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**REVIEWING AUTHOR SKAGIT COUNTY PLANNING AND PERMIT CENTER
FINDINGS OF FACT**

REVIEWING AUTHORITY: Skagit County Planning Director
APPLICATION FOR: Administrative Special Use Permit #PL
00-0584
APPLICANT: SKAGIT VIEW VILLAGE WATER ASSOCIATION
ADDRESS: P.O. BOX 718
CONCRETE, WA 98237
ASSESSOR ACCOUNT NUMBER: 350817-1-001-0017, P44011

PROJECT DESCRIPTION: Administrative special use permit application #PL00-0584 for a minor utility development to construct a 40 foot tall water storage tower, approximately 30 feet in diameter, on a 200 X 200 square foot easement.

PROJECT LOCATION: The proposed project is located at 43950 South Skagit Highway, Concrete, within a portion of Section 17, Township 35 North, Range 8 East W.M., Skagit County, Washington.

ZONING: The subject parcel is located within a Secondary Forestry NRL zoning district.

COMPREHENSIVE PLAN: The Skagit County Comprehensive Plan adopted June 1, 1997 designates the site as Secondary Forest Natural Resource.

RECOMMENDATION: Skagit County Planning and Permit Center recommends **approval** of the requested Special Use Permit request.

STAFF FINDINGS:

1. The subject property is zoned Secondary Forest-NRL and the Comprehensive Plan and associated maps adopted June 1, 1997 designates the area as Secondary Forest Natural Resource Land. The application was determined to be complete on January 12, 2001 and is vested under the Comprehensive Plan and zoning regulations in effect at that time.
2. Per Section 14.06 of the Skagit County Code, a letter of completeness was issued. A Notice of Development Application was posted on the subject property and published in a newspaper of general circulation on January 18, 2001 as required by Section 14.06.150 of Skagit County Code.
3. The application has been reviewed in accordance with the State Environmental Policy Act guidelines (WAC 197-11 and RCW 43.21C). A Mitigated Determination of Nonsignificance was issued on February 15, 2001 with a 15-day comment period and a 15-day appeal period ending on March 19, 2001. The following conditions were placed on the threshold determination:
 - Temporary erosion/sedimentation control measures, as approved by the Skagit County Department of Public Works, 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 Drainage/Erosion/Sedimentation Control Ordinance. Said measures shall remain in place until completion of the project.
 - The applicant shall comply with Northwest Air Pollution Authority requirements.
 - The applicant shall comply with the provisions of Chapter 14.32 of the Skagit County Code, the Skagit County Drainage, Water, Sedimentation Control Ordinance, as it relates to increased runoff resulting from additional impervious surfaces.
 - The applicant shall comply with Fire Code Standards.
 - An engineered soils compaction report shall be required for all structures placed on fill material.
 - The applicant shall comply with all relevant provisions of 14.24 (Skagit County Critical Areas Ordinance).
4. The subject property is located out of any designated flood hazard areas.
5. The subject parcel was reviewed with respect to the Skagit County Critical Areas Ordinance 14.24 of the Skagit County Code. Critical Areas staff conducted a site visit and determined that the proposed site is more than 200 feet from critical areas indicators. Critical Areas staff approved the proposal without conditions.



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6. The applicant is requesting an Administrative Special Use Permit #PL00-0584 for a minor utility development to construct a 40 foot tall water storage tower, approximately 30 feet in diameter, on a 200 X 200 square foot easement. This proposal is classified as a Minor Utility Development. Minor Utility Developments are reviewed as Administrative Special Use permits in Secondary Forest Natural Resource Land zoning districts. A minor utility district is defined by Section 14.04. of the Skagit County Code as: "Utility developments designed to serve a small local community; are not manned and would be considered normal utility services for the area."
7. The proposed project is located on a 200' x 200' square foot easement on an 80-acre parcel accessed off of South Skagit Highway.
8. The surrounding area is currently forestry in nature. The remainder to the hillside consists of larger forested parcels with existing logging roads.
9. Skagit County Department of Public Works has reviewed the application and had no comments or concerns with the proposal.
10. The application was routed to the Environmental Health Unit of the Skagit County Planning and Permit Center for review. Environmental Health had no comments or concerns with the proposal.
11. The application was routed to the Water Resources Division of Skagit County Planning and Permit Center for review. The Water Resources Division indicated that they have no objection of approval provided the water tank meets with the approval of the Washington State Department of Health District Engineer requirements.
12. The application was routed to the Skagit County Health Department for review. The Health Department indicated that there is no objection to approval of the Minor Utility Development permit as long as all needed approvals are obtained from the State Department of Health prior to any construction of the proposed water tank.
13. Section 14.16.420 Secondary Forest Natural Resource Land, Section (3) (e) Administrative Special Uses specifically states that minor utility developments require an Administrative Special Use Permit, except as noted in Skagit County Code 14.16.900 (2) the applicant or one or more property owners within 300 feet of the subject property may request a public hearing. The application shall be forwarded to the Hearing Examiner for his consideration if a public hearing is requested. The Hearing Examiner shall consider the



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application in the same manner as Hearing Examiner Special Uses.

