



Planning & Development Services Fact Sheet PL _____ - _____
Community Development Division

Date Received

- ☒ Shoreline Substantial Development
☐ Shoreline Conditional Use
☒ Shoreline Variance Permit
☐ Other _____

Brief project description: Crude by rail unloading facility

Applicant Name: Equilon Enterprises LLC dba Shell Oil Products US

Other Related Permits or Approvals: SEPA, Floodplain, other county, state & federal permits

Parcel ID#: P33502 Assessor Tax #: 350234 - 0 - 010 - 0005

Parcel ID#: _____ Assessor Tax #: _____ - _____ - _____ - _____

Site Address: 8505 South Texas Road, Anacortes, WA 98221

3,4 34N
Section 33,34 Township 35N Range 02 Critical Area/Water within 200 feet?: ☒ Yes ☐ No

Name of Associated Shoreline/Waterbody: Padilla Bay

Shoreline Designation: Rural (Skagit County)

Lot of Record: ☒ Yes ☐ No Urban Growth Area: ☒ Yes ☐ No If yes, City: Anacortes

Acreage / Lot Dimensions: Shell PSR site: 50 acres

Comp Plan/Zoning within 200 feet: A-UD (Skagit County); LM1 (City of Anacortes)

Flood Zone: C and V4 FIRM Map Panel #: 5301510225C Map Date: 1/3/1985

Road access: ☒ Private ☐ County - Permit #: _____ ☐ State - Permit #: _____

Water Source: ☐ Drilled Well - Permit #: _____ ☐ Community Well ☒ Public ☐ PUD#1 ☒ Anacortes

Sewage Disposal: ☐ Septic - Permit #: _____ ☒ Public Sewer: City of Anacortes

Pre-application meeting required: ☐ Yes ☒ No Meeting verification form enclosed: ☐ Yes ☒ No

Legal Description: See attached sheet.

(Attach additional sheet if necessary.)



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Applicant

Tom Rizzo, Shell Oil Products US

Name

P.O. Box 622, Anacortes, WA 98221

Address

360-293-1761

Phone

Fax

Tom.Rizzo@shell.com

E-mail Address

Signature

Owner

Equilon Enterprises LLC dba Shell Oil Products US

Name

P.O. Box 2463, Houston, TX 77252

Address

Phone

Fax

E-mail Address

Contact

Jeff Walker, URS Corporation

Name

1501 4th Avenue, Suite 1400, Seattle, WA 98101

Address

206-438-2351

Phone

Fax

jeff.walker@urs.com

E-mail Address

OWNERSHIP CERTIFICATION

I, THOMAS J. RIZZO, hereby certify that I am the major property owner or officer of the corporation owning property described in the attached application, and I have familiarized myself with the rules and regulations of Skagit County with respect to filing this application for a
Shoreline Substantial Development Permit
and Floodplain Development Permit and that the statements, answers and information submitted present the argument on behalf of this application and are, in all respects, true and correct to the best of my knowledge and belief.

Street Address: 8505 S. TEXAS ROAD

City, State, Zip: ANACORTES, WASHINGTON 98221

Phone: (360) 293-0819

Signature(s):

Thomas J. Rizzo

for: Equilon Enterprise LLC dba Shell Oil Products US
(corporation or company name, if applicable)

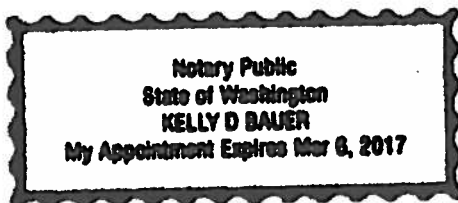
ACKNOWLEDGMENT
STATE OF WASHINGTON

COUNTY OF SKAGIT

On this day personally appeared before me Kelly D. Bauer to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 12 day of December, 2013.

Kelly D. Bauer
Notary Public in and for the State of Washington
Residing at Skagit County
My Commission Expires March 6, 2017



OWNERSHIP CERTIFICATION

I, GLEN M. GAR, hereby certify that I am the major property owner or officer of the corporation owning property described in the attached application, and I have familiarized myself with the rules and regulations of Skagit County with respect to filing this application for a


Shoreline Substantial Development Permit
and Floodplain Development Permit and that the statements, answers and information submitted present the argument on behalf of this application and are, in all respects, true and correct to the best of my knowledge and belief.

