Exhibit "2"

NOTICE OF DECISION

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

Applicant:	Wilbur-Ellis Company Attn: Eric Jenks P. O. Box 511 Yuba City, CA 95991	Sound Development Group Attn: Pat Severin 1111 Cleveland Street Mount Vernon, WA 98273
Request:	Special Use Permit, PL140433 Shoreline Substantial Development Permit, PL14-0434	
Location:	13586 Bayview-Edison Road, within SE1/4 and NE1/4, Sec. 7, T34N, R3E, W.M.	
Land Use Designation:	Agriculture-Natural Resources Land (Ag-NRL)	
Shoreline Designation:	Rural	
Summary of Proposal:	To expand the existing Wilbur-Ellis agricultural support facility with buildings, tank farm and staging area, located to the north of the existing access road (Special Use Permit). Unavoidable wetland impacts will be mitigated by creation of an 18,666 square foot depressional wetland adjacent to the existing onsite wetland (Shoreline Permit).	
SEPA Compliance:	Determination of Non-Significance (DNS), December 23, 2014. No appeals.	
Public Hearing:	May 13, 2015. Testimony by staff, applicant and wetland consultant. No public testimony. Planning and Development Service (PDS) recommended approval.	
Decision/Date:	The application is approved, subject to conditions. June 2, 2015	
Reconsideration/Appeal:	Special Use: Reconsideration may be requested within 10 days of this decision. Appeal is to Board of County Commissioners by filing with PDS within 14 days of the date of this decision, or decision on reconsideration, if applicable. Shoreline: Reconsideration may be requested within five days of this decision. Appeal is to Board of County Commissioners by filing with PDS within five days of this decision, or decision on reconsideration if applicable.	
Online Text:	The entire decision can be viewed at: www.skagitcounty.net/hearing examiner	

FINDINGS OF FACT

1. The Wilbur-Ellis Company (applicant) seeks to expand its existing agricultural support service business facility.

2. The site is at 13586 Bayview-Edison Road, within the SE 1/4 and NE 1/4 Sec. 7, T34N, R3E, W.M. The property lies just north of the Burlington Northern spur and State Route 20. The overall site comprises approximately 63 acres.

3. The existing Wilbur-Ellis plant is confined between Bayview-Edison Road to the east, the public transportation corridor to the south and existing industrial development to the west. It is within a Natural Resource Industrial (NRI) zone. The proposed expansion will be into Agricultural-Natural Resource Lands (Ag-NRL) land to the north. The adjacent shoreline environment is Rural.

4. The expansion will involve filling approximately 3.49 acres adjacent to the present facility, including an 18,666 square-foot wetland. As mitigation, new wetland will be created to the northeast of the construction area, between the Indian Slough dike and the south fork of Indian Slough.

5. In the construction area adjacent to the western property boundary will be a 55' x70' building and next to it a 55' x 70' tank farm for storage of agricultural products. A 20' wide concrete pad will border the east side of the building/tank farm. A second building, 100' x 78', will be constructed centrally on the site and will also include a 20'-wide concrete pad to the south. A 50' x 80' wash pad will be installed to the east of the second building.

6. Gravel fill willed be placed over the remainder of the construction site to provide vehicular access and areas for staging equipment. Approximately 11,000 cubic yards of fill will be imported, of which 1,620 cubic yards will be used to fill the wetland area. The completed project will include a perimeter fence and drainage features.

7. To compensate for unavoidable wetland impacts, onsite mitigation is proposed. An 18,666 square foot depressional wetland will be created, adjacent to the 5,215 square foot "Wetland J." The goal is to create wetland based on a 1:1 impact/creation ratio and to enhance both the created wetland and the existing "Wetland J" (and their buffers) through a planting program base on an impact/enhancement ratio of 2:1. The combined mitigation area is 56,014 square feet. Only the wetland mitigation area lies within shoreline jurisdiction.

8. The mitigation site was selected based on its high potential for successful mitigation while minimizing loss of productive farm land. The mitigation site is a narrow finger of land situated between the main slough and the south fork rendering it difficult to farm effectively.

9. The application was reviewed under the State Environmental Policy Act (SEPA). An environmental checklist was prepared. After review, the County issued a Determination of Non-Significance (DNS). The DNS was not appealed.

