

Please return To:

Skagit County Planning and Permit Center



200501030118  
Skagit County Auditor

1/3/2005 Page 1 of 6 3:09PM

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

**HEARING AUTHORITY:** SKAGIT COUNTY PLANNING AND PERMIT  
CENTER ADMINISTRATIVE OFFICIAL

**APPLICATION NUMBER:** ADMINISTRATIVE SPECIAL USE PERMIT  
REQUEST PL04-0776

**APPLICANT:** SKAGIT COUNTY DEPARTMENT OF PUBLIC  
WORKS  
CONTACT: JOHN ABENROTH  
1800 CONTINENTAL PLACE  
MOUNT VERNON, WA 98273

**CONTACT:** LEONARD, BOUDINOT & SKODJE, INC.  
CONTACT: REBECCA BRADLEY  
603 SOUTH FIRST STREET  
PO BOX 1228  
MOUNT VERNON, WA 98273

**PROJECT LOCATION:** Located at 16907 Britt Road, Mount Vernon, WA, within a portion of Section 30, Township 34 North, Range 04 East, W.M., situated within Skagit County, Washington. Parcel number P29154.

**PROJECT DESCRIPTION:** Administrative Special Use permit application (#PL04-0776) to install approximately 680 lineal feet of 42-inch drainage piping and four (4) catch basins. The catch basins will be installed to replace an existing system that is not functioning properly. An existing 36-inch corrugated metal pipe and a 15-inch concrete pipe will both be cut and plugged once the new drainage system is in place and functioning. This request is for a minor public use as per Skagit County Code (SCC) 14.16.430 (3) (d) which requires an approved administrative special use permit.

ASPU #PL04-0776 Britt Slough Storm Water Replacement

**ASSESSOR'S ACCOUNT NUMBER:** 340430-0-294-0005

**PARCEL NUMBER:** P29154

**ZONING/COMPREHENSIVE PLAN DESIGNATION:** The parcel is located within the Agricultural Natural Resource Zoning/Comprehensive Plan zoning designation as identified within the Skagit County Comprehensive Plan and associated maps as adopted July 24, 2000 and as thereafter amended.

**STAFF FINDINGS:**

1. The subject property is located within an Agricultural Natural Resource (Ag-NRL) zoning/comprehensive plan designated area as identified within the Skagit County Comprehensive Plan and associated maps as adopted July 24, 2000, and as thereafter amended. The application was determined to be complete on October 22, 2004 and is vested under the zoning regulations in effect at that time.
2. A Notice of Development Application was posted on the subject property, mailed to all neighboring property owners within 300 feet, and published in a newspaper of general circulation on October 28, 2004 as required by SCC 14.06. The required fifteen (15) day comment period ended on November 12, 2004. A comment letter was received from Dolores Lohman, 16821 Britt Slough Rd., Mount Vernon, WA 98273. The letter indicated that there is a boundary line dispute between Dolores Lohman and John Devlieger. Dolores further indicated that her property was surveyed and subdivided under short plat #65-81.
3. The application has been reviewed in accordance with the State Environmental Policy Act (SEPA) guidelines WAC 197-11-800. A SEPA Determination of Nonsignificance (DNS) was issued on November 15, 2004. The SEPA comment period ended on November 30, 2004 and the SEPA appeal period ended on December 14, 2004.
4. The site was reviewed with respect to the Skagit County Critical Areas Ordinance described in SCC 14.24. Critical Areas staff approved of the project and indicated that as per SCC 14.24.100 (3), the project is allowed without standard review.
5. The subject property is located in zone A0 according to the Flood Insurance Rate Map for Skagit County, Washington, on Panel 425 of 550, Community Panel Number 530151 0425c, with an effective date of January 3, 1985.



