

Please Return to:

Skagit County Planning & Permit Center



199908180166

Kathy Hill, Skagit County Auditor

8/18/1999 Page 1 of 8 1:18:38PM

SKAGIT COUNTY PLANNING & PERMIT CENTER

FINDINGS OF FACT

**HEARING AUTHORITY:** SKAGIT COUNTY PLANNING DIRECTOR

**APPLICATION NUMBER:** Administrative Special Use  
PL 99-0140

**APPLICANT:** Public Utility District #1

**ADDRESS:** P.O. Box 1436  
1415 Freeway Drive  
Mt. Vernon, WA 98273

**PROJECT DESCRIPTION:** Administrative Special Use Request for the placement of a 550,000-gallon welded steel reservoir. Also located on site will be a 15,000-gallon retention pond. The project will include the installation of 3,600 lineal feet of 12-inch diameter ductile iron waterline and associated appurtenances. The proposed reservoir and pipeline will increase fireflow capacity in the immediate area, which includes Fidalgo School and the Fidalgo Island portion of the District's service area.

**PROJECT LOCATION:** The reservoir site is located on District property at 7004 Sunrise Estate Dr. Anacortes, WA; within a portion of Section 18, Township 34 North, Range 02 East, W.M., Skagit County, Wa.

**ZONING:** Residential Reserve

**COMPREHENSIVE PLAN:** Rural Reserve

**ASSESSOR'S ACCOUNT NUMBER:** 340218-1-003-0100, 340218-1-003-0003

**P NUMBER:** P#113958, P#20486

**DECISION:** The Director hereby **APPROVES** the application for a Special Use permit, subject to conditions and modifications.

### STAFF FINDINGS:

1. The subject property is zoned Residential Reserve and Comprehensive Plan designates the area as Rural Reserve.
2. Per Section 14.01.033 of the Skagit County Code, a letter of completeness was issued on April 16, 1999. A Notice of Development Application was posted on the subject property and published in a newspaper of general circulation on May 6, 1999, as required by Section 14.01.040(2) of the Skagit County Code.
3. The application has been reviewed in accordance with the State Environmental Policy Act guidelines (WAC 197-11 and RCW 43.21C) A Determination of Nonsignificance was issued by the applicant on February 22, 1999.
4. The subject application has been reviewed with respect to the Skagit County Critical Areas Ordinance Chapter 14.06 of the Skagit County Code. The applicant submitted a Geo-Technical report prepared by Geo-Engineers. Gary Sorensen, Skagit County Geologists reviewed the report. He agreed with the conclusion presented in the report that the construction of the tank is feasible with respect to the subsurface conditions in the project area. He would recommend that approval of the tank construction be based on the following conditions:
  - 1) The proposed tank shall be a minimum of 30 feet from the top of the 30 percent break in slope as recommended. This setback minimum should be determined and clearly marked along with acceptable potential tank location(s) clearly delineated in the field by the geotechnical engineer.
  - 2) Areas where vegetation may be cleared and landscaped and where vegetation on the steep slope shall not be disturbed shall be determined and clearly delineated in the field by the geotechnical engineer.
  - 3) No additional influx of water be allowed to enter or infiltrate into the ground near or on the slope.
  - 4) No concentrated surface or storm water shall be designed to discharge onto the slope and site grading shall be accomplished such that surface water from the tank and any other impervious surface is not allowed to concentrate and flow overland to the steep slopes. Any runoff water from the site that becomes concentrated shall be collected and routed via an appropriate stormwater conveyance system to a suitable discharge point. Under no circumstances shall stormwater be discharged where it will flow onto any portion of the steep slope and cause erosion.



