

SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES
SEPA MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)
Special Use Permit PL23-0463 & Variance PL23-0464

PROJECT DESCRIPTION: The applicant is requesting a Special Use Permit (#PL23-0463) for the construction of one (1) Personal Wireless Facility (PWF) tower located within a 50'x60' leased area surrounded by a fence. The proposed PWF tower will be 150-feet in height and designed to look like a conifer tree. The 3,000 square foot leased area at the tower's base will include a small, prefabricated equipment shelter and backup diesel generator. The PWF is designed to accommodate two additional wireless carriers at a future date. Access to the proposed site will be from Rosario Road and an existing gravel road and old logging road (wholly located on the subject parcel).

The applicant is also requesting a Variance (PL23-0464) to exceed the underlying zoning district's 40-foot maximum permitted height requirement. The Variance also includes a request to deviate from the minimum required landscaping and to deviate from the required setback for PWFs as measured from the respective property lines. In this case, the PWF does not meet the 150-foot setback requirement as it is approximately 119-feet from the eastern property line.

The subject property lies in the Rural Reserve (RRv) Zoning/Comprehensive Plan designated areas as indicated in the Skagit County Comprehensive Plan and associated maps.

Applicant: Meridian Group/AT&T; C/O: Andy King; 169 Lost River, Mazama, WA 98833

Landowner: Hoehn Road LLC; 15193 Doris Street, Anacortes, WA 98221

Project Location: The subject property is addressed as 15163 Rosario Road, Anacortes, Washington in a portion of Sections 22 & 23; Township 34 North; Range 01 East; Willamette Meridian, situated in unincorporated Skagit County, Washington (Parcel #: P19584, P19558, & P19606).

LEAD AGENCY: Skagit County Planning and Development Services Department.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (C). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This determination is subject to the mitigated measures as identified below and shall be deemed conditions of approval of the land use and/or permit pursuant to Skagit County Code 16.12. Such conditions are considered binding and may not be altered by subsequent decisions unless a threshold determination is re-issued.

MITIGATION MEASURES:

1. No track out of dirt onto to county roads is permitted. For the duration of construction activities, the applicant shall sweep track out dirt and debris from county roadways/right of ways adjacent to the subject property.
2. The applicant shall comply with Northwest Clean Air Agency (NWCAA) requirements. Please contact the Northwest Clean Air Agency to determine what permits or requirements are required.
3. The applicant shall comply with both Skagit County's Building and Fire Code Standards.
4. Critical Area Ordinance review was completed and approved with PL23-0390. The project must comply with all recommendations of geologic hazard site assessment prepared by Black Mountain

Consulting LLC dated February 25, 2023.

5. The proposal, and site development, shall comply with all applicable requirements of SCC 14.16, and specifically SCC 14.16.320.
6. This project may be subject to one of Ecology's National Pollutant Discharge Elimination Systems (NPDES) permits. A Construction Stormwater General or Industrial Permit may be required by the Department of Ecology (WSDOE) for this project.
7. 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.
8. Temporary erosion/sedimentation control measures, as approved by the Skagit County Planning and Development Services, 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 Stormwater Management Ordinance. Said measures shall remain in place until the completion of the project.
9. The applicant shall comply with the provisions of Chapter 14.32 of the Skagit County Code, the Skagit County Stormwater Management Ordinance, as it relates to increased runoff resulting from additional impervious surfaces. Best Management practices shall be utilized throughout the life of the project.
10. Development shall comply with the requirements of Skagit County Public Works Department including but not limited to:
 - A. A Commercial Access Permit will be required for the existing access off Rosario Road.
 - B. The existing driveway must meet Fire Marshal's requirements.
 - C. Any work in the Right-of-Way will require a Right-of-Way Permit.

The Lead Agency previously issued a comment period for this proposal under the Optional DNS process outlined under WAC 197-11-355. The comment period ended on January 19, 2024.

You may appeal this threshold determination in accordance with Skagit County Code 14.06 and 16.12 and then by filing such with the Skagit County Planning and Development Services for service to the SEPA responsible official within fourteen (14) calendar days after the date of the threshold determination.

Appeals must be submitted no later than: **February 29, 2024**

RESPONSIBLE OFFICIAL: Director of Planning and Development Services
CONTACT PERSON: Kevin Cricchio, AICP, ISA, Senior Planner
MAILING ADDRESS: 1800 Continental Place, Mount Vernon, WA 98273
PHONE: (360) 416-1423

Date Issued: **February 15, 2024**

Signature: **Kevin Cricchio, AICP, ISA, Senior Planner**
(On behalf of Jack Moore, Director of Planning & Development Services)

CC: Public Works Department, Fire Marshall, Stormwater Review, Critical Area Review, Water Resources Review, Public Health, NW Clean Air Agency, WDOE, WDFW, WDNR, DAHP, SEPA Register, Samish Indian Nation, Upper Skagit Indian Tribe, Skagit River Systems Coop, Swinomish Indian Nation

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