Planning & Development Services

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STAFF REPORT

SUMMARY OF APPLICATION AND RECOMMENDATIONS

Date:	October 7, 2026
File/Permit Number(s):	PLAN3-2026-0004 (HE SUP) PLAN2-2026-0003 (SEPA)
Permit(s):	Special Use Permit (SUP) for Wilbur Ellis Company – Tank Farm expansion
Recommendation:	Skagit County Planning and Development Services recommends **APPROVAL** of the requested Special Use Permit.
Project Lead:	Jeanne Aungst, Associate Planner

GENERAL INFORMATION

Owner/Applicant:	Wilbur Ellis Company c/o Jay Renwick 13586 Bayview Edison Rd Mount Vernon, WA 98273 jrenwick@wilburellis.com
Agent/ Civil Engineer:	Sound Development LLC c/o Tammy Zempel 1111 Cleveland Ave, Ste 202 Mount Vernon, WA 98273 tammy@sdg-llc.com
Site Address:	13586 Bayview Edison Rd Mount Vernon, WA 98273
Assessor Number(s):	340307-0-027-0009 340307-0-029-0007
Parcel Number(s):	P21188 P21190
Legal Description(s) (short):	Portion of Tract 2 S/P #33-87 recorded under AF #87103000035 being a portion of Government Lot 11, Section 11, Township 34 N, Range 3 E, W.M.

Lot Size:	63 Acres
Zoning Designation:	Agricultural-Natural Resource Lands (Ag-NRL) Rural Reserve (RRv)
Critical Area Overlays:	Protected Critical Area (PCA) site plan AF #201506250045
Pipeline Consultation Area:	Pipeline Consultation Area title notice AF #201610070119
Special Flood Hazard Area:	Special Flood Hazard Area (SFHA) title notice AF #201609060129
Water Supply:	Public Utility District #1
Sewage Disposal:	Onsite Septic
Fire Protection:	Skagit County Fire District # 13
Law Enforcement Jurisdiction:	Skagit County Sheriff's Office
Topography:	The topography of the project site is generally flat with a slope of approximately 2% within the project area.
Adjacent Land Uses:	The existing Wilbur Ellis agricultural support service business is located within the Natural Resource Industrial (NRI) zoning designation on parcel P85163 and is immediately south of the proposed site. A majority of the surrounding land uses are agriculture of long-term commercial significance. Shawn O'Donnell's restaurant and a Shell gas station are located south of project on State Route 20. Two additional businesses are adjacent to the existing Wilber Ellis site; Superior Systems Co., located immediately to the west, and Triton American, LLC located to the east along the east and south sides of Bayview Edison Road. There is a single-family residence located to the east of the proposed tank farm.
SEPA Review/Determination:	Mitigated Determination of Nonsignificance (MDNS) issued on June 9, 2026.
Posting:	June 10, 2026, Onsite
Publication:	July 11, 2026, Skagit Valley Herald and Emailed and mailed to Applicant.
Appeal Period Ended:	June 25, 2026
Shoreline of Statewide Significance:	N/A – The site is not within Shoreline Jurisdiction

Notice Information:

Application Submitted:	February 5, 2026
Fees paid:	March 24, 2026
Determination of Incompleteness:	March 25, 2026
Revision Received:	April 15, 2026
Applicant placed on hold:	April 15,2026
2nd Revision Received:	April 24, 2026
Determination of Completeness:	May 5, 2026

Notice of Development Application:	May 12, 2026 May 12, 2026, Mailed to adjacent property owners and occupants within 300 feet of the project ownership
Posting:	May 13, 2026, Onsite
Publication:	May 14, 2026, Skagit Valley Herald
Comment Period Ended:	May 29, 2026
Revision requested:	June 1, 2026
Resubmittal Date:	August 5, 2026

Notice of Public Hearing:	
Posting:	month day, 2026, Onsite
Publication:	month day, 2026, Skagit Valley Herald

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ACRONYMS

- **Ag-NRL** Agricultural-Natural Resource Lands
- **BMP** Best Management Practices
- **CAO** Critical Areas Ordinance
- **CNG** Cascade Natural Gase
- **HE SUP** Hearing Examiner Special Use Permit
- **MDNS** Mitigated Determination of Non-Significance
- **N/A** Not Applicable
- **NODA** Notice of Development Application
- **NRI** Natural Resource Industrial
- **NWCAA** Northwest Clean Air Agency
- **PUD** Public Utility District #1
- **RRv** Rural Reserve Zoning Designation
- **S/F** Square Foot
- **SCC** Skagit County Code
- **SEPA** State Environmental Policy Act
- **SFHA** Special Flood Hazard Area
- **RCW** Revised Code of Washington
- **RRv** Rural Reserve
- **TESC** Temporary Erosion Sedimentation Control
- **WAC** Washington Administrative Code
- **WSDOE** Washington State Department of Ecology
- **WSDOT** Washington State Department of Transportation

