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Skagit County Planning & Development Services



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**SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES
FINDINGS OF FACT**

HEARING AUTHORITY: SKAGIT COUNTY PLANNING &
DEVELOPMENT SERVICES
ADMINISTRATIVE OFFICIAL

APPLICATION NUMBER: ADMINISTRATIVE SPECIAL USE REQUEST
PL08-0407

APPLICANT: CASCADE NATURAL GAS CO

ADDRESS: 222 FAIRVIEW AVE N
SEATTLE WA 98109

PROJECT CONTACT: GARY MAYNARD
4660 KITSAP WAY, SUITE A
BREMERTON WA 98312

PROJECT LOCATION: The project is located within an easement which bisects several parcels located between Gunderson Road and McLaughlin Road, Mount Vernon, WA, within a portion of Section 14 and 15, Township 34N, Range 04E W.M., situated within Skagit County, Washington; Parcel Identification #'s: P109241, P24730, P24731, P24740, P24743, P24784, P24802, P24804, P24805, P24806, P24807, P24890.

PROJECT DESCRIPTION: Administrative Special Use permit (PL08-0407) to construct a new 6-inch, high pressure (HP), main natural gas pipeline from SR 9 at Gunderson Road to the McLaughlin Road/Martin Road intersection, 1.5 miles northeast of Mount Vernon along the alignment of the existing 4-inch main. This entails constructing approximately 8,050 lineal feet (lf) of 6-inch HP main extending westerly from the junction of SR 9 and Gunderson Road, crossing Nookachamps Creek, then turning northerly and extending to McLaughlin Road, and turning west again extending to Martin Road. The proposed pipeline will be located within the right-of-way of an existing electric transmission line and existing Cascade Natural Gas Company 4-inch natural gas pipeline. There would also be two regulator stations constructed at either end of the pipeline. Skagit County Code (SCC) 14.16.320(3)(b) and (SCC) 16.16.400(3)(c) requires Minor Utility Developments to obtain an approved Administrative Special Use Permit and SCC 14.04.020 defines "Minor Utility Developments" as "utility developments designed to serve a small local community, are not manned and would be considered normal utility services for the area."

ZONING/ COMPREHENSIVE PLAN: The proposed project is located within the Rural Reserve (RRv) and Agriculture-Natural Resource Lands (Ag-NRL) zoning/comprehensive plan designated areas as indicated in the Skagit County Comprehensive Plan and associated maps as adopted October 10, 2007 and as thereafter amended.

GENERAL PROPERTY/PROJECT INFORMATION:

• **EMPLOYEES**

The applicant has indicated that there will be no permanent employees on-site.

• **PROPOSED HOURS AND DAYS OF OPERATION**

The facility would operate 24-hours a day, 365 days a year.

• **DEVELOPMENT SCHEDULE**

The applicant has indicated the desire to begin construction during the winter months of 2008/2009 (December, January, and February).

• **PROJECT ACCESS**

The pipeline easement will be accessed via Gunderson Road and McLaughlin Road.

• **PROJECT TRAFFIC AND PARKING**

The applicant has indicated that no formal parking spaces would be needed at the regulator stations – instead the access driveway would be used for periodic parking.

• **SURROUNDING LAND USES**

The surrounding land uses are rural and residential and agricultural and the area is designated as Rural Reserve and Agriculture – Natural Resource Lands.

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• AESTHETIC IMPACTS

The project consists of the construction of an underground pipeline and regulator stations and will have no aesthetic impact on the area. Exterior indications of the pipeline will be limited to above-ground regulator stations.

