



City of Leavenworth
Community Development
NOTICE OF APPLICATION

Optional Mitigated Determination of Nonsignificance (MDNS)

Date of Issuance: August 31, 2023

Lead Agency: City of Leavenworth

Project Name: Wedgeway, LLC Improvements

Related Permit #(s): Grading Permit 2023-006; Site Development Permit LUA 2023-40

Project Description: The applicant is proposing grading for a future development of the site, currently anticipated to be a bouldering gym, park, two parking lots, future mixed-use building and a new access road to be dedicated to the city.

Project Location: The project site is located at 122 and 200 Zelt Strasse, Leavenworth, Washington; Chelan County Assessors Tax Parcel Number 241806330400 and 241806330450 (respectively). The subject area is located within the General Commercial (GC) zoning district, is approximately 2.2 acres.

Applicant: Gabe Hogness
PO Box 281
Indianola, WA 98342

Applicant: Matt Schilling
4150 85th Ave SE
Mercer Island, WA 98040

Engineer: Forsgren Engineering
Attn: David McCarthy, PE
285 Technology Center Way, Suite 100
Wenatchee, WA 98801

SEPA Determination: The lead agency for this proposal has determined that the project as proposed with mitigation 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). **The optional DNS process (with mitigation) in WAC 197-11-355 is being used.** This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

Public Comment:


Notice of Application with an Optional Determination of Non-Significance was issued with a comment period from September 1, 2023 through September 15, 2023. The Department of Ecology required soil testing which included in this determination.



This Optional MDNS is issued under WAC 197-11-355.

Final Permit Approval(s) may include further compliance review and analysis with conditions of approval for the project.

Responsible Official: Lilith Vespier, AICP
Position/Title: Community Development Director
Phone: (509) 548-5275
Address: 700 Highway 2 / P.O. Box 287
Leavenworth, WA 98826

Signature: 

Date: September 26, 2023

The following conditions have been identified that may be used to mitigate the adverse environmental impacts of the proposal:

Required Permits: Right-of-way permit; site development permit; building permit; design review permit; lighting permit; water/sewer permit.

Preliminary determination of the development regulations that will be used for project mitigation and consistency:

Identified Impacts and General Mitigation

The City reviewed the SEPA environmental checklist and associated attachments, and has determined to mitigate potential adverse environmental impacts of the proposal, as identified herein. Final permit approval(s), if given, may include further compliance review and analysis with conditions of approval for the project. Please note, mitigations addressed in existing regulations are omitted from the mitigation listed below.

- 1. Earth.** The site contains undocumented fill. In general, the site slopes northeast with the steepest slope of 5%. The site is currently undeveloped. The soil is characterized generally by the Natural Resource Conservation Services as PhB, Peshastin Loam which is a Hydraulic Soil Group B. The applicant has provided an initial soils report, Nelson Geotechnical Associates, Inc dated March 24, 2023.

Mitigation

- 1.1 The applicant shall follow all recommendations of the Geotechnical Report.
 - 1.2 The applicant completed soil testing, as required by the Department of Ecology. Contaminated soil is present and requires mitigation. The Applicant shall complete all mitigation, as required by the DOE prior to occupancy of the building permit.
 - 1.3 The applicant shall provide a Construction Mitigation Plan to the city prior to any construction activities (see below for details).
- 2. Air.** The proposed development may result in short-term construction activities which could result in dust and other contaminants typically associated with construction activities.

Mitigation

- 2.1 The applicant shall provide a Dust Abatement Plan within the Construction Mitigation Plan for review and approval, prior to any ground disturbing activities.
- 3. Water.** The development area is not located within Shoreline jurisdiction. There are no wetland characteristics on the project site.

Mitigation

- 3.1 The applicant shall obtain and provide a copy of the Construction Stormwater General Permit within the Construction Mitigation Plan.
 - 3.2 The applicant shall provide a Stormwater Pollution Prevention Plan within the Construction Mitigation Plan for review and approval, prior to any ground disturbing activities.
 - 3.3 The applicant shall provide a Stormwater Plan in compliance with the Stormwater Management Manual for Eastern Washington, prior to issuance of a building permit.
- 4. Plants.** This site is disturbed land with no native plants or vegetation. There were no federal or state listed planted species identified. The applicant has provided a landscaping plan which will be reviewed for consistency with City regulations, at the time of the building permit.

There are no probable significant adverse impacts by the proposal.

- 5. Animals.** The project is outside of shoreline jurisdiction and will not impact fish habitat. The Washington Department of Fish and Wildlife Priority Habitat Species (PHS) database was queried with no findings.

