

Skagit County
Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273-5625
360 336-9410



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Skagit County Auditor

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Document Title:

Skagit County Planning & Development Services ASPU Findings of Fact/Staff Report

Reference Number : PL08-0241

Grantor(s):

☐ additional grantor names on page ____

1. Skagit County Planning & Development Services

2.

Grantee(s):

☐ additional grantee names on page ____

1. PUD#1 of SKAGIT COUNTY

2.

Abbreviated legal description:

☐ full legal on page(s) ____

Plat of Samish River Park Division 1, Burlington, within a portion of Section 6 & 7, Township 35N, Range 04E, W.M., situated within Skagit County, WA

Assessor Parcel / Tax ID Number:

☐ additional tax parcel number(s) on page ____

P68682, P103677, P105656, P119488, P35869, P35890, P35892, P35893, P35894, P35896,
P35903, P35904, P35905, P35906, P35913, P35914, P35915, P35916,
P35917, P35920, P67516, P67517, P67518, P67519, P67520, P67521,
P67523, P67525, P67527, P67528, P67529

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Skagit County Planning & Development Services

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

HEARING AUTHORITY: SKAGIT COUNTY PLANNING &
DEVELOPMENT SERVICES
ADMINISTRATIVE OFFICIAL

APPLICATION NUMBER: ADMINISTRATIVE SPECIAL USE REQUEST
PL08-0241

APPLICANT: PUD #1 of SKAGIT COUNTY.
C/O RANDY BROWER

ADDRESS: PO BOX 1436
MOUNT VERNON WA 98273-1436

PROJECT CONTACT: RANDY BROWER
PO BOX 1436
MOUNT VERNON WA 98273-1436

PROJECT LOCATION: The proposed project is located within the Plat of Samish River Park Division 1 and the water lines will be located within the existing road right-of-ways, Burlington, within a portion of Section 6 & 7, Township 35 North, Range 04 East W.M., situated within Skagit County, Washington.

PROJECT DESCRIPTION: Administrative Special Use permit (PL08-0241) for the installation of approximately 4,800 feet of six-inch ductile iron (DI) waterline, installation of fire-hydrant assemblies, service meters, and other waterline appurtenances within the internal road network of the existing plat of Samish River Park no. 1 subdivision. Skagit County Code (SCC) 14.16.300(3)(b) requires Minor Utility Developments to obtain an approved Administrative Special Use Permit and SCC 14.04.020 defines "Minor Utility

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Developments" as "utility developments designed to serve a small local community, are not manned and would be considered normal utility services for the area."

ZONING/ COMPREHENSIVE PLAN: The proposed project is located within the Rural Reserve (RRv) zoning/comprehensive plan designated areas as indicated in the Skagit County Comprehensive Plan and associated maps as adopted October 10, 2007.

GENERAL PROPERTY/PROJECT INFORMATION:

• **EMPLOYEES**

The applicant has indicated that there will be approximately between four (4) and eight (8) employees on site during construction.

• **PROPOSED HOURS AND DAYS OF OPERATION**

The construction working hours will be daylight hours, typically 7:00 AM to 5:00 PM so disturbance to residents is minimized.

• **DEVELOPMENT SCHEDULE**

The applicant has indicated the desire to begin construction during a two-to-three week window during the summer and early autumn of 2008.

• **PROJECT ACCESS**

The Samish River Park No. 1 subdivision community is located along the west side of Old Highway 99 North and accessed via two existing roads, including Jolly Road, and Steelhead Lane.

• **PROJECT TRAFFIC AND PARKING**

The applicant has indicated that vehicle traffic will be generated by construction machinery use. Minimal impact will be made on the County and State Road systems. No post construction related traffic shall occur. Parking will only be needed for construction employees at the job site. There will be no post construction parking requirements.

• **SURROUNDING LAND USES**

The surrounding land uses are rural and residential and the area is designated as Rural Reserve.

• **AESTHETIC IMPACTS**

The project consists of a subsurface waterline and will have no aesthetic impact on the area. Exterior indications of the waterline will be limited to above-ground marker post(s).

• **OTHER REQUIRED PERMITS OR APPROVALS**

Utility permit from Skagit County Public Works will be required.

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DEPARTMENTAL FINDINGS:

1. The proposed project is located within a Rural Reserve (RRv) zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps adopted October 10, 2007. The application was determined to be complete pursuant to SCC 14.06.100(2) on May 30, 2008.
2. A Notice of Development Application was posted along the subject project location and published in a newspaper of general circulation on June 5, 2008 as required by SCC 14.06.150. Notification was provided to all property owners within 300 feet of the subject project. There was a fifteen (15) day public comment period associated with the Notice of Development which ended on June 20, 2008. No public comments were received.
3. The application has been reviewed in accordance with the State Environmental Policy Act guidelines (WAC 197-11 and RCW 43.21C). The proposal was issued a determination of non-significance (DNS).
4. The project was reviewed with respect to the Skagit County Critical Areas Ordinance (CAO) 14.24 of the Skagit County Code. Critical Areas staff supplied no comments or conditions. Shoreline review staff indicated that as the proposed development is located greater than 200 feet from the Ordinary high Water Mark (OHWM or an associated wetland edge, no further review is necessary.
5. The proposed project is located within a designated A-5 flood hazard area as identified by FEMA on Flood Insurance Rate Map 530151 0045 C with the effective date of January 3, 1985.
6. The application was routed to the Skagit County Public Works Department for comments. Public works indicated the following:

“As applicant has proposed, they must obtain a Utility Permit from Public Works. All work shall comply with Skagit County Utility Policy.”
7. The application was routed to the Environmental Health Unit (Water Resources and Environmental Health – Septic) of Planning and Development Services. Environmental Health – Septic had no concerns with the proposal.
8. The application was routed to the Skagit County Health Department for review. Health Department staff indicated that they have no objections to the request or issuance of this project.



