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AFTER RECORDING RETURN TO:
SKAGIT COUNTY HEARING EXAMINER
302 SOUTH FIRST STREET
MOUNT VERNON, WA 98273

DOCUMENT TITLE: ORDER ON SPECIAL USE PERMIT SU 04 0132

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: MARBLEMOUNT ASSEMBLY OF GOD

ASSESSOR PARCEL NO: P45196

LEGAL DESCRIPTION: The project is located at 59850 State Route 20, Marblemount, WA; a portion of Section 13, Township 35 North, Range 10 East, W.M., Skagit County, Washington.

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

Applicant: Marblemount Assembly of God
59850 State Route 20
Marblemount, WA 98267

Agent: Leadership Skagit Project Team
c/o Jon T. Aarstad
900 East Fairhaven Avenue
Burlington, WA 98233

Request: Special Use Permit PL 04 0132

Location: Adjacent to parking lot of Assembly of God Church, 59850 State Route 20, within a portion of Sec. 13, T35N, R10E, W.M.

Land Use Designation: Rural Village Residential (RVR)

Summary of Proposal: To place a 53' by 8' foot truck trailer container unit on a concrete pad on church premises, to be used for dry food storage for the Marblemount Regional Food Bank.

Public Hearing: After reviewing the report of the Planning and Permit Center, the Hearing Examiner conducted a hearing on May 26, 2004.

Decision: The application is approved, subject to conditions.



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FINDINGS OF FACT

1. The Marblemount Assembly of God church, through the Leadership Skagit Project Team, seeks to install a trailer on its grounds to be used for dry storage for the Marblemount Regional Food Bank.

2. The church is located south of the highway at 59820 State Route 20, within a portion of Sec. 13, T35N, R10E, W.M. The parcel is good-sized, measuring 247 feet deep along the east line and 210 feet wide along the north and south. The new trailer storage unit will be placed about 20 feet east of the church at 48 feet from the north (front) property line, 74 feet from the east property line, and 200 feet from the south property line.

3. The food bank at present is operated twice a month (first and third Wednesdays) at the church. About 225 persons and 62 households are served. Included are numerous children and senior citizens.

4. The church itself is now used for food storage and there is not enough room. The proposal is to provide a new storage area in the form of a freight truck trailer box mounted on a cement pad on the church property. The trailer wheels will be removed. Access will be via a ramp. The idea is to get all of the food out of the church and into the new secure storage area.

5. Though the food bank is open regularly twice a month, deliveries to the bank are made periodically at odd times, often in large quantities. The new storage facility will be readily accessible every day.

6. The food bank will continue to be operated in the church, as it has been. So the installation of the storage van is not seen as likely to increase traffic or to change parking availability. No new access locations will be needed.

7. The surrounding land uses are rural and residential. No added adverse impacts on adjacent properties and uses are predicted. There are no critical areas on or adjacent to the project location.

8. The food bank has a van and, in addition to the regular food bank operations at the church, deliveries are made directly to homes throughout a large rural area (Concrete to Newhalem). It is thought that the new storage facility will help to simplify the off-site delivery process and will probably permit service to more people.

9. At present there is no proposal to put water into the storage unit. The initial use will be for dry storage only. Possibly, when the church is hooked up to the newly available PUD source, water may be brought into the van, but Health Department approval will be needed for additional types of food storage.



10. The project enjoys broad community support in the area of service. The project has been aided in terms of both time and money by community service organizations, businesses and individual donors. The trailer box has been donated and is in good condition. Volunteers will assist in the installation.

11. The Leadership Team has handled this application as a part of its community service effort. Testimony by team members asserted that the streamlined van will not be an aesthetic problem. The box will be painted a color to match the surroundings. There will be a modest identifying sign compatible with the setting.

12. The criteria for Special Use Permits are set forth at SCC 14.16.900(2)(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 within ... Agricultural-Natural Resource Lands, ... the impact 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.

13. The Staff Report analyzes the application against these criteria and determines that, as conditioned, the project will be consistent 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.

14. 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 application.

2. The proposal is a "minor public use" under the Code. Such uses are permitted in the Rural Village Residential (RVR) district by Hearing Examiner Special Use Permit. SCC 14.16.310(4)(k).

3. The proposal is exempt from the procedural requirements of the State Environmental Policy Act (SEPA).

4. As conditioned, the proposal is consistent with the criteria for Special Use Permit approval.

5. This facility will be a valuable addition to the food bank effort in the eastern portion of the County. The volunteers who have given of their time for this project are to be commended.

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

7. The following conditions should be imposed:

(1) The applicant shall obtain all necessary building permits and other approvals.

(2) Any future plumbing shall satisfy Chapter 12.48 SCC.

(3) The applicant shall comply with all relevant flood hazard provisions.

(4) Only dry storage is allowed unless or until other types of food storage are approved by the County Health Department.

(5) The project shall be commenced and completed in accordance with the time requirements set forth in SCC 14.16.900(2)(d).

(6) Failure to comply with any conditions of approval may result in permit revocation.

DECISION

The requested Special Use Permit is approved, subject to the conditions set forth in Conclusion 7 above.



Wick Dufford, Hearing Examiner

Date of Action: June 2, 2004

Date Transmitted to Applicant: June 2, 2004

RECONSIDERATION/APPEAL

As provided in SCC 14.06.180, a request for reconsideration may be filed with the Planning and Permit Center 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 the Planning and Permit Center within 14 days after the date of the decision, or decision on reconsideration, if applicable.



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