



**STATE ENVIRONMENTAL POLICY ACT
Mitigated Determination of Non-Significance (MDNS)**

May 5, 2020

Lead agency: City of Buckley, Washington

Agency Contact:

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Third Party Reviewer:

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Principal
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Project Proponent:

Josh Hosford
1155 Porter Street
Enumclaw, WA 98022

Project Location:

1435 Ryan Road, Buckley, WA.
APN 0619101700

Project Description:

The project is an application for a proposed preliminary subdivision (APN 0619106700, 1435 Ryan Road, Buckley, WA) into 63 single-family residential lots, 7 duplexes, new roads (Road A, B, and C), a pedestrian Access Tract, an Open Space Tract and two storm ponds.

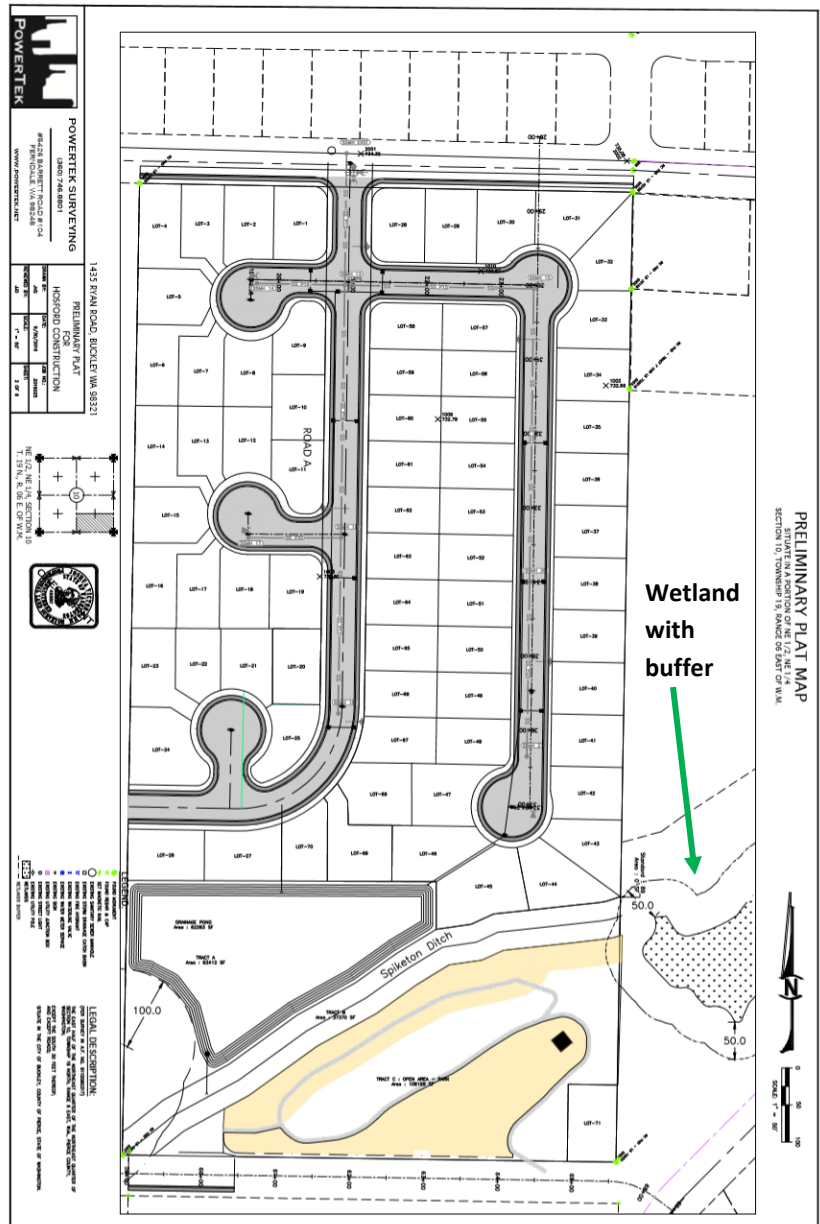


Figure 1. Preliminary Plat Map with delineated wetland on adjacent property to the east.



