

## NOTICE OF DECISION

### BEFORE THE SKAGIT COUNTY HEARING EXAMINER

**Applicants:** Mike and Cherri Aiken  
PO Box 153  
Mount Vernon, WA 98273

**Request/File No:** Special Use Permit, PL10-0015

**Location:** 60751 State Route 20, Marblemount, within a portion of the SW1/4NE1/4 Sec. 6, T35N, R11E, W.M.

**Land Use Designation:** Rural Reserve (RRv)

**Summary of Proposal:** To allow operation of the Alpine RV Park, a developed campground with 27 full hookup RV sites, an area for tent camping, two manufactured homes and a "clubhouse" (restrooms, showers, laundry facilities, office space).

**SEPA Compliance:** Mitigated Determination of Non-Significance (MDNS) issued July 29, 2010. No appeals.

**Public Hearing:** July 6, 2011. No public testimony. Planning and Development Services (PDS) recommended approval.

**Decision/Date:** Approval, subject to conditions. Dated July 22, 2011.

**Reconsideration/Appeal:** A Request for Reconsideration may be filed with PDS within 10 days of this decision. The decision may be appealed to the Board of County Commissioners by filing an appeal with PDS within 14 days of the date of the decision or decision on reconsideration, if applicable.

**Online Text:** The entire decision can be viewed at [www.skagitcounty.net/hearing examiner](http://www.skagitcounty.net/hearing_examiner)

## **FINDINGS OF FACT**

1. Mike and Cherri Aiken seek a Special Use Permit to operate the Alpine RV Park as a developed campground. The campground operation is a pre-existing non-conforming use. The permit would make it conforming.

2. The campground is located at 60751 State Route 20 just north of Marblemount. The site is on Parcels Nos. P45796 and P45810, within a portion of SW1/4NE1/4 Sec. 6, T35N, R11E, W.M.

3. The property is approximately 5.5 acres in size and is zoned Rural Reserve (RRv). A portion of the property lies within the shoreline of the Skagit River but no development within the shoreline area is proposed.

4. The property is flat and basically rectangular, with a slightly irregular northern property line. The configuration is east/west with access from the east off of Highway 20. The measurements are 233 feet along the east (front) property line, 993 feet along the irregular north (side) property line, 230 feet along the west (rear) property line, and 913 along the south (side) property line.

5. The site is served by an onsite septic system and an upgraded Group A Transient Non-Community public water system. It is not within a Flood Hazard Zone, but is located within 500 feet of designated natural resource land.

6. To the west are 120 undeveloped acres. To the north are single family residences on lots from 2 to 4+ acres in size. The properties to the south range from 1 to 7 acres; one is vacant, one is developed. To the east of the park are the highway and the Skagit River.

7. The site was established as a trailer park in the 1950s and used as a temporary housing site for construction workers building the three Seattle City Light dams on the Skagit. An RV Park was developed in the 1960s.

8. Because the park predated zoning, the only regulations applied pertained to the public water system. Initially the area was approved with a Group B water system, allowing for two full-time residences, seven RV sites with full hookups and seven tent sites. At some point the park was expanded. An upgrade to a Group A water system is being pursued to accommodate the additional development.

9. Since 2005 two complaints have been filed, concerning such things as a third mobile home on the property, RV Park expansion, a second story storage area being converted to residential use, a "putt putt" golf course and using the property for car sales. As a result, the converted second story has been changed back to a storage area, the golf course has been abandoned, car sales have ceased and the third mobile home has been removed.

10. The park currently has 27 RV sites with full hookups (power, water, sewer). There are two modular homes on site -- one in the northeast corner just outside shoreline jurisdiction

and the other in the southwest area of the property. There are tenting sites near the south property boundary. In the center of the park is a "clubhouse" containing the manager's office, public restrooms, a laundry, and a storage room for water system bladder tanks.

11. The "clubhouse" is located about 250 feet from the east property line. The entry road from State Route 20 leads directly to it. Within the park is a loop road which circles around the "clubhouse" and Sites 17 -27 which are located behind the "clubhouse." Sites 1-16 are located on the north property line. There is overflow parking in front of the "clubhouse" as well as at the rear end of the access loop. Parking for tent camping is located between the south access loop and the "clubhouse." In the tenting area is an existing four-foot diameter fire pit. No individual fire pits are proposed. Water for tent camping is obtained from the "clubhouse" or a nearby hose bib just west of the "clubhouse." Trees flank the entry to the park and the back portion is densely vegetated.

