shape of the wetland. The project includes 13,000 cubic yards of cut and fill across the site. Approximately 55% of the site will remain in a Native Growth Protection Area Tract, however the proposal includes the removal of 13 significant trees and the planting of 95 trees. Project improvements to the site include frontage improvements along both public and private roads, 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.

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 potential impacts to the on-site Category III wetland (Wetland A) and the off-site Category III wetland (Wetland B), the applicant shall follow the submitted Critical Area Study and Buffer Mitigation Plan completed by Wetland Resources. The project proposal shows that Wetland A is protected by a native growth protection area tract. The standard buffer for a Category III wetland is 110 feet. The project has proposed buffer width averaging as permitted through AMC 20.93.320, with a reduction of no more than twenty-five percent or a distance equal to 82.5 feet. The buffer reduction is 10,278 square feet and the buffer addition is 10,283 square feet.

(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. Replacement of significant trees are calculated at a 3:1 ratio. The project removes 13 significant trees and more than 39 trees are shown to be replanted on the landscape plan.

(B)(5)(d) Animals: In order to mitigate potential impacts to animals on the property the applicant shall provide protection to the wetland and retained trees during construction and provide native growth protection fencing and signage along all buffers prior to approval of Final Unit Lot Subdivision.

(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 D – 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 multi-family attached dwelling unit.

(B)(13) Historic and Cultural Preservation: 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 follow the submitted Unanticipated Discovery Plan

and shall notify the Stillaguamish Tribe 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 applicant is required to construct frontage improvements along 172nd Street NE, construct a public street along the west property line, and private drive aisles throughout the subdivision. The public street improvements and property is required to be dedicated to the City of Arlington at the time of Final Unit Lot Subdivision.

(B)(14)(f) Transportation: Trip generation has been calculated by Kimley Horn Traffic Consultants through a Traffic Impact Analysis, completed in August 2022. The report references land use code 215 for Single-Family Attached Housing per the ITE Trip Generation Manual, 11th Edition. The original report was completed for 43 town house units. The revised project proposes less units on the site. The analysis shows a rate of 0.57 PM Peak Hour Trips per unit. The project proposes 36 townhouse units, which results in 21 new PM Peak Hour Trips. City of Arlington Traffic Impact Fees are required in the amount of \$70,455.00 (\$3,355/trip x 21 trips).

(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.

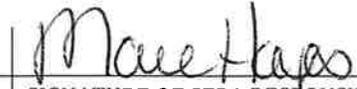
DISCLAIMER: The determination that an environmental impact statement does not have to be filed does not mean there will be no adverse environmental impacts. The City of Arlington codes governing noise control, land use performance standards, construction, and improvements of roads, off site road improvement 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, October 11, 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.

To View: The project notices and submittal documents are available for review on the city's website at www.arlingtonwa.gov under public notices or at the Community and Economic Development Department, located at 18204 59th Avenue NE, Arlington, WA 98223

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

September 25, 2023
DATE


SIGNATURE OF SEPA RESPONSIBLE OFFICIAL

To Appeal The 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, October 11, 2023**