

Please return To:

Skagit County Planning and Development Services



200601110014

Skagit County Auditor

1/11/2006 Page 1 of 8 9:29AM

**SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES
FINDINGS OF FACT**

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: ADMINISTRATIVE DECISION PL05-0584

APPLICANT: HUMANE SOCIETY OF SKAGIT VALLEY

ADDRESS: 1639 KELLEHER ROAD
BURLINGTON, WA. 98233

PROJECT LOCATION: Located at 1639 Kelleher Road, Burlington, within a portion of Section 18, Township 35 N., Range 4 East W.M. situated within Skagit County, Washington.

PROJECT DESCRIPTION: Administrative Special Use request PL05-0584 for the Humane Society of Skagit Valley to expand the existing facility by adding a 20,000 square foot adoption facility building to house dogs, puppies, cats, and kittens. A 5,000 square foot training center to accommodate dog obedience classes for up to 10 people one night per week, and a 5,000 square foot service building for a mobile adoption truck, laundry area, and storage space. SCC section 14.16.430(3)(a) lists "Animal clinic/hospital if accessory to the existing resource base; provided that any structures are placed in currently developed areas and no land is taken out of resource production" as a use allowed with an approved Administrative special use permit.

ASSESSOR'S ACCOUNT NUMBERS: 350418-1-003-0000

PROPERTY NUMBERS: P36851

ZONING/COMPREHENSIVE PLAN: The parcel is located within a Rural Resource (RRc-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.

DEPARTMENTAL FINDINGS:

1. **ZONING/COMPREHENSIVE PLAN DESIGNATIONS:** The subject property is located within a Rural Resource (RRc-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.
2. **PROCESSING:** Pursuant to SCC 14.06.100(2) the application was deemed complete. Subsequently, a Notice of Development Application was posted on the subject property and published in a newspaper of general circulation on September 22, 2005, as required by SCC 14.06.150. Notification was provided to all property owners within 300 feet of the subject property. There was a fifteen (15) day comment period associated with the Notice of Development. This comment period also included comments regarding the State Environmental Policy Act (SEPA) review as outlined within WAC 197-11-355 (optional DNS process). The comment period ended on October 7, 2005. One comment letter was received from Chuck Patterson, 18912 Kelleher Road, Burlington, on September 26, 2005. The letter was not in opposition of the proposal, but did express concerns regarding the proposal.
3. **STATE ENVIRONMENTAL POLICY ACT:** 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 Nonsignificance (MDNS) was issued and published on October 13, 2005 becoming affective following a fourteen (14) day appeal period which ended on October 28, 2005. No appeals were received and the following conditions were placed on the threshold determination (MDNS):
 - a. Temporary erosion/sedimentation control measures shall be in place prior to the placement of any fill material. The applicant shall maintain all temporary erosion/sedimentation control measures 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 soils 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. **FLOOD AREA REVIEW:** The project site is partially located within a designated A3 flood hazard area along the western portion of the property adjacent to Kelleher Road. The remainder of the site is located within a Zone C designated flood hazard areas as identified by FEMA Flood Insurance Rate Map (FIRM) panel number 530151 0235D with the effective date of September 29, 1989. Structures may be required to elevate the first floor above the base flood elevation (during building permit review) and will be required to comply with SCC 14.34, the Flood Damage Prevention Ordinance.
5. **CRITICAL AREA REVIEW:** The subject parcel was reviewed with respect to the Skagit County Critical Areas Ordinance, SCC 14.24. Critical areas review indicated that the initial critical areas review took place with S99-0067. Staff noted that the parcel is in a lowflow area, however no critical areas were observed on site.
6. **HEALTH DEPARTMENT REVIEW:** The application was routed to the Skagit County Planning and Development Services Health Unit for review. The Health Unit (Septic Review) indicated that septic disposal will need to be addressed with the building permit. If the new construction encroaches on the existing system, a new septic would be required. Animal wastes will need to be separated out.