EXHIBITS

1. Special Use Permit Application – February 5, 2026
2. Previously approved SUP PL14-0433
3. Site Plan - Received February 5, 2026
4. SEPA Checklist – Received February 5, 2026
5. Narrative – Received February 5, 2026
6. Landscape Plan – Received February 5, 2026
7. Determination of Incompleteness - March 25, 2026
8. Revised SEPA Checklist – Received April 15, 2026
9. Revised Site Plan – Received April 15, 2026
10. Revised SEPA Checklist – Received April 24, 2026
11. Revised Site Plan – Received April 24, 2026
12. Revised Narrative – Received April 24, 2026
13. Flood Application – Received April 24, 2026
14. Landscape Plan – Received April 24, 2026
15. Proof of Publication from Skagit Valley Herald – May 12, 2026.
16. Notice of Development Application (NODA) issued May 12, 2026, published May 14, 2026
17. Certificate of Mailing for Notice of Development Application with attached mailing list – May 12, 2026
18. Agency comment received from WSDOT - May 12, 2026
19. Certificate of Posting for Notice of Development Application – May 13, 2026
20. Proof of Notice of Development Application (NODA) posting Photos – May 13, 2026
21. Agency comment received from CNG – May 28, 2026
22. Department comments submitted during the Notice of Application comment period. One (1) comment received with concerns:
    - Fire Marshall: Technical Opinion report prepared by a Washington State certified Fire Protection Engineer shall be required.
23. Mitigated Determination of Non-Significance (MDNS) – issued June 9, 2026, published June 11, 2026
24. Proof of publication of MDNS on Skagit Valley Hearld – June 9, 2026
25. Proof of MDNS to applicant, agencies, county staff – June 9, 2026
26. Proof of SEPA Publishing on the WSDOE website – June 9, 2026
27. Certificate of Posting MDNS – June 10, 2026
28. MDNS Sign Posting Photos – June 10, 2026
29. Fire Hazard Analysis and Technical Opinion – August 5, 2026
30. Staff Report and Departmental Findings – October 7, 2026

Skagit County Code References:

Unified Development Code Title 14:

SCC 14.06.190	Vesting
SCC 14.04.020	Definitions
SCC 14.06.310	Review for completeness
SCC 14.06.320	Public notices
SCC 14.11 & 14.13	Zoning
SCC 14.11.200	Rural Reserve (RRv)
SCC 14.13.100	Agricultural-Natural Resource Lands (Ag-NRL)
SCC 14.20	General Performance Standards
SCC 14.25	Landscaping
SCC 14.26	Parking
SCC 14.27	Pipeline Safety
SCC 14.29	Signs
SCC 14.30	Land Disturbance
SCC 14.32	Stormwater Management
SCC 14.34	Flood Damage Prevention
SCC 14.40	Critical Areas
SCC 14.51	Special Use Permits

Skagit County Title 16 - Environment

SCC 16.12	State Environmental Policy Act (SEPA)

Washington Administrative Codes and Revised Codes of Washington

WAC 197-11	SEPA Rules
RCW 43.21C	State Environmental Policy
WAC 173-60	Maximum Environmental Noise Levels

NATURE OF APPLICATION / PROPOSAL

The applicant, Tammy Zempel of Sound Development Group, on behalf of Wilbur Ellis Co., LLC, requests approval of a Special Use Permit (PLAN3-2026-0004) to expand the existing Wilbur Ellis Co. agricultural support service business previously approved with Special Use Permit PL14-0433 on a parcel located at 13856 Bay View Edison Rd, Mount Vernon, WA, within the Agricultural-Natural Resource Lands (Ag-NRL) zoning/comprehensive plan designated area. The parcels are identified as P21188 and P2190. The proposed project is located on P21188.

