

**SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)**

For

Shell Puget Sound Refinery

File # **PL17-0518**

PROJECT DESCRIPTION: Shell Puget Sound Refinery (PSR) filed a Conditional Use Permit application (#PL17-0518) for the construction of one new 190-foot diameter x 72-foot tall, 344,000-barrel nominal capacity, API650 crude oil tank and associated containment berms and other structures in the area of the existing West Land Treatment Farm on the Shell PSR site. The new tank will provide needed flexibility to the refinery in unloading crude oil from ships and needed storage of crude oil at times when the refinery is undergoing a shut-down. A Conditional Use Permit is required to exceed the City of Anacortes' maximum height limit of 50 feet within the zone. Skagit County Code (SCC) 14.16.220 states that the County will process uses allowed within this Urban Growth Area (Anacortes UGA) consistent with the standards for the zone (HM Use District) pursuant to the City of Anacortes Municipal Code (AMC) Chapter 17.15. The proposed project is located within the Anacortes UGA Urban Development District (A-UD) zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps adopted July 5, 2016 and as thereafter amended. The City of Anacortes classifies the site as Heavy Manufacturing (HM).

PROPONENT: Shell Puget Sound Refinery, c/o Gene Akiaten, 8505 South Texas Road, Anacortes, WA 98221. **Project Contacts:** Burt Newbry (Shell PSR), 8505 South Texas Road, Anacortes, WA 98221 and Jeff Walker (AECOM), 1111 3rd Ave., Suite 1600, Seattle, WA 98101.

PROJECT LOCATION: The project is located at the Shell PSR, 8505 South Texas Road, Anacortes, within a portion of Section 33, Township 35N, Range 2E W.M., situated within Skagit County, Washington. (P19874)

LEAD AGENCY: Skagit County Planning and Development Services.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This determination is subject to the mitigated measures as identified below and shall be deemed conditions of approval of the land use and/or permit pursuant to Skagit County Code 14.12. Such conditions are considered binding and may not be altered by subsequent decisions unless a threshold determination is re-issued.

1. Temporary erosion/sedimentation control measures, as approved by the Skagit County Planning and Development Services, 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 Stormwater Management 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 the provisions of Chapter 14.32 of the Skagit County Code, the Skagit County Stormwater Management 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).
7. This project will be subject to one of Ecology's National Pollutant Discharge Elimination Systems (NPDES) permits. A Construction Stormwater General or Industrial Permit may be required by the Department of Ecology (WSDOE) for this project. Contact the WSDOE Bellingham Field Office at (360) 715- 5200.
8. In accordance with the Inadvertent Discovery Plan (Cultural Resources Assessment dated September 12, 2017), Should any human remains, archaeological, historic or cultural materials be discovered during construction, work in the affected area shall cease immediately and the area shall be secured. Within 24 hours, of the discovery, or as soon thereafter as possible, the developer shall notify the Skagit County Sheriff's office, Skagit County Planning and Development Services, the Washington State Department of Archeology and Historic Preservation and affected tribes. If following consultation with the above parties it is determined that an archaeological and cultural resource assessment is required, the project developer shall retain the services of a professional archaeologist to prepare such an assessment. Project work in the affected area shall only continue when in conformance with applicable state and federal laws.

This MDNS is issued under WAC 197-11-350. The lead agency will not act on this proposal for 15 days from the date of the publication below.

Written comments must be received no later than 4:30 pm on: **December 1, 2017**
Email correspondence **will not be accepted**, however comments may be submitted via the PDS website under the "current legal notices" tab. (www.skagitcounty.net/pdscomments)

You may appeal this threshold determination in accordance with Skagit County Code 14.06 and 16.12 and then by filing such with the Skagit County Planning and Development Services for service to the SEPA responsible official within fourteen (14) calendar days after the date of the threshold determination.

Appeals must be submitted no later than: **December 15, 2017**

RESPONSIBLE OFFICIAL: Director of Planning and Development Services
CONTACT PERSON: Brandon Black, Senior Planner – Team Supervisor
MAILING ADDRESS: 1800 Continental Place, Mount Vernon, WA 98273.
PHONE: (360) 416-1320

Date: 11-14-17 Signature _____.

On behalf of Dale Pernula
AICP, Planning and Development Services Director

cc: WDOE, Public Works, NW Clean Air Agency, Fire Marshal, WSDF&W, Skagit River Systems Coop, Army Corps, DAHP, Upper Skagit Indian Tribe, Samish Indian Nation, City of Anacortes, WSDOT, Applicant, Parties of Record

Please Publish: 11-16-17

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