



CITY OF BLACK DIAMOND

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NOTICE OF DECISION
State Environmental Policy Act (SEPA)
Mitigated Determination of Non-Significance (MDNS)
Site Plan Review Decision

Date of issuance: May 31, 2023

Lead agency: City of Black Diamond Community Development

Agency Contact: Mona Davis, mdavis@blackdiamondwa.gov, 360-851-4528

Agency File Number(s): PLN22-0078 SEPA Checklist (previous project PLN21-0010)
PLN22-0077 Site Plan (previous project PLN21-0009)
PUB22-0078 Transportation Concurrency (see also PUB21-0038)

Description of proposal: Applicant requests a revised Site Plan Approval and SEPA decision to construct retail/office buildings on all existing building pads for retail sales space and other professional service office spaces. The site had previously received site plan approval in August 2021 for one additional building on the east side of the property; the revised site plan proposes an additional building on the west side of the property. Access to the site would be off 3rd Ave (SR 169). The parcel is zoned Community Commercial.

Location of proposal: 30741 3rd Avenue (SR 169); King County Tax Parcel 1121069069;
Section 11, Township 21 N, Range 6E WM

Applicant(s): Diamond Square, LLC
30741 3rd Avenue, Black Diamond, WA 98010

Concurrency: The proposed development, as mitigated by this SEPA MDNS, is found to be concurrent consistent with Black Diamond Municipal Code (BMDC) Chapter 11.11

The City of Black Diamond (lead agency) has determined that this proposal will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3) and WAC 197-11-355(4), the proposal has been clarified, changed, and conditioned to include

necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This determination is based on the comments received during the comment period (11/23/22-12/9/22) and the following findings, conclusions, mitigation measures, and permit conditions are required to adequately address potential impacts from this project proposal. All relevant materials related to this file are available to the public by request to the City contact listed above.

Mitigation Measures: The following mitigation measures are hereby incorporated into this Mitigated Determination of Non-significance (MDNS) and serve to replace the previous MDNS issued under PLN21-0010. These conditions are in addition to the mitigation required from development regulations and other conditions resulting from other government approvals.

1. The applicant shall adhere to all applicable codes and standards required by the Black Diamond Municipal Code (BDMC), including but not limited to, compliance with the Black Diamond Engineering Design and Construction Standards Section 2.2.05, earth moving, grading, and other construction activities (including exposed soil) conducted during winter work period (October 1 to March 31) by submitting a Winterization Plan to the Public Works Department for approval.
2. A construction management plan shall be submitted to the City Public Works Department for approval prior to commencement of any work.
3. The applicant shall pay concurrency fee of \$68,282 as a SEPA mitigation measure, prior to issuance of any building permit for the east building. The applicant shall pay transportation impact fees, per BDMC 3.80.060 prior to issuance of any building permit for the west building. The transportation impact fee for the west building was estimated at \$128,088, but it will be based on the transportation impact fee schedule in effect at the time of building permit issuance. Note that the project may be subject to additional transportation impact fees if it is determined by the City that 48 pm peak hour trips for the east building and/or 99 pm peak hour trips for the west building will be exceeded.

Signature: Mona Davis

Date: May 31, 2023

Appeal Process: You may appeal this determination by submitting the required fees and City appeal form to the Community Development Department, City of Black Diamond, 24301 Roberts Dr, PO Box 599, Black Diamond, WA 98010.

The appeal period for this MDNS will be concurrent with the underlying action, which is the decision for the proposed Site Plan (PLN22-0077). All interested parties may request to receive the Notice of Decision. The appeal period ends June 14, 2023 at 5:00 pm. Please contact the responsible official at mdavis@blackdiamondwa.gov to inquire about procedures for appeals.