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Skagit County Planning and Permit Center



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Skagit County Auditor

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

HEARING AUTHORITY: SKAGIT COUNTY PLANNING AND PERMIT
CENTER ADMINISTRATIVE OFFICIAL

APPLICATION NUMBER: ADMINISTRATIVE SPECIAL USE REQUEST
PL03-0508

APPLICANT: SKAGIT COUNTY PUBLIC UTILITY DISTRICT
#1

ADDRESS: 1415 FREEWAY DRIVE
MOUNT VERNON WA. 98273

PROJECT LOCATION: Located approximately 940 feet south of South Skagit Highway, south of (across the street from) the intersection of South Skagit Highway and Logsdon Lane, within a portion of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 9, and the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 16, Township 35 North, Range 8 East W.M., situated within Skagit County, Washington. P44005, P118403

PROJECT DESCRIPTION: Administrative Special Use Permit application (#PL03-0508) for the construction and operation of a minor (water) utility development system. The project proposal includes the construction of a 30-foot diameter, 40-foot tall, water storage tank on an approximate 120-foot by 120-foot area. The project includes the installation of approximately 680 linear feet of 12-inch ductile iron conveyance pipe along with associated appurtenances. The project proposal also includes the construction of approximately 650 linear feet of 12-foot wide gravel roadway, with a ditch on one side, for access to the tank site. The proposal is intended to supply potable water to the residents located north of the tank site.

ASSESSOR'S ACCOUNT NUMBER: 350816-0-008-0005
350809-0-004-1200
PARCEL NUMBERS: P44005
P118403

ZONING/ COMPREHENSIVE PLAN: The proposed reservoir site is located approximately 940 feet south of the South Skagit Highway within a Secondary Forest Natural Resource Land (SF-NRL) zoning/comprehensive plan designated area. The distribution lines extend northward into a Rural Intermediate (RI) zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps adopted July 24, 2000 and as thereafter amended.

DEPARTMENTAL FINDINGS:

1. The project is located primarily within a Secondary Forest Natural Resource Land (SF-NRL) zoning/comprehensive plan designated area, with the distribution lines extending northward into a Rural Intermediate (RI) zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps adopted July 24, 2000 and as thereafter amended. The application was determined to be complete on July 8, 2003 and is vested under the regulations in effect at that time.
2. Per Section 14.06.100 of the Skagit County Code (SCC), a letter of completeness was issued. A Notice of Development Application was posted on the subject property and published in a newspaper of general circulation on July 10, 2003 as required by SCC Section 14.06.150(2). The fifteen (15) day comment period associated with the Notice of Development ended on July 25, 2003. There were no written public comments received during the comment period.
3. The application has been reviewed in accordance with the State Environmental Policy Act guidelines (WAC 197-11 and RCW 43.21C). A Mitigated Determination of Non-Significance (MDNS) was issued on October 2, 2003, and became effective following a fifteen-day (15) comment period that ended on October 17, 2003 and a fourteen-day (14) appeal period that ended on October 31, 2003. The following conditions were placed on the threshold determination:
 - a. Temporary erosion/sedimentation control measures, as approved by the Skagit County Department of Public Works, 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 Drainage Code 14.32. Said measures shall remain in place until completion of the project.
 - b. The applicant shall comply with Northwest Air Pollution Authority requirements.



