



Notice Of Decision Mitigated Determination of Nonsignificance (MDNS)

City of Edgewood

2224 104th Ave East

Edgewood, Washington 98372-1513

November 30, 2011

Applicant:

Public Works Director Joe Seet, P.E.
2224 104th Avenue East
Edgewood, WA 98372-1513

File Number:

#3470 City of Edgewood Jovita Realignment Environmental Review

Proposal:

The project includes the realignment of Jovita Boulevard within the City of Edgewood utilizing existing and new right of way to connect to the existing SR 161/ Emerald Street intersection. The project also includes road widening and resurfacing along 28th Avenue /Emerald Street in the City of Milton including the reconfiguration of the 28th Avenue/Emerald Street intersection. Other improvements include construction of a new roundabout on Jovita Boulevard, the installation of ADA accessible sidewalks, a new traffic signal at the Emerald Street/realigned Jovita Boulevard and SR161/Meridian Avenue East intersection, new street lighting; construction and relocation of utilities, storm drainage improvements, landscaping; demolition of minor outbuildings, channelization modifications on SR 161 in the vicinity of the project, and removal of the existing traffic signal at the current intersection of Jovita Boulevard and SR161-Meridian Avenue East. More information including the Final MDNS can be obtained online at www.cityofedgewood.org.

Location:

The Project is located in the City of Edgewood and City of Milton centered at approximately SR 161 and Emerald Street approximately 800 feet north of the existing signalized intersection of SR 161 and Jovita Boulevard.

**Environmental
Determination:**

A Mitigated Determination of Nonsignificance (MDNS) was issued for this proposal using the optional DNS process pursuant to WAC 197-11-355. The Responsible Official for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed SEPA Environmental Checklist, associated Environmental Documents prepared for this project and other information on file with the lead agency. This information is available to the public on request. There is no further comment period on the MDNS.

Public Appeal:

Any agency or person may appeal the responsible official's environmental determination on decisions as set forth in EMC Chapter 20.05. Appeals of this decision will be accepted until **5:00 PM, December 15, 2011**. A notice of appeal together with the appropriate fee shall be filed with the city of Edgewood within 14 days of the date of the environmental determination of the Responsible Official. Appeals shall conform to the procedural and substantive requirements set forth in EMC Section 20.05.170, shall be accompanied by the \$2,000 appeal fee and shall be submitted to the City of Edgewood, at 2224 104th Avenue East, Edgewood, WA 98372-1513.

Staff Contact:

Kevin Stender, Senior Planner
2224 104th Avenue East
Edgewood, Washington 98372-1513 (253) 952-3299



City of Edgewood

2224 104th Ave East, Edgewood WA 98372-1513

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**Final
Mitigated Determination of Nonsignificance (MDNS)
WAC 197-11-355**

APPLICATION

NUMBER: #3470 (City of Edgewood Jovita Realignment Environmental Review)

LOCATION: The Project is located in the City of Edgewood and City of Milton and Washington State Department of Transportation (WSDOT) Right-of-Way (ROW), see attached map for more information.

TAX PARCEL

NUMBERS: See attached map for project location.

ACTION: Site Development Permit and associated permits including but not limited to stormwater permit approval.

PROPONENT: City of Edgewood

APPLICANT: Public Works Director Joe Seet, P.E.
2224 104th Avenue East
Edgewood, WA 98372-1513

LEAD AGENCY: City of Edgewood

The Responsible Official of the City of Edgewood hereby makes the following findings of fact and conclusions based upon a review of the SEPA Environmental Checklist, attachments, other information on file with the City of Edgewood and the policies, plans, and regulations designated by the City of Edgewood as a basis for the exercise of substantive authority under the Washington State Environmental Policy Act (SEPA) pursuant to RCW 43.21C.060.

FINDINGS OF FACT (GENERAL):

1. The City of Edgewood received project funding from Transportation Improvement Board (TIB), Public Works Trust Fund (PWTF), City of Edgewood Surface Water Fund and the City of Milton to construct a realignment of Jovita Boulevard in the City of Edgewood with Emerald Street East in the City of Milton at the approximate existing intersection of Emerald Street and SR-161/Meridian Avenue East.

