MITIGATED DETERMINATION OF NON-SIGNIFICANCE

CITY OF MOSES LAKE

Name of proposal: Pioneer Meadows Apartments **File Number**: EC 15-34, CUP 15-9

Description of proposal: Construct 17 apartment buildings containing 189 units and a community center/office, 4 garage buildings, carports, and a total of 378 parking spaces. The community center will include 2 offices, garage for manager's golf cart, storage for pool chemicals, exercise room, showers, community kitchen, great room with fireplace, and swimming pool. The site includes 2 Category IV wetlands that will remain undisturbed. The site also includes portions of the 100' buffer for Category II wetlands on adjacent property to the north. With the plat application, approval was granted to install sewer lines within the buffer. A pervious trail along the northerly and westerly boundary of the site, with portions within the wetland buffer, was a condition of approval of the plat. Site grading of 7000 CY and importation of 114,000 CY +/- of fill has been previously reviewed. Platting the property and construction of street and utilities to serve the property has been previously reviewed. A landscape alteration for the location of street trees and property line buffer trees has also been requested.

Proponent: Kirk Kappen, Pioneer Meadows LLC, Liberty Lake, WA

Location of proposal: 222 E. Ninth Avenue, located west of Pioneer Way, north of 9th Avenue, east of Division Street, and south of Lark Avenue. The site is described as Tax #3820, 3821, & 4496; Assessor Parcel #11-0321-000, 11-0322-000, & 11-0361-000. The preliminary Pioneer Meadows Major Plat was approved 11-24-15. The site is zoned R-3, Multi-Family Residential, at the south end and C-2, General Commercial, at the north end. Multi-family development is outright permitted in the R-3 Zone and is a conditional use in the C-2 Zone.

Lead agency: City of Moses Lake

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment provided the following mitigation measures listed below are complied with. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). The decision was made after review of a completed checklist and other information on file with the lead agency. This information is available to the public upon request.

Mitigation Requirements:

1. A residential neighborhood is located between this project and major traffic arterials. While the submitted traffic memo anticipated that most of the traffic would not travel through the neighborhood, it cannot be known for sure what will actually occur. Therefore, the developer has proposed to measure the volume and speed on the residential streets after full occupancy of the apartments and mitigate if necessary. The developer shall document baseline conditions, and the conditions in the months following at least 80% occupancy. If, in the judgement of the Municipal Services Director, there are substantial traffic impacts on the abutting neighborhood caused by the project, the proponent shall develop and implement mitigation measures to reduce the impacts to an acceptable level. The developer shall work with the Municipal Service Director on determining the method of

measuring impacts and on the type of mitigation to be provided, if needed. All costs, including measuring, developing, and implementing, shall be paid by the developer. To guarantee this work, the developer shall provide a security, such as a bond or assignment of funds, in the amount of $45,000 to the City before building permits are issued. The format of the security shall be as approved by the City Attorney.

2. Before construction, the proponent shall submit the swimming pool plans to the Washington State Department of Health for approval. Before use of the pool, the pool and operators need to be licensed by the Grant County Health District.

3. During construction, any release of oil, hydraulic fluids, fuels, other petroleum products, paints, solvents, or other deleterious materials must be contained and removed in a manner that will prevent their discharge into water or soil. The cleanup of spills shall take precedence over other work on the site.

4. The proponent shall use best management practices for controlling and treating stormwater in compliance with the water quality and quantity standards of the *Stormwater Management Manual for Eastern Washington* and shall meet the state's non-endangerment standard for groundwater. Drywells and other underground injection control devices for managing stormwater are required to be registered with the Department of Ecology and comply with Ecology Publication 05-10-067, "Guidance for UIC Wells that Manage Stormwater." Documentation of compliance with the *Manual* and Publication 05-10-067 and of how the non-endangerment standard will be met for on-site drainage shall be submitted to the Building Official before building permits are approved, including sufficient studies and analysis to show that the proposed method of stormwater management will work, as the area is known to have shallow groundwater that may prevent the use of drywells.

