



FINAL MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)

DATE September 11, 2018

APPLICATION ID: Dimensional Communications Expansion, Site Plan, Critical Areas, and SEPA Process, PL18-088

PROJECT DESCRIPTION: Proposed is the construction of an approximate 10,000 s.f. office/manufacturing building on the south side of the existing Dimensional Communications building, 13 parking stalls, drive lanes, and landscape areas. These improvements require the relocation of a portion of Maddox Creek. The relocation entails filling 500 linear feet of stream and creation of a new 900 linear foot stream channel. Also proposed is the construction of a bridge over Flowers Creek, existing wetlands will be disturbed.

Material will be exported and imported for site development. Specifically, an estimated 5,500 cubic yards (cy) of material will be exported and an estimated 8,000 cy of material will be imported.

This project will install 190 linear feet (lf) of 12-inch potable water line and 435 lf of 12-inch storm sewer conveyance pipe that will discharge stormwater into an existing detention facility that will be modified releasing stormwater into Flowers Creek.

This proposal will impact both Maddox and Flowers Creeks (both are fish bearing streams), three wetlands, and the project site is located within a FEMA regulated floodplain.

PROJECT LOCATION: The project site is addressed as 1220 and 1314 Anderson Road, is identified by the Skagit County Assessor as parcels P128692, P128693, P128694, P121398, and P29611 that are located within the NW ¼ of Section 32, Township 34 North, Range 04 East, W.M.

APPLICANT & PROPERTY OWNER:

Dimensional Communications Inc.
Attention: Mr. Paul Hagman
1220 Anderson Road
Mount Vernon, WA 98273
(360) 424-6164

PROPERTY OWNER:

Sundance Energy
Attention: Lawrence Felzer
1314 Anderson Road
Mount Vernon, WA 98274

CITY STAFF CONTACT:

Development Services Department
Rebecca Lowell, Principal Planner
910 Cleveland Ave
Mount Vernon, WA 98273
Telephone - 360-336-6214; Facsimile - 360-336-6283

LEAD AGENCY: Mount Vernon Development Services Department, the lead agency for this proposal, has determined that this project does not have a probable 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.

The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158.

CONDITIONS TO MITIGATE ENVIRONMENTAL IMPACTS:

1. Anyone engaged in ground disturbing activities on the project site shall be trained and prepared to implement all of the monitoring and Inadvertent Discovery Protocols found in the Cultural Resources Review prepared by Drayton Archaeology dated April 27, 2018. A copy of these protocols shall be readily available on the project site at all times when ground disturbing activities are taking place.
2. The applicant shall submit a completed Biological Opinion Checklist to the satisfaction of the Development Services Department documenting that the project does not have an adverse effect on endangered species or their critical habitat prior to any permits authorizing land disturbing activities being issued.

3. The proposed work within the identified streams, wetlands, and their associated buffers shall comply with all of the following conditions:
 - a. The City's consultant biologist shall monitor this work and shall submit reports documenting the progress and completion of these activities to the City.
 - b. The biologist monitoring this work is responsible for ensuring construction activities do not result in adverse impacts to critical areas and their associated buffers. As such, if while monitoring construction activities the biologist deems it necessary to have the applicant install or implement additional mitigation measures to protect the functions and values of the stream the applicant shall be responsible for completing these requests in a timely manner.
 - c. The applicant shall be responsible for all costs associated with this work.
4. Prior to an occupancy permit being issued for the proposed office/manufacturing building the applicant shall submit overall project goals, and associated project targets, project standards/success criteria, performance standards, measurement methods, and contingency measures for the new stream channel, wetlands, and all associated buffer areas. The overall project goals, targets and standards shall be based on project attributes that directly, or indirectly, measure Hydrologic, Biogeochemical, Plant Community and Faunal Habitat/Support functions according to current best available science.
5. The applicant shall be responsible for maintaining, monitoring, and using adaptive management techniques to ensure that the new stream channel, wetlands, and their associated buffers comply with the overall project goals, project targets and project standards that will be established for these areas.
6. Monitoring to document compliance with the project goals, targets and standards shall be completed at baseline (time zero) and in years 1, 2, 3, 5, 7, and 10 for the new stream channel and its associated buffers; and at baseline and in years 1, 2, 3, 5 and 7 for the wetlands and their associated buffers. In addition, monitoring using the City's hydrogeomorphic approach to the assessment of functions of waters/wetlands shall be completed at baseline and at the end of years 5 and 10 for the new stream channel and its associated buffers; and at baseline and the end of years 5 and 7 for the wetlands and their associated buffers. All monitoring reports shall be completed by qualified biologists and shall be submitted to the City.
7. Prior to an occupancy permit being issued for the proposed office/manufacturing building a monitoring and maintenance agreement shall be executed by the applicant and a financial security to guarantee completion of said maintenance and monitoring shall be submitted to the City. The agreement and security shall comply with the following:
 - a. The maintenance and monitoring agreement shall incorporate the project goals, targets, standards and success criteria, performance standards measurement methods, and contingency measures.
 - b. The new stream channel shall be maintained and monitored for not less than ten (10) years in the years stipulated in paragraph 3 above.
 - c. The wetland buffer areas shall be maintained and monitored for not less than seven (7) years.

