

WHATCOM COUNTY

Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-676-6907, TTY 800-833-6384
360-738-2525 Fax



J.E. "Sam" Ryan
Director

DNS Distribution List
SEP2013-00033

Date of Issuance: November 4, 2013

Please review this Notice of Application and Optional SEPA Determination. If you have further comments, questions or would like a copy of the SEPA environmental checklist, phone the responsible official at (360) 676-6907. Please submit your response by the comment date noted on the attached notice.

SEPA Unit, WA State Department of Ecology, Olympia via email
sepaunit@ecy.wa.gov

WA State Department of Fish and Wildlife via email
Joel Ingram, joel.ingram@dfw.wa.gov

WA State Department of Natural Resources via email
Rochelle Knust, sepacenter@dnr.wa.gov

Lummi Nation
Attn: Natural Resources Department
Attn: Cultural Resources Department

Nooksack Indian Tribe
Attn: Natural Resources Department
Attn: Cultural Resources Department

Applicant
Csilla Gyulai

Agent
Jaime White

Other/Parties of Interest
Barbara Sumerwell

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SEPA Determination of Nonsignificance (DNS)

File: SEP2013-00033

Project Description: Removal of a development moratorium

Proponent: Csilla Gyulai

Address and Parcel #: 0 Agate Bay Lane APN#: 380419159162

Lead Agency: Whatcom County Planning & Development Services

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

Pursuant to WAC 197-11-340(2), the lead agency will not act on this proposal for 14 days from the date of issuance indicated below. Comments must be received by _____ and should be sent to:

Responsible Official: Tyler Schroeder

Title: Planning Manager

Telephone: 360-676-6907

Address: 5280 Northwest Drive
Bellingham, WA 98226

Date of Issuance: November 4, 2013 **Signature:** _____

A handwritten signature in blue ink, appearing to be "Tyler Schroeder", is written over a horizontal line.

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 November 18, 2013

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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SEP 2013 00033
WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES

SEPA Environmental Checklist

JUL 13 2010

Purpose of Checklist:

The State Environmental Policy Act (SEPA), chapter 43 RCW requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

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:

Complete this checklist for non-project proposals, even though questions may be answered "does not apply." in addition, complete the supplemental sheet for non-project actions (part C).

For non-project actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A Background

- 1 Name of proposed project, if applicable:
Gyulai application for moratorium removal.
- 2 Name of applicant: Csilla Gyulai
Applicant phone number: (623)229-2297
Applicant address: 5447 Barr Road, Ferndale, WA 98248
- 3 Contact name: Jaime White, Whatcom Land Use Consulting, LLC
Contact phone number: (360) 961-2489
Contact address: PO Box 30696, Bellingham, WA 98228
- 4 Date checklist prepared: July 9, 2013
- 5 Agency requesting checklist: Whatcom County PDS
- 6 Proposed timing or schedule (including phasing, if applicable):
Not applicable.
- 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:
To seek approval for moratorium lifting. Then to construct a single family residence and associated appurtenances.
- 8 List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:
Wetland delineation by Miller Environmental Services, LLC.
- 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.
Moratorium removal approval and subsequent building permit application approval.

- 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.)

To apply for the removal of the six year development moratorium currently imposed on the subject five acre parcel.

- 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 property is located off of Agate Bay Lane via Burnhaven Lane, a private road, in Section 19, Township 38N, Range 4 East. Legal description and site plan provided in accompanying application materials.

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 20%.

- 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 prime farmland.

Everett complex, 2 to 8% slopes.

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

If so, describe.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed.

No filling or grading proposed at this time.

Indicate source of fill.

N/A.

- f. Could erosion occur as a result of clearing, construction, or use?
Yes No

If so, generally describe.

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

No impervious surfaces will result from the removal of the moratorium.

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

None at this time.

2. Air

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

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

None at this time.

- 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.

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 are two wetlands as identified in the accompanying wetland delineation report prepared by Miller Environmental Services, LLC.

- (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.

Indicate the source of fill material. None.

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

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

N/A

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

Will ground water be withdrawn, or will water be discharged to ground water? Yes No

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

(1) 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 such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

No materials will be discharged in conjunction with the application for moratorium removal.

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).

No runoff associated with this project.

Where will this water flow? No.

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.

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

None at this time.

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
- 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?

None at this time.

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

None known.

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

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.

- d. Proposed measures to preserve or enhance wildlife, if any:
None at this time.

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.

No energy needed for this proposal.

- 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.

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 special emergency services that might be required.

None.

- (2) Proposed measures to reduce or control environmental health hazards, if any:

None.

b. Noise

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

No noise associated with the moratorium removal.

- (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.

None.

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

None.

8 Land and Shoreline Use

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

Residential development and forest.

- b. Has the site been used for agriculture? Yes No
If so, describe.

- c. Describe any structures on the site.

None-vacant.

- 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 an "environmentally sensitive" area? Yes No

If so, specify.

There are two wetlands located on the subject property.

- i. Approximately how many people would reside or work in the completed project?

One family once the single family residence is constructed.

- j. Approximately how many people would the completed project displace?

None.

- k. Proposed measures to avoid or reduce displacement impacts, if any:

None.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, 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.

Once the moratorium is lifted, one middle-income housing unit would be provided.

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

None.

- High
 Middle
 Low-income

- c. Proposed measures to reduce or control housing impacts, if any:
None.

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?
No structures are proposed at this time.
- b. What views in the immediate vicinity would be altered or obstructed?
No views will be altered by this proposal.
- c. Proposed measures to reduce or control aesthetic impacts, if any:
None.

11 Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
None.
- 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?
Lighting from adjacent residential development may affect our proposal.
- d. Proposed measures to reduce or control light and glare impacts, if any:
None.

12 Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
Informal walks and trails located around the lake Whatcom area.

- 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.

13 Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
None known.
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
None known.
- c. Proposed measures to reduce or control impacts, if any:
None as there are no impacts.

14 Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.
The property is serviced by Agate Bay Lane, a county road, via Burnhaven Lane, a private road.
- b. Is site currently served by public transit? Yes No
If not, what is the approximate distance to the nearest transit stop?
Approximately one mile.
- c. How many parking spaces would the completed project have? How many would the project eliminate?
There would be no parking or eliminated parking associated with the lifting of the moratorium.

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? Yes No
If so, generally describe (indicate whether public or private).

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

- Water,
- Rail, or
- Air transportation?

If so, generally describe.

No.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

No vehicular trips would be generated by lifting the moratorium. Once a residence is constructed, there may be up to 10 vehicular trips per day.

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.

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

None at this time.

16 Utilities

a. Check utilities currently available at the site:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Electricity, | <input type="checkbox"/> Natural gas, |
| <input type="checkbox"/> Water, | <input checked="" type="checkbox"/> Refuse service, |
| <input type="checkbox"/> Telephone, | <input checked="" type="checkbox"/> Sanitary sewer, |
| <input type="checkbox"/> Septic system, | <input type="checkbox"/> Other. |

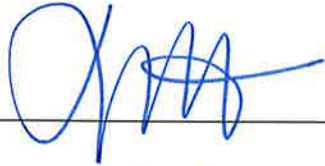
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

No utilities are needed for the lifting of the moratorium.

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: _____



Date Submitted: _____

7/11/13