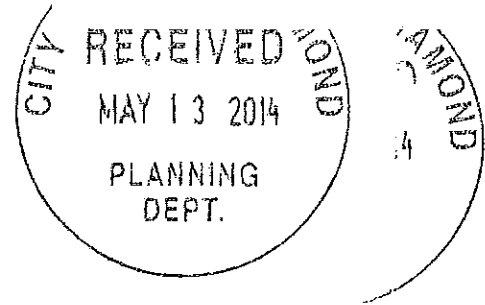


4.

Request for Mitigated Determination of Non-significance (PLN13-0027)

May 12, 2014

May 12, 2014



Stacey Welsh
Community Development Director
City of Black Diamond
PO Box 599
Black Diamond, WA 98010

**RE: The Villages MPD Phase 2 Preliminary Plat C Application (PLN13-0027) - SEPA
Threshold Determination and Adoption of Existing Environmental Documents**

Dear Ms. Welsh:

In order to fulfill the State Environmental Policy Act, Chapter 43.21C RCW ("SEPA"), requirements for The Villages Master Planned Development ("MPD") Phase 2 Preliminary Plat C Application, BD Village Partners, LP ("YarrowBay") respectfully requests that the City of Black Diamond ("City") issue a Mitigated Determination of Non-Significance ("MDNS") for the application and adopt the MPD Environmental Documents as defined below.

The City previously determined that The Villages MPD was likely to have significant adverse impacts on the environment. As a result, an Environmental Impact Statement ("EIS") was prepared for the MPD. *See* The Villages Master Planned Development Draft Environmental Impact Statement, dated September 2009, and The Villages Master Planned Development Final Environmental Impact Statement, dated December 2009 (collectively, the "MPD Environmental Documents"). The Phase 2 Preliminary Plat C Application (Permit No. PLN13-0027) is an implementing project for The Villages MPD, and is, thus, subject to the terms and conditions of The Villages MPD Permit Approval (Black Diamond Ord. No. 10-946) and The Villages MPD Development Agreement dated December 12, 2011.

In addition to the MPD Environmental Documents, YarrowBay has submitted the following environmental materials to the City, and/or the City's consultants have prepared the following responsive environmental materials, related to the Phase 2 Preliminary Plat C Application:

1. **SEPA Checklist**, dated November 8, 2013;
2. **Construction Waste Management Plan** (Exhibit "J" to The Villages MPD Development Agreement);
3. **Stormwater Monitoring and No Net Phosphorous Implementation Plan** (Exhibit "O" to The Villages MPD Development Agreement);
4. **Maple Valley Transportation Mitigation Agreement**, dated October 6, 2010 (Exhibit "Q" to The Villages MPD Development Agreement and recorded under King County recording No. 20110422000249);

5. **Covington Transportation Mitigation Agreement**, dated December 14, 2010 (Exhibit "R" to The Villages MPD Development Agreement);
6. **City of Black Diamond Ordinance 12-980**, effective October 3, 2012, which superseded Implementing Impact Fees for Fire Protection Facilities in the City of Black Diamond, by Henderson & Young Company, dated January 13, 2011 (Exhibit "T" to The Villages MPD Development Agreement);
7. **Comprehensive School Mitigation Agreement**, dated January 24, 2011 (recorded under King County recording No. 20110624001156);
8. **Tree Inventory** by American Forest Management, Inc., dated October 28, 2013;
9. **2012-2013 Pre-Construction Stormwater Monitoring in Rock Creek to Establish the Baseline Phosphorous Load** by Tetra Tech, dated November 2013, and updated January 2014;
10. **The Villages MPD Preliminary Plat Phase 2 Plat C Preliminary Drainage Analysis** (including all referenced documents) by Triad Associates, dated November 8, 2013;
11. **Phase 2 Overall Grading Plan** by Triad Associates, dated November 21, 2013, and response to comments submitted April 21, 2014;
12. **Phase 2 Overall Grading Plan Comments** by SubTerra, dated March 18, 2014;
13. **Phase 2 Updated Traffic Monitoring Report** by Transpo Group, dated December 2013, and response to comments, dated March 28, 2014;
14. **Phase 2 Traffic Monitoring Report and Phase 2 Plat C Traffic Impact Study Comments** by Parametrix, dated February 27, 2014;
15. **Phase 2 Plat C Geotechnical Report** by Golder Associates, dated December 5, 2013, and response to comments, submitted April 21, 2014;
16. **Phase 2 Plat C SEPA and Geotechnical Report Comments** by SubTerra, dated March 24, 2014;
17. **Phase 2 Plat C Traffic Impact Study** by Transpo Group, dated December 19, 2013, and response to comments, dated March 28, 2014;
18. **Wetland Buffer Vegetation Management Plan** by Wetland Resources, Inc., dated December 19, 2014, and revised Wetland Buffer Vegetation Management Plan, dated May 6, 2014;
19. **Phase 2 Plat C Short-Term Construction Noise Mitigation Plan** by YarrowBay, dated December 20, 2013, and updated March 13, 2014;
20. **Phase 2 Detailed Implementation Schedule of Regional Facilities** by Triad Associates, dated January 2, 2014;
21. **The Villages/Lawson Hills Water Quality Review Committee 2013 Annual Report** by YarrowBay, dated February 6, 2014;

