



City of Leavenworth
Department of Development Services

WAC 197-11-970 – Mitigated Determination of Nonsignificance (MDNS)

Date of Notice: June 6, 2016

Permit #(s): 16-043-B / 2223 (Building) and 16-050-F/F / 2230 (Footing and Foundation)

Proponent / mailing address: Swiss Hotel Leavenworth LLC
2518 Halladay Street
Seattle, WA 98199

Property Address: 301 Ward Strasse¹
Leavenworth, WA 98826
98826

Lead Agency: City of Leavenworth

Project Location: The project site is located at 301 Ward Strasse¹, Leavenworth, Washington. The property is generally located north of US Highway 2, east of Riverbend Drive and on the east side of the Safeway building within the City of Leavenworth. The Assessor's Parcel number of the project site is 241806320150. The project is located within the General Commercial (GC) Zone District of the City of Leavenworth.

Project Description: The proposed project includes construction of a new 99 room hotel. See "Project Details" below.

Determination: All potential environmental effects identified below would be minimized by the application of the Mitigation Measures discussed below to such an extent as to avoid any significant impacts. As such, the lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.03 0(2) (c). 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.

- There is no comment period for this DNS.
- This DNS is issued after using the optional DNS process outlined in WAC 197-11-355. There is no further comment period on the DNS (copies of the Environmental Checklist and all associated materials are available upon request).
- This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below.

The Lead Agency has made this determination following consideration of the whole of the record before the City, as well as the mitigating project features and requirements described below.

Responsible Official: Nathan Pate, AICP

Position/Title: Development Services Manager

¹ Please note that this is a new address for the property, formerly referred to as NNA Ward Strasse or NNA Riverbend Drive.

Phone: (509) 548-5275
Address: 700 Highway 2 / P.O. Box 287
Leavenworth, WA 98826

Signature: 

Date: 6/6/16

Project Details:

This is an application for a Building Permit, with phased Footing and Foundation permitting, in order to construct a Hampton Inn hotel on an undeveloped parcel. The ultimate project includes construction of a new three story hotel - including but not limited to, pool enclosure, porte cochere, surface parking area, and other accessory and appurtenant features and structures. The hotel will include approximately 99 guest rooms, meeting and breakfast facilities and other typical uses.

Off-site improvements will include extension of utilities, and construction of street improvements to Ward Strasse to serve the development.

Complete plans are available for review at Leavenworth City Hall.

Required/Existing Environmental Documents:

The following documents have been submitted in association with the proposed development:

The Applicant has submitted a the following documents to the City:

1. A completed SEPA Checklist for grading activities was submitted to the City on April 4, 2016. A Final SEPA Determination was issued by the City on April 26, 2016 and a Notice of Final Decision for the Grading and Excavation Permit was issued by the City on May 25, 2016.
2. A SEPA Checklist for the proposed building development was submitted on March 23, 2016.
3. A Phase I Environmental Site Assessment by Merit Engineering Inc. dated April 1, 2016.
4. Grading plans, including Stormwater Pollution Prevention Plan and Temporary Erosion Sediment Control Plans were submitted to the City on April 4, 2016.
5. A Geotechnical Engineering Evaluation by Nelson Geotechnical Associates, Inc, dated July 1, 2015.
6. A Stormwater Site Plan by Insight Engineering Co. was submitted on March 23, 2016.
7. Traffic Impact Analysis Technical Memo by RH2 Engineering, dated April 19, 2016.

Identified Impacts:

This SEPA Determination contemplates and considers the issuance of approval of phased Footing and Foundation and Building permitting. Without the application of mitigation (see below), the proposed project would be expected to have significant effects in the following areas:

1. **Earth.** Grading plans, including Stormwater Pollution Prevention Plan and Temporary Erosion Sediment Control Plans were submitted to the City on April 4, 2016. A Construction Project Mitigation Manual has also been submitted, including but not limited to:
 - a. A schedule of projected time-lines and construction phasing plans anticipating holiday and festival season closures, and periods of inclement weather. This may require periodic updates.
 - b. Identification of impacts to City utilities, including disruption of service and anticipated timing.
 - c. A construction traffic plan, including identification of any impacts or closures and anticipated timing. Such plans shall also include proposed construction haul routes and details of method(s) of right-of-way closures.

- d. A Hazardous Spill Control and Emergency Spill Management plan.
- e. Construction staging, material storage and construction parking plans.

The Applicant also signed a Mitigation Agreement with the City of Leavenworth dated May 17, 2016.