2. The City of Edgewood has assumed lead agency status for the environmental review of the Jovita Realignment project. The City of Edgewood recognizes that multiple jurisdictions have approval/review authority for portions of this project including the City of Milton, WSDOT and others. Environmental review and approval does not constitute approval or substitute for the individual permitting approvals required by an agency or approval for use as required by a property owner.
3. The Jovita Realignment project consists of the development of a new leg of Jovita Boulevard East, a new roundabout intersection where the existing Jovita Boulevard will intersect with the new Jovita alignment, stormwater improvements, the construction of a new traffic signal at the intersection of Emerald Street and SR-161/Meridian Avenue East and improvements to Emerald Street and 28th Avenue in the City of Milton.
4. SR-161/Meridian Avenue East in the location of the new intersection is considered a “limited access highway” by WSDOT. The City of Edgewood has applied for an access break at the proposed new intersection to allow for the realignment to proceed. Approval of the access break is pending at this time with WSDOT.
5. The realignment will require the acquisition of additional ROW in both the City of Edgewood and the City of Milton to align the intersection from west to east across SR-161/Meridian Avenue East.
6. The acquisition of additional ROW that impacts an existing business will require reconstruction/replacement of parking spaces for one developed commercial property within the project area. The goal of the project is to avoid any net loss of parking spaces and mitigate other site related business impacts. A reconfiguration of the parking lot and related structures for the affected business site is included in the environmental review and considered a part of this project.
7. The revised alignment will require the construction of new driveway access points (curb cuts) and in some cases the construction of the entire driveway approach to businesses. These new access points will provide for full and/or partial turn movements from the businesses onto the realigned Jovita Boulevard.
8. Stormwater will be controlled through the installation of catch basins that will convey stormwater to a stormwater facility to be designed within the ROW in the area of the roundabout facility. Stormwater control and management will be in accordance with EMC 13.05, Stormwater, which adopts by reference the 2005 Department of Ecology Stormwater Management Manual for Western Washington with local amendments.
9. Pedestrian amenities will be provided as part of the roadway construction project including concrete sidewalks with ADA accessible ramps.

Critical Areas

10. The City of Edgewood prepared a wetland report for this project. The report shows wetlands to the northeast of the construction area as well as south of the construction area. No regulated wetlands will be directly impacted by the project.
11. The proposed realignment avoids all impacts to “Waters of the State” (wetlands in this case) and Best Management Practices (BMPs) will be used to properly protect any adjacent critical areas and their associated buffers during construction. Where impacts to buffers may become necessary, mitigation will be proposed that follows BMPs to restore or enhance the impacted areas.
12. The City shall determine the applicability through consultation with the Washington State Department of Fish and Wildlife (WDFW) and if appropriate apply for Hydraulic Project Approval (HPA) from the WDFW to extend all culverts under Jovita Boulevard East.
13. Two drainage ditches/streams drain water from south to north across the project site. The easternmost drainage ditch/stream conveys stormwater from Jovita Boulevard East and the water from the wetland south of Jovita Boulevard East to the wetland north of the realignment outside of the project area. This drainage ditch was reviewed by the City’s biologist using the Washington Department of Natural Resources (WDNR) water typing system. It was determined that the ditched stream best meets the characteristics of a seasonal non-fish bearing stream (type Ns) as it does not connect to any other water body. The westernmost drainage ditch/stream was determined to be a remnant of grading activities on the property which left a ditch-like feature adjacent to a road bed that was likely constructed in the early 1990’s, which is clear by observing historic aerial photographs of the area. This drainage does not meet any qualifications as a wetland or a stream according to the wetland/stream report.

Earth:

14. The construction of the realignment project will require the movement of approximately 10,000 cubic yards of total material. Most of the material will be import material to bring the realignment up to grade and match the existing SR-161/Meridian Avenue East and Emerald Street East intersection.
15. Imported fill material will be from a clean and approved source. Where possible, materials will be recycled on site. Where excavated material must be removed from the site, these materials shall be disposed of at an approved facility in accordance with the soils management plan. Verification of clean soil shall be provided prior to bringing soil onto the site.
16. Stormwater will be controlled through the installation of catch basins that will convey stormwater to a stormwater facility to be designed within the roundabout facility. Stormwater control and management will be in accordance with Edgewood Municipal Code

(EMC) 13.05, Stormwater, which adopts by reference the 2005 Department of Ecology Stormwater Management Manual for Western Washington with local amendments.

17. Erosion control will be in place in accordance with the EMC and BMPs. A Stormwater Pollution Prevention Plan (SWPPP) will be submitted with the Site Development Permit application. The SWPPP will include a Temporary Erosion and Sediment Control (TESC) plan to prevent deleterious materials from entering stormwater or other adjacent waters or properties.
18. All non-landscaped or natural areas of the project site that are disturbed shall be re-vegetated with native plants and grasses. Landscaped areas disturbed during construction on private property shall be restored by the contractor.

