

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

**FINDINGS, CONCLUSIONS AND DECISION**

**Applicant:** Skagit County Public Utility District No. 1  
c/o Greg Peterka, Engineering Manager  
P. O. Box 1436  
Mount Vernon, WA 98273

**File No:** PL06-0812

**Request:** Special Use Permit Modification  
(Modification of Permit PL04-0284)

**Location:** Existing water treatment facility adjacent to Judy  
Reservoir, 11932 Morford Road, within SE1/4  
Sec. 32, T35N, R5E, W.M.

**Parcel Nos:** P40537, P40538

**Land Use Designation:** Public Open Space of Regional/Statewide Importance  
(OSRSI)

**Public Hearing:** After reviewing the report of Planning and Development  
Services, the Hearing Examiner conducted a public hearing  
on August 8, 2007.

**Decision:** The application is approved, subject to conditions.

## **FINDINGS OF FACT**

1. Skagit County Public Utility District No. 1 (hereafter the PUD) has applied for a modification to an earlier Special Use Permit in order to expand its water treatment plant by adding an ozonation facility.
2. The property is a landscaped and fenced campus accessed off of Morford Road by a paved driveway. The address is 11932 Morford Road, immediately west and adjacent to Judy Reservoir. The project site is within the SE1/4 Sec.32, T35N, R5E, W.M.
3. The water treatment plant currently consists of a control building, four filters, two flocculation trains, backwash ponds and other associated facilities.
4. Special Use Permit PL04-0284 allowed expansion of the facility by adding a 3.3 million gallon steel clear well (water tank) adjacent to the two existing clear wells, two new flocculation basins adjacent to the existing flocculation basins, and four new filter bays adjacent to the existing filter bays. This project is ongoing.
5. Now the PUD proposes to modify PL04-0284 by including a new ozone contactor basin within a new generation building and adding a 10,000 gallon liquid oxygen storage tank. The ozone generation building will contain approximately 3,200 square feet (80' x 40') Both the storage tank and the new building will be located adjacent to and northeast of the existing control building. The area is now in lawn.
6. Judy Reservoir is located approximately 210 feet southeast of the proposed ozone facilities. None of the new construction will be within the area of shoreline jurisdiction.
7. The entire shoreline of Judy Reservoir is protected though zoning as Public Open Space of Regional/Statewide Importance (OSRSI). The surrounding area is in forest lands with some single family home development. The new facilities will be placed northeast of the existing control building. They will be consistent in appearance with the rest of the plant. Aesthetic impacts will be minimal.
8. The proposal will result in no additional employees at the plant. No additional traffic will be generated. Construction impacts will be short term and minor. Completion is scheduled for 2008.
9. Environmental review was conducted under the State Environmental Policy Act (SEPA). A Determination of Non-Significance (DNS) was issued by the PUD on July 31, 2006. The DNS was not appealed.

10. Critical areas review for the site was conducted in conjunction with PL04-0284. No critical areas or conditions are located within 200 feet of the proposed development. The project is not located with a designated flood hazard area.

11. No consulted County Departments had any comments on the proposal. There was no written public comment and no public testimony at the hearing.

12. Ozonation is being added to control the quality of the taste of water supplied by the PUD. Recent experience with algae blooms on Lake Judy has created the need for this kind of treatment.

13. The criteria for Special Use Permit approval are set forth at SCC 14.16.900(2)(b)(v), as follows:

- (a) The proposed use will be compatible with existing and planned land use and comply with the Comprehensive Plan.
- (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) Potential effects regarding the general public health, safety, and general welfare.
- (f) For special uses in ... 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 and services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.

14. The Staff Report analyzes the proposal in light of the above criteria and determines that, as conditioned, the project will conform to them. 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.

15. The proposed permit modification will advance the PUD's continuing effort to provide a high quality water supply and will promote public health, safety and general welfare consistent with the special use purposes of the underlying permit.

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

### **CONCLUSIONS OF LAW**

1. The Hearing Examiner has jurisdiction over the persons and the subject matter of this proceeding. SCC 14.06.050(1)(b)(ii).

2. The requirements of SEPA have been met.

3. One of the purposes of the Public Open Space District is to provide a zoning designation for lands in public ownership that are dedicated or reserved for public purposes. Within such zones, major public facilities and expansions thereof are allowed as a Hearing Examiner Special Use. SCC 14.16.500(5)(e). The water treatment plant is such a facility. SCC 14.04.020.

4. Modifications to Special Use Permits are processed under the same criteria as the approval of new permits. The proposed water treatment expansion, as conditioned, is consistent with the applicable criteria. SCC 14.16.900(2)(b)(v).

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

### **CONDITIONS**

1. The proposed improvements shall be constructed as shown in the application materials, except as the same may be modified by these conditions.

2. The applicant shall obtain all other required permits, including building permits.

3. The applicant shall comply with all applicable State regulations, including State water quality rules (Chapters 173-201A WAC and 173-200 WAC) and noise level limits (Chapter 173-60 WAC).

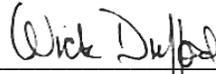
4. The applicant shall comply with all applicable County regulations, including erosion and sedimentation control measures (Chapter 14.32 SCC – Drainage), critical areas rules (Chapter 14.24 SCC) and zoning rules (Chapter 14.16 SCC).

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

6. Aesthetic impacts shall be minimized through practices outlined in the SEPA checklist.
7. A copy of this decision shall be submitted with the building permit application.
8. The project shall be commenced within two years of permit approval or the permit shall become void.
9. The conditions of the original permit (PL04-0284) remain in effect. If any further modification of the project is proposed, the applicant shall notify Planning and Development Services and request a permit revision.
10. Failure to comply with any condition of approval may result in revocation of the permit.

### **DECISION**

The requested Special Use Permit Modification is approved, subject to the conditions set forth above.



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Wick Dufford, Hearing Examiner

Date of Action: August 14, 2007

Date Transmitted to Applicant: August 14, 2007

### **RECONSIDERATION/APPEAL**

As provided in SCC 14.06.180, a request for reconsideration may be filed with Planning and Development Services within 10 days after the date of this decision. As provided in SCC 14.06.120(9), the decision may be appealed to the Board of County Commissioners by filing a written Notice of Appeal with Planning and Development Services within 14 days after the date of the decision, or decision on reconsideration, if applicable.