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MITIGATED DETERMINATION OF NONSIGNIFICANCE

SEPA/Case Number: 20-310

Description of Proposal: Proposal to construct a 4,000 square foot convenience market, with 1,000 square feet of half story general office space, and four associated fueling islands, as well as an additional 4,000 square feet of commercial/retail space, and associated site improvements.

Proponent: Northwest Investors, LLC

Location of Proposal: 8808 Campus Glen Dr NE, Assessor's parcel 11936340200, located in a portion of Section 36, Township 19N, Range 1W, W.M., Lacey, Thurston County, Washington

Lead Agency: City of Lacey Community Development Department

Threshold Determination: As provided by RCW 43.21C.240 and WAC 197-11-158, the lead agency has determined that with the mitigation described in the conditions below, the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the applicable development regulations and comprehensive plan adopted under Chapter 36.70A RCW and in other local, state, or federal laws or rules. Therefore, this proposal is not likely to have a significant adverse impact upon the environment, an Environmental Impact Statement is not required under RCW 43.21C.030(2)(C), and the City of Lacey will not require additional mitigation measures under SEPA, other than those described below. This decision was made after review of an Environmental Checklist and other information on file with the City. This information is available to the public upon request.

___ There is no comment period for this DNS.

___ This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days. Comments must be submitted by [Click **here** and type date]

X The comment period, pursuant to WAC 197-11-355, was combined with the Notice of Application comment period, using the Optional DNS Process. The comment period closed on April 6, 2021.

Environmental Conditions:

1. Traffic impact fees mitigating impacts to Thurston County roads in the amount totaling \$29,619 shall be paid prior to building permit issuance to the City of Lacey. The City of Lacey will then forward to Thurston County the collected impact fees.
2. Prior to site disturbing work the soils on site shall be sampled and analyzed for arsenic and lead. The soil sampling results shall be sent to the Department of Ecology (ECY) for review.
3. If lead or arsenic are found at concentrations above the Model Toxics Control Act (MTCA) cleanup levels (WAC 173-340) the owners, potential buyers, construction workers and others shall be notified of their occurrence. The applicant shall also contact the Environmental Report Tracking System Coordinator at the Ecology Southwest Regional Office at (360)407-6300. The MTCA cleanup level for arsenic is 20 ppm and lead is 250 ppm.
4. If lead, arsenic and/or other contaminants are found at concentrations above MTCA cleanup levels, prior to grading permit issuance the applicant shall:
 - a) Enter into the Voluntary Cleanup Program with Ecology prior to issuance of any site development or disturbance permits;
 - b) Provide Ecology with tree retention survey of subject site;
 - c) Obtain an opinion letter from Ecology stating that the proposed soil remediation will likely result in no further action under MTCA;
 - d) Provide the City with written verification from Ecology that development permits are consistent with the cleanup action plan developed under the requirements of the Voluntary Cleanup Program.
5. If soils are found to be contaminated with arsenic, lead or other contaminants, extra precautions shall be taken to avoid escaping dust, soil erosion, and water pollution during grading and site construction. Site design shall include protective measures to isolate or remove contaminated soils from public spaces, yards, and children's play areas.
6. Contaminated soils generated during site construction shall be managed and disposed of in accordance with state and local regulations, including the Solid Waste Handling Standards regulation (WAC 173-350). For information about soil disposal contact the local health department in the jurisdiction where soils will be placed.

7. All mitigation measures volunteered by the developer and described within each element of the submitted environmental checklist shall be implemented into the design and/or development of the proposed development.

Findings of Fact:

1. Thurston County Public Works Department provided comments dated April 7, 2021 identifying six (6) County road projects that will be impacted by traffic generated by this proposal.
 - a. One (1) pm peak hour trip will impact County Road Project No. 61335b Draham Street Northeast (15th Avenue – Carpenter) with a proportionate per trip cost of \$750;
 - b. Four (4) pm peak hour trips will impact County Road Project No. 61364 Johnson Point Road/Hawks Prairie Road Intersection with a proportionate per trip cost of \$143;
 - c. Twenty-six (26) pm peak hour trips will impact County Road Project No. 61338 Meridian Road (Martin Way – City limits) with a proportionate per trip cost of \$500;
 - d. Two (2) pm peak hour trips will impact County Road Project No. 61475 Kinwood Rd (Pacific – Martin) with a proportionate per trip cost of \$2,648;
 - e. One (1) pm peak hour trip will impact County Road Project No. 61477 Pacific Avenue Capacity Project (Union Mills Rd – Marvin Rd) with a proportionate per trip cost of \$2,942;
 - f. One (1) pm peak hour trip will impact County Road Project No. 61484 Steilacoom Road (Pacific Avenue to Dutterow Rd) with a proportionate per trip cost of \$7,059.
2. Based on the review of the application materials and comments received from Thurston County, it is determined that the identified probable significant adverse impact to the Thurston County road system will be mitigated with the payment of traffic impact fees to Thurston County prior to building permit issuance for each building.
3. Soil contamination from the former Asarco smelter poses a risk to human health and the environment. Construction workers, landscapers, gardeners, and others who work in the soils are at risk.
4. Based on information from the Department of Ecology's ongoing Tacoma Smelter Plume Toxics Cleanup Program the Responsible Official has determined that there is potential for soils contaminated with lead and/or arsenic to be located on the subject site. The potential identified probable significant adverse impacts to site development workers and future residents will be mitigated with soil sampling, analysis and a cleanup plan if contamination is found.

5. No other probable significant adverse impacts were identified through the review of the environmental checklist and application materials that would not be addressed and/or governed by the provision of the Lacey Municipal Code.

Assigned Staff Person: Samra Seymour, AICP, Senior Planner

Responsible Official: Rick Walk, AICP, Director of Community & Economic Development

Address: 420 College Street SE, Lacey, WA 98503

Phone: (360) 491-5642 **Fax:** (360) 438-2669



Date: March 18, 2022

Signature:

Appeal Deadline: 5:00 p.m. on April 1, 2022

NOTE: Pursuant to RCW 43.21.C.075 and Lacey City Code 14.24.170(A), a project denial based upon environmental information, and a conditioned or mitigated Determination of Nonsignificance (DNS) may be appealed by any agency or aggrieved person. Appeals are filed either with the Community & Economic Development Department when there is also an underlying governmental action or with the City Council if there is no underlying governmental action. Appeals to the City Council must be filed within fourteen (14) days of the issuance of the written decision (refer to the Lacey City Code for time periods on appeals filed with the Community & Economic Development Department).

cc: Department of Ecology
Parties of record