

## Shoreline Management Act

### Permit Data Sheet and Transmittal Letter

**FROM:** Snohomish County  
3000 Rockefeller  
Mail Stop 604  
Everett, WA 98201

**TO:** Department of Ecology  
Shoreline Permit Reviewer  
3190 160th Avenue S. E.  
Bellevue, WA 98008-5452

**DATE OF TRANSMITTAL:** April 19, 2019 **DATE OF RECEIPT:** \_\_\_\_\_

**PROJECT FILE NUMBER:** 19 103601 SHOR

**TYPE OF PERMIT:** Substantial Development Permit

**LOCAL GOVERNMENT DECISION:** Approval ; Conditional Approval \_\_\_; Denial \_\_\_

**APPLICANT INFORMATION:**

Name: Williams/Northwest Pipeline LLC  
c/o Julie Nelson

**PHONE(S):**

(801) 584-6751

Address: P.O. BOX 97034  
M/S PSE-09N  
BELLEVUE, Washington, 98009-9734  
USA

**CONTACT**

Name: Toby Schwalbe

(801) 584-6751

Address: 295 Chipeta Way  
Salt Lake City, Utah, 84108

**IS THE APPLICANT THE PROPERTY OWNER:** Franchise Utility

**LOCATION OF PROPERTY:** (Section, Township and Range to the nearest 1/4 Section or latitude and longitude, and a street address where available)

NE Qtr of Sec 17, T 27 N, R 6 E, WM  
12424 ELLIOTT RDSNOHOMISH, WA 98296

**WATER BODY:** Snohomish River

**SHORELINE OF STATEWIDE SIGNIFICANCE:** Yes

**ENVIRONMENT DESIGNATION:** Rural Conservancy

**DESCRIPTION OF THE PROJECT:** Modify and replace a gas line pumping and meter station infrastructure that will service a 5.85 mile, 20 inch replacement gas line. The existing meter station is located approximately 2.8 miles east of the Snohomish River on the western edge of the 100-year

floodplain of the river. The floodplain covers approximately 75% of the north-eastern part of the developed portion of the property. The meter station will be modified by replacing the inlet filter/strainer, all yard piping, meters and regulators. Temporary work extra areas (TEWAs) will be located in existing pasture adjacent to this facility and will be used to stage construction activities for upgrading the meter station. Other than the TEWAs, all modification to the above-ground facilities within the shoreline will occur inside the existing fenced and graveled footprints.

**NOTICE OF APPLICATION DATE:** March 13, 2019

**FINAL LOCAL DECISION DATE:** April 19, 2019

**BY:** Randy Middaugh, Principal Planner / Project Manager

**PHONE:** (425) 262-2306

**SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT  
PERMIT APPLICATION DISPOSITION**

**FILE NUMBER:** 19 103601 SHOR

**APPLICANT:** Toby Schwalbe - Williams/Northwest Pipeline LLC  
295 CHIPETA WAY  
SALT LAKE CITY, UT 84108

**REQUEST:** Modify and replace gas line pumping and meter station infrastructure to service a 5.85 mile, 20 inch replacement gas line.

**LOCATION:** 12512 Elliot Rd. Snohomish, Wa. 98296. NE Qtr of Section 17, Township 27 N, Range 6 E, WM

**SIZE OF PARCEL:** 1 acre

**SHORELINE ENVIRONMENT DESIGNATION:** Rural Conservancy

**SEPA COMPLIANCE:** A SEPA threshold determination for this project proposal was previously issued pursuant to the MDNS issued March 6, 2019, issued concurrent with permit file numbers 18-121944 LDA; 18-121972 FPA; 18-121979 FHZ; and 18-121974 CBP. In accordance with WAC 197-11-600(3), the foregoing threshold determination is used for subsequent permitting actions relating to the same project proposal unchanged.

**PROCEDURAL BACKGROUND:**

NOTICE OF APPLICATION: March 13, 2019

SEPA REVIEW CONCLUDED: March 20, 2019

**REVIEW COMMENTS AND RECOMMENDATIONS (abbreviated):**

Planning and Development Services - Drainage: The project complies with the requirements of the Drainage regulations contained in Chapter 30.63A SCC.

Planning and Development Services – Flood Hazard: The project complies with the requirements of Special Flood Hazard regulations contained in Chapters 30.43C and 30.30.65 SCC. Per Federal Regulations [44 CFR 60.3(2)] the flood hazard permit can only be issued when all other permits/approvals needed from Federal, State and Local permitting agencies have been provided.

