



**CITY OF MOUNT VERNON
FINAL MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)**

DATE July 16, 2019

APPLICATION ID: 7-11 SEPA Site Plan review – PLAN19-0027 & PLAN19-0028

PROJECT DESCRIPTION: The proposal is the construction of an approximately 3,010 square foot convenience store with a fuel canopy (up to 8 fueling positions) and two 20,000-gallon underground fuel storage tanks on a 0.99 acre parcel. The fuel storage tanks will be roughly 15 feet deep and will require an anchoring system to prevent upheaval from buoyancy forces resulting from high ground water conditions at the site. Site improvements will include 13 parking stalls and sidewalks to connect to the existing Freeway Drive sidewalks. The site is located within the 100-year floodplain and the project will require approximately 3,798 cubic yards of fill to elevate the building above the base flood elevation.

PROJECT LOCATION: The proposal is located at 2021 Freeway Drive. It is identified by the Skagit County Assessor as parcel P131203 and is located within a portion of Section 18 Township 34 N, Range 04 E, W.M. The exhibit maps below illustrate the location of the project site and the proposed site plan.

PROPERTY OWNER:	APPLICANT:	CONTACT PERSON
Watson Property Attn: Brad Watson 108 Gilkey Rd. Burlington, WA 98233	White Leasure Development Company Attn: Ken Lenz 8385 Emerald Street Boise, ID 83704	Pacland-Seattle Attn: Travis Cheshire 1505 Westlake Ave N; Suite 305 Seattle, WA 98109

CITY STAFF CONTACT:
Development Services Department
Marianne Manville-Ailles, Planning Consultant
910 Cleveland Ave
Mount Vernon, WA 98273
Telephone - 360-336-6214

LEAD AGENCY: Mount Vernon Development Services Department, the lead agency for this proposal, has determined that this project does not have a probable 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 environmental checklist and other information on file with the lead agency.

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.

CONDITIONS NECESSARY TO MITIGATE ENVIRONMENTAL IMPACTS:

1. Stone columns (rammed aggregate piers) will be used to mitigate against soil static settlement and seismically induced liquefaction.
2. Appropriate BMPs to limit erosion must be included in the stormwater pollution prevention plan that will be prepared for the construction of the facilities.
3. The site will be watered during construction to minimize dust.
4. The fueling station will comply with all federal, state and local air quality regulations.
5. Stage I and II vapor recovery will collect gasoline vapors associated with fueling activities.
6. The building finished floor must be one foot above Base Flood Elevation (BFE).
7. The project must incorporate water quality and oil control facilities.
8. Appropriate BMPs to limit impacts to water quality must be included in the stormwater pollution prevention plan that will be prepared for the construction of the facilities.
9. Appropriate workplace training and contingency plans will be implemented for work around fueling facilities.
10. Light and glare impacts will be mitigated through fixture placement and shielding to minimize light trespass.
11. The proposal is within a high risk area for cultural resources based on the Department of Archeology and Historic Preservation (DAHP) probability model. The applicant has chosen to conduct archaeological

monitoring of construction excavation under a DAHP approved monitoring and treatment plan. The plan has been submitted and is subject to review and approval by DAHP. The applicant must provide documentation from DAHP as to the adequacy of the plan.

12. A copy of the approved monitoring plan and unanticipated discovery plan must be provided to all contractors performing ground disturbing activities and copies must be kept on site at all times.
13. Any person engaged in ground disturbing activity who encounters or discovers historical and/or archeological materials in or on the ground shall:
 - a. Immediately cease any activity which may cause further disturbance;
 - b. Make a reasonable effort to protect the area from further disturbance; and,
 - c. Report the presence and location of the material to the proper authorities in the most expeditious manner possible.

ENVIRONMENTAL DETERMINATION APPEAL PROCESS: Appeals of the environmental determination must be filed in writing on or before 5:00 PM on **July 29, 2019** (10 days from the date of publication). Appeals must be filed in writing together with the required \$100.00 application fee to: Hearing Examiner, City of Mount Vernon, 910 Cleveland Ave, Mount Vernon, WA 98273. Appeals to the Examiner are governed by City of Mount Vernon Municipal Code Section 15.06.215. Additional information regarding the appeal process may be obtained from the staff 'Contact Person' listed above.

