

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

**Applicant:** Skagit Public Utility District  
1415 Freeway Drive  
Mount Vernon, WA 98273

**Contact:** Wendy LaRocque, Environmental Compliance Coordinator

**Request:** Special Use Permit Modification, PL21-0181

**Location:** To the west and south of Judy Reservoir, near old Day Creek Road, within a portion of Secs. 4 and 5, T34N, R5E, W.M. Parcel Nos: P3031, 30032, 30034, P30039, and P30040

**Zoning:** Public Open Space of Regional/Statewide Importance

**Summary of Proposal:** Panorama Storage Tank Project. To construct a 1.6 to 2.0 million gallon water storage tank to serve the Public Utility District's water treatment plant and nearby residents.

**Public Hearing:** June 23, 2021, in person and via electronic means. Testimony by Planning and Development Services (PDS) staff and Applicant's representative.

**Decision/Date:** The application is approved, subject to conditions. July 6, 2021.

**Reconsideration/Appeal:** Reconsideration may be requested by filing with PDS within 10 days of this decision. Appeal is to the Board of County Commissioners by filing with PDS within 14 days of this decision, or decision on reconsideration, if applicable.

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

## **FINDINGS OF FACT**

1. The Skagit Public Utility District seeks a Special Use Permit to construct and install a 1.6 to 2.0 million-gallon storage tank in connection with its water treatment plant.

2. The tank will be located near Old Day Creek Road, to the west and south of Judy Reservoir. The site is within a portion of Secs. 4 and 5, T34N, E5E, W.M. The parcel numbers involved are P30031, P300332, P30034, P30039 and P30040.

3. The Judy Reservoir is a manmade lake that stores approximately 1.5 billion gallons of water. The reservoir is filled from the Skagit River and creeks within the Cultus Mountain watershed.

4. The new tank will sit near the top of a forested hill on a parcel adjacent to the reservoir and treatment plant. The tank site, the majority of the pipelines, and the access road will be on PUD-owned property. The tank's elevation will provide adequate water pressure to serve the service area. The tank will largely be screened from off-site views by existing trees.

5. The tank will be built of welded steel or concrete. The diameter will be approximately 104 feet and the overall height will be between 26 and 33 feet. The project will include approximately 8,500 linear feet of new 8-inch and 14-inch HDPE pipelines. All piping laid to and from the tank will be placed underground.

6. Access to the tank will be via an existing road off of Janicki Road. The access road will be improved and graveled as part of the project. Except for periodic maintenance and repair, no employees will be associated with the proposed use.

7. Water from the tank will serve the water treatment plant and surrounding residences. In an emergency, the tank could supply water to lower pressure zones through the transmission pipelines.

8. The zoning of the site is Public Open Space of Regional/Statewide Importance, reserved for public purposes. The project is a major utility development, allowed within the zone by Hearing Examiner Special Use Permit.

9. The County received the application on March 31, 2021 and deemed it complete on April 27, 2021. Notice of Development was published on April 29, 2021, posted on the property and mailed to adjacent property owner within 300 feet of the property. No public comment letters were received.

10. Environmental review pursuant to the State Environmental Policy Act (SEPA) resulted in issuance of a Determination of Non-Significance (DNS) by the PUD. The DNS was not appealed.

11. The piping to the tank will cross a fish and wildlife habitat conservation area (HCA) along the reservoir. There is no alternative route that can achieve the proposed use. The

waterline location has been modified to avoid impacts to wetlands. Under SCC 14.24.540(5) the project meets the criteria for locating a utility in an HCA or its buffer.

12. Under the current Shoreline Master Program (SMP), the project requires a shoreline permit. A draft revision to the SMP proposes to remove the reservoir from shoreline jurisdiction. Unless this change is timely made, a shoreline permit will be required.

13. The application was routed to various County departments for review. Their comments are reflected in conditions of approval.

14. The Staff evaluated the application in light of the criteria for Special Use Permit approval and determined that the project, as conditioned, is consistent with the applicable requirements. The Hearing Examiner concurs with this analysis and adopts the same. The Staff Report (Exhibit 1) is by this reference incorporated herein as though fully set forth.

15. The project will enhance the health and safety of the community by providing safe and reliable drinking water to the treatment plant and surrounding area, and a supply of water to other areas in case of emergency.

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

### **CONCLUSIONS OF LAW**

1. The Hearing Examiner has jurisdiction over these proceedings. SCC 14.16.900(1)(b).
2. The requirements of SEPA have been met.
3. The proposal, as conditioned, meet the approval criteria for 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 proposal shall be carried out as described by the application materials, except as the same may be modified by these conditions.
2. The applicant shall obtain all required permits and approvals.
3. Both a building permit and a grading permit shall be secured prior to commencing work.

4. Development shall comply with Public Works Department requirements, including but not limited to:

- A. Obtaining a right-of-way permit
- B. Obtaining a utility permit for work within County right-of-way
- C. Complying with County utility policy in all installation

5. A shoreline permit must be obtained before the project can proceed, unless Judy reservoir is removed from shoreline jurisdiction prior to the commencement of work

6. On the site plan and elevations associated with the building permit application, compliance with the underlying zone's setbacks, lot coverage and maximum permitted height shall be shown.

7. The applicant shall be responsible for reimbursement to Skagit County Planning and Development Services (PDS) of the full cost of mailing(s) and newspaper publication(s) associated with this application. Payment shall be made prior to building permit application.

8. If any artifacts or human remains are found upon excavation, PDS shall immediately be notified and work in the immediate area shall cease until further order.

9. The applicant shall comply with all applicable state and local regulations.

10. Best management practices shall be implemented during grading, excavation, cut/fill, and construction activities.

11. During construction, no track out of dirt or debris onto county roadways is permitted. Streets shall be swept as needed.

12. Development shall comply with requirements of the Fire Marshal's office, including but not limited to installation of fire extinguishers to meet the 2015 International Fire Code Section 906.

13. No direct discharge shall be made to wetlands or surface waters without a permit from the State Department of Ecology.

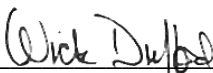
14. This permit shall be void if the use approved has not been established or a complete building permit filed within two years of approval.

15. Failure to comply with any permit condition may result in permit revocation SCC 14.16.900(1)(b)(iii).

**ORDER**

The requested Special Use Permit Modification (PL21-0181) is approved, subject to the conditions set forth above.

**SO ORDERED**, this 6<sup>th</sup>, day of July 2021.

  
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Wick Dufford, Hearing Examiner

Transmitted to Applicant and County Staff July 6, 2021