



City of Puyallup
Planning Division
333 S. Meridian, Puyallup, WA 98371
(253) 864-4165
www.cityofpuyallup.org

PRELIMINARY*

**DETERMINATION OF
NON-SIGNIFICANCE (DNS)**

**This determination will become final if no formal appeals are filed and/or reconsideration requests are duly received*

for
APL Properties
Clear, fill & grade + SEPA Checklist

Project # PLSSP20230011

Date of Issuance:	May 17, 2023
Description of Proposal:	SEPA environmental review to retroactively address unpermitted clear, fill, and grade work as well as a proposed mitigation plan for the critical areas that were filled. No future development is included in the scope of this SEPA checklist.
Location of Proposal:	212 Todd Rd NE, Puyallup, WA 98372
Proponent:	Heather Tatro
Lead Agency Responsible Official:	Katie Baker, AICP City of Puyallup Development & Permitting Services Dept. 333 South Meridian Street Puyallup, WA 98371 (253) 864-4165 KBaker@puyallupwa.gov
City of Puyallup Permits:	SEPA Checklist; Clear, Fill, & Grade
Zoning:	RM-20 High density multiple-family residential zone
Comprehensive Plan:	HDR High density residential

A. PROJECT SPECIFIC MATERIALS (INCORPORATION BY REFERENCE – WAC 197-11-635):

The subject Threshold Determination herein and associated environmental findings are based upon review of the following documents submitted by the applicant and official responses from the city regarding the underlying permit(s). These documents are incorporated by reference, in accordance with WAC 197-11-635, and are available for public review. To request access to electronic copies of project materials, please contact Planning@PuyallupWA.gov or (253) 864-4165.

- i. Development Review Team (DRT) letter, dated May 04, 2023
- ii. Wetland and Stream Study Third Party Review, dated April 06, 2023

- iii. Site Plan, received February 07, 2023
 - iv. Critical Area Report, received February 07, 2023
 - v. SEPA Project Checklist, received February 08, 2023
 - vi. Critical Areas Report Checklist, received February 07, 2023
 - vii. Mitigation Plan, received February 07, 2023
1. Notice of Application (NOA) date, consistent with WAC 197-11-355 (Optional DNS Process)
 - i. Optional DNS notice sent on February 21, 2023. The comment period expired March 7, 2023.
 - ii. List of recipients, comments received, and copy of NOA materials available in project file. Contact the Lead Agency Responsible Official for further information. Email the Planning Department at Planning@PuyallupWA.gov for full copies.

B. RESPONSIBLE OFFICIAL FINDINGS OF CONSISTENCY

The SEPA Responsible Official for the City of Puyallup hereby makes the following findings and conclusions 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 Puyallup as a basis for the exercise of substantive authority under the State Environmental Policy Act (SEPA) pursuant to the Revised Code of Washington (RCW) 43.21C:

1. EARTH

- i. Erosion control measures must be in place prior to any additional clearing, grading, or construction within the scope of the clear, fill, & grade and critical area mitigation. These control measures must be effective to prevent storm water 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 will damage aquatic habitat and are considered to be pollutants that must be controlled with temporary erosion control measures, consistent with Puyallup Municipal Code (PMC) 21.14, Clearing, Filling and Grading, in addition to any and all permits required by other agencies. Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington and is subject to enforcement action.
- ii. Based on the project geotechnical report, where available, and a review of available topography, LIDAR, mapped soils (NRCS) and geohazard area data (GIS), impacts to geologic hazard areas have not been identified.
- iii. Temporary erosion, sedimentation and construction dust control BMPs will be applied in accordance with City of Puyallup city standard section 500 – Grading, Erosion and Sedimentation Control and all engineering Best Management Practices (BMPs), in accordance with City Engineer approval.

2. AIR

- i. Watering of exposed soils during critical area mitigation to suppress dust will limit impacts to ambient air quality resulting from the project improvements.
- ii. Construction activities and vehicles being driven to and from the city can be anticipated to cause impacts on air quality and produce greenhouse gas emissions; no single point source of emissions that requires specific analysis on air quality and known to be present as a result of the project.
- iii. No known sources of foul or offensive odors are anticipated as a result of the project.

