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Skagit County Auditor

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AFTER RECORDING RETURN TO:  
SKAGIT COUNTY HEARING EXAMINER  
302 SOUTH FIRST STREET  
MOUNT VERNON, WA 98273

DOCUMENT TITLE: Order on Special Use Request SU 02 0106

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: Gull Industries

ASSESSOR PARCEL NO: P20985, P20988

ABBREVIATED LEGAL DESCRIPTION: located at 16757 Ovenell Road, Burlington, WA; a portion of Section 2, Township 34 North, Range 3 East W.M. Skagit County, Washington.

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

**FINDINGS, CONCLUSIONS AND DECISION**

**Applicant:** Gull Industries  
P. O. Box 24687  
Seattle, WA 98124

**File No:** PL02-0106

**Request:** Special Use Permit

**Location:** 16757 Ovenell Road, near the northwest corner of the intersection of Ovenell Road and Avon Allen Road, within a portion of Sec 2, T34N, R3E, W.M.

**Summary of Proposal:** To relocate the company's existing operation to the subject site. Activities at the new site will consist of storage of agricultural equipment, sales of petroleum products, transport truck storage, and associated office use. The site was previously used to store and maintain agricultural equipment. No construction of new structures will be required for the proposed use. Some landscaping will be installed.

**Land Use Designation:** Natural Resource Industrial (NRI)

**Public Hearing:** After reviewing the report of the Planning and Permit Center, the Hearing Examiner conducted a public hearing on June 26, 2002.

**Decision:** The application is approved, subject to conditions.



## FINDINGS OF FACT

1. Gull Industries (Thunderbird Lubrications Division) seeks to use property near the intersection of Ovenell Road and Avon Allen Road to store agricultural equipment, dispatch and park delivery trucks and operate a small office. Some sales of prepackaged petroleum products in 55-gallon drums will also take place at the site.

2. The site is designated as Natural Resource Industrial (NRI). It is a 3.37-acre parcel bordering Ovenell Road on the south and Avon Allen Road on the east. The property is irregularly shaped. There is a small separate parcel right at the northwest corner of the intersection. Access is available from both roads.

3. The property is fenced and screened from neighboring properties. There are several existing structures on the site: a main office/warehouse (6,724 square feet) in the southwest adjacent to the main gate; a shop/shed with four bays (11,040 square feet) along the south property line east of the main gate; a pump house (1,00 square feet) at approximately mid property; an equipment storage building with 17 bays (16,560 square feet) on the west property line; and a small storage shed (680 square feet). The site's open space is covered with gravel. It is served by adequate public utilities.

4. National Frozen Foods used the property for approximately 30 years for storage of agricultural harvesting equipment, for equipment maintenance, and for refueling. National's operation on site included 15 year-around employees, with 75 to 100 day-laborers during the summer harvest season. The laborers parked their private automobiles on the property and were shuttled to the fields. The site was home to approximately 33 farm tractors and 17 gigantic pea viners.

5. National was involved in the harvest of peas, corn and carrots. During the height of the harvest, operations at the site went on 24 hours a day, seven days a week. In the peak periods, the site was very busy and sometimes noisy. In addition to maintaining and moving the equipment kept on the property, the site was used for maintenance of trucks hauling produce to National's Burlington plant from the Columbia Basin. Water trucks came in and out. The crews were moved using school busses. Welding, tire changing and engine repairs were conducted at the facility. Workers came and went in their own cars.

6. In the winter, maintenance was performed on the equipment on a regular working-day schedule, five days a week.

7. National's operations at the site ceased in the year 2000 when its Burlington plant was closed. For the last couple of years, the property has basically been idle. Now National seeks to sell it to Gull for an operation that will involve a level of activity much reduced from that which went on in the past.



8. Gull's operation will use about 50 spaces for agricultural equipment storage. This equipment will remain on site except for field preparation and harvesting. In addition, trucks used to deliver petroleum products will be parked on the property when not in use. These trucks (currently three truck-and-trailer transports and a smaller tank wagon) will leave the site at the beginning of their shift, pick up product at nearby refineries, make deliveries to customers and return at shift's end. Fuel storage on site will be limited to a small tank for fueling the trucks. Used oil will not be collected, handled, or stored. No bulk fuel for sale will be maintained on the property, but limited sales of pre-packaged lubricants (oils, kerosene, solvents) will be made there.

