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## CITY OF DUPONT

Department of Community Development  
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### MITIGATED DETERMINATION OF NONSIGNIFICANCE ARCO FUELING FACILITY WITH AM/PM CONVENIENCE STORE AND CAR WASH City File Nos. PLNG2017-050 & 051

**Description of proposal:** Construct an am/pm convenience store (3,978 square feet), car wash (1,152 square feet), and fuel canopy (5,060 square feet) with eight (8) multi-product dispensers (MPDs) that result in a total of sixteen (16) vehicle fueling positions (VFPs) on a site that was formerly a gas station. The fueling facility will require the installation of two (2) underground storage tanks (USTs), one 25,000-gallon UST for the storage of regular unleaded fuel, and a second 12,000-gallon UST split between regular unleaded (6,000 gallons) and premium unleaded (6,000 gallons). Additional site improvements will include freestanding and wall signage, asphalt paving and striping, new curb cuts, lot lights, perimeter landscaping, surface parking for 16 vehicles, utility connections, and a vacuum station. The facility will operate 24 hours per day, 7 days each week. The development footprint is located outside of the sensitive areas and their code-required buffers and no building or structure is located within the required setbacks. No Landmark Oregon white oak trees will be removed. The development footprint comprises 1.22 acres of a 21.24 acre site.

**Proponent:** BP West Coast Products, LLC, c/o Kurtis Christensen

**Location of proposal:** The subject property is located at the northwest intersection corner of DuPont-Steilacoom Rd and Barksdale Avenue in the city of DuPont, Pierce County, Washington. Tax Parcel Numbers: 0119362009, 0119362039, 0119362012, and 0119362043, in Section 36, Township 19N, and Range 01E, W.M., Pierce County, Washington.

**Lead agency:** City of DuPont

*The lead agency has determined that the requirements for environmental analysis and protection 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 and/or mitigating measures have been applied that ensure no significant adverse impacts will be created.*

An environmental impact statement is not required under RCW 43.21C.030(2)(c). The optional DNS process in WAC 197-11-355 is being used. This decision was made after review of a completed environmental checklist, other information on file with the lead agency and comments received during the Notice of Application/Optional DNS comment period. This information is available to the public on request.

**Responsible Official:** Jeffrey Wilson, AICP, Community Development Director, City of DuPont

**Contact Information:** City of DuPont | 1700 Civic Drive, DuPont, WA 98327 | 253-912-5393

#### FINDINGS

1. **Earth** – A Geotechnical Report dated November 14, 2017 was submitted. The site is undeveloped and generally flat or rolling. The steepest portion of the development footprint is a small knob located near the eastern driveway, which is approximately 22 percent slope and considered a Developable Sensitive Area, per DMC 25.105.070(3). The NRCS mapped soil types are Spanaway gravelly sandy loam, Everett-Spanaway-Spana complex (0 to 30 percent slopes) and DuPont Muck. The proposed building site currently contains an old asphalt parking lot and access roads/driveways, but is otherwise undeveloped. The majority of the proposed development area on the subject parcels is dominated by

highly disturbed areas that contain asphalt and non-native, invasive vegetation such as Himalayan blackberry (*Rubus armeniacus*). A preliminary analysis of cut/fill activity based on the Preliminary Grading and Utility Plan indicates an estimated 7,500 cubic yards of total earthwork. There will be approximately 4,100 cubic yards of fill and 3,400 cubic yards of cut. All fill will be from approved sources and documented. A temporary erosion and sedimentation control plan will be implemented. The design and construction recommendations provided in the Geotechnical Report are required to be followed. (*Mitigation Measure 3*).

2. Air – There are no known emissions as a result of the proposal other than those associated with vehicular use during and after construction and during the refueling process. During refueling CARB-certified vapor recovery systems will minimize vapor release and odors. Additional permitting requirements for emissions control may be required from state agencies. (*Mitigation Measure 4, 30 and 31*)
3. Surface Water – A Critical Areas Report & Proposed Mitigation Plan was prepared by Wetlands & Wildlife Inc. (WWI) dated December 12, 2017. One Category II wetland and one Type F stream, both requiring a 100-foot buffer, are located on the subject property. The buffers overlap in areas and the more restrictive buffer applies. The wetland is part of the Bell Marsh complex and extends to the west and northwest of the site. The stream flows south to north and enters the site via a culvert outlet. The stream transports water from the culvert outlet north into the wetland. The WWI addendum dated January 22, 2018 explains that the wetland and stream evaluation is compliant with both the City’s Draft Critical Areas Code Update and the current DMC Sensitive Areas Chapter 25.105.

In a second addendum to the Critical Areas Report dated February 9, 2018, WWI concluded that the current (revised) proposal avoids temporary and permanent impacts within the regulated stream, wetland, standard buffers and/or standard building setbacks. This conclusion is not consistent with the provided grading and landscape plans dated May 25, 2018, which depict grading within the buffer. A condition of approval in the land use Decision requires that the grading and landscaping plans be revised to remove all grading from within the buffer.

