



SEPA Distribution List
SEP2020-00063
Date of Issuance: February 11, 2021

Please review this determination. If you have further comments or questions, phone the responsible official at (360) 778-5900. Please submit your response by the comment date noted on the attached notice of determination.

WA State Department of Archaeology and Historic Preservation via email
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Applicant
CMF Family Properties, LLC via email - tracy@curtmaberryfarm.com

Other and/or Parties of Record
Whatcom Land Use Consulting, Jaime White via email -
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WCFD #21/WCFD #4 aka North Whatcom Fire and Rescue
Lieutenant/Fire Marshal Joel Nielsen via email - jnielsen@nwfrs.com

WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-778-5900, TTY 800-833-6384
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Mark Personius, AICP
Director

SEPA Mitigated Determination of Nonsignificance (MDNS)

File: SEP2020-00063

Project Description: A seven lot Preliminary APO Cluster Long Subdivision of an approximate 36.29-acre parent parcel, private road, private shared wells, individual onsite sanitary sewer (OSS), and associated infrastructure.

Proponent: CMF Family Properties, LLC

Address and Parcel #: 756 Birch Bay Lynden Road / 400223177082 & 400223149098 & 400223233068

Lead Agency: Whatcom County

Zoning: Rural (R5A) **Comp Plan:** Rural **Shoreline Jurisdiction:** N/A

The lead agency for this proposal has determined that with proper mitigation, no significant adverse environmental impacts are likely. Pursuant to RCW 43.21C.030(2)(c), an environmental impact statement (EIS) is not required. This decision was made following review of a completed SEPA environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This MDNS is issued using the optional MDNS process in WAC [197-11-355](#). There is no further comment period on the MDNS.

Responsible Official: Mark Personius, mpersoni@whatcomcounty.us

Title: Director

Telephone: 360-778-5900

Address: 5280 Northwest Drive
Bellingham, WA 98226

Date of Issuance: February 11, 2021 **Signature:** _____ 

An aggrieved agency or person may appeal this determination to the Whatcom County Hearing Examiner. Application for appeal must be filed on a form provided by and submitted to the Whatcom County Current Planning Division located at 5280 Northwest Drive, Bellingham, WA 98226, during the ten days following the date of issuance, concluding February 22, 2021.

You should be prepared to make a specific factual objection. Contact Whatcom County Current Planning Division for information about the procedures for SEPA appeals.

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Mark Personius, AICP
Director

Mitigated Determination of Non-significance (MDNS)

Mitigating Conditions:

Fire Protection and Concurrency

Whatcom County Code 20.80.212 requires that a written finding be made that providers of fire protection serving the development issue a letter that adequate capacity exists or arrangements have been made to provide adequate services for the development. With the adoption of Ordinance No. 2009-071 the Whatcom County Comprehensive Plan officially incorporates the Whatcom County Fire Protection District No. 21 Capital Facilities Plan and associated fee schedule.

Whatcom County Fire Protection District No. 21 has provided notice to Whatcom County that, without additional revenue sources for the mitigation, the proposal is likely to have potentially significant adverse environmental impacts with regard to the provision of fire protection and emergency response services either to the proposed site or to other sites in the area as a result of the new proposal.

Adverse impacts by the proposed development can be caused at the commencement of construction. Therefore, the Whatcom County SEPA Official finds that pursuant to Substantive Authority, as allowed by WCC 16.08, the following SEPA mitigating conditions for fire protection shall be required as a condition of the underlying permit:

1. At the time of application for any building permits as contemplated by this proposal, the Applicant shall comply with the requirements of the Mitigation Agreement Regarding Fire Protection and Emergency Response Service Capital Facility Charge dated February 2, 2021 and recorded under Whatcom County Auditor's File No. 2021-200573 including, but not limited to, payment of the Mitigation Fee as defined in that agreement.



SEP 2020 - 00063

SEPA Environmental Checklist

Purpose of Checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of Checklist for Non-Project Proposals:

For non-project proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the Supplemental Sheet for Non-project Actions (Part C). Please completely answer all questions that apply and note that the words "project", "applicant", and "property or site" should be read as "proposal", "proponent" and "affected geographic area", respectively. The lead agency may exclude (for non-projects) questions in Part B – Environmental Elements that do not contribute meaningfully to the analysis of the proposal.

