

ISLAND COUNTY HEARING EXAMINER

RE: SITE PLAN REVIEW)	File No. SPR 027/16
)	
Applicants: Island County Solid Waste)	FINDINGS OF FACT
)	CONCLUSIONS OF LAW
)	AND DECISION

SUMMARY OF APPLICATION AND DECISION

APPLICATION: Island County Solid Waste seeks Site Plan Review for a Type III Application. The septage plant is considered an Essential Public Facility, Class B as defined under 17.03.040. The property is located off of State Route 20, at 20018 SR 20. The Septage Plant is next to the Island County Solid Waste Transfer Station and shares the same access.

DECISION: The Hearing Examiner for Island County grants approval of the requested SPR 027/16, subject to Conditions of Approval.

FINDINGS OF FACT

INTRODUCTION

The following Findings of Fact and Conclusions of Law are based upon consideration of the exhibits admitted herein and evidence presented at the public hearing on April 22, 2016.

I.

PRELIMINARY INFORMATION

Applicant: Island County Solid Waste

Property Location: 20018 SR 20
Coupeville, WA

Parcel No. R13235-033-2900

Applicable Ordinances: Zoning Ordinance Chapter 17.03.060 ICC, Land Use Review Ordinance Chapter 16.19.060 ICC, Site Plan Review Ordinance Chapter 17.03.180 P, Q, R, S ICC.

Hearing Date: April 21, 2016

Parties of Record

Mayor Molly Hughes
Town of Coupeville
PO Box 725
Coupeville, WA 98239

Exhibit Log

Tab 1

1. Staff Report

Tab 2 – Site Data

2. Request for Comments, dated 1/26/16
3. Island County Assessor Property Details, 11/23/15
4. Island County Assessor's Map, 7/14/15
5. ESRI GIS Maps, undated

Tab 3 – Application

6. Master Land Development Application, undated
7. Application for Site Plan Review, undated
8. Environmental Checklist, undated
9. Septage Plant Upgrade Supplemental Application Materials, dated 1/21/16
10. Septage Plant Upgrade Drainage Narrative and ESC Plan, dated 1/22/16
11. Small site drainage requirements, C.2.3.3 Drywell Requirements, dated 9/1/98
12. Vicinity map, including maps showing Island County ownership of surrounding parcels, undated
13. Letter from Spencer Keane to Joantha Guthrie RE: Certificate of Transportation Concurrency, dated 10/22/15
 - a. Certificate of Transportation Concurrency
14. Access Connection Permit, dated 2/17/2015
15. Aerial photograph and Site Plan, undated
16. Field Indicators Worksheet, received 1/28/16

Tab 4 – Notices

17. Type III Application sheet, undated
18. Affidavit of Publication: Notice of Community Meeting, published 11/11/15
19. Map with handwritten notations showing owners of adjacent properties
20. Letter from Patricia Shults for Michelle Pezley to Joantha Guthrie RE: Notice of Complete Application, dated 2/1/16
21. Affidavit of Mailing: Public Notice to Parties of Record and/or Property Owners, dated 2/2/16
 - a. Mailing Labels for Public Notice
22. Affidavit of Posting the Public Notice Sign
23. Notice of Application with SEPA with Aerial Map and Site Plan, undated
 - a. Mailing Labels for SEPA Public Notice, undated

24. Email request from Shelly Maier RE: Please add Mayor Molly Hughes as a Party of Record, dated 2/3/16

Tab 5

25. SEPA Environmental checklist, received 1/25/16
26. Final SEPA Threshold Determination, dated 3/18/16

Tab 6 – Agency Comments

27. Letter from Tamra Patterson to Michelle Pezley RE: no objections from the building department

Tab 7

28. Island County Septage Treatment Update, Facility Plans and Construction Drawings, received 1/25/16

GENERAL:

- G1. Cover Sheet
- G2. Symbols and Abbreviations
- G3. Horizontal Control Plan
- G4. Process Schematic and Hydraulic Profile

CIVIL:

- C1. Existing Site and Demolition Plan
- C2. Yard Piping Plan
- C3. Site Grading and Paving Plan
- C4. Lagoon Grading Sections
- C5. Storage Lagoon Plan, Section and Details
- C6. Miscellaneous Civil Details
- C7. Miscellaneous Civil Details

PROCESS MECHANICAL

- M1. Headworks Demolition Plan and Sections
- M2. Headworks Structure Modifications
- M3. Headworks Mechanical Screen Plan
- M4. Headworks Mechanical Screen Sections
- M5. Headworks Mechanical Screen Sections and Details
- M6. Headworks Structures Tank Covers and Odor Control Piping
- M7. Aerobic Digester Demolition Plan
- M8. Aerobic Digester No.1 & No.2 Plan
- M9. Aerobic Digester No.3 & No.4 Plan
- M10. Aerobic Digester Sections
- M11. Bio-solids – Supernatant Pump Station Plan and Sections
- M12. Existing Control Building for Reference
- M13. Miscellaneous Mechanical Details

STRUCTURAL

- S1. Structural Notes, Structural Programs and Abbreviations
- S2. Special Inspection Program
- S3. Aerobic Digester Foundation Plan
- S4. Aerobic Digester Structural Sections and Details
- S5. Pump Station Plan and Section
- S6. Pump Station Elevations

ELECTRICAL

- E1. Symbols and Abbreviations Legend
- E2. Electrical Installation Details 1
- E3. Treatment Plant Hazardous Areas Definition Site Plan
- E4. Headworks and Electrical Site Plan
- E5. Digesters and Pump Station Electrical Site Plan
- E6. Bio-solids Pump Station Electrical Plan
- E7. Supernatant Pump Station Lighting Plan

- E8. On-line Diagram
- E9. On-line Diagram
- E10. Control Panel Details
- E11. Wire Diagrams 1
- E12. Wire Diagrams 2

Additional Exhibits

- 29. Affidavit of Publication – Public Hearing Notice, Published Whidbey News Times & South Whidbey Record, 4/9/16
- 30. Letter from Allegra Clarkson to Joantha Guthrie RE: Notice of Hearing, dated 3/28/16
- 31. Letter from Allegra Clarkson to Mayor Molly Hughes RE: Notice of Hearing, dated 4/8/16
- 32. Letter from Allegra Clarkson to Joantha Guthrie RE: Staff Report, dated 4/8/16
- 33. Letter from Allegra Clarkson to Mayor Molly Hughes RE: Staff Report, dated 4/8/16
- 34. Transmittal from Michelle Pezley to Patty Shults, includes Affidavit of Mailing, Final SEPA Threshold Determination, Environmental Checklist; packet dated 3/18/16

Associated Permit ENV 067/16

- 35. Master Land Development application for ENV 067/16, associated with SPR 027/16, Undated
- 36. Request for Comments for ENV 067/16, associated with SPR 027/16, dated 3/21/16
- 37. ENV 067/16 Notice of Complete Application, dated 3/21/16
- 38. Affidavit of Posting the Public Notice Sign, dated March 30, 2016

HEARING TESTIMONY

Michelle Pezley
Island County Current Use Planner
PO Box 5000
Coupeville, WA 98239

Joantha Guthrie
Island County Solid Waste Manager
PO Box 5000
Coupeville, WA 98239

II.

Island County Solid Waste proposes to add a new pump building, expand the two existing storage lagoons into one large lagoon, and add two additional aerobic digesters to meet the increased demand.

The septage plant is located in Ebey's Landing National Historical District and received a Certificate of Appropriateness for the new building (EBY-16-010).

The Island County Planning and Community Development Department has recommended approval of the requested Site Plan Review, SPR 027/16, subject to conditions. The Findings of Fact and Conclusions of Law of the Associate Planner are set forth in the Staff Report, Exhibit No. 1 in the Hearing Examiner file, a copy of which is attached hereto.