9. The on-site staff will consist of three people working an 8-to-5 shift, Monday through Friday. Five to seven drivers will pick-up their trucks at the site and return with them when deliveries have been made. The driving staff will work two shifts -- 4 a.m. to 3 p.m. and 4 p.m. to 2 a.m.

10. Gull and its predecessors have been serving the Skagit Valley for about 20 years. A significant percentage of their customers are farms, loggers and marine related businesses. Currently they operate on and from property near the intersection of SR 20 and Burlington Boulevard within the City of Burlington.. Today the, traffic at that locale is over 20 times what it was 20 years ago. The new location is several miles to the west and will allow access SR 20 at a point where congestion is less.

11. At the new location, under Gull's operation, traffic to and from the site will be significantly reduced from the levels during National's tenure. The number of employees bringing their cars in will be small. Although agricultural equipment will be stored on site, laborers will no longer assemble there before being shuttled to the fields. Delivery truck trips will be limited to the start and end of shifts. The number of petroleum sales on site is not anticipated to exceed half a dozen daily. Overall only about 25 trips per day are anticipated. Of these only about five truck trips will occur at the PM peak hour on the adjacent roadway.

12. There is an existing traffic signal to the southeast of the site at the intersection of SR 20 and Avon Allen Road. This signal and the affected roadways will readily accommodate trips generated by the new facility. The new site will provide improved access and safety compared with the present one.

13. Because the proposal is to relocate an existing operation, it will not generate new trips to the overall transportation network. The trips will simply be diverted from downtown Burlington to the new site.

14. No new construction is planned for the proposed use. However, the applicant does intend to install additional landscaping to improve the screening of the operation.



15. The area surrounding the proposed site is devoted to a mixture of uses. The parcel is bordered to the north and west by residential structures and there is also a single-family residence on the small lot on the northwest corner of Ovenell Road and Avon Allen Road. To the south across Ovenell Road are the Burlington Northern Railroad tracks and adjacent to the tracks is SR 20. To the east across Avon Allen Road is an existing fertilizer operation with an associated sales office. Open pasture and agricultural fields lie adjacent to that use.

16. The zoning of the surrounding area is Rural Reserve, NRI and Rural Business. There are several industrial and commercial uses in the area, including two fertilizer businesses and a restaurant.

17. The application was routed to appropriate County departments for review. None opposed the project. Their suggestions for mitigation or Code compliance are incorporated as conditions of approval.

18. A Mitigated Determination of Non-Significance (MDNS) under the State Environmental Policy Act (SEPA) was issued on April 4, 2002. The mitigating conditions merely required compliance with applicable state and local regulations. The MDNS was not appealed.

19. Three letters of support were received for the proposal from businesses served by the applicant. Two letters of opposition were filed, stating concerns about noise and traffic impacts. Two citizens testified at the public hearing expressing similar worries. In effect, they argued that the use may not be compatible with adjacent residential uses. Both are residents of the neighborhood who purchased prior to the cessation of operations by National Frozen Foods.

20. In response, the applicant and the Staff pointed out that the applicant will be required to meet applicable noise standards, that the nearby highway intersection is signalized, and that some of the uses permitted outright in the NRI district are more intrusive than the proposed use.

21. The Planning and Permit Center determined that the proposed use involves bulk petroleum storage and requires a Hearing Examiner Special Use Permit within the NRI zone. See SCC 14.16.160(5)(f). The use also requires such a permit because, as a manned petroleum product storage area, it is classed as a major utility development. See SCC 14.04.020, 14.16.160(5)(d).

22. The general criteria for Special Use Permit Approval are set forth in SCC 14.16.900(2)(b)(v).

- (a) The proposed use will be compatible with existing and planned land use and comply with the Comprehensive Plan.
- (b) The proposed use complies with the Skagit County Code.



- (c) The proposed use will not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding, existing, or potential dwelling units, based on the performance standard of SCC 14.16.840.
- (d) The proposed use will not generate intrusions on privacy or surrounding uses.
- (e) Potential effects regarding the general public health, safety, and general welfare.
- (f) For special uses in Industrial Forest-NRL, Secondary Forest-NRL, Agricultural-NRL, and Rural Resource-NRL, the impacts on long-term natural resources management and production will be minimized.
- (g) The proposed use is not in conflict with the health and safety of the community.
- (h) The proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.

