



# CITY OF BLACK DIAMOND

---

Physical Address: 24301 Roberts Drive  
Mailing Address: PO Box 599  
Black Diamond, WA 98010

Phone: (360) 851-4567  
Fax: (360) 851-4501  
[www.blackdiamondwa.gov](http://www.blackdiamondwa.gov)

## State Environmental Policy Act (SEPA) Modified Mitigated Determination of Non-Significance (MDNS)

**Date of Issuance:** July 5, 2023

**Lead Agency:** City of Black Diamond

**Agency Contact:** Mona Davis, Community Development Director/SEPA Official,  
[mdavis@blackdiamondwa.gov](mailto:mdavis@blackdiamondwa.gov), (360) 851-4528

**Agency File Number(s):** PLN21-0073 (SEPA Environmental Review), PUB21-0062  
(Construction/Engineering Plan Review)

**Description of Proposal:** This application proposes to clear trees and vegetation within a portion of the Phase 2 Plat F of the Ten Trails Master Planned Development (MPD) to create a staging and stockpile area to store earth, vegetation, and construction materials needed/created in association with the development of the overall MPD. Grading within the clearing limits will be used to establish construction routes and stockpile areas. The proposed staging and stockpile area initially comprised of approximately 3.63 acres and now proposes to expand an additional 9.5 acres of the overall 15.59 acres of the existing Phase 2 Plat F area on existing King County Parcel 222106-9053. The staging and stockpile area will be a temporary use of the site until the development of the Phase 2 Plat F residential subdivision occurs, as detailed in the MPD Permit, MPD Development Agreement, and Final Environmental Impact Statement (FEIS) for The Villages MPD. The proposed staging and stockpile area will be utilized to store earth, vegetation, and construction materials on a temporary basis.

**Location of Proposal:** The site is located within Sections 15 and 22, Township 21 North, Range 6 East, within the city limits of Black Diamond, WA. The project site is approximately 9.5 acres on a portion of King County Tax Parcel 222106-9053, which comprises of 15.59 acres.

**Applicant/Proponent:** CCD Black Diamond Partners LLC / Oakpointe, 3025 112<sup>th</sup> Ave NE, Suite 100, Bellevue, WA 98004 (425) 898-2100

City of Black Diamond, acting as Lead Agency, has revised/modified its SEPA threshold decision of Mitigated Determination of Non-Significance (MDNS) issued on February 22, 2022 in consideration of a revised SEPA Checklist and supplemental documents/reports that meet the Lead Agency's environmental review needs for the revised proposal, which will accompany the underlying construction documents for this project.



The lead agency for this proposal has determined and reaffirmed that, with the implementation of the additional mitigation measure identified below, it will 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).

After review of the completed environmental checklist and associated documents/reports, the lead agency has determined this proposal will not have a probable significant adverse impact on the environment if the mitigation measures set forth below are implemented:

1. If clearing and grading activities are proposed during the City's winter work period (October 1<sup>st</sup> – March 31<sup>st</sup>), a Winterization Plan pursuant to Black Diamond Engineering Design and Construction Standards Section 2.2.05 shall be submitted to, and approved by, the City's Master Development Review Team (MDRT) prior to commencing site development activities.
2. A Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to, and approved by, the City's MDRT prior to commencing site development activities.
3. A Spill Prevention Control and Countermeasure Plan (SPCC) shall be submitted to, and approved by, the City's MDRT prior to commencing site development activities.
4. A Level 2 Tree Plan pursuant to Black Diamond Municipal Code (BDMC) 19.30 shall be submitted to, and approved by, the City's MDRT prior to commencing site development activities. An approved Forest Practices Approval (FPA) issued by the Department of Natural Resources shall be required in association with the Level 2 Tree Plan application.
5. Wetland and vegetation monitoring reports, as detailed in the Vegetation Management Plan associated with this application, shall be submitted annually to the City's MDRT for a period of five (5) years.
6. An emergency access path shall be provided within 150 feet of all vegetation stockpiles. The emergency access path shall provide a minimum of 20-foot unobstructed all-weather vehicular access and shall provide for emergency vehicle turn-around.
7. No industrial uses of existing gravel roads within wetland buffers adjacent to the clearing areas are indicated or permitted for this proposal.

This modified MDNS is issued under WAC 197-11-340(2)(f) and does include an additional comment period. All information relating to this proposal is available to the public upon request. The Lead Agency will not act on this proposal for 14 days from the date of decision. Written comments must be submitted no later than 5:00 pm on July 19, 2023 to the City of Black Diamond Agency Contact.

Signature: Mona Davis

Date: July 5, 2023

Pursuant to WAC 197-11-680(3)(a)(v), there is no administrative appeal provided by the city for this SEPA threshold determination. Any appeal of this decision would be to the superior court under RCW 43.21C.075 and RCW 36.70C and must be filed within 21 days of the agency decision on the underlying governmental action.