



## MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)

**APPLICATION NAME & NUMBER:** Visconsi Commercial Development, SEPA (PLAN19-0072) & Traffic Concurrency (ENGR19-0092)

**PROJECT DESCRIPTION:** Proposed is the development of approximately five acres of vacant property for freeway oriented commercial uses. Approximately 24,300 square feet (sf) of commercial buildings with up to 170 parking spaces are expected to be developed across five lots. Future commercial tenants are expected to include uses such as restaurants, retail sales, offices, a gas station, and other similar uses.

A 340± linear foot (lf) public road will be constructed to access the future lots extending off of Kincaid Street. Utilities will be installed/constructed to serve the future commercial uses and will include: potable water (510± lf of 12-inch diameter pipe); sanitary sewer (475± lf of 8-inch diameter pipe); storm sewer (430± lf of 12-inch and 1,800 lf of 8-to-12-inch diameter pipes); and dry utilities (power, cable, fiber, etc). If a gas station is constructed two, 20,000 gallon underground fuel storage tanks are anticipated to be installed. An estimated 12,000 cubic yards (cy) of material will be imported and an estimated 4,000 cy of material will be imported as part of the overall site development.

The site is currently located in a floodplain (Zone AO, Depth 1); however, once the City's existing Conditional Letter of Map Revision (CLOMAR) case #: 09-10-1122R, becomes a Letter of Map Revision (LOMAR) this site is expected to be removed from the FEMA designated floodplain.

**PROJECT LOCATION:** The Skagit County Assessor identifies the site as including the following parcel numbers: P26886, P121047, P53373, P53374, P53375, P53376, P53377, P53378, P54122, P121047, a portion of P54114, a portion of P26788, and pending other approvals P53372 and P53379. East Kincaid Street is located to the north, Interstate-5 is located to the east, and the Burlington-Northern Santa Fe Railroad is located along the west boundary of the project site.

**APPLICANT:**  
VWA – Mount Vernon, LLC  
30050 Chargrin Blvd., Suite 360  
Pepper Pike, OH 44124  
(216) 464-5550

**PROPERTY OWNER:**  
Sakata Seed America, Inc.  
18095 Serene Drive  
Morgan Hill, CA 95037

**STAFF CONTACT:** Rebecca Lowell, Principal Planner  
Development Services Department  
City of Mount Vernon  
910 Cleveland Avenue, Mount Vernon WA 98273  
Telephone - 360-336-6214

The Mount Vernon Development Services Department (the lead agency) has determined that this proposal will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. 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 (and available to the public) with the lead agency. The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed with the mitigation measures listed below; in conjunction with, the City's existing 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.

Additionally, City staff have created a page on the City's website where the completed Environmental Checklist, site plans, technical reports, and other pertinent information can be viewed. This webpage can be viewed as follows: navigate to: [www.mountvernonwa.gov](http://www.mountvernonwa.gov); once here click on 'Departments' then 'Development Services' then then 'News Notices' then scroll down the page to find the project name/number.

The necessary mitigation measures are listed below.

**CONDITIONS NECESSARY TO MITIGATE ENVIRONMENTAL IMPACTS:**

1. 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.
2. At a minimum, an emergency vehicle access road shall be provided from the southern extent of the proposed public road to the north property line of the abutting ALFCO LLC property.

**ENVIRONMENTAL DETERMINATION APPEAL PROCESS:** Appeals of the environmental determination must be filed in writing on or before 5:00 PM on **JUNE 17, 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 staff 'Contact Person' listed above; or by downloading a copy of the referenced MVMC at [www.mountvernonwa.gov](http://www.mountvernonwa.gov)

**RESPONSIBLE PERSON:** Rebecca S. Bradley-Lowell, Principal Planner



June 6, 2019

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**SIGNATURE**

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**DATE**

**ISSUED:** June 6, 2019

**PUBLISHED:** June 9, 2019

**SENT TO:** CORPS OF ENGINEERS, WA AGRICULTURE, DAHP, WA COMMERCE, WA CORRECTIONS, WA EFSEC, WDFW, WA HEALTH, DNR, STATE PARKS, PARKS COMMISSION, PSP, PSRC, WA DOT, DOE, DSHS, NW CLEAN AIR, SEPA REGISTER, SEPA UNIT, SKAT, COUNTY PDS, COUNTY ASSESSOR, DIKE AND DRAINAGE DISTRICT, SCOG, PORT OF SKAGIT, MVSD, SVC, SKAGIT COOP, SWINOMISH, UPPER SKAGIT, SAMISH, SAUK-SUIATTLE, TULALIP, AND STILLAGUAMISH TRIBES



# SEPA ENVIRONMENTAL REVIEW STAFF REPORT

## A. BACKGROUND

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**APPLICANT & APPLICATION NAME/NUMBER:** Visconsi Commercial Development, SEPA (PLAN19-0072) & Traffic Concurrency (ENGR19- 0092)