Pursuant to SCC 14.13.100(2)(c)(i), the applicant seeks approval to expand the existing natural resource industrial zoned agricultural support service business. The requested tank farm expansion is designed to enhance the agricultural services through modernized storage and blending of diverse agricultural products, ranging from bulk liquid fertilizers to specialized micronutrients and additives. The project encompasses the following:

- Construction of a concrete containment impoundment, approximately 70' x 111' in size with concrete containment load pads along the north and east sides, 20' in width,
- Placement of up to 24 tanks to store liquid fertilizers, ranging from 6,000 to 30,000 gallons in size and up to 35' in height. 13 to be constructed at the time of building permit issuance and the remaining 11 constructed as the demand from the farming community increases,
- Construction of an equipment/air compressor shed, 8' x 11' in size,
- Installation of tote racks, and
- Installation of a vegetative buffer along the east boundary to screen the adjacent single-family residence.

Wilbur Ellis Company and proposed Tank Farm Function

- **Core Operations:**
  - To facilitate the receipt, bulk storage, and outbound retail loading of various agricultural products.
- **Blending Process:**
  - Precise blending of liquid fertilizers on site to meet specific seasonal agricultural demands.
- **Operational Peaks and Transient Materials:**
  - During peak agricultural seasons (typically Spring and Summer), utilize transient materials in the form of 275-gallon intermediate bulk containers. These materials to be integrated into the blending process and stored temporarily within the containment areas.

Operating Hours & Employees

- **Operating Hours:**
  - Monday thru Friday 7:00PM – 3:00 PM
- **Employees:**
  - 12-15 employees currently work on site. No additional employees will be hired with this tank farm expansion.

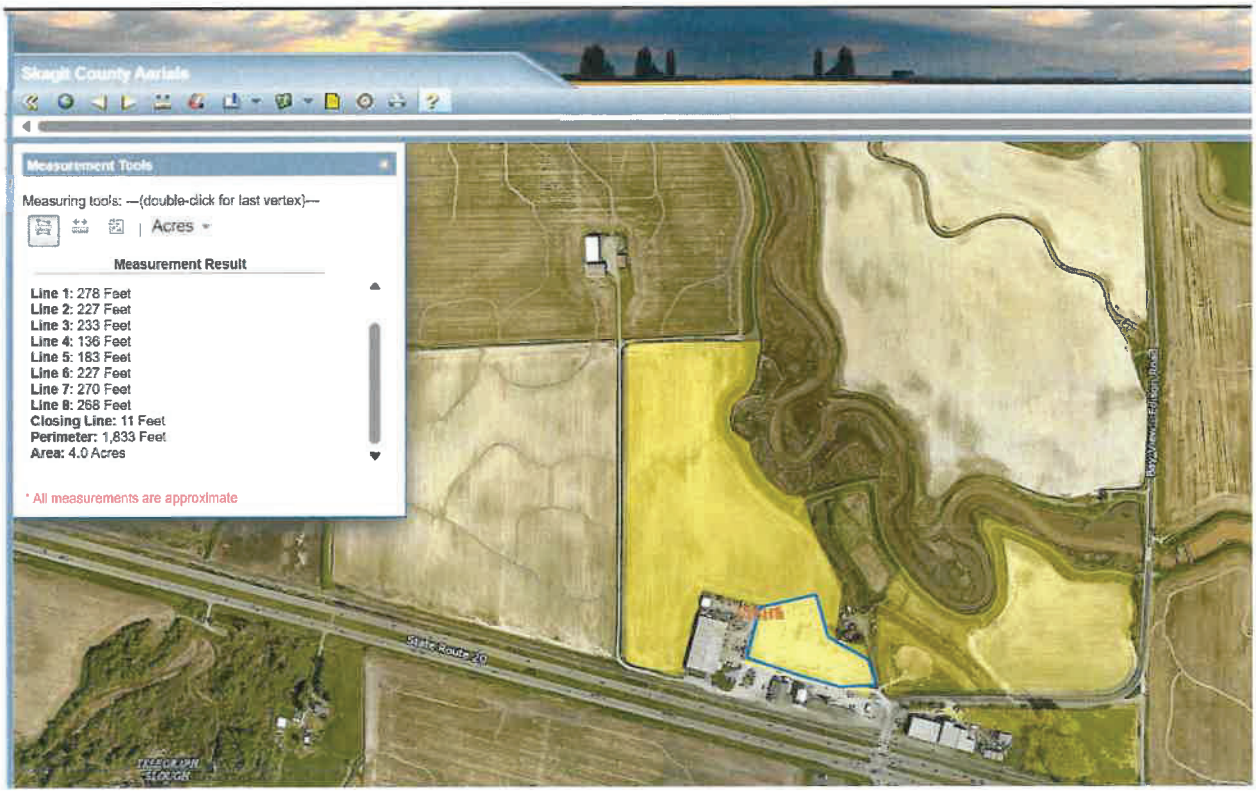
Site Prep Work Summary for Tank Farm with concrete pad

- Approximately 1,125 cubic yards of fill to be imported.
- Approximately 1,000 cubic yards of excavation to prepare for tank farm concrete containment area, concrete loading pads and subgrade.