Figure 2. Vicinity Map

Wetlands Review:

The City of Buckley issued a Notice of Complete Application on November 8, 2019 with several required revisions. To date, portions of these revisions have not been accomplished, specifically with respect to the wetlands determination and mapping. As noted in the Notice of Complete Application, the applicant is required to do the following:

Resubmit the Critical Areas Report demonstrating the on and off-site wetlands. There are known, delineated wetlands to the east and [suspected to the] west of the project site. The topography and soils suggest these wetlands are part of a complex that includes, at a minimum, wetlands buffers on the east and west portions of the project site. The wetland to the west is a Category III wetland delineated this year with the wetland boundary extending to the subject's western property line¹. The entire property to the east was a delineated wetland south of the private drainage ditch and on both sides of Spiketon Ditch. These (1993 delineation) Category II wetlands were modified

¹ The wetland report for the adjacent lot to the west has since submitted an addendum concluding the absence of wetlands. This assessment has not been reviewed by staff, stakeholders, or relevant agencies. There is currently no wetland determination associated with the site to the west.

in 1998 as part of the Elk Heights subdivision with extensive wetlands creation and enhancement in the area near the ponds.

The applicant provided a supplemental memo to the original wetlands report on December 16, 2019. However, neither the original wetlands delineation nor the supplemental memo meets the requirements of the Buckley Municipal Code. On January 23, 2020 (and again on April 1, 2020), the City informed the applicant that the studies submitted to date do not meet the minimum requirements, specifically BMC 12.09.020:

(1) *Wetland Analysis.* In addition to the minimum required contents of BMC [12.08.210](#), Critical areas reports – Requirements, a critical areas report for wetlands shall contain an analysis of the wetlands including the following site- and proposal-related information at a minimum:

(a) A written assessment and accompanying maps of the wetlands and buffers within 300 feet of the project area, including the following information at a minimum:

- (i) The project area of the proposed activity;
- (ii) Wetland delineation and required buffers;
- (iii) Existing wetland acreage;
- (iv) Wetland category; vegetative, faunal, and hydrologic characteristics;
- (v) Soil and substrate conditions; and
- (vi) Topographic elevations, at five-foot contours.

(b) Proposed mitigation, if needed, including a written assessment and accompanying maps of the mitigation area, including the information detailed in BMC [12.08.250](#), Mitigation plan requirements.

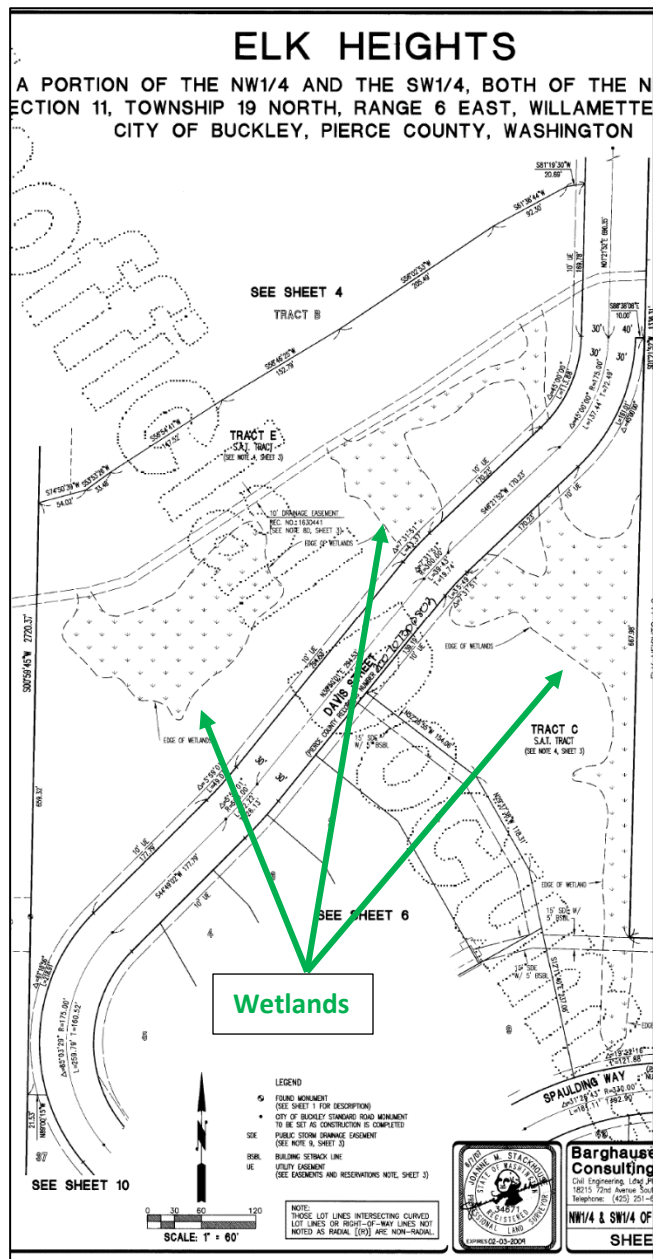


Figure 3. Wetlands on adjacent lot to the East.

