



State Environmental Policy Act (SEPA)

Mitigated Determination of Nonsignificance (MDNS)

City of Edgewood ■ 2224 104th Ave East ■ Edgewood, Washington 98372-1513 ■ 253-952-3299

Date of Issuance:	February 16, 2024		
Project Name:	ARCO AM/PM		
File:	#22-1614 ADMINISTRATIVE USE PERMIT (AUP) #22-1615 SITE PLAN DESIGN REVIEW		
Lead Agency:	City of Edgewood, Community and Economic Development Department		
Agency Contact:	Morgan Dorner, Senior Planner 253-831-4252 comdev@cityofedgewood.org		
Project Dates:	Application Submitted:	12/02/2022	
	Deemed Complete:	01/25/2023	
	Notice of Application:	01/30/2023	
Proponent:	BP Products North America, Inc. c/o Barghausen Consulting Engineers 425-251-6222 ianzlovar@Barghausen.com 18215 72nd Ave S, Kent, WA 98032		
Original Location:	Address(es):	XXX 11th Street East, Edgewood, WA 98372 (Northeast corner of Meridian Avenue East (SR-161) and 12th Street Court East)	
	Tax Parcel(s):	0420037064	
	S/T/R:	SW ¼ of Section 03, Township 20N, Range 4E, W.M.	
Comprehensive Plan:	Commercial		
Zoning:	Commercial (C)		
Project Description:	The applicant proposes a new 3,349 square-foot ARCO AMPM convenience store, 1,500 square-foot quick service restaurant, 14- by 195-foot fuel canopy over eight (8) fuel dispensers, and installation of two (2) underground storage tanks (USTs). Construction of a 24- by 48-foot carwash with four (4) vacuum spaces, trash enclosure, and four (4) EV charging spaces. Proposed site improvements include, a public plaza space, exterior lighting, access driveways, off-street parking, interior and perimeter landscaping, stormwater management infrastructure and spill prevention, and exterior signage.		
Requirement for SEPA Review:	The project exceeds the flexible thresholds for total fill and excavation (WAC 197-11-800(1)(c) and EMC 20.05.100(A)). Therefore, the proposal is not exempt and requires a SEPA determination.		

Documents: All supporting documents are available on the City of Edgewood Public Permit Portal at portal.cityofedgewood.org or by request from the Community & Economic Development Department via email (comdev@cityofedgewood.org) or phone (253-952-3299).

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Environmental Documents:

This threshold determination and associated environmental findings are based on review of the following documents submitted by the applicant and official responses from the city in regard to the underlying permit(s). These documents are incorporated by reference, in accordance with WAC 197-11-635:

- Land Use Application, received January 25, 2023;
- Record of Boundary Line Adjustment (Cascade Land Surveying), received January 25, 2023;
- Statement of Possible Encroachments (Terramark), received January 25, 2023;
- Traffic Trip Generation (Transportation Solutions), received January 25, 2023;
- Traffic Concurrency Letter (TranspoGroup), received January 25, 2023;
- Certificate of Water Availability, received January 25, 2023;
- Existing Conditions Map (Barghausen), received January 25, 2023;
- Letter of Sewer Availability, received January 25, 2023;
- SEPA Checklist (Barghausen), received January 25, 2023;
- Site Plan / Use Checklist, received January 25, 2023;
- Title Report (Stewart Title), received January 25, 2023;
- Public Comments from Brandon Turner, dated February 14, 2023;
- Public Comments from Donna O'Ravez, dated February 14, 2023;
- Public Comments from Jennifer Jarvis and Ryan Mills, dated February 14, 2023;
- Agency Comments from Washington State Department of Ecology, dated February 14, 2023;
- Design Standards Response (Barghausen), received March 24, 2023;
- Revised Project Narrative (Barghausen), received March 24, 2023;
- Response to Public Comments (Barghausen), received March 31, 2023;
- Revised Preliminary Stormwater Site Plan (Barghausen), received August 4, 2023;
- Revised Transportation Impact Analysis (Transportation Solutions), received August 4, 2023;
- Revised Architectural Plans (Barghausen), received November 30, 2023;
- Revised Preliminary Civil Plans (Barghausen), received November 30, 2023;
- Revised Photometric Lighting Plan (LSI), received November 30, 2023; and
- Geotechnical Report (Geotest Services), received January 19, 2024.

