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

DOCUMENT TITLE: ORDER ON SHORELINE CONDITIONAL USE PERMIT SL 02 0654,
And ADMINISTRATIVE SPECIAL USE PERMIT ASU 02 0758

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: WASHINGTON STATE PARKS and RECREATION COMMISSION

ASSESSOR PARCEL NO: P119883

LEGAL DESCRIPTION: The project is located on the north end of Skagit Island in Skagit Bay. The entire 21-acre island is in State Park ownership and is presently undeveloped. The island is near and managed by Deception pass State Park. The proposed improvements are located within a portion of Section 20, Township 34 north, Range 2 east, W.M., Skagit County, Washington.

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND DECISION

Applicant: Washington State Parks and Recreation Commission
c/o Deborah R. Petersen, Environmental Specialist
7150 Cleanwater Lane
P. O. Box 42650
Olympia, WA 98504-2650

File No: PL02-0654, PL02-0758

Request: Shoreline Conditional Use Permit
Administrative Special Use Permit

Location: North end of Skagit Island, within a portion of Sec. 20,
T34N, R2E, WM.

Land Use Designations: Shorelines: Natural
Comp Plan/Zoning: Public Open Space of Regional/
Statewide Importance

Summary of Proposal: To develop a kayak camp site, as part of the Cascadia
Marine Trail, a system of water trail sites from Olympia
to the Canadian border. The site will be managed by
personnel from Deception Pass State Park.

Public Hearing: After reviewing the report of the Planning and Permit
Center, the Hearing Examiner conducted a public hearing
on March 26, 2003.

Decision: The applications are approved, subject to conditions.



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FINDINGS OF FACT

1. The Washington State Parks and Recreation Commission seeks approval for the development of a kayak camp site on the north end of Skagit Island.
2. The entire 21-acre island is in State Park ownership and is presently undeveloped. It is located in Skagit Bay near Deception Pass State Park, within a portion of Sec. 20, T34N, R2E, WM.
3. The project will create a single group kayak campsite as part of the Cascadia Marine Trail system. The trail system was created by the State Legislature in 1993. The development of some 20 campsites along a water route between Olympia and the Canadian border is contemplated.
4. At present the project locale is not a formally developed campsite, but it has been used informally as such for a number of years. The proposal is to improve the site on a more environmentally friendly basis and then to maintain the improved site indefinitely. The north end of the island has the only viable landing beach for kayaks.
5. At the site, a vault toilet will be installed at the upland end of a new trail from the beach. A four-foot wide stairway will be constructed down the seaside bluff at the waterward end of this trail. Overall the trail will be 133 lineal feet long. On top of the bluff, between the toilet and the beach, and just off the trail, will be the group camping area. The campsite will occupy about 700 square feet and lie about 80 feet from the top of the bank. A kayak rack will be built below the camp near the top of the bank.
6. About 560 square feet will need to be cleared and graded for the toilet site. A sewer line for pump-out will run to a valve where a pump hose from a boat can readily be hooked up. The vault will be pumped as needed to a sewage pump truck loaded on a boat. The pump-out valve will be located approximately 50 feet from the shore.
7. The vault will contain a 1,000- gallon holding tank. The toilet will be placed on a slab. The toilet installation will create about 60 square feet of impervious surface. The stairway will create another 80 feet of impervious surface.
8. Overall about 22.8 cubic yards of grading will be required for the project, including the trail, campsite and toilet. No trees will be removed. The toilet and campsite will not be visible from the water.
9. The development will replace an old pit toilet and the informal camping areas closer to the water. The proposal includes plans for re-vegetation of the areas degraded by past use. The net effect should be improved control of erosion.
10. Supervision of the new site will be by personnel from Deception Pass State Park. Skagit Island will be patrolled on a regular basis during the peak camping season.



11. The vault toilet will be well vented and will be maintained regularly to prevent any odor problems.

12. In the development of the Cascadia Marine Trail, State Parks is working with the Washington Water Trails Association, a private group promoting public access to waterways. The idea is to develop "official" campsites, with improvements similar to those proposed here, at intervals that allow for reasonable mileage for a days' paddling. The sites are for "human-powered" craft. The facilities will remain pretty basic.

13. The Executive Director of the Trails Association testified that volunteers from the group will help to maintain this and other sites as a part of their "leave no trace" program.

14. The Planning and Permit Center circulated the application. No departments had objections. The Health Department said that the toilet will require their approval.

15. There was no adverse public comment.

16. SMP 11.03 establishes the following criteria for issuance of a shoreline conditional use permit:

- a. That the proposed use will be consistent with the policies of the this Master Program and the policies of RCW 90.58.020.
- b. That the proposed use will not interfere with the normal public use of public shorelines.
- c. That the proposed use of the site and design of the project will be compatible with other permitted uses in the area.
- d. That the proposed use will cause no unreasonable adverse effects to the shoreline environment designation in which it is located.
- e. That the public interest suffers no detrimental effect.

