Notice of Application
SEPA Mitigated Determination of Non-Significance (MDNS) for
Black Diamond File Number: PLN14-0024

Date Issued: November 3rd, 2014
Project Name: The Villages Master Planned Development (MPD), Staging and Stockpile Area

Location of Current Proposal:
The Staging and Stockpile site is located approximately 1.4 miles southwest of the intersection of Roberts Drive and SR 169, south of Roberts Drive. It also lies south of the approved Preliminary Plat for the Villages, Phase 1A and within Phase 2 of the approved Villages Master Planned Development. The site is generally located within the southwest quarter of Section 15, Township 21 North, Range 6 East, all within the City limits of Black Diamond WA. This project is associated with King County Parcel Numbers 1521069108, 1521069096 and 1521069004.

Description of current proposal:
The applicant has applied for a Clearing/Grading Permit (PUB14-0030) and Tree Cutting Permit (BLD14-0059) in order to clear trees and vegetation from the area described and shown above, which is approximately 12 acres in size and encompasses an area within Phase 2 of the approved Villages, Master Planned Development Phasing Plan. Once cleared, the site will be used to store and process earth and vegetation material generated during construction of the Villages Master Planned Development, Phases 1 and 2 (Sending Sites). “Earth” materials would consist of topsoil, rocks and gravel, while vegetation material would likely be wood and wood chips, and the developer will utilize mechanized grinding machines and hauling machinery to process woody material removed from the Villages MPD Phases 1 and 2 as they are constructed. Once processed, these materials would be stored within the Staging and Stockpile Area, eventually being utilized back on the sites they came from (Receiving Sites) in order to
stabilize and help ensure the success of future vegetative plantings. These operations would significantly reduce the amount of truck traffic impacting City streets, as the hauling and processing of these materials would be done internally, not utilizing existing City infrastructure (i.e. roads, stormwater, etc.).

The site descriptions for both “Earth” materials sending sites are described below:

**The approved Villages Master Planned Development, Phase 1 includes** -

Phase 1A includes approximately 128 acres in the central portion of The Villages Parcel D. Approximately 9 acres of the total (128 acres) will include undisturbed open space, while 14.5 acres will serve as developed park area.

Phase 1B includes approximately 55 acres within The Villages. It includes Parcel C and a portion of Parcel B of The Villages Master Planned Development. Approximately 4 acres of the total (55 acres) will include undisturbed open space, while 5.25 acres will serve as developed park area.

**The approved Villages Master Planned Development, Phase 2 includes** -

Phase 2 includes approximately 321 acres on the remainder of parcel D, all of Parcel E, a small part of Parcel B, and the northern portion of parcel BDA. Approximately 166 acres of the total (321 acres) will include undisturbed open space, while 25 acres will serve as developed park area.

**Proponent:** BD Village Partners, LP

**Lead Agency:** City of Black Diamond, Community Development/Natural Resources Department

**Supplemental Environmental Documents Supplied with Current Application:** SEPA Environmental Checklist (date prepared and signed July 8th, 2014), Site Plan and Drawings (Triad Associates, received July 16th, 2014), Drainage Analysis Report (Triad Associates, received July 16th, 2014), Ecology Notice of Intent Application Form (received July 16th, 2014), Tree Inventory Report (American Forest Management, received July 19th, 2014), Significant Tree Exhibit Plan Sheet (Triad Associates, received July 28th, 2014), Sensitive Area Study- Buffer Averaging Plan and Wildlife Analysis (Wetland Resources, Inc., received July 31st, 2014) and Wetland Rating Form for wetland P/Q (Wetland Resources, Inc., received October 14th, 2014).

**Findings:** The Applicant submitted a Clearing and Grading application (PUB 14-0030) including a completed SEPA checklist to the City on July 16th, 2014 for the Villages MPD, Staging and Stockpile Area.

On July 28th, 2014, the applicant filed a Tree Removal Permit (BLD14-0059) in support of tree removal associated with the Villages MPD, Staging and Stockpile Area.