12. The Special Use Permit sought will encompass the expansion that has occurred and minor improvements, making the campground a conforming use. The applicant requests approval of seven tenting sites.

13. Sewage disposal is provided mainly through a large septic tank and drainfield installed during the 1960s. It does not have any as-built records or permit number. The septic tank is reported to be 22,000 gallons in size with a 1,110 square-foot drainfield. An individual septic system was permitted for the modular home in the southwest portion of the property.

14. The water system is served by a well located in the west end of the property. The drainfield for the large septic system extends into the five-year well protection area for this well. Another water well located on adjoining property to the north has a well protection area that extends onto the subject property.

15. Dumpsters are placed on site for the disposal of garbage. There is no dump station for RV holding tanks and none is proposed.

16. Power through undergrounded wiring is provided to all RV sites, the modular homes and the "clubhouse." The campground facility also has wireless internet service for use by its residents and guests.

17. The campground is open year around. The main influx of tourists is during the summer. However, during the winter some RV sites are leased out for stays of several months. Guests can choose between daily, weekly or monthly fees. The park employs a manager who is responsible for day to day operations, including collecting fees and performing routine maintenance. Additional maintenance is performed by the owner or by outside companies. Park rules call for quiet time between 10 p.m. and 7 a.m.

18. The applicants have submitted a landscaping plan which provides at least Type II landscaping surrounding the park. The plan includes the existing conifers scattered throughout the park and existing vegetation on the south and west. Along the north boundary by Spaces 13-16 is approximately 100 feet of wooden fence. New plantings will include paper birch, western

red cedar, common snowberry, Oregon grape and salal. Open areas not landscaped with trees or shrubs will be seeded in lawn.

19. The soil on the site drains well with infiltration rates considered to be moderately high to high. Stormwater drainage on the property is and can be handled by dispersion and infiltration. The current impervious surface coverage is only 11% of the site. The proposed improvements will add less than 2,000 square feet of new impervious surface. No native vegetation will be disturbed. Stormwater will be effectively managed during any construction that may occur. No permanent stormwater facilities are needed.

20. The application was deemed complete on February 22, 2010. Notice of Development was duly posted, mailed and published. Only one comment letter, basically favorable, was received. There was no public testimony at the hearing. The applicants testified that the matters that gave rise to complaints have been resolved, that they are now taking a more active role in overseeing park operations, and that they have good relations with their neighbors.

21. Environmental review was performed pursuant to the State Environmental Policy Act (SEPA). As a result, a Mitigated Determination of Non-Significance (MDNS) was issued on July 20, 2010. No appeals were filed. The following conditions are included in the MDNS:

- a) Prior to public hearing, the well located within the clubhouse will be decommissioned and all documentation shall be submitted to the Skagit County Health Department.
- b) Prior to public hearing, the fire flow system shall be approved by the Skagit County Fire Marshal.
- c) Applicant shall comply with WAC 173-60 and SCC 14.16.840 for noise, vibration and light conditions. Ventilation shall not be addressed by open door or windows.
- d) Applicant shall comply with Water Quality WAC's for surface and ground water quality, (WAC's 173-210A and 173-200).
- e) The applicant shall comply with SCC 14.16.840 Performance Standards.

The tasks to be completed prior to public hearing were accomplished before the hearing was held.

21. The application was routed to various County departments. Their comments are reflected as conditions of approval.

22. The Staff Report analyses the application in light of the Code criteria for Special Use Permit Approval. The Report finds that the proposal, as conditioned, will be consistent with those 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.

23. The RV park and campground has been an accepted and valued part of the Marblemount community for many years. The proposed permit insures that applicable standards are met, so that the park may continue to serve the community as a conforming use.

