



City of Leavenworth  
Community Development  
State Environmental Policy Act (SEPA)  
Mitigated Determination of Nonsignificance (MDNS)

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**Date of Issuance:** January 24, 2023  
**Lead Agency:** City of Leavenworth  
**Lead Agency Address:** 700 Hwy 2/ PO Box 285  
Leavenworth, WA 98826

**Project Name:** **Alpenglow Plat**  
**Related Permit #(s):** **MS (LUA) 2022-045**

**Project Description:** The proposal is for a 70-lot cluster major subdivision on 28.11 acres with three open space “park” tracts, two open space tracts “entrance” and one utility tract. The residential lots range in size from 4,230 to 10,217 square feet. Three lots, identified as Phase 6, 7 and 8, are intended for future development. The proposal includes development and dedication of road extending Cascade Street and Central Street, developing a new Alpenglow Drive (from Central to Ski Hill), and providing land to the north for a potential future road. Future development may be regulated, in part, by a Development Agreement. The owner has submitted a draft Development Agreement which will be modified as part of the preliminary approval and may be further modified by City Council action.

A complete project file is available online through the Permit Portal [https://lvnworth\\_wa.permittrax.com/Citizen/](https://lvnworth_wa.permittrax.com/Citizen/) or at City Hall.

**Project Location:** The project is located at 10175 Ski Hill Drive, within the Residential Low Density 6,000 and Residential 8 Zoning Districts; Assessor’s parcel numbers 241701320064, 241701320060, 241701320062 and 241701320050.

**Applicant/Owner:** McDevitt Land Co  
Attn: Jordan McDevitt  
60 Brunton Lane  
Leavenworth, WA 98826

**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). 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. The Optional DNS process was used for noticing, December 9, 2022 through January 9, 2023. Some modifications have been made to the mitigation measures and several public request for notice of the MDNS, therefore, this determination will be noticed to all parties of record with a second comment period, as stated below.

This MDNS is issued under WAC 197-11-340(2) and the lead agency will not act on this proposal

for 14 days from the date issuance (signing).

**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:** February 1, 2023

**Public Comment:**

The public comment period on this determination ends 14 days after the date of issuance (signing).

**Identified Impacts and General Mitigation**

The city reviewed the SEPA environmental checklist and associated attachments, submittals on file and comments which resulted from the Optional MDNS. Final permit approval(s), if given, may include further compliance review and analysis with conditions of approval for the project. Please note that items required under existing code/regulations, have been omitted from the mitigation listed below.

1. Earth. The project site is generally flat, slightly sloping from the northwest to the southeast. A Geotechnical Engineering Evaluation by Nelson Geotechnical Associates, Inc, dated November 18,2021 has been completed for this project.
  - a. The applicant shall ensure that all recommendations of the Geotechnical Evaluation shall be followed.
  - b. If determined necessary, the applicant shall complete and receive city approval of a critical area mitigation plan prior to final plat approval. This plan may encompass any and/or all critical areas.
  - c. The city, at its sole discretion, may require project specific Geotechnical Evaluation(s) for future development.
  - d. The applicant shall follow the Construction Mitigation Manual, below, which includes protection measures, such as a Stormwater Pollution Prevention Plan, Hazardous Spill Control and Emergency Spill Management Plan, and Re-Vegetation Plan for disturbed areas.
2. Air. The development does not appear to result in significant impacts to air.
  - a. The applicant shall follow the Construction Mitigation Manual, below, which includes protection measures, such as dust abatement using site watering or other measures.
3. Water. The development site contains wetland areas. A Wetland Delineation Report by Grette Associates, LLC, dated May 15, 2018, and a Wetland Re-Assessment by Grette Associates, LLC, dated June 7, 2021 have been completed. These reports may be required to be updated to address one or more of the following mitigations.