Street Address: 2454 OCCIDENTAL AVE S., BLDG. 2-D

City, State, Zip: SEATTLE, WA 98134

Phone: (206) 625-6150

Signature(s):



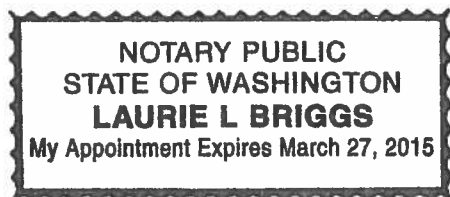
for: BNSF RAILWAY
(corporation or company name, if applicable)

ACKNOWLEDGMENT
STATE OF WASHINGTON

COUNTY OF SKAGIT

On this day personally appeared before me Glen Gar to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 16 day of December, 2013



Laurie L. Briggs
Notary Public in and for the State of Washington
Residing at Seattle Washington
My Commission Expires 3/27/15



Planning & Development Services

Critical Areas Checklist

Pursuant to Skagit County 14.24.080

3,4 34N

Section 33,34 Township 35N Range 02 Parcel Number: P33502 Related Permits: _____

Site Address: 8505 South Texas Road, Anacortes, WA 98221

Proposed uses: Crude by rail oil unloading facility

PLEASE ANSWER THE FOLLOWING QUESTIONS CONCERNING CRITICAL AREA INDICATORS LOCATED ON OR WITHIN 200 FEET OF THE PROJECT AREA.

- a. Are you aware of any environmental documentation that has been prepared related to critical areas that includes the subject area? (If yes, *please attach a list of document titles).
☒ Yes* ☐ No ☐ Unknown
- b. Are there any surface waters (including year-round and seasonal streams, saltwater, lakes, ponds, bogs, fens, swamps, marshes)?
☒ Yes ☐ No ☐ Unknown
- c. Is there vegetation that is associated with wetlands?
☒ Yes ☐ No ☐ Unknown
- d. Have any wetlands been identified?
☒ Yes ☐ No ☐ Unknown
- e. Are there areas where the ground is consistently inundated or saturated with water?
☒ Yes ☐ No ☐ Unknown
- f. Are there any State or Federally listed sensitive, endangered or threatened species and habitats?
☒ Yes ☐ No ☐ Unknown
- g. Are there slopes of 15% or greater?
☐ Yes ☒ No ☐ Unknown
- h. Is the project located within a Flood Hazard Zone?
☒ Yes ☐ No ☐ Unknown
- i. Do you know of any landslide hazard areas?
☐ Yes ☒ No ☐ Unknown

I grant permission to the field inspector to enter the building site to determine the presence or absence of critical areas.

I understand that if the information on this form is later determined to be incorrect, the project or activity may be subject to conditions or denial as necessary to meet the requirements of SCC 14.24, the Skagit County Critical Areas Ordinance.

Thomas J. Rygo
Applicant's Signature

12/12/13
Date

CRITERIA FOR GRANTING SHORELINE VARIANCE PERMITS SECTION 10.03 OF SKAGIT COUNTY SHORELINE MASTER PROGRAM:

Variance permits for development to be located landward of the ordinary high water mark (OHWM), except within areas designated marshes, bogs or swamps pursuant to Chapter 173-22 WAC, may be granted provided the applicant can meet all the following criteria; the burden of proof shall be on the applicant.

Please explain how the strict application of the bulk, dimensional or performance standards set forth in this Master Program precludes or significantly interferes with a reasonable use of the property not otherwise prohibited by this Master Program.

Within the 200-foot shoreline buffer, landward of the ordinary high water mark (OHWM), Burlington Northern Santa Fe (BNSF) would be revising their existing rail line. Revisions would be performed entirely within the existing BNSF right-of-way. These revisions include adding a short section of rail and some rail switches to allow a unit to fully enter the Shell property while minimizing any impacts to track traffic along the same rail line. Additionally, access roads with turnouts would be provided on either side of the rail spur. If this work could not be performed, backups could occur on the BNSF mainline thereby causing delays of trains and vehicular traffic in the vicinity. As the existing BNSF line is within the 200-foot shoreline buffer and is landward of the OHWM, modifications could not occur for this project. Shell's existing capacity would decrease proportionally to the decrease in output from Alaska's North Slope, with no viable alternative for providing fuel.

Please explain how the hardship described above is specifically related to the property and is the result of unique conditions such as irregular lot shape, size or natural features and the application of this Master Program and not, for example, from deed restrictions or the applicant's own actions.

The Anacortes Spur of BNSF's Bellingham Subdivision extends 12.4 miles west from Burlington to Fidalgo, and hosts daily rail service. This line segment is the westernmost surviving segment of a former Great Northern branch that connected Anacortes and Rockport which was built in 1890, well before passage of Skagit County's Shoreline Master Program. The rail line skirts Padilla Bay for some distance before travelling parallel to South March Point Road in the vicinity of the project area. Due to the distance needed from the new rail switches to the new Shell railroad spur for operations and safety, work within the BNSF right-of-way could not be conducted outside of the 200-foot shoreline buffer. This site contains wetlands and the rail spur alignment was developed to avoid affecting the wetlands as much as possible. Alternatives to doing work within 200-feet of the shoreline were analyzed but the off-site project option would require a rezone from agricultural to industrial use, which is not consistent with Skagit County farmland protection goals and policies.

