

**SKAGIT COUNTY
OFFICE OF THE HEARING EXAMINER**

re: The application for a Special Use Permit by
Skagit County Public Works for Schoolhouse
Park

PL24-0350 (SUP)

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND DECISION

SUMMARY OF APPLICATION AND DECISION

Application: The Applicant, Skagit County Public Works, requests a Type 3 Special Use Permit for the Schoolhouse Park material storage project.

Decision: The requested Special Use Permit is granted, subject to conditions of approval.

INTRODUCTION

The following Findings of Fact and Conclusions of Law are based upon consideration of the exhibits admitted and evidence presented at a properly noticed public hearing.

FINDINGS OF FACT

I.

Applicant: Skagit County Public Works
c/o Michael See
1800 Continental Place
Mount Vernon, WA 98273

Agent: Skagit County Public Works
c/o John Davidson
201 East Avon Ave.

Burlington, WA 98233

Site Address: 5554 Edens Road
Guemes Island
Anacortes, WA

Legal Description: Lots 6-8 Sub-Blk2 & Lots 7-10 Sub-Blk 3 All in Blk 17 TGW Those Ptns Vac Centralia Street Adj & Lots 1-9 Sub-Blk 2 & Lots 1 - 4 & Lots 7 - 10 Sub-Blk 3 All in Blk 19 TGW Those Ptns of Vac Centralia Street Adj, Wood's Plat to Anacortes, Recorded in Volume 2 of Plats, Page 37, Records of Skagit County, Washington, within a portion of Section 1, Township 35N, Range 1E W.M.

Assessor's Parcel No(s): P60876 (stockpile site); rest of park is unaffected and part of P31139, also owned by the County.

Lot Size: 2.20 Acres is the lot size of the parcel of the park that this storage will be seated upon.

Zoning: Rural Reserve (RRv)

Water Supply: N/A

Sewage Disposal: N/A

Fire Protection: District #17

Application Date: September 25, 2024

Determination of Completeness: January 21, 2025

Adjacent Water Body: N/A

Shoreline Designation: N/A

Statewide Significance: N/A

SEPA Review: Mitigated Determination of Nonsignificance (MDNS) issued February 13, 2025

Notice Information: Application submitted, September 25, 2024
Request for further information, October 29, 2024
Notice of Application, January 21, 2025
Posting on site, January 23, 2025
Publication in Skagit Valley Herald, January 23, 2025

Primary Authorizing Codes, Policies, Plans, and Programs:

- Revised Code of Washington (RCW)
 - RCW 36.70A, Growth Management Act
 - RCW 36.70B, Local Project Review
 - RCW 90.58, Shoreline Management Act of 1971 (“SMA”)
- Washington Administrative Code (WAC)
 - WAC 197-11, SEPA Rules
- Skagit County Code (SCC)
 - SCC 14 – Unified Development Code
 - SCC 14.02 – General Provisions
 - SCC 14.02.070 – Office of the Hearing Examiner
 - SCC 14.06 – Permit Procedures
 - **PRIOR* SCC 14.16 – Zoning* - *amendment occurred during pendency of permit application*
 - SCC 14.16.320, Rural Reserve (RRv)
 - SCC 14.16.900, Special Use Permits
 - SCC 14.22 – Land Disturbance
 - SCC 14.24 – Critical Areas Ordinance
 - SCC 14.32 – Stormwater Management
 - SCC 16 – County SEPA Application
 - SCC 16.12 – County SEPA Application
- Skagit County Comprehensive Plan of 6/30/16, as amended by Skagit County Board of Commissioners through 12/19/23 (SCP or “Comprehensive Plan”)
- Skagit County Office of the Hearing Examiner Rules of Procedure for Hearings (SCRPH), as authorized by Skagit County Commissioners per Resolution #R20080511 on 11/24/08

Hearing Date: 7/22/25 at 8:30 AM

Testifying Parties of Record:

Brandon Black, Senior Planner
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273

John Davidson
Skagit County Public Works
201 East Avon Avenue
Burlington, WA 98233

Hearing Examiner Exhibit List:

- 1.** Special Use Permit Application received September 25, 2024
- 2.** Letter requesting additional information dated October 29, 2024
- 3.** Additional information received January 13, 2025 (Signed SEPA checklist)
- 4.** Notice of Application (NOA) issued January 21, 2025, published January 23, 2025
- 5.** Affidavit of Publication from Skagit Valley Herald and Certificate of Posting January 23, 2025.
- 6.** Certificate of NOA Mailing with attached mailing list.
- 7.** Public comments submitted during the Notice of Application comment period. Six (6) comments received all in support:
 - a.** Comment received February 4, 2025, from Gabriel V. Murphy, 5799 Edens Road, Anacortes, WA 98221. guemesmurphy@gmail.com
 - b.** Comment received February 5, 2025, from Stephen Orsini, 3971 Guemes Island Road, Anacortes, WA 98221. sailingorsini@gmail.com
 - c.** Comment received February 5, 2025, from Virginia Orsini, 4971 Guemes Island Road, Anacortes, WA 98221. islandorsini@gmail.com
 - d.** Comment received February 5, 2025, from Kathy Malley, 6469 Edens Road, Anacortes, WA 98221. kathy@snowmesa.com
 - e.** Comment received February 6, 2025, from Jep Burdock, 5117 South Shore Drive, Anacortes, WA 98221. jepburdock48@gmail.com
 - f.** Comment received February 6, 2025, from Michael Brown, 4366 Clark Point Road, Anacortes, WA 98221. pinotmaster@msn.com
- 8.** Mitigated Determination of Nonsignificance (MDNS) dated February 11, 2025, published February 13, 2025.
- 9.** Affidavit of publication of MDNS, confirmation of Publishing on the WSDOE website, and Certificate of posting
- 10.** Vicinity Maps
- 11.** Site Plan
- 12.** Skagit County IMap Aerial photos
- 13.** Site photos
- 14.** Staff Report and Departmental Findings dated July 2, 2025
- 15.** Notice of Public Hearing published July 3, 2025. Affidavit of publication, and Certificate of posting.
- 16.** Certificate of Mailing the Notice of Public Hearing and attached mailing list.

- 17.** Skagit County Title 14.16 Code References in place at time of review (Included: RRv zoning, Parking, Performance Standards, Special Use Permit requirements section (1)).
- 18.** Comment received July 10, 2025, from Kathy Malley
- 19.** Comment received July 13, 2025, from Stephen Orsini
- 20.** Comment received July 21, 2025, from Joseph Burdock
- 21.** Comment received July 21, 2025, from Gabriel Murphy
- 22.** Comment received July 21, 2025, from Virginia Orsini
- 23.** Comment received July 21, 2025, from Stephen Orsini
- 24.** Comment received July 21, 2025, from Michael Brown – *not admitted as relevant*
- 25.** Map provided by Department showing adjacent lot ownership and sizes, filed 7/22/25

II.

The Applicant, Skagit County Public Works, is seeking a Hearing Examiner Special Use Permit application for the Schoolhouse Park material storage project. The project involves the Public Works Department setting aside a portion of the existing graded parking lot at Schoolhouse Park to allow for the stockpiling of material intended to be used for road improvement and maintenance projects, such as road re-surfacing/chip sealing, which occur approximately every four years. The total quantities of stockpiled material will be approximately 1,400 cubic yards at maximum capacity and will consist primarily of ½” chip rock encompassing an area of approximately 2,850 square feet. The project involves relocating eight existing parking stalls to the west side of the existing parking lot.

The stockpiling of rock material will occur approximately every four years, in advance of scheduled road maintenance projects, in order to prevent excessive ferry trips and to reduce traffic disruptions during the scheduled project activities. Skagit County employees will bring the material to the site during routine trips to the island during normal County operating hours (7:30 am – 4:30 pm). The stockpiling will generate light traffic and equipment noises during the summer months and create minimal disruption to the surrounding area.

The existing access from Eden’s Road will be used to enter the site and deposit gravel material. An excavator will be used on-site occasionally to assist in the stockpiling and for loading the material when being used during the road surfacing projects. No hazardous chemicals will be stored, used, or produced on site as a result of the proposed use.

The stockpiling of material in advance of scheduled road maintenance activities will alleviate burdening the ferry and island road system all at once during the times of the year that the island experiences its highest population and traffic increases. Having the material readily available on the island in anticipation of road re-surfacing projects will allow the Public Works crews to mobilize quicker, free up the ferry for island residents, and complete the projects in a timelier manner.

III.

The Skagit County Planning and Development Services Staff (the “Department”) have recommended approval of the requested Special Use Permit in a “Skagit County Planning and Development Services Findings of Fact,” undated and unsigned (“Staff Report” **Ex. 14**).

The Applicant has indicated there are no factual or legal inaccuracies in the Staff Report’s findings or conclusions, and that they agreed with the conditions proposed.

The Findings of Fact and Conclusions of Law in the Staff Report, a copy of which is attached hereto and incorporated herein, are supported by the record as a whole and are hereby adopted and incorporated herein by this reference, except where explicitly contradicted by the findings herein.

IV.

There were several public comments received during the public comment period for the application, and in the days preceding the final hearing. Those comments were in support of the project, except Ex. 23, which was determined to be submitted but not addressing the project or location at hand, and in contradiction to the same commentor’s comment in Ex. 7(f).

V.

SCHE §14 grants parties the right to object to evidence and to cross-examine. In the case at hand, with full knowledge of the evidence being admitted, no objection by the applicant or the Department was made to any of the 24¹ exhibits that were admitted into the record.

VI.

¹ Ex. 24 was not admitted on grounds of relevance

Any Conclusion of Law below which is deemed a Finding of Fact is hereby adopted as such. Based on the foregoing Findings of Fact, now are entered the following:

CONCLUSIONS OF LAW

I.