Air

19. Temporary emissions will occur during the construction of the road improvements associated with construction equipment and potential vehicular detours. Wind blown dust could occur from construction during the drier months. Watering or other dust control methods will be required as conditions of the site development permit for construction.

Water

20. Work associated with the project will occur within the vicinity of surface water features. These water features include wetlands and an intermittent non-fish bearing stream (Type Ns) on the northeastern portion of the Jovita Boulevard near the Frisco Properties LLC property. All proposed work will occur outside of the surface water features and any impacts to buffer areas will be mitigated in accordance with BMPs where necessary to address the extension of the culvert on Jovita Boulevard East.
21. The project proposal will not include the placement or removal of fill or dredged material from wetlands or streams. Construction work done during the wetter time of the year will require that the contractor follow BMPs for minimizing impacts associated with the construction activity found within the SWPPP and associated TESC plan.
22. Groundwater withdrawal may be necessary during the construction process. The project proposal may require dewatering of certain areas of the project outside of the wetland areas. The dewatering will not be discharged into groundwater without meeting the BMPs in accordance with the SWPPP and TESC plan. If groundwater is suspected to contain contaminants associated with previous land use activity on a particular site, samples will be collected, tested, and disposed of in accordance with BMPs and other applicable regulations of the appropriate municipal code depending upon the jurisdictional boundary of the site.
23. If dewatering is necessary, the dewatering system shall be constructed and abandoned in accordance with the regulations set forth by the Washington State Department of Ecology pursuant to WAC 173-600. Additional capacity shall be provided to maintain the dewatering system in the event of a pump or power failure.

24. Erosion and sediment control associated with water runoff will be provided at all times during construction of all portions of the construction project.

Environmental Health

25. Fueling and oiling/greasing of construction equipment will be primarily done off-site to prevent any gasoline or oil spills. Any oil and/or grease (petroleum products) leaking from construction equipment or vehicles shall follow the requirements of DOE for cleanup. Emergency spill kits will be located strategically along the project according to the SWPPP and employees will be trained in their proper use.

26. EMC Title 8 adopted the Pierce County Code (PCC) regarding noise. PCC Section 8.76.060 establishes maximum permissible noise levels. Pursuant to PCC Section 8.76.070(C)(1) specifically exempts sounds originating from temporary construction sites as a result of construction activity.

27. Construction during night time hours (10:00 pm to 7:00 am) will be done in conformance with the noise standards as outlined within the adopted PCC Section 8.76.060.

28. The proposal will have no significant impact on animals, water, noise, environmental health, public services or land use. Additionally, no significant historic or cultural resources have been identified within the proposed project site.

CONCLUSIONS OF RESPONSIBLE OFFICIAL:

The lead agency for this proposal has determined that the proposal does not have a probable significant adverse impact on the environment subject to the proposed mitigation measures. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). The Responsible Official makes this decision after review of a completed SEPA Environmental Checklist, supporting environmental documents and other information on file with the lead agency. This information is available to the public on request.

This Mitigated Determination of Nonsignificance (MDNS) is issued under WAC 197-11-340(2). The lead agency will not act on this proposal for 14 days from the date of the decision by the responsible official.

The mitigation measures contained herein are required as authorized under the Substantive Authority of SEPA, in accordance with WAC 197-11-660 and shall be implemented by the project proponent.

REQUIRED MITIGATION MEASURES:

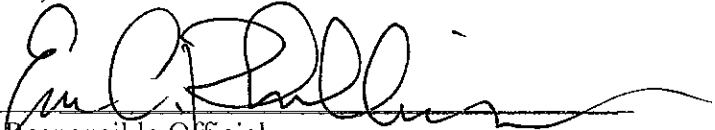
1. A site development permit for the Jovita Realignment project shall be obtained from the appropriate jurisdiction(s) prior to beginning construction.

