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Skagit County Auditor

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**SKAGIT COUNTY PLANNING & PERMIT CENTER**

**FINDINGS OF FACT**

**HEARING AUTHORITY:** SKAGIT COUNTY PLANNING DIRECTOR

**APPLICATION NUMBER:** PL02-0713

**APPLICANT:** Skagit County Parks  
Attn: Brian Adams

**ADDRESS:** 315 S. Third St.  
Mount Vernon, WA 98273

**PROJECT LOCATION:** The proposed project is located at 60060 State Route 20 Marblemount, WA 98267; within a portion of the NW ¼ and the SW ¼ of the NW ¼ of Section 18, Township 35 North, Range 11 East, W.M., Skagit County, WA.

**PROJECT DESCRIPTION:** Administrative Special Use to improve the existing "user made" trail system at Pressentin Park. The improvements will consist of rerouting, consolidating or closing existing trails away from sensitive areas. The current system consists of approximately 4000 feet of trails.

**ASSESSOR'S ACCOUNT NUMBER:** 351118-0-010-0004-P#46152, 351118-0-009-0007-P#46150, 351118-0-009-0106-P#46151

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

## **BACKGROUND FINDINGS:**

1. The subject properties are zoned Rural Village Residential and the Comprehensive Plan designates the area as Rural Village.
2. The applicant is requesting an Administrative Special Use Permit to improve the existing "user made" trail system at Pressentin Park. The improvements will consist of rerouting, consolidating or closing existing trails away from sensitive areas. The current system consists of approximately 4000 feet of trails. The proposed plan is to relocate the existing trail away from the sensitive areas and onto more suitable soils and grades. The trail will be for non-motorized use and will be mowed once a month or if needed more during the growing season. The southern half of the trail system meanders through a stand of dense trees and will require yearly pruning. The trail surface drains well and will require very little resurfacing work. Adjustments to these placements will be monitored over time to ensure water drains properly and potential erosion effects are mitigated.
3. The subject property is approximately 41 acres in size and is located on the south side of Highway 20 within the Rural Village of Marblemount. The property is basically square in shape with an approximate 180' x 400' area in the northeast corner excluded. The southern property line is rounded. The property is flat with several areas of dense trees. A slough that feeds the Skagit River runs along the southern property line. The Skagit River is located east of the subject property. The property is vacant. The adjoining properties to the east are developed with service station and restaurant. The adjoining property to the west has a small shed and the property across the highway is vacant.
4. Pressentin Park is currently used by fishermen, birdwatchers, wildlife enthusiasts, and other recreationalists. Park hours will be dawn to dusk and will be open seven days a week for public use. Parking and restroom facilities will be placed on the neighboring commercial business, increasing the visual and aesthetic feel of the park and creating more potential for neighboring businesses to capitalize on park users.

## **DEPARTMENT FINDINGS**

1. The application was submitted on April 3, 2003. Per Skagit County Code (SCC) 14.06.100 a letter of completeness was issued on May 7, 2003 deeming the application complete as of May 1, 2003. A Notice of Development Application was posted on the subject property and published in a newspaper of general circulation on May 13, 2003, as required by SCC 14.06.150(2).
2. SCC 14.04.020 defines secondary trailheads as trail access points having limited development. Supporting features might include a small unpaved parking area and signage. Primary trailheads are defined as a staging area provided for trail access including trail orientation and information and that provide the necessary unloading features. Primary trailheads should have restrooms and trash receptacles. Per SCC 14.16.310(3)(f), an administrative special use is required for trails and primary and secondary trailheads.



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 (MDNS) was issued on July 3, 2003, becoming effective following the fifteen-day comment period ending July 18, 2003 and 14-day appeal period ending August 1, 2003.
4. The subject property was reviewed with respect to the Critical Areas SCC 14.24. This project does not require standard critical areas review per SCC 14.24.100(7). The pedestrian trails are allowed within critical area buffers and are an outdoor recreational activity that will have no adverse impact on the critical areas or their buffers. The property is not located within or adjacent to lands designated as natural resource.
5. The subject property is located in a Zone A9 flood hazard zone per FIRM Map 530151 0330C, dated January 3, 1985. The base flood elevation is 316 feet. The southern portion of the property is within a designated floodway per FIRM Map 530151 0020C, dated January 3, 1985. The applicant will need to satisfy SCC 14.34 Flood Damage Prevention for new construction.
6. The application was routed to the appropriate county departments/divisions for review. Remarks from those departments are as follows: **Public Works**—no comments; **Environmental Health—Health Department**: It appears that there is no plan at this time for providing any sewage facilities other than a chemical toilet. The proposal is fine as stated at this time.
7. SCC 14.16.900(2) (v) Special Uses 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 subject property is approximately 41 acres in size and is part of the County park system. The Comprehensive Plan does not specifically provide policies that either support or oppose the proposed project.

As stated in the introduction for Chapter 4 Land Use Element of the Comprehensive Plan the development of this chapter was guided in particular by GMA Planning Goals. A goal that relates to this project is: Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks. Land Use Element **Goal A**: Retain rural landscape features and lifestyles; Maintain open space, recreation, fish & wildlife habitat, scenic and significant historic archeological cultural lands; Enhance Skagit County's community character, natural beauty, and environmental quality.

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

The subject property is zoned Rural Village. Per SCC 14.16.310(3)(f) trails and primary and secondary trailheads requires an administrative special use. The application is therefore reviewed on its own merits.



- 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.**

Based on the application submitted the proposed use should not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding, existing or potential dwelling units.

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

The proposed use appears to have minimal chance of intrusion of privacy onto the adjacent properties. The adjoining property to the east is a commercial development, the property to the north is the state highway, the property to the west is basically vacant.

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

General public health, safety and general welfare should not be affected by the proposed use.

- 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.**

The subject property is not in or adjacent to any designated natural resource land.

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

The proposed project will not conflict with the health and safety of the community. Trails and greenways positively impact individuals and improve communities by providing not only recreation opportunities, but also influence economic and community development. The proposed trail system provides a safe, inexpensive avenue for regular exercise for people living in the Marblemount area. The trails will give tourists a reason to get out of their cars and take a stroll.

- 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 trail system will be similar to other open space trail systems in the county with parking and restrooms being provided at the trailhead on the adjoining property. According to the applicant's narrative, the proprietor of the adjoining property has set aside several parking spaces for the use of the Pressentin Park visitors along with allowing the use of his restroom facilities.



**DECISION**

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

1. The applicant shall obtain all necessary permits.
2. The applicant will need to satisfy SCC 14.34 Flood Damage Prevention for new construction.
3. Per SCC 14.16.900(2) (d) This special use permit shall be void if a completed building permit application has not been submitted within two (2) years of the date of this order.
4. The County Planning and Permit Center shall be notified by mail referring to file number PL 02-0713 within 30 days after any change in ownership of the parcels or any change of the applicant.

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 SCC Section 14.06.110(7). Every appeal to the Hearing Examiner shall be filed with the Planning & Permit Center within fourteen (14) calendar days after the date of the decision.

*Brent Morrow*

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Brent Morrow, Senior Planner on behalf  
Gary R. Christensen, AICP Administrative Official  
Assistant Planning Director

*Marge Swint*

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Marge Swint, Associate Planner

Date of Preliminary Approval: 2/17/04

Date of Final Approval: 3/4/04