Known Permits/Approvals (Additional Permits May Be Required):

City of Edgewood:

- Administrative Use Permit Approval (File No. 22-1614)
- Design Review / Site Plan Approval, including Critical Areas Review for Aquifer Recharge and Wellhead Protection Areas (File No. 22-1615);
- Traffic Concurrency (File No. 22-1507);
- Site Development Permit (File No. 24-1037);
- Right-of-Way Permit;
- Building, Fire, Mechanical, and Plumbing Permits.

Other:

- Mountain View-Edgewood Water Company Water Connection Permit;
- Lakehaven Water and Sewer District Sewer Service Connection Permit;
- Washington State Department of Transportation (WSDOT) General Permit;

- Washington State Department of Ecology (Ecology) Construction Stormwater General Permit (NPDES);
- Ecology Underground Storage Tank Installation Permit and Notifications; and
- Washington State Department of Labor & Industries (L&I) Electrical Permit(s); and
- Puget Sound Clean Air Agency (PSCAA) Authority to Construct/Permit to Operate; and
- Tacoma-Pierce County Health Department (TPCHD) Solid Waste Handling Permit.

SEPA Determination: The lead agency has determined that this proposal will not have a probable significant adverse impact upon the environment and has been conditioned to include necessary mitigation measures to compensate for probable significant impacts. An Environmental Impact Statement 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 City.

Issuance of this threshold determination does not constitute approval of the permit. This proposal will be reviewed for compliance with all applicable City codes, ordinances, plans, and policies.

The lead agency issued a combined SEPA Notice of Application that provided a 15-day public comment period from January 30, 2023, to February 14, 2023, under the optional DNS process in WAC 197-11-355. No additional comment period is required, however, based upon comments received an additional comment period is provided. See the “Comment Period” section of this notice for more information.

This MDNS is issued under WAC 197-11-340 and EMC 20.05.150 based on the findings and conclusions noted herein.

Findings: The SEPA Responsible Official for the City of Edgewood hereby makes the following findings of consistency based upon a review of the environmental checklist and attachments, other information and studies on file for the project, and the policies, plans, and regulations designated by the City of Edgewood as a basis for the exercise of substantive authority (see EMC 20.05), and under the State Environmental Policy Act (SEPA) pursuant to the Revised Code of Washington (RCW) 43.21C.

The following findings of consistency apply to the project and may be referenced in future (final) permit review notes and/or conditions:

1. Earth

- a. The applicant shall obtain all applicable permits, including but not limited to, a City of Edgewood Site Development Permit, and have Temporary Erosion and Sediment Control (TESC) measures in place prior to site disturbing activity. TESC measures shall be approved and applied in accordance with Chapter 13.05 EMC, Stormwater Manual – Site Development Regulations, in addition to any permits required by other agencies. These measures prevent stormwater runoff from carrying soil and other pollutants into surface water or storm drains that lead to waters of the state. Sand, silt, clay particles, and soil may damage aquatic habitat and are considered to be pollutants.

- b. The project is required to demonstrate compliance with restrictions on maximum lot coverage, effective impervious surface, and hard surface, consistent with Chapter 18.80 EMC, Land Use Zones.
- c. The project area does not contain any volcanic, landslide, seismic (earthquake), and erosion hazard areas as shown on the adopted critical areas map (EMC 14.10.040(G)).

The applicant submitted a Geotechnical Report (dated June 26, 2023), prepared by GeoTest Services, Inc. These documents were reviewed along with available topography, LIDAR, and geohazard area data (GIS). This review confirmed that there were no volcanic, landslide, seismic (earthquake), and erosion hazard areas as defined and regulated by Title 14 EMC, Critical Areas.

- d. The Washington State Department of Ecology (Ecology) submitted comments on February 14, 2023 (see comment for additional information):
 - i. All grading and filling of land must utilize only clean fill. **See Mitigation Measure 1.**
 - ii. The project site is located within 0.25 miles of seven (7) known contaminated sites:
 - 1. 7 Eleven 230326153, Facility Site ID (FSID) 52177324;
 - 2. Circle K 2705501, FSID 82743218;
 - 3. Edgewood Shopping Center; FSID 1360
 - 4. Hollywood Video; FSID 6012635;
 - 5. Jackpot Station 323; FSID 66296722;
 - 6. Pro Cleaners; FSID 32484475; and
 - 7. Surprise Lake Shopping Center; FSID 1378.