2. The approved TESC plan shall be followed and kept current throughout the project lifetime. A Certified Erosion/Sediment Control Lead (CESCL) shall provide inspection reports weekly to the City of Edgewood and the City of Milton as required. Additionally, the contractor shall provide inspections during or immediately after major storm events to assure plan compliance is maintained throughout the construction process.
3. During construction, the stockpiling of excavated materials or backfill materials shall meet the TESC plans and specifications as approved. Material stockpile locations shall be approved prior to stockpiling of soils by the City of Edgewood or the City of Milton, depending on the jurisdiction.
4. Construction staging and equipment storage areas shall follow the approved TESC plan. Additional staging area TESC plans shall be provided for approval if additional staging areas are obtained. Abandoned staging areas no longer in use shall be restored and stabilized to pre-construction staging use.
5. A Construction General Stormwater Permit is required. The applicant shall obtain and maintain a permit through the DOE in accordance with the National Pollution Discharge Elimination System (NPDES) requirements. This will include publication of the appropriate Notice of Intent (NOI).
6. Construction noise outside of the project site area shall conform to the Noise Standards as outlined within EMC Title 8 (PCC 8.76.060 as adopted by the City of Edgewood). Noise shall be limited at property lines based on the appropriate noise classification level and the surrounding land use types.
7. During construction, business disturbances shall be minimized to avoid economic impacts to businesses. When an impact will affect a business, proper notification of the upcoming construction activity and length of construction shall be provided up to two weeks prior to construction, but no less than two days prior to construction, in order to allow for the business owner to work with the contractor and appropriate City staff to determine the best time to coordinate temporary construction impacts related to construction proximate to the business.
8. All businesses must have access maintained. At least one driveway access point shall remain open during construction. If temporary access closure is required, the contractor shall contact the owner and determine the best alternative access point during the temporary access closure.
9. A comprehensive Traffic Control Plan shall be provided as part of the Site Development permit. If additional traffic control plans are necessary for unforeseen work, addendums to the comprehensive traffic control plan shall be submitted to and approved by the City of Edgewood and/or Milton prior to beginning work in those areas.

10. Equipment staging, entering and leaving roads, and their associated impacts to street operations shall be addressed in the traffic control plans submitted for approval to the appropriate jurisdictions prior to commencing construction.
11. If necessary, temporary night time lighting during construction will be limited to that area under active construction or otherwise requiring illumination for traffic control or safety purposes. All such lighting will be aimed away from adjoining properties to the extent possible to limit the glare and intrusive effects.
12. Utility trench depth may trigger the Washington State Department of Labor and Industries (L&I) requirements for trench safety shoring or containment boxes as part of this project.
13. Any contaminated soil shall be removed and sent to approved sites and appropriate documentation of the disposal shall be made available upon request.
14. All dewatering will be in accordance with BMPs including storage in approved facilities for testing, etc. Contaminated water shall be taken to appropriate dump sites or treatment facilities for proper disposal.
15. During construction, all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soil of the state. The clean-up of spills should take precedence over other work on the site.
16. Provisions for tire washing of vehicles or approved construction entrance alternatives (e.g. quarry spalls) shall be made to minimize the tracking of sediment by construction vehicles onto paved public roads. If sediment is deposited, it should be cleaned immediately by shoveling or sweeping. Water cleaning should be done only after the area has been shoveled out or swept.
17. Geotechnical recommendations shall be followed during any soil disturbing activities.
18. The applicant's contractor shall generate an emergency contact list for use by inspectors, emergency response officials, and service providers to facilitate prompt response to emerging situations requiring immediate attention during construction.
19. The City must obtain approvals from WSDOT for work and work activity within the SR 161 corridor and shall comply with all WSDOT surface restoration requirements.
20. The City shall obtain an access break approval from WSDOT for construction of a new arterial roadway intersection at Emerald Street and SR 161.
21. The City shall coordinate with the WDFW to determine if an application is required in order to obtain a HPA to extend all culverts under Jovita Boulevard East.

RESPONSIBLE OFFICIAL: Eric C Phillips, AICP
POSITION/TITLE: Community Development Director
ADDRESS: 2224 104th Avenue East, Edgewood, WA 98372-1513

STAFF CONTACT: Kevin Stender, Senior Planner (253) 952-3299
DATE OF ISSUE: November 28, 2011
DATE OF PUBLICATION: November 30, 2011
APPEAL DEADLINE: December 15, 2011

Date November 28, 2011 Signature 
Responsible Official

APPEAL: The MDNS is an administrative decision pursuant to Edgewood Municipal Code 18.40.090 and may be appealed to the Hearing Examiner per EMC Sections 18.40.090(K) and (L). A letter of appeal must be delivered to City Hall at the above address by the appeal deadline. The letter of appeal must contain: (a) A statement identifying the decision being appealed, along with a copy of the decision; (b) A statement including identification of specific factual findings and conclusions disputed by the person filing the appeal; and (c) the appellant's name, address, telephone number and fax number, and any other information to facilitate communications with the applicant. A filing fee of \$2,000 must accompany the letter of appeal. The letter of appeal will not be considered accepted by the City unless the required fee is included. The person appealing will then be notified of a hearing date, and public notice will be provided consistent with the Edgewood Municipal Code.

NOTE: The issuance of this Mitigated Determination of Nonsignificance does not constitute project approval. The applicant must comply with all other applicable requirements of City of Edgewood Departments and/or the Hearing Examiner prior to beginning construction.