	APPLICANT:	PROPERTY OWNER:	CITY STAFF CONTACT:
<b>NAME:</b>	VWA – Mount Vernon, LLC	Sakata Seed America, Inc.	Development Services Department Contact: Rebecca Lowell
<b>ADDRESS:</b>	30050 Chargrin Blvd., Suite 360 Pepper Pike, OH 44124	18095 Serene Drive Morgan Hill, CA 95037	910 Cleveland Ave Mount Vernon, WA 98273
<b>TELEPHONE:</b>	(216) 464-5550	NA	(360) 336-6214

**PROJECT DESCRIPTION:** Proposed is the development of approximately five acres of vacant property for freeway oriented commercial uses. Approximately 24,300 square feet (sf) of commercial buildings with up to 170 parking spaces are expected to be developed across five lots. Future commercial tenants are expected to included uses such as restaurants, retail sales, offices, a gas station, and other similar uses. **See the accompanying MDNS for the full project description.**

**PROJECT LOCATION:** The general location of the project site is identified on a map below. The Skagit County Assessor identifies the site as including the following parcel numbers: P26886, P121047, P53373, P53374, P53375, P53376, P53377, P53378, P54122, P121047, a portion of P54114, a portion of P26788, and pending other approvals P53372 and P53379. East Kincaid Street is located to the north, Interstate-5 is located to the east, and the Burlington-Northern Santa Fe Railroad is located along the west boundary of the project site.

## B. RECOMMENDATION

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

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

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Benchmark:	Date:	Authority:
Application Submitted	May 7, 2019	MVMC 14.05.110(C)(1) to (3)
Application Deemed Technically Complete	May 15, 2019	MVMC 14.05.110(D) RCW 36.70B.070
NOA/Optional MDNS Issued	May 21 2019	MVMC 14.05.150(A) RCW 36.70B.110 WAC 197-11-355
NOA/Optional MDNS Comment Period Ended	June 5, 2019	MVMC 15.06.120 WAC 197-11-355 RCW 43.21C.110
MDNS Issued with Comment and Appeal Period – Accompanied by Environmental Report	June 6, 2019	MVMC 15.06.215 WAC 197-11-355(4)

## D. MITIGATION MEASURES

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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 proposal<sup>1</sup>:

1. 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.
2. At a minimum, an emergency vehicle access road shall be provided from the southern extent of the proposed public road to the north property line of the abutting ALFCO LLC property.

### 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

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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: An estimated 12,000 cubic yards (cy) of material will be imported and an estimated 4,000 cy of material will be imported as part of the overall site development.

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<sup>1</sup> 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.

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. The applicant will also be required to obtain and comply with the WA State Department of Ecology's NPDES permit and their associated requirements.

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 and conveyed in a stormwater drainage system that will consist of roof downspouts, catch basins, and conveyance piping. Collected stormwater will be treated and discharged to the existing combined sewer system in Kincaid Street.

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. A NPDES permit from the State of Washington Department of Ecology for construction activities will be required as part of this project.

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 maximum of 277 net 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.

Mitigation Measures: Compliance with the City's MVMC provisions. The Transportation Concurrency Review completed for this project contains the below listed Findings and Recommendations. Next to each Finding and Recommendation is a note from staff indicating how each item will be addressed by the City.

- The Project will generate 277 net new PM peak hour trips, split 145 in and 132 out.

Staff Comments: the potential traffic generated from this development was analyzed cumulatively to make sure that the full scope of potential impacts would be known and mitigated, as appropriate.

- Site accesses will satisfy minimum traffic capacity LOS standards under RIRO control.

Staff Comments: improvements within the State right-of-way are subject to WA State Department of Transportation (WSDOT) provisions.

- Kincaid Street does not currently satisfy the street design width standard at the Project frontage. However, based on the existing fully built section, Kincaid Street widening is not recommended.

Staff Comments: staff concurs with this finding and recommendation.

- It is recommended that the Project construct the proposed public roadway to satisfy minimum Type 4 nonarterial street standards, including 36-foot paved width, 0.5-foot concrete curbs, four-foot planter strips, and five-foot wide concrete sidewalks on both sides.

Staff Comments: staff will be recommending approval of a street design modification that will allow a sidewalk on one side of the proposed public roadway because the developer will be building a public trail in close proximity to the proposed road.

- The proposed off-street parking supply of 170 spaces is anticipated to be adequate to serve peak shared parking demand, based on an analysis of ITE Parking Generation data. The City may consider a variance to the minimum parking requirement of 204 spaces for the proposed uses.

Staff Comments: when building permits for future tenants are submitted to the City each lot will be required to apply for a Site Plan Permit that will, among other things, analyze the site uses and determine the number of parking spaces required to be code compliant.

- Any new or modified pedestrian facilities, including sidewalks, curb ramps, driveway cuts, and paved trails, must satisfy current Americans with Disabilities Act (ADA) standards.

