



CITY OF LYNDEN
MITIGATED DETERMINATION
OF NON-SIGNIFICANCE
June 17, 2022

Project Name: PSE Substation Expansion

Description of Proposal: The request is for a Conditional Use Permit to allow the expansion and upgrade to the existing Lynden substation to address aging infrastructure, increase reliability, and to address future capacity issues.

The application also includes three variance requests to standards in LMC Title 19:

- 1) To allow a concrete panel fence in the front setback within 3-feet of the sidewalk.
- 2) To expand the existing 8-foot concrete panel fence along E Front Street and install 9-foot non-conductive fencing along the NE property line for safety and additional screening.
- 3) Requesting to allow accessory substation structures to be placed within 20-feet of the front setback to meet substation design and safety clearances.

Proponent: Puget Sound Energy

SEPA Contact: Emily Hagin, Municipal Liaison Manager
Address: 1110 Kentucky Street, Bellingham WA 98229
Phone: 360-647-6506
Email: Emily.Hagin@pse.com

Project Location and Legal Description:

Address: 131 E Front St, Lynden WA 98264

Legal Description (6 PSE-owned parcels):

THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 3 EAST W.M., DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF BLOCK 1 HAWLEY AND LAWRENCES ADDITION TO LYNDEN AS FILED IN VOLUME 1 OF PLATS, PAGE 46, RECORDS OF WHATCOM COUNTY, WASHINGTON; THENCE SOUTH 66°34'31" WEST ALONG THE NORTHWESTERLY RIGHT OF WAY MARGIN OF FRONT STREET A DISTANCE OF 70.00 FEET; THENCE NORTH 22°22'34" WEST A DISTANCE OF 140.00 FEET TO THE SOUTHEASTERLY MARGIN OF AN UNNAMED ALLEY BETWEEN FRONT AND GROVER STREETS; THENCE NORTH 66°34'31" EAST ALONG SAID SOUTHWESTERLY MARGIN A

DISTANCE OF 70.00 FEET TO THE NORTHWESTERLY CORNER OF A PARCEL AS DESCRIBED IN STATUTORY WARRANTY DEED RECORDED UNDER AUDITORS FILE NO. 1529480, RECORDS OF SAID COUNTY; THENCE NORTH 22°27'21" WEST ALONG THE WESTERLY LINE OF A PORTION OF A VACATED ALLEY AS DESCRIBED IN CITY OF LYNDEN VACATION ORDINANCE NO. 1102, A DISTANCE OF 20.00 FEET; THENCE NORTH 66°34'31" EAST ALONG THE NORTHERLY LINE OF SAID VACATED ALLEY A DISTANCE OF 72.49 FEET TO THE WEST LINE OF SAID BLOCK 1; THENCE NORTH 01°39'49" EAST ALONG SAID WEST LINE OF BLOCK 1, A DISTANCE OF 22.08 FEET; THENCE NORTH 66°34'31" EAST ALONG A LINE 162 FEET SOUTHEASTERLY OF AND PARALLEL WITH THE CENTERLINE OF GROVER STREET, A DISTANCE OF 125.22 FEET; THENCE SOUTH 23°25'56" EAST ALONG A LINE 25 FEET EASTERLY OF AND PARALLEL WITH THE WEST LINE OF LOT 3 OF SAID BLOCK 1, A DISTANCE OF 81.41 FEET TO SAID NORTHWESTERLY RIGHT OF WAY MARGIN; THENCE SOUTH 41°25'46" WEST ALONG SAID NORTHWESTERLY RIGHT OF WAY MARGIN A DISTANCE OF 231.96 FEET TO THE POINT OF BEGINNING.

Lead Agency: City of Lynden (hereinafter "City")

The lead agency for this proposal has determined that it does not have a probable adverse impact on the environment if the standard conditions (*not all standard conditions are listed below*) and mitigating measures are enacted. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after the review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

THE COMMENT PERIOD FOR THIS MDNS EXPIRES **JULY 6, 2022**. IT IS ISSUED ON THE BASIS THAT THE APPLICANT WILL COMPLY WITH THE FOLLOWING REQUIREMENTS IN MITIGATION OF THE POTENTIAL ADVERSE IMPACTS ON THE ENVIRONMENT.

Findings of Fact and Mitigating Measures

1. This proposal requires the approval of a Conditional Use Permit (CUP #22-01) to expand the existing non-residential use in a residential zone (RM-3). Furthermore, the proposal requires the granting of three separate variances for fence height, fence setback, and building within the front setback (VAR #22-01, VAR #22-02, VAR #22-03).
2. Proponent will mitigate potential impacts to the earth through the implementation of Best Management Practices (BMPs) for Storm and Surface Water management per the Dept of Ecology to prevent erosion during and after construction. A Construction Stormwater General Permit (CSGP) may be required by the Department of Ecology. It is up to the applicant to ensure they meet the requirements of that permit.

3. Stormwater:

- a. A stormwater management plan including pipe sizing prepared by a professional engineer and meeting the requirements of the City's Manual for Engineering Design and Development Standards and the approved Department of Ecology Stormwater Manual is required. This plan must be approved by the City of Lynden prior to final approval of the project plans including proposed fill and grade permit.
- b. A Stormwater Pollution Prevention Plan (SWPPP) (erosion control and sediment plan) must be included in the drainage plan and construction plans. This must be designed by a professional engineer and constructed in compliance with the Department of Ecology's Best Management Practices (including all known and reliable technologies) and the standards approved in the Manual for Engineering Design and Development Standards.

4. Cultural Resources: The applicant has produced a cultural resources survey entitled Cultural Resource Assessment for 125 E Front St, Lynden WA, which surveyed the vacant property where the substation is expanding. This survey documented the archaeological, cultural, and structural history of this property. This survey was given DAHP Project Number: 2020-03-02264. The survey found no significant cultural materials.

An Inadvertent Discovery Plan shall be produced by the applicant that identifies protocol for contacting the appropriate authorities and protecting archaeological resources if they are inadvertently found during any future construction activity.

5. Landscape Buffer and Site Lighting: This location is in a residential neighborhood along a popular pedestrian route. Scale of the fencing and structure, screening, and mitigation of aesthetic impacts are important and must be addressed in the Conditional Use Permit application. Detailed site landscaping and lighting shall be approved by the Planning Department according to LMC 19.61. Site appropriate lighting and landscaping greater than the minimum requirements may be required to appropriately screen the surrounding residential properties and mitigate visual impacts.

General Conditions and Disclaimers

This environmental determination does not assure compliance with all state and federal laws. Compliance with all state and federal laws remains the responsibility of the property owner, applicant and designee.


Other City, State and or Federal permits may be required for specific development and construction projects. This SEPA determination does not constitute final approval for this plan or future associated construction projects.

This environmental determination does not represent an endorsement for the variance requests associated with the proposed expansion.

This MDNS is issued under RCW 197-11-340(2); the lead agency will not act on this proposal until the expiration of the comment period noted below.

Responsible Official: Heidi Gudde
Phone: (360) 354-5532

Position/Title: Planning Director

Signature: 

☒ You may appeal this determination to Heidi Gudde no later than **7/20/2022** in writing. You should be prepared to make specific factual objections regarding the environmental impacts. Contact, 300 4th Street, Lynden, phone number (360) 354-5532, to ask about the procedures for SEPA appeals.

☐ There is no agency appeal.