Site Layout
The subject site is an irregularly shaped parcel of approximately 63 acres and is located off Bay View Edison Rd. The proposed tank farm expansion is located within the existing graveled area that is approximately four acres in size and contains a 7,800 square foot (s/f) warehouse and parking. The remaining acreage is being utilized for agricultural production.

The existing agricultural support service business is located to the south and contains an 11,380 s/f warehouse, a 7,725 s/f service repair shop, a 2,75 s/f office building, and a 4,949 s/f bulk fertilizer storage building.

To the east there is an existing single-family residence that is approximately 370' from the proposed tank location. Burlington Northern Railroad and State Route 20 are to the south of the site.



Utilities & Services

- **Water Supply:** Public District Utility #1
- **Sewage Disposal:** No additional plumbed structures proposed. Existing buildings will use approved septic system SW09-0334.
- **Fire Protection:** Skagit County Fire District #13
- **Law Enforcement:** Skagit County Sheriff's Office

The proposal qualifies as a Hearing Examiner Special Use Permit under SCC 14.13.100(2)(c)(i); Expansion of existing natural resource industrial zoned agricultural support service businesses, provided the expansion is limited to only the area necessary for the business; and also provided, that any conversion of agricultural land is minimized to the greatest extent possible.

The proposed use and associated activities are consistent with the purpose of the Agricultural-Natural Resource Lands (Ag-NRL) zone, which is intended to provide land for continued farming activities, conserve agricultural land, and reaffirm agricultural use, actives and operations as the primary use of the district.

GENERAL REGULATORY CODE ANALYSIS AND FINDINGS

SCC 14.06.310 Determination of completeness

Analysis: A Determination of Completeness was issued on May 5, 2026.

Meets: Yes

SCC 14.06.320 Public notice requirements

Analysis: Notice of Application with optional SEPA DNS issued on May 12, 2026, and published on May 14, 2026. The MDNS was issued on June 9, 2026, and published on June 11, 2026. The Public Hearing will be published on October 22, 2026. All were mailed in accordance with SCC requirements.

Meets: Yes

SCC 14.13 Zoning

Analysis: Parcel P21188 is zoned as Agricultural-Natural Resource Lands and P21190 is split zoned as Agricultural-Natural Resource Lands (Ag-NRL) and Rural Reserve (RRv). The proposed project area is located within the Agricultural-Natural Resource Lands (Ag-NRL) zoning/comprehensive plan designated area, as identified in the Skagit County Comprehensive Plan and associated zoning maps.

Agricultural Support Service is defined by SCC 14.18.406(1), as any nonagricultural use which is directly related to agriculture and directly dependent upon agriculture for its existence. These support services generally exist off site and within districts that are intended to facilitate the production, marketing and distribution of agricultural products. Agricultural support services are separate and distinct from farm-based business and agritourism.

Expansion of existing natural resource industrial zoned agricultural support service businesses, provided the expansion is limited to only the area necessary for the business; and also provided, that any conversion of agricultural land is minimized to the greatest extent possible is allowed in the Ag-NRL zone with an approved Hearing Examiner Special Use Permit (HE SUP) per SCC 14.13.100(2)(c)(i).

The proposed tank farm expansion is located within the existing agricultural support service business graveled area. No additional agricultural farmland will be converted to accommodate the expansion.

Meets: Yes

SCC 14.13.030-1 Dimensional Standards

Analysis: The Agricultural-Natural Resource Lands (Ag-NRL) zone includes dimensional standards for property line setbacks, maximum building height, and maximum lot coverage. The proposed project is consistent with all applicable dimensional standards.

Meets: Yes

SCC 14.20 Performance standards

Analysis: It is intended that all activities and land uses within Skagit County adhere to a common standard of environmental performance criteria. Performance standards apply to vibration, heat, glare, steam, electrical disturbance, and noise.

