

NOTICE OF DECISION

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

Applicant: Overview Properties LLC
c/o Steve Verbarendse
P. O. Box 481
Oak Harbor, WA 98277

Agent: Sound Development Group LLC
c/o Tammy Zampel
1111 Cleveland Ave., Suite 202
Mount Vernon, WA 98273

Request: Binding Site Plan, PL15-0602

Location: 9884 Padilla Heights Road, Anacortes, within a portion of Sec. 3,
T34N, R2E, W.M. Parcel No. P19783

Land Use Designation: Urban Growth Area (UGA) for Anacortes, Anacortes Urban
Development District (A-UD)

Summary of Proposal: To create eleven light industrial/manufacturing lots on a 10.46 acre
site. Lots vary from .44 acres (19,048 square feet) to
approximately 3.51 acres (153,070 square feet) and will include
proposed and future buildings ranging from approximately 5,400
square feet to approximately 20,000 square feet.

SEPA Compliance: Mitigated Determination of Non-Significance (MDNS), dated
March 22, 2016

Public Hearing: February 22, 2017. Testimony by Planning and Development
Services (PDS) Staff and by Applicant's agent. No
public testimony.

Decision/Date: The application is approved, subject to conditions. 3/20/2017.

Reconsideration/Appeal: Reconsideration may be requested by filing with PDS within 10
days of this decision. Appeal is to the Board of County
Commissioners by filing with PDS within 14 days of this decision
or decision on reconsideration, if applicable.

Online Text: The entire decision can be viewed at:
www.skagitcounty.net/hearingexaminer

FINDINGS OF FACT

1. Overview Properties seeks approval of a preliminary Binding Site Plan for the creation of eleven light industrial/manufacturing lots within the Anacortes Urban Growth Area.

2. The site is approximately 10.46 acres in size. It is within the Anacortes UGA Urban Development (A-UD) District. The address is 9884 Padilla Heights Road, located on the south side of the road directly south of Quantum Lane. The property is within a portion of Sec. 3, T34N, R2E, W.M. The parcel number is P19783.

3. The proposed eleven lots will vary in size from approximately .44 acres (19,048 square feet), to 3.51 acres (153,070 square feet). The proposed and future buildings are to range in size from 5,400 square feet to about 20,000 square feet.

4. The majority of the site is currently undeveloped, covered with pasture grasses, blackberries and a graveled area used as a stock and storage yard. There is an existing well and there are two existing accessory structures. The parcel is relatively flat with slopes ranging from 0% to 10% sloping to the north and east. It is bordered by commercial/light industrial properties that are within the City of Anacortes' LM1 zone.

5. The site is accessed by a private access road running north-south from Padilla Heights Road. An east-west roadway within the development will be built at about 500 feet off of Padilla Heights Road. The roadways must comply with County Road Standards.

6. The proposed Binding Site Plan is essentially a preliminary plat within the commercial/industrial context. Certain usual platting features are not required because there will be no residents, and thus no need for schools, parks or open space.

7. The Binding Site Plan lays out 11 building lots and a tract for a stormwater treatment and detention pond. Initially it is proposed to construct a new 13,540 square foot commercial/light industrial building on Lot 10. Possible future building footprints are outlined on the other lots.

8. An environmental checklist was prepared for this application and review under the State Environmental Policy Act (SEPA) was conducted. A Mitigated Determination of Non-Significance (MDNS) was issued on March 22, 2016. The MDNS was not appealed. The conditions imposed by the MDNS are as follows:

a. Temporary erosion/sedimentation control measures, as approved by the Skagit County Department of Public Works, shall be in place prior to the placement of any fill material. The applicant shall maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County Drainage Ordinance. Said measures shall remain in place until completion of the project.

b. The applicant shall comply with Northwest Clean Air Agency requirements.