23. The Staff Report analyzes the proposal in light of these criteria and determines that, as conditioned, it will be consistent with them. The Examiner concurs in this analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

24. The Examiner points out that the NRI zone is intended to accept industrial uses in generally rural areas that facilitate the production of agricultural, forest and aquatic products. The proposed facility does just this, and will not be detrimental to the natural resource base in the long term. Some difficulty at the margins of such zones is to be anticipated. This is what the noise and landscaping requirements are intended to ameliorate. There is no reason to believe that the applicant will not be able to comply with all applicable regulations. However, on this record compliance with noise standards has not been demonstrated.

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

#### **FINDINGS OF FACT**

1. The Hearing Examiner has jurisdiction over the persons and the subject matter of this proceeding.
2. The requirements of SEPA have been met.
3. The proposal, as conditioned, will be consistent with the Special Use approval criteria of SCC 14.16.900(2)(b)(v).
4. The following conditions should be imposed:



(a) The facility shall be operated as proposed in the application materials, except as the proposal may be modified by these conditions.

(b) The applicant shall comply with all conditions of the Mitigated Determination of Non-significance issued on April 4, 2002.

(c) The applicant shall obtain all necessary permits prior to the start of operations.

(d) After operations have commenced, the applicant shall submit to the Planning and Permit Center the results of testing that demonstrates compliance with the maximum permissible environmental noise levels as established in Chapter 173-60 WAC, using the EDNA classifications provided in SCC 14.16.840. If compliance cannot be shown, additional noise abatement conditions may be imposed. Activities on the site shall be conducted in continuous compliance with SCC 14.16.840 and Chapter 173-60 WAC.

(e) Contamination, vehicle parking and maintenance/restoration work on site shall be controlled so as to comply with the State water quality standards for surface water and for ground water, as set forth in Chapters 173-201A and 173-200 WAC.

(f) The applicant shall comply with all applicable UBC occupancy classifications. Information necessary to an occupancy determination shall be provided.

(g) Above ground fuel tanks may not be used to fuel motor vehicles, unless they are two-hour fire protected tanks per Uniform Fire Code, Appendix II-F.

(h) The applicant shall submit a landscape plan to the Skagit County Planning and Permit Center for review and approval that complies with SCC 14.16.830(4)(a),(c),(d) or apply for an Administrative Decision as outlined in SCC 14.16.830(5)(i). The landscaping plan shall be reviewed and approved prior to the start of operations at the site.

(i) The proposed use shall be commenced within two years of approval.

(j) The Planning and Permit Center shall be notified within 30 days of any change in ownership of the subject parcel. A new ownership certificate shall be submitted referring to File No. PL02-0106.

(k) Failure to comply with any conditions of this permit may result in its revocation.

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

### DECISION

The requested Special Use Permit is approved, subject to the conditions set forth in Conclusion 4 above.

*Wick Dufford*

Wick Dufford, Hearing Examiner

Date of Action: July 18, 2002

Copy Transmitted to Applicant: July 18, 2002

Attachment: Staff Report



**SKAGIT COUNTY PLANNING AND PERMIT CENTER  
FINDINGS OF FACT**

**HEARING AUTHORITY:** SKAGIT COUNTY HEARING EXAMINER

**HEARING DATE:** JUNE 26, 2002

**APPLICATION NUMBER:** SPECIAL USE PERMIT APPLICATION  
#PL02-0106

**APPLICANT:** GULL INDUSTRIES

**ADDRESS:** GULL INDUSTRIES  
P.O. BOX 24687  
SEATTLE, WA. 98124

**PROPERTY OWNER:** NATIONAL FROZEN FOODS  
P.O. BOX 9366  
SEATTLE, WA. 98109

**CONTACT PERSON:** TOM MOSER  
411 MAIN STREET  
MOUNT VERNON, WA. 98273

**PROJECT LOCATION:** Located at 16757 Ovenell Road, Burlington, within a portion of Section 2, Township 34N, Range 3 East W.M. Skagit County, Washington.

**PROJECT DESCRIPTION:** Special Use permit application #PL02-0106 to relocate their existing operation from near the intersection of SR 20 and Burlington Boulevard to nearby the northwest intersection of Ovenell Road and Avon Allen Road. The proposed on-site operation would consist of agricultural equipment storage, petroleum sales facility, transport truck storage and offices to support the uses.

**ASSESSOR'S ACCOUNT NUMBER:** 340302-0-014-0009, P20985  
340302-0-016-0007, P20988

**ZONING/ COMPREHENSIVE PLAN:** The property is located within a Natural Resource Industrial (NRI) zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps as adopted July 24, 2000.

