



NOTICE OF
**REVISED MITIGATED
DETERMINATION OF
NONSIGNIFICANCE (MDNS)**

City of Blaine CDS *et* 344 H Street *et* Blaine, Washington 98230

Project Name	Grandis Pond on the 49 th Parallel, a Planned Unit Development
SEPA File Number	SEP-5-07
Project Description	A residential PUD including single family lots, cottage homes, duplex and paired housing units, and multi-family housing units for a total of approximately 1,030 residential units. The PUD will also include approximately 48,000 square feet of commercial development. The development site is approximately 440-acres and is located one mile east of Harvey Road, between the north side of H Street Road and the Canadian border.
Proponent	Grandis Pond, LLC P.O. Box 30647 Bellingham, Washington 98228
Location	The development site is located on 22 parcels approximately one mile east of Harvey Road, between the north side of H Street Road and the Canadian border. Portions of Sections' 33 and 34, Township 41 North, Range 01 East, W.M., Whatcom County, WA.
Lead Agency	City of Blaine
Determination	The lead agency has determined that this project is not likely to have a probable significant adverse impact on the environment with the addition of mitigating conditions to the development approval. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c). This decision was made following review of a completed environmental checklist and other information on file with the lead agency. Information on the process and the project is available to the public upon request at the City of Blaine, Community Development Services office.

Mitigation Measures

Notes:

This Revised MDNS withdraws the MDNS issued on June 12, 2010.

This determination is based, in part, on the findings from review of the following documents, which are incorporated by reference:

- Application for a Planned Unit Development (PUD-1-07), Grandis Pond
- Application for a Preliminary Plat (LOP-1-07), Grandis Pond
- SEPA Environmental Checklist (SEP-5-07), Grandis Pond
- Draft Master Plan*, David Evans & Associates, Inc., May 2007
- Draft Covenants, Conditions and Restrictions*, Grandis Pond, 2007
- Low Impact Development Manual*, David Evans & Associates, inc., April 2007
- Sanitary Sewer Technical Memorandum*, David Evans & Associates, inc., April 2007
- Water System Technical Memorandum*, David Evans & Associates, inc., April 2007
- Preliminary Stormwater Site Plan*, David Evans & Associates, inc., April 2007
- Traffic Impact Analysis*, David Evans & Associates, inc., April 2007
- Hydrogeological Investigation*, GeoEngineers, March 2007
- Critical Areas Report: Wetland Delineation*, Cantrell & Associates, October 2006

Conceptual Mitigation Plan, David Evans & Associates, April 2007
Priority Habitats & Species Report, Cantrell & Associates, August 2005
Cultural Resources Assessment, ARAC, July 2005
Planned Unit Development & Preliminary Plat Plans, Grandis Pond, 2007

Issuance of this threshold determination does not constitute approval of any permits. This proposal will also be reviewed for compliance with applicable City of Blaine codes and ordinances which regulate development activities including, but not limited to, the International Building and Fire Codes, Development Standards, Shoreline Master Program, and the Blaine Municipal Code.

Mitigating Measures:

Hydrogeology and Geotech:

A project-specific hydrogeologic investigation was conducted by GeoEngineers. Results of this investigation are presented in the *Hydrogeologic Investigation Report, Grandis Pond Project, Blaine, Washington* (March 2007).

1. The project is unlikely to have a significant adverse impact on groundwater resources. Scheduled monitoring and testing by the City of the City's groundwater supply wells will be maintained as a matter of standard best practices.
2. The applicant shall conduct a design level geotechnical study and prepare a design level geotechnical report once detailed project design information becomes available. The report shall be approved by the City prior to issuance of the Land Disturbance Permit for each phase of the project.
3. All improvements shall be consistent with the findings of the design level geotechnical report required above. A licensed geotechnical engineer shall monitor any required geotechnical mitigation, as determined by the design level study, and immediately notify the City should there be any deviations from the required mitigation.

Traffic:

A project-specific traffic impact analysis was conducted by David Evans & Associates. Results of this analysis are presented in the *Traffic Impact Analysis* (April 2007).

1. In order to provide a passing level of service at the H Street and Valley View Roads intersection following construction of the 2024 phase of development, a 4-way stop regime will be installed at the onset of this phase of development, or alternative improvement as determined appropriate by a supplemental traffic impact analysis prepared by the developer and approved by the City.
2. All project roads and traffic related infrastructure development and improvements shall be reviewed and approved by the City of Blaine Department of Public Works and meet the City's development standards.

Stormwater (Water Quality and Quantity):

A preliminary stormwater study was conducted by David Evans & Associates. The findings of the preliminary stormwater study are presented in the *Preliminary Stormwater Site Plan* (April 2007).