- c. The applicant shall comply with the provisions of Chapter 14.32 of the Skagit County Code, the Skagit County Drainage, Water, Sedimentation Control 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 of the Skagit County Code (Skagit County Critical Areas Ordinance).
- g. The proposal shall comply with all applicable requirements of SCC 14.16 and SCC 14.18. Most notably, SCC 14.16.830 Landscaping, SCC 14.16.840 Performance standards, and SCC 14.16.850, General provisions.
- h. The project may be subject to one of Ecology's National Pollutant Discharge Elimination System (NPDES) permits. A Construction Stormwater General or Industrial Permit may be required by the Department of Ecology (WSDOE) for this project. Contact the WSDOE Bellingham Field Office at (360) 715-5200 to determine if an NPDES permit is required.
- i. A traffic study will need to be completed addressing Washington State Department of Transportation's questions regarding trip generation based on type(s) of proposed business(s) distribution and future implementation.
- j. Cascade Natural Gas Company, Kinder Morgan Pipeline and BP Olympia Pipeline Company shall be notified of any proposed work within 100 feet of their Pipeline. The applicant shall call 811 prior to ground work commencing.
- k. Should any human remains, archaeological, historic or cultural materials be discovered during construction, work in the affected area shall cease immediately and the area shall be secured. Within 24 hours of the discovery, or as soon thereafter as possible, the developer shall notify the Skagit County Sheriff's office, Skagit County Planning and Development Services, the Washington State Department of Archeology and Historic Preservation and affected tribes. If following consultation with the above parties it is determined that an Archaeological and cultural resource assessment is required, the project developer shall retain the services of a professional archaeologist to prepare such an assessment. Project work in the affected area shall only continue when in conformance with applicable state and federal laws.

9. There is an existing wetland on neighboring property, but no critical areas have been found on the site. The property is not located within a designated flood hazard area.

10. An existing wellhead will be decommissioned as part of this project. Potable water will be supplied by the City of Anacortes. The City of Anacortes has supplied a letter of water availability.

11. Until connection to the Anacortes sewer can be accomplished, sanitary wastes will be handled by on-site septic systems for the lots. Soil evaluation approvals will be required for all lots prior to final plat approval.

12. A Drainage Analysis was received from Sound Development Group on December 30, 2015, and reviewed by the County's Public Works staff. Stormwater for the majority of the site will be captured and conveyed to the treatment and detention pond at the northeast corner of the site. Releases from the site will not exceed pre-project rates. A maintenance plan for drainage facilities will be required.

13. A traffic impact study, prepared by Gibson Traffic Consultants was received in June of 2016 and reviewed by both Skagit Public Works and the Washington State Department of Transportation (WSDOT). Initial development will not cause traffic at area intersections to exceed level of service standards. Future development of individual lots will require additional traffic review.

14. There was no opposition to the proposal. The comments of County departments, other government agencies, and tribes on the application are reflected in conditions of approval.

15. Notices of the application and of the public hearing were published and disseminated as required by law. No members of the public commented in writing. No members of the public testified at the public hearing. The applicant's representative testified that the Staff Report accurately describes the proposal. No concerns with proposed conditions were voiced.

16. The proposal was reviewed by Staff under RCW 58.17.110(2)(a) and SCC 14.18.000(5), the criteria for preliminary plat approval. The Staff concluded that the project, as conditioned, will meet the criteria. The Hearing Examiner concurs with this analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

17. The proposal will be consistent the public health, safety and general welfare and with the public use and interest. Public services are adequate to accommodate the proposal.

18. Any conclusion herein which may be deemed a finding is hereby adopted as such.

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over this proceeding. SCC 14.06.050(1)(b)(vii).
2. The requirements of SEPA have been met.
3. The preliminary Binding Site Plan, as proposed and conditioned meets the relevant approval criteria. RCW 58.17.110(2)(a), SCC 14.18.000(5).
4. Any finding herein which should be deemed a conclusion is here adopted as such.