The WWI Addendum also stated that no compensatory mitigation or buffer averaging is proposed or required. The City requires removal of the existing asphalt located in the wetland buffer and restorative plantings to be completed concurrent with development. If the gravel path is needed for access to maintain the existing stormwater culvert, the path may be maintained. (*Mitigation Measure 12 and 39*)

The City received numerous public comments on the application expressing concern for potential impacts to the site’s sensitive areas. Several of the comments referenced a wetland delineation that was completed for the subject Bell Marsh wetland for Washington State Department of Transportation highway expansion and improvements project that rated the wetland as a Category I, which under DuPont’s Sensitive Areas Chapter 25.105, would require a 200 foot buffer.

The City contracted with Stantec Consulting Services for an independent technical review of the WWI wetland delineation. Stantec provided a letter to the City dated April 19, 2018 with comments on both delineations and an ultimate conclusion that the wetland and stream categories and buffers as determined by WWI, were correct.

Best Management Practices are recommended to ensure protection of the sensitive areas, including directing lights away from the wetland, minimizing noise and dust impacts, fencing and posting signage around the sensitive area buffer and maintaining the area (*Mitigation Measure 11*). Additionally, the property shall be preserved and protected in perpetuity either through the recording of a conservation easement or by dedicating the property to the City. (*Mitigation Measure 9 and 10*)

Water Runoff – Stormwater runoff will be generated from impervious surfaces. Stormwater runoff will be collected by a series of catch basins, discharged to a Stormtech infiltration gallery, treated by a Stormfilter and infiltrated 100 percent on site. The proposed project proposes to discharge at the natural location within the site via infiltration. The drainage patterns will remain unchanged.

The fueling stations are required to be within a concrete pad under a canopy with drainage collection to an oil/water separator treatment unit prior to discharge to the sanitary sewer system, operated by Pierce County Utilities. Implementation of the City's requirements for stormwater and Pierce County Utilities' requirements for sanitary sewer will minimize potential impacts to Bell Marsh from the proposed development.

Stormwater runoff will be mitigated for both runoff quality and quantity in accordance with the 2012 Department of Ecology Stormwater Management Manual with 2014 amendments. The Manual requires completion of a Construction Stormwater Site Plan, Stormwater Pollution Prevention Plan (SWPPP) and a Temporary Erosion and Sediment Control (TESC) Plan with final engineering. Each of these plans are subject to review, approval and permitting by the City. The project activities are required to comply with the requirements of the Washington State Department of Ecology National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges associated with construction activity. (*Mitigation Measures 15-17*)

To provide additional protection to the adjacent sensitive areas in the unlikely storm event which exceeds the system capacity, it is recommended that the applicant work with the City's Public Works Department to evaluate, design and install a stormwater interceptor system adjacent to the perimeter curbs located between the project and the sensitive areas to intercept the flows. The improvement may be located in the wetland buffer, as it is to be designed as a protective measure as allowed by DMC 25.105.070(1)(d)(iii). (*Mitigation Measure 8*)

4. Plants – The vast majority of the project site is currently dominated by non-native, invasive vegetation. Existing vegetation within 1.22 acres of the 21.24 acre site will be removed and replaced with trees, shrubs, and ground cover located along the perimeter of the site, the interior parking lot and around buildings. See the landscape plan dated May 25, 2018. All other existing vegetation between the development footprint and the west boundary line will be retained, as well as all vegetation within the sensitive areas and their buffers and the areas adjacent to DuPont Steilacoom Road to the north.

Tree Retention is a city code requirement and the land use decision on the project includes conditions of approval for protection.

A Landmark Tree Report prepared by Greenforest, Inc. dated September 5, 2017, was submitted with the application. Greenforest found which there are five Oregon White Oak trees on the project site that the City of DuPont designates as Landmark Trees that are deemed to be healthy. Greenforest prepared an Addendum dated February 16, 2018, which describes that for the current proposal all five Landmark trees are proposed to be retained. Three of the trees are located on the perimeter of the development footprint and their driplines fall within the proposed clearing and construction limits. In the Addendum Greenforest recommends specific construction methods be enforced to protect the trees. The City retained Sound Urban Forestry, LLC (SUF) to conduct a technical independent review of the Greenforest report. SUF visited the site and concurred with the Landmark Tree evaluation, but recommended additional mitigation measures to protect the trees during construction. (*Mitigation Measures 22-24*)

5. Animals – The National Marine Fisheries Service and the US Fish and Wildlife Service lists show threatened or endangered species located within Pierce County, however this site is not known to be habitat for threatened or endangered species due to a lack of marine or estuarine waters, the urban nature of the site and the lack of habitat requirements for these species. The on-site stream is known to provide habitat for resident coastal cutthroat trout. No wildlife habitats of primary association were located on the subject properties. Similarly, no signs of any recent habitats of primary association were observed to be present and none are mapped as being located on or near the parcels on the WDFW's PHS maps.