3. WATER

- i. Storm water runoff will be managed and treated in accordance with the currently city-adopted version of the Department of Ecology Stormwater Design Manual (See PMC 21.10.040), all applicable city storm water standards, all applicable NPDES permit requirements, and BMPs/standard engineering practices in accordance with City Engineer approval.
- ii. The applicant shall demonstrate, to the satisfaction of the City Engineer and/or designee, that infiltration of on-site storm water is not feasible before being permitted to use alternative design(s). Where permitted, alternative designs (e.g. collection into a storm water pond and/or vault, retention/detention systems and treatment), shall adhere to all applicable city storm water requirements in city standards, shall conform to all standard engineering practices, and the applicable storm water manual design requirements as administered and approved by the City Engineer and/or designee.
- iii. The project is located on a property, or adjacent to lands containing known wetlands, streams, and/or other regulated aquatic resources. The project file contains a wetland report and supporting application materials show the extent of those known, regulated critical areas and associated buffers. The project shall be reviewed in accordance with all applicable critical area standards and requirements to ensure the project does not result in significant adverse impacts to listed wetlands, streams, and/or other aquatic resources. Special mitigation may be required, in accordance with local, state and federal authority, and the applicant may be required to consult with local tribal governments. The applicant submitted a mitigation report and plan for the wetland and stream located on the southeast of the property. The City's third-party reviewer reviewed the mitigation plan against the regulations outline in the Puyallup Municipal Code Chapter 21.06 for Critical Area Regulations and generally agrees with the plant schedule, planting plan, and specifications shown on the mitigation plan sheet.
- iv. Where projects are shown on the city's critical area maps as being within a critical aquifer recharge area or wellhead protection zone, additional review of impacts to ground water may be triggered, in accordance with standards in the city's critical areas ordinance.
- v. Activities that do not cause degradation of groundwater or significantly impact the recharge of ground water aquifer may be permitted in a critical aquifer recharge area; provided, that the project complies with the city storm water management regulations and other applicable local, state, and federal regulations.
- vi. Groundwater diversions, dewatering activities and/or construction-related ground water withdrawals may occur as a part of this project due to presence of high/perched ground water table/levels at the time of construction. However, any ground water diversions, withdrawals, dewatering, or other forms of ground water management that occur during site construction will be mitigated using engineering BMPs, as stipulated by the city standards manual, NPDES permits, current Department of Ecology storm water manual (in effect at the time of permitting), and standard engineering practices.

4. PLANTS

- i. Any significant or heritage designated trees are required to be retained on site, where applicable. Trees and vegetation associated with critical areas, such as wetlands, steep slopes, streams/rivers, or other aquatic resources, and trees important to the overall function of adjacent or on site bird, fish and other terrestrial animals may be required to be retained, where applicable.
- ii. All trees shall be maintained in a manner consistent with accepted pruning and care standards as outlined in applicable ANSI A300 standards.

5. ANIMALS

- i. No federally listed endangered species, state threatened species or habitat, or state sensitive species are known to inhabit within the project boundaries.

6. ENVIRONMENTAL HEALTH

- i. If soil contamination is suspected, discovered, or occurs during the proposed construction, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by testing, the Washington State Department of Ecology must be notified. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office (SWRO) at (360) 407-6300.
- ii. If greater than 250 cubic yards of inert, demolition, and/or wood waste is used as fill material, a Solid Waste Handling permit may be required (WAC 173-350-990). It is the responsibility of the applicant to check with the Tacoma Pierce County Health Department for any permitting requirements that may be required.
- iii. The 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 or known to increase the risk of health hazards to the environment.

7. NOISE

- i. No significant adverse environmental impacts related to noise are anticipated or known to result due to the project.
- ii. Project construction noise shall be compliant with PMC 6.16 – Noise, including time limitations on construction activities starting and stopping work activities for both weekdays and weekends. Special conditions may apply to the project and additional noise mitigation may be applied by the City Engineer or Code Compliance Department during construction.

8. LAND USE, COMPREHENSIVE PLAN AND SHORELINE USE

- i. The project is located in the RM-20 zone and is generally consistent with the policies adopted in the Comprehensive Plan, Shoreline Master Program, and all other plans, where applicable to the development proposal, and shall be consistent with the zoning code regulations applicable to the project.
- ii. The site development construction plans (civil, building, etc.) shall follow all applicable codes in effect at the time of final construction permit submittal and shall conform to all applicable conditions outlined in the “Final Development Review Team (DRT) letter” available in the project case file.
- iii. The site is not presently being utilized for working forest or farmland and, as such, is not converting forest farm, agricultural or other resource lands urban land uses not otherwise contemplated in the city’s Comprehensive Plan.
- iv. Any demolition work will be compliant with the city’s requirements for demolition approval and will be required to notify the Puget Sound Clean Air Agency prior to demolition work commencing. Asbestos surveys and any required abatement will be required during demolition permitting/actions.
- v. The project contains the critical areas noted below. The project has been reviewed for consistency with the city’s critical areas ordinance (PMC 21.06).

