



200410200047

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 MODIFYING MDNS AND DISMISSING APPEAL AP-04-0598

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPELLANT: MOUNT VERNON SCHOOL DISTRICT #310

ASSESSOR PARCEL NO: P29230

LEGAL DESCRIPTION: The subject property is located within a portion of Section 30,  
Township 34N, Range 4E, W.M., Skagit County, Washington.

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

**Mount Vernon School  
District #320,**

**Appellant,**

**v.**

**Skagit County Planning and  
Permit Center,**

**Respondent.**

**PL04-0598**

**ORDER MODIFYING MDNS  
AND DISMISSING APPEAL**

This Order resolves an appeal of the conditions of a Mitigated Determination of Non-Significance (MDNS) issued under the State Environmental Policy Act (SEPA). The appeal was filed by Mount Vernon School District #320, objecting to conditions for the inclusion of 10 acres of land within the Urban Growth Area for the City of Mount Vernon. The School District is the owner of the land. The MDNS was issued in connection with a proposed amendment to the Skagit County Comprehensive Plan.

The subject property is P29230, located generally south of the end of Cleveland Street, west of the Burlington Northern Railroad at the southerly limit of the City of Mount Vernon.

An open record hearing on the appeal was held on September 15, 2004, in Mount Vernon. Tom Moser, Attorney at Law, represented the School District. The District's witnesses were David Hough, Consultant; Richard Roozen and Warren Gilbert, School Board Members; Carl Bruner, Superintendent; and Mike Schroeder, Facilities Director.

Jeroldine Hallberg and Kirk Johnson, Planners, presented the County's case. John DeVlieger, an adjacent landowner, also testified. Jeff Webber, Attorney at Law, appeared for the County.

At the close of the hearing, the Examiner held the record open for the submission of additional materials and final summaries of position. Additional materials were submitted on September 22, 2004. On September 24, 2004, the parties presented a joint letter proposing agreed modifications to the MDNS conditions in settlement of the appeal.



The Examiner has reviewed the conditions and concluded, on the basis of the record made, that they are reasonable and appropriate, and that the non-project proposal as modified by these conditions is not likely to have a significant adverse environmental impact.

Accordingly, it is hereby **ORDERED** that:

(1) The conditions of the MDNS issued with the Department Report and Environmental Analysis for the 2003 Comprehensive Plan Amendments, as related to the subject property, are modified, as follows:

The original conditions are deleted. The following conditions are inserted:

- a) Payment to the County's Farmland Legacy Program of \$40,000 for purchase of farmland development rights.
- b) Creation of a 100 foot buffer on the property's south and west sides to provide separation from agricultural land and non-agricultural uses. The buffer requirement will expire for any particular portion of the property if and when the immediately adjacent property to the south and/or west is added to the Urban Growth Area (UGA) or removed from Ag-NRL designation.

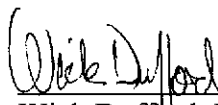
The buffer shall contain adequate mixed vegetation, including evergreen and deciduous trees and shrubs, to minimize the disturbance of glare, light, dust, stormwater runoff, and other negative impacts from one property to the other. A portion of the buffer may also be used for storm (surface) water detention facilities.

- c) All uses under the applicable jurisdiction's zoning code are allowed except residences and outdoor recreation. This requirement will expire for any particular portion of the property if and when the immediately adjacent property to the south and/or west is added to the Urban Growth Area (UGA), or removed from AG-NRL designation.

(2) The above conditions shall be recorded with the title to the property.

(3) The appeal herein is dismissed.

DONE this 6th day of October, 2004.



Wick Dufford, Hearing Examiner