The following bat species are shown on PHS maps as having habitat in the same township as the subject parcels: big brown bat (*Eptesicus fuscus*), Yuma myotis (*Myotis umanensis*), and little brown bat (*Myotis lucifugus*). While the PHS maps indicate that habitat components for these bats are located within the same township as the subject parcels, no cavities were detected in the project area that would be used by bats for hibernation, roosting, or nursery sites. Similarly, no roosting concentrations are

known to use this property. There are no specific management recommendations provided by WDFW for the big brown bat, Yuma myotis, or little brown bat.

The wildlife species that currently use habitat among Bell Marsh or the surrounding areas are species that are tolerant of the existing high levels of human-related disturbances due to the existing characteristics such as high levels of human activity, high ambient noise levels, and high levels of light produced by the existing housing developments, roads and commercial developments. Species that are not tolerant would not currently use the project site or Bell Marsh as habitat. The project is limiting impacts to habitat by concentrating development on 1.22 acres of a 21.24 acre site.

6. Environmental Health – The fueling facility will require the installation of two (2) underground storage tanks (USTs), one 25,000-gallon UST for the storage of regular unleaded fuel, and a second 12,000-gallon UST split between regular unleaded (6,000 gallons) and premium unleaded (6,000 gallons). The tanks will be located under the concrete pad located within the fueling facility. Incidental exposure to gasoline during refueling, the risk of fire, and the possibility of a fuel spill are potential sources of environmental hazards. Car washing foam will be utilized for the operation of the car wash.

Measures to reduce or control environmental health hazards include: special equipment designed to minimize the impact of failure or damage through accidents; system protocols to establish and promote regular inspection; and monitoring of facilities and equipment, plus electronic monitoring systems which provide continual oversight of fuel systems and equipment.

Installation of the fuel tanks will occur following the recommendations provided in the Geotechnical Report dated November 14, 2017, and the manufacturer's recommendations. In addition, the Department of Ecology issued a comment letter dated April 11, 2018, requiring the new underground storage tanks be installed pursuant to state UST regulations (Chapter 173-360 WAC). Ecology requires a Notice of Intent to install tanks be issued at least 30 days prior and on-site supervision of the installation by an ICC professional. (*Mitigation Measure 7*)

7. Noise – Noise from construction equipment would be created from 7 am to 6 pm, Monday through Friday, as regulated by DuPont Municipal Code (DMC) Chapter 9.09. Long-term noise impacts are expected to be limited to car washing and traffic on site. The car wash is located approximately 80 feet from the west property line, which is adjacent to residential uses. Between the car wash and the property line is a significant amount of mature vegetation, which will assist in buffering noise impacts. North of the car wash is Bell Marsh. Noise levels are not expected to exceed current ambient noise levels after project construction. Operation of the proposed uses will be required to comply with the City's noise ordinance DMC Chapter 9.09. After construction and prior to Certificate of Occupancy, the noise levels to both receiving residential properties and Bell Marsh should be evaluated and, if needed additional sound mitigation measures may be imposed and/or hours of operation may be limited to ensure compliance with DMC 9.09.040. (*Mitigation Measures 11b, and 42*)
8. Land Use – The site is currently vacant and zoned Commercial. Surrounding uses include residential to the west, a Union 76 gasoline station to the south, vacant land to the north, and a hotel and I-5 Freeway interchange to the east. Following completion, the development will likely employ between 15 and 25 employees. The site contains the following sensitive areas: Category II wetland, Type F Stream and Developable Hillside.
9. Aesthetics – The proposed convenience store will be 27 feet in height. The car wash structure will be 19 feet, 4 inches and the fueling facility canopy will be 18 feet 2 inches in height. The principal exterior materials for the convenience store and car wash facility will be traditional in nature, including shingle siding, lap siding and batten and board wainscot with a steel awning. The fuel canopy will consist of metal fascia. The proposal includes significant building and perimeter landscaping including a pedestrian entry oriented to the Barksdale Ave/ DuPont-Steilacoom Road intersection with stamped concrete paving, bench seating and steel awning.

The proposal is located in the City's Historic Village neighborhood (as designated in the City's Comprehensive Plan, but not within the area listed on the State and National historic register), and as

such should provide architectural design treatments that are complementary to the character of the historic village. The project will be required to be designed to comply with the intent of the applicable architectural standards as specified per City Code, including those related to facades facing the public right of way. Additionally, the design will be reviewed for its location as the entry to the City's Historic Village. (*Mitigation Measures 11a, and 33*)

10. Light and Glare – During construction, light and glare from construction equipment could occur during the hours of 7 am to 6 pm. After construction, light and glare from building windows and on-site parking lot lighting may occur. Non-glare glass and shielded lighting fixtures will help reduce and control light and glare impacts. The photometric analysis submitted with the application provides light spill measurements. Along the perimeter adjacent to driveways and the street frontages the values are projected to range from 0.00 to 3.6 foot-candles, with the higher values located at the driveways for safety purposes. There will be no light spill to residential properties. The site lighting and photometric analysis should be revised to reflect site plan changes and to demonstrate that there is no light spill to the critical areas or the buffer. Lighting will be reviewed with the site development permit application to ensure appropriate levels are provided within public areas. (*Mitigation Measures 21, 28, and 35*)

