



200303030196

Skagit County Auditor

3/3/2003 Page

1 of

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SKAGIT COUNTY PLANNING & PERMIT CENTER

FINDINGS OF FACT

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: PL02-0486

APPLICANT: Cape Horn Maintenance Co.

ADDRESS: PO Box 87
Concrete, WA 98237

CONTACT: Tony Freeland
Freeland & Associates, Inc.
1408 North Garden St.
Bellingham, WA 98225

PROJECT LOCATION: The proposed project will be located at 7849 Fir Street Sedro-Woolley, WA: Cape Horn on the Skagit Division No. 2 Common Area Community Park; within a portion of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, Township 35, Range 07 E.W.M. and a portion of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 7, Township 35, Range 07 E.W.M. Skagit County, WA;

PROJECT DESCRIPTION: Administrative Special Use Request for a minor utility development for the placement of a second 30' x 30' concrete storage reservoir located within the Cape Horn Maintenance Co. existing water reservoir compound. The reservoir will benefit the Cape Horn community.

ASSESSOR'S ACCOUNT NUMBER: 3869-002-000-0000

P# NUMBER: P#109589

RECOMMENDATION: The Director hereby **approves** the application for a Administrative Special Use for a minor utility development for the placement of a second concrete storage reservoir, subject to the conditions and modifications.

STAFF FINDINGS:

1. The subject properties are zoned Rural Intermediate and the Comprehensive Plan designates the area as Rural Intermediate.
2. The application was submitted on September 23, 2002. Per Skagit County Code Section 14.06.100(4) the application was deemed complete as of October 21, 2002. A Notice of Development Application was posted on the subject property and published in a newspaper of general circulation October 31, 2002 as required by Section 14.06.150(2) of the 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 Determination of Nonsignificance (MDNS) was issued on November 28, 2002, becoming effective following the fifteen-day comment period ending December 13, 2002 and 14-day appeal period ending December 27, 2002.
4. The subject property was reviewed with respect to the Skagit County Critical Areas Ordinance Chapter 14.24 of the Skagit County Code. A site visit was completed on October 7, 2002. No critical area indicators were found within 200 feet of the project area. No further review is required.
5. The subject parcel is not located adjacent to or within lands designated as natural resource. The subject property is located in a Zone B flood hazard zone per FIRM Map 530151 0285C dated January 3, 1985.
6. The subject property is approximately 7.4 acres in size and is the section of Community Park for the Cape Horn Development situated between Fir Street and Cape Horn Drive. The portion of the park is located on the east side of Fir Street approximately 250 feet south of the intersection of South Shore Drive and Fir Street. The existing water storage facility is located within an approximately 29,000 sq. ft. compound located in the northwest corner of the subject parcel. Currently there is a generator shed, pump house, two wells, water vault and a 27 foot diameter concrete water tank. A 6' chain link fence with a wire cap borders the perimeter of the compound. Trees and brush surround the compound. There are two gates at the west end of the area with a driveway off of Fir Street serving one of the gates. Inside the compound the driving area is graveled.
7. The applicant is requesting an Administrative Special Use Permit for a minor utility development for the placement of a second 30' x 30' concrete storage reservoir located within the existing water reservoir compound. The reservoir will benefit the Cape Horn community. The proposed tank will be located approximately in the center of the existing compound

2



200303030196

Skagit County Auditor

approximately 128 feet from the front property line (Fir Street), approximately 90 feet from the north property line approximately 690 feet to the east property line and approximately 179 feet to the south property line. Within the compound itself the tank will be located approximately 34 feet northwest of the existing tank, approximately 3 feet from the north line of the compound, 40 feet to the south line and approximately 95 feet to the east line.