Scope of Hearing, Jurisdiction, & Concurrency

Whenever possible, development applications are consolidated and reviewed according to the highest standard of all of the permits, with some exceptions outlined in the law.² In this case the highest application level is the Special Use Permit proposal which must be heard by the Hearing Examiner as a Type III review.³

Zoning Applicability

The “[o]utdoor storage of processed and unprocessed natural material in quantities greater than 500 cubic yards that do not have a potential health hazard,” is a Hearing Examiner Special Use within the Rural Reserve zoning designation with an approved Hearing Examiner Special Use Permit.⁴

II.

Special Use Permit

This project is the proposed outdoor storage of non-hazardous natural materials greater than 500 cubic yards, and as a Hearing Examiner Special Use Permit it must follow the Special Use Permit procedure and meet the criteria.

To provide a means to recognize and approve land uses not specifically identified as allowed uses there are Special Use Permits for certain activities. A Special Use Permit must demonstrate that the proposed activity will not adversely affect or prevent those uses normally allowed within the respective district.⁵ The criteria are as follows:

- A.** The proposed use will be compatible with existing and planned land use.

² SCC 14.06.160

³ SCC 14.06.120 and .150

⁴ SCC 14.16.320(4)(v)

⁵ SCC 14.16.900(1)(a)

- B.** The proposed use 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.
- D.** The proposed use will not generate intrusions on privacy of surrounding uses.
- E.** The proposed use will not cause potential adverse effects on the general public health, safety, and welfare.
- F.** For special uses in Industrial Forest—Natural Resource Lands, Secondary Forest—Natural Resource Lands, Agricultural—Natural Resource Lands, and Rural Resource—Natural Resource Lands, the impacts on long-term natural resource management and production will be minimized.
- G.** 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.
- I.** The proposed use will maintain the character, landscape and lifestyle of the rural area. For new uses, proximity to existing businesses operating via special use permit shall be reviewed and considered for cumulative impacts.

In this case, after reviewing the files and testimony, and having made the findings above, the Hearing Examiner finds that with appropriate conditions of approval, the project would be compliant with all of the above applicable Special Use criteria. Consequently, subject to conditions of approval, the Special Use Permit should be approved.

III.

Any Conclusion of Law deemed to be a Conclusion of Fact is hereby adopted as such. Based on the foregoing Findings of Fact and Conclusions of Law, now is entered the following:

DECISION

A Special Use Permit shall be granted to Skagit County Public Works, for the construction of the Schoolhouse Park material storage project, at a site addressed as 5554 Edens Road, Guemes Island, Anacortes, WA, subject to the following conditions:

1. The applicant must obtain all necessary permits and approvals.
2. The applicant must comply with all relevant provisions of SCC 14.16 Zoning and SCC 14.24 Critical Areas.
3. The applicant/proposal must comply with SCC 14.16.840, Performance Standards, and WAC 173-60 for noise, vibration, and light conditions.
4. Applicant shall comply with WAC 173-60 and SCC 14.16.840 for noise, vibration, and light conditions.
5. The use must comply with the mitigation measures conditioned within the Mitigated Determination of Nonsignificance (MDNS) issued on February 11, 2025.
6. All outstanding planning review fees shall be paid prior to final approval.

NOTICE OF POTENTIAL REVOCATION & PENALTIES

This Approval is subject to all of the above-stated conditions. Failure to comply with them may be cause for its revocation.

Complaints regarding a violation of this permit's conditions should be filed with Skagit County Planning and Development Services. Violations of permit conditions may result in revocation (or modification) of the permit, administrative action under SCC 14.44 (including monetary penalties), and the violations being declared a public nuisance.

NOTICE OF APPEAL PROCEDURES FROM FINAL DECISIONS OF THE HEARING EXAMINER

This action of the Hearing Examiner is final.

The applicant, any party of record, or any county department may appeal any final decision of a hearing examiner.

- A. Type 1 decisions are appealed to Skagit Superior Court, pursuant to the provisions of SCC 14.06.150-1; Appeals to the Superior Court must be filed with the Superior Court within 21 calendar days of the final decision of a hearing examiner pursuant to RCW 36.70C.040(C).
- B. Type 2 and 3 decisions are appealed to the Skagit County Board of Commissioners, pursuant to the provisions of SCC 14.06.150-1; Appeals to the Skagit County Board of Commissioners require filing of a written notice of appeal within 14 calendar days of the final decision of a hearing examiner for most decisions, *but* Shoreline permit decisions require filing a notice of appeal within five days of the decision per the same ordinance as provided in SCC 14.06.410(3).

More detailed information about reconsideration and appeal procedures are contained in the
Skagit County Code Title 14.06 and which is available at
<https://www.codepublishing.com/WA/SkagitCounty/>

DATED July 23, 2025



Rajeev D. Majumdar
Skagit County Hearing Examiner