

# CITY OF LYNDEN

PLANNING DEPARTMENT  
(360) 354 - 5532



CITY OF LYNDEN  
MITIGATED DETERMINATION  
OF NON-SIGNIFICANCE  
August 28, 2020

**Project Name: Kamm Creek PRD**

**Description of Proposal:** A Planned Residential Development (PRD) requesting to develop approximately 20 acres into 40 residential lots within the RS-100 zone.

**Proponent:** Bob Libolt, Kamm Creek Investments, LLC

**Contact Info: Address:** 125 Rosemary Way, Lynden WA 98264  
**Phone:** 360-319-8357  
**Email:** boblibolt@gmail.com

**Parcels, Common Address and their Legal Descriptions:**

Two parcels located in Section 15 of Township 40 N, Range 3E

Parcel No: 4003152481650000

Address: Unaddressed

Legal Description: THE EAST 5 ACRES OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M., EXCEPT NORTHWOOD ROAD ALONG THE EASTERLY BOUNDARY THEREOF.

Parcel No: 4003151831630000

Address: Unaddressed

Legal Description: THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M., EXCEPT THE EAST 5 ACRES THEREOF. SITUATE IN WHATCOM COUNTY, WASHINGTON.

**Lead Agency:** City of Lynden (hereinafter "City")

The lead agency for this proposal has determined that it does not have a probable adverse impact on the environment **if** the standard conditions (*not all standard conditions are listed below*) and mitigating measures are enacted. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after the review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

THE COMMENT PERIOD FOR THIS MDNS EXPIRES **September 16, 2020.**  
IT IS ISSUED ON THE BASIS THAT THE APPLICANT WILL COMPLY WITH  
THE FOLLOWING REQUIREMENTS IN MITIGATION OF THE POTENTIAL  
ADVERSE IMPACTS ON THE ENVIRONMENT.

### **Findings of Fact and Mitigating Measures**

1. Proponent will mitigate potential impacts to the earth through the implementation of Best Management Practices (BMPs) for Storm and Surface Water Management per the Dept of Ecology to prevent erosion during and after construction. A Construction Stormwater General Permit (CSWGP) may be required by the Dept of Ecology. It is up to the applicant to ensure compliance with the requirements of the CSWGP.
2. Stormwater: The applicant has provided a preliminary stormwater design report written and stamped by Freeland and Associates (July 21, 2020). The preliminary report indicates that the project, as proposed, can comply with the City of Lynden's current stormwater management requirements.

The Kamm Creek PRD design must provide:

- A) A stormwater management plan including pipe sizing prepared by a professional engineer and meeting the requirements of the City's Manual for Engineering Design and Development Standards and the Department of Ecology Stormwater Manual is required. This plan must be approved by the City of Lynden prior to final approval of the project plans.
  - B) Stormwater Pollution Prevention Plan (SWPPP) (erosion control and sediment plan) must be included in the drainage plan and construction plans. This must be designed and constructed in compliance with the Department of Ecology's Best Management Practices (including all known and reliable technologies) and the standards approved in the Manual for Engineering Design and Development Standards.
3. Critical Areas: The applicant has submitted a Critical Areas Detailed Study that analyzes proposed impacts to the wetlands and regulated streams and their buffers. The Critical Areas Report dated June 29, 2020 is considered preliminary and subject to necessary revisions based on requested information, subsequent plat design alterations, and Army Corps and WDFW permits.

Proposed wetland fill will require Army Corps permits. Stream crossing work will require a WDFW HPA permit.

4. Floodplain: The FEMA designated floodplain for the Nooksack River shall be indicated on the final plat. Applicant shall confirm the BFE for the subject property and locate and adequately delineate that elevation on the ground. Any approved alterations that would change the on-site location of the BFE will require a LOMA and/or a LOMR-F prior to final plat approval.

Proposed development of the floodplain shall comply with FEMA regulations and LMC 16.12 Floodplain Management. Approval of floodplain development is subject to cut and fill analysis, compensatory storage, and a biological assessment.

Future parcels that contact the floodplain or that are directly adjacent to the floodplain will require an elevation certificate at final occupancy to ensure 2 feet of freeboard above BFE.

5. Cultural Resources: The applicant has provided a cultural resources assessment report, titled: Cultural Resource Assessment for the Lower Kamm Creek Residential Development Project, Lynden, Whatcom County, Washington, by Garth Baldwin and Marsha Hanson. The assessment recommends that no further archaeological oversight is warranted.

The applicant shall have an Inadvertent Discovery Plan onsite that identifies protocol for contacting the appropriate authorities and protecting archaeological resources if they are inadvertently found during future construction activity.

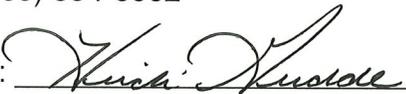
6. Transportation: The applicant has provided a Traffic Impact Analysis for the proposal. The project is expected to generate 378 Average Daily Trips and meet the minimum site distance for access points. Applicant will pay Traffic Impact Fees and meet design standards.
7. Pedestrian Accommodations: The proposed public trail will require dedication of a public trail easement as a condition of the Planned Residential Development approval. Additionally, a trail easement that extends to the western property line and which would eventually connect to future development to the west shall be included on this plat.

### **General Conditions and Disclaimers**

8. This environmental determination does not assure compliance with all state and federal laws. Compliance with all state and federal laws remains the responsibility of the property owner, applicant and designee.
9. Other City, State and or Federal permits may be required for specific development and construction projects. This SEPA determination does not constitute final approval for this plan or future associated construction projects.

This MDNS is issued under RCW 197-11-340(2); the lead agency will not act on this proposal until the expiration of the comment period noted below.

Responsible Official: Heidi Gudde      Position/Title: Planning Director  
Phone: (360) 354-5532

Signature: 

You may appeal this determination to Heidi Gudde no later than **09/16/2020** in writing. You should be prepared to make specific factual objections regarding the environmental impacts. Contact, 300 4th Street, Lynden, phone number 354-5532, to ask about the procedures for SEPA appeals.

There is no agency appeal.