5. Because the site has a potential for stormwater discharge to wetlands, surface water, and/or the municipal stormwater system during construction, the proponent must apply for coverage under the Department of Ecology's Construction Stormwater General Permit at least 60 days prior to start of construction. Construction stormwater must be treated before it contacts wetlands, surface water, or the stormwater system, to prevent contamination with sediment and other pollutants.

6. The proponent shall protect the wetlands and buffers from construction impacts using sediment control measures such as a silt fence during construction. The sediment control measures shall be installed landward of the upland edge of the wetland buffer before the start of any earthwork and shall remain in place until all earthwork is finished. The proponent shall ensure that the sediment control measures are inspected no less often than after every runoff event, and that the sediment control measures are maintained when necessary to ensure proper function. For work that must take place within the wetland buffer to install the sewer line, the sediment control measures shall be moved to protect as much of the remaining wetland buffer as possible.

7. Since ground disturbance leads to weeds and dust, the portions of the site not proposed for development as part of the current project shall remain undisturbed as much as possible. A stabilization plan shall be submitted to the Community Development Department before any site disturbance is authorized. The plan shall address dust, erosion, and sediment control measures, both during construction and to permanently stabilize disturbed areas. At a minimum, the plan shall identify the limits of disturbance, provide an area for sediment collection for on-site stormwater, address dust control during construction and non-working hours until project completion, including additional dust control measures if needed due to the prevalence of Mt. St. Helens ash on the site, identify and protect down-gradient areas from stormwater impacts, identify cut and fill slopes and possible check dams in ditched areas, identify and use secondary containment for on-site fueling tanks if present, and address construction entrance, stabilization after construction, inspection and maintenance of erosion control measures, and prevention of tracking sediment onto City streets and/or sidewalks. Temporary control measures are to be removed within 30 days of project completion. Disturbed areas that will not be built on, paved, removed, or landscaped for more than 45 days shall be stabilized through long-term methods such as establishing dryland grasses or native

shrub/steppe. No building permit shall be issued until the plan has been approved by the Building Official. The proponent shall ensure that nuisances, such as weeds and dust, do not develop. If the erosion control measures proposed by the applicant are found to be insufficient during the course of the project, the applicant shall immediately implement further erosion control measures.

8. Where fills are placed, including fill from on-site grading, the fill shall be placed in accordance with accepted engineering practice. All fill materials shall be limited to clean soil and gravel or other similar materials. Before building permits are issued for any location with fill, the proponent shall submit a soil investigation report and compaction report, both acceptable to the Building Official, in the location of the footings for any new structures.

9. The site likely contains significant amounts of Mt. St. Helens ash. Locations with ash are not considered native material so need to be considered fill sites. Soil investigation reports and compaction reports will be required.

10. Per Section D106 of the 2012 International Fire Code, multiple-family developments of more than 100 dwelling units must be equipped throughout with at least two separate and approved fire apparatus access roads.

11. The developer shall install fire hydrants as required by Moses Lake Municipal Code Title 16, and shall ensure that hydrants are in service, to include the addition of the 5" storz adaptor, prior to the arrival of combustible construction materials on job sites. The developer must provide fire apparatus roadways (temporary or permanent) within 150' of any structure under construction. Roadways must be capable of supporting a 40,000 pound truck in inclement weather.

12. As noted in the MDNS for the plat, RCW 58.17 requires that subdivisions make adequate provisions for parks and recreation. This site has an identified deficiency of neighborhood and mini parks, as shown in the City Council approved City of Moses Lake Parks and Recreation Department Addendum to the Park, Recreation, & Open Space Plan. Per MLMC 17.27, residential developments including subdivisions and apartments shall include as a condition of approval either a portion of the site to be developed as open space for public purposes or the payment of a fee in lieu of dedication, or a combination of both. Required area of land dedication is 10% of the gross area and must be qualified open space that meets the requirements of MLMC 17.27. For this project of 14.75 acres, required dedication would be 1.48 acres. The fee in lieu of dedication is 10% of the value of the gross area of the proposed development and is calculated as follows:

    Assessed land value of the most similar development is $130,679 per acre (Vintage Apartments).