Please explain how the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.

Design of the project would be compatible with other permitted industrial uses in the area and would not cause adverse effects to adjacent properties or the shoreline environment designation. Transportation facilities, including rail, are permitted in the Rural shoreline area. All work would be done within BNSF's existing right-of-way or further interior to the Shell PSR site. The railroad switches and new rail line would be low-lying and would not cause an adverse effect to surrounding properties. Per the Shoreline Master Program transportation facilities in rural areas should use existing transportation corridors within the shoreline which is consistent with this project. In addition, railways should be allowed on shorelines in rural areas. The railway would be designed, constructed, and maintained to prevent and/or control all debris, overburden, runoff, erosion, and sedimentation generated from the rail switches and spur.

Please explain how the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the same area and will be the minimum necessary to afford relief.

This variance, if authorized, would not constitute a grant of special privilege. Transportation facilities are allowed in the Rural shoreline area. Any individual seeking to construct a rail spur, rail switches, access roads or stormwater ponds in the shoreline, landward of the OHWM, would also require a shoreline variance. The work as proposed is the minimum necessary to afford relief; all work would be done within BNSF's existing right-of-way or interior to the Shell PSR site.

Please explain how the public interest will suffer no substantial detrimental effect.

The public interest will suffer no substantial detrimental effect due to this shoreline variance. All work activities would be conducted within the BNSF right-of-way or interior to the Shell PSR site. No new structures would be constructed for the rail spur, switches or access roads. Normal use of the BNSF rail line would continue. There would not be a detrimental effect to the shoreline due to implementation of the project.

CRITERIA FOR GRANTING SHORELINE CONDITIONAL USE PERMITS

SECTION 11.03 OF SKAGIT COUNTY SHORELINE MASTER PROGRAM:

1. Permits for uses which are classified or set forth in the Master Program as conditional uses may be authorized providing the applicant can meet all of the following criteria, the burden of proof shall be on the applicant:

- a) Explain how the proposed use will be consistent with the policies of this Master Program and policies of RCW 90.58.020.

A Shoreline Conditional Use Permit is not requested for this project.

- b) Explain how the proposed use will not interfere with the normal public use of public shorelines.

- c) How will the proposed use of the site and design of the project be compatible with other permitted uses in the area?

- d) Explain how the proposed use will cause no unreasonable adverse effects to the shoreline environment designation in which it is located.

- e) Explain how the public interest suffers no detrimental effect.

2. Other uses which are not classified or set forth in the Master Program may be granted as conditional uses provided the applicant can demonstrate, in addition to the criteria set forth in Section 11.03 a-e, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the Master Program.
3. Conditional use permits may not be granted for uses which are prohibited by the Master Program.
4. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other development in the area where similar circumstances exist, the total of the conditional uses should also remain consistent with the policies of the Master Program and RCW 90.58.020 and should not produce substantial adverse effects to the shoreline environment.

I, the undersigned, state that to the best of my knowledge the information given in this application is true and complete. It is understood that the County may withdraw any permit that it might issue in reliance upon this application should there be any willful misrepresentation or lack of disclosure on my part.

Signature: Thomas J. Rizzo Date: 12/12/13



Narrative requirements for all Substantial Development, Conditional Use and/or Variance applications:

1. Provide a general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.

In order to respond to the increased availability of Mid-continent Crude and other crudes of opportunity and the gradual decline of output from Alaska's North Slope, Shell Puget Sound Refinery (PSR) proposes to construct and operate a new rail facility at the existing refinery to receive crude oil via the adjacent Burlington Northern Santa Fe (BNSF) mainline. The project consists of building a rail spur on the property with equipment to pump oil from rail cars into the refinery. Approximately one unit train is planned per day, with approximately six trains per week in and out of the facility. In addition to the rail facility construction, new road connections and stormwater facilities would be constructed and two pipelines and some Puget Sound Energy (PSE) power lines would be relocated. In order to mitigate for 21.41 acres of permanent wetland impact, 3.88 acres of indirect wetland impact, 0.41 acres of wetland conversion, and 0.24 acres of long-term temporary wetland impacts on the Shell PSR site, Shell would purchase credits at a Skagit County wetland mitigation bank.

2. Provide a general description of the property as it now exists including its physical characteristics and improvements and structures.

The site is largely flat and contains Kinder Morgan and Olympic pipelines, a parking/laydown area, railroad, roads, PSE powerlines and fences. The site also contains wetlands, which are largely grazed and used as pasture land by a local farmer and forested vegetation. There are several ditches and one stream on the site. The greater refinery site contains several structures including pipes, tanks, process equipment, a rail spur, parking and buildings.