- a. The applicant shall verify, as requested by the Department of Ecology, the status of Wetland D, existing pipes/infrastructure and any connection between wetlands and groundwater.
  - b. The applicant shall complete a hydrologic review to determine if the proposed development impacts the wetland(s) and the wetland(s) function, as requested by the Department of Ecology and provided for in LMC 16.08.760(D).
  - c. There is insufficient test pit information in the areas noted by the Geotechnical engineer in the Wetland Re-Assessment dated June 7, 2021 (areas immediately south of the wetland setback boundary). Additional determination forms demonstrating presence or absence of potential wetlands shall be evaluated during the growing season, by the 1987 US Army Corps of Engineers Wetland Delineation Manual.
  - d. If requested by the city, the applicant shall complete and receive city approval of an updated Wetland Determination (with DOE concurrence), prior to final plat approval.
  - e. The applicant shall ensure that all recommendations of the final approved Wetland Delineation and Wetland Re-Assessment shall be followed.
  - f. A Stormwater Pollution Prevention Plan (SWPPP) as part of the Construction Project Mitigation is required.
  - g. A Stormwater Plan in compliance with the Stormwater Management Manual for Eastern Washington is required. It should review basin water flows for potential impacts of this development.
  - h. A grading plan and proposed building envelopes shall be submitted to demonstrate wetland an/or buffer impacts. If any wetland impacts (direct, indirect, temporary) are proposed, the applicant shall follow Department of Ecology recommendations, in addition to City of Leavenworth standards for a critical area mitigation plan.
4. Plants. The proposed development is located within an undeveloped field. The field is dominated by grasses and sparse shrubs. The proposal does not appear to result in significant impacts.
    - a. The applicant shall follow the Construction Mitigation Manual, below, which includes protection measures, such as a re-vegetation plan for disturbed areas, particularly lots associated with future phases of development.
    - b. The applicant shall remove noxious weeds from the site during all construction activities.
  5. Animals. The proposal is within an undeveloped field. No protected species were identified within the area by the Washington Department of Fish and Wildlife Priority Habitat Species Map. However, the site contains wetlands which are considered priority habitats.
    - a. The applicant shall document the flow of stormwater and, if necessary, complete an amphibian study, as requested by the Department of Ecology.
  6. Energy and Natural Resources. The proposed construction is within an undeveloped field. The proposal will require utility extensions through Chelan County Public Utility District, but does not appear to result in significant impacts. The city will use existing Municipal Code requirements, including the requirement to obtain a Lighting Permit.
  7. Environmental Health. No environmental hazards have been identified in association with this development.
    - a. The applicant shall follow the Construction Mitigation Manual, below, which includes

protection measures, such as a re-vegetation plan for disturbed areas, particularly lots associated with future phases of development.

- 8. Land and Shoreline Use.** The proposed development is within an undeveloped field zoned for residential development. The site does not include a shoreline. The site is located adjacent to built residential environments. No impacts to land use or shoreline are anticipated with this development.
- 9. Housing.** There are no existing dwellings on the site. The development will create new market rate residential building lots which will provide needed housing for the community. However, work force housing, low-income housing and senior housing have been an identified needed for the community, see 2021 Housing Action Plan.
  - a. Affordable work force housing, low-income housing and/or senior housing may be considered through a development agreement associated with this project.
- 10. Aesthetics.** The development will change an open field to primarily residential development with the retention of open space associated with the wetland and wetland buffer. Future building heights and building area are defined and regulated through existing city code.
- 11. Light & Glare.** The development may include street lights which are regulated by adopted city standards. Future building will require compliance with Leavenworth Municipal Code Chapter 14.28 which includes code to mitigate impacts with lighting height and other restrictions. All lighting shall be directed away from the wetlands, in accordance with LMC 16.08.750, Table 16.7.2.
- 12. Recreation.** The development will increase the population using recreational activities in the area. The applicant is proposing a dedication of the wetland, wetland buffer and other lands for recreational use. Passive recreation is permitted within the wetland buffer, in accordance with LMC 16.08.750(1)(2).
  - a. The inclusion of park facilities or services may be considered through a development agreement associated with this project.
- 13. Historic/Cultural Preservation.** A Cultural Resources Survey Report by Columbia Historical Consulting, dated October 2, 2020 was completed for this project site. No historic or cultural sites have been identified within the project boundaries.
  - a. The applicant shall follow the Construction Mitigation Manual, below, which includes completing an Inadvertent Discovery Plan.
- 14. Transportation.** A Traffic Impact Analysis (TIA) by TENW, dated December 2, 2021, has been completed for the project. The report requires several clarifications and/or revisions.
  - a. The applicant shall update the TIA to meet the request of the City Public Works Director, City Engineer and Washington Department of Transportation.
  - b. The applicant shall complete all recommendations of the final approved TIA.
- 15. Public Services.** Increased public services (such as fire, school, hospital, public transit and police) are anticipated as is typical with increased population. All public services plan for growth based on population projections. There were no agency comments stating a need to review or provide additional public services based on this development. There are no identified public service needs to be mitigated for this project.
- 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. Water connection, stormwater connection, and sewer connection fees and permits will be required.
  - a. The applicant shall work with Public Works Director, Chelan County Public Utility District, and