    The subject property is 14.75 acres; therefore the value of the parcel is 14.75 x $130,679 = $1,927,515.

    Ten percent of $1,927,515 is $192,752.

    The developer shall either dedicate the required amount of qualified open space on the final plat or pay the fee in lieu of dedication to the City of Moses Lake before the plat is recorded, or a combination of dedication and fee. If the area being subdivided changes before the plat is recorded, the amount of land to be dedicated or fee in lieu of dedication may be recalculated. As an alternative to dedicating land or paying a fee in lieu of dedication, the developer may enter into a voluntary agreement with the City that includes improvements made by the developer to public parks, open space, and/or trails.

13. As noted in the MDNS for the plat, MLMC 17.03.060 requires that the owner of a new subdivision shall assign and transfer to the City any perfected application, certificate, permit or right of withdrawal of ground or surface waters, or such other water rights as may be appurtenant to such property in such quantities as is sufficient to serve the real property. In the event there are no water rights, the property owner or developer shall pay to the City, in lieu thereof, a water rights acquisition fee of $1,200 per equivalent residential unit (ERU). Each dwelling unit in a multi-family development is 0.6 ERU or $720, therefore the fee in lieu of dedication for this project is $720 x 189 units = $136,080.

The dedication or fee in lieu of dedication is required before the plat is recorded. If the number of units changes, the fee in lieu of dedication may be adjusted.

14. All construction must be managed so as to prevent impact on the wetlands and buffers. Clearly marked temporary fencing must be installed during the entire construction period, including site preparation and building construction. Potentially disturbing construction activities such as vehicle and foot traffic and material and waste storage shall not take place within wetlands or buffers.

15. The developer and future owners shall maintain appropriate vegetative cover in the buffer zone. With the City's approval, the buffer area may be enhanced with additional appropriate plantings.

16. The proponent shall retain sediment on site and employ measures to prevent tracking of material onto City streets during construction, through measures such as an appropriately sized and designed construction entrance. The proponent shall submit a proposal to the Building Official for review and approval before site disturbance begins.

17. The site is an important link in the non-motorized transportation system. The developer shall design and build an activity trail connection from Balsam Street to the activity trail on the west side of Pioneer Way, in lieu of constructing a street connection to Pioneer Way. The developer shall also work with the City to provide an activity trail from Ninth Avenue near Division to Pioneer Way near the north end of the subject property, generally following the northwesterly boundary of the property. The proponent shall dedicate right-of-way where needed for the trail, in an alignment approved by the City. This dedication will be subtracted from the required dedication for parks/open space. Developer construction of portions of the trail, whether on the developer's site or on City property, can also be subtracted from the parks/open space obligation.

18. The proponent shall follow the Sept. 4, 2015 mitigation plan for the installation of the sewer line in the wetland buffer, including minimizing disturbance within the buffer, planting at least 42 native shrubs (5-gallon size), one pound of native seed mix/1000 SF, protecting new plantings from wildlife browsing, and no manholes for the sewer line within the wetland buffer.

19. The proponent shall monitor the installed mitigation as specified in the Sept. 4, 2015 mitigation plan, including at least 5 years of monitoring, not more than 30% cover of non-native or invasive plants within the restoration area, submitting a report by November 30 of each year, 50% woody plant aerial coverage by Year 5, replacement of any dead shrubs each spring, and contingency plans to address problems, including an alternative if the mitigation is not successful by the end of Year 5.

20. The proponent shall ensure that all contractors and sub-contractors are aware of the relevant conditions.

Mitigated Determination of Non-Significance (MDNS) Comment Period: This MDNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. **Comments must be submitted by February 11 to the Responsible Official.**

Responsible Official: Anne Henning, P.O. Box 1579, Moses Lake, WA, 98837; (509)764-3747

Date: January 27, 2016 **Signature:** Anne Henning

Appeals

You may appeal this determination to the Moses Lake Planning Commission, P. O. Box 1579 (321 S. Balsam), Moses Lake, WA 98837, no later than February 11, 2016, by writing to the Responsible Official at the above address. You should be prepared to make specific factual objections. Contact Anne Henning to read or ask about the procedures for SEPA appeals.