199908180166

Kathy Hill, Skagit County Auditor

8/18/1999 Page 2 of 8 1:18:38PM

- 5) No fill, waste or other material shall be placed on the slope.
  - 6) Any small erosion features that develop during and subsequent to construction shall be repaired promptly.
  - 7) A plan to address all necessary erosion control and sediment transport prevention measures shall be developed and implemented for this project.
  - 8) With regards to site preparation, structural fill and foundation support requirements, and necessary material testing as described in the report, it shall be required that a geotechnical engineer be on site as appropriate to provide sufficient monitoring, testing, inspections, or as otherwise necessary to confirm that the conditions encountered in the field are consistent with those indicated in the report and to provide recommendations for design changes should the actual field conditions revealed during construction differ from those anticipated, and to evaluate whether earthwork and foundation installation activities comply with contract plans and specifications.
5. The subject property is not located in a Flood Hazard Zone or adjacent to land designated as natural resource.
6. The applicant is requesting an Administrative Special Use Permit to allow the placement of a 550,000 gallon welded steel reservoir. Also located on site will be a 15,000-gallon retention pond. The project will include the installation of 3,600 lineal feet of 12-inch diameter ductile iron waterline and associated appurtenances. The waterline will be located along an existing access road to the Gibraltar Pit, then along the new access road along the hillside to the tank site. The proposed reservoir and pipeline will increase fireflow capacity in the immediate area, which includes Fidalgo School and the Fidalgo Island portion of the District's service area.
7. Interim Ordinance #16559 Implementing the Comprehensive Plan Section 9 states The County shall not approve any construction or development permits or new franchises for construction of publicly owned water lines outside the UGA's, except at a size which the water purveyor can demonstrate is necessary only to serve development consistent with the land use densities in the Comprehensive Plan or as necessary to protect the public health, safety and the environment and then only if designed as not to allow water connections to accommodate growth inconsistent with the Comprehensive Plan land use designation, and when such facilities are financially supportable at densities in the comprehensive plan. According to the applicant, the proposed project will be designed with the capacity to provide for increasing fireflow demands to the local area and is in all respects in compliance with the 1997 Comprehensive Plan.



199908180166

8. The property for the reservoir is approximately .50 acres in size and was a portion of an approximate 11.71-acre parcel. The property is located in a wooded area west of Gibraltar Road and is undeveloped at this time. The site will be accessed by a private gravel road, built to County standards, which is being extended from Sunrise Estates Dr. The area surrounding the reservoir is currently wooded and mostly undeveloped. An approximate 15-foot vehicle gate will be located on the southern property line of the proposed reservoir area.
9. The proposed reservoir will be located approximately 54 feet from the south property line, approximately 24 feet from the west property line, approximately 103 feet from the north property line and approximately 28.5 feet from the east property line. The reservoir will be 44' in overall height and constructed of welded steel. The steel will be painted a darker tone to effectively blend into the surroundings with no adverse aesthetic impact. The emergency overflow pond is sized to accept approximately 15,000 gallons of water. The detention pond will be located approximately 30 feet north of the reservoir and will lie in an east/west configuration. An eight- (8) foot fence with 3 strands of barbwire on top will surround the reservoir and detention pond area.
10. The application was routed to various county departments for review and their comments are as follows: **Public Works**—Work within county right-of-way will require a utility permit from Public Works. A fill and grade permit will be required. A drainage report and plans must be submitted with the fill/grade application. In addition a set of road plans and an erosion and sedimentation control plan will be required. **Critical Areas**—comments were addressed earlier in this report.
11. Section 14.04.150 Unclassified Special Uses of the Skagit County Code indicates that certain items will be reviewed when approving or denying Special Use Permits. Those items are as follows:
- A. **Conformity to the Comprehensive Plan in respect to the compatibility with existing and future land use and circulation.**
- The proposed project will be designed with the capacity to provide for increasing fireflow demands to the local area and is in all respects in compliance with the 1997 Comprehensive Plan.
- B. **The zoning of subject property and surrounding properties and the conformance of the application with the Zoning Ordinance.**



199908180166

The subject property and surrounding area has a residential reserve zoning designation. Section 14.04.150 Unclassified Special Uses of the Skagit County Code indicates that "certain uses which, because of their unique characteristics or rare occurrence, require special review to insure compatibility..." 14.04.150(1) All Zoning Districts lists minor utility developments as requiring an administrative special use. SCC Section 14.01.020 (75) defines minor utility development as follows: utility developments designed to serve a small local community; are not manned and would be considered normal utility services for the area. This proposed project meets those criteria.

**C. Automobile or truck traffic and parking and its effect on surrounding community.**

The proposed finished project will generate approximately one site visit per week for maintenance and routine inspection. Construction is anticipated to take approximately six months or less. The subject property is of sufficient size to accommodate the system operators' maintenance vehicles and equipment while at the site within the confines of the site and will not impact access to adjacent properties.

**D. Noise, odors, heat, vibration, air and water pollution potential of the proposed use.**

There will be some noise and air pollution during the construction phases of the proposed project. The reservoir will be in operation 24 hours per day all year. The reservoir will not require the installation or use of pumps or other equipment that may have potential to generate unwanted emissions, noise, or vibration to adjacent properties. The reservoir site is to be used for the storage of potable water only. There will be no storage or use of chemicals, waste oils, solvents, fuel, etc that might contaminate water suppliers if spilled or improperly used.