Wetlands have been delineated to the east and west of the proposed project site. The wetlands to the east are Category II wetlands created as part of wetlands mitigation for the Elk Heights subdivision. These wetlands are not acknowledged in the applicant's submitted materials. The wetland to the west was delineated in 2019 as part of a rezone project. The applicant for this other project has since met with the applicant for the present project and subsequently altered their wetland report to claim there are no wetlands to the west. The City of Buckley has not received adequate test pit data conforming the Buckley Municipal Code to determine whether or not there are wetlands on either the western parcel or the subject parcel. No on or off-site wetlands of any kind were shown in the submitted application materials. Therefore, the City will continue to require a revised wetlands submittal that complies with the Buckley Municipal Code.

SEPA Determination:

The City of Buckley has determined that this proposal will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). The necessary mitigation measures are listed below, the Environmental Checklist is attached, and project plans and studies are available at: The Buckley Multi-Purpose Building, 811 Main Street, Buckley, Washington 98321.

Mitigation Conditions:

The SEPA Responsible, based on the environmental checklist and the plans and environmental studies, has determined that the project will have no significant environmental impact with the following mitigation conditions:

1. The applicant shall submit a wetlands delineation study that accurately shows and depicts the off-site wetlands and any on-site wetlands and their buffers. The wetlands study shall comply to BMC 12.09.020.
2. The applicant shall provide Civil Construction Plans including TESC, grading, road and frontage improvements, stormwater, water and sanitary sewer.
3. The applicant shall provide Street Lighting Plans and photometric calculations demonstrating no light spillage into adjacent or on-site wetlands or their buffers. All lighting shall be shielded to reduce off-site glare.
4. The applicant shall submit a Channelization Plan which identifies the existing and proposed pavement markings and signage adjacent to and on the site.
5. Frontage improvements shall be provided on the south side of Ryan Road and shall include curb and gutter, sidewalk, storm drainage, street lighting, and street widening compliant with Frontage Improvements per Section 4.07 of the City Standards.
6. The applicant shall comply with the requirements of the Washington State Department of Ecology National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges associated with construction activity. No non-treated stormwater may be directed to wetlands or their buffers or Spiketon Ditch and the offsite analysis must identify any water quality problems anticipated in the receiving water downstream of the site.

7. The applicant shall revise the stormwater report to meet the City's requirements. The final report shall address all components of the stormwater site plan described in Chapter 3 of Volume I of the stormwater manual. The applicant shall describe the drainage courses within the vicinity of the subject property. A SWPPP, and O&M Manual and conveyance calculations must be provided for approval by the City Engineer. The applicant must provide details for Best Management Practices. Any requested credits shall be described and detailed. Finally, the applicant shall obtain a Department of Ecology Construction Stormwater General Permit.
8. The applicant shall correct discrepancies in the SEPA Checklist with respect to slope and soil types present on the site.
9. The applicant shall provide a landscaping plan.
10. The applicant shall describe the purpose, type, total area, and approximate quantities of total fill affected areas of any filling, excavation and grading proposed. All sources of fill should be indicated. Hydrology for the off-site and potential on-site wetlands shall be preserved.
11. The applicant shall comply with the recommendations from the geotechnical report and incorporate these into the civil construction plans. The Geotech report shall also be revised to contain content pertaining to road design recommendations.
12. The applicant shall comply with all other requested revisions from the City Engineer's review letter dated January 20, 2020.

Revision and Re-issuance of MDNS:

Many of the above mitigation measures have the potential to alter the preliminary plat plans significantly, especially with respect to critical areas and drainage. Should the plans and/or impacts change significantly once the mitigation measures are applied, the City may choose to re-issue the MDNS and re-open the comment period based on new information, if necessary.

Comment Period:

This MDNS is issued under WAC 197-11-340(2) and the comment period will end at 4 pm on May 20, 2020.

SEPA Responsible Official:

Leticia Wallgren, City Planner
City of Buckley, Washington
Buckley City Hall, 933 Main Street
PO Box 1960, Buckley, Washington 98321
360-761-7817

Signature  _____

Date 05/04/2020

Appeal process:

Any party may file an appeal of this decision by 4 pm on June 3, 2020 to the Buckley Hearing Examiner following the procedures found in BMC 20.32