The blue LED light band around the fueling canopy fascia is not consistent with the style of architecture in the adjoining historic district and its close proximity to sensitive habitat. The applicant should work with City staff on alternative to the light band that minimize light spill and are more representative of historical architecture. (*Mitigation Measures 11a and 33*)

11. Historic and Cultural Preservation – There are three local historic landmarks within the immediate vicinity of the proposed site. lafrati Park/Barksdale Avenue was the original entry point to the Village of DuPont. Adjacent to lafrati Park is a residential structure, built in 1910, that was once the former DuPont Plant manager's residence. There is another residential structure, built in 1913, that was once the residence of the former assistant manager of the DuPont Plant. In 1987 a portion of the Historic Village located west of the subject property was listed on both the State and National Register of Historic Places due to its significance as one of the few remaining company towns in the state and because of the purity of the historic architecture. It is also considered to be the birthplace of European civilization in the State of Washington. All landmarks and the registered Historic Village are located west of the project site and, as mitigated, will not be adversely impacted by the proposal.

The property is located in the Historic Village, as designated in the City's Comprehensive Plan. The City's Comprehensive Plan seeks to retain the historic character of the Historic Village, **although there are no specific goals and policies dictating historic or traditional architectural design or building elements** (emphasis added). It states that "Commercial and other development uses near the entrance to the Historic Village (at DuPont-Steilacoom Road and Wilmington Drive, and exit 119 off I-5) **should also** (emphasis added) reflect DuPont's historic character and unique charm."

As mitigated and conditioned through the Design Review decision (PLNG2017-051), the design of the project will be complementary to the historic village. The use of more traditional building materials in the design of the convenience store and car wash buildings (as required by the City's Design Review process) is consistent with the historic character goals of the Comprehensive Plan goals. (*Mitigation Measures 11a, 26, 32, 33, and 41*)

12. Transportation – The project site is bound by public rights-of-way on two (2) sides: Barksdale Avenue to the southwest and DuPont-Steilacoom Rd to the southeast. The project proposes a full access driveway (full turning movements) onto Barksdale Avenue and right turn in/out only on DuPont-Steilacoom Rd. The completed project will provide customer parking for 16 vehicles. The project will replace an existing sidewalk along the north side of Barksdale Avenue with new 5-foot-wide sidewalks and a 5-foot-wide landscape planter within the right-of-way. New ADA ramp improvements will be included at the intersection. In addition sidewalk replacement along DuPont-Steilacoom Rd is required.

An Updated Transportation Impact Study was completed for the project by TENW dated February 15, 2018. Based upon the 10th Edition of the ITE Trip Generation Manual, the proposal would generate

approximately 126 new AM peak hour trips (63 entering, 63 exiting) and 121 new trips occurring during the PM peak hour (60 in, 61 out). A total of 1,366 net new weekday average daily trips are anticipated.

A level of service (LOS) analysis was conducted at two intersections: Barksdale Ave/Wilmington Dr/DuPont-Steilacoom Rd and Center Drive/DuPont-Steilacoom Rd. The analysis found that they are both anticipated to operate at LOS D or better during the AM and PM peak hours in 2018 with or without the project, which is within the City's adopted LOS standards.

The controlled movements at the proposed new site access driveways are expected to operate at acceptable levels (LOS B or better) with minimal vehicle queues during the weekday AM and PM peak hours in 2018. Vehicles exiting the driveway on DuPont-Steilacoom Rd may occasionally be impacted by queuing from the traffic signal at Barksdale Ave/Wilmington Dr/DuPont-Steilacoom Rd during the AM and PM peak hours. This condition is expected to mostly impact customers attempting to exit rather than vehicles using the adjacent roadways.

Based on existing pedestrian counts, there is currently minimal pedestrian activity in the study area. It can be assumed that transit and bicycle use in the vicinity is also relatively low. Therefore, the project's impact on non-motorized and transit facilities is not expected to be significant.

The adjacent Interstate 5 interchange ramps (Exit 119) are owned and operated by WSDOT and plans are underway to relocate the interchange to the north by the year 2020. No comments were received from WSDOT during the SEPA comment period.

The TENW Study was reviewed by Geri Reinart, the City's transportation consultant, who provided a memorandum dated March 14, 2018 with comments on the TENW study. The memorandum concluded that the Study is acceptable and that the main operational issue will be the occasional blocking of the site access (affecting exiting patrons) along DuPont-Steilacoom Rd and Barksdale Avenue during the PM peak hour until such time as the relocation of Exit 119 is complete. The impact to the inconvenience of patrons would have little impact to motorists on the adjacent street system. The memorandum concludes with two recommendations: (1) lengthening of the eastbound left-turn lane on Barksdale Avenue to provide additional queuing to accommodate the peak demand for this movement; and (2) restriction of truck deliveries to occur outside of the peak hour periods.

