

## NOTICE OF DECISION

### BEFORE THE SKAGIT COUNTY HEARING EXAMINER

- Applicant:** Cascade Natural Gas Corporation  
c/o Renie Sorensen  
8113 West Grandridge Boulevard  
Kennewick, WA 99336
- Agent:** Linda Howard  
AECOM  
1501 4<sup>th</sup> Avenue, Suite 1400  
Seattle, WA 98101
- Request:** Shoreline Substantial Development Permit, PL15-0493  
(in connection with Administrative Special Use Permit,  
PL 15-0474, December 22, 2015.)
- Location:** The shoreline segment is located in the 6900 block of Old  
Highway 99 North within SE1/4 Sec. 6, T35N, R4E, W.M.
- Shoreline Designation:** Rural Residential and Rural
- Summary of Proposal:** Installation of about 5.7 miles of 6-inch diameter natural gas  
distribution pipeline to connect the main line with the Skagit  
Valley Casino Resort and Hotel. Within shoreline jurisdiction the  
line will cross under the Samish River.
- SEPA Compliance:** A Mitigated Determination of Non-Significance (MDNS) was  
published on October 22, 2015 with Administrative Special Use  
Permit PL 15-0474. No appeals.
- Public Hearing:** March 23, 2016. Testimony by Staff and Applicant. No public  
testimony.
- Decision/Date:** The application is approved, subject to conditions. April 13, 2016.
- Reconsideration/Appeal:** Reconsideration may be requested by filing with PDS within five  
days of this decision. Appeal is to the Board of County  
Commissioners by filing with PDS within five days of this  
decision or decision on reconsideration, if applicable.
- Online Text:** The entire decision can be viewed at:  
[www.skagitcounty.net/hearing](http://www.skagitcounty.net/hearing) examiner

## **FINDINGS OF FACT**

1. Cascade Natural Gas Corporation seeks a Shoreline Substantial Development Permit to install a segment of natural gas distribution pipeline crossing under the Samish River.

2. The overall project involves about 5.7 miles of pipeline running within the public right of way along sections of Cook Road, Green Road, Kelleher Road, Old Highway 99 North Road, North Green Road and Bow Hill Road. The pipeline will serve the Skagit Valley Casino Resort and Hotel on North Darrk Lane.

3. At the request of the applicant the non-shoreline portions of the project were reviewed and administratively approved under PL 15-0474, on December 22, 2015.

4. The new pipeline segment will consist of 6-inch diameter medium density polyethylene (MDPE) pipeline. The project will include a dual run regulator station at the beginning of the line on Cook Road and a gas meter at the entrance to the casino property on North Darrk Lane. These features will result in minor increases in impervious surface unconnected with the river crossing.

5. The Samish River crossing is the shoreline portion of the project. It is within the public right-of-way in the 6900 block of Old Highway 99 North Road within the SE1/4 Sec. 6, T35N, R4E, W. M. A bridge over the Samish River is within the project corridor.

6. The portion of the pipeline within shoreline jurisdiction will be installed using horizontal directional drilling (HDD). An entry bore pit will be excavated about 300 feet south of the ordinary high water mark (OHWM) of the river. An exit bore pit will be excavated approximately 400 feet north the river's OHWM. HDD will occur in one direction from the entry bore pit. The bore will be approximately 15 feet beneath the bed of the river.

7. When the bore is completed the drill will be removed and the pipeline will be welded in segments and pulled back through the exit bore pit. Connection to the non-bored pipeline sections will be made at both ends and the bore pits will be backfilled. If suitable, excavated material will be used for backfill. Any unused excavated material will be taken off site and disposed of at an approved location. Ultimately the site will be restored to pre-construction condition.

8. The southern portion of the river crossing segment of the project is adjacent to the residential community of Samish River Park and a gravel pit. The north end is adjacent to rural acreage owned by the Washington Department of Fish and Wildlife and includes a gravel parking area for fishing access.

9. Environmental review was conducted pursuant to the State Environmental Policy Act (SEPA). After evaluating the environmental checklist and material on file, the County issued a Mitigated Determination of Non-Significance on October 19, 2015. The MDNS was not appealed.

10. The MDNS contained the following conditions:

- (1) Temporary erosion /sedimentation control measures, as approved by the Skagit County Department of Public Works, shall be in place prior to the placement of any fill material. The applicant shall maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County Drainage Ordinance. Said measures shall remain in place until a completion of the project.
- (2) The applicant shall comply with Northwest Clean Air Agency requirements.
- (3) The applicant shall comply with the provision of Chapter 14.32 of the Skagit County Code, the Skagit County Drainage Ordinance, as it relates to increased runoff resulting from additional impervious surfaces.
- (4) The applicant shall comply with Fire Code Standards.
- (5) An engineered soils compaction report shall be required for all structures placed on fill material.
- (6) The applicant shall comply with all relevant provisions of 14.24 of the Skagit County Code (Skagit County Critical Areas Ordinance).