Potential soil contamination is suspected. **See Mitigation Measure 2.**
 - iii. Installation of new underground tanks must meet the requirements of Chapter 173-360A WAC. A notice of intent 30 days prior to installation and registration within 30 days after installation with Ecology is required.

2. Air

- a. The project is required to use approved Best Management Practices (BMPs) from the adopted stormwater manual (see EMC 13.05.160) for dust control, such as watering of exposed soils, is required and will limit impacts to ambient air quality during construction.
- b. Construction activities and vehicles being driven to and from the project site can be anticipated to cause impacts to air quality and produce greenhouse gas emissions. No point emissions are anticipated as a result of this project.

- c. The project is required to obtain all necessary permits and/or approvals from the City of Edgewood and Puget Sound Clean Air Agency (PSCAA) for construction.
- d. The project is required to demonstrate compliance with the performance standards in EMC 18.90.140 for smoke, dust, odor or other forms of air pollution. There are no known sources of smoke, dust, odor or other forms of air pollution anticipated as a result of this project.

3. Water

- a. The project is required to demonstrate compliance with the adopted stormwater manual (see EMC 13.05.160), all applicable National Pollutant Discharge Elimination System (NPDES) Permit requirements, and other City regulatory requirements related to stormwater runoff, management, and treatment.
- b. The project area does not contain any wetland, wetland buffer, critical fish and wildlife habitat, critical aquifer recharge, wellhead protection, or flood hazard areas as shown on the adopted critical areas map (EMC 14.10.040(G)).
- c. No groundwater is proposed to be withdrawn and no discharges to groundwater are proposed. **See Mitigation Measure 3.**
- d. The project exceeds the threshold for exemption from coverage under the NPDES Construction Stormwater General Permit from the Washington State Department of Ecology (Ecology). Refer to Ecology's comments dated February 14, 2023, for additional information.
- e. Erosion control is addressed in the Earth section of these findings.

4. Plants

- a. No state or federal candidate, threatened or endangered plant species or habitat has been identified on the project site.
- b. The project is required to demonstrate compliance with the landscaping requirements in:
 - i. EMC 18.80.080, Town Center, Commercial Mixed Use Residential and Business Park zoning districts;
 - ii. EMC 18.90.090, Landscaping;
 - iii. EMC 18.90.170, Streetscapes; and
 - iv. Chapter EMC 18.95, Design Standards.
- c. The project is required to demonstrate compliance with EMC 18.90.180, Tree preservation, for designation, retention, and/or replacement of any significant trees.

5. Animals

- a. No state or federal candidate, threatened or endangered animal species or habitat has been identified on the project site.

6. Energy and Natural Resources

- a. The project is required to demonstrate compliance with the Washington State Energy Code and applicable regulations in the applicable version of the Building Code, as adopted by the City.
- b. The project will not cause solar impacts to any adjacent sites. Mitigation is not required.
- c. The project is anticipated to use various forms of energy for lighting, heating and ventilation, and is not anticipated to generate a need for energy or natural resources beyond planned service levels by local utility providers.

7. Environmental Health

- a. Potential soil and/or groundwater contamination associated with seven (7) known contaminated sites within 0.25 miles of the subject site are addressed in the Earth subsection of these findings.
- b. A total of approximately 6,000 cubic yards of total cut and 1,500 cubic yards of total fill is proposed. **See Mitigation Measure 4.**
- c. Typical risks of spills from heavy equipment and vehicles are expected during site development and building construction periods. The applicant is required to demonstrate compliance with all local and State requirements for spill prevention, reporting, and remediation.

The completed project is not anticipated to contain increased or unusual risks related to fire hazards, explosive materials, toxic chemical storage or manufacture, hazard waste spill risk, nor is the project anticipated to increase the risk of health hazards to the environment.

- d. Typical construction impacts are expected during site development and building construction periods. The project is required to demonstrate compliance with the performance standards in EMC 18.90.140(E), Restrictions on Dangerous and Objectionable Elements, and EMC 18.90.140(G), Permitted Land Development and Construction Activities.