CRITICAL AREA	
X	Critical aquifer recharge area

	10-year wellhead protection area
	5-year wellhead protection area
	1-year wellhead protection area
X	Geologic hazard area – Volcanic hazard area
	Geologic hazard area – Landslide hazard area
	Geologic hazard area – Erosion hazard area
X	Geologic hazard area – Seismic hazard areas
X	Wetland and wetland buffer
X	Fish and Wildlife Conservation Area - Stream and/or stream buffer
	Fish and Wildlife Conservation Area – General habitat area
	Flood prone area – 100-year floodplain
	Shoreline of the State

9. HOUSING

- i. The project will not adversely impact existing housing units or affect the development of housing units in the general vicinity of the project area.

10. RECREATION

- i. The project will not disrupt, displace or otherwise adversely impact any existing recreational opportunities in the area.

11. HISTORIC AND CULTURAL RESOURCES

- i. In the event that suspected historic artifacts, cultural artifacts, or objects of suspected archaeological value are discovered during site excavation, grading or other forms of site development/construction, all work on site shall stop immediately. This applies to all development activities that involve excavation regardless of exemption from permit requirements outlined in PMC 21.14.190.
- ii. The property owner/developer shall notify the City, the State Department of Archaeology and Historic Preservation (DAHP), the Puyallup Tribe of Indians, Nisqually Indian Tribe, and the Muckleshoot Indian Tribe of any such findings. In these cases, the property owner/developer shall be required to provide for a site inspection and evaluation by a professional archaeologist or historic preservation professional, as applicable, in coordination with the state and/or affected tribes.
- iii. The project applicant and/or contractor may be required to complete an Inadvertent Discovery Plan (IDP), to the approval of the city, WA State Department of Archeology and Historic Preservation and affected Tribal governments. The IDP shall be completed in a form supplied by the Department and shall be completed prior to issuance of the civil permit for the site.

12. TRANSPORTATION

- i. The project is a retroactive civil permit to address unpermitted clear, fill, and grade of the site as well as mitigation of the filled critical areas. No further project work is included in the scope of the project.

Issuance of this threshold determination does not constitute approval of the permit. This proposal will be reviewed for compliance with all applicable City codes that regulate the applicable development activities,

including, but not limited to, the International Fire/Building/Residential Codes, City of Puyallup Engineering Standards, Zoning Code, Surface Water Design Manual, Impact Fees, and the Critical Areas Ordinance.

DETERMINATION OF NON-SIGNIFICANCE (DNS)

Upon review of applicable documentation, the responsible official of the lead agency hereby finds that this proposed permit action would not result in a probable significant adverse impact on the environment. 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. Our agency will not require any additional mitigation measures under SEPA.

An Environmental Impact Statement (EIS) is not required, under RCW 43.21C.030 (2) (c). This finding is made pursuant to RCW 43.21C, PMC 21.04.120 and WAC 197-11 after reviewing a completed environmental checklist and other information on file with the lead agency. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal. This information is available to the public upon request.

COMMENTS

Consistent with WAC 197-11-355, the Lead Agency issued a Notice of Application on **February 21, 2023** with a single integrated comment period to obtain comments on the notice of application and the likely threshold determination for the proposal. Therefore, consistent with the optional DNS process outlined in WAC 197-11-355, there is no further comment period for the subject Determination.

APPEALS

Consistent with WAC 197-11-545 regarding commenting parties and agencies, an appeal of the subject DNS may be filed with the SEPA Responsible Official by applicable parties and agencies within 10 days of the issuance of this DNS, or by **3:00 pm on Thursday, June 1, 2023**

Appeals will be accepted by via the CityView permit portal only (<https://permits.puyallupwa.gov/Portal>). Please call or email Planning prior to submission of an appeal, if possible.

- To file an appeal electronically, please visit <https://permits.puyallupwa.gov/Portal> and select “Apply for a Planning Permit”, selecting “Appeal to Hearing Examiner” from the project/permit type drop down when prompted.

Prior to submittal and payment of the \$650.00 appeal fee, consult PMC 21.04.205 regarding SEPA Appeals or contact the SEPA Responsible Official at Planning@PuyallupWA.gov or (253) 864-4165 to ask about the appeal procedures, if possible. Be prepared to make specific factual reasons, rationale, and/or the basis for the appeal. This determination will become final if no formal appeals are filed and/or reconsideration requests are made by the expiration date listed above.

Publication Date: May 22, 2023

Notice Published in: Tacoma News Tribune

Nabila Comstock

May 22, 2023

Nabila Comstock
Assistant Planner

Date



May 22, 2023

Katie Baker, AICP
City of Puyallup SEPA Responsible Official

Date

Attachments:

- A. Site Plan
- B. Environmental Checklist
- C. Critical Area Report
- D. Critical Areas Mitigation Plan