Noise
Any noise that could result during construction activities will be temporary. During the hours of 7:00 AM to 6:00 PM, there may be an increase in noise due to construction machinery, which is consistent with WAC 173-60-050(3)(a). Once construction is complete, the farm tank expansion should not generate any additional noise at the existing support business site that exceeds the current noise level.

Vibration, Heat, Glare, Steam, and Electrical Disturbance
No sources of vibration, heat, glare, or electrical disturbance are anticipated once construction is complete.

Lighting
In addition to the existing lighting, two new light poles will be installed within the tank farm footprint. Lights will be utilized during non-daylight hours and will be shielded and directed downward.

Odor
Periodic seasonal odors may occur, consistent with typical agricultural and agricultural support activities.

Meets: Yes

SCC 14.25 Landscaping

Analysis: The subject property is located within the Agricultural-Natural Resource Lands (Ag-NRL) zoning district. Landscaping requirements under SCC 14.25 are intended to ensure that development complements the natural and rural character of the area.

The applicant has provided a landscaping plan that preserves existing vegetation and includes additional planting of 29 trees and 121 shrubs. The new plantings will be along the east property line to enhance screening and visual appearance for the adjacent existing single-family residence. All other surrounding uses are farmland and industrial areas.

The combination of existing and proposed vegetation will help soften the built environment, provide shade and visual relief for parking areas and streets and maintain the natural landscape character consistent with surrounding rural properties

The proposed landscaping meets the intent of SCC 14.16.830 by protecting existing vegetation, introducing compatible new plantings, and minimizing visual impacts on adjacent parcels. (Exhibit #13)

Meets: Yes

SCC 14.26 Parking

Analysis: No additional parking is being proposed with the tank farm expansion. Existing parking is sufficient to serve employees and daily operations in compliance with code requirements prohibiting off-site or roadside parking.

Meets: Yes

SCC 14.27 Pipeline safety

Analysis: The parcel is located within the Pipeline Consultation Area, however, the proposed development is outside of the pipeline easement. The required Pipeline Consultation Area title notice was recorded under Auditor's File #200610070119 and Cascade Natural Gas was notified of the proposal on May 12, 2026.

Meets: Yes

SCC 14.29 Signs

Analysis: No signage proposed. Future signage will require separate review and approval.

Meets: Yes

SCC 14.30 Land Disturbance

Analysis: The proposed grading and fill (1,125 cubic yards of fill and 1,000 cubic yards of cut) qualifies as a land disturbance activity. Stormwater staff is reviewing the Building Permit application BLDC-2026-0011 and Land Disturbance Activity application LDA-2026-0027. A Drainage Report and Civil Construction Plans are required.

Meets: Yes

SCC 14.32 Stormwater Management

Analysis: The proposed tanks will not increase the impervious surface area as the location is currently developed and is 100% impervious. The proposed construction will replace the existing gravel with concrete surfaces. Precipitation will accumulate within the new liquid fertilizer tank farm containment area and loading pad sumps and will either be pumped to a 10,000 gallon rinsate tank and managed as rinsate water, which will be disposed by a third-party vendor or agronomically applied or sampled to confirm it is not impacted by fertilizer and discharged to the onsite bioswale. Stormwater review and compliance are being addressed under the project's **SEPA review** and through the **Land Disturbance Permit LDA-2026-0027 and** associated **Building Permit BLDC-2026-0011**. As conditioned under the **SEPA Mitigated Determination of Non-Significance (MDNS)**, the applicant must implement **Temporary Erosion and Sediment Control (TESC)** measures as directed and appropriate, in accordance with the requirements of **SCC 14.32 (Stormwater Management).**

Meets: Yes

SCC 14.34 Flood Damage Prevention

Analysis: The subject property is located within the Flood Hazard zone A7 on Firm Panel #530151 0250C. The project is currently being reviewed under Flood Permit #FLOOD-2026-0023. Special Flood Hazard Title notice previously recorded under AF #201609060129.

Meets: Yes

SCC 14.40 Critical Areas Ordinance

Analysis: The project location is within the area previously approved for development under application PL14-0434. A Protected Critical Areas site plan has been recorded under AF #201506250045.

Meets: Yes

SCC 12.05 Health Welfare and Sanitation

Analysis: No plumbed structures are proposed with the tank farm expansion. The tanks will not store chemicals, waste oil, solvents, or fuel. The existing agricultural support service business will continue to be serviced by PUD and the site will continue to utilize the existing on-site septic system SW09-0334.