There are no probable significant adverse impacts by the proposal.

6. Energy and Natural Resources. The applicant is required to place electrical service meeting the locational and design standards of Chelan County Public Utility District. The proposal does not result in probable significant impacts to energy resources and natural resources.

7. Environmental Health. No environmental hazards have been identified in association with this proposal.

Mitigation

7.1 The applicant shall provide a Hazardous Spill Control and Emergency Spill Management plan, as part of the Construction Mitigation Plan.

7.2 The applicant shall comply with LMC 9.33, Public Disturbance Noise Regulations, at all times during the course of construction.

7.3 The applicant shall post and manage private park to be closed from 10 pm to 6 am.

8. Land and Shoreline Use. The proposed development area is not within Shoreline jurisdiction. The site is zoned General Commercial. Adjacent properties include a recreational vehicle and campground, apartment complex and park-n-ride.

There is not a probable significant adverse impact to the land and shoreline use.

9. Housing. Eight employees are expected to work at the proposed gym; other site development uses have not been defined. City housing stock is increasing, however, there remains a shortage of housing options for entry-level jobs. The level of housing shortage for entry-level jobs has not been reassessed after the opening of 200 apartments; additionally, the city is issuing building permits for an additional 300 apartments. Potential employees are anticipated to be primarily existing residents or those commuting from surrounding communities.

While there will be some impact to housing it will not be a significant adverse impact for this project.

10. Aesthetics. The proposed development will be compliant with the Old World Bavarian Architectural Theme Code (LMC 14.08). The proposed project's visual impact is not considered greater than other uses which are permitted on the site. The height of the buildings is limited to 50'; however, the proposed gym is 35'.

There is not a probable significant adverse impact to the aesthetics of the area.

11. Light & Glare. A light permit is required for future development of the site. The permits addresses strategies for light conservation, glare and light trespass control, utilizing methods such as full shielding and lowered mounting heights, as required by the Leavenworth Municipal Code Chapter 14.28.

Mitigation

11.1 If using construction lighting, the applicant shall obtain a Lighting Permit, in compliance with LMC 14.28. Temporary lighting used for construction shall be aimed and/or shielded in such a manner as to minimize lighting impacts.

12. Recreation. The proposed project is for commercial recreation and a private park.

13. Historic/Cultural Preservation. The Cultural Resource Consultants report (2018) recommends that the project proceed without further archaeological investigations. State law requires that in the event that any ground-disturbing or other construction activities result in the unanticipated discovery of archaeological resources, work should be halted in the immediate area, and contact made with county officials, the technical staff at the Department of Archaeology and Historic Preservation (DAHP), and tribal representatives.

Mitigation

13.1 If any archaeological resources are unearthed during grading/construction, all work that would affect the discovered resources shall be stopped, and the following authorities notified: Tribal Authorities of the Yakama, and Colville Nations, as well as, the Washington Department of Archeology and State Historic Preservation Office. No further work shall commence until appropriate steps have been taken to evaluate and, if required, protect the resources in accordance with applicable laws.

14. Transportation. The total daily traffic count is projected at 225.80, letter from David McCarthy August 31, 2023.

Mitigation

14.1 The applicant shall sign a no-protest agreement for future local improvement district to address multimodal plan and implementation development in this area.

14.4 In the event of damage during construction, the Applicant shall repair and/or replace damaged streets, sidewalks, curbs, gutters, alleys, and/or infrastructure to pre-construction conditions, as directed by and to the satisfaction of the City.

15. Public Services. Impacts to public services such as fire and police protection are anticipated to result in a minor increase in services.

16. Utilities. Utilities (including electricity, water, sewer, and stormwater) are to be installed during construction. Intermittent utility disruption for connection and extension of utilities is anticipated, commensurate with other such activities.

Pursuant to WAC 197-11-158, the City will also regulate impacts by utilizing local development regulations (Leavenworth Municipal Code compliance with Titles 13, 14, 15, 16, 18, and 21), the City's Comprehensive Plan and other applicable local, State, or federal laws or rules.

Mitigation

16.1 The Applicant shall provide and receive approval of final engineered plans for the provision of sewer, water, stormwater, streets, sidewalks, and other infrastructure for the project in compliance with City standards and requirements.

