

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND DECISION

Applicant: Lake Cavanaugh Improvement Association
c/o Robert Getz, President
35058 South Shore Drive
Mount Vernon, WA 98274

Agent: Warren Otteson
34207 South Shore Drive
Mount Vernon, WA 98274

File No: PL07-0390

Request: Special Use Permit

Location: 35022 South Shore Drive, within a portion of the
NW1/4NW1/4 Sec. 36, T33N, R6E, W.M.

Parcel No: P18497

Zoning Designation: Rural Village Residential

Summary of Proposal: To build a 40' by 60' community center building adjacent to the existing fire hall. The facility would include meeting spaces, bathroom facilities and a kitchen. New parking would be provided for 39 vehicles.

Public Hearing: After reviewing the report of Planning and Development Services, the Hearing Examiner conducted a public hearing on November 14, 3007.

Decision: The application is approved, subject to conditions.

FINDINGS OF FACT

1. The Lake Cavanaugh Improvement Association (applicant) seeks a Special Use Permit to construct a community center adjacent to the existing fire hall on upland property near the lake.
2. The site is approximately 7.8 acres in size, located on the south side of the road at 35022 South Shore Drive, within a portion of the NW1/4NW1/4 Sec. 36, T33N. R6E, W.M. The zoning is Rural Village Residential. The parcel measures approximately 380 feet along the north (front) property line, 676 feet along the west (side) property line, 614 feet along the south (rear) property line, and 696 along the east (side) property line.
3. The topography is essentially flat. The parcel contains two Type 4 streams. The streams converge in the middle of the property. The front portion of the lot has been cleared. The rear is in forest. Adjacent properties are a mixture of vacant land and single-family residences.
4. The proposed building will be located on the west side of the property, across the streams from the fire station, and set back about 60 feet from South Shore Drive. The structure will be a two-story frame building and will include meeting spaces, restrooms and a kitchen. In front and to the west will be a parking lot accommodating 39 vehicles. The existing septic and water systems will need to be upgraded to accommodate the new facility.
5. The project is being financed by member donations. It will be developed in phases dependent largely on the availability of funds. Phase 1 will include completion of permitting, construction of the exterior shell with roof, and enclosure of the building for weather protection. Phase 2 will include the construction of the interior rooms, installation of utilities, general finishing, and completion of the parking lot.
6. Currently community events are held at the fire hall which limits the number of events that can occur and the number of participants in such events. The new community center will significantly improve the availability and capacity of space for community activities in this growing rural village area. No traffic problems are anticipated.
7. The proposed building will be about 160 feet west of the existing fire hall. A foot bridge and culvert will provide stream crossings for access between the facilities. There are 14 additional parking spaces at the fire hall than can be used for overflow parking for events at the community center.
8. The community center will be operated and maintained by volunteers. There are no current plans for any employees. Example activities at the center are potluck dinners and pancake breakfasts, and events such as silent auction, fun run, book and art

sale, parade, funfest rummage sale, and dumpster day. During the summer months there will be regular church services. The facilities will also be used for Improvement Association board meetings once a month and membership meetings five times a year.

9. Generally, the facility will be open during the day from 10 a.m. to 4 p.m. Evening activities will usually be from 7 p.m. to 9 p.m. There is an existing reader board to announce events. Details of outdoor lighting have not been provided.

10. A Fish and Wildlife Habitat Assessment and Geohazard Reconnaissance, dated April 24, 2007, was provided by Edison Engineering. Appropriate buffers were identified for protection of the streams on site and a Protected Critical Area (PCA) site plan was prepared. The PCA was recorded in June 2007. The Assessment concluded that runoff to the land from the proposed building will likely percolate into the ground surface during most rainfall events. Runoff from the parking area can be managed with a buffer strip or other treatment features prior to discharge to the roadside ditch. Little, if any erosion is anticipated. No geohazards were identified.

11. The application was deemed complete on August 8, 2007. A Notice of Development application was posted, published and mailed on August 16, 2007. No comment letters were received. At the public hearing, a number of Association members and interested citizens were in attendance to express their support. Warren Otteson, speaking for the Association, advised that the project has broad backing in the community and has been assisted by hours of volunteer fund raising and other work. He noted that services for the project have been donated, singling out Edison Engineering and Dibble Engineering for their contributions.