The City's contract engineering consultant, TD&H Engineering, provided comment on the proposal and recommendations. The City may place conditions on the final permit approval to supplement the existing plans to provide for mitigation.

- 2. **Air.** The activities could result in the atmospheric release of dust and other contaminants typical of routine construction practices (e.g., workman cars and equipment). Stormwater Pollution Prevention Plan and Temporary Erosion Sediment Control Plans have been provided. The City may place conditions on the final permit approval to supplement the plans. Following construction, increase traffic could produce vehicular emissions.
- 3. **Water.** The proposed activities do not appear to result in significant impacts. The Applicant has provided a Stormwater Plan and has received NPDES Permitting from the Washington State Department of Ecology.
- 4. **Plants.** The proposed activities are located within an undeveloped and disturbed field which is dominated by grasses. The proposed activities do not appear to result in significant impacts. Vegetation on the property was removed with grading and excavation activities (for which a SEPA process and issuance of an MDNS was completed on April 29, 2016) for this project. At build-out, permanent landscaping and irrigation will be required.
- 5. **Animals.** No protected species were identified within the area by the Washington Department of Fish and Wildlife Priority Habitat Species Map, May 2010. The City considered public comment regarding possible impacts to non-protected species (turkeys). No significant impacts are anticipated.
- 6. **Energy and Natural Resources.** The proposed activities are within an undeveloped field. The proposed activities do not appear to result in significant impacts. Lighting, glare is evaluated below.
- 7. **Environmental Health.** A Construction Project Mitigation Manual has been submitted, including a Hazardous Spill Control and Emergency Spill Management plan. The City will mitigate impacts by using existing Municipal Code requirements, including the requirements to limit construction hours, and Public Disturbance Noise Regulations (LMC Chapter 9.33).
- 8. **Land and Shoreline Use.** The proposed activities are not within a Shoreline or riparian area (see "Water" above). The site is located adjacent to an established and built commercial use. A Construction Project Mitigation Manual has been submitted addressing construction staging, work areas and parking, fencing, signage, and traffic control.
- 9. **Housing.** The proposed activity will not impact housing.
- 10. **Aesthetics.** The proposed activities do not appear to impact views of neighboring properties. The building and appurtenant features as identified within Leavenworth Municipal Code Chapter 14.08, Old World Bavarian Architectural Theme Code, are subject to compliance with such Code. The Applicant has obtained approval of the Leavenworth Design Review Board, with Conditions, as found within the Notice of Decision / Action of the Leavenworth Design Review Board for Permit No. 16-008-D / 2188, and any updates or addenda thereto. Height standards, and other applicable criteria will be applied through zone district regulations.
- 11. **Light & Glare.** The proposed activities are not anticipated to impact adjacent properties. Construction activities will be limited to the hours of 7:00 AM to 7:00 PM. No night time work shall occur without prior authorization from the City, including mitigation to shield light and glare from Highway 2.
- 12. **Recreation.** The proposed activities are not anticipated to impact recreational opportunities.
- 13. **Historic/Cultural Preservation.** The City has sought comment from the Washington State Department of Archeology and Historic Preservation (DAHP) and Native American Tribes. The Confederated Colville Tribes

provided the comment that "At this time CCT Planning has no comment on this project however I will be including the THPO for a review and comment. Thank you for the opportunity to review". No further comments were received. The activities are not anticipated to have impacts. The Applicant will be required to halt activities and inform applicable agencies if any historic resources are found.

14. **Transportation.** The proposed activities are not anticipated to have significant impacts. A Traffic Impact Analysis Technical Memo by RH2 Engineering, dated April 19, 2016, has been submitted. The report did not include any necessary off-site improvements, other than extension of Ward Strasse, to mitigate transportation impacts. The City evaluated public comment received regarding concerns of the validity of the Analysis. The Analysis was re-reviewed to ensure consistency with the City's Comprehensive Plan, and found to be consistent with Transportation Element, Policy 1.3,. The City also requested guidance and evaluation of the Analysis by Washington State Department of Transportation, Traffic Engineering. Coordination with the Washington State Department of Transportation will be required for any future construction impacts to Highway 2. The submitted Analysis is for the proposed Hampton Inn project. Upon further development within the adjacent undeveloped parcel, separate permitting and SEPA evaluation will be required, including Traffic Impact Analysis to address cumulative impacts.

15. **Public Services.** Impacts to public services such as fire and police protection may be increased with the proposed activities. The applicant will be required to address fire protection and life safety prior to building construction on the site.