Construction hours may be modified by a permit decision.

8. Land Use and Shoreline Use

- a. The project is located within the Commercial zoning district with a comprehensive plan designation for Commercial. The project is a permitted use, does not require a discretionary land use permit, is generally consistent with applicable policies adopted in the Comprehensive Plan, and is required to demonstrate compliance with applicable regulations in Title 18 EMC, Development Standards.

- b. The site is not presently being utilized for working forest, agricultural, mineral, or other resource lands, and therefore the project is not converting any of these resource lands to urban land uses in a manner not otherwise contemplated in the City's Comprehensive Plan.
- c. The project site contains the critical areas noted below. The project has been reviewed for consistency with Title 14 EMC, Critical Areas:
 - ☒ EMC 14.10.040(G) – No mapped critical areas
 - ☐ EMC 14.40 – Wetlands
 - ☐ EMC 14.50 – Critical Fish and Wildlife Habitat Areas
 - ☐ EMC 14.60 – Aquifer Recharge and Wellhead Protection Areas
 - ☐ EMC 14.70 – Volcanic Hazard Areas
 - ☐ EMC 14.80 – Flood Hazard Areas
 - ☐ EMC 14.90 – Landslide Hazard Areas
 - ☐ EMC 14.100 – Seismic (Earthquake) Hazard Areas
 - ☐ EMC 14.110 – Erosion Hazard Areas
 - ☐ EMC 14.120 – Natural Resource Lands

9. Housing

- a. No housing units will be created, consistent with the Housing and Land Use policies in the Comprehensive Plan and applicable zoning code standards.
- b. No existing housing units will be demolished.

10. Aesthetics

- a. The project is required to demonstrate compliance with the bulk standards, design standards, and landscaping requirements in:
 - i. EMC 18.80.080, Town Center, Commercial Mixed Use Residential and Business Park zoning districts;
 - ii. EMC 18.90.090, Landscaping;
 - iii. EMC 18.90.170, Streetscapes; and
 - iv. Chapter 18.95 EMC, Design Standards.
- b. The project is required to demonstrate compliance with the height limitations in the applicable zoning district, consistent with the Edgewood Zoning Code (Title 18 EMC). No impacts to view corridors are anticipated as a result of this project.

11. Light and Glare

- a. The project is required to demonstrate compliance with the exterior light fixture shielding standards in EMC 18.80.080, Town Center, Commercial

12. Recreation

- a. The project is required to demonstrate compliance with the open space requirements in:
 - i. EMC 18.80.080, Town Center, Commercial Mixed Use Residential and Business Park zoning districts;
 - ii. EMC 18.90.090, Landscaping; and
 - iii. Chapter EMC 18.95, Design Standards.
- b. The project is not anticipated to disrupt, displace, or otherwise adversely impact any existing recreational opportunities in the general vicinity of the project.

13. Historic and Cultural Resources

- a. The project is not located within or adjacent to any property listed on the Washington State or National Registers of Historic Places and is listed as Moderately Low Risk on the Department of Archaeological & Historic Preservations (DAHP) Washington Information System for Architectural and Archaeological Records Data (WISAARD) tool. **See Mitigation Measure 5.**

14. Transportation

- a. The project exceeds the transportation concurrency threshold in EMC 18.105.030(B), Exempt Development. Therefore, the project is required to demonstrate compliance with applicable standards of Chapter 18.105, Concurrency Management.

A Type III Traffic Impact Analysis (TIA) is required for projects with 51 or more net new PM peak hour trips. The applicant submitted a Transportation Impact Analysis ("December TIA", dated December 2022), prepared by Transportation Solutions, Inc. Review of the "December TIA" determined that, as proposed, the project would result in a probable significant adverse impact by causing a new intersection Level of Service (LOS) deficiency at the intersection of Meridian Avenue E (SR-161) and 12th Street Court East.