Numerous public comments were received during the SEPA comment period relating to traffic concerns about the increase that would occur along Barksdale Ave and DuPont-Steilacoom Rd, and through the adjacent intersection of Barksdale Ave/ Wilmington Dr /DuPont-Steilacoom Rd. Concerns about the traffic queues along both Barksdale Ave and DuPont-Steilacoom Road were also cited, as well as concerns with fuel truck deliveries to the site, and traffic congestion, in general. A response to the traffic comments was provided by Ms. Reinart in a memorandum dated June 2, 2018. Comments about the driveway location on Barksdale Avenue not being in compliance with City standards were addressed by the applicant when they relocated the driveway to the west to align with the driveway across the street (and meet City standards).

Off-site transportation mitigation is required:

- (a) The exiting eastbound left turn lane on Barksdale Avenue is quite short (1-2 car lengths). To mitigate eastbound vehicle queues on Barksdale Avenue that will occasionally extend the queues beyond the driveway and block the driveway, the left turn lane should be extended. (*Mitigation Measure 25a*) Extension of the left turn lane requires modification to the existing raised island and installation of sidewalk on the south side of Barksdale Avenue. (*Mitigation Measures 25b-25d*)
- (b) To avoid traffic impacts caused by truck deliveries, the deliveries should occur outside of the peak hours. (*Mitigation Measure 2*)
- (c) Additional evaluation of the fuel truck turning movements is required to ensure the truck turning radii can be accommodated on Barksdale Avenue at the relocated driveway. (*Mitigation Measure 6*).

- (d) Construction activities should be coordinated with DuPont Public works to minimize traffic impacts to adjacent roadways. (*Mitigation Measure #27*)
13. **Public Services** – Comments were received from the public expressing concerns that an inordinate amount of crime would be generated by the proposal. The City’s Assistant Police Chief and Fire Chief were consulted. They concluded that the project will not result in an increased need for public safety services such as police and fire protection beyond the typical service provided for a project of this type. The Assistant Police Chief did however request that the City and operator of the facility work together regarding placement of on-site security cameras for optimal effectiveness. (*Mitigation Measure 43*).
14. **Public Comments** – The City received a large number of public comments during the public comment period for the proposal. Comments related to SEPA issues include concern over traffic, protection of the stream and wetland; tree retention, history, aesthetics, noise, and public safety. The City contracted for independent peer review of the Tree Report(s), Wetland and Stream Analysis and Traffic study. In addition, an analysis of the comments was prepared. The studies, public comments and analysis of public comments and issues raised have been addressed in the Findings and proposed Mitigation Measures and are provided as an attachment to the SEPA Determination.

### **MITIGATION MEASURES**

1. Land use approvals are required for the project, which will include Conditions of Approval. The project shall comply with the Conditions of Approval for Site Plan Review (PLNG2017-050) and Design Review (PLNG2017-051).
2. Truck deliveries will be restricted to occur outside of the weekday peak periods of 7-9 AM and 4-6 PM until the completion of the I-5 Exit 119 reconstruction and realignment; at which time the applicator may provide an updated traffic report to address traffic congestion at the site. If the traffic report concludes that trucks may deliver during the specific peak hours without negative impacts to the operation of the Barksdale Ave/DuPont-Steilacoom Rd intersection, the delivery restriction may be lifted by the City of DuPont Director of Community Development.
3. The project shall comply with the recommendations as provided in the Geotechnical Report Geotest Services, Inc. dated November 14, 2017.
4. The applicant is responsible to meet any requirements of the Puget Sound Clean Air Agency for registration of the gasoline dispensing operation.

#### **The following mitigation measures shall be in place prior to issuance of site development permits:**

5. The applicant is responsible for inspecting the site to determine the location of all existing wells. Any unused wells must be properly decommissioned and decommission reports submitted to Ecology as described in WAC 173-160-381. This includes resource protection wells and any dewatering wells installed during the construction phase of the project.
6. The applicant shall submit an exhibit depicting the fuel truck turning movements onto the adjacent public rights of way using the revised site plan with the relocated driveway.
7. Installation plans for the fuel tanks shall be prepared following the recommendations provided in the Geotechnical Report by Geotest Services, Inc. dated November 14, 2017, the manufacturer’s recommendations, and in accordance with state and federal requirements, including:
  - a. Installation of new underground storage tanks (USTs) must meet the requirements of the state UST regulations (Chapter 173-360 WAC)
  - b. A notice of intent to install tanks must be filed with Ecology at least 30 days prior to installation. Within 30 days after coming into service, the tanks must be registered with Ecology on a state notification form.
  - c. The supervisor on-site during the installation must be licensed by passing an exam administered by the International Code Council (ICC).

