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### **SEPA Mitigated Determination of Non-Significance (MDNS)**

**Date:**

July 2, 2021

**Description:**

The City of Burlington is proposing to construct a new public street. The proposed street will extend East McCorquedale Road from its current terminus at South Walnut Street approximately 1,000 feet to the west to the intersection of Burlington Boulevard and Costco Drive. The proposed development will also involve the demolition and reconstruction of a 5,000 sq. ft. retail building with associated parking, utilities, and landscaping. The proposed development will be located in a floodplain and will result in wetland buffer impacts.

**Proponent:**

City of Burlington, Public Works Department

**Location:**

1704 South Burlington Boulevard (approximate) – Includes parcel numbers P24256, P24257, P105310, P116513, P123028, P116596, P24245, and P24246

**Lead Agency:**

City of Burlington, Community Development Department, 833 South Spruce Street, Burlington, Washington 98233

**Permits and Project Documents:**

A conceptual right-of-way plan, cultural resources assessment, and a wetland report have been prepared. A conditional use permit, grading permit, floodplain development permit, and wetland buffer mitigation approval will be required to construct the proposed project. Building, construction, and land use permits will also be required for the proposed building relocation and associated improvements. A floodplain habitat assessment will also be required.

**Threshold Determination:**

The lead agency for this proposal has determined that it does not have a probable significant 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. This information is available to the public on request. This determination is subject to the following conditions:

**Conditions:**

1. Property and right-of-way acquisition shall comply with all applicable platting laws and Burlington Municipal Code requirements, including but not limited to Chapter 58.17 RCW and BMC Title 16. All land divisions or boundary line adjustments shall be approved by the Community Development Department prior to recording.
2. This project is located in a floodplain. The National Marine Fisheries Service has determined that development in floodplains can negatively impact species protected by the Endangered Species Act (ESA). In order to mitigate any fish and wildlife impacts to a level of non-significance the development shall comply with the following conditions:
  - a. A floodplain habitat assessment shall be submitted in conjunction with the required conditional use permit application.
  - b. The habitat assessment and mitigation plan shall be prepared in accordance with the guidelines and recommendations identified in the following document: "Floodplain Habitat Assessment and Mitigation, Regional Guidance for the Puget Sound Basin, 2013, FEMA Region 10".
  - c. The floodplain habitat assessment shall include appropriate mitigation measures for any increase in impervious surface coverage, floodwater displacement, or loss of native vegetation.
  - d. The conditional use permit application and all project plans and documents shall incorporate, and fully comply with, any mitigation measures, design specifications, or management practices identified in the floodplain habitat assessment and mitigation plan. All such mitigation measures, design specifications, and mitigation measures shall be incorporated into the CUP as conditions of approval.
3. The project area includes a regulated wetland (Walnut Pond). Under Chapter 14.15 of the Burlington Municipal Code this wetland is classified as a category III wetland and requires a protective buffer 150 feet in width. The proposed road construction will impact a portion of the required buffer. A wetland report and mitigation plan was submitted in conjunction with the SEPA checklist. Wetlands provides important water quality, flood control, storm-water management, and habitat functions. In order to ensure any impacts to these functions are mitigated to a level of non-significance the following conditions shall apply:
  - a. The wetland report and mitigation plan does not quantify the total area of the wetland buffer that will be impacted by the proposed development. The Burlington Municipal Code requires that wetland buffer impacts be mitigated at

a 1:1 ratio. In order to ensure compliance with applicable Burlington Municipal Code requirements the project proponent shall submit a revised mitigation plan that clearly identifies the total square footage of wetland buffer impacted by the proposed development. The revised mitigation plan must also demonstrate how the required 1:1 buffer mitigation ratio will be met.

- b. The perimeter of the proposed wetland buffer shall be surveyed and a conservation title notice shall be recorded that encompasses all portions of the wetland and wetland buffer owned or controlled by the City.
  - c. Open rail fencing shall be installed between edge of the proposed road and the wetland buffer, and around all other portions of the wetland buffer owned or controlled by the City. Enamel coated signs shall be installed at intervals of 50 feet around the buffer and shall include the following message: “protected wetland area – no dumping – no vegetation removal – do not disturb – thank you”.
4. This project is located in a floodplain and has the potential to redirect and alter the flow of surface water. In order to ensure any human safety, property, and hydrological impacts associated with the proposed development are mitigated to a level of non-significance full compliance with the Flood Development standards identified in the Chapter 14.15 of Burlington Municipal Code is required and a floodplain development permit shall be obtained.
  5. A cultural resources assessment for the proposed development was completed by a qualified archeologist. The assessment states that the proposed development does not appear to have the potential to impact cultural or historic resources and recommends that the project proceed subject to the implementation of standard inadvertent discovery protocols. In order to ensure any potential impacts to cultural, historical, or archaeological resources are mitigated to a level of non-significance the project proponent shall provide a copy of the inadvertent discovery protocols to any contractors or personnel involved in ground disturbing activities and take all necessary measures to ensure the protocols are properly implemented.
  6. A conditional use permit (CUP) and public hearing before the City of Burlington Hearing Examiner shall be required. No CUP shall be approved until the floodplain habitat assessment, revised wetland mitigation plan, floodplain development permit required by the conditions of this determination have been submitted.
  7. A grading permit shall be required and shall be obtained prior to beginning any clearing, grading, filling, construction, or other development activities. No grading permit shall be approved until the conditional use permit required by this determination has been approved.

8. In order to ensure any potential impacts to surface and groundwater resources are mitigated to a level of non-significance the following conditions shall apply:
  - a. An engineered storm-water plan shall be prepared for the proposed development and shall comply with all applicable Washington State and City of Burlington storm-water management requirements. All development activities shall be consistent with the approved storm-water plan.
  - b. A temporary erosion and sedimentation control and storm-water pollution prevention plan shall be prepared and fully implemented and adhered to.
9. The bike shop relocation component of the proposed development shall require a land use (site plan review) permit and shall fully comply with all applicable Burlington Municipal Code requirements.

**Appeals:**

You may appeal this determination in accordance with the procedures identified in Title 14A BMC. Appeals must be filed with the Community Development Director within 14 days of this determination. This determination was issued on July 2, 2021. Appeals shall be submitted to Brad Johnson, Community Development Director at 833 South Spruce Street, Burlington, WA 98233 or emailed to [bradmj@burlingtonwa.gov](mailto:bradmj@burlingtonwa.gov). Appeals may be submitted in person or by mail.