22. **Wildlife Habitat Assessment Report The Villages MPD Phase 2 Preliminary Plat C Located in the City of Black Diamond, Washington** by Wetlands & Wildlife, Inc., dated February 21, 2014;
23. **Phase 2 Plat C Sensitive Area Study, Wetland Buffer Averaging Plan, and Wildlife Analysis** by Wetland Resources, Inc., dated February 24, 2014, response to comments, dated April 28, 2014, and revised Sensitive Area Study, Wetland Buffer Averaging Plan, and Wildlife Analysis, dated May 6, 2014;
24. **The Villages MPD Phase 2 Plat C–Wetland Review** by Perteet Inc., dated March 31, 2014;
25. **Phase 2 Plat C Construction Traffic Impacts** by Transpo Group, dated April 22, 2014;
26. **The Villages – Response to Comment Regarding Wetland Hydroperiod Analysis** by Golder Associates, dated May 7, 2014; and
27. **Status Update on Stormwater and Groundwater Monitoring Completed to Date in the Rock Creek Drainage** by Tetra Tech, dated May 6, 2014.

Copies of these additional environmental materials that are not recorded or part of The Villages MPD Development Agreement are attached hereto for the City's ease of review. YarrowBay requests that the SEPA Official consider these additional materials when making her threshold determination and in her consideration of appropriate SEPA mitigation conditions. Based on the recommendations of these materials, YarrowBay agrees that the following conditions should be required as SEPA mitigation conditions for Preliminary Plat 2C:

Stormwater Management: To manage and treat stormwater for Preliminary Plat 2C, YarrowBay shall:

- Ensure that stormwater quality and quantity will be managed within Preliminary Plat 2C in accordance with the *2005 Stormwater Management Manual for Western Washington*.
- Utilize stormwater treatment facilities and Best Management Practices ("BMPs") to address stormwater impacts.
- Employ Low Impact Development ("LID") techniques, where feasible and appropriate, to reduce impacts to natural hydrogeologic functions, including the use of roof runoff dispersal trenches that comply with standard drawing SD-15 in the *City of Black Diamond Engineering Design and Construction Standards*.
- Ensure that, in Stormwater Management Zone 1C, runoff from rooftops and pervious surfaces will be routed to Wetland E1 to approximately match the annual average volume of runoff that is generated by the existing forested site condition. Surplus runoff will be routed to the water quality treatment and infiltration facility located southwest of Preliminary Plat 2C.
- Ensure that, in Stormwater Management Zone 2, only runoff from rooftops will be routed to Wetland TOS in a volume that approximately matches the annual average volume of runoff that is generated by the existing forested site condition. Runoff from other sources, and any surplus runoff, will be routed to the water quality treatment and infiltration facility located southwest of Preliminary Plat 2C.

- Except for roof runoff needed for wetland recharge, utilize the stormwater infiltration pond approved under Preliminary Plat 1A to collect and treat runoff from Preliminary Plat 2C. This stormwater pond has already been approved and sized to accommodate Plat 2C drainage.
- Prior to any clearing or grading activities within a division of Preliminary Plat 2C, mark clearing limits in the field with continuous ribbon, silt fence or orange construction fence, where appropriate, to clearly indicate clearing limits. Trees within or near clearing limits to be saved shall be clearly marked. Orange construction fence shall be installed as a tree protection fence outside of drip lines of trees to be saved prior to the start of clearing and grading operations.
- To the extent that Preliminary Plat 2C requires construction of off-site improvements to roads that currently drain to Lake Sawyer, treat the runoff from the improvements and the right-of-way in the immediate vicinity of the improvements to the then current, applicable phosphorous treatment standard. This condition will be applied during the review and approval of any Utility Permits for design and/or construction of any such off-site road improvements.

