



**Department of Local Services - Permitting Division
State Environmental Policy Act (SEPA)**

**SEPA Threshold Determination- Optional DNS/MDNS Process
Mitigated Determination of Non-Significance (MDNS)
For
Creekside Village on Vashon (DWEL23-0205)**

Date of Issuance: March 28, 2024

Project Description: A 41-unit affordable housing development on a 7.2 acre site zoned R-4-P-SO. The units will be spread out across three buildings with an attached community building. On site parking, garden, plaza, playground, and recreational areas.

Project Location: 16816 95th Ln SW, Vashon, WA 98070 (Parcel #2923039148)

King County Permit: DWEL23-0205

Permitting Contact: Nancy Hopkins Goree PPM III
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Applicant: David Albers For Creekside Village on Vashon LLLP
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Zoning: R-4-P-SO

Plan Area: Vashon
Drainage Subbasin: East Vashon
Community Plan Area: Vashon

Notes:

- A. This finding is based on review of the application, revised plans, revised and annotated GHG-Emissions Worksheet & SEPA environmental checklist signed and dated September 19, 2023, correspondence, and application documents contained in the record. and other relevant environmental documents and references in the file.
- B. Sufficient information has been provided to the Division to render a Mitigated Determination of Non-Significance (MDNS) regarding the proposed impacts to the natural and built environment. Inherent in the subject MDNS determination is that existing County, State, and Federal laws, and regulations are adequate to mitigate/condition impacts resulting from the development within the existing parcel.
- C. Issuance of this threshold determination does not constitute approval of the permit and development permits will be reviewed for compliance with all applicable King County codes which regulate development activities, including KCC title 21A, the International Fire and Building Codes, King County Road Standards, Surface Water Design Manual, and the grading and critical areas regulations.

- D. The Puyallup Tribe provided comment during the SEPA public review period. In the email comment dated January 30, 2024, they indicate this site is located in a high probability area for impacting cultural resources due to its proximity to a known village site and archaeology. They request a cultural resource survey be done prior to ground disturbance.
- E. The WA State Dept of Ecology provided comment during the SEPA public review period. In the comment letter dated February 12, 2024 (Ecology SEPA# 202400274), they indicate the proposed project is in an area that may have been contaminated with heavy metals due to the air emissions originating from the old Asarco smelter in north Tacoma (see Ecology's Tacoma Smelter Plume map search tool: <https://fortress.wa.gov/ecy/dirtalert/>). Soil contamination from the former Asarco smelter poses a risk to human health and the environment. They request soil sampling prior to issuance.

Threshold Determination:

The responsible official finds that the above-described proposal does not pose a probable significant adverse impact to the environment, provided the mitigation measures listed below are applied as conditions of permit issuance. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal. This finding is made pursuant to RCW 43.21C, KCC 9.04, 14.42, 16.82, 20.44, 21A.24 and WAC 197-11 after reviewing the environmental checklist and other information on file with the lead agency and considering mitigation measures which the agency of the applicant will implement as part of the proposal.

Mitigation List:

The following mitigation measures shall be attached as conditions of permit issuance. These mitigation measures are consistent with policies, plans, rules, or regulations designated by KCC 20.44.080 as a basis for the exercise of substantive authority and in effect when this threshold determination is issued. The following are conditions of this permit approval:

- A. In accordance with comments provided by the Puyallup Tribe, prior to ground disturbance the applicant shall complete a cultural resource survey.
- B. In accordance with comments provided by the Dept of Ecology, prior to the issuance of this and any site development permits or the initiation of grading, filling, or clearing, the applicant shall:
- Sample the soil and analyze for arsenic and lead following the [2019 Tacoma Smelter Plume Guidance](#). The soil sampling results shall be sent to Ecology for review.
 - 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 MTCA cleanup level for arsenic is 20 parts per million (ppm) and lead is 250 ppm.
 - If lead, arsenic and/or other contaminants are found at concentrations above MTCA cleanup levels, the applicant shall:
 - (1) Develop soil remediation plan and enter the Voluntary Cleanup Program with Ecology. For more information on the Voluntary Cleanup Program, visit Ecology website at: <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process/Cleanup-options/Voluntary-cleanup-program>.
 - (2) Obtain an opinion letter from Ecology stating that the proposed soil remediation plan will likely result in no further action under MTCA. The applicant shall provide to the local land use permitting agency the opinion letter from Ecology.

- (3) Prior to finalizing site development permits, provide to the local land use permitting agency “No Further Action” determination from Ecology indicating that the remediation plans were successfully implemented under MTCA.
- 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.

Comments and Appeals:

This determination is issued pursuant to the optional DNS/MDNS process in WAC 197-11-355. No further comment period is provided. There is no administrative appeal of this decision. Any appeals must be submitted to King County Superior Court. Information about the project is available from the project manager listed above. You may also review the application and any environmental documents or studies at www.kingcounty.gov/permits/.

NOTE: To request this information in alternative formats for people with disabilities please call 206-296-6600 or TTY Relay: 711. Information about the project, including the SEPA checklist and environmental documents, is available from the Permitting Division at the address listed below.

**Department of Local Services – Permitting Division
919 Southwest Grady Way, Suite 300
Renton, WA 98057**

Responsible Official:

Tracy Cui Date

Department of Local Services- Permitting Division