**RECOMMENDATION:** The Planning and Permit Center recommends **approval** of the requested Special Use permit with conditions.



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**EXHIBITS:**

1. Staff Findings 1- 12
2. Application submitted March 1, 2002.
3. Site Plan
4. Assessors section map
5. Letter of completeness issued March 12, 2002.
6. Notice of Development published March 14, 2002.
7. Mitigated Determination of Nonsignificance (DNS) published April 4, 2002.

**STAFF FINDINGS:**

1. The subject property is designated as a Natural Resource Industrial (NRI) zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps as adopted July 24, 2000. The application was determined to be complete on March 12, 2002 and is vested under the Comprehensive Plan and zoning regulations in effect at that time pursuant to Skagit County Code 14.02.050.
2. Per Section 14.06.100 of the Skagit County Code, a letter of completeness was issued and a Notice of Development Application was posted on the subject property, mailed to all adjacent property owners within 300 feet of the subject property lines, and published in a newspaper of general circulation on March 14, 2002 as required by Section 14.06.150 of Skagit County Code.
3. The application has been reviewed in accordance with the State Environmental Policy Act (SEPA) guidelines (WAC 197-11 and RCW 43.21C). A Mitigated Determination of Nonsignificance (DNS) was issued on April 4, 2002, and became effective following a fifteen day (15) comment period and a fourteen day (14) appeal period that ended on May 3, 2002. The following conditions were placed on the threshold determination:
  - a. The applicant shall comply with Northwest Air Pollution Authority requirements.
  - b. The applicant shall comply with the provisions of Chapter 14.32 of the Skagit County Code, the Skagit County Drainage, Water, Sedimentation Control Ordinance, as it relates to increased runoff resulting from additional impervious surfaces.
  - c. The applicant shall comply with Fire Code Standards.
  - d. Activities on the site shall comply with the Skagit County Code 14.16.840 as it relates to noise and light.
  - e. The applicant shall comply with WAC 173-60 for Maximum Environmental Noise Levels.



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- f. Water quality standards for Surface Waters of the State of Washington WAC 173-201A and Water quality standards for Ground Waters of the State of Washington WAC 173-200 shall be complied with.
4. The subject parcel was reviewed with the respect to the Skagit County Critical Areas Ordinance, 14.06 of the Skagit County Code. Critical area staff recommended approval of the proposed project without conditions.
  5. The subject parcel is located within a zone A7 designated flood hazard area as identified by FEMA on Flood Insurance Rate Map (FIRM) #530151 0250 C with the effective date of January 3, 1985.
  6. The subject parcel is approximately 3.37 acres in size, located off of the north side of Ovenell Road near the northwest corner of the intersection of Ovenell Road and Avon Allen Road. The parcel is irregular in shape and on the average measures approximately 610 feet in depth along the west (side) property line, approximately 400 feet in depth along the east (side) property line, approximately 300 feet in width along the north (rear) property line and approximately 550 feet in width along the south (front) property line. The subject parcel is fenced and screened from the surrounding residential uses and there are several existing structures on site. The main office is located along the southwest portion of the site, adjacent to the main gate. There is an existing shop with an attached four (4) bay shed also located along the south property line, directly east of the main gate, as well as a pump house located approximately mid property and a seventeen (17) bay equipment storage shed located along the west property line. The site is graveled and was previously used to store agricultural equipment (pea viners) for use in the harvest of peas by National Frozen Food. The property is serviced with water from Public Utility District #1 and utilizes an existing on site septic system.
  7. The surrounding area is made up of a mixture of uses. The parcel is bordered to the north and west by residential structures and there is also a single family residence located on a small lot on the northwest corner of Ovenell Road and Avon Allen Road. Directly to the south of this site is Ovenell Road with Burlington Northern Rail Road tracks directly to the south and Highway 20 located directly adjacent to the south of the rail road tracks. To the east, east side of Avon Allen Road, there is an existing fertilizer operation along with an associated sales office with open pasture and agricultural fields directly adjacent to that use.
  8. The applicant is requesting a Special Use permit to relocate their existing operation from near the intersection of SR 20 and Burlington Boulevard to the former site of National Frozen Foods near the northwest intersection of Ovenell Road and Avon Allen Road. The proposed on-site operation would consist of agricultural equipment storage, petroleum sales facility, transport truck storage and offices to support the uses. Gull Industries (Thunderbird Lubrications) delivers lubricants and fuel to



