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MDNS: A Mitigated Determination of Non-significance
for Phase 2C and Adoption of Existing Environmental
Document

June 17, 2014

5) MDNS: A Mitigated Determination of Non-significance for Phase 2C and Adoption of Existing Environmental Document was issued by the City of Black Diamond on June 17, 2014. Comment period ended July 1, 2014. No appeals filed.



CITY OF BLACK DIAMOND

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Mitigated Determination of Non-significance (MDNS) and Adoption of Existing Environmental Document File No. PLN13-0028

Description of current proposal: The Villages MPD Phase 2 Plat C Preliminary Plat, a subdivision of approx. 136 acres within The Villages Master Planned Development (MPD) into 203 single-family lots (between 3,150 and 8,547 sq. ft. in size) and 5 future development tracts (between 11,638 and 183,340 sq. ft. in size). Twenty-six additional tracts (between 853 and 2,837,997 sq. ft. in size) are proposed for utility, access, parks and open space uses and sensitive areas. There are six wetlands located on and in the vicinity of the proposed development area of the site: Wetland E1 (Category 2), Wetland TOS (Category 1), Wetlands E7, E8, and E10 (Category 3), and Wetland 213 (Category 4). The primary access to the site is through local roads provided by the Phase 1A Preliminary Plat to Roberts Drive. The project includes street and utility improvements in order to serve the plat and associated site preparation and grading.

Proponent: BD Village Partners, LP

Location of current proposal: South of Roberts Drive and SE of The Villages MPD Phase 1A Preliminary Plat, generally within the SE ¼ and portions of the SW ¼ of Section 15, Township 21 North, Range 6 East and limited areas of the NW ¼ of Section 22. Tax parcels: 1521069108, 1521069096 and 2221069004.

Lead agency: City of Black Diamond

Adoption of Existing Environmental Document:

Title of document being adopted: The Villages Master Planned Development Final Environmental Impact Statement (FEIS)

Agency that prepared document being adopted: City of Black Diamond

Date adopted document was prepared: December 11, 2009

Description of document being adopted: FEIS for a 1,196 acre mixed use development including 4800 dwelling units; 775,000 sq. ft. of retail, office and light industrial uses; and educational, recreational, and open space uses.

If the document being adopted has been challenged (WAC 197-11-630), please describe:

The FEIS is no longer the subject of a pending appeal, as the Court of Appeals decision is final because the petition for review to the Supreme Court was denied.

The document is available to be read at (place/time): City of Black Diamond Community Development Department, 24301 Roberts Drive, Black Diamond, M-F, 8:30 AM – 5:00 PM.

We have identified and adopted this document as being appropriate for this proposal after independent review. The EIS included this property as a component of the proposed Villages Master Planned Development and environmental impacts are addressed in the EIS. The document meets our environmental review needs for the current proposal and will accompany the proposal to the decision-maker.

Mitigated Determination of Nonsignificance:

After review of the FEIS adopted above, the completed environmental checklist, The Villages MPD Phase 2 Plat C Preliminary Plat application and related materials, the lead agency has determined the proposal will not have a probable significant adverse impact on the environment if the mitigation measures set forth below are implemented. Therefore, neither a new environmental impact statement (EIS) or a supplemental environmental impact statement (SEIS) is required under RCW 43.21C.030(2)(c) or WAC 197-11-600.

This MDNS is issued under WAC 197-11-350; the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by July 1, 2014.

In accordance with WAC 197-11-158, mitigation measures include those required by applicable provisions of the Black Diamond Municipal Code, the 2009 Comprehensive Plan, City of Black Diamond Engineering Design & Construction Standards, conditions of the MPD permit approval in Ordinance No. 10-946, The Villages MPD Development Agreement approved in Ordinance No. 11-970, and as imposed by this MDNS.

All of the conditions of approval from The Villages Master Planned Development Permit and The Villages MPD Development Agreement apply to this plat, whether listed or not herein.

Mitigation measures required by Black Diamond Municipal Code & City of Black Diamond Engineering Design & Construction Standards (Exhibit "E" of The Villages MPD Development Agreement):

1. Prior to issuance of a clearing/grading permit for any portion of the plat, the tree plan required by Chapter 19.30 BDMC shall delineate root protection zones for all significant trees retained, relocated, or planted for the division under the plan.
2. Pursuant to BDMC 19.10.220.D, wetland buffer boundaries adjacent to land within this plat shall be permanently delineated by split-rail fencing and identification signs, as approved by the City.
3. Wetlands and all required wetland buffers shall be defined as separate tracts in the final plat (BDMC 19.10.150.B).
4. To ensure compliance with BDMC Ch. 19.10, subsequent review of development activities in future development tracts adjacent to Wetlands E7, E8 and E10 is required.
5. Pursuant to BDMC 19.10.220.B.3:
 - a. Trail alignments within wetland buffers shall be field located by the applicant and observed by a representative of the City, to avoid clearing of significant trees. Downed woody debris that is removed for the trail must be placed in naturalistic locations, similar to what exists on the site for ground contact, instead of making slash piles, and culverts must be provided when the trail bisects surface or groundwater drainages.
 - b. Trail alignments within wetland buffers shall be combined with the infiltration trenches, wherever feasible, subject to final design work to be reviewed by the City.

- c. The portion of the proposed soft surface trail shown on the plans bisecting Wetland E1 shall be eliminated.
6. Pursuant to the City of Black Diamond Engineering Design & Construction Standards, Section 1.17, a construction management plan shall be developed by the applicant for review and approval by the City.

Mitigation measures required by Ordinance 10-946 (The Villages MPD approval) & Ordinance 11-970 (The Villages MPD Development Agreement):

1. Compliance with the Detailed Implementation Schedule Phase 2 Regional Infrastructure Improvements construction thresholds and improvement details, dated January 28, 2014 and approved on June 13, 2014, is required.
2. Compliance with the "The Villages MPD Phase 2 Preliminary Plat C PLN13-0027 Short -Term Construction Noise Mitigation Plan" dated March 13, 2014 and approved on May 21, 2014, is required.

Other mitigation measures:

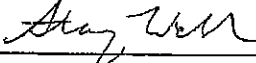
1. Prior to submittal of the first clearing/grading permit for any portion of Plat C, the proponent shall place additional archaeological shovel probes on lands near Rock Creek (Parcel E) and provide a report to the City prepared by a qualified professional summarizing the results and any recommended actions.
2. During final engineering review of the plat, an update to the preliminary drainage analysis shall be conducted by the proponent and submitted to the City for review, to account for any subtle design changes from the preliminary plat design to the final engineering construction drawings.

Name of Agency Adopting Document: City of Black Diamond

Responsible official: Stacey Welsh, AICP

Position/title: Community Development Director **Phone:** 360-886-5700

Address: P.O. Box 599, Black Diamond, WA 98010

Date: June 17, 2014 **Signature** 

This MDNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date above. Comments must be submitted by July 1, 2014.

You may appeal this determination at the Community Development Department, 24301 Roberts Drive, Black Diamond, no later than 5:00 p.m., July 1, 2014 by completing the proper appeal form and paying an appeal fee of \$250.00. You should be prepared to make specific factual objections.

Contact the Community Development Department at 360-886-5700 to read or ask about the procedures for SEPA appeals.