Meets: Yes

SCC 15.04 Building and Construction

Analysis: Development of structures requires issuance of building permits under the International Building Code as adopted by SCC. A building permit for the proposed farm tanks is currently under review BLDC-2026-0011.

Meets: Yes

SCC 16.12 State Environmental Policy Act (SEPA)

The application was reviewed in accordance with the State Environmental Policy Act (SEPA) guidelines pursuant to Skagit County Code 16.12, WAC 197-11 and RCW 43.21C.

- SEPA Threshold Determination: Mitigated Determination of Non-Significance (MDNS)
- Threshold Determination Issued: June 9, 2026
- Public Comment Period: June 9-25, 2026
- No appeals were received
  This determination is subject to the mitigated measures as identified below and shall be deemed conditions of approval of the land use and/or permit pursuant to Skagit County Code 16.12.

1. Temporary erosion/sedimentation control measures, as approved by the Skagit County Planning and Development Services, must be in place prior to the proposed land disturbance activity. The applicant shall maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County Stormwater Management Ordinance. Said measures shall remain in place until the completion of the project.
2. The applicant must comply with Northwest Clean Air Agency (NWCAA) requirements.

3. The applicant must comply with the provisions of Chapter 14.32 of the Skagit County Code, the Skagit County Stormwater Management Ordinance, as it relates to increased runoff resulting from additional impervious surfaces. Best Management practices shall be utilized throughout the life of the project.
4. The applicant must comply with Fire Code Standards.
5. The applicant must comply with all relevant provisions of 14.24 of the Skagit County Code (Skagit County Critical Areas Ordinance).
6. The applicant must comply with SCC 14.27.030(d) Pipeline Safety Boundary Markers and 14.27.040 State call-before-you-dig laws.
7. This project may be subject to one of Ecology's National Pollutant Discharge Elimination Systems (NPDES) permits. A Construction Stormwater General or Industrial Permit may be required by the Department of Ecology (WSDOE) for this project. Contact the WSDOE Northwest regional Office at (360) 927- 4900.
8. Should any human remains, archaeological, historic or cultural materials be discovered during construction, work in the affected area shall cease immediately and the area shall be secured of adequate size to protect it from further disturbance until the State provides a notice to proceed. Within 24 hours of the discovery, or as soon thereafter as possible, the developer shall notify the Skagit County Sheriff's office, Skagit County Planning and Development Services, the Washington State Department of Archeology and Historic Preservation and affected tribes. The discovery of any human skeletal remains must be reported to law enforcement immediately. If following consultation with the above parties it is determined that further archaeological and cultural resource assessments are required, the project developer shall retain the services of a professional archaeologist to prepare such an assessment. Project work in the affected area shall only continue when in conformance with applicable state and federal laws.
9. The applicant must obtain all applicable state and federal permits before beginning any phase of construction.

SPECIAL USE PERMIT REQUIREMENTS (SCC 14.51)

SCC 14.51.050(1)(A) through (I) criteria.

To provide a means to recognize and approve land uses not specifically identified as allowed uses, a special use permit must demonstrate that the proposed activity will not adversely affect or prevent those uses normally allowed within the respective district. The burden of proof shall be on the applicant to provide evidence in support of the application. The criteria for approval or denial shall include the following:

(A) The proposed use complies with the Skagit County Code.

Analysis: The subject property is located within the Agricultural-Natural Resource Lands (Ag-NRL) and is intended for agricultural production and agricultural support services that support long term agricultural uses. SCC 14.13.100(2)(c) lists the following as an allowed use with an approved Hearing Examiner Special Use permit:

> (i) Expansion of existing natural resource industrial zoned agricultural support service businesses, provided the expansion is limited to only the area necessary for the business; and also provided, that any conversion of agricultural land is minimized to the greatest extent possible.

The proposed addition of a tank farm to the existing agricultural support service business is intended to meet the growing and sustained demand from the local farming community, ensuring reliable supply, operational efficiency, and long-term service capacity. No additional farmland will be converted to accommodate the expansion.

The proposed agricultural support service is also consistent with the Skagit County Comprehensive Plan. The Comprehensive Plan's Natural Resource Element discusses in detail the purpose and intent of the Ag-NRL designation, including allowable land uses, policies and goals to help promote agricultural and agricultural support uses while minimizing land use conflicts.