On August 5th, the Director of the Master Planned Development Review Team deemed the application complete. In accordance with Black Diamond Municipal Code Section 18.08.130, these land use applications have been consolidated in order to process them concurrently to address cumulative impacts associated with these actions.

This project application has been submitted to the City of Black Diamond, in part, to meet condition #63, placed on the Villages Preliminary Plat 1A within the Hearing Examiner’s Decision, dated December 10th, 2012, in order to reduce PP1A's construction traffic, as outlined by the Examiner in that decision. The processing of materials onsite will reduce the amount of truck traffic trips required if these materials were hauled offsite to a landfill as the developer conducts work for Phases 1 and 2 of the Villages MPD. As
stated within the submitted SEPA checklist by the applicant, the City does not anticipate offsite traffic impacts associated with these activities.

It is expected that these activities will be limited to the timeframes established within Black Diamond Municipal Code Chapter 15.28, not to exceed a total project lifetime of eight (8) years in order to conclude the processing and use of "Earth" materials for the Villages Master Planned Development, Phases 1 and 2.

**Mitigated Determination of Nonsignificance:** After review of the completed environmental checklist, The Villages MPD Temporary Staging and Stockpiling Area application and environmental documents listed above 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) nor 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 fourteen (14) days from the date below. Comments must be submitted by November 17th, 2014.

The mitigation measures included below are those required by applicable provisions of the Black Diamond Municipal Code, conditions of the MPD permit approval in Ordinance No. 10-946 and The Villages Master Planned Development Agreement approved in Ordinance No. 11-970, and as imposed by this MDNS.

**Mitigation Measures:**

**Health and Safety Mitigation Measures in Compliance with BDMC, Chapter 8**

1. All equipment required to use backup alarms shall utilize 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, use broadband backup alarms instead of typical pure tone alarms.

2. Operators shall be required to lift, rather than drag materials in order to reduce the impacts of noise based on these activities. Heavy materials that will be lifted, rather than dragged include "Earth" materials for processing, equipment, piping and other items used for the processing of trees and vegetation within the project site.

3. Electric pumps shall be used whenever pumps are required as they generate less noise than gasoline driven pumping devices.

4. The Applicant shall continue the operation of the "Noise Control Hotline" to allow neighbors affected by noise to contact both the City and the construction contractor to ask questions or to complain about violations of the noise reduction program per Condition of Approval No. 41 of The Villages MPD permit.

5. Noise attenuation shall be adhered to in accordance with the approved "Short-Term Construction Noise Mitigation Plan" as reviewed by the Noise Review Committee and approved by the Master Plan Review Team, dated July 18th, 2013. As determined by the City, subsequent revisions or modifications to this plan will reviewed by the Noise Committee, with recommendations made to the Master Planned Review Team, for which final approval will be made and implemented.
Environment Mitigation Measures in Compliance with BDMC, Chapter 19

1. In accordance with BDMC 19.30.070, significant trees shall be replaced by new trees from the site from which they were removed consistent with the replacement table within subsection (C) or payment must be made into the significant tree fund as outlined in subsection (D). Bonding of removed trees will be required prior to permit issuance and the bonding amount shall be reduced annually if new trees will be planted onsite.

2. The applicant shall develop a buffer management plan as required in BDMC 19.10.230 (F). Project impacted wetland buffers will be evaluated by the applicant post-clearing, so that an adequate assessment of the current buffer conditions can be evaluated to ensure consistency with this code provision. The buffer management plan shall be reviewed and approved by the City and the Applicant will begin implementation of that approved plan within 6 months of the start of site clearing for the Staging and Stockpiling Area.

3. Pursuant to BDMC 19.10.220.D, wetland buffer boundaries adjacent to land within this Staging and Stockpiling Area shall be permanently delineated by split-rail fencing and identification signs, as approved by the City.

4. In accordance with sections 19.10 and 19.30 of Black Diamond Municipal Code, the applicant, prior to any clearing and grading activities, shall 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 the drip lines of trees to be saved prior to the start of clearing and grading operations.