3. Provide a general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.

The site is the Shell Puget Sound Refinery, which contains heavy industrial uses. The rail facility is located east of the refinery operations in an area that contains wetlands. A major portion of the wetlands is used as pasture land by a local farmer. Two pipelines (Kinder Morgan and Olympic) and existing PSE power lines presently run through the property. Surrounding uses include the refinery, grazed pasture, undeveloped forest, and East March Point Road. This site has been owned by the refinery since 1958. The majority of the project area is used for grazing and pasture.

Site plan requirements for all Substantial Development, Conditional Use and/or Variance applications:

A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:

- a. The boundary of the parcel(s) of land upon which the development is proposed.
- b. The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark, the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.
- c. Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.
- d. A delineation of all wetland areas that will be altered or used as a part of the development.
- e. A general indication of the character of vegetation found on the site.
- f. The dimensions and locations of all existing and proposed structures and improvements including but not limited to; buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.
- g. Where applicable, a landscaping plan for the project.
- h. Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.
- i. Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.
- j. Quantity, composition and destination of any excavated or dredged material.
- k. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.
- l. Where applicable, a depiction of the impacts to views from existing residential uses and public areas.
- m. On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

Shell PSR Site Legal Description – P33502

OS F/A AF 201003100026 ORIGINAL PLANT TAX F BEG AT NW COR OF GOV LOT 3 SEC 34-35-2 TH S ON W LI LOT 3 455.91' TH S 87 DEG 01'30" E 1321.01' TO E LI LOT 3 TH SE'LY ON E LI LOT 3 TO SE COR TH N 89 DEG 15' 30" W TO A PT ON N LI LOT 4 SEC 34 872.5' E OF NW COR LOT 4 TH S 1328.4' TO S LI OF SEC TH E ALG N LI SEC 3-34-2 TO NE COR LOT 4 SEC 3 S'LY ON E LI LOT 4 747.5' TH S 89 DEG 15'30" E 586. 575' TH N 1 DEG 00'10" E 742.5' TO N LI SEC 3TH E ALG N LI TO NE COR TH SE'LY FOL E LI LOT 3 TH NW COR LOT 2 SEC 3 TH S ON W LI LOT 2 TO SW LINE OF KASCH RD TH S'ELY ALG SW LN OF RD TO N LN GN R/W TH S'WLY ALG GN R/W TO A PT S 0 DEG 40' W TO A PT ON S LN LOT 1 SEC 4 216.16' E FROM SW COR SD LOT TH N 0 DEG 40' E ALG E LN OF DRG EASE CONV'D BY TEXACO TO SKAGIT CO TO S LN OF PAR DEEDED BY TEXACO TO SKAGIT CO FOR RD TH E'LY & PLL W/ S LN OF LOT 1 40' TH N 0 DEG 40" E ALG E LN OF SD PAR 699.59' TO S LN LOT 1 TH W'LY ALG S LN LOT 1 2 & 3 2245.32' TO NW COR NE1/4 OF SE1/4 OF NW1/4 SEC 4 TH S 333.13' TO C/L OF VAC BAY ST COMPTONS PLAT TH W ALG C/L OF BAY ST TO E LI SW1/4 OF NW1/4 SEC 4 TH N 0 DEG 45' E 22.2' TO A PT 356' N OF S LI NE1/4 OF SW1/4 OF NW1/4 TH N 89 DEG 27' W PARL WITH S LI TO W LI G.N. RLY TH S'LY FOL R/W TO A PT S 89 DEG 31'12" E OF A PT ON W LI SEC 4 1762' S OF NW COR OF SEC 4 TH N 89 DEG 31'12" W TO W LI SEC 4 TH N'LY ALG W LI SEC 4 TO NW COR TH N'LY ON W'LY LI OF GOV LOT 5 & 6 SEC 32 TO PT ON W LI GOV LOT 6 WHICH IS S 68 DEG 40' W FR SW COR G.N. STAT- ION GROUNDS SD SW COR BEING 959.4' S & 100.82' W OF NE COR OF LOT 6 TH N 68 DEG 4' E TO E LI OF G.N. RLY CO R/W TH NW'LY FOL E LINE OF G.N. RLY R/W TO ITS INTER WITH E'LY LI OF SHELL SPUR R/W 50' WIDE TH N'LY FOL E'LY LI SHELL SPUR R/W TO PT 40' S MEAS. AT RIGHT ANGLES FR N LI OF S1/2 GOV LT 7 SEC 32 TH N 89-18-45 E PARL TO SD NLI TAP 20 FT E OF E R/W LI MARCHES PT BURROW'S BAY RD TH ON A CURVE TO THE LEFT WITH A RADIUS OF 17.7 FT TH S TO POB LESS TRS A,B & C MARCH POINT COGEN BINDING SITE PLAN
AF#9212140035



Source: Google Earth Pro

