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Document Title:

Findings of Fact/Administrative Special Use

Reference Number: PL08-0417

Grantor(s):

1. Skagit County Planning & Development Services Director, Gary Christensen, AICP

Grantee(s):

1. Skagit County Department of Public Works

Abbreviated legal description:

TAX 28 1/2 BAT NE C OF SW1/4 SE1/4 TH S DK 3 DT 92 45RDS W 8RDS M/L TO DIKE TH NLY
ALG DK TAP 19 1/2RDS W OF E LI OF SW1/4 SE1/4 TH N TAP W OF POB TH E TPB ESC 8FT
EASE TO PUD#1 OPEN SPACE#1 #795045 1975

Assessor Parcel / Tax ID Number:

P29154/340430-0-294-0005

Please return to:

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 PERMIT
REQUEST PL08-0417

APPLICANT/CONTACT: SKAGIT COUNTY DEPARTMENT OF PUBLIC
WORKS
CONTACT: DAVID WALDE
1800 CONTINENTAL PLACE
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 (#PL08-0417) 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 utility development as per Skagit County Code (SCC) 14.16.400 (3) (f) which requires an approved administrative special use permit.

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

PARCEL NUMBER: P29154

ASPU #PL08-0417 Britt Slough Storm Water Replacement



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ZONING/COMPREHENSIVE PLAN DESIGNATION: The parcel is located within the Agricultural Natural Resource Lands Zoning/Comprehensive Plan zoning designation as identified within the Skagit County Comprehensive Plan and associated maps as adopted October 10, 2007 and as thereafter amended.

GENERAL PROPERTY/PROJECT INFORMATION:

• **EMPLOYEES**

The applicant has indicated that the only employees that will be on site will be Skagit County Public Works employees that perform maintenance activities most likely no more than twice a year.

• **PROPOSED HOURS AND DAYS OF OPERATION**

Most maintenance work will be completed during daylight hours Monday through Friday.

• **DEVELOPMENT SCHEDULE**

The applicant has indicated the desire to begin construction during late August and will be finished in September 2008.

• **PROJECT ACCESS**

Accessed via the existing road, Britt Slough Road.

• **PROJECT TRAFFIC AND PARKING**

The applicant has indicated that vehicle traffic will be generated by machinery during construction. Minimal impact will be made on the County and State Road systems. No post construction related traffic shall occur.

• **SURROUNDING LAND USES**

The surrounding land uses are Agricultural and the area is designated as Agricultural-Natural Resource Lands.

• **AESTHETIC IMPACTS**

The project consists of the construction of approximately 680 lineal feet of 42-inch drainage piping and four (4) catch basins and will have no aesthetic impact on the area. All structures associated with the project proposal will either be underground or flush with adjacent grade.

• **OTHER REQUIRED PERMITS OR APPROVALS**

Utility/Right-of-Way permit



DEPARTMENTAL 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 October 10, 2007, and as thereafter amended. The application was determined to be complete on August 13, 2008 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 August 26, 2008 as required by SCC 14.06. There was a fifteen (15) day comment period associated with the Notice of Development which ended on September 12, 2008. No public comments were received.
3. The application has been reviewed in accordance with the State Environmental Policy Act (SEPA) guidelines (WAC 197-11 and RCW 43.21C). The proposal was issued a Determination of Nonsignificance (DNS) on November 15, 2004. The SEPA comment period ended on November 30, 2004 and the SEPA appeal period ended on December 14, 2004. No public comments were received.
4. The site was reviewed with respect to the Skagit County Critical Areas Ordinance (CAO) 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 Lands.
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 utility development as per Skagit County Code (SCC) 14.16.400(3)(f) 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 indicated that a utility permit will be required to perform work within the County right-of-way.
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 3 Rural Element. This section of the plan states under Goal 3A, "*Assure that public facilities, services, roads and utilities are properly planned for and provided, consistent with rural character, needs, and lifestyles.*"

- 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 utility is supported by SCC 14.16.400(3)(f) 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.



- 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 Lands. 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 Administrative Official hereby **approves** Administrative Special Use Permit (PL08-0417) subject to the conditions and modifications listed below:

1. The applicant shall obtain all necessary land use approvals from the appropriate jurisdiction;



2. The proposal shall be in compliance with the performance standards outlined within SCC 14.16.840;
3. All work within the County right of way must be in compliance with Skagit County Utility Policy and requires a utility permit from Skagit County Public Works;
4. All work shall comply with Skagit County Code 14.32.060 Erosion & Sedimentation Control;
5. 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;
6. 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 & development Services within fourteen (14) calendar days after the date of the decision.

Prepared By: Lori J. Wight
Lori J. Wight, Associate Planner

Brandon Black
Approved By: Brandon Black, Senior Planner/Team Supervisor, *On Behalf of*
Gary Christensen, AICP, Planning & Development Services Director

Date of Preliminary Approval: 9/18/08

Date of Final Approval: 10/2/08



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