City Engineer to ensure all adopted levels of service are met with this development.

Existing Environmental Documents:

1. Completed SEPA Checklist, dated November 7, 2022.
2. Geotechnical Engineering Evaluation by Nelson Geotechnical Associates, Inc, dated November 18, 2021.
3. Cultural Resources Survey Report by Columbia Historical Consulting, dated October 2, 2020.
4. Wetland Delineation Report by Grette Associates, LLC, dated May 15, 2018.
5. Department of Ecology letter RE: McDevitt Wetland Delineation, dated June 6, 2018
6. Wetland Re-Assessment by Grette Associates, LLC, dated June 7, 2021.
7. Traffic Impact Analysis by TENW, dated December 2, 2021

Required Environmental Documents: In addition to the above existing documents, the city will require additional documentation, including but not limited to:

1. Construction Mitigation Manual: The Applicant shall be required to complete and submit a Construction Mitigation Manual for review and approval of the city prior to commencement of construction activities. Such Manual shall include, but not be limited to:
  - a. A schedule of projected time-lines and construction phasing plans anticipating holiday and festival season closures, and periods of inclement weather. A 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 without prior authorization of the Leavenworth City Council. The Applicant shall be required to submit a detailed request, including dates, times and mitigation for shielding lighting to avoid impacts to adjacent properties and US Highway 2 for consideration of the City prior to planning night work.
    - 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.
  - b. Timing and notification to the city and other utility purveyors of utility interruptions. The Applicant shall be required to obtain prior approval of the Public Works Department and/or the applicable purveyor for any utility disruption or interruption prior to such activities. This schedule may require periodic updates.
  - 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. The Applicant shall be required to obtain prior approval of the Public Works Department, or other applicable jurisdiction for any street or right of way disruption, detour or closure. This schedule may require periodic updates.
  - d. 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.

- e. Construction staging, material storage and construction parking plans. 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 shall be submitted. Such areas will not be allowed on city streets or rights-of-way unless reviewed and approved by the city. A Haul Route plan shall also be included.
  - f. A Re-Vegetation plan, including identification of areas and measures for re-vegetation, species and methods may be required.
2. An Inadvertent Discovery Plan: The applicant shall provide a plan for addressing the steps to be taken in the event that any ground-disturbing activities or other project activities uncover protected cultural material.
  3. Stormwater Plan: The applicant is required to provide a Stormwater Plan in compliance with the Stormwater Management Manual for Eastern Washington. It should review basin water flows for potential impacts of this development. The plan shall be submitted to the City for approval before construction can commence.
  4. Any additional studies, plans, correction, revisions, or addenda as determined necessary and as requested by the city.

Mitigation of Environmental Impacts: Pursuant to WAC 197-11-158, the city will also regulate impacts by utilizing local development regulations (Leavenworth Municipal Code compliance with Titles 14, 15, 16, 18, and 21), the Comprehensive Plan, and other applicable local, State, or federal laws or rules. These laws and rules should provide adequate analysis of the impacts of this project.

Required Future Permits: This proposal will require additional permits, including site development permits, right-of-way (ROW) permit(s), Utility Connection Permits, including but not limited to city Water and Sewer Utility Connection permits, and, electrical permits and approvals shall be obtained from Washington State Labor and Industries and Chelan County PUD, as necessary. Additional permits may be required, which are not identified at this time.

**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.*