



SEPA MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

File Name:	Rivertown Homes
File Number:	PLN #1115
Applicant:	Cascade Surveying
Location:	416 E Gilman Ave & 422 E Gilman Ave
Parcel No.:	00461801000400 & 00461801000100
Date of Application:	August 11, 2023
Date of Completeness:	September 1, 2023
Date Notice of Application:	September 12, 2023
Date SEPA Checklist Prepared:	April 19, 2023
Date of Threshold Determination:	February 8, 2024
Date of Publication/Posting:	February 9, 2024
Lead Agency:	City of Arlington
Lead Agency Contact:	Amy Rusko, arusko@arlingtonwa.gov , 360-403-3550

PROJECT DESCRIPTION: The applicant is proposing to develop a twelve-lot preliminary major unit lot subdivision on two parcels that consist of six underlying lots of Block 10 of Haller City plat recorded under AFN189004245001. The development is located in the residential high capacity zone and has a total area of 0.69 acres. The unit lot subdivision creates twelve fee simple lots for six townhouse style duplex units and twelve built-in accessory dwelling units. Each duplex has an accessory dwelling unit on the lower level. The proposal provides improvements to vehicular and pedestrian access, parking, walkways, private open space, water, sewer, and drainage for the new duplexes. Each unit has its own attached garage and driveway for two parking spaces per primary residential unit and guest parking along the alley.

The two existing homes and all existing trees will be removed for the site. Significant excavation and grading are required on the site to obtain building pads and retaining walls, which consists of 3,300 cubic yards of cut and 500 cubic yards of fill. The project proposes the following frontage improvements: sidewalk, landscape strip, curb, and gutter are proposed to be installed along N. Talcott Street, paving the public alley, and maintaining the existing improvements along E. Gilman Avenue.

APPROVALS REQUIRED: City of Arlington: Preliminary Unit Lot Subdivision, Final Unit Lot Subdivision, SEPA Review, Design Review Board, Civil Permit, Utility Permit, Complete Streets, Building Permits and Demolition 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 reviewing 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:

1. **(B)(1) Earth:** The applicant proposes an estimated total cut and fill of 3,800 cubic yards. 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.
2. **(B)(2) Air:** 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.
3. **(B)(3)(b) Ground Water:** 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.
4. **(B)(3)(c) Water Runoff:** To mitigate for 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.
5. **(B)(4)(b) Plants:** To mitigate for the removal of significant trees on the site the Applicant shall replant at a ratio of 3:1 for every significant tree removed. A total of 39 significant trees are proposed to be removed from the site. Tree mitigation is required for 117 trees. The applicant has proposed planting 38 replacement trees on the site. The remaining 79 trees are required to be mitigated through in-lieu fees of \$2,567.50.
6. **(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.
7. **(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 vehicle traffic and residential units will be generated after project completion.
8. **(B)(8) Land and Shoreline Use:** The property is located within Subdistrict D and shall comply with the Federal Aviation Regulations (FAR) Part 77 and complete a Federal Aviation Administration form 7460. An Aviation Disclosure Statement shall be placed on the final unit lot subdivision and recorded with the final document at the Snohomish County Auditor's Office.
9. **(B)(10)(c) Aesthetics:** The applicant shall obtain approval for the six duplex units with twelve accessory dwelling units from the Design Review Board. The proposal is required to adhere to the design approved through the Design Review Board (PLN#1116).
10. **(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.
11. **(B)(12)(c) Recreation:** The proposed residential development of six duplexes and twelve accessory dwelling units shall pay the following Community Park Impact Fees and Neighborhood/Mini-Park In-Lieu Fees:
 - Community Park Impact Fees:
 - 12 residential units (6 duplexes) = \$19,944.00 (\$1,662 x 12 units)
 - 12 accessory dwelling units = \$9,972.00 (\$831 x 12 units)
 - Neighborhood/Mini Park In-Lieu Fees:
 - 12 residential units (6 duplexes) = \$5,808.00 (\$484 x 12 units)

The applicant shall pay all community park impact fees and neighborhood/mini-park in-lieu fees prior to building permit issuance.

12. **(B)(13) Historic and Cultural Preservation:** The applicant submitted an Unanticipated Discovery Plan. 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 planning director. The property owner also shall notify the Washington State Department of Archaeology and Historic Preservation and affected tribes. The applicant shall provide ground disturbance notification to the Stillaguamish Tribe of Indians and allow for monitoring on the site.

13. **(B)(14)(c) Transportation:** The proposal is required to improve the public right of way along N. Talcott Street, E. Gilman Avenue, and the Alley south of the properties. All public improvements shall be approved with the Civil Construction plans.
14. **(B)(14)(f) Transportation:** The proposal is for duplexes, which are equivalent to single-family homes per the Arlington Municipal Code for calculating traffic impact fees. Each duplex unit is calculated with 1 PM Peak Hour Trip. The proposed accessory dwelling units are calculated at one-half the rate for single family dwelling units per AMC 20.44.042(17).
 - Duplexes: \$40,260.00 (\$3,355 x 12 units)
 - Accessory Dwelling Units: \$20,130.00 (\$1,677.50 x 12)The traffic impact fees may be proportionately credited for improvements to the public alley, if approved by the Director of Community and Economic Development. If traffic impact fees are due for the project, then the applicant shall pay the required fees prior to building permit issuance.
15. **(B)(15)(b) Public Services:** The proposal is within the Arlington School District and will be required to pay \$4,002 for every single-family dwelling unit for 12 units, for a total of \$48,024.00 in school mitigation fees. The applicant shall provide the City a copy of payment/receipt to Arlington School District prior to building permit issuance.
16. **(B)(16)(a) Utilities:** The applicant shall receive approval and 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 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/or 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 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 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 p.m. on February 23, 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.

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

February 8, 2024

DATE

Marc Hayes

Marc Hayes (Feb 7, 2024 08:55 PST)

SIGNATURE OF SEPA RESPONSIBLE OFFICIAL

Appeal Process: The MDNS may be appealed pursuant to 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 of \$600.00 (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 be combined with the Public Hearing for the project. The appeal must be received by **5:00 p.m. on February 23, 2024**.