14. Section 14.16.900 Special Uses of the Skagit County Code states that certain items will be reviewed when approving or denying Special Use Permits. Those items are as follows:

A. The proposed use will be compatible with existing and planned land use and comply with the Comprehensive Plan.

The proposed project is in conformance with the Comprehensive Plan in respect to the compatibility with existing and future land use patterns and circulation. The current Comprehensive Plan designates this area as Secondary Forest Natural Resource Land. There are no specific policies that speak to this, only that the intent of the Comprehensive Plan is to provide for the health, safety, and welfare of the general public.

B. The proposed use complies with Skagit County Code.

The current designations of the subject property and surrounding properties are Secondary Forest NRL. Section 14.16.420 (3) of the Skagit County Code requires that Minor utility developments obtain an Administrative Special Use permit within the Secondary Forest NRL designated areas. Section 14.04.020 of the Skagit County Code sets forth the definition of Minor Utility Development as: Utility developments designed to serve a small local community; are not manned and would be considered normal utility services for the area. Skagit County Code 12.48.230 requires a completed application for a building permit for a new building or a building changing occupancy (use), of necessitating adequate and potable water, must include proof of potable water. Potable water being defined by section 12.48.030 as water which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the State of Washington and the Board of Health. With the approval of the special use permit the subject proposal will be in compliance with 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.

There will be no noise, odors, heat, vibration, air or water pollution potential from the proposed project. The project will be unmanned and not require on-site sewage disposal to the site. It will be necessary to use heavy machinery during the construction of the reservoir, however, when the site is operational, there should be no noise impact on the



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surrounding area. The completed project will not attract, nor allow, any public activity or traffic whatsoever. The only acceptable traffic will be generated by regular inspection and/or maintenance of the site by Water District personnel. The applicant has indicated that the site is accessed via an existing gravel roadway to the site and there will be no increase in vehicle traffic after construction is complete.

D. The proposed use will not generate intrusions on privacy of surrounding uses.

The site will not intrude on the privacy of adjacent sites. The reservoir is to be constructed within a forested area. Further trespassing onto adjacent properties is not a problem. There will be no intrusion of privacy issues.

E. Potential effects regarding the general public health, safety, and general welfare.

There should be little effect to the region as a result of the project. There should be minimal impact on the general public health, safety, and general welfare provided the site is secured to mitigate the impact of unwanted trespass and maintained.

F. For special uses in Industrial Forest - Natural Resource Lands, Secondary Forest - Natural Resource Lands, and Rural Resource - Natural Resource Lands, the impacts on long-term natural resource management and production will be minimized.

The site is located on a portion of an 80-acre parcel designated as Secondary Forest - Natural Resource land. There will be no long-term impacts on natural resource management or production of the rest of the parcel and this project is the minimum necessary to adequately supply the members of the water association.

H. The proposed use is not in conflict with the health and safety of the community.

The proposed use will not be in conflict with the health and safety of the community provided all approvals are granted from the State Health Department.

I. 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.



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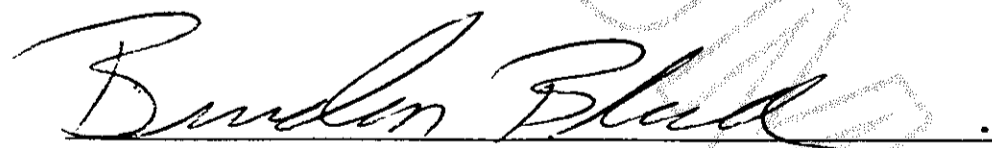
The proposed use is a public facility and will not adversely affect other public services in the surrounding area.

RECOMMENDATION

Based on the above findings the Skagit County Planning and Permit Center recommends **approval** of the requested Special Use Permit subject to the following conditions:

1. The project shall remain unmanned, except as necessary to monitor and maintain the facility.
2. The applicant shall obtain all necessary permits and approvals from the appropriate jurisdiction(s).
3. All development shall comply with the Skagit County Critical Areas Ordinance, Chapter 14.24 of the Skagit County Code.
4. The project shall comply with the mitigation measures outline within the SEPA threshold determination (MDNS).
5. Standard erosion control measures are to be utilized during construction to control erosion and sediment transport and continue until appropriate vegetation has stabilized soils.
6. The water tank shall meet with the approval of the Washington State Department of Health District Engineer requirements.
7. The applicant shall obtain State Health Department approval prior to building permit issuance.

The applicant and/or party of record may appeal the decision of the Administrative Official to the Skagit County Hearing Examiner Pursuant to the provisions of Section 14.06. Every appeal to the Hearing Examiner shall be filed with the Planning and Permit Center within fourteen (14) calendar days after the date of the decision.



Brandon Black, Associate Planner

Date of Preliminary Approval: 4-24-01
Date of Final Approval: 5-8-01
Prepared By: BB



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