The Health Unit (Water Resources division) indicated the following:

- PUD water source for new development must be approved prior to building permit approval.
 - Recorded low flow mitigation will be required for the building permit/expansion.
 - Applicant shall comply with WAC 173-60 and SCC 14.16.840 for noise and light conditions.
 - Applicant shall comply with Water Quality WAC's for surface and ground water quality, WAC's 173-201A and 173-200.
 - Additional review may require additional fees as only one hour of review time (\$50) was charged for 9-12-05.
7. **FIRE MARSHAL REVIEW:** The Fire Marshal indicated that Fire flow will be required and may require significant water system upgrades.
8. **PUBLIC WORKS DEPARTMENT REVIEW:** The application was routed to the Skagit County Public Works Department for comments. Public Works staff has reviewed the June 30, 2005 Drainage Report and July 2005 site plan for the



above referenced Special Use application and recommend the following conditions:

- In accordance with Skagit County Road Standards 7.02.G, access to Kelleher Road shall be limited to one access per 250 foot of frontage.
 - Each access shall meet site distance requirements per Skagit County Road Standards 7.02.G.2.
 - The applicant shall obtain an Access Permit for each access point.
 - Infiltration areas may not be located within County road right-of-way as shown on site plan.
 - In accordance with 1992 Washington State Dept of Ecology Stormwater Management Manual for the Puget Sound Basin III-3.3.3, the applicant shall provide soils tests to confirm the suitability of on site soils for infiltration. The test results may be included in Grading Permit application submittal.
 - A Grading Permit is required for the proposed on site grading activity.
9. The subject parcel is approximately 3.73 acres in size located off of the east side of Kelleher Road. The subject property is a leased area which is part of a larger parcel owned by Skagit County. The leased area measures approximately 685 feet along the southwest property line, approximately 630 feet along the northeast property line, and approximately 350 feet along the southeast and northwest property line. Access to the site will be off of Kelleher Road.
10. The existing facility is located along the southerly portion of the property on the northeast side of Kelleher Road, adjacent to the Skagit County Butler gravel pit. There are two existing buildings on site, one is approximately 6,500 square feet and the other building is a storage shed which is approximately 1,900 square feet. The new facilities will be located north of the existing facility.
11. The applicant is requesting an Administrative Special Use Permit to allow for the existing Humane Society to expand. The request includes a 20,000 square foot adoption facility building to house dogs and puppies, and cats and kittens, a 5,000 square foot training center to accommodate dog obedience classes for up to 10 people one night per week, and a 5,000 square foot service building for a mobile adoption truck, laundry area, and storage.
12. The surrounding area is predominantly made up of Agricultural uses to the west and south with mineral resource extraction to the north and the east.
13. Skagit County Special Use Permit Criteria. SCC 14.16.900 (2)(b)(v) 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 parcel is designated Rural Resource (RRc) and the Skagit County Comprehensive Plan does not specifically provide policies that either support or oppose the proposed project. However, the use has been on site for several decades and is due for upgrades and modernizations. Further, the use does not conflict with natural resource lands or mineral extraction.

The applicant has indicated the following: "Yes. The Humane Society is identified as an Animal clinic/hospital, which is depicted within Rural Resource code as one of the Administrative Special Uses. The proposed activity herein, comprising the placement of a 20,000 square foot building to house dogs/puppies and cats/kittens, along with a 5,000 square foot training center, and a 5,000 square foot service building are necessary for the Humane Society to support the health and safety of the community by continuing effective animal treatment in the county."

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

The subject parcel is designated Rural Resource (RRc) Natural Resource Land with Agricultural (Ag) Natural Resource Land located on the west side of Kelleher Road. Per SCC 14.16.430(3)(a), Animal clinic/hospital if accessory to the existing resource base; provided, that any structures are placed in currently developed areas and no land is taken out of resource production, requires an Administrative Special Use in Rural Zones. There will not be any impacts on long-term resource management and production because this particular site has been out of production.

