



## MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

**PROJECT NAME:** ProGranite Culvert Replacement and Stormwater Improvements Project

**DESCRIPTION OF PROPOSAL:** This is a proposal to replace, upgrade, and straighten the existing piped stream system on 12303, 12313 and 12230 Cyrus Way to allow for better operation and maintenance and to minimize known flooding problems directly west of the site. This piped stream reconstruction proposal includes increasing the existing 12-inch and 15-inch diameter pipes to 18-inch diameter pipes. Overall piped stream length will be reduced from approximately 612 linear feet to approximately 585 linear feet.

**PROPONENT:** Jesse Jarrell of Western Engineering and Surveying on behalf of ProGranite

**DATE OF ISSUANCE:** Wednesday, July 17, 2019

**LOCATION OF PROPOSAL:** 12303, 12313 and 12230 Cyrus Way, Mukilteo, Washington

**LEAD AGENCY:** City of Mukilteo

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement is not required under RCW43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency.

### PUBLIC COMMENT

This MDNS is issued using the optional DNS process pursuant to WAC 197-11-355 and MMC 17.84.105. The public comment period was originally published on April 17, 2019. There is no further public comment period on this MDNS.

### APPEAL PERIOD

You may appeal this determination by filling out the appeal form and submitting it with the applicable appeal fee to the City of Mukilteo Community Development Department, 11930 Cyrus Way, Mukilteo, WA 98275 within 14 days after the date of issuance. Appeals must therefore be filed by **Wednesday, July 31, 2019, 4:30PM.**

At a SEPA hearing, all testimony shall be "under oath". You should be prepared to make specific factual objections. Contact the Community Development Department to read or ask about the procedures for SEPA appeals.

**MDNS AVAILABILITY:** Copies of the MDNS are available on the City of Mukilteo website at <https://mukilteowa.gov/land-use-action-notice/> and from the City of Mukilteo Community Development Department, 11930 Cyrus Way, Mukilteo, WA 98275, or by contacting the City directly at (425) 263-8000.

## **DOCUMENTS INCORPORATED BY REFERENCE:**

In order to evaluate proposed actions, alternatives, or environmental impacts, an agency may use previously prepared environmental documents when issuing an environmental threshold determination (WAC 197-11-600 & 635). The following environmental documents, available for review at Mukilteo City Hall (address below), have been reviewed:

- Environmental Checklist prepared by Jesse Jarrell dated November 7, 2018
- Critical Areas Study and Buffer Mitigation Plan prepared by ACRE Environmental Consulting, LLC dated February 28, 2019
- Targeted Drainage Report for ProGranite Drainage Revision prepared by Western Engineers and Surveyors dated January 21, 2019

## **MITIGATION MEASURES**

Mitigation measures are issued in accordance with the substantive authority described in Mukilteo Municipal Code 17.84.160.

The following policies from the Mukilteo Comprehensive Plan form the basis for the mitigation measures:

- LU9: The City shall manage and regulate development in critical areas and the shoreline to allow reasonable and appropriate uses in those areas while protecting them against adverse effects and shall regularly evaluate these regulations and programs to ensure they continue to use the best available science to protect environmentally sensitive areas from negative impacts associated with development.
- LU9a: These wetlands and other critical areas which contribute to the City's stormwater management program should be protected by delineating their locations, adopting relevant land use regulations, purchasing of development rights, and other protective techniques.
- LU9b: Maintaining the natural hydrological functions of each watershed, and where appropriate and possible, restoring them along with freshwater and marine habitats to a more natural state and ecological functionality should be a consideration of all City of Mukilteo actions.
- UT7: Surface water management planning and operations shall comply with City, State, and Federal surface water regulations and be consistent with the City of Mukilteo Comprehensive Plan.
- UT7d: Drainage, flooding, and stormwater run-off impacts shall be minimized to the maximum extent practical in land use development proposals and City operations.
- UT8: Streams and wetlands should be an integral part of the stormwater management program, provided they are protected from the negative impacts created by altered flow regimes and pollutant sources.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment if the following mitigation measures are followed:

1. The applicant shall comply with the revised Critical Areas Study and Buffer Mitigation Plan prepared by ACRE Environmental Consulting, LLC dated June 20, 2019, for any permanent or temporary impacts to the wetlands, streams or their associated buffers, unless the mitigation plan is otherwise subsequently modified and approved by all applicable regulatory agencies.
2. Mitigation plantings shall be installed in accordance with the approved Mitigation Plan, and shall be subject the following:
  - a. The mitigation and/or buffer enhancement site(s) shall be monitored for a minimum of five (5) years. The monitoring period required by the City may be extended an additional two (2) years if

the wetland or stream buffer is not performing as expected by the mitigation or enhancement plan. The monitoring reports shall be submitted on August 1st of each year during the monitoring period. Monitoring reports shall follow the recommendations contained in the Department of Ecology's publication "Guidance on Wetland Mitigation in Washington State," Part Two.

- b. The applicant shall be responsible for ensuring that the reports are prepared, submitted, and any corrections are made as required by the reports or the City.
  - c. Prior to issuance of an engineering permit, all plantings associated with a project permit shall require the submittal of an acceptable performance bond in the amount of 150% of the cost for materials and labor as the biologist recommended planting in the early spring or late fall.
  - d. Upon installation of the mitigation plants, a maintenance bond shall be submitted to warrant all required plantings against defects in labor and materials for a period of five (5) years after acceptance of those improvements by the City.
  - e. All plantings shall be maintained in healthy growing condition. A final inspection will be performed at the end of the five-(5) year period and any dead, dying or diseased plant material shall be replaced prior to release from the agreement.
- 3. Minor modifications of the mitigation plans submitted may be approved by the Community Development Director if the modifications do not change the findings of fact or the conditions of approval.
  - 4. The applicant shall apply for and obtain a Hydraulic Permit Approvals (HPA) by the Washington State Department of Fish and Wildlife prior to permit issuance by the City.
  - 5. Stormwater improvements shall be in accordance with the approved stormwater report prepared by Western Engineers and Surveyors for the ProGranite culvert replacement and drainage improvement project.
  - 6. Construction noise hours shall comply Mukilteo Municipal Code 9.46.080.
  - 7. The applicant shall comply with all other applicable codes, regulations and requirements.

PROJECT CONTACT: *Linda Ritter, Senior Planner (425)263-8043*

RESPONSIBLE OFFICIAL:

*David Osaki*  
*Community Development Director*  
*11930 Cyrus Way, Mukilteo, WA 98275*  
*(425) 263-8042*

Signature:  Date: 7/17/19  
Responsible Official

pc: Review Agencies	Tribune	Permit Services Personnel
Project File	CDD Director	Mukilteo Beacon
Applicant/Contact Person		Parties of Interest / Record