

NOTICE OF DECISION
BEFORE THE SKAGIT COUNTY HEARING EXAMINER

Applicant: City of Anacortes
Attn: Matt Reynolds
PO Box 547
Anacortes, WA 98221

Contact: HDR Engineering, Inc.
Attn: Ron Grina, Planner
325 E. George Hopper Road, Suite 201A
Burlington, WA 98233

Request/File No: Special Use Permit for Major Utility Development
PL10-0048

Location: 14489 River Bend Road, Mount Vernon, WA within the SE ¼ of the
NW ¼ and the NE ¼ of the SW ¼ of Section 13, Township 34 North,
Range 3 East, W.M., Skagit County, Washington (Parcels P21669 &
P21797)

Land Use Designation: Agricultural-Natural Resource Land

Summary of Proposal: Special Use Permit for a Major Utility Development for an upgrade of a
pre-existing, non-conforming water treatment plant.

SEPA Compliance: Mitigated Determination of Non-Significance (MDNS) was issued July
12, 2010. No comments were received.

Public Hearing: November 3, 2010. Witnesses were sworn and the hearing was held.
Planning and Development Services (PDS) recommended approval.

Decision: Approval, subject to conditions.

Date of Decision: November 19, 2010

Reconsideration/Appeal: A Request for Reconsideration may be filed with PDS within 10
days of this decision (SCC 14.06.180). The decision may be
appealed to the Board of County Commissioners by filing an
Appeal with PDS within 14 days of the date of the decision or
decision on reconsideration, if applicable (SCC 14.06.120(9)).

Online Text: The entire decision can be viewed at:
www.skagitcounty.net/hearing_examiner

FINDINGS OF FACT

1. The hearing in this matter was held November 3, 2010. Publication of the notice of completeness and of the hearing date was made September 9, 2010.
2. A Mitigated Determination of Non-significance for the project was entered by the lead agency, City of Anacortes, on July 12, 2010. No comments were received. No appeal was taken.
3. The project involves a request for a special use permit for a Major Utility development to upgrade the pre-existing, non-conforming water treatment plant located at 14489 Riverbend Road, Mount Vernon, Washington as described in exhibit #1.
4. Exhibits 1-11 were submitted at the time of the hearing and admitted into the record. The staff report (exhibit #1) findings are incorporated by reference and adopted within these findings.
5. The zoning for the area encompassing the proposed project is Agricultural-NRL and the Comprehensive Plan designation is Agricultural-NRL. While the property abuts the Skagit River, none of the proposed project developments are within 200 feet of the river.
6. The property is approximately 27 acres in size including a developed footprint of approximately 10 acres. The property itself is located on the north side of Riverbend Road and is somewhat pie shaped. The developed footprint is surrounded by a ring-levy on the north, south and east and has a top elevation of more than 35-39 feet. Fencing is provided along the perimeter. The main access is through a driveway which currently runs through the center of the site. The property is currently served by an on-site septic system and City of Anacortes water.
7. The property located in an A21 flood hazard zone per FIRM map 530151 0250C dated January 3, 1985.
8. The treatment plant started operations prior to any zoning requirements in Skagit County. The City of Anacortes water supply system has been in this location for over 50 years. The City of Anacortes' right to withdraw water to serve its customers was confirmed in 1996 by a MOA.
9. Currently there are nine staff members employed and the facility is operated 24 hours a day year round. The current infrastructure includes a control room/administration building, filters, sedimentation basin, lime building, power substation, yard storage and chlorine storage. Eleven parking spaces are on-site. Many of those infrastructure items will be demolished if the proposed upgrade is approved.

10. The treatment plant is considered a Major Utility under SCC 14.04.020. The proposed upgrade falls within the requirements of a special use permit under SCC 14.16.900 and as a Level II permit pursuant to SCC 14.06.

11. The proposed special use permit involves an upgrade of the water treatment plant area only. The purpose of the proposal is to improve the plant's treatment performance to meet Washington State Department of Health requirements for drinking water, improve the reliability of the treatment water supply, and increase the production capacity to meet the projected water system demands for the next 20 years. All the improvements will take place within the developed footprint area and there will be no in-water work. Included in the proposal will be construction of new pre-treatment and filtration facilities, upgrades to and relocation of existing chemical feed systems, construction of new finished water storage tanks, construction of a new high service pump station, residual management upgrades, power supply and power distribution improvements, instrumentation and control upgrades, site access improvements, utility piping and drainage improvements, and sanitary sewage improvements.