- 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 provided the site continues to be maintained in the same manner. The proposed project will generate normal construction related noise emissions until construction is completed. The traffic should have little effect on the surrounding community. There will be additional on-site parking for the future facility. The proposal will generate normal noise levels associated with a facility of this nature and the upgrade may reduce the existing noise levels due to modernization. The applicant stated "there are no existing dwelling units to violate performance standards other than an existing farm, which has been adjacent to the existing facility. There will be no additional intrusions or effects

on the public welfare since the same activity will be continued without substantial change.”

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

This project is going to be operated in the same manner. The parcel is approximately 3.73 acres in size with the majority of the surrounding area being used for mineral extraction, and Agriculture. There is one neighbor adjacent to the site. The site is within an exhausted portion of a gravel pit. The proposed placement of the new facility will be to the north of the existing facility where there is less intrusion to the neighboring property owner. The overdue improvements will reduce some of the previous noise intrusion impacts.

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 facility is being expanded from the current use. The character of the surrounding area is such that the facility will not have an impact.

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 site is not currently used for resource purposes. There is an existing established facility on site and the proposal is to upgrade and expand the existing facility to bring the use up to today's standards. The proposal will have no impact on the natural resource management of the area.

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

There shall be no potential effects on the region. The proposed use is common to the surrounding area and the design of the structure complies with the surrounding uses. 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 in the same manner as the existing facility. The applicant has indicated that “this proposal will be beneficial to the welfare and safety of the community by continuing effective animal treatment within the county.”



- 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 be supported by adequate facilities and services with no adverse affect on the surrounding area.

DECISION

The Director hereby approves the application for an Administrative Special Use Permit subject to the conditions listed below:

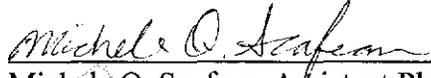
1. The applicant shall obtain all necessary land use approvals from the appropriate jurisdiction.
2. The permit shall be void if not started within two years of the date of this order.
3. Structures may be required to elevate the first floor above the base flood elevation (during building permit review) and will be required to comply with SCC 14.34, the Flood Damage Prevention Ordinance.
4. Septic disposal will need to be addressed with the building permit. If the new construction encroaches on the existing system, a new septic would be required. Animal wastes will need to be separated out.
5. A PUD water source for new development must be approved prior to building permit approval. Recorded low flow mitigation will be required for the building permit/expansion. Applicant shall comply with WAC 173-60 and SCC 14.16.840 for noise and light conditions. Applicant shall comply with Water Quality WAC's for surface and ground water quality, WAC's 173-201A and 173-200. Additional review may require additional fees.
6. Fire flow will be required and may require significant water system upgrades.
7. In accordance with Skagit County Road Standards 7.02.G, access to Kelleher Road shall be limited to one access per 250 foot of frontage. Each access shall meet site distance requirements per Skagit County Road Standards 7.02.G.2. The applicant shall



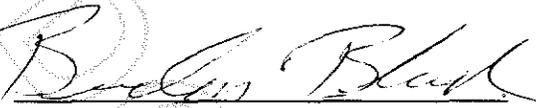
obtain an Access Permit for each access point. Infiltration areas may not be located within County road right-of-way as shown on site plan. In accordance with 1992 Washington State Dept of Ecology Stormwater Management Manual for the Puget Sound Basin III-3.3.3, the applicant shall provide soils tests to confirm the suitability of on site soils for infiltration. The test results may be included in Grading Permit application submittal. A Grading Permit is required for the proposed on site grading activity.

8. Applicant shall be responsible for making sure the facility is placed to maintain, at a minimum, the required setback for the RRC zoning designation (50' on all sides).
9. All fees must be paid prior to final approval.
10. Any future expansions beyond what was provided in the application materials shall require further review by Planning and Development Services.

Prepared By:


Michèle Q. Szafran, Assistant Planner

Reviewed By:


Brandon Black, Senior Planner

Date of approval: December 20, 2005

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 Section 14.06.110(7). Parties with standing to appeal must submit the appeal form and appeal fees to the Planning and Development Services within 14 calendar days of the publication of this Notice pursuant to SCC 14.06.110.