10. Through a Hearing Examiner Special Use Permit, the zoning code permits the expansion of existing natural resource industrial zoned agricultural support service businesses into Ag-NRL land if the expansion is limited to only the area necessary for the business; and if any conversion of agricultural land is minimized to the greatest extent possible. The Examiner finds that the applicant has met these requirements. The need for expansion has been demonstrated along with the absence of other viable expansion alternatives. The least amount of area will be used for the expansion. The facilities will provide services that support long term agricultural uses in the County.

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

12. A wetland delineation, an onsite compensatory mitigation plan, and a fish and wildlife assessment were submitted. The proposed mitigation plan includes appropriate monitoring with performance standards. The project has been approved by the U.S. Army Corps of Engineers, subject to conditions which are incorporated into this County approval. The applicant will likewise be obliged to comply with any requirements called for by the State Department of Ecology.

13. The Staff Report reviews this proposal under both the Special Use Criteria and the local Shoreline Master Program (SMP). With recommended conditions the Staff finds that the proposal will be meet the relevant approval standards. The Hearing Examiner concurs with 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 this proceeding. SCC 14,06.050(1)(b)(ii), SMP 9.06.

2. The requirements of SEPA have been met.

3. As conditioned the proposal meets the requirements of the Critical Areas Ordinance. SCC 14.24.040(3).

4. The expansion proposed is allowed as a Hearing Examiner Special Use. SCC 14.16.400(4)(c). Activities proposed on the wetland mitigation site require a Shoreline Substantial Development Permit. SMP 9.01.

5. The proposal, as conditioned is consistent with the approval criteria for a Special Use Permit, SCC 14.16.900(1)(b)(v), and with the approval criteria for a Shoreline Substantial Development Permit. SMP 9.02

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

CONDITIONS

1. The project shall be carried out as described in the application materials, except as may be modified by these conditions.

2. The applicant shall obtain all other required approvals and shall abide by the conditions of same. All relevant conditions of the Section 401 Water Quality Certification (Ecology) and the Section 404 Corps permit are conditions of this approval.

3. The floodplain development permit needed for this project shall require an engineered drainage plan that shows compliance with low impact development (LID) techniques.

4. The applicant shall comply with applicable state and local regulations, including but not limited to:

a. Chapter 14.24 SCC -- Critical Areas Ordinance
b. Chapter 14.16 SCC --Zoning Ordinance
c. Chapter 14.32 SCC -- Drainage Ordinance, including temporary erosion and sedimentation control measures.
d. Chapters 12.05 and 12..48 SCC -- Water and septic requirements
e. Chapter 12.16 SCC -- Solid Waste Handling and Facilities
f. Chapter 14.16.840 SCC --Performance standards
g. Chapter 173-60 WAC -- Noise standards
h. Chapters 173-201A and 173-200 WAC -- Surface and Ground Water Quality Criteria

5. At the time of building permit review, the project shall comply with the current International Fire Code.

6. At the time of building permit review, the project shall demonstrate compliance with water and septic setback requirements. A letter of availability from Anacortes water will be required.

7. The applicant shall update its hazardous materials management and emergency response plan for the facility to address the full scope of the expanded facility.

8. A Protected Critical Area (PCA) site plan shall be recorded with the County Auditor's office prior to approval of the building permit application.

9. The Compensatory Mitigation Plan (Graham-Bunting Associates) shall be adhered to.

10. The applicant shall submit a copy of this Order with development permit applications.

11. The project shall be commenced within two years of the Shoreline Substantial Development Permit approval and completed within five years thereof.

12. If the applicant proposes any modification of this project, it shall request a permit revision from Planning and Development Services prior to the start of construction.

13. Failure to comply with any permit condition may result in permit revocation.

14. All outstanding planning review fees shall be paid before this approval is considered final.

DECISION

The requested Special Use Permit (PL14-0433) and Shoreline Substantial Development Permit (PL14-0434) are approved, subject to the conditions set forth above.

DONE, this 2nd day of June, 2015.

Wick Dufford, Hearing Examiner

Submitted to applicant and parties of record: June 2, 2015

See Notice of Decision, page 1, for appeal information.