RESPONSIBLE PERSON Rebecca Lowell, Senior Planner



SIGNATURE

7-16-2019

DATE

ISSUED: July 16, 2019

PUBLISHED: July 19, 2019

SENT TO: SEPA REGISTER, DOE, COE, COMMERCE, CNG, WDFW, DNR, DIKE AND DRAINAGE DISTRICTS (as applicable), DOT, FRONTIER, FRONTIER NW, DAHP, NW CLEAN AIR AGENCY, PORT OF SKAGIT COUNTY, PSE, SAMISH TRIBE, SCOG, SKAGIT COUNTY PDS, PUD #1, SKAGIT RIVER SYSTEM COOPERATIVE, SKAGIT RIVER SYSTEMS, SVC, SKAT, SWINOMISH TRIBE, AND UPPER SKAGIT TRIBE



SEPA ENVIRONMENTAL REVIEW STAFF REPORT

A. BACKGROUND

APPLICANT & APPLICATION NAME/NUMBER: 7-11 SEPA Site Plan review – PLAN19-0027 & PLAN19-0028

	PROPERTY OWNER:	APPLICANT	:
NAME:	Eddie Hansen E & R Management	J.P. Slagle Freeland & Associates, INC.	
ADDRESS:	2351 Northshore Road Bellingham, WA 98226	220 West Champion Street; Suite 200 Bellingham, WA 98225	
	CITY STAFF CONTACT		
NAME:	Development Services Department Contact: Marianne Manville-Ailles		
ADDRESS:	910 Cleveland Ave Mount Vernon, WA 98273		
TELEPHONE:	(360) 336-6214		

PROJECT DESCRIPTION: The proposal is the construction of an approximately 3,010 square foot convenience store with a fuel canopy (up to 8 fueling positions) and two 20,000-gallon underground fuel storage tanks on a 0.99 acre parcel. The fuel storage tanks will be roughly 15 feet deep and will require an anchoring system to prevent upheaval from buoyancy forces resulting from high ground water conditions at the site. Site improvements will include 13 parking stalls and sidewalks to connect to the existing Freeway Drive sidewalks. The site is located within the 100-year floodplain and the project will require approximately 3,798 cubic yards of fill to elevate the building above the base flood elevation.

PROJECT LOCATION: The proposal is located at 2021 Freeway Drive. It is identified by the Skagit County Assessor as parcel P131203 and is located within a portion of Section 18 Township 34 N, Range 04 E, W.M. The exhibit maps below illustrate the location of the project site and the proposed site plan.

B. RECOMMENDATION

Based on analysis of probable impacts from the proposal, the Responsible Official has made the following Environmental Determination:

DETERMINATION OF NON-SIGNIFICANCE	
<input type="checkbox"/>	Issue DNS with a 10 day Appeal Period.

DETERMINATION OF NON - SIGNIFICANCE - MITIGATED.	
<input checked="" type="checkbox"/>	Issue DNS-M with a 10 day Appeal Period.
<input type="checkbox"/>	Issue DNS-M with 14 day Comment Period followed by a 10 day Appeal Period.

C. SEPA PROCESS TIMELINE

Benchmark:	Date:	Authority:
Application Submitted	February 13, 2019	MVMC 14.05.110(C)(1) to (3)
Application Deemed Technically Complete	April 3, 2019	MVMC 14.05.110(D) RCW 36.70B.070
NOA/Optional MDNS Issued	June 25, 2019	MVMC 14.05.150(A) RCW 36.70B.110 WAC 197-11-355
NOA/Optional MDNS Comment Period Ended	July 12, 2019	MVMC 15.06.120 WAC 197-11-355 RCW 43.21C.110
MDNS Issued with Appeal Period – Accompanied by Environmental Report	July 16, 2019	MVMC 15.06.215 WAC 197-11-355(4)

D. MITIGATION MEASURES

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.

The following conditions have been identified that will be used to mitigate the impacts of the proposal¹:

1. Stone columns (rammed aggregate piers) will be use to mitigate against soil static settlement and seismically induced liquefaction.
2. Appropriate BMPs to limit erosion must be included in the stormwater pollution prevention plan that will be prepared for the construction of the facilities.
3. The site will be watered during construction to minimize dust.
4. The fueling station will comply with all federal, state and local air quality regulations.
5. Stage I and II vapor recovery will collect gasoline vapors associated with fueling activities.
6. The building finished floor must be one foot above Base Flood Elevation (BFE).
7. The project must incorporate water quality and oil control facilities.
8. Appropriate BMPs to limit impacts to water quality must be included in the stormwater pollution prevention plan that will be prepared for the construction of the facilities.
9. Appropriate workplace training and contingency plans will be implemented for work around fueling facilities.
10. Light and glare impacts will be mitigated through fixture placement and shielding to minimize light trespass.
11. The proposal is within a high risk area for cultural resources based on the Department of Archeology and Historic Preservation (DAHP) probability model. The applicant has chosen to conduct archaeological monitoring of construction excavation under a DAHP approved monitoring and treatment plan. The plan has been submitted and is subject to review and approval by DAHP. The applicant must provide documentation from DAHP as to the adequacy of the plan.
12. A copy of the approved monitoring plan and unanticipated discovery plan must be provided to all contractors performing ground disturbing activities and copies must be kept on site at all times.
13. Any person engaged in ground disturbing activity who encounters or discovers historical and/or archeological materials in or on the ground shall:
 - a. Immediately cease any activity which may cause further disturbance;

¹ These SEPA mitigation measures (conditions) are in addition to conditions and/or mitigation measures that will be applied through the City's existing development regulations.