5. Stationary construction equipment and light shall be located away from the sensitive areas and buffers (Wetlands E1 and P/Q) wherever possible in accordance with BDMC section 19.10.220 (D). Where this is infeasible, or where noise and or light impacts would still be likely to occur, portable barriers shall be placed around the equipment (pumps, compressors, welding machines, etc.) and/or light sources and directed away from the sensitive area.

6. Prior to commencing work on this project, the applicant shall post a cash surety reclamation bond in accordance with Black Diamond Municipal Code Section 15.28.100 and meet other applicable code requirements identified within Black Diamond Municipal Code Section 15.28, Land Clearing and Grading.

7. Prior to site clearing, the Applicant shall obtain the appropriate Forest Practices Permit from the Washington State Department of Natural Resources and provide the City a copy of the permit application and the approved permit.

8. “Earth and Vegetation” materials, as outlined within the SEPA checklist, submitted on July 16, 2014, shall only include materials generated from activities associated with the approved Villages Master Planned Development (Ordinance #10-946) and Development Agreement (Ordinance #11-970), phases 1 and 2. No portion of the Lawson Hills Master Planned Development will be utilized as a sending or receiving site for “Earth and Vegetation” materials under this decision.

9. The final determination on the required buffer for wetland P/Q is dependent on the City’s wetland consultant’s review and agreement with the Applicants submitted wetland scoring sheet for this wetland adjacent to the project site. Any activities associated with this development proposal (Staging and Stockpile Area (PLN14-0024)) shall maintain a minimum distance of 225’ from the edge of wetland P/Q.

Stormwater Management Mitigation Measures in Compliance with BDMC, Chapter 14

1. The applicant shall obtain an approved National Pollution Discharge Elimination System (NPDES) Permit from the Washington State Department of Ecology, identifying potential pollution sources associated with the activities for the Staging and Stockpiling Area and preventing their discharge
from the site in order to meet the State of Washington’s approved water quality standards. As a component to the approved NPDES Permit, the Ecology-approved Surface Water Pollution Prevention Plan (SWPPP) shall be kept onsite, at all times during the duration of the project.

**Land Clearing and Grading Mitigation Measures in Compliance with BDMC, Chapter 15.28**
1. While vegetation stored onsite will consist of wood and wood chips processed from woody material removed from sites (the approved Villages Master Planned Development, Phases 1 and 2) under construction, the applicant shall keep brush piles away from wood chip stockpiles and routinely take temperature probe readings of the wood chip stockpiles in order to monitor their internal temperatures and aerate when needed. An appropriate Stockpile Management and Fire Prevention Plan shall be approved by the Black Diamond Fire Department prior to stockpiling materials onsite.

**Other Consolidated Permit Applications:** Clearing and Grading Permit (PUB14-0030) and Tree Removal Permit (BLD14-0059)

**Responsible Official:** Aaron C. Nix, MPA

**Position/Title:** Community Development/Natural Resources Director  
**Phone:** (360) 886-5700 Ext. 5720

**Email Address:** mdrt@ci.blackdiamond.wa.us

**Lead Agency Address:** P.O. Box 599, 24301 Roberts Drive, Black Diamond, WA 98010

**Date:** November 3rd, 2014  
**Signature:**

**Appeals Notice:** This MDNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for fourteen (14) days from the date above. Comments must be submitted by November 17th, 2014. Comments on this MSDS may be submitted by first class mail or delivered to the responsible official, Aaron C. Nix, MPA, at the above lead agency address.

You may appeal this determination at the Community Development Department, 24301 Roberts Drive, Black Diamond, no later than 5:00 p.m., November 17th, 2014 by completing the proper appeal form and paying an appeal fee of $250.00. You must make specific factual objections, identify error, harm suffered, or identify anticipated relief sought and raise specific issues in the statement of appeal. Contact the Community Development Department at (360) 886-5700 to read or ask about the procedures for SEPA appeals.