Wetlands: To mitigate for any wetland impacts for Preliminary Plat 2C, YarrowBay shall:

- Development in future development tracts that occurs in proximity of Wetlands E7, E8, and E10 shall be subsequently reviewed by the MDRT for direct or indirect wetland and/or buffer impacts.
- Where feasible, Applicant shall field locate trail alignments to avoid clearing trees, place downed woody debris in naturalistic locations, and use culverts when a trail bisects surface or groundwater drainages.
- Applicant shall combine the location of trails with infiltration trenches wherever feasible, subject to final engineering design with the MDRT.
- Applicant shall either: (i) eliminate the soft surface trail that bisects Wetland E1 during final engineering design; or (ii) design and construct the trail in such a way as to avoid wetland impacts.
- Applicant shall comply with the Wetland Buffer Vegetation Management Plan for The Villages Phase 2 Plat C by Wetland Resources, Inc., dated December 19, 2013, and revised May 6, 2014, including, when clearing adjacent to a wetland buffer, conduct monitoring which includes: i) initial compliance/as-built report of post development tree density in the wetland and adjacent buffer; ii) annual site inspections, once per year in the fall, to document that the minimum tree density and weedy/invasive coverages are maintained in the wetland and adjacent buffer for five years from the date of initial clearing activity adjacent to the buffer; iii) annual monitoring reports in the fall of each monitored year documenting the tree density, invasive species density and general conditions of the wetland and buffer observed during the annual site visits.
- To further verify that no impact to wetland hydrology has been demonstrated, Applicant shall cause to be prepared, and submit to the MDRT, an update to the Phase 2 Plat C preliminary drainage analysis to account for any subtle design changes from the preliminary plat design to final engineering construction drawings.

Noise Mitigation: Preliminary Plat 2C shall comply with the Short-Term Construction Noise Mitigation Plan, dated December 20, 2013, and updated March 13, 2014, that was included within the Phase 2 Preliminary Plat C Application, including:

- Employ construction noise BMPs, such as minimizing construction noise with properly sized and maintained mufflers, engine intake silencers, engine enclosures, and turning off equipment when not in use.
- Locate stationary construction equipment distant from sensitive receiving properties whenever possible. Where this is infeasible, or where noise impacts would still be likely to occur, portable noise barriers shall be placed around the equipment (pumps, compressors, welding machines, etc.) with the opening directed away from the sensitive receiving property.
- Ensure that all equipment required to use backup alarms utilizes ambient-sensing alarms that broadcast a warning sound loud enough to be heard over background noise, but without having to use a preset, maximum volume. Alternatively, requiring the use of broadband backup alarms instead of typical pure tone alarms.
- Require operators to lift, rather than drag materials wherever feasible.
- Substitute hydraulic or electric models for impact tools such as jackhammers, rock drills and pavement breakers, wherever feasible.
- Specify use of electric pumps whenever pumps are required.
- If feasible, require haul trucks to use bed liners or soft material (e.g., dirt) as bedding when loading rocky material.
- Ensure that music played by contractors will not be played at an unreasonable level if audible at residential locations outside of The Villages MPD.
- Using the established noise control "hotline" to allow neighbors affected by noise to contact the City, the Master Developer, and the construction contractor to ask questions, or to enter noise-related complaints per Condition of Approval No. 41 of The Villages MPD Permit Approval.
- If pile driving becomes necessary, minimize impact pile-driving in favor of less noisy pile installation methods. If impact pile driving is required, the potential for noise impacts will be minimized by strict adherence to daytime-only pile driving.
- Adhere to the work hours of operation established in The Villages MPD Development Agreement.
- Require contractors to combine particularly noisy operations in the same time period, and within the work hours of operation.

Construction Waste Management: Preliminary Plat 2C shall comply with the Construction Waste Management Plan (Exhibit "J" to The Villages MPD Development Agreement), including:

- Generate the least amount of waste possible by planning and ordering carefully, following all proper storage and handling procedures to reduce broken and damaged materials, and reusing materials wherever possible.
- Keep on hand a mix of commingled and source separated drop boxes at the job site as phases dictate. These drop boxes will be collected and taken to an appropriate recycling center by an acknowledged waste recycler.

- Recycle materials that can be recycled and transferring residual materials to a landfill.