- c. The applicant shall comply with the provisions of Chapter 14.32 of the Skagit County Code, the Skagit County Drainage Ordinance, as it relates to increased runoff resulting from additional impervious surfaces.
 - d. The applicant shall comply with Fire Code Standards.
 - e. An engineered soil compaction report shall be required for all structures placed on fill material.
 - f. The applicant shall comply with all relevant provisions of 14.24 (Skagit County Critical Areas Ordinance).
4. The project was reviewed with respect to the Skagit County Critical Areas Ordinance, chapter 14.24 of the Skagit County Code (SCC). Critical Areas staff stated the following: "Critical Areas approved with the requirement that the mitigation recommendations included in the Fish and Wildlife Habitat Assessment report by ATSI, dated June 1, 2003, and the Geologic Hazards Assessment report by Geo Engineers, dated June 6, 2003, are included as conditions of permit approval." Further, "in addition, an inspection report will be required following completion of the "deflection berm." The inspection shall be completed by the Engineer of record or his/her representatives." Staff recommended approval with the noted conditions.
5. The subject project is not located within a flood hazard area as identified by FEMA on Flood Insurance Rate Map (FIRM) #530151 0285 C with the effective date of January 3, 1985.
6. The subject proposal is located in eastern Skagit County, south of the Skagit River adjacent to (and south of) the Skagit View Village development. The proposed minor utility development will be located approximately 940 feet south of, and up hill from, South Skagit Highway.
7. The applicant is requesting an Administrative Special Use Permit for the construction and operation of a minor (water) utility development system. The project proposal includes the construction of a 30-foot diameter, 40-foot tall water storage tank, on an approximate 120-foot by 120-foot area. The project includes the installation of approximately 680 linear feet of 12-inch ductile iron conveyance pipe along with associated appurtenances. Access to the tank site for the proposal includes the construction of approximately 650 linear feet of 12-foot wide gravel roadway with a ditch on one side. The proposal is intended to supply potable water to the residents located north of the tank site in the Skagit View Village area. The proposed reservoir site is located approximately 940 feet south of the South Skagit Highway within a Secondary Forest Natural Resource Land (SF-NRL) zoning/comprehensive plan designated area, with the distribution lines extending northward into a Rural Intermediate (RI) zoning/comprehensive plan designated area. SCC 14.16.420 (3)(d) "Secondary Forest – Natural Resource Lands (SF-NRL)" and SCC 14.16.300(3)(b) "Rural Intermediate (RI)" designations, both list out "Minor Utility Developments" as Administrative



Special Use Permits. Further, SCC 14.04.020 defines minor utility developments as "utility developments designed to serve a small local community, are not manned and would be considered normal utility services for the area."

8. The majority of the surrounding area is rural and forested uplands with scattered residential structures.
9. The application was routed to the Environmental Health Unit (septic) for review. No concerns were noted from Skagit County Planning and Permit Center Environmental Health unit.
10. The application was routed to the Skagit County Public Works Department for comments. Public Works indicated that a state access permit is required. Public Works further indicated that a grading permit is required and that engineered grading and drainage plans are required per SCC 14.32.5(a).
11. The application was routed to the Skagit County Health Department for review. The Health Department stated the following:

"We have no objection to your approval of the installation of a reservoir and appurtenances for the Skagit View/Wilderness Village/PUD project system as long as it doesn't include a new well/source or treatment that requires the State approval of plans or specs prior to construction."
12. The application was routed to the Water Resources Division of the Skagit County Planning and Permit Center for review. Water Resources comments were as follows:
 - 1) "Operation of equipment/construction and daily operations shall comply with Skagit County Code 14.16.840 for light, vibration and noise conditions."
 - 2) "There shall be no maintenance of vehicles or equipment on the property."
13. Skagit County Special Use Permit Criteria. SCC 14.16.900 (2) Special Use Permit requirements indicate 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.

The Skagit County Comprehensive Plan does not specifically provide policies that either support or oppose the proposed project. However, the proposed use is located within the Secondary Forest Natural Resource Lands (SF-NRL) designation and the Rural Intermediate (RI) designation, both of which allow for



minor utility developments designed to serve a small local community and are not manned (reference SCC 14.16.300 and 14.16.420 respectively).

The applicant has indicated that "the proposed use is compatible with the existing and planned land-use and complies with the Comprehensive Plan policies regarding water (utilities element)."

B. The proposed use complies with the Skagit County Code.

SCC 14.16.420 (3)(d) "Secondary Forest – Natural Resource Lands (SF-NRL)" and SCC 14.16.300(3)(b) "Rural Intermediate (RI)" designations both list out "Minor Utility Developments" as requiring Administrative Special Use Permits. Further, SCC 14.04.020 defines minor utility developments as "utility developments designed to serve a small local community, are not manned and would be considered normal utility services for the area."

