

CITY OF LYNDEN

PLANNING DEPARTMENT
(360) 354 - 5532



CITY OF LYNDEN MITIGATED DETERMINATION OF NON-SIGNIFICANCE October 28, 2022

Project Name: Project Zebra – Seafood Processing Plant

Description of Proposal: The construction of a new 195,000 sq ft seafood processing plant on an approximate 12-acre vacant industrial parcel in West Lynden. The project includes building construction, as well as truck access, loading areas, parking lots, and utility installation.

Proponent: Chill Build Lynden III, LLC.
SEPA Contact: J.P. Slagle, Freeland & Associates, Inc.
Address: 220 W Champion Street #200, Bellingham, WA 98225
Phone: 360-650-1408
Email: jpslagle@freelandengineering.com

Parcels, Common Address and their Legal Descriptions:

4002241613100000

603 Curt Maberry Road, Lynden WA 98264

Legal: LOT 1 WEST MAIN STREET SHORT PLAT NO 2 AS REC AF 2150500587

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 November 16, 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. 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) is likely required by the Department of Ecology. It is up to the applicant to ensure they apply for and meet the requirements of that permit.
2. Stormwater: The proponent has submitted a Preliminary Stormwater Design Memo, written by Freeland and Associates and dated October 21, 2022. The memo identifies the property soils, the project details, and proposes Plan A (preferred) and Plan B for managing stormwater.

Plan A, is conveyance of stormwater to the City's West Lynden Regional Stormwater Pond. Applicant must provide proof of available pipe conveyance, pond capacity, and adequate allowance for this parcel's use of that capacity prior to approval of building permits.

Plan B, proposed only if applicant is not able to secure allocation to the Regional Pond, is basin diversion to the west of the parcel through existing infrastructure or with upgrades to existing infrastructure. The details of the proposed diversion will need to be approved prior to issuance of any building permit and must meet the requirements of the Dept of Ecology Stormwater Manual.

Furthermore, the memo addresses the 9 Minimum Requirements (2019 DOE Manual) and associated stormwater management BMPs and concludes that the project can comply with stormwater management regulations. Approval of final civil plans, which must meet the Manual requirements, is required prior to issuance of building permit.

- 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. Groundwater is high in this area. A groundwater investigation shall be incorporated into this design.
- b. A final 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.

3. Conditional Use Permit: LMC 19.25.030 states that “Food Processing Plants” are only permitted in the Industrial Business Zone (IBZ) with the approval of a Conditional Use Permit (CUP). In addition, the IBZ limits building heights to 45 ft unless approved through a CUP.

The applicant has submitted a CUP application for the proposed use (Food Processing Plant) and maximum building height (50 ft). The Lynden Planning Commission will hear the proposal and recommend approval or denial of the CUP application in November 2022. That recommendation will then move to the City Council for final approval or denial. A decision is required prior to the issuance of building permits.

4. Critical Areas: There are no identified Critical Areas on the property or in the nearby vicinity.
5. Performance Standards: Facility is expected to comply with performance standards detailed in LMC 19.25.040 and 19.25.050. This includes, but is not limited to, emissions of smoke, dust, and other particulate matter, and of toxic and noxious gases. All discharge must meet or exceed standards set by Northwest Clean Air Agency and all Washington State and federal standards. Emissions permits are likely to be required by the Northwest Clean Air Agency. It is up to the applicant to ensure that they meet the requirements of those permits.

Note that emissions which do not meet performance standards and are offensive or regularly prevent the enjoyment of surrounding properties may be considered an unlawful nuisance.

6. Landscape Buffer: Landscape buffering is required per LMC 19.25.070 and applicable sections of LMC 19.61.
7. Cultural Resources: Compliance with all applicable laws pertaining to archaeological resources is required. A cultural resource assessment may be required prior to final approval as requested by agency review.

Applicant shall produce an Inadvertent Discovery Plan that identifies protocol for contacting the appropriate authorities and protecting archaeological resources if they are inadvertently found during any future construction activity.

8. Transportation:
 - a. Proposals that are expected to generate more than 75 peak hour trips (such as this proposal) are required to complete a traffic study that adequately addresses each of the items in the City’s Traffic Impact Analysis Checklist. A full engineered traffic study is required for this proposal, prior to the approval of future building permits.

- b. Alderwood St dedication and frontage improvements are required to a $\frac{3}{4}$ street standard along the south edge of this parcel. All public improvements must be constructed to the standards as noted in the current City of Lynden Manual for Engineering Design and Development Standards.

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 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: 

☒ [X] You may appeal this determination to Heidi Gudde no later than **11/30/2022** 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.