1. A Preliminary Stormwater Design Report (PSDR) and Construction Stormwater Pollution Prevention Plan (CSWPPP) shall be prepared that meets the requirements of Ecology's Stormwater Management Manual for Western Washington. The CSWPPP shall be submitted to the City of Blaine Public Works Department. The City of Blaine Public Works Department shall review and approve the applicant's PSDR and CSWPPP prior to initiating any project related ground disturbing on the subject property.
2. An off-site/ downstream analysis of potential stormwater impacts shall be completed in accordance with the Stormwater management Manual of Western Washington (2005, or subsequent version adopted by the City) prior to the City's approval of the civil improvement plans for each phase of development.
3. A detailed analysis of the Phase 1 development basins has been completed. Detailed analyses of future phases of development shall be required prior to approval of Land Disturbance Permits and civil improvement plans for all later phases of development. These shall include phase-specific pond sizing, topography affects on stormwater management, and impervious surface analysis consistent with the *Stormwater Management Manual for Western Washington (2005)*, or a future version of same.
4. The detailed analysis of future phases of development shall determine if and how stormwater can be effectively managed on the individual lots for the final phases of project development. Individual on-site stormwater management may be approved if the design can demonstrate its effectiveness. Any such

facilities on private development lots shall be protected by permanent easements preventing their conversion from stormwater management facilities.

5. Soil sampling for the purpose of determining the appropriateness of infiltration as a means of stormwater management shall be conducted as part of the Stormwater Site Plan and drainage study for each phase of development.
6. Concentrated roof run-off will not be permitted to be directed to wetlands without the use of level spreaders, infiltration trenches, or similar devices. A report from a wetland professional will be required to demonstrate how the hydro period for wetlands will not be adversely affected prior to any plans being approved to use wetlands as receiving areas for undetained stormwater including water released by the aforementioned devices.
7. Use of wetlands for stormwater detention shall be limited to those uses permitted by the *Stormwater Management Manual for Western Washington (2005)*, or a future version of same.
8. After the applicant completes the installation and construction of all permanent stormwater facilities for each phase of development, the applicant shall prepare and submit a Final Stormwater Design Report (FSDR) to the City of Blaine Public Works Department. The FSDR shall be approved by the City of Blaine Public Works Department prior to the City's approval of further phases of the project and the Final Plat.
9. Covenants, Conditions, and Restrictions (CC&R's) shall be approved by the City prior to approval and recording of any Final Plat. The CC&R's shall identify responsibilities for maintenance and operations of water detention and treatment facilities, drainage infrastructure, wetland open space and other common, non-public infrastructure of the project.
10. The CC&R's shall contain specific language ensuring annual inspection and certification to the City of Blaine Public Works Department by a registered engineer of the adequacy of the storm water treatment and conveyance systems. Inspection and reporting shall be the responsibility of the HOA. Should the periodic inspections identify any deficiencies, the engineering professional shall identify measures required to rectify the deficiency in the report to the city. Any required repair, maintenance, or restoration associated with common areas shall be the responsibility of the Homeowner's Association (HOA).
11. The CC&R's shall contain language requiring City approval of any changes to subsections of the CC&R's related to HOA monitoring, maintaining and reporting in regard to the stormwater facilities.
12. An easement to the City over all private stormwater facilities to allow access for inspection and maintenance in the event of risk of property damage or emergency situations shall be included on the face of each Final Plat. The CC&R's shall include language indemnifying the City against claims by property owners in the event the HOA's actions or lack of actions result in property damage.
13. The applicant shall develop a stormwater facility maintenance manual for the privately owned portion of the stormwater facilities. The manual shall be designed as a guide for the HOA for maintenance operations and for future inspections of the facilities. The document shall be provided to the City for each phase prior to recordation of the Final Plat for each phase.

Wetlands and Wildlife:

A wetland delineation and wildlife study were conducted by Cantrell & Associates. The findings of the wetland delineation and wildlife study are presented in the *Critical Areas Report: Wetland Delineation* (October 2006) and *Priority Habitats & Species Report* (August 2005).

1. The conceptual wetland mitigation plan shall be updated to reflect the following factors prior to issuance of a Land Disturbance Permit for any phase of the project. At a minimum, the wetland mitigation plan shall include the following:
 - Identification of areas included for any buffer averaging calculations, buffer enhancement, and mitigation areas that will meet or exceed the ratio requirements of the Blaine Critical Areas Ordinance (2007) and any other applicable local, state, or federal regulation.
 - A buffer mitigation analysis that will include descriptions of the individual wetland and stream environmental sensitivities to disturbances according to the definition for "averaging" in Section 17.83.COB Municipal Code for those wetlands where buffer widths are proposed for reduction through averaging.
 - Clearly defined protected passive open space areas (wetlands, wetland buffers, enhancement areas, and unpaved trails) and active open space areas (playgrounds, community parks, and in general any area where grass will be mowed on a regular basis).