• OTHER REQUIRED PERMITS OR APPROVALS

Skagit County Utility Permit, WSDOT right-of-way permit, review for shoreline compliance/critical areas compliance

DEPARTMENTAL FINDINGS:

1. The proposed project is located within a Rural Reserve (RRv) and Agriculture – Natural Resource Lands (Ag-NRL) zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps adopted October 10, 2007 and as thereafter amended. The application was determined to be complete pursuant to SCC 14.06.100(2) on September 22, 2008.
2. A Notice of Development Application was posted along the subject project location and published in a newspaper of general circulation on October 9, 2008 as required by SCC 14.06.150. Notification was provided to all property owners within 300 feet of the subject project. There was a fifteen (15) day public comment period associated with the Notice of Development which ended on October 24, 2008. This comment period also included comments regarding the State Environmental Policy Act (SEPA) review as outlined within WAC 197-11-355 (optional DNS process). No public comments were received.
3. The application has been reviewed in accordance with the State Environmental Policy Act guidelines (WAC 197-11 and RCW 43.21C). The proposal was issued a mitigated determination of non-significance (MDNS). There was a 14 day appeal period associated with the MDNS which ended 12/1/08. No appeals were received and the following conditions were attached to the MDNS:
 1. Temporary erosion/sedimentation control measures, as approved by the Skagit County Department of Public Works, shall be in place prior to the initiation of the project pursuant to Skagit County Code (SCC) 14.32, Drainage Ordinance. The applicant shall maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County Drainage/Erosion/Sedimentation Control Ordinance. Said measures shall remain in place until completion of the project;
 2. The applicant shall comply with Northwest Clean Air Agency requirements;
 3. The applicant shall comply with all relevant provisions of 14.24 (Skagit County Critical Areas Ordinance). It is recommended that all wetland delineation boundaries on the site be verified by a state or federal agency;



4. Operation of equipment/construction and daily operations shall comply with Maximum Environmental Noise Levels Chapter 173-60 WAC and address noise and vibration limitations, and Skagit County Code 14.16.840 for light and noise conditions. This includes ventilation for safety, heating and cooling of any office and storage/garage/preparation/barns or recreational buildings, as well as operation of daily use and activities;
5. Washington State WAC's 173-201A and 173-200 shall be complied with, as required to address surface water quality issues and ground water issues. Best management practices shall be utilized to prevent interference and/or degradation of water quality;
6. The public right-of-way shall be kept clean. Tracking of mud and debris off site shall not be allowed;
7. The applicant shall comply with the Fire Marshal requirements;
8. The project is limited to those activities described in the SEPA checklist and supporting documents. Significant deviation from the proposal may require additional review and approval by Skagit County Planning & Development Services;
4. The project was reviewed with respect to the Skagit County Critical Areas Ordinance (CAO) 14.24 of the Skagit County Code. Critical Areas staff supplied Critical Areas review with the following comment: *The information submitted appears to show that this proposal will meet the requirements of both SCC 14.24.240(6) and 14.24.6530(3) for utility installation within critical areas and associated buffers. Other than the proposed BMP's, no additional mitigation is required.*
5. The subject property is located in zone C and A7 according to the Flood Insurance Rate Map for Skagit County, Washington, on Panel 250 of 550, Community Panel Number 530151 0250 C, with an effective date of January 3, 1985. The proposed pipeline would require the pipe to be installed across Nookachamps Creek and some bordering wetlands, as well as traverse the southernmost tip of the proposed wetland mitigation bank of the Skagit Environmental Bank (mostly the old Clear Valley Farm site). Cascade Natural Gas Company proposes to cross under the creek and wetland areas using horizontal directional drilling methods to install the main.
6. The application was routed to the Skagit County Public Works Department for comments. Comments dated 10/27/08 from Shane Whitney in Public Works is as follows: Skagit County Public Works has reviewed the above referenced Administrative Special Use and has the following comment: *The applicant will need to obtain the necessary utility permit and comply with the Utility Policy and all aspects of their franchise agreement. PW08-0187 has been applied for.*