Whatcom County Planning and Development Services	
Received	
By:	<u>WCO</u>
Date:	<u>July 17, 2020</u>

A Background

- 1 Name of proposed project, if applicable:
[Heritage Fields APO Long Subdivision.](#)
Cluster WED ✓
- 2 Name of applicant: [CMF Properties, LLC](#) ✓
Applicant phone number: [\(360\) 354-4504](#)
Applicant address: [697 Loomis Trail Road](#)
City, State, Zip or Postal Code: [Lynden, WA 98264](#)
Applicant Email address: tracy@curtmaberryfarm.com
- 3 Contact name: [Jaime White, Whatcom Land Use Consulting, LLC](#) ✓
Contact phone number: [\(360\) 961-2489](#)
Contact address: [220 West Champion Street, Suite 270](#)
City, State, Zip or Postal Code: [Bellingham, WA 98225](#)
Contact Email address: whatcomconsult@comcast.net
- 4 Date checklist prepared: [June 2020](#)
- 5 Agency requesting checklist: [whatcom County PDS.](#) ✓
- 6 Proposed timing or schedule (including phasing, if applicable): ✓
[Anticipate Preliminary Long Subdivision approval winter 2020-2021 and Final Subdivision approval around 2021 or sooner.](#)
- 7 Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? Yes No
If yes, explain:
- 8 List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal: ✓
[A critical areas assessment report has been prepared by Northwest Ecological Services.](#)
- 9 Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? Yes No ✓
If yes, explain.

- 10 List any government approvals or permits that will be needed for your proposal, if known.

Whatcom County Preliminary and Final Long Subdivision applications.



- 11 Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The proposal is for seven Lot Long Subdivision of a parent parcel 36.29 acres in size zoned R5A. The proposed clustered lot sizes will range from approximately 1.16 acres to 1.94 acres and are proposed for residential use. Lot 7 is proposed to be 26.86 acres in size and will be for agricultural use only. Water will be provided via three proposed shared wells and septic will be provided via future on-site septic systems.



- 12 Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The subject Long Subdivision is located at 756 Birch Bay Lynden Road, Lynden, Washington, in Section 23, Township 40N, Range 3E. See accompanying site plan and associated project information.



B Environmental Elements

1 Earth

a. General description of the site:

- Flat
- Rolling
- Hilly
- Steep Slopes
- Mountainous
- Other

b. What is the steepest slope on the site (approximate percent slope)?
Approximately 15%.



c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

The predominant soil type found on the site is Lynden sandy loam.



d. Are there surface indications or history of unstable soils in the immediate vicinity? Yes No

If so, describe.



e. Describe the purpose, type, total area, approximate quantities and total affected area of any filling excavation or grading proposed.

Filling and excavation for the subject Long Plat will result from the road construction to serve the development. Approximately 900 cy of excavation 604 cy of fill is proposed.



Indicate source of fill.

To be determined.

Indicate where excavation material is going.

On site likely to be used for backfill.



f. Could erosion occur as a result of clearing, construction, or use?

Yes No

If so, generally describe.

Erosion could occur as a result of exposed soils.



g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Approximately 1 percent of the site will be covered with impervious surfaces after project road construction.



h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Proper erosion and sedimentation controls will be employed on the site when there are exposed soils, which may include silt fencing, straw coverage etc.



2. Air

a. What types of emissions to the air would result from the proposal during construction, operation and maintenance when the project is completed (i.e., dust, automobile, odors, or industrial wood smoke)?

Minimal emissions to the air may result from construction equipment and automobiles once complete.



If any, generally describe and give approximate quantities if known.

Quantities are unknown.



b. Are there any off-site sources of emissions or odor that may affect your proposal? Yes No

If so, generally describe.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None at this time.



3. Water

a. Surface:

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? Yes No

If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

There is a stream on the northern portion of the clustered lots, which flows west into Bertrand Creek. ✓

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? Yes No ✓

If yes, please describe and attach available plans.

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. N/A

Indicate the source of fill material.