- d. New tanks and any connect product piping must be double-walled and protected from corrosion by either a cathodic protection system, or by being constructed or coated with a non-corrosive material such as fiberglass. Interstitial monitoring must be employed as the release detection method for the double-walled tanks and lines. Under dispenser containment must be installed. The UST system must be equipped with spill prevention and overfill protection equipment.
  - e. Stage 1 vapor recovery equipment is required on all new gasoline dispensing facilities with a total gasoline nominal storage capacity greater than 10,000 gallons. Also, a certified Stage II vapor recovery system may be required for these facilities in all Western Washington counties (Chapter 173-491 WAC).
8. The applicant shall work with the City's public works department to design a stormwater management system that intercepts sheet flows from a large storm event. This may be an interceptor swale or berm. The design shall be incorporated into the grading and landscaping plans provided with the site development application. The additional stormwater interceptor may be located within the sensitive area buffer as allowed by DMC 25.105.070(1)(d)(iii).
  9. The wetland, stream and buffer shall either be located in a conservation easement to be recorded with the Pierce County Assessor or dedicated to the City.
  10. Should the applicant choose to record a conservation easement in lieu of dedicating the sensitive areas to the City, the conservation easement shall include the following details:
    - a) A description and depiction of the sensitive areas on the property.
    - b) Notice that the sensitive areas are to be prohibited from development, alteration, or disturbance in perpetuity, except for the purposes of habitat enhancement as part of an enhancement project which has received prior written approval from the city.
    - c) Owner responsibility for ongoing maintenance of the perimeter fencing and signage as well as garbage removal from the critical areas and their buffers.
  11. The following best management practices are required to minimize development impacts to the adjacent stream and wetland:
    - a) Lights shall be directed away from the stream and wetland, including buffers. A Photometric Plan shall be submitted and approved demonstrating no light spill to the wetland prior to site development permit. The blue LED light band shall be revised to minimize light spill to the sensitive habitat and to better reflect a historic architectural style.
    - b) Noise generating activities shall be located away from the stream, wetland and their buffers. Noise levels from the car wash are required to be no greater than that allowed for receiving residential properties. (*See also Mitigation Measure 42*)
    - c) Dust control measures shall be in place prior to construction.
    - d) An unobtrusive 4-foot tall split-rail type fence shall be installed around the perimeter of the final buffer area from the westerly property boundary to a point to be determined north of the development footprint. The applicant will work with the City on the ideal termination point of the fence. Signage shall be installed every 100 feet signifying the presence of sensitive areas. The applicant shall submit revised Landscape Plans indicating the location of the fencing and signage with the site development plans. The sign details shall be approved by the City.
    - e) All garbage shall be removed from the critical areas.
  12. The landscape plans shall be revised to show removal of the gravel path located in the buffer and restoration plantings with native vegetation appropriate for a wetland and stream buffer. A letter from the project biologist shall be provided confirming review and approval of the types and quantities of the restoration plantings. A five-year maintenance, monitoring and contingency plan shall be completed. The applicant

shall provide a landscape maintenance security device in a form approved by the City which shall remain in force for the duration of the maintenance and monitoring period.

13. A haul route plan for clearing and grading shall be submitted to the City for review and approval prior to issuance of any site development permits.
14. The source of fill material will be approved by the City in advance of filling the site.
15. A Stormwater Pollution Prevention Plan (SWPPP), an Operations and Maintenance Manual and a Temporary Erosion and Sedimentation Control (TESC) plan will be prepared per City of DuPont standards and implemented for the project to reduce and control erosion impacts.
16. The plans shall identify the vertical separation between the infiltration facilities and the seasonal high groundwater levels which demonstrate compliance with the 2014 Department of Ecology Stormwater Management Manual for Western Washington.
17. The project will be required to obtain a Construction Stormwater General Permit from the Washington State Department of Ecology.
18. The site soil shall be sampled and analyze for arsenic and lead following the 2012 Tacoma Smelter Plume Guidance. Contact Eva Barber with the Southwest Regional Office (SWRO), Toxic Cleanup Program at 360-407-7094 or via email at [Eva.Barber@ecy.wa.gov](mailto:Eva.Barber@ecy.wa.gov) for additional guidance about soil sampling within the buffer tract areas. The soil sampling results shall be sent to the City of DuPont and Ecology for review.
19. If lead or arsenic are found at concentrations above the Model Toxics Control Act (MTCA) cleanup levels (Chapter 173-340 WAC); 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.
20. If lead, arsenic and/or other contaminants are found at concentrations above MTCA cleanup levels, the applicant shall:
  - a) Enter into the Voluntary Cleanup Program with Ecology. For more information on the Voluntary Cleanup Program, visit Ecology website at: <http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm>
  - b) Obtain an opinion letter from Ecology stating that the proposed soil remediation will likely result in no further action under MTCA and provide to the City of DuPont. The City-issued clearing and grading plans shall be consistent with the plans reviewed and deemed consistent with MTCA by Ecology.
  - c) 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. 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 (Chapter 173-350 WAC). For information about soil disposal contact the local health department in the jurisdiction where soils will be placed.
21. The site lighting and photometric analyses shall be revised to reflect the site plan changes, no light spill to sensitive areas or residential properties, and safe lighting levels to public areas.
22. No clearing, grading, trenching, cutting, impervious surfacing or other construction is allowed within the dripline of any tree to be retained or within one and one-half times the radius of the canopy in the case of oak trees to be retained. An exemption is allowed for work within the protection zone of Trees #1, #2 and #6, subject to the following requirements:
  - a. The City arborist shall be present when the grading near the trees takes place to provide documentation and supervision if any roots measuring 1" or greater in diameter are exposed. If needed, roots shall be treated to help ensure the continued health and stability of the trees.