7. The application was routed to the Environmental Health Unit (Water Resources and Environmental Health – Septic) of Planning and Development Services. Environmental Health – Septic had no concerns with the proposal.
8. The application was routed to the Skagit County Fire Marshal for review. No comments were received from the Fire Marshal for the proposal.
9. The applicant is requesting an Administrative Special Use permit (PL08-0407) to construct a new 6-inch, high pressure (HP), main natural gas pipeline from SR 9 at Gunderson Road to the McLaughlin Road/Martin Road intersection, 1.5 miles northeast of Mount Vernon along the alignment of the existing 4-inch main. This entails constructing approximately 8,050 lineal feet (lf) of 6-inch HP main extending westerly from the junction of SR 9 and Gunderson Road, crossing Nookachamps Creek, then turning northerly and extending to McLaughlin Road, and turning west again extending to Martin Road. The proposed pipeline will be located within the right-of-way of an existing electric transmission line and existing Cascade Natural Gas Company 4-inch natural gas pipeline. There would also be two regulator stations constructed at either end of the pipeline. Skagit County Code (SCC) 14.16.320(3)(b) and (SCC) 16.16.400(3)(c) requires Minor Utility Developments to obtain an approved Administrative Special Use Permit and SCC 14.04.020 defines "*Minor Utility Developments*" as "*utility developments designed to serve a small local community, are not manned and would be considered normal utility services for the area.*"
10. Skagit County Special Use Permit Criteria. Section 14.16.900 (2) Special Use Permit requirements of the Skagit County Code indicate that certain items will be reviewed when approving or denying Special Use permits. Those items are as follows:
- A. The proposed use will be compatible with existing and planned land use and comply with the Comprehensive Plan.

The Skagit County Comprehensive Plan does not specifically provide policies that either support or oppose the proposed project. However, the proposal is located within the Rural Reserve (RRv) designation which allows for minor utility developments designed to serve a small local community and are not manned. The proposal is also located within the Agriculture – Natural Resource Lands (Ag-NRL) designation. Agriculture – Natural Resource Land designation allows for minor utility developments where there is no other viable parcel of non-agricultural land to locate the project.

The applicant has stated the following in response to the proposed use being compatible with existing and planned land use and compliance with the comprehensive Plan:



“The project would cross land that are designated and zoned Agricultural – Natural Resource Land. The main policies in the Comprehensive Plan pertaining to the use of agricultural lands and the project are located in the Natural Resource Lands, Environment, Shoreline Master Program, and Utilities elements of the plan.

The goals and policies in the Natural Resources Land Element related to the project area principally focus on conserving agricultural lands and protecting them from development. The proposed natural gas pipeline would be buried under the agricultural land and thus would not change the use of the land for agriculture. The pipeline would not result in any development or conversion of agricultural land.

Polices in the Environmental Element focus on protection of sensitive areas, such as floodplains, surface water, and wetlands. The pipeline would traverse all of these natural features; however, the method of constructing the pipeline would mostly avoid impact to these areas. The pipeline would be directional drilled and placed approximately 10 feet below the bottom of Nookachamps Creek and the adjacent wetlands. Approximately 2,000 feet of pipeline would be placed within the boring. Since there would be no free-draining material around the pipe, the groundwater flow regime in the creek or wetlands would not be affected. During the bore operations there would be some drilling muds generated as a result of the directional drill. A temporary holding area would be used to contain all drilling muds to avoid any impact to the environment. A pump truck would be used to remove the muds from the site.

Even though a large portion of pipeline alignment would be bored under the 100-year floodplain, some open-cut trenching would take place within the 100-year floodplain. However, since the pipeline would be buried under either construction method, there would be no change to the flood storage capacity of the floodplain.

Another goal of the Environmental Element is to protect aquifer recharge areas and wellhead areas. The project would not create any significant amount of impervious surface. Approximately 4,000 square feet of gravel surface would be created at the two regulator stations, which is considered an impervious surface. However, runoff from these surfaces would be allowed to drain into the surrounding soils so there would be no affect on the recharge of the underlying aquifer. In addition, the pipeline bore would not extend through the surface aquifer in to the underlying aquifers that might be used for potable water. Most of the wells in the vicinity of the project are located several hundred feet from the pipeline alignment with one exception. There is one well that is located on the opposite side of McLaughlin Road from the proposed pipeline alignment. The well is 97 feet deep. The property where the well is located is currently vacant. Since the pipeline would not be backfilled with any free-draining material such as gravel, there would be no draining effect on the surface aquifer that could divert water from any wells.