N/A. ✓

- (4) Will the proposal require surface water withdrawals or diversions? Yes No ✓

Give general description, purpose, and approximate quantities if known. ✓

Does the proposal lie within a 100-year floodplain?

Yes No ✓

If so, note location on the site plan.

- (5) Does the proposal involve any discharges of waste materials to surface waters?

Yes No

If so, describe the type of waste and anticipated volume of discharge



b. Ground Water:

- (1) Will ground water be withdrawn from a well for drinking water or other purposes? Yes No

If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

There will be three shared wells to provide water to the six clustered lots. Quantities will not exceed 5,000 gallons per day.



- (2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals.....; agricultural; etc.). Describe the general size of the system, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Waste materials associated with six septic systems will discharge into the ground from septic tanks. Size of the systems to be determined.



c. Water runoff (including stormwater):

- (1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known).

Runoff associated with the proposal will result from stormwater runoff from the proposed road. Runoff will be routed to bioretention swales with infiltration to well drained native soils.



Where will this water flow? [See above.](#)

Will this water flow into other waters? Yes No

If so, describe.

(2) Could waste materials enter ground or surface waters?

Yes No

If so, generally describe.

(3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site: Yes No

If so, describe.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

[An engineered stormwater design has been designed by a licensed civil engineer to control surface water runoff impacts.](#)

4 Plants

a. Check types of vegetation found on the site:

- Deciduous tree: alder, maple, aspen, other
- Evergreen tree: fir, cedar, pine, other
- Shrubs
- Grass
- Pasture
- Crop or grain
- Orchards, vineyards or other permanent crops
- Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- Water plants: water lily, eelgrass, milfoil, other
- Other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Approximately .5 acres of mainly grass vegetation will be removed in conjunction with the proposed road construction.



c. List threatened or endangered species known to be on or near the site.

No threatened or endangered vegetation species are known to be on or near the site.



d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

None at this time.



e. List all noxious weeds and invasive species known to be on or near the site.

None known.



5. Animals

a. Check any birds and animals, which have been observed on or near the site or are known to be on or near the site:

Birds:

- Hawk,
 Eagle,
 Other:

- Heron,
 Songbirds;

Mammals:

- Deer,
 Elk,
 Other:

- Bear,
 Beaver;

Fish:

- Bass,
 Trout,
 Shellfish;

- Salmon,
 Herring,
 Other:



b. List any threatened or endangered species known to be on or near the site.

None known.



- c. Is the site part of a migration route? Yes No

If so, explain.

The site is part of the Pacific Flyway as is all of Western Washington.



- d. Proposed measures to preserve or enhance wildlife, if any:

None at this time.



- e. List any invasive species known to be on or near site.

None known.



6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Electric energy and natural gas will be used to meet the completed project's energy needs.



- b. Would your project affect the potential use of solar energy by adjacent properties? Yes No

If so, generally describe.



- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None at this time.



7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? Yes No

If so, describe.



- (1) Describe any known or possible contamination at the site from present or past uses.

No known possible contamination at the site from present or past uses.



- (2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

None known.



- (3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the projects development or construction, or at any time during the operating life of the project.

None known.



- (4) Describe special emergency services that might be required.

N/A.



- (5) Proposed measure to reduce or control environmental health hazards, if any:

None at this time.



b. Noise

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

No noise in the area will affect the project.



- (2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Short-term noise generated from the subdivision will be from construction equipment. Long-term noise will be from automobile traffic associated with five new residences.



- (3) Proposed measures to reduce or control noise impacts, if any:

None at this time.



8 Land and Shoreline Use

a. What is the current use of the site and adjacent properties?

The site is currently used as a dairy farm. Adjacent properties are vacant or residentially developed.

Will the proposal affect current land uses on nearby or adjacent properties? Yes No

If so, describe.



b. Has the project site been used as working farmlands or working forest lands? Yes No

If so, describe.

The site has been planted in strawberries historically.



How much agriculture or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any?

No agricultural land of long-term commercial significance will be converted.



If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to non-farm or non-forest use?

Approximately 8.9 acres will be used for residential building lots.



(1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling and harvesting? Yes No

If so, how:

c. Describe any structures on the site.

There is an existing residence and well house.