Construction Mitigation Plan:

The Applicant shall be required to complete and submit a Construction Mitigation Plan for review and approval of the City prior to commencement of construction activities, including, but not be limited to:

1. The applicant shall provide the following plans prior to any construction activities:
 - a. Fence Permit to secure the site. Permit shall include a site plan outlining the location of construction activities (and fencing) and egress/ingress location(s).
 - b. A Stormwater Pollution Prevention Plan and a Stormwater Plan in compliance with the Stormwater Management Manual for Eastern Washington.
 - c. Copy of the Construction Stormwater General Permit, from Department of Ecology.
 - d. A Dust Abatement Plan
 - e. A Project Construction Staging Area site plan including fencing, storage, stockpiles, construction entrance, and area for equipment checking for leaks and cleaning of any external petroleum products, hydraulic fluid, machinery coolants, dirt, weeds, weed seeds, and/or any other deleterious materials prior to entering and leaving the construction site.

- f. Construction Schedule, including identification of the following requirements:
 - i. No construction activity may occur between the hours of 7:00 PM and 7:00 AM.
 - ii. Approval by the City is required prior to any work on weekends. No construction will be permitted which may interfere with activities during City-wide festivals/events. The time of enforcement shall be from 4:00 PM on the day preceding the start date of the festival or event to 7:00 AM on the day following the conclusion of the festival or event.
 - iii. Notification to the City of amended timelines in order to determine requirements for amending plans or permits as appropriate.
 - iv. Timing and notification to the City of utility interruptions and road closures (obtain prior approval of the Public Works Department for any utility disruption or interruption, road closure (street or alley), or detour prior to such activities).
 - g. A Hazardous Spill Control and Emergency Spill Management plan. The Applicant shall provide a Spill Prevention Control Countermeasure (SPCC) Kit which shall be on site and shall contain detailed information explaining how the SPCC Kit will be implemented. The Spill Control and Management Plan shall identify and specify the SPCC.
 - h. A Construction Traffic Control Plan.
2. A copy of all permits, construction documents, the Construction Mitigation Plan, permit approvals, and this Determination shall be kept on the project site, provided to contractors, and accessible to all others working on the site at all times. The Applicant, contractor and all sub-contractors, and machine operators working on the site shall have read the permits and mitigation measures, and shall follow the requirements at all times. Failure to meet the standards and requirements of these approvals shall result in the City halting all construction until corrected.
 3. A construction sign, subject to the requirements of Title 14.10 of the Leavenworth Municipal Code, shall be posted on the site in a prominent location, visible from the street, containing a contact phone number for the responsible on-site foreman or project manager, for the purpose of providing project information and status to the public and to receive feedback regarding construction activities.
 4. The Applicant is solely responsible to obtain all permits required by all federal, State, and local agencies with jurisdiction.

Existing Environmental Documents:

1. Geotechnical Engineering Evaluation, March 24, 2023
2. Traffic Estimate Letter, November 1, 2022 and updated letter August 31, 2023
3. Civil Plan Set (unapproved), July, 2023
4. Checklist, August 14, 2023

This determination may be appealed to:

*City of Leavenworth Hearing Examiner
P.O. Box 287, 700 U.S. 2,
Leavenworth, WA 98826*

Date: *Deadline for filing an appeal is 21 calendar days of the date of issuance of the threshold determination. If the last day of the appeal period is a holiday or a weekend, the appeal must be filed by 5:00 p.m. on the first weekday following such holiday or weekend.*

Method: *Appeal shall be in writing per the Leavenworth Municipal Code Sections 16.04.230.*

- A. *Only Threshold Determinations May Be Appealed.* Only final threshold determinations, in the form of a determination of significance (DS), mitigated determination of nonsignificance (MDNS) or a determination of nonsignificance (DNS), shall be appealable to the hearing examiner; provided, however, when the threshold determination is a DS which has been agreed to by the proponent, it shall not be appealable.
- B. *Who May Appeal.* Any person aggrieved by a threshold determination may appeal; provided, however, if there is a comment period required by WAC 197-11-340, only those persons who submit written comments during the comment period may appeal the threshold determination.
- C. *Time to Appeal.* A written notice of appeal, meeting the requirements of subsection (D) of this section, and the appeal fee must be received by the community development department within 14 calendar days of the date of issuance of the threshold determination or, if there is a comment period under WAC 197-11-340, within seven calendar days of the last day of the comment period. If the last day of the appeal period is a holiday or a weekend, the appeal must be filed by 5:00 p.m. on the first weekday following such holiday or weekend.
- D. *Contents of an Appeal.* A written notice of appeal shall contain the following information:
1. Name, mailing address and telephone number of the appellant and his/her representative, if any;
 2. A copy of the DS, MDNS or DNS;
 3. A concise statement of the factual and legal basis for the appeal citing specifically the alleged errors in the decision;
 4. The specific relief sought; and
 5. A statement describing the appellant's standing to appeal pursuant to subsection (B) of this section.