ENVIRONMENTAL DETERMINATION APPEAL PROCESS: Appeals of the environmental determination must be filed in writing on or before 5:00 PM on **September 24, 2018** (10 days from the date of publication). Appeals must be filed in writing together with the required \$100.00 application fee to: Hearing Examiner, City of Mount Vernon, 910 Cleveland Ave, Mount Vernon, WA 98273. Appeals to the Examiner are governed by City of Mount Vernon Municipal Code Section 15.06.215.

Additional information regarding the appeal process may be obtained from the staff 'Contact Person' listed above.

City staff has created a page on the City's website where the site plans, technical reports, and other pertinent information can be viewed. This webpage can be viewed as follows: navigate to: www.mountvernonwa.gov; once here click on 'Departments' then 'Development Services' then then 'News & Notices' then scroll down the page to find the project name/number.

**RESPONSIBLE
PERSON**

Rebecca Lowell, Principal Planner



September 11, 2018

SIGNATURE

DATE

ISSUED: September 11, 2018

PUBLISHED: September 14, 2018

SENT TO: SEPA REGISTER, DOE, COE, COMMERCE, CNG, WDFW, DNR, DIKE AND DRAINAGE DISTRICTS (as applicable), DOT, FRONTIER, FRONTIER NW, DAHP, NW CLEAN AIR AGENCY, PORT OF SKAGIT COUNTY, PSE, SAMISH TRIBE, SCOG, SKAGIT COUNTY PDS, PUD #1, SKAGIT RIVER SYSTEM COOPERATIVE, SKAGIT RIVER SYSTEMS, SVC, SKAT, SWINOMISH TRIBE, AND UPPER SKAGIT TRIBE



SEPA ENVIRONMENTAL REVIEW STAFF REPORT

A. BACKGROUND

APPLICANT & APPLICATION NAME/NUMBER: Dimensional Communications Expansion, Site Plan, Critical Areas, and SEPA Process, PL18-088

	PROPERTY OWNER/APPLICANT:	CITY STAFF CONTACT:
NAME:	Dimensional Communications Inc. Attention: Mr. Paul Hagman	Development Services Department Contact: Rebecca Lowell
ADDRESS:	1220 Anderson Road Mount Vernon, WA 98273	910 Cleveland Ave Mount Vernon, WA 98273
TELEPHONE:	(360) 424-6164	(360) 336-6214

PROJECT DESCRIPTION: Proposed is the construction of an approximate 10,000 s.f. office/manufacturing building on the south side of the existing Dimensional Communications building, 13 parking stalls, drive lanes, and landscape areas. These improvements require the relocation of a portion of Maddox Creek. The relocation entails filling 500 linear feet of stream and creation of a new 900 linear foot stream channel. Also proposed is the construction of a bridge over Flowers Creek, existing wetlands will be disturbed.