CONDITIONS

1. The project shall conform to the application materials except as may be modified by these conditions.
2. The applicant shall obtain all applicable permits and abide by the conditions of same.
3. The address range(s) shall be forwarded to Skagit County GIS for review and assignment after preliminary approval has been granted and a road name(s) has been selected. The address range(s) shall be shown on the face of the plat map before final approval.
4. Three road name options shall be provided for review and approval.
5. The zoning shall be added as a plat note indicating the property is within the Anacortes Urban Growth Area within the Anacortes UGA Urban Development District (A-UD).
6. The Binding Site Plan number is #PL15-0602 and can be added to the face of the plat on each page.
7. The final plat map shall be of a scale not less than 100' to the inch on 18" by 24" sheets, with a two-inch border on the left edge, and ½ inch border on all other sides.
8. In accordance with SCC 14.18.200(4)(d), all lot corners shall be set prior to final plat approval.
9. An updated title report shall be required with the final plat submittal.
10. The applicant shall demonstrate compliance with SCC 14.18.200 prior to final approval.
11. If any portion of the parent parcel is in an Open Space taxation program, the Skagit County Assessor's Office at (360) 416-1780 shall be contacted prior to proceeding with the land division.

12. All standard plat notes and appropriate departmental signoffs are required. Ensure that there are the appropriate number of acknowledgment blocks for all parties to the land division, and County staff, including the appropriate signature line for the Auditor's Office.

13. At a minimum the following plat notes shall be shown on the face of the final plat map:

- Plat number and date of approval shall be included in all deeds and contracts.
- Maintenance and construction of roads shall be the responsibility of the lot owners association, with all lot owners as members
- No building permit shall be issued for any commercial structures which are not, at the time of application, determined to be within an officially designated boundary of a Skagit County Fire District.
- A Skagit County Address Range has been applied to the road system in this subdivision. At the time of application for building and/or access, Skagit County GIS will assign individual addresses in accordance with the provisions of Skagit County Code Chapter 15.24. Change in location of access may necessitate a change in address. Planning and Development Services should be contacted for specifics.
- A Lot of Record Certification has been issued for all lots included in this Land Division. By virtue of recording this land division and issuance of the Lot Certification, all lots therein shall be considered lots of record for conveyance and development purposes unless otherwise restricted. The subject property is located wholly or partially within the Skagit County Pipeline Consultation Area, defined by Skagit County Code as the area within 100 feet of any hazardous liquid or natural gas transmission pipelines.

14. The project shall comply with all conditions of the SEPA Threshold Determination (MDNS) issued on March 24, 2016.

15. The applicant shall call 811 prior to commencing ground work.

16. Prior to final approval, copies of any proposed covenants shall be provided to PDS for review. Copies of any owner's association agreements, road maintenance agreements or drainage maintenance plans shall also be submitted to PDS for review.

17. The subject property is in an area with a high likelihood for encountering cultural resources. A survey is highly advised. A plan shall be provided prior to construction describing what actions will be taken prior to and during construction to monitor for the presence of cultural resources and what actions will be taken if cultural resources are discovered.

18. A set of stamped envelopes addressed to all neighboring property owners and occupants within 300 feet of the subject property (with appropriate postage) will be required for the final plat submittal. A list of the addressees shall be provided. Envelopes with no return address shall be used.

19. Development of the site and future development of individual lots shall be consistent with the use, lot size and other development standards for the zone that has been identified by the City of Anacortes for the subject site.

20. Landscaping will be required per the City of Anacortes with each individual development permit. Currently, Anacortes Municipal Code 17.41.020(G) requires a minimum 10% of the site area to be landscaped.

21. The property owner shall execute and record an annexation and sewer hook-up contract/agreement in a form acceptable to the City of Anacortes.

22. Public street improvements along Padilla Heights Road shall be constructed to meet City of Anacortes standards.

23. The proposed private roads shall be constructed to meet the structural requirements of the City of Anacortes.

24. Final plat fees will be assessed at the time of Final Plat submittal. All outstanding final plat fees shall be paid prior to final plat approval.

25. All utility easements shall be shown and labeled on the face of the final plat map.

26. All required property taxes shall be paid prior to final plat approval.

27. Additional review may result in additional conditions or requirements.

28. All outstanding preliminary plat fees shall be paid within 30 days of this preliminary plat decision.

29. All paved binding site plan roads require centerline monumentation.

30. Electronic record drawings are required for improvements made within the County road right-of-way.

31. A Grading Permit is required for the construction of roadway and drainage facilities. The permit application shall include engineered plans consisting of title sheet, plan and profile, erosion control plan, stormwater drainage plan, specifications and details. A preconstruction meeting shall be scheduled with Skagit County Public Works prior to the start of road construction. BP15-0931 has been applied for.