The project does occur within the shoreline district of the Skagit River, as well as Nookachamps Creek. The shoreline Master Program goals are aimed at



protecting shoreline areas, regulating reasonable and compatible development, and providing public access and amenities in these areas. The proposed pipeline project would not adversely affect the natural conditions of the shoreline. There would be no long-term adverse effects on flood storage capacity, habitat, or vegetation. By directional drilling and placing the pipeline approximately 10 feet below Nookachamps Creek and the shoreline district, impacts to the shoreline area are avoided. The project would not detract from or prevent other allowable uses within the shoreline district.

A couple of the main goals in the Utilities Element are to “ensure provision of high quality, cost effective and environmentally sensitive utility services in cooperation with public and private utility providers” and “encourage underground utility distribution lines to reduce visual and safety impacts...” The proposed project would be constructed in an environmentally careful manner by using directional drilling method through sensitive areas. This method would avoid or minimize impacts to the environment. The higher capacity pipeline would provide higher quality natural gas service than currently possible. In addition, the utility line would be placed underground to reduce visual impacts and increase safety.

The project is also consistent with planned land uses. On the west side of the project there is a new residential subdivision planned, which could be served by the natural gas pipeline. There is a desire on the part of Cascade Natural Gas to work with the developer of this subdivision in locating the gas pipeline regulator station so that the station is compatible with that development. The pipeline would not affect any other land uses in the corridor.”

B. The proposed use complies with the Skagit County Code.

The proposed project is located within the Rural Reserve (RRv) and is located within Agriculture – Natural Resource Lands (Ag-NRL) zoning/comprehensive plan designated area. SCC 14.16. 320(3)(c) requires Minor Utility Developments to obtain an approved Administrative Special Use Permit within the Rural Reserve zone. SCC 14.04.020 defines “*Minor Utility Developments*” as “*utility developments designed to serve a small local community, are not manned and would be considered normal utility services for the area.*” Additionally, SCC 14.16.400(3)(c) allows for the expansion of an existing major or minor utility or public use; provided, that the expansion is designed to utilize the minimum amount of resource lands necessary...

The applicant has indicated the following response to compatibility with Skagit County Code:

“The proposed project would comply with industry best management practices for natural gas pipeline construction and operation, as well as any conditions resulting from County or State permits/approvals. For example, Cascade Natural Gas would comply with the conditions of a Special Use permit and mitigation requirements resulting from SEPA review.



The main sections of code applicable to the project fall under Chapter 9 (Public Peace, Safety and Morals) and Chapter 11 (Unified Development Code). SCC 9.50 – Noise Control sets limits on the levels of noise generated by a facility. The only noise generating features of the proposed project are the regulator stations. The proposed location for the regulator station on the east side of the project is not located near any residences (several hundred feet away) and noise from that regulator station would not appreciable increase background noise levels at receiving locations. The proposed regulator station on the west side of the project would also not be located near any residences at the present time, but there is a proposed subdivision in the area where the regulator station would be located. Cascade Natural gas desires to work with the developer of this subdivision on the location of the station to minimize any noise impacts on the proposed subdivision. Under Chapter 11, SCC 14.12 – SEPA was complied with through the preparation of a SEPA environmental checklist, which is part of this application. The project is an allowable Special Use within the Ag-NRL zoning category (SCC 14.16) and a Special Use permit application has been submitted. The project complies with the critical areas ordinance (SCC14.24) through the preparation of a critical areas site assessment and wetland delineation report, which are part of the permit submittal package. In addition, the project construction method of horizontal directional drilling would avoid impacts to critical areas. The Shoreline Master Program (SCC 14.26) is being complied with by avoiding impacts to the shoreline zone (vegetation, habitat, etc.); by not preventing other reasonable developments or affecting any public amenities; and submittal of shoreline exemption application. The project would not result in any damage or loss of flood storage capacity in the floodplain (SCC 14.34). Skagit County Code performance standards (SCC 14.16) compliance is described below in the next section.”

- C. The proposed use will not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840.

The department notes that the proposal will be required to be in compliance with the performance standards outlined within SCC 14.16.840. The department further notes that there will be limited noise and vibration in the immediate location of construction during the line installation.