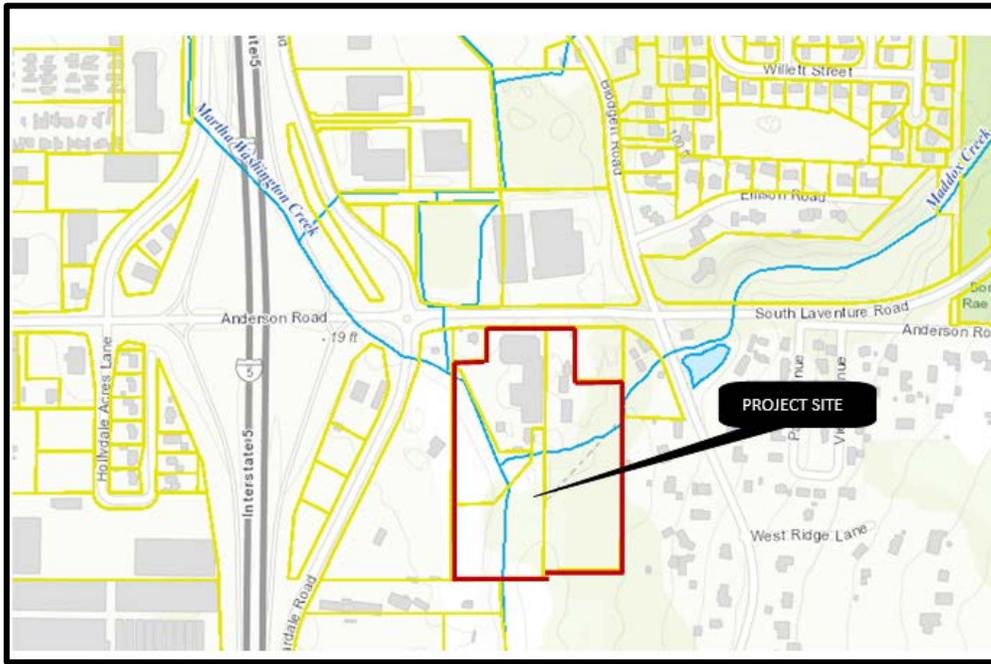
Material will be exported and imported for site development. Specifically, an estimated 5,500 cubic yards (cy) of material will be exported and an estimated 8,000 cy of material will be imported.

This project will install 190 linear feet (lf) of 12-inch potable water line and 435 lf of 12-inch storm sewer conveyance pipe that will discharge stormwater into an existing detention facility that will be modified releasing stormwater into Flowers Creek.

This proposal will impact both Maddox and Flowers Creeks (both are fish bearing streams), three wetlands, and the project site is located within a FEMA regulated floodplain. **See the accompanying MDNS for the full project description.**

PROJECT LOCATION: The project site is addressed as 1220 and 1314 Anderson Road, is identified by the Skagit County Assessor as parcels P128692, P128693, P128694, P121398, and P29611 that are located within the NW ¼ of Section 32, Township 34 North, Range 04 East, W.M.

The exhibit map below illustrates the project site.



B. RECOMMENDATION

Based on analysis of probable impacts from the proposal, the Responsible Official has made the following Environmental Determination:

DETERMINATION OF NON-SIGNIFICANCE	DETERMINATION OF NON - SIGNIFICANCE - MITIGATED.
<input type="checkbox"/> Issue DNS with a 10 day Appeal Period.	<input checked="" type="checkbox"/> Issue DNS-M with a 10 day Appeal Period.
	<input type="checkbox"/> Issue DNS-M with 14 day Comment Period followed by a 10 day Appeal Period.

C. MITIGATION MEASURES

The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158.

The following conditions have been identified that will be used to mitigate the impacts of the proposal¹:

1. Anyone engaged in ground disturbing activities on the project site shall be trained and prepared to implement all of the monitoring and Inadvertent Discovery Protocols found in the Cultural Resources Review prepared by Drayton Archaeology dated April 27, 2018. A copy of these protocols shall be readily available on the project site at all times when ground disturbing activities are taking place.

¹ These SEPA mitigation measures (conditions) are in addition to conditions and/or mitigation measures that will be applied through the City's existing development regulations.