**E. Intrusion of privacy.**

The project appears to have minimal chance of intrusion of privacy onto the adjacent properties. The reservoir site is approximately .50 acres in size, with a private road accessing off of Sunrise Estates Lane. The property is undeveloped at this time and is heavily wooded. A gated eight- (8) fabric fence with 3 strands of barbwire on top will surround the subject property. The site will be unmanned except for routine maintenance. The applicant shall maintain a 20-foot buffer around the reservoir area to reduce the visual impact of the project. The buffer shall conform to Section 14.04.160 (3)(c) of the Skagit County Zoning Ordinance.



199908180166

Kathy Hill, Skagit County Auditor

8/18/1999 Page 5 of 8 1:18:38PM

F. Design of site and structures as to possible effects on the neighborhood.

G. In addition to possible effects on the neighborhood, in which the use is to be located, the potential effects on the region shall be considered.

There should be minimal effect on the neighborhood or region as a result of the completed proposal. The reservoir tank will be painted a darker tone to minimize visibility of the structure. An eight- (8) foot fence that will be gated at the south property line will surround the reservoir and detention pond area. A 20-foot buffer shall be provided to mitigate the visual impacts of the proposed water tank.

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

There will be minimal effect on the general public health, safety, or general welfare of the completed project. The project is intended to improve the public health and safety

#### DECISION

The Director hereby **approves** the application for a Special Use permit, subject to the conditions and modifications listed below:

1. The applicant shall obtain all necessary approvals and permits (i.e. building permit, utility permit, fill & grade
2. The permit shall be void if not started within one year of the date of this order.
3. The project shall remain unmanned, except as necessary to monitor and maintain the facility.
4. The applicant shall maintain an 8-foot fence around the reservoir and detention pond throughout the life of the project. Said fencing shall be completed prior to final approval of the building permit.
5. The applicant shall provide a 20 ft. landscaped buffer designed to reduce the visual impact of the project. Landscaping shall conform to Section 14.04.160 (3)(c) of the Skagit County Zoning Ordinance.
6. The reservoir shall be painted to blend with the surrounding environment.
7. The reservoir shall meet zoning setback requirements of 35' front, 8' side, and 25' rear.
8. Tank construction shall be based on the following conditions:

- 1) The proposed tank shall be a minimum of 30 feet from the top of the 30 percent break in slope as recommended. This setback minimum should be determined and clearly marked along with acceptable potential tank location(s) clearly delineated in the field by the geotechnical engineer.



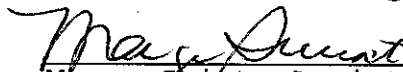
199908180166  
Kathy Hill, Skagit County Auditor  
8/18/1999 Page 6 of 8 1:18:38PM

- 2) Areas where vegetation may be cleared and landscaped and where vegetation on the steep slope shall not be disturbed shall be determined and clearly delineated in the field by the geotechnical engineer.
- 3) No additional influx of water be allowed to enter or infiltrate into the ground near or on the slope.
- 4) No concentrated surface or storm water shall be designed to discharge onto the slope and site grading shall be accomplished such that surface water from the tank and any other impervious surface is not allowed to concentrate and flow overland to the steep slopes. Any runoff water from the site that becomes concentrated shall be collected and routed via an appropriate stormwater conveyance system to a suitable discharge point. Under no circumstances shall stormwater be discharged where it will flow onto any portion of the steep slope and cause erosion.
- 5) No fill, waste or other material shall be placed on the slope.
- 6) Any small erosion features that develop during and subsequent to construction shall be repaired promptly.
- 7) A plan to address all necessary erosion control and sediment transport prevention measures shall be developed and implemented for this project.
- 8) With regards to site preparation, structural fill and foundation support requirements, and necessary material testing as described in the report, it shall be required that a geotechnical engineer be on site as appropriate to provide sufficient monitoring, testing, inspections, or as otherwise necessary to confirm that the conditions encountered in the field are consistent with those indicated in the report and to provide recommendations for design changes should the actual field conditions revealed during construction differ from those anticipated, and to evaluate whether earthwork and foundation installation activities comply with contract plans and specifications.

The applicant and/or a party of record may appeal the decision of the Administrative Official to the Skagit County Hearing Examiner pursuant to the provisions of Section 14.01.060. Every appeal to the Hearing Examiner shall be filed with the Planning & Permit Center within fifteen (15) calendar days after the date of the decision.



Tom Karsh, Planning Director



Marge Swint, Assistant Planner



199908180166

Kathy Hill, Skagit County Auditor

8/18/1999 Page 7 of 8 1:18:38PM

Date of Preliminary Approval: *July 30, 1999*

Date of Final Approval: *August 13, 1999*

Prepared by: MS

Approved by: DCH



199908180166

Kathy Hill, Skagit County Auditor

8/18/1999 Page 8 of 8 1:18:38PM

8