11. A Fish and Wildlife Habitat Conservation Site Assessment and Wetland Site Assessment, dated January 22, 2016, was prepared for the entire project by AECOM, professional engineering and environmental consultants. Under the Critical Areas Ordinance, utilities are allowed to cross habitat conservation areas. The assessments found no habitat conservation area impacts or wetland impacts in the Samish River segment of the project.

12. The application was circulated among County and State agencies. The only County comment was from Public Works which stated that its requirements will be reviewed with right-of-way and utility permits. A Hydraulic Project Approval (HPA) was issued by the Washington Department of Fish and Wildlife on February 2, 2016.

13. The shoreline portion of the project is within a designated flood hazard area and will require a flood plain development permit.

15. A Notice of Development Application was published on October 15 and October 22, 2015. Notification was provided by mail to all property owners within 300 feet of the project.

14. One comment letter on the project as a whole was received during the comment period. The letter expressed concern that the project would expand the availability of natural gas into areas beyond the casino and resort and asked about the funding for the project. The applicant replied that gas would be available to other properties along the proposed pipeline corridor. They advised that the applicant and the Skagit Valley Casino and Resort are partners in

providing funding for the project with the casino and resort providing the majority of the funding and the gas company contributing a percentage based on the regulated rate schedule.

15. The Administrative Special Use Permit, PL15-0474, given final approval on January 5, 2016, contained the following conditions:

- (1) The applicant shall obtain all necessary land use approvals.
- (2) The proposal shall be in compliance with the performance standards outlined within WAC 173-60 and SCC 14.16.840.
- (3) A copy of this decision shall be submitted with subsequent development permits.
- (4) A utility permit will be required for utility work performed within the County right-of-way, and, the expansion of the utility and all work performed must be in compliance with the applicant's franchise agreement.
- (5) Approval of the Shoreline Permit #PL15-0493 is required before any work can take place within shoreline jurisdiction.
- (6) Site verify that there are no wells within 25 feet of the proposed line. If any wells are nearby, list and map locate them and submit it to PDS.
- (7) WAC 173-200 and 173-201A: Project shall observe state levels and requirements to avoid degradation for water quality in ground and surface waters. No direct discharge to wetlands or surface waters is allowed without a Department of Ecology permit. Best management practices shall be utilized to prevent interference and/or degradation from point, non-point or conditions which could lead to degradation of water quality.
- (8) Further review will be needed by Planning and Development Services if a major change occurs in the intensity of use outlined in the application. Future expansions, other than single service connections to individual properties along the pipeline shall require additional special use permit review.
- (9) A floodplain permit will be required.
- (10) The regulator station shall blend in with the surrounding area and be adequately screened with fencing slats and/or landscaping.
- (11) The proposal shall comply with all conditions outlined within the SEPA threshold determination (MDNS) published October 22, 2015.
- (12) All outstanding planning review fees shall be paid prior to final approval.

16. The Staff Report analyzes the proposed below-river crossing under the provisions of the Skagit County Shoreline Master Program (SMP) and finds that, as conditioned, the project will be consistent with the program. The Hearing Examiner concurs in this analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

17. The proposed natural gas distribution line will be installed within the road right-of-way and buried for its entire length within shoreline jurisdiction. Upon completion of the installation, the bore pits will be graded, stabilized and restored to pre-construction condition. The impact of the project on shorelines will be *de minimis*.

18. Any conclusion herein which may be deemed a finding is hereby adopted as such.

### **CONCLUSIONS OF LAW**

1. The Hearing Examiner has jurisdiction over this proceeding. SMP 9.06.
2. The requirements of SEPA have been met.
3. As conditioned, the project meets the approval criteria for a Shoreline Substantial Development Permit. SMP 9.02.
4. Any finding herein which may be deemed a conclusion is hereby adopted as such.

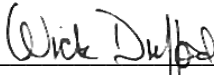
### **CONDITIONS**

1. The project shall be carried out as described in the application materials, except as the same may be modified by these conditions.
2. The applicant shall obtain all necessary permits and approvals and shall abide by the conditions of same.
3. The applicant shall comply with all conditions of Administrative Special Use Permit PL 15-0474. (See Finding 15 above).
4. The applicant shall comply with all conditions of the MDNS, dated October 19, 2015. (See Finding 10 above).
5. The applicant and its contractors shall comply with all relevant provisions of State and County regulations including, but not limited to, State Water Quality Criteria for surface and ground water (Chapters 173-200 and 201A WAC), County erosion and sediment control regulations (Chapter 14.32 SCC), State maximum environmental noise levels (Chapter 173-60).
6. The project shall be commenced within two years of this permit approval and completed within five years thereof.
7. If the applicant proposes any modification of this project, it shall request a permit revision from Planning and Development Services (PDS) prior to the start of construction.
8. Failure to comply with any permit condition may result in permit revocation.

**DECISION**

The requested Shoreline Substantial Development Permit (PL15-0493) is approved, subject to the conditions set forth above.

**DONE**, this 13<sup>th</sup> day of April, 2016.

  
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Wick Dufford, Hearing Examiner

Transmitted to Applicant, April 13, 2016

See Notice of Decision, page 1, for appeal information.