12. The proposed project will add approximately 18 parking spaces. Additions to and modifications of the plant's internal road system will occur. A secondary driveway will be constructed to serve the new facilities at the main treatment building. A vehicle maintenance road will also be constructed on the north side of the treatment site. Both the new access driveway and maintenance road will be built on top of the existing ring levy.

13. Landscaping as required by SCC 14.16.830 is essential to provide an aesthetically pleasing balance between built and natural environments. An approved landscape plan is required for any new commercial or industrial buildings. After construction any area that was disturbed will need to be landscaped to provide a similar level of buffer as exists today. The final landscape plan will need to be prepared and approved by PDS as a part of the final design.

14. An approved septic system design will be required prior to the issuance of any building permit. The proposed septic design has been approved pending approval of the special use permit.

15. No maintenance of equipment shall occur in the current buildings unless best management practices are followed and any cleaning of equipment shall occur on hard surfaces that collect and treat any runoff.

16. The applicant proposes to comply with WAC 173-60 and SCC 14.16.840 for noise, vibration and light conditions. Ventilation will not be addressed by open doors or windows. Applicant also agrees to comply with WAC 173-201A and 173-200 with regard to surface and ground water quality.

17. The current and proposed use is compatible within the immediate area. The proposal is reasonable and consistent with current use and complies with the comprehensive plan. The

proposal also complies with SCC 14.16.900 which established the criteria and requirements of a special use permit.

18. A Major Utility Development requires the applicant to prove the need to locate the use in a natural resource land designation and requires analysis of alternatives to development of the use within such natural resource land. An analysis for any alternatives to the development demonstrates compliance with code requirements. There does not appear to be any undue noise, odor, heat, vibration, air or water pollutant impacts on surrounding, existing or potential dwelling units under SCC 14.16.840. There is no evidence that the proposal will generate intrusions on surrounding area privacy. General public health, safety and welfare will benefit from the proposed project. Adequate public facilities and services will not be adversely affected by the proposal.

19. The Staff Report analyzed the application in light of the Special Use Permit criteria, and determined that, as conditioned the proposal is consistent with the criteria. The Hearing Examiner concurs with this analysis and adopts the same.

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 subject matter and parties of this special use permit.

2. Applicable state and local requirements for notice have been met.

3. The requirements of the State Environmental Policy Act have been met.

4. Subject to the conditions, the special use proposal meets all state and local requirements and is compatible with the Skagit County Comprehensive Plan and applicable Code provisions.

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

CONDITIONS

1. The applicant shall obtain all applicable permits.

2. The applicant shall comply with the conditions of the MDNS.

3. The special use permit shall comply with the requirements of SCC 14.34. regarding flood damage prevention.
4. The applicant shall comply with the provision of SCC 14.16.870 regarding notification of development activities on designated natural resource lands.
5. The applicant shall comply with the landscaping provisions of SCC 14.16.830(6).
6. The applicant shall comply with the SCC 14.16.840 and WAC 173-60 regarding noise, vibration and light conditions. Ventilation shall not addressed by open doors or windows.
7. The applicant shall comply with WAC 173-200 and 173-210A regarding surface and ground water quality.
8. Any chemical storage shall be consistent with industry standards.
9. Any maintenance of equipment shall not occur in buildings unless best management practices are followed. Cleaning of equipment shall occur on hard surfaces that collect and treat runoff.
10. Installation of a fire flow or alternative system shall be installed and tested and approved at the time of the building permit. Sprinkler systems must be in accordance with IFC 2009 Fire Code and NFPA and approved at the time of application for building permits.
11. As required in SCC 14.16.900(1)(d) this special use permit shall be void if the use has not been established or a complete building permit filed with PDS within two years of the date of this approval.
12. A copy of this permit decision shall be submitted with the request for a building permit.
13. All outstanding permit fees shall be paid prior to final approval of the building permit.
14. PDS shall be notified within 30 days of any change in ownership of the parcel. The notification shall be in writing, directed to the Planning Director and referencing permit number PL10-0048.
11. Failure to comply with any condition may result in permit revocation.

DECISION

The requested Special Use Permit for a Major Utility Development is approved, subject to the conditions set forth above.

Done this 19th day of November, 2010

Wm. H. Nielsen, Hearing Examiner *pro tem*

Transmitted to Applicants on November 19, 2010.

See Page 1, Notice of Decision, for Reconsideration and Appeal information.