- Identification of roadway cul-du-sacs, crossings, and conveyances that will preserve hydrological and habitat connectivity between environmentally sensitive areas
 - Identification and descriptions of any low impact development techniques including “drain-dry” detention ponds for stormwater facility design.
2. Covenants, Conditions, and Restrictions (CC&Rs) shall be written and recorded to provide long-term open-space protection of the site wetlands and associated buffers from development-related disturbances such as clearing of native vegetation, fill and excavation activities, and or reconfiguration of stormwater flows or drainage areas.
 3. A fertilizer management plan shall be developed for the project prior to approval of any final plat(s). The plan shall be incorporated into the CC&R’s and shall discourage the use of pesticides and minimize the use of fertilizers on all HOA controlled property, all multifamily properties, and all commercial properties. The fertilizer management plan shall include information to discourage use of pesticides and chemical fertilizers on single-family properties
 4. Critical areas and buffers shall be protected by fences and signs. An open-space protection plan, including details of fence construction materials and signage, shall be prepared by the developer and approved by the City. The plan shall require fences wherever a critical area or buffer is located adjacent to private property not owned by the HOA.
 5. The project shall be modified to reduce wetland and buffer impacts by reducing wetland fill to primarily maintain wetland habitat values, habitat connectivity and protect water quality functions. Wetland fill shall be reduced by not less than 0.20 acres from that which was included in the original application submittal.
 6. The project shall be modified to preserve no less than 25 acres of additional upland habitat adjacent to the wetland complexes to enhance habitat connectivity, preserve upland habitat, and protect wetland and buffer functions from impacts of the planned construction. This shall be a 25-acre increase from that which was included in the original application proposal. Portions of the preserved upland area may be utilized for wetland creation if approved by the City.
 7. The project shall be modified to reduce wetland and buffer impacts by reducing pedestrian and multi-purpose trails within wetlands and buffers while maintaining multi-modal connectivity and recreation opportunities. Trails within wetlands and buffers shall be reduced by at least 30,000 linear feet from that which was included in the original application proposal.
 8. Wetlands, buffers, vegetation preservation areas, and natural open space areas should be located in HOA-owned tracts and not on individual development lots wherever feasible. Where critical areas, buffers, native vegetation protection areas, or low-impact development features providing stormwater quality of quantity treatment extend onto private property permanent easements shall be dedicated to ensure the protection of those features.
 9. The open space Maintenance and Operation Plan shall include specific requirements for trail signage that will require proper handling of pet waste and require pets to be leashed. Pet waste disposal bags and receptacles shall be required at key trail access points as approved by the City.

Cultural Resources:

A cultural resources study was conducted by ARAC. The findings of the cultural resources study are presented in the *Cultural Resources Assessment* (July 2005). This information is confidential and exempt from public inspection under the provisions of RCW 42.17.310. Although the findings of the cultural resources assessment indicate that it is unlikely that the project would result in any significant adverse impacts on cultural resources, the following cultural resources mitigation shall be required in order to avoid any potential adverse impacts.

1. If during project work, site workers observe any pre-contact or historic period archaeological deposits, the site workers shall immediately cease all ground disturbing activities in the vicinity of the observation and shall notify the City. This type of discovery may initiate the process to record, evaluate, and manage discovered and/or recovered archaeological deposits and artifacts. The area of discovery shall be secured to the satisfaction of the City and any further disturbance avoided until the discovery is further assessed by a professional archaeologist at the discretion of the City.
2. If a professional archaeologist determines the presence of any pre-contact or historic period archaeological deposits, the monitoring archaeologist shall immediately notify the applicant who shall immediately notify the City of Blaine SEPA Official (360.332.8311), Lummi Nation Cultural Department (360.384.2298), other Tribal interests, and DAHP (360.586.3065) to consult on the appropriate process to

proceed.

3. In the event that human remains are discovered, all work in the vicinity of the discovery will immediately cease and desist and the monitoring archaeologist shall immediately notify City of Blaine Police (911), City of Blaine Community Development Services (360.332.8311), Lummi Nation Cultural Department (360.384.2298), and DAHP (360.586.3065).

Landscaping:

1. A Landscape Plan shall be prepared by a professional landscape architect on behalf of the applicant that meets all of the City of Blaine’s zoning and landscape requirements. The Landscape Plan shall include a landscape Maintenance and Operations Plan that shall be an obligation of the Homeowners Association and enforceable by the City of Blaine through the developer’s CC&Rs. The Landscape Plan shall be approved by the City of Blaine Community Development Department prior to Final Plat Approval.
2. CC&R’s shall include that no pesticides or herbicides shall be used within designated Open Space tracts or within 100-feet of any wetland or drainage. The CC&R’s shall also outright prohibit the use of non-organic lawn and garden fertilizers on HOA-controlled property.
3. For purposes of avoiding potential adverse impacts on water quality (i.e., stormwater management) and wildlife habitat, all development land clearing activity that occurs prior to preliminary plat approval shall be phased and require administrative approval.

Recreation:

1. Recreation facilities, including playgrounds, trails, and open space shall be maintained in accordance with a Maintenance and Operations Plan to be developed by the applicant and approved by the City, and enforceable by the City of Blaine through the developer’s CC&Rs.

Comment Period

This Revised MDNS replaces the MDNS issued on June 12, 2010. A Comment period was provided for the prior MDNS. No comment period is provided for this Revised MDNS.

Responsible Official

Michael Jones, SEPA Official
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Appeal

This determination may be appealed by submitting a written letter to the SEPA Official at the address noted above. Such an appeal would need to be made by the end of the business day on **August 27, 2010**. Appeals must include a specific factual objection. Questions should be directed to the responsible official noted above.

Signature:  Date: August 13, 2010