16. **Utilities.** Utilities (electricity, water, sewer, stormwater, telephone, fiber/cable, and refuse service, as applicable) are to be installed as part of these activities. All utilities are required to be placed underground and shall be installed to the specifications of the individual providers.

Project Mitigation: This SEPA Determination contemplates and considers a Building Permit to allow for construction of a new hotel, and issuance of subsequent associated permits and/or approvals for necessary infrastructure. A SEPA Checklist for the proposed development was submitted on March 23, 2016. The SEPA checklist and this determination are for all currently anticipated future phases of the project and for all required permits thereto.

A Mitigated Determination of Non-Significance in association with grading and excavation activities for this project was issued by the City of Leavenworth on April 29, 2016. The applicant has already obtain the following additional permits in association with this project:

1. Grade, Excavation, and Fill Permit in compliance with LMC Chapter 15 (NOD Issued by City May 25, 2016).
2. NPDES Permitting from the Washington State Department of Ecology.
3. Architectural Design Review Permit 16-008-D / 2188 (NOD / Action Issued by the City February 3, 2016).

The applicant shall be required to pursue separate permit(s) for any proposed development on the site, including but not limited to separate permitting, as necessary, for: Lighting, Signage, Utility Connections, Work in City Street Right of Way.

Additional permits may be required which are not identified at this time.

The Final Notice of Decision may include further compliance review and analysis with conditions of approval for the project. Please note that those conditions that concern regulatory issues only, and those that do not provide specific mitigation, have been omitted from the project mitigation listed below, and will be incorporated into the Final Notice of Decision. The following mitigation measures are required of the project:

1. Additional phases of the project are subject to separate construction permitting and SEPA threshold determinations, as determined by the City of Leavenworth. This SEPA Determination considered building activity impacts within this review. Final project approval and/or infrastructure or construction permit impacts may result in additional review and/or SEPA revision.

2. All conditions herein shall be binding on the “Applicant,” which term shall include the owner or owners of the property, representatives, heirs, assigns, and successors.
3. This Determination is for Permit No. 16-043-B / 2223 (Building) and 16-050-F/F / 2230 (Footing and Foundation), as described above.
4. The Applicant shall comply with the approved Construction Mitigation Manual, Mitigation Agreement, and this Determination and any mitigation herein and/or within the Final Notice of Decision at all times in the construction and operation of the proposed development. A copy of all permits, construction documents, the Project Mitigation Manual, Mitigation Agreement, Notice of Decision, 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.
5. The Applicant shall implement and comply with any and all statements, recommendations, and/or regulations as outlined in the required and/or existing Environmental Documents (see below). Recommendations as provided by the Geotechnical Engineer, Stormwater Engineer, Traffic Engineer, or any other expert or permitting authority regarding such documents shall become requirements through the review and permitting process.
6. Any significant deviations from the Project Mitigation Agreement or the Project Mitigation Manual may be subject to further SEPA review and require Full Administrative Review for the portions of the proposed development process pursuant to Title 21.09.040 of the LMC. Furthermore, violations of the Project Mitigation Manual, Mitigation Agreement, and/or this determination may be subject to enforcement and penalties as provided by LMC Chapter 21.13.
7. If high ground water or inundation conditions are encountered during construction, as determined by the City, a complete analysis consistent with Leavenworth Municipal Code Chapter 16.08, shall be provided by the applicant for review and approval by the City. This shall include appropriate mitigation measures to ensure protection of ground water.
8. 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.
9. Temporary lighting used for construction shall be aimed and/or shielded in such a manner as to minimize lighting impacts.
10. 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.
11. The Application shall comply with LMC 9.33, Public Disturbance Noise Regulations, at all times during the course of construction.

You May Appeal this Determination to:

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

Date: Deadline for filing an appeal is fourteen (14) days following the issuance of the threshold

determination: **June 20, 2016.**

Method: Appeal shall be in writing per the Leavenworth Municipal Code Sections 16.04.230 and 21.11. You should be prepared to make specific factual objections. Only final SEPA threshold determinations may be appealed to the Hearing Examiner. A party of record may appeal the SEPA determination. A written notice of appeal, meeting the requirements of subsection D of LMC 16.04.230 must be received, along with the appeal fee, by the Development Services Department within seven calendar days of the date of issuance of the threshold determination. If the last day of the appeal period is a holiday or weekend, the appeal must be filed by 5:00 p.m. on the first weekday following such a holiday or weekend. Please note that this appeal period is for the SEPA determination only.

For more information regarding the procedures for SEPA appeals contact Nathan Pate, Development Services Manager, or Cary Siess, Planner at (509) 548-5275.