

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND DECISION

Applicant: Washington State Parks and Recreation Commission
NW Region Parks Development
Attn: Derek Gustafson
220 North Walnut Street
Burlington, WA 98233

Agent: Melanie Mankamy, PE
Wilson Engineering, LLC
805 Dupont Street #7
Bellingham, WA 98225

File No: PL09-0126

Request: Modification of Existing Special Use Permit
(PL9-0431, SPU94-009)

Location: Rasar State Park, lying north of Cape Horn Road,
The NW1/4 and a portion of the SW1/4SE1/4, Sect 16,
T3\5N, R7E, W.M.

Parcel Nos: P42828, 42829

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

Summary of Proposal: To modify the Group Camp facilities by increasing the size of one picnic shelter from 600 to 800 square feet, adding two 500 square-foot deluxe cabins, adding approximately 6,000 lineal feet of ADA trails, adding a playground area, and increasing parking from 35 to 110 spaces.

Public Hearing: After reviewing the report of Planning and Development Services, the Hearing Examiner conducted a public hearing on July 22, 2009. Prior to completing his decision, the Examiner visited the site.

Decision: The application is approved, subject to conditions.

FINDINGS OF FACT

1. The Washington State Parks and Recreation Commission seeks to modify existing Special Use approvals to allow expansion of the Group Camp facilities at Rasar State Park.

2. The 169-acre park is located on the Skagit River west of Concrete. It is bisected by Cape Horn Road. The proposed project site lies on the north side of the road in the 49-acre Group Camp area, which is situated in the NW1/4 and a portion of SW1/4SE1/4, Sec. 16, T35N, R7E, W.M. The parcel numbers are P42828 and P42829.

3. The zoning of the site is Public Open Space of Regional/Statewide Importance (OSRSI). The surrounding land use is rural-residential, with rural resources land nearby. The Group Camp development has maintained a minimum vegetated buffer of 200 feet from surrounding properties.

4. The site topography generally is flat. There are no water bodies or sensitive areas on the site. Except for developed areas, the area is in second or third growth forest.

5. The Group Camp development is comprised of three main camp areas called Salmon Camp, Elk Camp and Eagle Camp. There are 22 RV campsites and one campground host campsite. There is a rest room with a flush toilets near the middle of the three camping areas. Sewage goes to a septic tank and drain field system located on site. The development is served with potable water by Water District #1. Stormwater from impervious surfaces is infiltrated on site.

6. The site is currently accessed off of Cape Horn Road via a gravel road, varying from 18 to 24 feet wide. The project will upgrade this access to asphalt roadways, 22 feet wide for two-way travel areas and 18 feet wide for one-way travel areas. Paved roadways will have a two-foot-wide gravel shoulder. Additional parking will be added along the main access road and in the Eagle Camp parking area. The amount of parking will be increased from 35 to 110 spaces. The additional parking is needed for overflow from the RV sites, walk-in campsites, future cabins and playgrounds.

7. Other improvements included in this project are the modification of two 600-square-foot picnic (kitchen) shelters at Elk and Salmon Camps and the enlargement of the picnic (kitchen) shelter at Eagle Camp to 800 square feet; the addition of two 500-square-foot deluxe cabins; the construction of a playground area; and the addition of approximately 6,000 lineal feet of trail, qualifying under the Americans with Disabilities Act (ADA).

8. The project will also involved installing power and water service to the group camp sites and the installation of a new stormwater collection and drainage system. The

drainage system will include a number of infiltration basins. Runoff from the site will not be directly discharged into surface water.

9. According to the Environmental Checklist, issued May 27, 2009, the total area of new impervious surface from the project is 26,625 square feet or 0.6 acres. The new developments will total 0.4% of the area of the park. The clearing for the project will require removal of about 36 evergreen trees, adding up to less than 5,000 board feet.

10. The project is part of the planned phased development of the park. The park was initially approved through a Special Use Permit issued in November 1994 (SPU94-009). Phases I and II consisted of vehicle camp sites, day use facilities, basic utilities, an administrative area, a trailer sewer dump, sewage treatment facilities, trails, an interpretive center and a contact station. Phase III was to encompass the group camp area and more hiking trails.

11. In 1998, the permit was modified (PL98-0431) to break Phase III into two projects, beginning with the development of approximately 9 acres of the acreage north of Cape Horn Road. The instant proposal continues the Group Camp development. It involves some revisions of the original concept – notably changing from three-sided Adirondack shelters to enclosed deluxe cabins. “Deluxe” in this context denotes facilities with a bathroom, a kitchen, power and heat. The two new cabins will add to the eight cabins originally approved. The cabins will be located approximately 225 feet from the east property line along the access road en route to Elk Camp.

12. The additional 6,000 lineal feet of trail will go around the entire group camp area with spurs leading to each of the three camps and to the restroom area. The new playground will be located in the lawn area behind the existing central restroom.

13. The project proposal overall responds to an evaluation by Parks of use trends and needs.

14. No public comments were received on this proposal. The Parks and Recreation Commission issues a Determination of Non-Significance (DNS) under the State Environmental Policy Act (SEPA) on May 28, 2009. The DNS was not appealed.

15. County departments and agencies consulted had no critical comments.

16. 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 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.

17. The Staff Report analyzes the proposal in light of the above criteria and finds that, as conditioned, the project will comply with them. The Hearing Examiner concurs in this analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

18. It is noteworthy that the OSRSI zoning is a district provided specially for public lands that are dedicated to recreation or environmental protection as open space having Statewide or regional importance. Rasar State Park is explicitly listed as one such area.

19. Notice of the public hearing was given as required by law. There was no public testimony.

20. 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), 14.16,500(5)(e).

2. The requirements of SEPA have been met.

3. The project as proposed and conditioned below meets the criteria for approval of a Special Use Permit. SCC 14.16.900(1)(b)(v).

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

CONDITIONS

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

2. The applicant shall obtain all other required permits and abide by the conditions of same.

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

4. The applicant shall comply with all applicable conditions of the previous Special Use Permits (PL98-0431 and SPU 94-009).

5. Any major expansion shall require review by Planning and Development Services to determine if the expansion is substantial enough to require further modification to the Special Use Permits.

6. Any change of ownership shall be immediately reported to Planning and Development Services.

7. The recommendations outlined in the Geotechnical report prepared by Geotechnical Engineering Services, dated September 24, 2008, shall be followed.

8. The recommendations outlined in the stormwater report prepared by Wilson Survey/Engineering, dated April 2009, shall be followed.

9. A completed public water supply approval packet from the Skagit County Health Department will be required with the building permits.

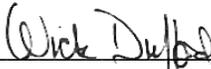
10. A copy of this decision shall be submitted with building permit applications.

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

DECISION

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

DONE this 20th day of August, 2009.



Wick Dufford, Hearing Examiner

Transmitted to Applicant on August 20, 2009.

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.