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retail fueling facilities and farms. The operation employs eight people. There are three full time office staff, four full time drivers, and one part time driver. The office staff work from 8:00 a.m. to 5:00 p.m. Monday through Friday and typically drive to the site and park on site all day. The driving staff is broken into two shifts, 4:00 a.m. to 3:00 p.m. and 4:00 p.m. to 2:00 a.m. Skagit County Code Section 14.16.160(5) (f) states that "Petroleum products and gas storage – bulk" requires an approved Hearing Examiner Special Use Permit within the Natural Resource Industrial zoning/comprehensive plan designated area. Also, Skagit County Code section 14.16.160(5)(d) list out Major utility developments as uses requiring an approved Hearing Examiner special use permit. Further, Skagit County Code section 14.16.160 (3)(f) states that "Offices in conjunction with the permitted use" are accessory uses that are outright permitted with an approved special use permit.

9. The application was routed to the Skagit County Planning and Permit Center Health Unit for review. Environmental Health had no concerns with the proposal. Water Resources comments are as follows: a) "Please provide proof of connection to public water per SCC 12.48.230. This could be in the form of a copy of a current connection water bill receipt or a letter from PUD. b). Is there a pick up contract for the used oil and other shop contaminates? Please provide a copy of the contract for pick up. c) Activities on the site shall comply with Skagit County Code 14.16.840 in regards to Noise and light issues and shall comply with state standards, and WAC 173-60 d) Water quality standards for Surface Waters of the State of Washington in WAC 173—201A and Ground Water WAC 173-200 shall be complied with for issues pertaining to contamination, vehicle parking and maintenance/restoration work etc.
10. The application was routed to the Public Works Department for review. The Public Works Department had no comments or concerns with the proposal.
11. The application was routed to the Skagit County Fire Marshal with the SEPA threshold determination for review. The Fire Marshal's comments are as follows: a) The use of the building for a "lubes warehouse" may be a change in UBC Occupancy Classification. The applicant will need to provide Material Safety Data Sheet and maximum quantities for an occupancy determination to be made. b) Above ground fuel tanks may not be used to fuel motor vehicles unless they are 2 hour fire protected tanks per UFC Appendix II-F.
12. Section 14.16.900 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. The proposed use will be compatible with existing and planned land use and comply with the Comprehensive Plan.



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The parcel is designated as Natural Resource Industrial (NRI) and has been used by National Frozen Foods for agricultural equipment storage, maintenance, and repair of agricultural harvesting equipment (pea viners). This site has been used as the hub of activities for the harvesting equipment operators and National Frozen food field staff, as well as for the maintenance and storage of the implements and machines.

The applicant has indicated that the site is designated as Natural Resource Industrial and the surrounding area is designated Rural Reserve, Natural Resource Industrial and Rural Business and that there are a number of industrial and commercial uses located in the area including two fertilizer businesses and a restaurant.

The applicant further stated the following, "We believe that our proposal meets the purpose of the Natural Resource Industrial (NRI) zoning designation. The proposal will provide *support of local natural resource activities and will not be detrimental to the natural resource base in the long term* (SCC 14.16.160(1)). The project will provide covered storage for natural resource equipment.

Approximately 20% of the bulk fuel customers are natural resource operations. Policy 4A-14.2 of the Comprehensive Plan provides: *Under the Skagit County Comprehensive Plan and the Growth Management Act (RCW 36.70A.070(5)(d)(i)), a Natural Resource Industrial area is not required to be principally designated to serve the existing and projected rural populations*".

The applicant further indicated that the project provides natural resource support services, is not harmful to natural resource and is proximate to natural resource activities. The project does not require urban services and is compatible with the surrounding rural area and rural character.

B. The proposed use complies with Skagit County Code.

The subject parcel is designated as Natural Resource Industrial and Skagit County Code section 14.16.160(5)(d) lists out major utility developments as Hearing Examiner Special use permit as well as SCC 14.16.160 (5)(f), Petroleum products and gas storage-bulk.

The applicant has indicated that the purpose of the NRI designation includes limited support services that support local natural resource activities. Although the proposed uses are not specifically listed as permitted uses in Skagit County Code section 14.16.160(2), they are similar to a number of the listed uses. The applicant further listed the following uses that have some relationship with the proposed uses as follows:

- (2)(a)(x) Irrigation systems sales, repair and storage.
- (2)(a)(xv) Storage and distribution of animal feeds, fertilizers, pesticides and seed.