Staff Comments: when building permits for future tenants are submitted to the City each lot will be required to apply for Building and Site Plan Permits that will, among other things, ensure that the site and all associated structures are ADA compliant.

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.

#### 4. CRITICAL AREAS

Impacts: There are no streams, wetlands, or steep slopes on the subject site. However, the site is currently located in a floodplain (Zone AO, Depth 1); however, once the City’s existing Conditional Letter of Map Revision (CLOMAR) case #: 09-10-1122R, becomes a Letter of Map Revision (LOMAR) this site is expected to be removed from the FEMA designated floodplain.

Mitigation Measures: None required.

Nexus: MVMC Chapter 15.06 (Environmental Policies), Chapter 15.40 (Critical Areas Code), RCW 90.48, 33 U.S. Code Chapter 26 (Federal Water Pollution Control Act)

## 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:

- Letter dated June 5, 2019 from the WA State Department of Ecology (DOE) providing information on contaminated sites listed in DOE’s database within a 1-mile radius of the project site.
- Note in the City’s permit system from Fire Marshall Steve Riggs that states, “The review completed was for SEPA requirements. As proposed no specific requirements for SEPA. All fire code and MVMC requirements to be met at the time of permit issuance”.

- Letter received June 5, 2019 from Amy Lausten-Force expressing concerns over the size/scope of the subject proposal and smells from fast food establishments that would affect her and nearby neighbors quality of life.

## **G. ENVIRONMENTAL DETERMINATION COMMENT & APPEAL PROCESS**

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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 JUNE 17, 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.



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000  
711 for Washington Relay Service • Persons with a speech disability can call (877) 833-6341*

June 5, 2019

Rebecca Lowell, Principal Planner  
Development Services Department  
City of Mount Vernon  
910 Cleveland Avenue  
Mount Vernon, WA 98273

**Re: SWC I-5 & Kincaid Street Project**  
**File #PLAN19-0072, Ecology SEPA #20192828**

Dear Rebecca Lowell,

Thank you for the opportunity to provide comments on the **SWC I-5 & Kincaid Street Project**. Based on review of the State Environmental Policy Act (SEPA) checklist associated with this Project, the Department of Ecology (Ecology) has the following comments:

There are 40 contaminated sites listed in Ecology's database within a 1-mile radius of this location; 22 of the 40 sites have received No Further Action determinations.

Four active sites with the status of 'awaiting cleanup' are all most likely hydraulically downgradient of this location.

One of these sites is the closest to the project location. The site is the Wash Rack (Facility Site ID No. 82434686; Cleanup Site ID No. 2891) located at 115 Kincaid Avenue. This is a leaking underground storage tank site. Petroleum hydrocarbons in the oil range have been detected at concentrations above Method A cleanup levels.

The remainder of the active sites have the status 'cleanup started'.

This location is immediately east of the BNSF railroad and immediately west of I-5. Fill materials have likely been used historically in this developed area and there may have likely been contaminant sources and releases associated with former land uses. The due diligence performed to date may or may not identify all the potential sources. Because of this, as in any developed area, there is the possibility of discovering contaminated soil and/or ground water when excavating in this location. A Contaminated Materials Management Plan or similar plan should be prepared in the anticipation of encountering unknown contamination at this project location.

Rebecca Lowell

June 5, 2019

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For more information about SEPA and Ecology, please visit <https://ecology.wa.gov/regulations-permits/SEPA-environmental-review>.

Thank you for considering these comments from Ecology. If you have any questions or would like to respond to these comments, please contact Heather Vick from the Toxics Cleanup Program at (425) 649-7064 or by email at [Heather.Vick@ecy.wa.gov](mailto:Heather.Vick@ecy.wa.gov).

Sincerely,



Katelynn Piazza  
SEPA Coordinator

Sent by email: Rebecca Lowell, [rebeccab@mountvernonwa.gov](mailto:rebeccab@mountvernonwa.gov)

cc: Shawn Jurisch c/o VMA – Mount Vernon, LLC

ecc: Heather Vick, Ecology

To the City of Mt. Vernon in reference  
to SEPA plan 19-0672 SouthKoreanBubarea:

This plan is significantly larger than  
first explained and my concern is the  
effect on the neighborhood South of this  
project. It was originally explained it  
would be a gas station and a local coffee  
chain, and now it's five buildings and  
170 parking spaces. I was told by a  
city employee there are no laws stating  
no fast food chains can be there, and my  
concern is the horrible and overwhelming  
smells coming from fast food establishments  
blowing Southward and directly affecting  
my and others quality of life.

Thank you,  
Amy Lausten Force

AMY LAUSTEN-FORCE  
207 E. SECTION  
MT. VERNON WA 98273

RECEIVED  
CITY OF MOUNT VERNON

JUN 05 2019

D S DEPARTMENT

BY \_\_\_\_\_