The applicant has indicated that "The water tank is allowed as an administrative special use under the site zoning. To our knowledge, the project proposal complies with 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 standards of SCC 14.16.840.

The applicant has indicated that "The performance standards outlined in Skagit County Code 14.16.840 with regard to vibration, heat, glare, steam, electrical disturbance and noise will be met with the project proposal."

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

The applicant has indicated that "Intrusions on privacy will not be generated by the project proposal. Public Utility District #1 employees will be at the water tank approximately once a week and they will not be wandering onto adjacent properties." The applicant has further indicated that the potential for trespassing by visitors or customers would be negligible, as neither would be allowed at the site. The limits of the facility are clearly identified and there would be no reason why employees would trespass onto adjacent properties. The road leading to the water tank will be posted with "No Trespassing" signs, a gate will be placed at the north property line of the Goodyear Nelson Lumber Company property, and an 8-foot tall fence with barbed wire and a locked gate will be placed around the water tank.

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



There will be no negative effects on the neighborhood, region, general public health, safety, or welfare as a result of this project provided the site is maintained. The parking area will be on site and will not create any new potential impacts.

The applicant has indicated that the water tank will have a positive effect on the general public health, safety and general welfare as it will be supplying potable water to nearby residents.

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

There will be no impacts on natural resource management or production as a result of the proposed project.

The applicant has indicated, "The water tank has been sited with the least amount of impact to the surrounding property that is zoned Secondary Forest-Natural Resource Lands. The proposal will be utilizing part of an existing access road. Natural resource management and production activities can still occur on the property surrounding the project facilities."

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

The proposed use will not create a conflict with the health and safety of the community provided all local, state and federal regulations are followed.

The applicant has indicated, "The water tank is not in conflict with the health and safety of the community. The water tank will be supplying nearby residents with a reliable source of clean potable water."

- 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.

The proposal will be supported by adequate facilities and will not adversely affect public services to the surrounding areas.

The applicant has indicated, "The project proposal is a facility that will be delivering potable water to nearby residents. The services needed to operate the water system will be installed as part of the project proposal."




DECISION

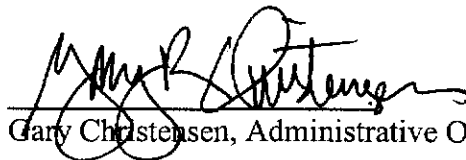
The Administrative Official hereby **approves** the application for a Special Use Permit, subject to the conditions and modifications listed below:

1. The applicant shall obtain all necessary land use approvals.
2. The proposal shall be in compliance with the performance standards outlined in SCC 14.16.840.
3. Operation of equipment/construction and daily operations shall comply with SCC 14.16.840 for light, vibration and noise conditions.
4. The mitigation recommendations included in the Fish and Wildlife Habitat Assessment report by ATSI, dated June 1, 2003, and the Geologic Hazards Assessment report by Geo Engineers, dated June 6, 2003, are included as conditions of permit approval.
5. An inspection report shall be required following completion of the "deflection berm." The inspection shall be completed by the Engineer of record or his/her representatives.
6. The applicant shall comply with the conditions outlined within the SEPA threshold determination outlined in Finding #3.
7. A state access permit is required prior to building permit approval.
8. A Grading permit is required along with engineered grading and drainage plans per SCC 14.32.5(a).
9. Prior to building permit approval, the applicant shall contact the Skagit County Health Department if the proposal includes a new well/source or treatment that requires the State approval of plans or specs.
10. There shall be no maintenance of vehicles or equipment on the property.



The applicant and/or party of record may appeal the decision of the Administrative Official to the Skagit County Hearing Examiner pursuant to the provisions of Section 14.06. Every appeal to the Hearing Examiner shall be filed with the Planning and Permit Center within fourteen (14) calendar days after the date of the decision.


Brandon Black, Associate Planner


Gary Christensen, Administrative Official

Date of Preliminary Approval: 11-12-03

Date of Final Approval:

Prepared By: BB

Approved By:

PUD #1 Skagit View ASPU #PL03-0508



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