6. The proposed construction of the new storm sewer system will be located on the north side of Britt Road. The storm sewer system will be located along the boundary of the property owner's property, thus minimizing any potential impact to the site that is zoned Agricultural Natural Resource.
7. The applicant is requesting an Administrative Special Use Permit to install approximately 680 lineal feet of 42-inch drainage piping and four (4) catch basins. The catch basins will be installed to replace an existing system that is not functioning properly. An existing 36-inch corrugated metal pipe and a 15-inch concrete pipe will both be cut and plugged once the new drainage system is in place and functioning. This request is for a minor public use as per SCC 14.16.430 (3) (d) which requires an approved administrative special use permit.
8. The application was routed to the Health Unit for review. In reviewing the application as submitted, the Health Unit indicated that they have no objections to the project. They further stated that the applicant should be aware of WAC 173-201A for surface water quality. Any direct discharge to the slough may require a discharge permit. The applicant should contact (ph. # 425-649-7000) the Department of Ecology to check their requirements on discharge permitting.
9. The application was routed to The Public Works Department for comments. The Public Works Department had no comments.
10. Skagit County Special Use Permit Criteria. SCC 14.16.900 (2) Special Use Permit Requirements 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.

The Skagit County Comprehensive Plan supports this request under Chapter 6 Rural Element. This section of the plan states under Objective 3, "Assure that the provision of public facilities, services, roads and utilities are consistent with rural character and lifestyles." As the applicant has stated, the improvement associated with this proposal also meets the goals and objectives outlined within the Comprehensive Plan with regard to storm water (pages 10-14 to 10-17).

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

The subject parcel is designated as Agricultural Natural Resource (Ag-NRL). The surrounding parcels are rural and residential in character. The request for a minor public use is supported by SCC 14.16.430 (3) (d), which requires an approved administrative special use permit.



- 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 proposal will not create undue noise, odor, heat, vibration, air or water impacts on the surrounding area. The completion of this project will improve an existing storm water drainage system that is currently not functioning properly.

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

This project appears to have a minimal chance of intrusion of privacy onto adjacent properties. Construction of the new system will take approximately 60 days. During this time intrusion due to construction should be minimal and would not appear to generate any specific problems.

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

There will be no potential negative effects regarding the general public health, safety, and general welfare. The improved storm sewer system will improve the public health, safety, and general welfare of the area.

- 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 storm sewer system will be located along the boundary of the property owner's property, and as previously stated will minimize any potential impacts to the site that is zoned Agricultural Natural Resource. The relocation of the storm water system should actually improve opportunities for agriculture because the interior area of the property where the old storm water system was located will now be available for use.

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

There shall be no potential effects on the area. As previously mentioned, the improved storm water system will actually improve the public health, safety, and general welfare of the area. There will be no negative effects on the neighborhood, region, general public health, safety, or welfare as a result of this proposal.



- 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 proposed use will not affect other public services or facilities in the surrounding areas.

### DECISION

The Director hereby **approves** Administrative Special Use Permit (PL04-0776) subject to the conditions listed below:

1. The applicant shall obtain all necessary land use approvals from the appropriate jurisdiction.
2. The applicant will be required to meet the requirements of WAC 173-201A for surface water quality. Any direct discharge to the slough may require a discharge permit. The applicant should contact (ph. # 425-649-7000) the Department of Ecology to check their requirements on discharge permitting.
3. The boundary line dispute between Dolores Lohman and John Devlieger must be settled prior to construction of the new storm water drainage system.
4. The permit shall be void if not started within two years of the date of this order.

**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 of the Skagit County Code. 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.**

Prepared By:

Brent Morrow  
Brent Morrow, MS, MPA, Senior Planner

Approved By:

Oscar Graham  
Oscar Graham, Deputy Director, *On Behalf of*  
Gary Christensen, AICP, Planning and Permit Center Director



Date of Preliminary Approval: 12-15-04

Date of Final Approval: 12-29-04

ASPU #PL04-0776 Britt Slough Storm Water Replacement



200501030118  
Skagit County Auditor