17. The Staff Report thoroughly analyzes the application in light of the policies and regulations for recreational development in the County Shoreline Master Program (SMP). The Report determines that the recreational policies and regulations are all met by the nature, location and design of this project. Staff notes that the site is a state park and the campground is compatible with adjacent and surrounding use which is primarily recreational.

18. The Hearing Examiner concurs in the Staff analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth. The proposal will serve water-related recreation. It will have no significant adverse environmental impacts.

19. The Public Open Space of Regional/Statewide Importance zoning designation is a special category assigned to lands in public ownership that are reserved for, among



other things, public recreation. Under SCC 14.16.500(4), campgrounds in such zones are listed as Administrative Special Uses.

20. The Special Use Permit criteria are similar to those for a Shoreline Conditional Use Permit. See SCC 14.16.900(2)(b)(v). In light of the purpose of the Public Open Space designation, the proposed group campsite for kayakers is clearly consistent with the Comprehensive Plan. The Examiner finds that the proposal will be consistent with the balance of the Special Use criteria as well.

21. The proposal was reviewed under the County Critical Areas Ordinance (CAO) and because of its proximity to the shore required a fish and wildlife habitat assessment. Upon evaluation of this assessment, the Staff concluded that no adverse CAO impacts are likely, but recommended a condition that any impact to critical areas resulting from the campground installation shall be repaired to its previous function and value immediately following construction.

22. A Determination of Non-Significance (DNS) under the State Environmental Policy Act (SEPA) was issued by State Parks as lead agency on December 4, 2002. The DNS was not appealed.

23. During construction, silt fencing or straw bales will be used as needed to contain silt from the work areas.

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

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the persons and the subject matter of this proceeding. SMP 8.07. Consideration of the Special Use Permit application was consolidated with consideration of the shoreline application as provided in SCC 14.06.060.

2. The requirements of SEPA have been met.

3. The Staff interprets the SMP to require a Shoreline Conditional Use Permit for the proposed use in a shoreline designated as Natural. The Examiner defers to this interpretation.

4. Based on the findings, the Examiner concludes that, as conditioned, the proposal will meet the criteria for the permits sought: Shoreline Conditional Use Permit - SMP 11.03(1); Special Use Permit --SCC 14.16.900(2)(b)(v).



5. The following conditions of approval should be imposed:

- (1) The project shall be developed and operated in accordance with the application materials submitted, except as the same may be modified by these conditions.
- (2) Temporary erosion/sedimentation control measures shall be employed during construction, consistent with SCC Chapter 14.32, Drainage Ordinance.
- (3) The permittee shall comply with all relevant Northwest Air Pollution Control Authority Requirements.
- (4) Prior to construction, the permittee shall obtain County Health Department approval for installation of the vault toilet.
- (5) The outer edge of the campground area shall be located not closer than 70 feet from the Ordinary High Water Mark and the vault toilet shall be located no closer than 120 feet from the Ordinary High Water Mark.
- (6) The permittee shall meet all state and local standards for solid waste handling and sewage disposal.
- (7) Any impact to critical areas resulting from the campground installation shall be repaired to its previous function and value immediately following construction.
- (8) Any modifications to the proposal must be submitted to and approved by the Planning and Permit Center before they are implemented.
- (9) The project must be started within two (2) years of the date of the Department of Ecology's approval and completed within five (5) years thereof or the shoreline permit shall become void.
- (10) Failure to comply with all conditions of approval of these permits may result in their revocation.

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

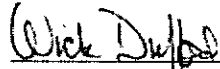


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DECISION

The requested Shoreline Conditional Use Permit and Special Use Permit are approved, subject to the conditions set forth in Conclusion 5 above.



Wick Dufford, Hearing Examiner

Date of Action: April 21, 2003

Copy Transmitted to Applicant: April 21, 2003

RECONSIDERATION/APPEAL --SHORELINES

As provided in the Skagit County Shoreline Master Program, Section 13.01, a request for reconsideration may be filed with the Planning and Permit Center within five (5) days after the date of this decision. The decision may be appealed to the Board of County Commissioners by filing a written Notice of Appeal with the Planning and Permit Center within five (5) days after the date of decision, or decision on reconsideration, if applicable.

RECONSIDERATION/APPEAL -- SPECIAL USE

As provided in SCC 14.06.180, a request for reconsideration may be filed with the Planning and Permit Center within 10 days after the date of this decision. As provided in SCC 14.06.120(9), the decision may be appealed to the Board of County Commissioners by filing a written Notice of Appeal with the Planning and Permit Center within 14 days after the date of the decision, or decision on reconsideration, if applicable.



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