- b. A protective construction fence shall be installed around the tree's canopy, trunk, and roots, as shown on the approved plans prior to any site clearing. No work, excavation, trenching, material storage, or other disturbances will be allowed behind the protective fence except by approval by the City Director of Community Development and City arborist.
  - c. Trees #1 & 2: No clearing or grading shall occur inside the tree's established Limits of Disturbance (LOD), and the disturbance that is proposed shall occur within only a portion of their driplines, only on the south side of the tree. The remaining three sides of these trees (beyond 1.5 times the dripline) shall be protected and undisturbed, preserving more than adequate soil to allow the natural recharge of soil-water levels within the tree's root zone during annual rains.
  - d. Tree #6: Pervious pavement for the sidewalk is proposed to allow runoff rainwater to infiltrate the ground within the tree's dripline, and maintain soil water levels. Excavation for the sidewalk must be performed no deeper than 8 inches below existing grade within the dripline, and must be performed using equipment with tracks or wheels remaining outside the dripline, or from existing paved surfaces, or by hand. The buckets of all equipment must excavate in a direction radiating directly away from the tree's trunk to avoid snagging and torquing any shallow structural roots. All roots 1" diameter and larger exposed during this operation shall be documented and evaluated by the project arborist. The proposed landscaping bed that is contiguous to the location of this tree shall be protected at all times during construction to prevent soil compaction. This area is a soil-water recharge area for the tree, and all landscaping and irrigation plans for this area must be approved by the project arborist prior to installation.
23. The applicant shall submit a maintenance and monitoring plan that provides for periodic evaluation and treatment, if needed, to address the health of Trees #1, #2, and #6. The plan shall be reviewed and approved by the City's arborist and guaranteed through a financial security device. If any of the Landmark trees health should decline as a result of construction, they are required to be replaced by a tree of similar type and size.
24. The landscape plans shall be revised to include the required tree protection measures stipulated in this Determination and also in the land use conditions of approval (PLNG2017-050 & 051).
25. The following offsite improvements are required along Barksdale Avenue:
- a. Extension of the left turn pocket on the west leg of the intersection, including channelization to convert the easterly Union 76 driveway to a right-in/right-out access and to taper toward the west from a three-lane section with the left turn pocket to a two-lane section prior to the east side of the proposed ARCO driveway. Channelization to include striping and barrier or "C" curb, as appropriate.
  - b. Modification of the existing raised island on the south side of Barksdale Avenue between the two Union 76 driveways to accommodate the taper to a two-lane section. Island modification may include tree removal.
  - c. Installation of concrete sidewalk on the south side of Barksdale Avenue from the existing sidewalk near Wilmington to the east side of the easterly Union 76 driveway and across the raised island between the two Union 76 driveways. Installation of ADA compliant curb ramps on both sides of both Union 76 driveways for a total of four curb ramps. Installation of crosswalk striping across both Union 76 driveways. Sidewalks, curb ramps and crosswalk striping are to be provided in compliance with City Public Works Standards.
  - d. The applicant shall prepare engineering drawings for review and approval by the City. The drawings shall include the full-width of the Barksdale Avenue right-of-way for the full frontage of the property. Construction within City right-of-way shall be subject to City codes and standards for permitting and for financial security of improvements.
26. The Applicant shall provide an archaeological monitoring plan and inadvertent discovery plan for City review and approval prior to approval of site development permit.

**The following mitigation measures shall be in place during construction:**

27. Construction activities shall be coordinated with the public works department to minimize traffic impacts to adjacent roadways and intersections.
28. Site lighting during construction shall be directed away from the sensitive areas and public right of way to ensure there is no light spillage to these areas.
29. A temporary, 6-foot high chain link fence shall be installed along the perimeter of the construction area and shall remain in place until a final Certificate of Occupancy is issued.
30. Best Management Practices to minimize dust during construction shall be used, including temporary paving of certain roads, street sweeping, and watering the site as needed.
31. Construction equipment shall be maintained to meet emission standards. Construction vehicles shall be turned off when not in use to limit emissions caused by idling.
32. The Applicant shall fully implement the Memorandum of Agreement dated August 7, 1989, between Weyerhaeuser Real Estate Company (WRECO), the City of DuPont and the Washington State Historic Preservation Officer regarding the discovery of cultural resources within the City of DuPont, customary professional standards for archaeology, and applicable state and federal laws.
  - a. The Applicant shall provide a professional archaeologist to monitor onsite soil disturbance activities.
  - b. The Project Archaeologist shall notify and allow a Nisqually Indian Tribe representative to be present during soil disturbance activities.
  - c. The Project Archaeologist shall notify the Nisqually Indian Tribal representative if Native American cultural resources are discovered during any soil disturbance activities. Construction activities that might disturb or affect such resources are to stop until the Tribal representative has had the opportunity to examine the find.
  - d. If the Tribal representative cannot be reached through reasonable efforts or does not come to the construction site within a reasonable period of time after being notified, construction does not need to stop. However, archaeological work shall to follow the 1989 Memo of Agreement, customary professional standards for archaeology, and applicable state and federal laws.
  - e. The City of DuPont requests Native American artifacts recovered during construction activities be donated to the Nisqually Indian Tribe. Hudson's Bay Company-era artifacts should be donated to the Fort Nisqually Living History Museum, located in the City of Tacoma's Point Defiance Park. DuPont-era artifacts should be donated to the DuPont Historical Museum.