Goal 4A – Agruciltural Resource Lands Allowable Land Uses; *"Land uses allowed on designated agricultural land shall promote agriculture, agricultural support services, and promote diverse agricultural industries."*

Policy 4A-4.2 – Agricultural Support Services; *"Facilitate agricultural production by allowing agricultural processing facilities, direct farm sales, and agricultural support services that support long term agricultural use."*

Policies Specific to Ag-NRL , Policy 3C-5.5 states; *"The County should designate an area (or areas) in which to concentrate agriculture-related industrial uses and agricultural support services in an "agricultural industrial park." This would allow for these services and their impacts to be concentrated, rather than dispersed throughout the rural area. Designation of an agricultural industrial park is the only instance where Ag-NRL land may be converted to a NRI designation, and only based on a finding that the agricultural sector is better served by having the land in NRI designation to permit an agricultural industrial park."*

The proposal is consistent with the goals and policies of the Comprehensive Plan and the purpose of the zoning code by utilizing only the area necessary for the expansion within an existing disturbed area which will not result in additional conversion of agricultural land.

Meets: Yes

(B) The proposed use will not adversely affect or prevent those uses normally allowed in the zone.

Analysis: The agricultural support service business is existing, and the proposed expansion will not change the use or the character of the site. As mentioned above, the purpose of the Ag-NRL zone is to promote agriculture, agricultural support services, and promote diverse agricultural industries. Additional landscaping will be planted along the east property line to enhance screening and visual appearance for the adjacent single-family residence. All other surrounding uses are farmland and industrial areas.

Meets: Yes

(C) The proposed use will be compatible with existing and planned land uses.

Analysis: The existing support business is located within NRI zone, immediately south of the proposed tank farm, which is located within the Ag-NRL zone. The majority of the surrounding land uses are agriculture of long-term commercial significance. The proposed expansion of the existing agricultural support service business use is allowed in the Ag-NRL district, subject to approval of a Hearing Examiner Special Use, and the proposed continue use and operation will be compatible with surrounding land uses.

Meets: Yes

(D) The proposed use will comply with the performance standards of SCC 14.20.

Analysis: During construction there may be additional noise and vibration generated. Once the tank farm extension has been constructed, there should not be an increase in the existing noise and periodic odor that typically occurs with the existing agricultural support service business. Existing and proposed landscaping

provides visual screening, shade, and noise relief. Light poles installed within the tank farm footprint will be utilized during non-daylight hours and will be shielded and downcast. Noise, vibration, and light are expected to remain within WAC 173-60 and SCC 14.20 standards. Noise generated during construction during certain hours is exempt per WAC 173-60-040(a).

Meets: Yes

(E) The proposed use will not generate intrusions on privacy of surrounding uses.

Analysis: The proposed tank farm is an expansion to the existing agricultural service support business and should not generate additional intrusions on the privacy of surrounding uses. The site currently operates as production farm support, supplying regional farms with farm supplies needed.

Adjacent uses are industrial operations to the west, agricultural operations and production of agricultural crops to the north, and commercial uses to the south. To the east there is an existing single-family residence, which is already adjacent to industrial, agricultural activities, and commercial uses.

Meets: Yes

(F) The proposed use will not cause potential adverse effects on the health, safety, and welfare of the community or general public.

Analysis: The proposed tank farm expansion does not include any additional plumbing or plumbed structures. The existing facility shall continue to meet the health and sanitation standards of SCC 12.

Fire protection will be provided by Skagit County Fire District #13, and law enforcement services are available through the Skagit County Sheriff's Office.

The tank farm will have a concrete containment area sized to hold 125% of the largest tank plus displacement volume. A spill prevention plan and operation maintenance guidelines are kept on site.

A Temporary Erosion and Sediment Control (TESC) plan will be implemented on site during construction, utilizing current and modern Best Management Practices, to minimize erosion and sedimentation, and their effects on downstream waters and neighboring properties.

The proposed tank farm will be constructed on an existing ridge. Stormwater from the adjoining site area will continue to flow north and south to the existing biofiltration swales. Precipitation accumulated within the tank farm containment and the loading pad sumps will either be pumped to the 10,000-gallon rinsate tank and managed as rinsate water which will be disposed by a third-party vendor or agronomically applied or will be sampled to confirm it is not impacted by fertilizer and discharged to the onsite bioswale.

In addition, operational limitations, site design, and existing and proposed landscaping buffers further minimize potential impacts on surrounding rural residential property.

Meets: Yes

(G) 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.

