

MITIGATED DETERMINATION OF NON-SIGNIFICANCE



Name of proposal: Ray Louise Major Plat **File #:** LUA2016-0045

Description of proposal: Reconfigure an undeveloped plat from 1945 and construct the street and utilities. Ten lots of the original plat will be configured into 15 lots. Total area is 4.2 acres.

Proponent: John Taylor, Couer d'Alene, ID

Location of proposal: West of Peninsula Drive, between Pacific Street and Harborview Street, described as Vance-Emery Subdivision, Block 2, Lots 7, 8, 10, & 11; and Block 3, Lots 1-6. Assessor Parcel # 11-1442-000, 11-1443-000, 11-1445-000, 11-1446-000, 11-1448-000, 11-1449-000, 11-1450-000, 11-1451-000, 11-1452-000, & 11-1453-000. The site is located in the R-1 Single Family 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:

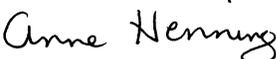
1. The Washington State Department of Archaeology and Historic Preservation has identified this site as having high probability for containing pre-contact archaeological resources. These resources would be destroyed by ground-disturbing activities. Archaeological sites are subject to the National Historic Preservation Act (16USC470), RCW 27.44 (Indian Graves and Records), RCW 27.53 (Archaeological Sites and Resources), and WAC 25-48 (Archaeological Excavation and Removal Permit). Violations are punishable by civil fines and other penalties and criminal prosecution. Therefore, to ascertain the site does not contain archaeological resources, prior to ground disturbing activities, the proponent shall submit to the City and the Washington State Department of Archaeology and Historic Preservation (DAHP) an archaeological survey that meets the standards of the DAHP. No ground disturbance is authorized until the survey has been reviewed and accepted.
2. 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.
3. 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 street drainage shall be submitted to the Municipal Services Department before street construction plans are approved.
4. If the site has a potential for stormwater discharge to 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, unless the total area of disturbance (including construction, staging, and stockpiling) is less than 1 acre. Whether or not an Ecology permit is required, construction stormwater must be treated before it contacts the municipal stormwater system, to prevent contamination with sediment and other pollutants.
5. 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 soil investigation reports and compaction reports, both acceptable to the Building Official, in the location of the footings for any new structures.

6. Since ground disturbance leads to weeds and dust, the portions of the site not proposed for development at the current time 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, 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 development permits that involve ground disturbance 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.
7. To facilitate orderly flow of traffic, provide safe pedestrian facilities, and provide sufficient utility connections, the developer shall construct full-width street and utility improvements to Community Standards for all streets within and abutting the plat and shall connect the streets and utilities to existing improved City streets and utilities. Improvements shall be constructed and accepted by the City Council or a form of security acceptable to the City Attorney shall be provided before the final plat is submitted for review.
8. 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 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 5% of the gross area and must be qualified open space that meets the requirements of MLMC 17.27. For this project, required dedication would be 0.21 acres. The fee in lieu of dedication is 5% of the value of the gross area of the proposed development and is calculated as follows: Assessed value of smaller residential lots in the surrounding area is \$29,750 (lots the same size as the original lots are assessed at \$37,500). The Ray Louise parcel can be divided into 15 lots as shown on the preliminary plat; therefore the value of the parcel is $15 \times \$29,750 = \$446,250$. Five percent of \$446,250 is \$22,313. 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. If the number of lots or 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.
9. 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. For this plat with 15 lots, the fee in lieu of dedication is $15 \times \$1200 = \$18,000$.
10. 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 construction begins.
11. 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 September 28 to the Responsible Official.**

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

Date: September 14, 2016

Signature: 

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 September 28, 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.