



CITY OF BLACK DIAMOND

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**State Environmental Policy Act (SEPA)
City of Black Diamond
Mitigated Determination of Nonsignificance (MDNS)
and
Notice of Concurrency Determination**

Date of issuance: September 30, 2020

Lead agency: City of Black Diamond Community Development

City Contact: Barb Kincaid, bkincaid@blackdiamondwa.gov, 360.258.1211

City File Number(s): PLN19-0058 SEPA Checklist
PLN19-0057 Binding Site Plan
PLN19-0098 Conditional Use Permit
PUB19-0125 Transportation Concurrency

Name of proposal: Black Diamond Commercial Mixed-Use

Description of proposal: Applicant requests Binding Site Plan Approval and a Conditional Use Permit to divide a 31.30-acre +/- parcel into eight lots for sale or lease to develop approximately 78,000 square feet of combined commercial/retail and office space with onsite parking. The proposal also includes the future development of a 132-unit multifamily housing structure on one of the lots. Elements of the proposal include infrastructure for roadways, utilities, and stormwater management as well as the removal of an existing automotive shop and single family home.

Location of proposal: 31109 3rd Ave, Black Diamond, WA 98010, King County Parcel Number 1121069008

Applicant(s): Weston Butt, PK Properties, LLC, PO Box 5781, Black Diamond WA 98010

Concurrency: The proposed development, as mitigated by this SEPA MDNS, is found to be concurrent consistent with Black Diamond Municipal Code (BMDC) Chapter 11.11

The City of Black Diamond (lead agency) 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 RCE 43.21C.030(2)(c). The necessary mitigation measures are listed below, the Environmental Checklist is attached. Other relevant materials related to this file are available to the public by request to the City contact listed above.

This determination is based on the following findings and conclusions that the following mitigation measures and permit conditions are required to adequately address potential impacts from this project proposal.

Mitigation Measures: The following mitigation measures are hereby incorporated into this mitigated determination of non-significance (MDNS). These conditions are in addition to the mitigation required from development regulations and other conditions resulting from other government approvals.

1. Future development of multi-family housing on the gravel padded lot shall require a new SEPA checklist and threshold determination.
2. Adherence to all applicable codes and standards required by the Black Diamond Municipal Code (BDMC).
3. Compliance with the Black Diamond Engineering Design and Construction Standards Section 2.2.05, earth moving, grading, and other construction activities (including exposed soil) conducted during winter work period (October 1 to March 31) by submitting a Winterization Plan to the Public Works Department for approval.
4. The applicant shall create separate tract(s) around the onsite wetland and associated buffers and note the presence of onsite wetlands and buffers on the face of the Binding Site Plan.
5. The Wetland and Fish and Wildlife Habitat Assessment Report and Vegetation Management Plan, prepared on May 2019 by Soundview Consultants, LLC shall be adhered to including, but not limited to:
 - a. enhancing buffers around wetlands to improve the conditions and functions of onsite wetlands to include split rail fencing, signage, and plantings of dense, native evergreen trees along buffer perimeter.
 - b. maintaining wetland hydrology by dispersion of clean water from rooftops and designing site to route any untreated runoff away from wetlands.
 - c. directing lighting and noise generating activities away from wetlands
 - d. complying with the Vegetation Management Plan (VMP) contained in the Soundview Consultants report and adhering to the monitoring and reporting schedules to the City of Black Diamond Community Development Department.

e. approved design for stormwater runoff must include enhanced basic water quality treatment with detention and phosphorus removal.

6. Preparation and submittal of a Stormwater Pollution Prevention Plan (SWPPP) and Temporary Erosion and Sediment Control Plan (TESC) to the City of Black Diamond Public Works Department.

7. Adherence to the conditions contained within the approved Tree Permit and as practical, maintain existing trees and vegetation in the western portion of the site.

