



Community Development Department
1321 S. Market Blvd., Chehalis, WA 98532
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SEPA #: SEPA-22-004
UGA-ST-22-0008

AMENDED MITIGATED DETERMINATION OF NONSIGNIFICANCE

Description of proposal: The applicant proposes 84 unit multi-family development in the historic structures of RE Bennett Elementary School and Cascade Elementary School. As per CMC 17.78, this is an allowed use in this zone. Lewis County parcel #s: 004236002001 and 004236002002. 3.81 acres, 165,964 sq ft.

Proponent: Michael McCowan, 444 SE Carlesta Dr, Chehalis WA 98532

Location of proposal: 233 S. Market Blvd and 101 SW 2nd Street, Chehalis WA 98532

Lead agency: Chehalis Building and Planning Department

Chehalis Building and Planning Department has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the City. This information is available to the public on request.

This MDNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Notice of application and SEPA checklist were mailed to affected agencies in August 2022. This decision is based in part on those comments. Comments and appeals for this decision must be submitted by 4 PM May 12, 2023.

Responsible official: Tammy S. Baraconi
Position/title Building and Planning Manager, City of Chehalis
Phone: (360) 345.2227
Address: 1321 S. Market Blvd, Chehalis, WA 98532

Date: April 28, 2023

Signature: _____

You may appeal this determination to City of Chehalis – Building and Planning Department, 1321 S. Market Blvd., Chehalis, WA 98532. You should be prepared to make specific factual objections. All substantive appeals must be filed with City of Chehalis in writing with a \$500 fee submitted by 4:00 PM on May 12, 2023. The applicant is responsible for all hearing examiner fees. You may contact Tammy Baraconi to ask about the procedures for SEPA appeals.

CITY OF CHEHALIS COMPREHENSIVE PLAN

The proposed development is compatible with the following goals and policies of the City of Chehalis Comprehensive Plan.

Chapter 4, Housing

H.01.03 Allow for a range of densities to ensure maximum choice in housing options.

H.03 To provide for greater residential capacity and home ownership opportunities through creative land use strategies.

AMENDED MITIGATED DETERMINATION OF NONSIGNIFICANCE CONDITIONS

- ~~1. Pave 2nd and 3rd Street between Market Blvd and Cascade Avenue. All paving shall be approved the City of Chehalis Public Works Department and meet all development regulations found in CMC 12.04 Engineering Development Code.~~

~~Analysis: The traffic impact analysis (TIA) completed by Heath and Associates with a revised date of January 2023 identifies the project being accessed from both Cascade Avenue and Market Blvd. As per CMC 12.64.060, traffic impacts should be analyzed for a five year period after the project has been in full development for twelve (12) months. The TIA did not analyze the street conditions.~~

~~Staff finds that current conditions of the road are significant. The additional traffic created by access from both Cascade Avenue and Market Blvd will exacerbate the condition of the road to unacceptable levels.~~

2. 2nd Street from Market Blvd to Cascade Avenue shall be paved. All paving shall be approved by the City of Chehalis Public Works Department and meet all development regulations found in CMC 12.04 Engineering Development Code. The developer may enter into a development agreement (RCW 36.70b.170) with the City to delay the start of the paving for up to four (4) years from the date of final occupancy. This agreement must be approved by the City Council and signed by all parties prior to the commencement of civil work on the site.

If the developer wishes to enter into a development agreement with the City of Chehalis, the developer shall have the attorney of their choosing draft a development agreement. The agreement shall contain at minimum the following language:

- a. Indemnification clause. Indemnify the City of Chehalis of claims and liabilities incurred because of the delay of work as well as during the paving of 2nd Street.
 - b. The agreement shall contain language acknowledging the City's right to lien the property located at 233 S. Market Blvd and 101 SW 2nd Street for liquidated damages for work not done. The amount of the lien is based on a current engineer's cost for development of one street plus 15%. The amount shall be \$1,199,000 plus \$179,850 for a total of \$1,378,850. The City reserves the right to adjust this amount for inflation.
3. The auditorium may only be used by the Chehalis School District for school approved functions. Lewis County parcel # 004236002003, 250 SW Cascade Ave is to be dedicated for the exclusive parking of the Chehalis School District during these events. Documentation of this agreement between the developer

and the School District must be submitted to the City prior to final occupancy of the buildings.