12. County agencies provided a number of comments regarding project details. These have all been addressed through conditions of approval.

13. The criteria for Special Use Permit approval are set forth at SCC 14.16.900(1)(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 standard of SCC 14.16.840.
- d. The 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 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.

14. The Staff Report analyzes the application in light of the above criteria and determines that, as conditioned, the project will be consistent with 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 property is not in Natural Resource Lands but is adjacent to such lands. The applicant will need to comply with requirements for notification of development adjacent to designated resource lands. There will be minimal environmental impact. A Determination of Nonsignificance under the State Environmental Policy Act (SEPA) was issued on September 13, 2007 and not appealed. The necessary upgrades in public facilities can be accomplished. Final approvals of these project features can be obtained in conjunction with the building permit process. A landscaping plan fulfilling the purposes of the County Code can be furnished at the same time.

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.

2. Public notice of the application and of the hearing were provided as required by law.

3. The requirements of SEPA have been met.

4. Under SCC 14.16.310(4)(c), a community club may be approved in the Rural Village Residential zone as a Hearing Examiner Special Use. As conditioned, the proposal will be consistent with the criteria for approval of a Special Use Permit. SCC 1416.900(1)(b)(v).

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

CONDITIONS

1. The project shall be constructed and operated as shown on the submitted plans and as otherwise described in the application materials, except as the same may be modified by these conditions.

2. The applicant shall obtain a grading permit for on-site grading activity.
3. The applicant shall obtain a building permit and receive all other necessary approvals.
4. The applicant shall comply with SCC 14.16.870, Notification of Development Activities on or Adjacent to Designated Resource Lands.
5. The applicant shall submit a drainage report prepared by a licensed engineer, addressing water quantity and quality for stormwater and groundwater. The drainage report shall be submitted with the grading permit application.
6. If required by County Code, detention facilities shall be provided, consistent with Chapter 14.32 SCC and the Department of Ecology Stormwater Management Manual for Western Washington.
7. Necessary right-of-way permits shall be obtained from the Department of Public Works for any work done within County right-of-way.
8. A current complete public water packet (plans and specifications) shall be submitted and approved in conjunction with the building permit application.
9. Prior to building occupancy, the water system must be installed per plans and specifications approved by the County Health Department. A professional engineer must certify the construction of the water system and the Health Department must accept that certification.
10. All other requirements of State and County Health Departments must be met prior to building permit approval. This may mean that additional materials, such as a Hydrogeo report, will need to be submitted.
11. Plans for the kitchen must be submitted and approved by the County Health Department. The kitchen will be reviewed as a commercial kitchen.
12. Prior to building permit approval, a design for bringing the current septic system up to Code and for a full-size reserve area shall be submitted and approved.
13. Prior to building occupancy, the upgraded septic and drainfield system shall be installed
14. No industrial or chemical waste shall be directed into the on-site septic system.

15. Fire sprinklers may be required for the second floor, depending on the use of that floor. A Class 1 hood with fire suppression shall be installed for any cooking facilities provided.

16. Adequate facilities for the handicapped, including parking, access and restrooms, shall be demonstrated for building permit approval.

17. The applicant shall comply with all applicable State and County regulations, including but not limited to, Chapter 173-201A WAC and 173-200 WAC (water quality), Chapter 173-60 WAC (noise), and SCC 14.16.840 (noise, vibration, ventilation and light).

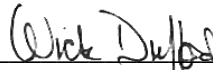
18. A landscaping plan meeting the intent of SCC 14.16.830 shall be submitted with the building permit application. At the same time, the applicant shall provide a description or plan of the outdoor lighting contemplated.

19. The project shall be commenced within two years of this permit approval. The filing of a complete building permit application may constitute commencement. All project phases shall be complete within six years of this permit approval.

20. Failure to comply with any permit condition may result in permit revocation.

DECISION

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



Wick Dufford, Hearing Examiner

Dated of action: November 29, 2007

Date transmitted to applicant: November 29, 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.