8. The use of Best Management Practices (BMPs) shall include, but are not limited to, the following to reduce impacts from construction activities:

a. Locating equipment distant from wetlands and buffers to minimize impacts from noise and light.

b. Maintaining equipment to avoid potential fuel leaks and turn off when not in use to reduce noise and emissions.

c. Installation of quarry spalls at all construction entrances and drive lanes to minimize off-site tracking.

d. placement of silt fencing around entire site perimeter and cover soil stockpiles when not activity grading.

e. Installation of temporary measures to control surface water runoff, such as interceptor trenches, sumps, or swales prior to beginning earthwork activities.

f. wet dry soils to minimize dust and airborne soil erosion.

9. Traffic

A Traffic Impact Analysis dated May 4, 2020 prepared by Parametrix analyzed the impacts from the application. According to the Traffic Impact Analysis, it is anticipated that the project is expected to generate a total of 752 trip movements into and out of the site occurring during the PM weekday peak-hour. The Traffic Impact Analysis also states that five intersections are operated below Black Diamond level of service standards under with-project conditions. Those intersections are: SE 288th Street/216th Ave SE, Roberts Drive/Morgan Street, Roberts Drive/ SR 169, Black Diamond Ravensdale Road/SR 169, and Baker Street/ SR 169.

The City has a strategy in place to upgrade four of the intersections that will be impacted by the proposed development. The Master Planned Developer (MPD) in the City, by development agreement, is required to construct certain capacity adding projects to meet the needs of the growing City. Under the MPD Development Agreement, the City has an obligation to collect a proportionate share of capacity adding project costs from non-MPD developments that will benefit from the projects, such as the project subject to this SEPA threshold determination. SEPA authorizes the City to collect appropriate fees to mitigate direct impacts arising as a consequence of a proposed project, including a proportionate cost of the capacity adding projects needed to serve the development (“fair pro rata share”).

Mitigation of impacts to the Transportation System shall be as follows:

a. The fair pro rata share will be calculated at the time the Developer applies for the first building permit associated with the Project. As the Project is anticipated to add trips to the transportation system incrementally, Developer shall pay this fair pro rata share incrementally. In order to facilitate this incremental payment, when the fair pro rata share is calculated, such calculations shall also include a breakdown of the fair pro rata share based on a PM Peak Traffic Volume trip basis. Therefore, as Developer's project adds PM Peak hour trips, Developer shall pay the calculated fair pro rata share per Peak Hour trip for the appropriate land use at the time of each building permit issuance.

b. The intersections at Baker Street and SR 169 will require mitigation as a result of the proposed project and the City does not currently have a strategy in place to upgrade this intersection. Parametrix identified channelization of the right-turn movement on Baker Street at the intersection as potentially appropriate mitigation for the impacts from the Project. Developer shall channelize the right-turn movement on Baker Street at the intersection of SR 169 prior to the addition of 300 PM Peak Hour trips from the Project to the City's transportation network.

This MDNS is issued under WAC 197-11-340(2). Any person, affected tribe, or agency may submit comments to the lead agency within fourteen days of the date of issuance of this MDNS. Written comments must be submitted to the responsible official, Barb Kincaid via email to bkincaid@blackdiamondwa.gov or by mail to PO Box 599, Black Diamond, WA 98010 no later than 5pm on October 15, 2020.

Signature: /s/_____ **Date:** 9/25/2020

You may appeal this determination by submitting the required fees and City appeal form to the Community Development Department, City of Black Diamond 24301 Roberts Dr, PO Box 599, Black Diamond, WA 98010. Due to COVID-19, the City offices are closed at this time. The appeal period for this MDNS will be consolidated with the underlying action which is the decision for the proposed Binding Site Plan (PLN19-0057). All interested parties must either submit comments or request to receive the Notice of Decision on PLN20-0057 to the lead agency contact listed above no later than October 23, 2020 at 5pm. Please contact the responsible official at bkincaid@blackdiamondwa.gov to inquire about procedures for SEPA appeals.