Analysis: Staff finds that use of the auditorium for any and all uses allowed by municipal code for an auditorium will, in conjunction with the residential use will pose an undo hardship on the existing neighborhood.

4. A preliminary landscaping plan must be created by a Washington State licensed landscape architect and approved by the city prior to the start of work. This plan shall identify:
 - a. The types and quantities of plants.
 - b. How the plants will be maintained for the first three years.
 - c. A replacement/succession plan for plants that fail within the first three years.
5. A final landscaping plan shall be submitted to the city after planting has occurred and prior to final occupancy of the buildings. This plan must be stamped and certified by a Washington State landscape architect and contain the following:
 - a. The location and identity of all plants.
 - b. A schedule of all plants including quantities and sizes.
 - c. A finalized maintenance and succession plan. If in ground sprinklers are installed, the locations of all lines must be identified on the plans.

The environment threshold determination is based on analysis of information contained in the documents listed below. Additional documents may have been used as appropriate. All reports and documents are available upon request.

- Environmental Checklist prepared by Fuller Design
- Traffic Impact Analysis prepared by Heath and Associates
- A preliminary civil plan created by Fuller Design.

Notes:

1. The issuance of a Mitigated Determination of Nonsignificance does not constitute project approval. All building plans and site design must meet the following: 2018 International Fire Code, the 2018 International Building Code, the City of Chehalis Engineering Development Code (CMC Title 12) and the City of Chehalis Municipal Code (CMC Title 17) and all other applicable local, state and federal regulations.
2. The Mitigated Determination of Nonsignificance is based on the applicant developing the site in accordance with the Civil Plan as approved by City of Chehalis and site plan for 233 S. Market Blvd and 101 SW 2nd Street.
3. If contamination is currently known or observed during construction, sampling of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily visible, or is revealed by sampling, the Department of Ecology must be notified. Contact the Washington Emergency Management Division, 24/7 at 1.800.OILS.911. For assistance with clean up contact Ms. Andrea Unger at 360.561.8495.
4. Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent soil from being carried into surface water by stormwater runoff.

Sand, silt, clay particles, and soil will damage aquatic habitat and are considered pollutants.

Any discharge of sediment-laden runoff of other pollutants to waters of the state is in violation of Chapter 90.48, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington and is subject to enforcement action.

5. During construction, all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills should take precedence over other work.
6. In the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100' buffer; this number may vary by circumstances) must stop and the following actions taken:
 - a. Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering; and
 - b. Take reasonable steps to ensure the confidentiality of the discovery site; and
 - c. Take reasonable steps to restrict access to the site of discovery.

The project proponent will notify the concerned Tribes and all appropriate local, state and federal agencies including the Department of Archaeology and Historic Preservation and the City of Centralia Community Development. The agencies and Tribes(s) will discuss possible measures to remove or avoid cultural material and will reach an agreement with the project proponent regarding actions to be taken and disposition of material.

If human remains are uncovered, the City of Chehalis Police Department shall be notified first and the above steps followed. IF the remains are determined to be Native, consultation with the affected Tribes will take place in order to mitigate the final disposition of said remains.

See the Revised Code of Washington, Chapter 27.53, "Archaeological Sites and Resources," for applicable laws and statutes. See also Washington State Executive Order 05-05, "Archaeological and Cultural Resources." Additional state and federal law(s) may also apply.

CC:

SEPA Unit PO Box 47703 Olympia WA 98504-7703 (with checklist)

Lance Bunker, Public Works Director via email

Rich Gushman, Gibbs and Olson, acting City Engineer via email

Jill Anderson, City Manager via email

Kevin Nelson, Chehalis City Attorney via email

Robert Balmelli, RB Engineering via email