Planning and Development Services – Critical Areas: The project complies with the requirements for critical areas contained in Chapters 30.62A (Wetlands and Fish & Wildlife Habitat Conservation Areas), 30.62B (Geologically Hazardous Areas), and 30.62C (Critical Aquifer Recharge Areas).

**STAFF FINDINGS OF FACT AND CONCLUSIONS:**

1. The applicant, Northwest Pipeline LLC is proposing to modify and replace a gas line pumping and meter station infrastructure that will service a 5.85 mile, 20 inch replacement gas line. The existing meter station is located approximately 2.8 miles east of the Snohomish River on the western edge of the 100-year floodplain of the river. The floodplain covers approximately 75% of the north-

eastern part of the developed portion of the property. The meter station will be modified by replacing the inlet filter/strainer, all yard piping, meters and regulators. Temporary work extra areas (TEWAs) will be located in existing pasture adjacent to this facility and will be used to stage construction activities for upgrading the meter station. Other than the TEWAs, all modification to the above-ground facilities within the shoreline will occur inside the existing fenced and graveled footprints.

2. Other than the TEWAs that will be restored to pasture, the proposed facility modifications will not result in any additional loss of shoreline ecological function.
3. The project site is located in the 100-year floodplain of the Snohomish River, and is located approximately 3,060 feet northeast of the project site. The 100-year floodplain of the Snohomish River is within the jurisdictional area of the Shoreline Management Act (SMA) and the Snohomish County Shoreline Management Master Program (SCSMMP) contained in Chapters 30.44 (Shoreline Permits) and 30.67 (Shoreline Management Program) of Snohomish County Code.
4. Chapter 30.44 outlines the processes to be used to evaluate a proposed shoreline substantial development. The process includes evaluation of the project's consistency with the following applicable regulations of Chapter 30.67 SCC: Shorelines of Statewide Significance [30.67.210], Regulations for Utility Facilities [30.67.595(1)], and Environment Designation Regulations [30.67.595(2)]. In addition, special use activity (water quality, vegetation management and public access) policies and regulations apply.
5. The property is currently zoned as Rural Residential 5 acre (R-5).
6. Chapter 30.67 of the SCSMMP adopts Snohomish County's Critical Areas Regulations (Chapters 30.62A - Wetlands and Fish & Wildlife Habitat Conservation Areas; 30.62B – Geologic Hazard Areas, 30.62C – Critical Aquifer Recharge Areas, and 30.65 – Special Flood Hazard Areas) by reference at Section 30.67.060 SCC.
7. Utility facilities are a permitted use within the rural conservancy shoreline environment [30.67.430 SCC].
8. Shorelines of Statewide Significance (30.67.210 SCC). The Shoreline Management Act of 1971 designated certain shoreline areas as shorelines of state-wide significance. The Snohomish River is so designated.
9. Utility Facilities (30.67.595 SCC): The project has been found to be in conformance with the following applicable regulations of the SCSMMP relating to Utility facilities.

*General Regulations 30.67.595(1):*

- (a) Utility facilities shall be located outside of shoreline jurisdiction whenever feasible. When located within shoreline jurisdiction, utility facilities shall result in no net loss of shoreline ecological functions;

*The proposed facility modification will be located within Northwest's existing above-ground facility footprint and will not result in any additional loss of shoreline ecological function.*

- (b) Utility facilities shall be designed and located as follows:
  - (i) Non-water dependent and non-water related above-ground generating facilities (except hydroelectric generating facilities), switching complexes, pumping stations, treatment

plants, storage tanks, towers and substations shall be set back from the ordinary high water mark at least 200 feet;

*The modifications be to the existing above-ground facility will be more than 3,000 feet from the ordinary high water mark of the Snohomish River.*

- (ii) Utility transmission facilities shall be located in existing rights-of-way whenever possible and cross shoreline jurisdiction by the most direct route feasible, unless an alternative route would result in less impact on shoreline ecological functions;

*(See responses above)*

- (iii) Utility facilities shall not parallel a water body unless located in an existing improved transportation or utility corridor, and provided that underground facilities do not adversely impact hyporheic exchange;

*(See responses above)*

- (iv) Utility transmission lines, pipes and wires entering or leaving a body of water, other than a river, shall be bored or buried below the surface of the water body's bed from the ordinary high water mark out to a minimum water depth of minus ten feet (-10 feet) below mean lower low water. Directional boring, instead of excavation or trenching, is required where feasible;

*Not applicable*

- (v) Utility transmission lines, pipes and wires shall be bored under a river, stream or channel migration zone, or permanently affixed to a bridge or other existing above-ground structure, where feasible;