- b. Make a reasonable effort to protect the area from further disturbance; and,
- c. Report the presence and location of the material to the proper authorities in the most expeditious manner possible.

ADVISORY NOTES TO APPLICANT

The following notes are supplemental information provided in conjunction with the environmental determination. Because these notes are provided as information only, they are not subject to the appeal process for environmental determinations.

E. ENVIRONMENTAL IMPACTS AND MITIGATION

In compliance with RCW 43.21C. 240, project environmental review addresses only those project impacts that are not adequately addressed under existing development standards and environmental regulations.

1. EARTH

Impacts: Grading activities: Construction will consist of 3,798 cubic yards of fill to elevate the building above the base flood elevation .

Mitigation Measures: Listed within the applicant’s environmental checklist as well as required compliance with the City’s existing standards and regulations for land disturbing. Construction best management practices will be utilized to minimize potential impacts from earthwork grading and clearing on the site.

The applicant’s contractor(s) will be required to comply with the City’s code requirements related to stormwater runoff and site grading.

Nexus: MVMC Chapters 13.33 (Storm Water Drainage Utility), 15.04 (Building Code), 15.16 (Grading, Excavation and Fill), 15.18 (Land Clearing), and Mount Vernon Engineering Standards.

2. STORMWATER

Impacts: Site stormwater will be collected in roof downspouts and catch basins and routed to the existing municipal stormwater system. The municipal stormwater facilities discharge directly to the Skagit River—a flow control exempt water body. Per the requirements of SMMWW, both flow control and water quality mitigation will be required as a result of the proposed development. However, as part of the Watson Short Plat (LU09-045) the existing regional detention pond (Lowes Pond – facility ID Freeway DR-27) capacity was increased to accommodate the future development of all three parcels (assumed 90% impervious coverage). As such, the subject project will not be required to provide flow control facilities.

Mitigation Measures: Listed within the applicant’s environmental checklist, detailed within their Stormwater Analysis prepared by a licensed Professional Engineer, shown on their construction plans, and the mitigation measures outlined with this MDNS. In addition, the applicant will comply with City, State and Federal regulations. Runoff during construction will be handled in conformance with the City’s regulations and standards.

Nexus: MVMC Chapters 13.33 (Storm Water Drainage Utility), 15.16 (Grading, Excavation and Fill), and Mount Vernon Engineering Standards.

3. TRAFFIC

Impacts: an estimated 50 new PM peak hour traffic trips will be generated from the proposed project. There will also be construction related traffic that will occur as this site is being developed. The proposal will provide a total of 13 parking spaces. .

Mitigation Measures: Compliance with the City’s MVMC provisions

Nexus: MVMC Title 12, Chapter 14.10 (Concurrency Management), Chapter 3.40 (Impact Fees), 15.16 (Grading, Excavation and Fill), 16.16 (Design Standards for Non-arterial Streets) and Mount Vernon Engineering Standards.

F. CITY & AGENCY COMMENTS

The proposal has been circulated internally to applicable City Departments and to all of the following agencies, districts, utility companies and tribes: WA State Department of Ecology, Federal Army Corps of Engineers, WA State Department of Commerce, Cascade Natural Gas, WA State Department of Fish and Wildlife, WA State Department of Natural Resources, WA State Department of Transportation, WA State Department of Archeology and Historic Preservation, NW Clean Air Agency, Skagit Council of Governments, Port of Skagit County, Skagit County Planning and Development Services, Samish Tribe, Skagit River System Cooperative, Skagit River Systems, Skagit Valley College, Skagit Transit, Swinomish Tribe, Upper Skagit Tribe, Frontier, Frontier Northwest, Puget Sound Energy, Public Utility District #1, and the Dike and Drainage Districts the subject site is located within.

Copies of all Comments are contained in the Official File

Copies of Comments received from City Staff and Agencies are attached to this report

Following is a list of the comments received from City Staff and Agencies:

- Fire email dated 3-10-2019— During Building Permit process fire permits will be required for the commercial fire alarm system and the 20,000 gallon fuel tanks.

G. ENVIRONMENTAL DETERMINATION COMMENT & APPEAL PROCESS

The City is using its discretion under WAC 173-11-355(4) to issue a MDNS with a 10-day appeal period. Appeals of the environmental determination must be filed in writing on or before **5:00 PM on JULY 29, 2019**. Appeals must be filed in writing together with the required \$100.00 application fee to: Hearing Examiner, City of Mount Vernon, 910 Cleveland Ave, Mount Vernon, WA 98273.

Appeals to the Examiner are governed by City of Mount Vernon Municipal Code Section 15.06.215. Additional information regarding the appeal process may be obtained from the City of Mount Vernon Development Services Department by calling (306)336-6214.