2. The applicant shall submit a completed Biological Opinion Checklist to the satisfaction of the Development Services Department documenting that the project does not have an adverse effect on endangered species or their critical habitat prior to any permits authorizing land disturbing activities being issued.
3. The proposed work within the identified streams, wetlands, and their associated buffers shall comply with all of the following conditions:
 - a. The City's consultant biologist shall monitor this work and shall submit reports documenting the progress and completion of these activities to the City.
 - b. The biologist monitoring this work is responsible for ensuring construction activities do not result in adverse impacts to critical areas and their associated buffers. As such, if while monitoring construction activities the biologist deems it necessary to have the applicant install or implement additional mitigation measures to protect the functions and values of the stream the applicant shall be responsible for completing these requests in a timely manner.
 - c. The applicant shall be responsible for all costs associated with this work.
4. Prior to an occupancy permit being issued for the proposed office/manufacturing building the applicant shall submit overall project goals, and associated project targets, project standards/success criteria, performance standards, measurement methods, and contingency measures for the new stream channel, wetlands, and all associated buffer areas. The overall project goals, targets and standards shall be based on project attributes that directly, or indirectly, measure Hydrologic, Biogeochemical, Plant Community and Faunal Habitat/Support functions according to current best available science.
5. The applicant shall be responsible for maintaining, monitoring, and using adaptive management techniques to ensure that the new stream channel, wetlands, and their associated buffers comply with the overall project goals, project targets and project standards that will be established for these areas.
6. Monitoring to document compliance with the project goals, targets and standards shall be completed at baseline (time zero) and in years 1, 2, 3, 5, 7, and 10 for the new stream channel and its associated buffers; and at baseline and in years 1, 2, 3, 5 and 7 for the wetlands and their associated buffers. In addition, monitoring using the City's hydrogeomorphic approach to the assessment of functions of waters/wetlands shall be completed at baseline and at the end of years 5 and 10 for the new stream channel and its associated buffers; and at baseline and the end of years 5 and 7 for the wetlands and their associated buffers. All monitoring reports shall be completed by qualified biologists and shall be submitted to the City.
7. Prior to an occupancy permit being issued for the proposed office/manufacturing building a monitoring and maintenance agreement shall be executed by the applicant and a financial security to guarantee completion of said maintenance and monitoring shall be submitted to the City. The agreement and security shall comply with the following:
 - a. The maintenance and monitoring agreement shall incorporate the project goals, targets, standards and success criteria, performance standards measurement methods, and contingency measures.
 - b. The new stream channel shall be maintained and monitored for not less than ten (10) years in the years stipulated in paragraph 3 above.
 - c. The wetland buffer areas shall be maintained and monitored for not less than seven (7) years.

ADVISORY NOTES TO APPLICANT

The following notes are supplemental information provided in conjunction with the environmental determination. Because these notes are provided as information only, they are not subject to the appeal process for environmental determinations.

D. ENVIRONMENTAL IMPACTS AND MITIGATION

In compliance with RCW 43.21C. 240, project environmental review addresses only those project impacts that are not adequately addressed under existing development standards and environmental regulations.

1. EARTH

Impacts: Grading activities: an estimated 5,500 cubic yards (cy) of material will be exported and an estimated 8,000 cy of material will be imported.

Mitigation Measures: Listed within the applicant's environmental checklist as well as required compliance with the City's existing standards and regulations for land disturbing. Construction best management practices will be utilized to minimize potential impacts from earthwork grading and clearing on the site.

The applicant's contractor(s) will be required to comply with the City's code requirements related to stormwater runoff and site grading. The applicant will also be required to obtain and comply with the WA State Department of Ecology's NPDES permit and their associated requirements.

Nexus: MVMC Chapters 13.33 (Storm Water Drainage Utility), 15.04 (Building Code), 15.16 (Grading, Excavation and Fill), 15.18 (Land Clearing), and Mount Vernon Engineering Standards.

2. STORMWATER

Impacts: This project will install 190 linear feet (lf) of 12-inch potable water line and 435 lf of 12-inch storm sewer conveyance pipe that will discharge stormwater into an existing detention facility that will be modified releasing stormwater into Flowers Creek.

Mitigation Measures: Listed within the applicant's environmental checklist, detailed within their Stormwater Analysis prepared by a licensed Professional Engineer, shown on their construction plans, and the mitigation measures outlined with this MDNS. In addition, the applicant will comply with City, State and Federal regulations. Runoff during construction will be handled in conformance with the City's regulations and standards. A NPDES permit from the State of Washington Department of Ecology for construction activities will be required as part of this project.

Nexus: MVMC Chapters 13.33 (Storm Water Drainage Utility), 15.16 (Grading, Excavation and Fill), and Mount Vernon Engineering Standards.

3. TRAFFIC

Impacts: a total of 2 new PM peak hour traffic trips will be generated from the proposed new office/manufacturing building.