8. Per Skagit County Code (SCC) Section 14.04.020 defines 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. SCC 14.16.300(3)(b) allows for minor utility developments to be considered as an administrative special use. SCC 14.16.300(5)(a) lists the setback requirements as Front: 35 feet, 25 feet on minor access or dead end street; Side: 8 feet on interior lots; Rear: 25 feet.
9. The application was routed to the appropriate county departments/divisions for review. Remarks from those departments are as follows: **Public Works**—no comments; **Environmental Health (Water)**—Has no objection to approval of the proposed second water storage tank provided that 1) plans are submitted and approved the State Department of Health prior to building permit issuance, 2) the building permit is not finaled until the Skagit County Health Department has received a letter stating that the project has met all State Department of Health project requirements.
10. Section 14.16.900(2) (v) Special Uses of the Skagit County Code indicates 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 subject and surrounding properties have a Comprehensive Plan designation of Rural Intermediate. The proposed use is an expansion of an existing water system for an established community. The intent of the Comprehensive Plan is to provide for the health, safety, and welfare of the general public. Chapter 10 Utilities Element of the Comprehensive Plan has objectives and policies that support this proposal. Objective 2: Encourage safe, reliable, and quality utility systems. Policy 10A-2.1 Utility providers shall build and manage utility systems to provide reliable service and to meet the needs of future growth. Policy 10A-2.2 Utilize construction and design standards that are environmentally sensitive, safe, and cost-effective.



200303030196

Skagit County Auditor

B. The proposed use complies with the Skagit County Code.

Skagit County Code (SCC) Section 14.04.020 defines 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. The subject property is zoned Rural Intermediate. In the Rural Intermediate Zone [SCC 14.16.300(3)(b)] allows for minor utility developments to be considered as an administrative special use in the Rural Intermediate. The application is then reviewed on its own merits.

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 standard of SCC 14.16.840.

Based on the application information submitted, the proposed use should not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding, existing or potential dwelling units. The only noise associated with the project will occur during the construction phase. No heavy equipment/machinery will be used that may cause vibrations to the neighboring properties.

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

The proposed use will have minimal chance of intrusion of privacy onto the adjacent properties. The reservoir is to be constructed within the existing compound. No increase in vehicle traffic is associated with this project. The project site does not have any daily workers. Maintenance is performed on an as needed basis by employees of the Cape Horn Maintenance Company. A 6' chain link fence with a wire cap borders the perimeter of the compound.

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

The project will not create any adverse impacts to the public. This project will add a storage reservoir to the Cape Horn Water Association operated by the Cape Horn Maintenance Company. This will improve water availability to the water association customers.

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

There will be no impact on natural resource management or production because the subject property is not located in a natural resource zone.



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

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

- 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.

There are adequate public facilities and services to support the proposed use. Public services to the surrounding areas should not be affected by this proposal.

DECISION

The Director hereby **approves** the application for a Special Use permit for the placement of a, subject to the conditions and modifications listed below:

1. The applicant shall obtain all necessary approvals (i.e. building permit).
2. Prior to issuance of the building permit plans are submitted and approved by the State Department of Health.
3. The building permit shall not be finalized until the Skagit County Health Department has received a letter stating that the project has met all State Department of Health project requirements.
4. Per SCC 14.16.900(2) (d) This special use permit shall be void if a completed building permit application has not been submitted within two (2) years of the date of this order.
5. The County Planning and Permit Center shall be notified by mail referring to file number PL 02-0486 within 30 days after any change in ownership of the parcels or any change of the applicant.

The applicant and/or a party of record may appeal the decision of the Administrative Official to the Skagit County Hearing Examiner pursuant to the provisions of SCC Section 14.06.110(7). Every appeal to the Hearing Examiner shall be filed with the Planning & Permit Center within fourteen (14) calendar days after the date of the decision.

Linda Kuller (for)
Gary Christensen, Interim Director

Marge Swint
Marge Swint, Associate Planner

Date of Preliminary Approval: *Feb 14, 2003*
Date of Final Approval: *Feb 28, 2003*



200303030196
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