Traffic Monitoring: Preliminary Plat 2C shall comply with the requirements set out in the Phase 2 Traffic Monitoring Report, dated December 2013, and the Phase 2C Traffic Impact Study, dated December 19, 2013, and response to comments, dated March 28, 2014, including:

- At the mid-point of occupancy for Phase 2, the Master Developer shall model and monitor traffic to identify the expected traffic impacts of Phase 2 and to determine what improvements or strategies, if any, will be necessary to comply with the City's transportation concurrency requirements as defined in the City of Black Diamond's Comprehensive Plan (2009). The mid-point of occupancy for each phase is defined as the point at which occupancy has been granted for the mid-point Equivalent Residential Unit ("ERU") for the phase. For Phase 2, the mid-point is the 478th ERU, which is anticipated to occur after Preliminary Plat 2C build-out.

Construction Traffic Mitigation: YarrowBay shall develop a construction management plan in coordination with the City to provide a safe and efficient construction site and to minimize the impact to traffic operations in the area. This plan will minimize off-site construction impacts by containing equipment, materials and workers on-site as much as possible and accommodating staging, construction facilities and parking on-site. Where feasible, YarrowBay will consider including the following aspects in its construction management plan:

- **Establish Truck Routes:** Identifying specific haul routes for trucks, which will avoid impacts to local residential streets.
- **Minimize Noise Impacts:** Minimizing noise impacts associated with construction on-site as well as from haul trucks on the roads.
- **Identify Parking Areas:** Identifying parking areas for employees as well as staging areas for trucks and materials.
- **Identify Access Points:** Identifying specific areas for access that would likely require safe controlled access for large trucks to and from the site.
- **Encourage Trip Reduction:** Encouraging carpooling and other ride sharing by employees to minimize the number of single occupant vehicle trips on site.
- **Reduce Construction Trips:** Reducing construction trips by implementing the following strategies: (1) Preliminary Plat 2C strippings will be screened onsite to obtain topsoil for re-use onsite; (2) Rocks obtained through the screening of topsoil on Preliminary Plat 2C will be used as fill or crushed for use as base material onsite; (3) Sticks obtained through the screening of topsoil on Preliminary Plat 2C will be "chipped" and used for soft surface trails or erosion protection onsite; (4) Import borrow/fill material including outwash soils for gravel base from within The Villages MPD site; (5) Stockpile any excess material generated through construction of Preliminary Plat 2C within The Villages MPD site for use on future phases; and (6) Limit deliveries via trucks larger than Single Unit ("SU") trucks to before 3:30 p.m. Monday – Friday.

Traffic Calming: At the time of final engineering, the applicant shall explore traffic calming measures to help minimize excessive vehicle speeds within The Villages MPD, especially on neighborhood streets, including curb bulb-outs and on-street parking, both of which have been shown to reduce vehicle speed.

Regional Infrastructure: Preliminary Plat 2C shall provide regional infrastructure improvements according to the construction thresholds identified in the Detailed Implementation Schedule of Regional Facilities dated January 28, 2014.

Low Impact Development Techniques: Where feasible and appropriate, YarrowBay shall utilize the following LID mechanisms in Preliminary Plat 2C build-out: (1) Reduced roadway widths; (2) Infiltration wells; (3) Rain gardens; (4) Bioswales; (5) Media filter strips; (6) Reduced driveway lengths; (7) Pervious asphalt and concrete; (8) Pervious pavers; and (9) Installation of pet waste stations in common areas.

Grading Plan: Preliminary Plat 2C shall be reasonably consistent with the terms and conditions set forth in the Phase 2 Overall Grading Plan by Triad Associates, dated November 21, 2013, and response to comments submitted April 21, 2014.

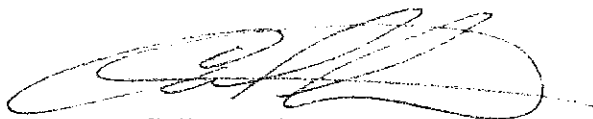
Tree Mitigation: Concurrent with submittal of Utility Permits for Preliminary Plat 2C, YarrowBay shall submit a report with the exact number of significant trees to be removed and identify mitigation per BDMC 19.30.070, as contained in Exhibit "E" of The Villages MPD Development Agreement. Trees proposed for replanting shall be native trees per The Villages MPD Condition of Approval 122.

FEIS Conditions: All MPD Conditions of Approval identified as a "FEIS Mitigation Measure" in Exhibit C of Black Diamond Ordinance No. 10-946 shall also be considered SEPA conditions for Preliminary Plat 2C.

As such, YarrowBay requests that, to comply with the State's SEPA regulations, the City issue a MDNS for The Villages MPD Phase 2C Preliminary Plat application and Notice of Adoption for the MPD Environmental Documents unchanged.

Please let us know if you have any questions regarding this request or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Colin Lund', written over a horizontal line.

Colin Lund
Chief Entitlement Officer
YarrowBay