

CITY OF MILL CREEK
MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS) AND
NOTICE OF PROPERTY DEVELOPMENT IMPACT MITIGATION
FOR THE 35TH AVENUE SE RECONSTRUCTION PROJECT
CITY FILE OT 15-25.

As a Capital Improvement Plan project (T-35), the City is proposing to raise the 35th Avenue SE road elevation up to four feet above the existing elevation to reduce flooding and associated road closures. Road improvements are proposed for approximately 1,000 lineal feet of 35th Avenue SE between 141st Street SE and 144th Street SE. No changes in the roadway width or alignment are proposed. The proposed reconstruction will have insignificant wetland impacts on two areas totaling 87 square feet resulting from wetland excavation and fill necessary to install the storm drain lines. The wetland areas will be restored. Temporary impacts on approximately 490 square feet of the wetland vegetation associated with Penny Creek located to the west and east of 35th Avenue SE will occur during the excavation and installation of storm drain lines and flow dispersal pipes and these areas will be restored and planted with native seed mix and willow stakes. The proposed mitigation sequence yields a project that does not result in a net loss of biologic functions and values, and should improve critical area conditions. Accordingly, additional compensation measures to offset insignificant impacts are not necessary or required.

Temporary, short-term noise impacts will occur during the approximately 70 working days of pile driving of 28,100 lineal feet of piles which are proposed to support the roadway.

Improvements associated with this project include the removal and replacement of the existing sidewalks and handrails, along with portions of the roadway north and south of the existing culverts. To improve flood conveyance the installation of a 24-inch culvert is proposed above the existing two 54-inch culverts. Excavation is proposed to occur to a maximum depth of three feet with cut and fill quantities totaling 3,700 cubic yards.

Currently, stormwater is collected in 21 catch basins within the roadway and discharged directly into the wetland with no treatment facilities. To improve water quality, the City is proposing to install a new stormwater conveyance system and modular wetland units to treat stormwater prior to discharge through dispersal pipes into the wetland.

The City anticipates starting construction, pending funding and coordination with other area projects, in 2017 or 2018 and the project construction is estimated to last approximately eight months. (See **Attachment 1**, 35th Avenue SE Reconstruction Plans).

The proposed project is being reviewed in accordance with Mill Creek Municipal Code (MCMC) Title 14 Development Code Administration, Title 16 Subdivisions and Plats, Title 17 Zoning, and Title 18 Environment. A SEPA checklist was submitted with supporting environmental and engineering data and the SEPA Checklist is attached (See **Attachment 2**, SEPA Checklist).

This Mitigated Determination of Non-Significance (MDNS) and Notice of Property Development Impact Mitigation are issued pursuant to WAC 197-11-350, Chapters 17.48 and 18.04 MCMC.

PROPONENT:

City of Mill Creek, Department of Engineering, 15728 Main Street, Mill Creek, WA 98012

LOCATION: The project area is approximately 1,000 lineal feet of 35th Avenue SE between 141st Street SE and 144th Street SE in the City of Mill Creek, Washington located in the SE Quarter, Section 32, Township 28 North, Range 5 East, W.M. and SW Quarter, Section 33, Township 28 North, Range 5 East, W.M. (See **Attachment 3 – Vicinity Map**)

LEAD AGENCY: City of Mill Creek, Department of Community & Economic Development

CONTACT PERSON: Christi Amrine, Senior Planner (425) 921-5738 or christia@cityofmillcreek.com

ELEMENTS OF THE ENVIRONMENT IMPACTED BY THIS ACTION AND MITIGATION MEASURES:

The potential environmental impacts of this proposal are documented in the SEPA environmental checklist (attached) and other information on file with the City of Mill Creek. The required mitigation measures listed below are imposed as conditions of development in response to the City's review of this information. Please note that where City regulations address and mitigate potential environmental impacts, the MCMC code section addressing the issue is identified. If mitigation measures beyond those contained in the MCMC are required, the specific mitigation measure is provided. Other non-SEPA based conditions may be imposed pursuant to the MCMC at appropriate times of the remaining stages of the development review process.

MITIGATION MEASURES:

1. EARTH

MCMC Section 15.12.050 and the February 2005 Department of Ecology (DOE) Stormwater Management Manual for Western Washington require that the applicant submit a Stormwater Pollution Prevention Plan (SWPPP) and Erosion Control Plans for approval by the City Engineer.

Mitigation Measures

To mitigate the potential impacts of the proposal, the project proponent shall satisfy the following conditions:

- A. Pursuant to City regulations, a source, runoff and erosion control plan shall be submitted to the City for approval by the City Engineer and other permit jurisdictions, including but not limited to the Washington State Department of Fish and Wildlife, Washington State Department of Ecology, and the U.S. Army Corps of Engineers. Said plan shall be approved and Best Management Practices (BMPs) installed prior to commencement of any site work, including clearing and grading.

2. AIR

The proponent and/or successor is required to comply with all applicable federal, state and local air quality regulations. The proposal is compliant with all federal, state and local air quality regulations.

3. WATER

Stormwater:

MCMC Section 15.14.060 requires that the stormwater management facilities for the project be designed in accordance with the requirements of the February 2005 Department of Ecology (DOE) Stormwater Management Manual for Western Washington and Appendix I of the 2012 NPDES Phase II Municipal Stormwater Permit.