There will also be construction related traffic that will occur as this site is being developed.

Mitigation Measures: Compliance with the City's MVMC provisions.

Nexus: MVMC Title 12, Chapter 14.10 (Concurrency Management), Chapter 3.40 (Impact Fees), 15.16 (Grading, Excavation and Fill), 16.16 (Design Standards for Non-arterial Streets) and Mount Vernon Engineering Standards.

4. CRITICAL AREAS

Impacts: this project will impact both Maddox and Flowers Creeks (both are fish bearing streams), three wetlands, and the project site is located within a FEMA regulated floodplain.

Mitigation Measures: The applicant has chosen to use the "managed ecosystem alternative" codified in MVMC 15.40.110 to mitigate some of the critical area and buffer impacts from the proposed project. All critical area buffers will be delineated with split rail fences and critical area signage and designated as Native Growth Protection Areas (NGPAs) through an easement the applicant will be required to execute prior to building occupancy.

The applicant will be required to comply with the City's Critical Areas Code, the WA State Department of Ecology's rules/requirements and (potentially) the Federal Corps of Engineers rules/requirements.

Nexus: MVMC Chapter 15.06 (Environmental Policies), Chapter 15.40 (Critical Areas Code), RCW 90.48, 33 U.S. Code Chapter 26 (Federal Water Pollution Control Act)

E. CITY & AGENCY COMMENTS

The proposal has been circulated internally to applicable City Departments and to all of the following agencies, districts, utility companies and tribes: WA State Department of Ecology, Federal Army Corps of Engineers, WA State Department of Commerce, Cascade Natural Gas, WA State Department of Fish and Wildlife, WA State Department of Natural Resources, WA State Department of Transportation, WA State Department of Archeology and Historic Preservation, NW Clean Air Agency, Skagit Council of Governments, Port of Skagit County, Skagit County Planning and Development Services, Samish Tribe, Skagit River System Cooperative, Skagit River Systems, Skagit Valley College, Skagit Transit, Swinomish Tribe, Upper Skagit Tribe, Frontier, Frontier Northwest, Puget Sound Energy, Public Utility District #1, and the Dike and Drainage Districts the subject site is located within.

Copies of all Comments are contained in the Official File

Copies of Comments received from City Staff and Agencies are attached to this report

Following is a list of the comments received from City Staff and Agencies:

- Letter dated June 29, 2018 from Leah Forbes with Skagit County Planning & Development Services
- Letter dated July 12, 2018 from Tracy Nishikawa with WA State Department of Ecology
- Letter dated July 12, 2018 from Gretchen Kaehler with WA State Department of Archaeology & Historic Preservation
- Letter dated September 7, 2018 from Leah Forbes with Skagit County Planning & Development Services

G. ENVIRONMENTAL DETERMINATION COMMENT & APPEAL PROCESS

The City is using its discretion under WAC 173-11-355(4) to issue a MDNS with a 10-day appeal period. Appeals of the environmental determination must be filed in writing on or before **5:00 PM on SEPTEMBER 24, 2018**. Appeals must be filed in writing together with the required \$100.00 application fee to: Hearing Examiner, City of Mount Vernon, 910 Cleveland Ave, Mount Vernon, WA 98273. Appeals to the Examiner are governed by City of Mount Vernon Municipal Code Section 15.06.215. Additional information regarding the appeal process may be obtained from the City of Mount Vernon Development Services Department by calling (306)336-6214.

H. NOTES TO THE APPLICANT

1. Revised site plans to address each of the following needs to be submitted, reviewed, and approved before the indicated permits/approvals can be issued by the City:
 - a. The Critical Areas Assessment Report prepared by Puget Consulting and Restoration shall be revised to include the analysis and information listed in MVMC 15.40.120(H). Hydraulic calculations/modeling to support the design of the new stream channel (i.e. duration and depth of flows, etc) needs to be submitted as part of this assessment report.
 - b. Permanent fencing at the edge of wetland and stream buffers shall be shown on the construction plans.
 - c. Permanent critical areas signs shall be installed approximately every 50-feet along the fencing to be installed at the stream/wetland edges. Contact the City for additional information with regard to these signs.
 - d. The applicant will be required to record a NGPA easement over the streams, wetlands and their associated buffers on the project site.