



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

File Name: Smokey Point Mixed Use Clearing Forest Practice
File Number: PLN #1163
Owner: Peak Development
Applicant: Carl Pirscher, CDA Architects
Contact: Brian Kalab, Insight Engineering
Location: 19402 Smokey Point Boulevard
Parcel No.: 31051700400600
Date of Application: December 28, 2023
Date of Completeness: January 3, 2024
Date SEPA Checklist Prepared: December 18, 2023
Date of Threshold Determination: January 3, 2024
Date Published/Posting: January 5, 2024
Lead Agency: City of Arlington Community and Economic Development Department
Lead Agency Contact: Amy Rusko, arusko@arlingtonwa.gov

PROJECT DESCRIPTION: The applicant, Peak Development, is proposing an early clearing and grading permit (PWD #3514) and a Class IV forest harvesting of approximately 7.83 acres for the conversion to future mixed use land division and development. The site is located in the Commercial Corridor (CC) zone with future development to be permitted under separate permits. The clearing, grading, and forest practice will consist of the removal of 95 significant trees and approximately 3,950 cubic yards of cut and 40,000 cubic yards of fill on the site.

APPROVALS REQUIRED: City of Arlington: Forest Practice Permit, SEPA Review, Clearing and Grading Permit. 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 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)(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: The Applicant shall adhere to tree protection measures outlined in AMC Chapter §20.76 Screening and Trees and AMC Chapter §20.80 Forest Land Conversion. The applicant shall provide mitigation for the removal of 95 significant trees as indicated on the site plan. Per AMC Chapter §20.76.120 (d) (e) any significant trees that are removed shall be replaced with native species at a ratio of 3:1. The applicant will not be replanting and will pay a Tree Mitigation In-Lieu Fee for 285 trees in the amount of \$9,262.50 (95 x 3 x \$32.50).

(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)(8)(d) Land and Shoreline Use: The applicant has proposed to remove the existing single-family residence on the site. A demolition permit is required prior to the removal.

(B)(10) Aesthetics: The Applicant shall remove all tree stumps and logging debris from the subject property within thirty (30) days of any clearing and grading activity.

(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 (DAHP) and affected tribes. The applicant shall submit an Unanticipated Discovery Plan prior to permit issuance and shall follow DAHP Monitoring Permit #2023-82. The applicant shall notify the Stillaguamish Tribe of Indians and DAHP prior to ground disturbance. The Stillaguamish Tribe and DAHP may have a monitor on-site to observe site disturbances during the construction of the project.

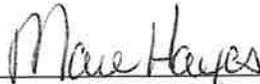
DISCLAIMER: The determination that an environmental impact statement does not have to be filed does not mean there will be no adverse environmental impacts. The City of Arlington codes governing noise control, land use performance standards, construction, and improvements of roads, off site road improvement 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 Friday, January 19, 2024. 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

January 3, 2024
DATE


SIGNATURE OF SEPA RESPONSIBLE OFFICIAL

To Appeal The Decision: An agency or person may appeal the City's procedural compliance with WAC Chapter 197-11 (SEPA) for issuance of this MDNS. The MDNS is appealable to the Hearing Examiner. An appeal shall be considered filed when a written notice of appeal, specifying the grounds and arguments, therefore, is delivered to the Department of Community and Economic Development by **5:00 PM on Friday, January 19, 2024** and the appeal fee as set by resolution is paid.

Staff Contact: Amy Rusko, Planning Manager, arusko@arlingtonwa.gov, Community & Economic Development Department, 18204 59th Avenue NE, Arlington, WA 98223