



11930 Cyrus Way
Mukilteo, WA 98275
(425) 263-8000

MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

DATE OF ISSUANCE: September 11, 2020

LEAD AGENCY: City of Mukilteo

PROJECT NAME: Mukilteo Warehouse

FILE NUMBERS: PPR-2019-007, ENG-2019-025, SEPA-2020-009, LLA-2020-003

PROPONENT: Greg Nelson of Nelson 43, LLC

LOCATION: 4301 78th Street SW, Mukilteo, Washington 98275

PARCEL NUMBER(S): Snohomish County Assessor Parcel Nos. 28041000300100, 28041000300400, 28041000300500, and 28041000300600.

DESCRIPTION OF PROPOSAL:

Proposal to construct a new, 55,820 sf light manufacturing and warehouse facility with associated clearing and grading, stormwater improvements, right-of-way dedication, street frontage improvements, parking, and landscaping.

Access to the facility will be off 78th Street SW and traffic volumes will distribute between 78th Street SW and 44th Avenue W. To minimize noise to adjacent residential areas west of the site, loading docks and truck maneuvering areas are proposed on the east side of the building and parking areas are proposed on the north and south sides of the building.

Finished grade of the site will be flat with the parking lot approximately 12 feet below the roadway grade at the intersection of 78th Street SW and 44th Ave W. Total ground disturbance area for the project is approximately 187,285 sf, and total grading quantities is approximately 31,150 CY and includes 13,950 CY of cut and 17,200 CY of fill.

A small portion of a Category IV wetland encroaches on the northwest corner of the site. The applicant proposes wetland buffer averaging to improve protection of the wetland functions.

Stormwater from the project site discharges to a closed depressional wetland off-site. The applicant proposes water quality treatment prior to infiltrating stormwater through an underground injection well.

DETERMINATION:

City of Mukilteo has determined that this proposal will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c).

This Mitigated Determination of Significance (MDNS) is issued in accordance with the substantive authority described in Mukilteo Municipal Code Section 17.84.160.

The necessary mitigation measures are listed below, the Environmental Checklist is attached and the applicable documents listed below are available on the City of Mukilteo website: <https://mukilteowa.gov/departments/planning-development/development-regulations/land-use-action-notices/>

This determination is based on the findings and conclusions below.

FINDINGS:

Documents Reviewed:

The supporting documents listed below have been submitted for review. All documents are available at Mukilteo City Hall and on the City of Mukilteo website for public viewing.

- Environmental Checklist, prepared by Greg Nelson, Owner, Nelson 43, LLC, dated November 7, 2019;
- Phase 1 Environmental Assessment, prepared by Environmental Associates, Inc., dated December 5, 2018;
- Wildlife Habitat Report, prepared by Wetland Resources, Inc., dated January 2019;
- Critical Areas Study and Buffer Averaging Plan, prepared by Wetland Resources, Inc., dated August 4, 2020;
- Notice of Proposed Construction or Alteration (FAA Form 7460-1), prepared by Greg Nelson, Owner, Nelson 43, LLC, dated September 19, 2019;
- Geotechnical Engineering Study, prepared by Earth Solutions NW, LLC, dated December 27, 2018;
- Geotechnical Memo: Response to Comments, prepared by Earth Solutions NW, LLC, dated April 13, 2020;
- Stormwater Drainage Report, prepared by Navix Engineering, Inc., dated October 11, 2019;
- Infiltration Feasibility, prepared by Associated Earth Sciences, Inc., dated May 8, 2019;
- Infiltration Assessment, prepared by Associated Earth Sciences, Inc., dated November 4, 2019;
- Transportation Impact Analysis, prepared by Transportation Engineering NorthWest, dated September 25, 2019;

- AASHTO 2002 ASD Design Method, prepared by Earth Solutions NW, LLC, dated December 6, 2019;
- Technical Memo: Groundwater Monitoring, prepared by Associated Earth Sciences, Inc., dated April 23, 2020;
- Stormwater Infiltration Vault Structural Calculations, prepared by Site Structures (Kosnik Engineering, PC), dated March 18, 2020; and
- Stormwater Pollution Prevention Plan (SWPPP), prepared by Greg Nelson, Owner, Nelson 43, LLC, dated April 28, 2020.