**The following mitigation measures shall be in place prior to issuance of a building permit:**

33. The applicant shall work with the planning department on building design treatments that will complement the character of the historic village, as conditioned on the project in the Design Review Decision (PLNG2017-051). This includes revisions to the fueling canopy and the blue LED light band.
34. The Applicant shall pay DuPont the water meter permit fee, meter connection fee, water service installation fee and system development charge at time of connection to the DuPont water system per DMC 21.05.022.
35. Light fixtures shall be full cut-off type and shielded to minimize light spill and glare. Building glass will be required to be non-glare.
36. The Applicant shall pay DuPont the storm water system development charge prior to issuance of a DuPont building or construction permit per DMC 22.04.060.
37. The Applicant will be required to submit a Temporary Erosion and Sedimentation Control Plan with the plat civil construction permit and building permits, per the requirements of the DuPont standards.
38. In accordance with DMC 26.05.050 fire impact fees are to be paid at time of building permit issuance at the rate in effect at that time.

**The following mitigation measures shall be in place prior to the issuance of a Certificate of Occupancy:**

39. Removal of the gravel path located in the sensitive areas buffer and restorative plantings (as described in *Mitigation Measures 12*) shall occur prior to any Certificate of Occupancy (including temporary). Delayed installation of the plantings may only occur based upon situations and conditions beyond the applicant's control, for example, unusual weather conditions. The City may approve a performance security, in a form approved by the city, to allow delay of the installation of the required landscaping for a period not to exceed 3-months from the issuance of first Certificate of Occupancy on the subject property.
40. A City of DuPont Agreement for Inspection and Maintenance of Privately Maintained Storm Drainage Facilities will be required for any onsite stormwater system.
41. The Project Archaeologist shall forward a closing report to the City of DuPont. The report shall discuss contact with the Nisqually Indian Tribe, implemented procedures, and observed conditions.
42. Noise readings generated by the car wash facilities shall be taken at the adjoining receiving residential property line to the west and to the sensitive area buffer to the north to ensure the facility will be in compliance with adopted City noise standards in DMC 19.09.040. At a minimum the sensitive area buffer noise levels shall be no more than that allowed by code for receiving residential property. If necessary, additional sound mitigation measures may be required and/or a reduction in the hours of operation of the car wash may be required.
43. To address concerns for public safety, the applicant is urged to work with the City Police Department for the installation of onsite public safety and security measures, including strategically placed security cameras.

**CONCLUSIONS OF THE RESPONSIBLE OFFICIAL:** The Responsible Official has determined, with the mitigation measures listed above, that the proposal will not have a probable significant adverse impact on the environment, and an Environmental Impact Statement is not required under RCW 43.21c.030(2). The mitigation measures described are recommended as conditions of project approval. This decision is made after review of a completed environmental checklist, other information on file with the City, review of public and agency comments, and existing regulations.

**APPEALS:** This MDNS is issued using the optional DNS process in WAC 197-11-355. Consistent with DMC 25.175.060(4) and WAC 197-11-680, this Determination may be appealed to the City hearing examiner. Only parties of record may file an administrative appeal. **An appeal must be filed within 14 days after issuance of this decision (by 5:00 p.m. on June 29, 2018).** The instructions for filing an appeal are found in DMC 25.175.060(4). Appeals shall be in writing, be accompanied by the required appeal fee (\$1,500), and contain the information detailed in DMC 25.175.060(4)(d).

SEPA Responsible Official Signature:  6/15/2018  
Jeffrey S. Wilson, AICP  
Community Development Director  
City of DuPont  
Date

Issue Date: June 15, 2018  
End of Appeal Period: June 29, 2018

Enclosures:

- Environmental Checklist w/city comments
- Civil Site Plan
- List of Attachments

For additional information related to SEPA Environmental Review and the proposal's land use Report and Decision, see the City's website at: [www.dupontwa.gov](http://www.dupontwa.gov). Click on the "Arco" link under the "City News" banner. Alternatively, contact City Hall at the location provided above.

cc: Distribution List (below)  
File No. PLNG 2017-050 & 051  
SEPA Notebook

## SEPA Distribution List

XX Indicates notice emailed or mailed to the following:

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