*Not applicable*

- (vi) Aerial utility lines and vertical utility facilities shall make maximum use of topography to minimize visual impacts on the surrounding area;

*Not applicable*

- (vii) New AM radio towers are prohibited. AM radio towers either constructed before October 13, 2010, or with complete applications for all permits and approvals required for construction before October 13, 2010, shall not be considered nonconforming uses and they may be repaired, replaced, and reconfigured as to the number and dimensions of towers so long as the repair, replacement, or reconfiguration occurs on the parcel where the tower was originally constructed or permitted and it does not increase the number of AM radio towers constructed on the parcel. The design of vertical utilities such as communication towers shall not obstruct or destroy scenic views of the water. This may be accomplished by design, orientation and location of the tower, height, camouflage of the tower, or other features consistent with utility technology;

*Not applicable*

- (viii) Banks and dikes where transmission facilities enter or leave a body of water shall be returned to their pre-construction configuration, shall be thoroughly compacted and protected against erosion, and shall be maintained in a safe condition by the utility; and

*Not applicable*

- (ix) Utility facilities shall not be located on feeder bluffs or in critical saltwater habitat unless no feasible alternative exists and all adverse impacts can be mitigated.

*Not applicable*

*Environment Designation Specific Regulations - SCC 30.67.595(2)*

(c) Rural Conservancy

- (i) Transmission wires, pipes and supports are permitted.

10. Vegetation conservation and management (30.67.599 SCC):

- (1) Vegetation conservation and management is subject to the requirements of chapters 30.62A and 30.62B SCC.

*The project complies with the vegetation conservation requirements of these chapters.*

- (2) The removal or modification of existing vegetation and the alteration of topography shall be the minimum necessary to accommodate an approved shoreline use or modification. Except as provided in SCC 30.67.599(3), disturbed areas shall be replanted with appropriate native species during the next growing season subject to the requirements of SCC 30.62A.320(3). Once the requirements of SCC 30.62A.320(3) have been satisfied, any additional areas outside of the buffer and buffer mitigation area shall be replanted using a minimum area replacement ratio of 1:1. Additional replanting area or native plant species diversity improvements may be proposed by project applicants.

*Temporary Work Areas (TEWAs) 0.61 and 0.62 are located adjacent to the existing fenced facility and will be used to stage construction activities for upgrading the meter station. These TEWAs will be located in the pasture to the facility. The TEWAs will be reseeded and mulched, where necessary following construction and monitored until revegetation is successful.*

- (3) Removal and control of noxious or invasive non-native plant species is permitted in all shoreline environments, provided that removal or control does not result in adverse impacts to water quality. If the removal of noxious or invasive non-native plants affects bank stability, replanting with native species using a minimum area replacement ratio of 1:1 is required. Vegetation management limited only to noxious or invasive non-native species is subject to the requirements of SCC 30.62A.010(2)(iv) and SCC 30.62A.510(3)(h).

*In the TEWA's adjacent to the facility will be reseed with native grass species and monitored until revegetation is successful.*

- (4) Landscaping required for development or uses within shoreline jurisdiction shall be designed to complement and enhance the view of the water over and across the site. Landscaping shall not be reduced or eliminated to achieve this provision, but shall be clustered to frame view corridors and shall use species conducive to the natural conditions of the shoreline environment.

*Not applicable*

**DISPOSITION:**

The proposal is in conformance with all applicable policies and regulations and is hereby approved subject to conditions enumerated on the attached permit.

**SNOHOMISH COUNTY, WASHINGTON**  
**PERMIT**  
**Issued Pursuant to**  
**THE SHORELINE MANAGEMENT ACT of 1971**

**APPLICANT:** Toby Schwalbe - Williams/Northwest Pipeline LLC  
295 CHIPETA WAY  
SALT LAKE CITY, UT 84108

**APPLICATION NO.:** 19 103601 SHOR

**DATE RECEIVED:** March 13, 2019

**TYPE OF ACTION(S):** Shoreline Substantial Development

**DATE APPROVED:** April 18, 2019

**SHORELINE:** Snohomish River

**ENVIRONMENT DESIGNATION:** Rural Conservancy

**PROJECT PERMIT**

PURSUANT to Chapter 90.58 RCW, and Section 21.16.070 Snohomish County Code (SCC), a SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT PERMIT IS HEREBY GRANTED to modify and replace a gas line pumping and meter station infrastructure that will service a 5.85 mile, 20 inch replacement gas line. The modifications include replacing the inlet filter/strainer, all yard piping, meters and regulators. Temporary work extra areas (TEWAs) will be located in existing pasture adjacent to this facility and will be used to stage construction activities for upgrading the meter station.