- d. Will any structures be demolished? Yes No
If so, what? ✓
- e. What is the current zoning classification of the site?
R5A. ✓
- f. What is the current comprehensive plan designation of the site?
Rural. ✓
- g. If applicable, what is the current shoreline master program designation of the site?
N/A. ✓
- h. Has any part of the site been classified as a critical area by the city or county? Yes No
If so, specify.
There is a stream north of the clustered lots as well as an associated wetland. ✓
- i. Approximately how many people would reside or work in the completed project?
Approximately six families will reside in the completed project. ✓
- j. Approximately how many people would the completed project displace?
No people will be displaced from the project. ✓
- k. Proposed measures to avoid or reduce displacement impacts, if any:
None as there are no impacts. ✓
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
The subject land division is complatible with the underlying zoning and surrounding residential and agricultural uses. ✓
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any?
None at this time. ✓

9 Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

High Number of Units 7
 Middle
 Low-income



- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

High Number of Units None
 Middle
 Low-income



- c. Proposed measures to reduce or control housing impacts, if any:

No housing impacts.



10 Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

There are no structures proposed at this time.



- b. What views in the immediate vicinity would be altered or obstructed?

N/A



- c. Proposed measures to reduce or control aesthetic impacts, if any:

None at this time.



11 Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Normal light and glare associated with six residences, occurring mainly in the evening and night hours.



- b. Could light or glare from the finished project be a safety hazard or interfere with views?

No.

c. What existing off-site sources of light or glare may affect your proposal?
None.



d. Proposed measures to reduce or control light and glare impacts, if any:
None at this time.



12 Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?
No designated recreational opportunities are in the immediate vicinity. Informal recreational opportunities include scenic walks or drives.



b. Would the proposed project displace any existing recreational uses? If so, describe.
No.



c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
None at this time.



13 Historic and Cultural Preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state or local preservation registers located on or near the site? Yes No
If so, specifically describe.



b. Are there any landmarks, features, or other evidence of Indian, historic use or occupation, this may include human burials or old cemeteries?

Yes No

Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Yes No

Please list any professional studies conducted at the site to identify such resources.

No site specific studies have been conducted.



- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples: Include consultation with tribes and the Department of Archeology and Historic Preservation, archaeological surveys, historic maps, GIS data, etc.

Methods that could be used to assess potential impacts include county and state maps and consultation with the Department of Archeology.



- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

No proposed measures at this time as no anticipated disturbance to any resources will occur. If any artifacts are uncovered during earth work, all work will cease and the appropriate authorities will be contacted.



14 Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plan, if any.

The site is served by Birch Bay Lynden Road.



- b. Is site or geographic area currently served by public transit?

Yes No

If not, what is the approximate distance to the nearest transit stop?

Unknown.



- c. How many parking spaces would the completed project have? How many would the project eliminate?

The completed project will have at least 12 parking spaces.



- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? Yes No

If so, generally describe (indicate whether public or private).

No improvements are anticipated or necessary at this time.



e. Will the project use (or occur in the immediate vicinity of)

- Water,
 Rail, or
 Air transportation?

If so, generally describe.

N/A



f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?

The subject subdivision may create up to 50 additional vehicular trips per day at full project buildout. Peak volumes unknown. No truck traffic will be generated from the proposal.



g. Proposed measures to reduce or control transportation impacts, if any:

None at this time.



15 Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)?

Yes No

If so, generally describe.

The proposed subdivision will result in a minimal increased need for public services.



b. Proposed measures to reduce or control direct impacts on public services, if any.

Will serve letters have been provided by the fire and school district. No special measures are proposed at this time as the impact will be minimal.



16 Utilities

a. Check utilities currently available at the site:

- Electricity,
 Water,
 Telephone,
 Septic system,

- Natural gas,
 Refuse service,
 Sanitary sewer,
 Other

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Utilities proposed for the project will be power from Puget Sound Energy and Natural Gas if available.



Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Jaime White

Date Submitted: 7/15/20

FOR OFFICE USE ONLY

Reviewed by Whatcom County Planning & Development Services Staff

01/26/2021

Staff Signature

Date

LSS2020-00002 & SEP2020-00063 – HERITAGE FIELDS APO CLUSTER LONG PLAT

