



## NOTICE OF SEPA MITIGATED THRESHOLD DETERMINATION (MDNS)

**File Name:** Portage Creek Village  
**File Number:** PLN #881  
**Applicant:** Mary Carey  
**Location:** Northwest of the 81<sup>st</sup> Avenue NE and Portage Street Intersection  
**Parcel No.:** 00776800002300  
**Date of Application:** September 8, 2021  
**Date of Completeness:** September 21, 2021  
**Date SEPA Checklist Prepared:** January 31, 2022  
**Date of Threshold Determination:** May 16, 2022  
**Lead Agency:** City of Arlington Community and Economic Development Department  
**Lead Agency Contact:** Amy Rusko, [arusko@arlingtonwa.gov](mailto:arusko@arlingtonwa.gov), 360-403-3550

**PROJECT DESCRIPTION:** The applicant is proposing to construct two multi-family buildings of 17 units combined on a 61,778 square foot parcel accessed from Portage Street. The units are located in two adjacent three-story structures with a combination of first floor and surface parking. The structures each measure 10,476 square feet and include garages for six automobiles. The total parking count is 39 stalls plus a bicycle rack to accommodate 4 bikes. Krueger Creek, a tributary of Portage Creek runs through the southern portion of the site. On the north side of the creek there is a preservation zone and the Portage/Krueger Creek Trail. The access is from 81<sup>st</sup> Drive NE, this portion of roadway is currently private and is required to be dedicated as a public street after improvements have been completed. The proposed improvements include a new 5-foot sidewalk, 5-foot landscape strip, curb, and gutter for the entire length of 81<sup>st</sup> Drive. New crossings and street parking will occur at the north end of the street. A total of 0.58 acres are to be disturbed by development and include 1,500 cubic yards of cut and 1,650 cubic yards of fill on the site. Stormwater is proposed to be treated and infiltrated in a gallery located under the southern parking lot.

**APPROVALS REQUIRED:** City of Arlington: Zoning Permit, SEPA Review, Design Review Board, Site Civil Permit, Utility Permit, Complete Streets, and Building 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 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.

**(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)(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's Stormwater Management Manual for Western Washington and Best Management Practices used to protect groundwater. The source of runoff is upstream flow from the north and direct precipitation. Upstream flows will be collected in an interceptor trench along the north boundary line and directed to the Preservation Zone of Krueger Creek to a level spreader to continue downstream. Site runoff and roof drainage will be collected in catch basins, directed to treatment facilities, and then infiltrated into the ground. The proposed stormwater infiltration facility will be a rock filled gallery located under the southern parking stalls.

**(B)(4)(b) Plants:** Existing trees and non-invasive vegetation within the Krueger Creek Preservation Zone will remain. The remainder of the site will be cleared and replanted per the approved landscape plan.

**(B)(5)(d) Animals:** The applicant shall protect the Krueger Creek Preservation Zone identified on the southern portion of the property.

**(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.

**(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:** The property owner shall file and record an Arlington Airport Disclosure Statement due to the property being located within the Airport Protection District D.

**(B)(10) Aesthetics:** The proposal is required to meet the City of Arlington Development Design Standards and go through the Design Review Board process prior to building permit issuance.

**(B)(11)(a) Light and Glare:** To mitigate for 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, including recreation opportunities. The Applicant is providing 3 open spaces of 3,975 sf combined. In addition to The Portage/Krueger Creek Trail when it is completed will provide a unique recreational opportunity. The applicant shall pay Community Park Impact Fees in the amount of \$1,497.00 and Neighborhood Park Impact Fees in the amount of \$436.00 per multi-family dwelling unit.

**(B)(13) Historic and Cultural Preservation:** 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 property owner shall contact the Stillaguamish Tribe for tribal monitoring prior to ground disturbance of the site and follow the Unanticipated Discovery Plan on file.

**(B)(14)(d) Transportation:** The proposal is required to dedicate 81<sup>st</sup> Drive NE to the city and after improvements have been completed.

**(B)(14)(f) Transportation:** Trip generation has been calculated by Gibson Traffic Consultants through a Traffic Impact Analysis. The report references land use code 220 for low rise multi-family per the ITE Trip Generation Manual, 10<sup>th</sup> Edition and calculates the rate at 0.56 PM trips per unit. The project proposes 17 units, which results in 10 PM Peak Hour Trips. The Applicant is required to pay Traffic Mitigation fees in the amount of \$33,550.00 to the City of Arlington. City traffic mitigation 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 \$3,455.00 for each unit with 2+ bedrooms. 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. 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 Tuesday, May 31, 2022**. 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

<u>May 13, 2022</u> DATE	<u>Marc Hayes</u> SIGNATURE OF SEPA RESPONSIBLE OFFICIAL
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**TO APPEAL A 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 Tuesday, May 31, 2022**, and the appeal fee as set by resolution is paid.