Mitigation Measures

To mitigate the potential impacts of the proposal, the project proponent shall satisfy the following conditions:

- A. The project will provide water quality treatment of stormwater runoff from the improved road section. Currently there is no water quality treatment of stormwater runoff.
- B. Pursuant to City regulations, a source control and runoff control BMPs plans will be submitted to the City and approved prior to commencement of work.
- C. The final 35th Avenue SE Reconstruction Plans shall be prepared in accordance with Mill Creek Municipal Code Chapter 18.06 and the conditions of the HPA to be obtained from the Department of Fish and Wildlife, prior to commencing construction on the site.
- D. The proposed construction will be done during an approximately eight month period as authorized by Department of Fish and Wildlife through the issuance of a Hydrologic Project Approval.

Critical Areas: MCMC 18.06.530 requires that a critical areas delineation be submitted for review by the City. A Wetland and Stream Delineation Study, Biological Assessment, and an Addendum to both these documents has been submitted and reviewed by the City's biologist. Based on the mitigation sequence of the project noted below, the proposal does not result in a net loss of biologic functions and values, and should improve critical area conditions. Accordingly, additional compensation measures to offset insignificant impacts are not necessary or required per MCMC 18.06.920, -.960, and -.1080.

Mitigation Measures

To mitigate the potential impacts of this proposal, the project proponent shall satisfy the following conditions:

- A. All temporarily or permanently altered areas, other than exposed rock, will be revegetated with a native erosion seed mix and willow stakes.
- B. The project will treat stormwater from a pollution-generating source (35th Avenue SE roadway) that is currently untreated.
- C. The roadway will be raised to eliminate the over-road flooding with associated direct capture of road surface pollutants. This is an overall positive effect to the water quality of Wetland A and Penny Creek.
- D. The proposed roadway design will facilitate future replacement of the Penny Creek culverts under 35th Avenue SE, thereby allowing better fish passage through the project area in the future.

4. PLANTS

As listed above in Section 3, Critical Areas, vegetation within the critical areas and their buffers will be restored pursuant to the Addendum to the Wetland and Stream Delineation Study and Biological Assessment.

5. ENVIRONMENTAL HEALTH - NOISE

To address temporary, short-term impacts during construction, MCMC Chapter 9.14 limits noise related to construction activity to Monday through Friday, 7 a.m. to 9 p.m., with weekend hours 8 a.m. to 9 p.m.

Mitigation Measures

To mitigate the potential impacts of this proposal, the project proponent shall satisfy the following conditions:

- A. Pursuant to City regulations, construction activity will be limited to Monday through Friday, 7 a.m. to 9 p.m., with weekend hours 8 a.m. to 9 p.m.

6. TRANSPORTATION

The proposal is a City Capital Improvement Plan project and will not increase the demand on the City's and/or Snohomish County's transportation facilities. No mitigation fees will be required.

7. RECREATION:

The proposal is a City Capital Improvement Plan project and will not increase the demand on the City’s park and recreation facilities. No mitigation fees will be required.

8. PUBLIC SERVICES - FIRE SERVICES:

The proposal is a City Capital Improvement Plan project and will not increase the demand on the Fire District No. fire services and facilities. No mitigation fees will be required.

9. PUBLIC SERVICES - SCHOOLS:

The proposal is a City Capital Improvement Plan project and will not increase the demand on the Everett School District facilities. No mitigation fees will be required.

THRESHOLD DETERMINATION

The lead agency for this proposal has determined that the project, as conditioned, does not have a probable significant adverse impact on the environment. An Environmental Impact Statement is not required under RCW 43.21C.030 (2) (C). This determination assumes compliance with state law, City ordinances related to general environmental protection, and the mitigation measures identified above. This decision was made, pursuant to MCMC Section 18.06, after review of the SEPA Checklist, the 35th Avenue SE Reconstruction Plan, and the following documents: Biological Assessment, Wetland and Stream Delineation Report and Addendum (which includes: Hydrologic and Hydraulic Analysis Report, Concept Level Geotechnical Study, Geotechnical Engineering Report, Geotechnical Pavement Study), and the Cultural Resources Overview Study which are available for review in the project file, OT 15-25, at City Hall, 15728 Main Street, Mill Creek, WA 98012 and on the City’s website on the **Capital Improvement Projects page** (<http://www.cityofmillcreek.com/index.aspx?NID=490>).

This information is available to the public on request. The Mitigated Determination of Non-Significance and Notice of Property Development Impact Mitigation are specifically conditioned on compliance with the conditions attached hereto, which are incorporated by reference as fully set forth herein.

This Mitigated Determination of Non-Significance is issued under WAC 197-11-340(2); the threshold determination will be deemed final 14 days from issuance. Comments on this MDNS must be submitted by **4:30 p.m., October 7, 2015**.

Responsible Official: Tom Rogers, AICP
Title: Director of Community and Economic Development
Address: 15728 Main Street
 Mill Creek, Washington 98012
Date: September 23, 2015
Signature: 

In accordance with the provisions of Mill Creek Municipal Code Chapters 3.42, 14.11, and Section 18.04.250, this determination may be appealed to the City Clerk at City Hall, 15728 Main Street, Mill Creek, Washington, no later than 14 days from the date the MDNS and Notice of Property Development Impact Mitigation are issued. To be considered, an appeal of this MDNS must be filed prior to 4:30 p.m., **October 7, 2015**, by submitting a written statement to the City Clerk requesting an appeal, together with appropriate fees. The written statement shall set forth the name and address of the person aggrieved and a clear and concise statement of the grounds for the appeal in accordance with MCMC Section 14.11.050. The appellant must be prepared to make specific factual objections.

NOTE: This MDNS may be withdrawn in the event of significant changes in the proposal, disclosure of new significant information, misrepresentation by the applicant, or failure to comply with the conditions upon which the Mitigated Determination of Non-Significance are predicated.

Attachments:

Attachment 1 – 35th Avenue SE Reconstruction Plan

Attachment 2 – SEPA Checklist

Attachment 3 – Vicinity Map

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