



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

## MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

**DESCRIPTION OF PROPOSAL:** Construction of a paved construction yard that is approximately 4.5 acres in size with associated grading, parking, landscaping, and street frontage improvements. An environmental review is necessary due to proposed grading quantities being more than 1,000 cubic yards.

The contractor laydown yard will be located west of the existing concrete access road for the existing Mukilteo Water and Wastewater District sewer lift station. Japanese Gulch Creek and its buffer lie east of the concrete access road. Stormwater from the proposed development will be discharged into the creek from the existing stormwater pipe network onsite. The contractor laydown yard will be used to facilitate the operations of Salinas Construction's concrete paving company.

**PROJECT NAME:** Salinas Construction Contractor Laydown Yard

**PROPONENT:** Salinas Construction

**DATE OF ISSUANCE:** December 4, 2020

**LOCATION:** 4007 78th Street SW, Mukilteo WA 98275, also known as Snohomish County Assessor's Parcel No. 00611600009400, legally described as:

WEST & WHEELERS SEAVIEW FIVE AC TRS BLK 000 D-00 TR 94  
ACCORDING TO PLAT THOF EXC S 10FT THOF CONV TO SNO CO PER DEED  
REC AF NO 182031 & ALSO EXC N 10FT OF S 20FT OF TR 94 CONV TO SNO  
CO PER DEED REC AF NO 2305330

**LEAD AGENCY:** City of Mukilteo

The 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 and changed by the applicant, 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 determination is based on the findings and conclusions below.

## **FINDINGS:**

1. The supporting documents listed below have been submitted for review by the City.
  - Environmental Checklist, prepared by Ryan Withrow, dated March 23, 2020.
  - Critical Areas Study, prepared by Environmental Corporation, dated April 6, 2020.
  - Drainage Report, prepared by ESM Consulting Engineers, LLC dated March 16, 2020, and revised on September 2, 2020.
  - Geotechnical Report, prepared by HWA GeoSciences Inc., dated August 4, 2006, and the Geotechnical Report Addendum, dated August 28, 2020.
2. On May 14, 2020, the City issued a Notice of Application (NOA) stating that the optional DNS process pursuant to WAC 197-11-355 and MMC 17.84.105 would be used. The NOA/Optional DNS was issued with a 14-day public comment period that concluded May 28, 2020. One comment was received during the 14-day public comment period from the Mukilteo School District, asking to be a party of record on the proposal.
3. Japanese Gulch Creek is located along the northeast portion of the property. No work is being proposed within Japanese Gulch Creek or its buffer. All work being performed is located on the west side of the existing Mukilteo Water and Wastewater District Lift Station access road. As part of the proposed development, the collected stormwater will be tightlined to an existing pipe network on site, which then will discharge into Japanese Gulch Creek. Catch basins will be installed through the site to collect and treat stormwater runoff from the newly paved area and convey it to the new detention pond prior to being released into Japanese Gulch Creek.
4. This Mitigated Determination of Significance (MDNS) is issued in accordance with the substantive authority described in Mukilteo Municipal Code Section 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.

**CONCLUSIONS:**

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

**MITIGATION MEASURES:**

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

1. Construction, grading, and associated site development shall follow recommendations presented in approved drainage report prepared by ESM Consulting Engineers, LLC dated March 16, 2020 and revised September 2, 2020 for the Salinas Construction Contractor Laydown Yard project.
2. The applicant shall comply with all other applicable codes and regulations.

**COMMENT PERIOD:**

This MDNS is issued using the optional DNS process pursuant to WAC 197-11-355 and MMC 17.84.105. A 14-day public comment period was noticed and advertised on May 14, 2020 and concluded on May 28, 2020.

**APPEAL PERIOD**

Appeals of this determination shall be made 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, December 18, 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 to submit an appeal.

**DOCUMENTS AND MDNS AVAILABILITY:**

Copies of the MDNS, Environmental Checklist and related documents 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@mukileowa.gov](mailto:permittech@mukileowa.gov)), or phone (425) 263-8000.

**PROJECT CONTACT:**

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**SEPA RESPONSIBLE OFFICIAL:**

Signature:  Date: 12/4/2020

David Osaki  
Community Development Director

**DATE OF ISSUANCE:** December 4, 2020

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