9. The application was routed to the Skagit County Fire Marshal for review. The Fire Marshal stated the following:

"Water plans will require review and approval of fire flow and hydrant issues by Skagit County Fire Marshals Office. They will be required to comply with Skagit County Coordinated Water System Plan Table 4-3."

10. The proposed project is located within the Samish River Park No. 1 subdivision, Burlington, located adjacent to the Samish River (to the east). The project will involve replacing the current water system (a shallow well located on an island surrounded by the Samish River) with new 6" ductile iron pipe water lines within the Samish River Park No. 1 subdivision community with. The project will add 3 fire hydrants, 84 service meters and convert the existing well to an emergency water supply and/or test well. The proposal includes the formation of a local utility district.
11. The applicant is requesting an Administrative Special Use permit (PL08-0241) for the replacement of approximately 4,800 lineal feet of aging asbestos-cement water pipes with new 6" ductile iron pipe within the existing plat of Samish River Park No. 1 subdivision. Skagit County Code (SCC) 14.16.300(3)(b) requires Minor Utility Developments to obtain an approved Administrative Special Use Permit and 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.*"
12. Skagit County Special Use Permit Criteria. Section 14.16.900 (2) Special Use Permit requirements of the Skagit County Code 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 does not specifically provide policies that either support or oppose the proposed project. However, the proposal is located within the Rural Reserve (RRv) designation which allows for minor utility developments designed to serve a small local community and are not manned. The Skagit County Comprehensive Plan (Chapter 10) does speak to public water systems and the relationship to the Skagit County Coordinated Water System Plan (CWSP) within the Utilities Element. Specifically, Page 10-12 states, under "County Planning Policies Regarding Water" the following:

"All growth outside the urban growth boundary shall be rural in nature as defined in the Rural Element, not requiring urban government services except in those limited circumstances shown to be necessary to the



satisfaction of both the County and the affected city (with regard to water the City of Anacortes is the only municipal water purveyor) to protect basic public health, safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development."

Also, Page 10-12 and Page 10-13 state the following under "County Comprehensive Plan Policies Regarding Water"

"The Comprehensive Plan recognizes that the need for the provision of piped water in rural areas may occur under limited circumstances such as: the transmission pipeline routing between Urban Growth Areas; where existing developments are providing rural public water service and fire protection in accordance with the CWSP; where groundwater does not meet Safe Drinking Water Act and State Health Department criteria for potable water use; where water quantity issues related to actual yield or where groundwater withdrawal will cause a conflict with instream resources as defined by the Skagit River MOA; and properties that are rural in nature and density and are adjacent to a piped water system."

Further, Objective 10 on Page 10-13 states:

"To influence the development and use of the water resources of Skagit County in a manner that is consistent with the Countywide Planning Policies and the Comprehensive Plan."

The applicant has stated that "the use and installation of the proposed waterline is compatible with the existing and planned use of the subject property and complies with the Comprehensive Plan."

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

The proposed project is located within the Rural Reserve (RRv) zoning/comprehensive plan designated area. SCC 14.16.320(3)(c) requires Minor Utility Developments to obtain an approved Administrative Special Use Permit within the Rural Reserve zone. 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 permitted use and installation of the proposed waterline complies with the 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 department notes that the proposal will be required to be in compliance with the performance standards outlined within SCC 14.16.840. The department further notes that there will be limited noise and vibration in the immediate location of construction during the line installation. The disturbances will be temporary and limited to daylight hours.

The applicant has indicated that 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 14.16.840.

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

The proposed use will not generate intrusions on privacy of surrounding uses. After construction is completed, the project site will be unmanned. The work to be completed will occur within the County road right-of-way.

The applicant has indicated that the proposed use will not generate intrusions on privacy of surrounding uses.

- 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 construction/installation is conducted in compliance with the state and local requirements.

The applicant has stated that there will be no potential effects regarding the general public health, safety and welfare.

- 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.

- 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 complied with.



The project will improve the water supply quality to the Samish River Park Community.

The applicant stated that the proposed use is not in conflict with the health and safety of the community.

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 stated that "The proposed project will provide public water to the area and will have no effect on other public services to the surrounding area."

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 within SCC 14.16.840;
3. All work within County right of way must be in compliance with Skagit County Utility Policy and requires a utility permit from Skagit County Public Works;
4. Water plans will require review and approval of fire flow and hydrant issues by Skagit County Fire Marshals Office. They will be required to comply with Skagit County Coordinated Water System Plan Table 4-3;
5. All work shall comply with Skagit County Code 14.32.060 Erosion and Sediment Control.



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 Planning and Development Services within fourteen (14) calendar days after the date of the decision.

Prepared By:

Lori J. Wight
Lori J. Wight, Associate Planner

Reviewed By:

Brandon Black
Brandon Black, Senior Planner-Team Supervisor

Date of Final Approval: 7-8-08

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