Applicable Policies:

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

- LU2e: Development regulations that provide for smooth and compatible transitions between areas of different land use intensity should be adopted.
- 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.
- UT7a: New and reconstructed stormwater collection, conveyance, and treatment systems and the construction and reconstruction of streets shall comply with all NPDES requirements and City design standards.
- 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.

MITIGATION MEASURES:

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. Construction shall be allowed between the hours of seven (7) a.m. to six (6) p.m. on weekdays and between the hours of nine (9) a.m. to six (6) p.m. on Saturdays. No construction shall be allowed on Sundays and holidays due to the proximity of residential areas.
2. Measures to support residential compatibility shall include the following:
 - a. Modulation of the building rooflines, cornices, and walls.
 - b. Three (3) separate recessed wall panels located along the west wall.
 - c. Variation of wall materials and colors.
 - d. Eight (8) vertical wall trellises along the west wall that are approximately 4' x 12' for climbing vines.

Any additional, alternative, or substitute design measures shall be approved by the Community Development Director.

3. Wetland buffer averaging shall comply with the findings and recommendations in the report prepared by Wetland Resources, Inc. dated August 4, 2020.
4. Discarded materials (electrical transformers, several empty drums, a small "can" container, etc.) discussed in the Phase 1 Environmental Site Assessment dated December 5, 2018 shall be collected and lawfully recycled in a manner consistent with applicable governing laws and regulations.
5. All development shall comply with the conditions specified in the "Determination of No Hazard to Air Navigation" issued on February 21, 2020 by the Federal Aviation Administration.
6. The project must follow best management practices to retain the infiltration function for the stormwater facility. Best management practices for facility construction shall include the recommendations in the Associated Earth Sciences report dated November 4, 2019, including those items found on page 12 of the "Preliminary Infiltration Facility Construction Considerations".
7. Long-term monitoring of the infiltration facility and submittal of monitoring reports for a period of two (2) years is required. Monitoring reports shall be provided to the City. Reports shall show that the design infiltration rate is being achieved. If the design infiltration rate is not achieved, the project applicant and/or property shall be required to restore the infiltration and/or meet the drainage requirements for flow control in an alternative method.
8. The stormwater design shall meet the requirements of the 2014 Stormwater Management Manual for Western Washington.
9. The stormwater injection design shall be registered by Department of Ecology's Underground Injection Control program.
10. The applicant shall comply with other applicable codes and requirements.

CONCLUSION

1. If mitigation measures are applied, the proposal will not have a significant adverse environmental impact on the environment.
2. Substantive authority exists to support the imposition of the identified mitigation measures.
3. Public notice procedures for this SEPA determination required by code have been met.

MDNS AVAILABILITY:

Copies of the MDNS are available on the City of Mukilteo website at <https://mukilteowa.gov/land-use-action-notices/> or by request from the City of Mukilteo Community Development Department via email (permittech@mukilteowa.gov) or by phone (425) 263-8000.

COMMENT PERIOD:

This MDNS is issued pursuant to WAC 197-11-350 and MMC 17.84.100; the lead agency will not act on this proposal for 14 days from Friday, September 11, 2020. Comments must be submitted no later than **4:30 p.m. on Friday, September 25, 2020**. After that date, this determination becomes final.

APPEAL PERIOD:

Parties of record may appeal this determination by filling out the appeal form and submitting it with the appeal fee to the City of Mukilteo Community Development Department, 11930 Cyrus Way, Mukilteo, WA 98275 by **Friday, October 9, 2020, 4:30 pm**. At a SEPA hearing, all testimony is under oath and you must provide specific factual objections. Appeal procedures can be found in MMC Section 17.84.170.

City Hall is currently closed to walk in public visitors in response COVID-19. Please call City Hall (425) 263-8000 during regular business hours and arrangements can be made for receipt of an appeal.

PROJECT CONTACT:

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SEPA RESPONSIBLE OFFICIAL:

Signature: David Osaki Date: 9/10/2020
David Osaki
Community Development Director

pc: Review Agencies
Project File
Applicant / Contact

CDD Director
Permit Services
Parties of Interest / Record

Mukilteo Beacon
Everett Herald