This meter station is located in the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 17, Twp. 27 N., Rge. 6 E., W.M., at 12424 ELLIOTT RD SNOHOMISH, WA 98296.

The project is located in the Snohomish River floodplain, a Shoreline of Statewide Significance [RCW 90.58.030].

Development pursuant to this permit shall also be subject to the following special terms and conditions:

- 1) The permit is subject to the plans received by PDS on March 13, 2019 approved on April 18, 2019.
- 2) This permit is subject to the applicable conditions contained in the Mitigated Determination of Non-significance dated, March 6, 2019.
- 3) Prior to initiation of construction in any flood hazard area, the applicant shall have obtained from the County the Flood Hazard (pending 19-103602 FHZ).
- 3) Construction equipment shall be fueled, maintained and stored to minimize the potential for spills of hazardous materials including fuels, lubricants and coolants to the shoreline environment.

- 4) Applicant shall immediately stop work and notify the county, the state office of archaeology and historic preservation and affected Indian tribes if archaeological resources are uncovered during excavation (see *Archaeological Sites Advisory* assistance bulletin #103).
- 5) All Temporary Work Areas shall be reseeded, mulched, and monitored until revegetation is successful.
- 6) All conditions of permits issued by agencies with jurisdiction shall become conditions of the shoreline permit.

This permit is issued pursuant to authority granted by the Shoreline Management Act of 1971. Nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances, or regulations applicable to this project, but not inconsistent with the Shoreline Management Act. [RCW 90.58]

This permit may be rescinded pursuant to RCW 90.58.140(8) and Section 30.85.310 of Snohomish County Code in the event the permittee fails to comply with the terms and conditions hereof.

**CONSTRUCTION PURSUANT TO THIS PERMIT IS NOT AUTHORIZED UNTIL TWENTY-ONE (21) DAYS FROM THE DATE OF FILING AS DEFINED IN RCW 90.58.140 (6) AND WAC 173-27-130, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140 (5), RCW 90.58.200 AND SCC 21.16.080.**

The above decision of Snohomish County is the final county decision. Any person aggrieved by the granting or denying of a substantial development permit by the County may seek review by filing a request for review with the Shorelines Hearings board within twenty-one days of the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130. All requests for review of final permit decisions are governed by the procedures established in RCW 90.58.180, WAC 173-14-170, WAC 173-14-174 and WAC 461-08. Please use the county file number on all correspondence with the county regarding this case.

Substantial work on the authorized development must be commenced within two (2) years of issuance of this permit; this permit expires five (5) years from the date of its issuance.

Dated: April 19, 2019

DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES  
Snohomish County, Washington



**Randy Middaugh** | *Principal Planner*  
[Snohomish County Planning and Development Services](#)  
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425-262-2306 | [Randy.Middaugh@snoco.org](mailto:Randy.Middaugh@snoco.org)

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for, Barbara Mock, Department of Director Planning and Development Services  
(425) 388-3311 ext. 2190

**DISTRIBUTION LIST:**

<b>Washington State</b>	Department of Ecology Department of Fish and Wildlife Department of Transportation	
<b>Utilities</b>	Public Utility District #1 of Snohomish County	
<b>Federal and Tribes</b>	Army Corps of Engineers U.S. Fish and Wildlife Service  Muckleshoot Tribe Tulalip Tribes Stillaguamish Tribe Suquamish Tribe	
<b>Adjacent Property Owners</b>	Notice of the issuance of this Determination of Nonsignificance has been mailed to property owners of record within 500 feet of the external boundaries of this project.	
<b>Applicant/Contact Person</b>	Toby Schwalbe Williams/Northwest Pipeline LLC toby.schwalbe@williams.com	
<b>Owners</b>	Brady Strauch Puget Sound Energy bradley.strauch@pse.com	Douglas R & Monica Patterson 2617 W Newton St Seattle, WA 98199
<b>Parties of Record</b>	Alfred Apodaca 14530 47 <sup>th</sup> Pl. W Lynnwood, WA 98087	Barbara Eklund 1611 Rucker Ave Everett, WA 98201
	Becky Hoepcke 445 Lakeview Rd. K-6 Lynnwood, WA 98087	Connery Glans 211 Capri Pl. Everett, WA 98203
	Martinez/McCollough 5316 Wetmore Everett, WA 98203	Anna Green 5616 Hwy. Pl. #124 Everett, WA 98203
	Jennie Lindberg 3007 Federal Ave Everett, WA 98201	Molly Chachulski 616 Marine Drive Tulalip, WA 98271
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