24. 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 subject matter of this proceeding.
2. The requirements of SEPA are met.
3. The facility meets the definition of a "developed campground" under SCC 14.04.020. Under the definition as amended, laundry facilities are allowed in such campgrounds.
4. Under SCC 14.16.320(4)(d), developed campgrounds may be approved as special uses in the Rural Reserve (RRv) zone.
5. As conditioned, the proposal meets the criteria for approval of a Special Use Permit, SCC 14.16.900(1)(b)(v).
  - (a) The Comprehensive Plan encourages recreation and appropriate enterprise in rural areas.
  - (b) The Code allows the uses by Special Use Permit in the RRv zone.
  - (c) The environmental impacts will not be undue. No new traffic or noise impacts are anticipated.
  - (d) The park with the appropriate landscaping will not intrude on the privacy of neighbors.
  - (3) The general public health, safety and general welfare will be promoted by the conforming operation and positive economic impact of this use.
  - (4) The long-term management of natural resource lands will not be affected.
  - (5) The health and safety of the community will be protected by adherence to relevant requirements for sewage disposal, sanitation and water supply. Fire flow will be required.
  - (6) There are adequate public facilities and services in the area to support the use.
  - (7) The use will not change the character, landscape or lifestyle of the area.

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

### **CONDITIONS**

1. The operation shall be limited to 27 RV sites and 7 tenting sites, two manufactured homes, and a "clubhouse" with restrooms, showers, laundry, storage area and office. As so limited, the campground shall operated as described in the application materials, except as modified or augmented by these conditions.

2. The applicants shall obtain all other applicable permits and abide by the conditions of same.

3. A copy of the WSDOT access permit shall be submitted to PDS.

4. The applicants shall comply with those conditions of the MDNS, issued on July 20, 2010, that have not already been met.

5. A licensed wastewater treatment system designer shall verify that the system on site is adequate to meet the capacity of the campground. If expansion of the system is required, the system shall be modified as necessary to meet applicable current state and local codes.

6. The park shall comply with all Health Department requirements as detailed in the Health Department's comments and as found in Chapter 12.20 SCC, including annual permitting.

7. No activity shall be allowed within the 100-foot sanitary radius around the supply well or the clubhouse decommissioned well.

8. Well withdrawals are limited to pumping less than 5,000 gallons a day and total irrigation must be limited to less than 1/2 acre.

9. Daily water usage shall be monitored and recorded during peak use periods. An engineer shall determine the historical monthly usage prior to any expansion of this special use.

10. In early January of each year, the applicants must report the previous year's water data for inclusion in the County's Annual In-Stream Report.

11. Tent sites shall be identified using timber edging and shall be located outside any well protection zone.

12. Interior roads shall comply with Skagit County Road Standards.

13. A grading permit maybe required for any roadway/driveway construction. If any drainage facilities are constructed, operation and maintenance plans shall be provided.

14. Installation of the fire flow system shall be required as soon as possible after permit issuance. Engineering for the tank and hydrant detail showing compliance with Code shall be submitted.

15. Management shall exercise appropriate control over activities occurring on-site. The quiet hours between 10 p.m. and 7 a.m. shall be enforced.

16. No new flood lighting shall be installed without the approval of PDS.

17. Per SCC 14.04.020 Recreational Vehicles cannot occupy a lot for more than 180 days in any 12-month period, unless otherwise stipulated by official approval.

18. The applicants shall comply with SCC 14.16.870, Notification of Development Activities on or Adjacent to Designated Natural Resource Lands.

19. The landscaping improvements shall be completed within 90 days of the approval of this permit.

20. Per SCC 14.16.830(6)(f), maintenance for all landscaping and screening areas shall be provided by the owners of the property. All screening and landscaping shall be kept free of weeds and trash. Failure to maintain landscaping will be considered an offense against the Land Use Code, pursuant to Chapter 14.44 SCC.

21. "No Trespassing" signs shall be posted along both the north and south property lines.

22. This Special Use Permit shall be void if the activities authorized are not commenced within two years of the date of this decision or are abandoned for a period of one year.

23. Per SCC 14.16.900(e), the applicants shall comply with the annual certification process, acknowledging in writing compliance with the Special Use Permit and all of its conditions, including the condition limiting stays to 180 days in any 12-month period.

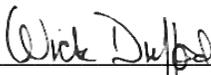
24. PDS shall be notified by letter of any change in ownership of the property within 30 days after the change. The letter shall reference Permit # PL10-0015.

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

## DECISION

The requested Special Use Permit (PL10-0015) is approved, subject to the conditions set forth above.

**DONE** this 22<sup>nd</sup> day of July, 2011.

  
\_\_\_\_\_  
Wick Dufford, Hearing Examiner

Transmitted to Applicants on July 22, 2011.

See Notice of Decision, Page 1, for Reconsideration and Appeal information