As a result of communication between the applicant, the City's third-party traffic consultant (Transpo Group), the City of Milton, and WSDOT, the applicant submitted a Revised Transportation Impact Analysis ("August TIA", dated August 2023). WSDOT reviewed August TIA and the proposed mitigation for right in-right out access to the project site and curbing in Meridian Avenue East (SR-161) to prevent left turns, and approved the proposed mitigation methods on October 2, 2023. Mitigation measures proposed by the applicant in the August TIA and reviewed by staff and external agencies informed **Mitigation Measures 6.a-b.**

- b. The project shall pay the adopted traffic impact fee for each commercial use upon issuance of each associated building permit, per Chapter 4.30 EMC, Traffic Impact Fees.
- c. The project is required to demonstrate compliance with engineering standards and requirements in EMC Title 12, Streets, Sidewalks and Public Places.
- d. The project is located along a designated bike and pedestrian route. WSDOT completed widening along this section of Meridian Avenue East (SR-161) that complies with Chapter 12.12 EMC, Nonmotorized Transportation Systems. No mitigation is required.
- e. The project is required to demonstrate compliance with EMC 18.80.080(H), Parking, Access and Circulation for the Town Center, Commercial, Mixed Use Residential and Business Park zoning districts, and EMC 18.90.130, Parking, for on- and off-street parking.
- f. The project exceeds the threshold for transit support facilities in EMC 18.90.130(E)(2), Transit Support Facilities. Therefore, the project is required to demonstrate compliance with EMC 18.80.080(H), Parking, Access and Circulation for the Town Center, Commercial, Mixed Use Residential and Business Park zoning districts, and EMC 18.90.130, Parking, for transit facilities. **See Mitigation Measure 7.**
- g. The project is required to demonstrate compliance the City's Comprehensive Plan, as amended by Ordinance No. 19-0557 (in effect at the time of complete application) and parallel road network requirements (Ordinance No. 07-0279, as amended by Ordinance No. 20-0590) for the development of properties along Meridian Avenue East (SR-161). Review determined the following:
 - i. The proposal facilitates Policies T.I.a, T.I.b, T.I.d, T.I.i, T.I.I, T.VII.c, and T.VII.f, by providing access management, limiting access points, and making channelization improvements improvements to the existing street network to promote efficiency and safety.
 - ii. The proposal facilitates Policies T.III.e, T.III.h, and T.III.i., by providing carefully considered infrastructure that promotes safe and efficient multi-modal transportation networks.
 - iii. The proposal facilitates Policies T.VI.a., T.VI.b., and T.X.e., by providing efficient parking spaces behind commercial buildings in off-street parking lots with landscaping and pedestrian paths.
 - iv. The proposal facilities the parallel road network by using the existing road at 12th Street Court East, 104th Avenue East, and 13th Street Court East.

15. Public Services

- a. Additional public services, such as police protection, fire protection, public transit and other municipal services are anticipated from the project. This determination does not anticipate that the project will impact public services

in a manner that would reduce the Level of Service (LOS) for applicable public services as adopted in the City's Comprehensive Plan.

16. Utilities

- a. Domestic water will be provided by Mountain View-Edgewood Water Company, the water purveyor serving the project site. The applicant has provided a Certificate of Water Availability for the project.
- b. Sanitary sewer service will be provided by the City of Edgewood (operated by Lakehaven Water and Sewer District), the sewer purveyor for the site. The applicant has provided Certificates of Sewer Availability for the project.
- c. Electricity, natural gas, refuse/recycling collection, and telecommunication services are provided by private utilities. The applicant shall determine the availability of those private utilities to be provided on site.

Mitigation Measures:

The lead agency for this proposal has determined that the proposal does not have a probable significant adverse impact on the environment if the following mitigation measures are followed:

1. Only clean fill material shall be utilized. All other materials are considered solid waste and any required permit approval shall be obtained from the Tacoma-Pierce County Health Department (TPCHD) prior to filling. All removed debris resulting from this project must be disposed of at an approved site.
2. Soil testing is required prior to site development and soil disturbing activity along the perimeter of the project site closest to the sites with known soil contamination. If contamination of soil or groundwater is present, or is revealed by testing, the applicant shall notify Ecology's Environmental Report Tracking System Coordinator at the Southwest Regional Office (SWRO) at 360-407-6300. Complete site remediation for affected areas will be required prior to continuing work on the site. Contaminated soils and waste shall be disposed of at an approved location.
3. Groundwater diversions, dewatering activities and/or construction-related groundwater withdrawals that occur as part of this project due to the presence of high/perched groundwater levels at the time of construction shall be mitigated using BMPs, as stipulated by an approved City of Edgewood Site Development Permit, the adopted stormwater manual (see EMC 13.05.160), all applicable National Pollutant Discharge Elimination System (NPDES) Permit requirements, and other City regulatory requirements related to stormwater.
4. If greater than 250 cubic yards of demolition and/or wood waste is used as fill material, a Solid Waste Handling permit may be required (WAC 173-350-710). It is the responsibility of the applicant to check with TPCHD for any permits that may be required.
5. All ground disturbing activity, regardless of whether the activity is exempt from obtaining a permit, shall stop immediately if and when:

- Suspected historic or cultural artifacts or other objects of suspected archaeological value are found.
- Human skeletal remains are found.

If such items are found, the applicant, property owner, developer, and/or contractor shall:

- Secure the area and protect it from further disturbance.
- Notify the City, DAHP, and affected tribes of any such findings immediately. In the event of human skeletal remains, the Pierce County medical examiner/coroner and the Edgewood Police Department shall also be notified.
- Obtain a site inspection and evaluation by a qualified archaeological or historic preservation professional, as applicable, in coordinate with DAHP and/or affected tribes.
- Not touch, move, or further disturb the area until DAHP provides notice to proceed.
- Comply with any other applicable requirements Chapter 68.50 RCW, Human Remains, Chapter 27.44 RCW, Indian Graves and Records, and Chapter 27.53 RCW, Archaeological Sites and Resources.
- The applicant and/or contractor may be required to complete an Inadvertent Discovery Plan (IDP) for any further discoveries.

6. The following transportation mitigation measures are provided pursuant to EMC 18.105.180(A):
 - a. The northern direct access to Meridian Avenue shall construct access improvements to ensure a right in – right out configuration. The access shall also require channelization improvements to the two-way left turn lane on Meridian Avenue. These improvements shall consist of signing, striping, and c-curbing to ensure the right in-right out access. Permit review and approval for these improvements must be coordinated with WSDOT and the City of Edgewood.

These improvements are required prior to any occupancy of associated building permits.
 - b. The applicant shall pay traffic impact fees (TIF) as required by the City of Edgewood. Exact fees will be calculated by the City at the time of building permit issuance (EMC 4.30.080(A)) and are subject to rates in effect at such time. The payment of these fees is adequate to contribute to the future design and construction of intersection improvements at Meridian Avenue East (SR-161) at 13th Street Court East and 12th Street Court East.
7. The applicant shall coordinate with Pierce Transit regarding the construction and/or replacement of transit stops along the Meridian Avenue East (SR-161) project frontage.

SEPA Responsible
Official:

February 16, 2024

Signature

Date

Lauren Balisky, AICP, Community and Economic Development Director
2224 104th Avenue East | Edgewood, WA 98372
lauren@cityofedgewood.org | Ph: (253) 952-3299

- Comment Period:** The lead agency will not act on this proposal for 14 days from the date of issuance. Comments may be submitted to comdev@cityofedgewood.org or addressed to City of Edgewood, 2224 104th Ave E, Edgewood, WA 98372. Please include File# 22-1614 in the comment. Comments must be submitted by **5:00 PM on March 1, 2024**. After that date, this determination becomes final.
- Appeal Period:** This SEPA threshold determination may be administratively appealed to the City of Edgewood pursuant to EMC 20.05.250, Appeals. Any appeal must be filed within 14 days from the date the determination becomes final, or by **5:00 PM on March 15, 2024** (EMC 20.05.250(F)(3)). Prior to submittal of the appeal and associated fee, please consult [EMC 20.05.250](#) regarding SEPA appeals. Be prepared to make specific factual reasons, rationale, and/or basis for the appeal. Appeals may be submitted to by mail or in person to City of Edgewood, 2224 104th Ave E, Edgewood, WA 98372 or via the City's Online Permit Portal, portal.cityofedgewood.org.
- Accessibility:** For assistive technology (such as a Braille reader, a screen reader, or TTY) users: if the format of any material on this document or the City's website interferes with the ability to access information, please contact us. Please provide a description of the issue, the preferred format in which to receive the material, the web address of the requested material, and contact information. Users who need accessibility assistance can also contact us by phone through the Federal Information Relay Service at 1-800-877-8339 for TTY/Voice communication.