32. Prior to starting road construction and in accordance with Section 12.09 of the Skagit County Road Standards, the applicant must post one or more signs showing the names and business names of both the applicant and the project engineer, as well as contact telephone numbers for each.

33. The construction of the roadway and detention facilities for the subdivision will require certification by the engineer that all items have been built in accordance with the approved construction plans (See Sec. 12, Skagit County Road Standards).

34. Stop sign(s) and road name sign(s) must be installed on the private roads in accordance with Skagit County Road Standards.

35. The applicant must provide a road maintenance agreement that includes all users of the private roads.

36. In accordance with SCC 14.18.200(2)(b)(ix), the following note must be shown on the face of the plat:

“In no case shall the County accept a dedication or any obligation as to such road, street, and/or alley until the same and all roads, streets, and/or alleys connecting the same to the full, current County road system have been brought to full County Road Standards and a right-of-way deed has been transferred to and accepted by the County.”

37. The drainage report must be revised to reflect the correct soils on the site. It appears that the site is comprised primarily of type B soils. When the revised report is completed, a CD of the report must be submitted, specifically the wdm files.

38. In accordance with SCC 14.32.040(4)(d)(v), the drainage report must be revised to address downstream analysis of drainage facilities within ½ mile downstream from the project.

39. A note must be shown on the face of the plat referencing the drainage report and construction plans contained therein.

40. In accordance with SCC 14.23.080(10)(c), the following noted must be shown on the face of the plat:

“All runoff from impervious surfaces, roof drains shall be directed so as not to adversely affect adjacent properties.”

41. Prior to final plat approval, the applicant shall submit a maintenance plan for drainage facilities. Ongoing maintenance shall be the responsibility of the lot owners association.

42. The vicinity map shall be revised to show surroundings, towns, cities, rivers, geographical features that locate this property within the County.

43. In accordance with SCC 14.18.200(4)(d), the exterior lot corners must be set prior to final plat approval.

44. Be aware that two Protected Critical Area site plans have been recorded that impact a portion of P19786 and may impact the subject site. (AF#200803180002, AF#201204090152.

45. Soils site evaluation shall be approved for each proposed lot prior to final plat approval or, if on sewer, all lines and required improvements shall be installed, inspected and approved prior to final plat approval.

46. All approved soils and reserve areas shall be shown on the face of the plat map (per SCC 12.48.240). Minimum lot size per SCC Chapter 12.05 is based on soil types (WAC 246-272A-0320).

47. Written confirmation of installation for all water lines is required for the file after installation approval by Anacortes Water. Show the (---W---) water lines in approximate location within the plat.

48. Per Chapter 173-160 WAC, decommission the well that is shown on the plat and is not in use. Provide copies of the State decommissioning paperwork for the file. Show the location of the well, and a 10' well protection zone around the decommissioned location on the face of the plat. Place the decommissioning tag numbers on the plat in the well location.

49. As the plat is initially proposing on-site septic systems, a delineation of areas potentially affected by contaminant migration, a spill plan, and a nitrate loading assessment, are required per SCC 14.24.330(3)(g,j,m). After review by the County hydro-geologist, additional information may be requested.

50. Plans submitted to the Fire Marshal's Office shown minimum compliance with road and site access. Plans indicate minimum requirements for hydrant spacing and location. Fire flow and other requirements based on construction type and occupancy type for individual structures will be determined at the time of construction.

51. Future development will require additional review under the Coordinated Water System Plan, Table 4-3.

52. Consultation with WSDOT shall occur should any changes be made to the proposal that would alter trip generation, distribution or use of the site.

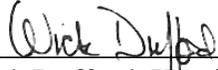
53. The appropriate property taxes shall be paid prior to final approval.

54. In accordance with SCC 14.18.100(6)(b), the preliminary Binding Site Plan shall be valid for 60 months from the date of this approval.

DECISION

The requested preliminary Binding Site Plan (PL15-0602) is approved, subject to the conditions set forth above.

DONE, this 20 day of March, 2017.



Wick Dufford, Hearing Examiner

Transmitted to Applicant and Staff, March 20, 2017.

See Notice of Decision, page 1, for appeal information.