



TOWN OF LA CONNER
FINAL MITIGATED DETERMINATION OF NON-SIGNIFICANCE (FMDNS)

The Town of La Conner is processing a permit application for the following project that may be of interest to you. You are invited to comment on the proposal.

Date: August 19, 2025

Application File #: LU25-44CR, LU25-45SEPA

Applicant: C.J. Ebert

Owner: Park 9 LLC

Town Contact Person: Ajah Eills, Planning Director; P.O. Box 400, La Conner, WA 98257; 360-466-3125

Project Description: Direct impact (fill) on 0.126 acers of non-tidal wetland in La Conner, indirect impacts on 0.066 acers of non-tidal wetland in La Conner.

The project is in an area identified as 100 year flood plain, and a nontidal wetland critical area.

Project Location: Unaddressed Park Street, La Conner

Assessor Tax Parcel: P74290

Lead Agency: Town of La Conner

FINAL DETERMINATION OF MITIGATED NON-SIGNIFICANCE (FMDNS): The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment with mitigation measures. 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 upon request.

This MDNS is issued after using WAC 197-11-350 and the optional DNS process in WAC 197-11-355. The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158.

CONSISTENCY OVERVIEW:

Date of Permit Application: June 24, 2025

Date of Determination of Completeness: July 7, 2025

Land Use Designation: Residential

Environmental Documents That Evaluate the Proposed Project: Wetland and Fish and Wildlife Habitat Assessment for Park Street, by Soundview Consultants, dated March 2025; Mitigation Bank Use Plan, Park Street, by Soundview Consultants, dated March 2025; Approved Jurisdictional Determination Memorandum for Record, by US Army Corps of Engineers, dated March 26, 2025; JARPA Form dated February 1, 2025; SEPA Checklist dated June 12, 2025.

Development Regulations Used For Project Mitigation: The project is subject to the Town's SEPA Code, Comprehensive Plan, Zoning Code, Engineering Standards, and other applicable local, state and federal regulations as appropriate.

CONDITIONS NECESSARY TO MITIGATE ENVIRONMENTAL IMPACTS:

1. The applicant must purchase 0.159 AC Bank Credits from the Skagit Environmental Wetland Mitigation Bank (SEWMB), with the Statement of Sale provided to La Conner prior to any wetland impacts.
2. The applicant shall follow all BMPs for erosion control and management.
3. Both wetlands, Wetland A and Wetland B as recorded in the Wetland Assessment, are isolated, low-quality category III wetlands with limited habitat function that are degraded due to the prevalence of non-native invasive species Himalayan blackberry and reed canarygrass. Onsite mitigation is not ecologically practical due to these factors.

4. Mitigation credit amounts are in accordance with Department of Ecology recommendations, and mitigation bank credits are the preferred option for mitigation as established in Wetland Mitigation in Washington State: Part 1 – Agency Policies and Guidance (Version 2).
5. SEWMB is within the same watershed as the subject wetlands; supporting the SEWMB provides better habitat connectivity and wetland functions and resulting ecological lift than onsite permittee-responsible mitigation.
6. Future development will require additional permitting from La Conner and Skagit County. Future development shall include a landscaping plan that prioritizes native, pollinator friendly plants.
7. The project must comply with the provisions of LCMC§15.100 Stormwater Management during construction to control erosion and sedimentation. The 2012 (as amended in 2014) Washington State Department of Ecology Western Washington Stormwater Management Manual for Western Washington, would best serve as a guideline for implementing appropriate measures.
8. The winter performance of a site is dependent on a well-conceived plan for control of site erosion and storm water runoff. The site plan should include ground-cover measures and staging areas. The contractor should be prepared to implement and maintain the required measures to reduce the amount of exposed ground.
9. Temporary erosion and sedimentation control (TESC) elements and perimeter flow control shall be established prior to the start of wetland impacts.
10. Storm water infrastructure and drainage plans for the subject parcel shall be approved by the Town of La Conner prior to wetland impacts. Storm water infrastructure and drainage shall be implemented on the site while the impact is occurring to avoid impacts to neighboring properties.
11. During the wetter months of the year, or when significant storm events are predicted during the summer months, the work area should be stabilized so that if showers occur, it can receive the rainfall without excessive erosion or sediment transport. The required measures for an area to be "buttoned-up" will depend on the time of year and the duration that the area will be left un-worked. During the winter months, areas that are to be left un-worked for more than 2 days should be mulched or covered with plastic. During the summer months, stabilization will usually consist of seal-rolling the subgrade. Such measures will aid in the contractor's ability to get back into a work area after a storm event. The stabilization process also includes establishing temporary stormwater conveyance channels through work areas to route runoff to the approved treatment/discharge facilities.
12. All areas of disturbed soil shall be revegetated as soon as possible with native, pollinator friendly plants. If it is outside of the growing season, the disturbed areas should be covered with mulch. Straw mulch provides a cost-effective cover measure and can be made wind-resistant with the application of a tackifier after it is placed.
13. Surface runoff and discharge should be controlled during and following development.
14. Soils that are to be reused around the site should be stored in such a manner as to reduce erosion from the stockpile. Protective measures may include, but are not limited to, covering stockpiles with plastic sheeting, or the use of silt fences around pile perimeters.
15. The proposed project may proceed as planned, following an unanticipated discovery protocol (UDP) training given to all construction personnel by a professional archaeologist. A copy of the Unanticipated Discoveries Protocol (UDP) must be on site at all times.
16. In the event that any ground-disturbing activities or other project activities related to this development or in any future development uncover protected cultural material (e.g., bones, shell, stone or antler tools), all work in the immediate vicinity should stop, the area should be secured, and any equipment moved to a safe distance away from the location. The on-site superintendent should then follow the steps specified in the UDP.
17. In the event that any ground-disturbing activities or other project activities related to this development or in any future development uncover human remains, all work in the immediate vicinity shall stop, the area shall be secured, and any equipment moved to a safe distance away from the location. The on-site superintendent shall then follow the steps specified in the UDP.

You may appeal this determination in writing to the La Conner Hearing Examiner. The written appeal and appropriate fees must be filed with the Town Clerk no later than 10 days (LCMC 15.135.220) following the MDNS notice. The appeal must comply with the procedures of LCMC 15.12.130 – Appeal of Administrative Decisions. You should be prepared to make specific factual objections.

Issued: August 19, 2025

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