The applicant has indicated the following in relation to the proposal creating any undue noise, odor, heat, vibration, air and water pollution impacts on surrounding existing or potential dwelling unites based on the performance standards of SCC 14.16.840:

“The project would not generate any odor, heat, vibration or air or water pollution. However, the regulator stations would generate noise. The eastern regulator station would be located well away from residences. The western regulator station location is not set. Even though there are no residences in the general area where the regulator station could be located, there is a residential



subdivision proposed in the same area. Cascade Natural Gas desires to locate this regulator station in coordination with the subdivision developer to minimize noise impacts.”

- D. The proposed use will not generate intrusions on privacy of surrounding uses.

The proposed use will not generate intrusions on privacy of surrounding uses. After construction is completed, the project site will be unmanned.

The applicant has indicated the following in relation to the proposal generating intrusions on privacy of surrounding uses:

“The project would not intrude upon the privacy of surrounding uses. The only facilities requiring visits are the two regulator stations. There would be periodic visits to inspect or maintain equipment but these would be infrequent and occur during daylight work hours. The regulator stations would be landscaped with screening vegetation and thus should not adversely affect visual quality.”

- E. Potential effects regarding the general public health, safety, and general welfare.

There will be no negative effects on the neighborhood, region, general public health, safety, or welfare as a result of this project provided the construction/installation is conducted in compliance with the state and local requirements.

The applicant has indicated that, “There is minimal risk of a leak in the natural gas line. However, the proposed line would be equipped with a dual-run regulator system and any leak or failure in a line would shut down. There is also a relief system for relieving the pressure in a line, and automatic cut-offs and manual control valves to cut off the flow of natural gas. Cascade Natural Gas has an excellent record of safety in operating its natural gas supply system”.

- F. For special uses in Industrial Forest NRL, Secondary Forest NRL, Agricultural NRL, and Rural Resource NRL, the impacts on long-term natural resource management and production will be minimized.

There will be minimal/temporary impacts on natural resource management or production as a result of the proposed project.

The applicant has indicated the following: “The project would cross lands that are designated and zoned Agricultural – Natural Resource Land. The proposal would minimize impacts by using a horizontal directional drilling method and by completely burying the pipeline. The pipeline would be placed underground to a depth that would not constrain the continued use of the site for agricultural



purposes (i.e., it would be deep enough not to be disturbed by agricultural practices such as plowing). Thus, the underground pipeline would not impact the long term productive capacity of the agricultural land.”

- G. The proposed use is not in conflict with the health and safety of the community.

The proposed use will not create a conflict with the health and safety of the community provided all local, state and federal regulations are complied with.

The applicant indicated that, “The natural gas facilities are operated in a safe manner consistent with industry standards and are equipped with features to minimize risks to public health and safety.”

- H. The proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.

The proposal will be supported by adequate facilities and will not adversely affect public services to the surrounding areas.

The applicant stated that “Generally, the project would not rely on any public facilities or services and would not affect public services in surrounding areas. The project is self-sustaining.”

DECISION

The Administrative Official hereby **approves** the application for a Special Use Permit, subject to the conditions and modifications listed below:

1. The applicant shall obtain all necessary land use approvals;
2. The proposal shall be in compliance with the performance standards outlined within SCC 14.16.840;
3. All work within County right of way must be in compliance with Skagit County Utility Policy and requires a utility permit from Skagit County Public Works;
4. All work shall comply with Skagit County Code 14.32.060 Erosion and Sediment Control;
5. The applicant shall comply with all conditions listed with in the SEPA Threshold Determination (MDNS) outlined with in Department Finding #3 of this report.



The applicant and/or party of record may appeal the decision of the Administrative Official to the Skagit County Hearing Examiner pursuant to the provisions of Section 14.06. Every appeal to the Hearing Examiner shall be filed with Planning and Development Services within fourteen (14) calendar days after the date of the decision.

Prepared By:

Lori J. Wight
Lori J. Wight, Associate Planner

Reviewed By:

Brandon Black
Brandon Black, Senior Planner-Team Supervisor

Date of Final Approval: 12/10/08