Minor factual inaccuracies in the Staff Report were corrected on the face of the Staff Report at the hearing. The Applicant indicated no objection to the Conditions of Approval requested by Staff. The Findings, as corrected, are supported by the record as a whole and are hereby adopted as Findings of Fact herein.

Island County received no public comments during the public comment period. The Hearing Examiner concurs with Staff's recommendations, as set forth in the Staff Report, Exhibit No. 1 in the Hearing Examiner file.

III.

Any Conclusion of Law which is deemed a Finding of Fact is hereby adopted as such. Based on the foregoing Findings of Fact, now are entered the following:

I.

The proposal, as conditioned by Staff, is consistent with the Site Plan Review Criteria of ICC and with the specific Development Standards for and Essential Public Facility in a Rural Zoning District set forth in ICC 17.03.180.P., Q., R., and S. Planning and Community Development Staff concluded that, subject to conditions, the Application was consistent with these applicable criteria.

II.

Other County Agencies with jurisdiction evaluated the proposal and have indicated no objection to approval, subject to conditions.

III.

The Island County Hearing Examiner should approve SPR 027/16 and grant Site Plan Approval for the septage plant.

IV.

Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such. Based on the foregoing Findings of Fact and Conclusions of Law, now is entered the following:

DECISION

Site Plan Review Approval for a Type III Application, SPR 027/16, is hereby granted to Island County Solid Waste, Coupeville, Washington, subject to the following Conditions of Approval:

1. Site development activities approved by this Decision shall be in substantial conformance to the site plan submitted on January 25, 2016.
2. Deviation from the approved plans must be reviewed and approved through a formal site plan amendment process. Further, if the use of the approved structure changes, site plan review, and additional requirements may apply.
3. The Applicants must adhere to all conditions and requirements outlined in the memorandum from Island County Public Building Department.
4. The Applicants must adhere to all conditions and requirements outlined in the memorandum from Island County Public Works.
5. All development activities on and use of the subject parcel shall be in compliance with all applicable Washington State laws and Island County Codes.
6. The Conditions of Approval identified in this Decision are subject to change if any information provided by the Applicants or their authorized representative are found to be inaccurate.
7. All noise must cease from 10:00 p.m. until 7 a.m. as required by ICC 9.60.030.
8. Dead or dying vegetation must be replaced immediately, or if in winter, within the next planting season per ICC 17.03.180.P.3.b(vi).

9. In the event that any ground-disturbing activities, other project activities related to this development, or in any future development uncover protected cultural materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.), the actions as listed in Attachment E must be followed. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) and human remains (RCW 68.50) is required. Failure to comply with this requirement could constitute a Class C Felony.

Prior to Building Permit:

10. Site plan approval does not guarantee the issuance of a building permit. The Applicants shall submit an application and applicable fees for building permits under a separate application, required for any building or construction activity on the subject property.

Prior to Occupancy

11. Prior to occupancy, the property owners shall sign and record an agreement that is in conformance to ICC 17.03.180.J.2.a.
12. Lighting fixtures must be a full cut-off design that is shielded, hooded, and oriented in such a way as to not be visible past the property boundaries.

Expiration of Site Plan Approval

13. This Approval is valid for a period of five (5) years. The building permits for development of the site shall be obtained pursuant thereto being utilized within five years after the effective date of site plan approval per ICC 16.15.160.

Entered this 28th day of April 2016, pursuant to authority granted under the Laws of the State of Washington and Island County.



MICHAEL BOBBINK
Island County Hearing Examiner

IX – APPEALS

Decisions of the Examiner on Type III applications shall be final and conclusive unless within fourteen (14) days following mailing of such decision a written statement of appeal is filed with the board by the Applicants, a Department of the County, or Party of Record, who is also an Aggrieved Person. Said statement shall set forth any alleged errors and/or the basis for appeal and shall be accompanied by a fee pursuant to the fee schedule adopted by the Board; provided that such appeal fee shall not be charged to a Department of the County or to other than the first appellant. The appeal of a Type III decision shall be a Closed Record Appeal.