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- (2)(b)(ii) Forest industry storage and maintenance facility.
- (2)(b)(iii) Forestry management services and forest industry support services.
- (3)(f) Offices in conjunction with the permitted use.

The applicant stated that over one-half of the site will be utilized for natural resource equipment storage. The bulk fuel distribution serves the natural resource community. Further, the applicant indicated that Skagit County Code 14.16.160(5)(d), Major utility developments are considered as Hearing Examiner special uses. Also, Skagit County Code section 14.04.020 provided the following definition of Utilities: "Utilities: include, but are not necessarily limited to, facilities and services that generate, transport, process, or store water, sewage, solid waste, electrical energy, communications and pipelines for fuel, oil, natural gas, and petroleum products."

The applicant states that the proposed petroleum sales facility of the proposal provides transportation of petroleum products throughout the valley.

- C. The proposed use will not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840.

The applicant indicated that the project will be in compliance with all aspects of SCC14.16.840, Performance Standards. The use of the site will be a substantial reduction of activity when compared to the prior use of the site by National Frozen Foods.

Staff notes that the proposed use, as described, will be a substantial reduction in the previous use of the site during the summer months and a minor increase in the use of the site during the winter months, however, the overall operation, as outlined, should be able to comply with all of the applicable performance standards outlined within Skagit County Code.

- D. The proposed use will not generate intrusions on privacy of surrounding uses.

The applicant indicated that the proposal will not generate intrusions on the surrounding uses. It will generate less traffic than the previous use by National Frozen Foods. The proposed landscaping will reduce the existing visual impacts in the community.

Staff notes that the site is currently fenced from the surrounding uses and the proposed use of the site will be a reduction in the possibility of intrusions, if anything, due to the fact that the site use will be reduced. Further, the applicant has indicated that there is landscaping proposed with this project which will further reduce any potential intrusion on the privacy of the surrounding uses.



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

The applicant indicated that there will be no potential adverse impacts. If fact, traffic impacts at the current location will be reduced. The intersection of SR 20 and Burlington Boulevard has been identified as one of the worst intersections in the County. No impact is expected on SR 20 since the traffic patterns of the operation will not change between Avon-Allen Road and the Anacortes Refinery.

F. For special uses in Industrial Forest – Natural Resource Lands, Secondary Forest – Natural Resource Lands, and Rural Resource – Natural Resource Lands, the impacts on long-term natural resource management and production will be minimized.

The applicant has indicated that this criteria is not applicable to the proposal since the site is not located within a resource land designation.

G. The proposed use is not in conflict with the health and safety of the community.

The proposed use will not conflict with the health and safety of the community.

H. The proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.

Staff notes that the use will be supported by adequate public facilities and services with no adverse affects on the services or surrounding areas.

The applicant has indicated that the site location provides adequate public facilities for the proposed use. The proposed uses will require less public facilities and services that the previous use of ht site which operated for over 30 years.

#### RECOMMENDATION

Based on the above findings the Planning and Permit Center would recommend **approval** of the requested Special Use Permit to relocate their existing operation from near the intersection of SR 20 and Burlington Boulevard to near the northwest intersection of Ovenell Road and Avon Allen Road. The proposed on-site operation would consist of agricultural equipment storage, petroleum sales facility, transport truck storage and offices to support the uses with the following conditions:

1. The applicant shall obtain all necessary land use approvals.
2. The applicant shall comply with the conditions outlined within the SEPA threshold determination (MDNS).



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3. Activities on the site shall comply with Skagit County Code 14.16.840 in regards to Noise and light issues and shall comply with state standards, and WAC 173-60.
4. Water quality standards for Surface Waters of the State of Washington in WAC 173—201A and Ground Water WAC 173-200 shall be complied with for issues pertaining to contamination, vehicle parking and maintenance/restoration work etc.
5. The use of the building for a “lubes warehouse” may be a change in UBC Occupancy Classification. The applicant will need to provide Material Safety Data Sheet and maximum quantities for an occupancy determination to be made.
6. Above ground fuel tanks may not be used to fuel motor vehicles unless they are 2 hour fire protected tanks per UFC Appendix II-F.
7. The applicant shall submit a landscape plan to the Skagit County Planning and Permit Center for review and approval that complies with SCC 14.16.830(4) (a), (c), and (d) or apply for an Administrative Decision as outlined within SCC 14.16.830(5)(i). Said landscaping plan shall be review and approved prior to the start of the operation on site.

Prepared By: BB  
Approved By:  
Dated: 6-5-02



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