Analysis: The proposed tank farm expansion will be supported by existing public services in a manner consistent with the existing agricultural support service business. Water will be provided by Skagit PUD in a quantity sufficient for fire suppression.

Fire protection and law enforcement services will continue to be available from Skagit County Fire District #13 and the Skagit County Sheriff's Office.

Meets: Yes

(H) The proposed use will maintain the character, landscape and lifestyle of the rural area.

Analysis: The proposed farm tank will be located on an existing gravel pad, adjacent to the existing agricultural support service business. The tanks should not change the character, landscape and lifestyle of the agricultural area or surrounding uses and will provide additional support to the farming community.

Meets: Yes

(I) For special uses in Industrial Forest—Natural Resource Lands, Secondary Forest—Natural Resource Lands, Agricultural—Natural Resource Lands, and Rural Resource—Natural Resource Lands, the impacts on long-term natural resource management and production will be minimized.

Analysis: The parcel is located within the Agricultural-Natural Resource Lands zoning designation. The proposed use of the site is for the expansion of the existing agricultural support service business. Wilbur Ellis Co. was founded in 1921 and supplies agricultural products to the farmers in Skagit County. The proposed tank farm will store liquid fertilizer. No chemicals, waste oil, solvents, or fuel will be stored.

As mentioned above, the proposed tank farm will be located on an existing gravel pad, which will ensure that there is no conversion of farmland while meeting the farming community needs and minimizing the impacts on the long-term natural resource management.

Meets: Yes

PUBLIC COMMENT

No comments were received during the official public comment period.

AGENCY COMMENTS

- **Skagit County Fire Marshal** – Technical Opinion Report identifying technologies, processes, products, facilities, material, and use of facilities per 2021 International Fire Code Section 10.4.2 prepared by a Washington State certified Fire Protection Engineer is required. Report was received and approved by the Fire Marshal on 09.02.2026.
- **Cascade Natural Gas** – For any future maintenance that may arise, we would like to maintain a minimum of 10'-15' between the pipeline and the northeast corner of the concrete pad.

DEPARTMENT RECOMMENDATION

Based on the findings above, Skagit County Planning and Development Services recommends approval of Special Use Permit PLAN3-2026-0004, subject to the conditions below.

RECOMEMENDED CONDITIONS OF APPROVAL

1. The applicant shall obtain all required permits and approvals prior to beginning construction or site disturbance. Copies of the Hearing Examiner's decision shall be included with and referenced in all subsequent development permit applications.
2. The project shall comply with all applicable provisions of the Skagit County Code, including but not limited to SCC 14.13 (Zoning), SCC 14.30 (Land Disturbance), and SCC 14.32 (Stormwater Management).
3. All stormwater and drainage improvements shall be designed, installed, and maintained in accordance with the approved civil plans and stormwater report prepared by a Washington State licensed civil engineer. Temporary erosion and sediment control measures shall be implemented and maintained for the duration of construction.
4. The proposal must comply with the mitigation conditions listed within the SEPA Threshold Determination (MDNS) issued on June 9, 2026.
5. Development is limited to those activities described in the SEPA checklist, issued development permit approvals, and supporting documents. Significant deviations may require additional review and approval by Skagit County Planning and Development Services.
6. The proposal must comply with WAC 173-60 and SCC 14.20, Performance Standards for noise, vibration, and light conditions.
7. Landscaping shall be installed per the approved Landscaping Plan (Exhibit 13) and inspected prior to final building permit approval and occupancy.
8. All landscaping and screening areas shall be maintained in healthy condition by the property owner. Broken, dead, or diseased trees and shrubs shall be replaced as needed. Landscaping areas shall be kept free of weeds, debris, and trash.
9. Dust control measures must be implemented during grading and construction.
10. Inadvertent Discovery Plan. 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. Should archaeological resources (e.g. shell midden, faunal remains, stone tools) be observed during project activities, all work in the immediate vicinity should stop, and the area should be secured. The Washington State Department of Archaeology and Historic Preservation (Local Government Archaeologist, 360-586-3088) and the following Nations' Tribal Historic Preservation Offices should be contacted immediately in order to help assess the situation and to determine how to preserve the resource(s):

    Upper Skagit Indian Tribe
    Scott Schuyler, Cultural Resources
    sschuyler@upperskagit.com
    Phone: 360-854-7009

    Swinomish Indian Tribal Community
    Josephine Jefferson, THPO
    jjefferson@swinomish.nsn.us
    Phone: (360) 466-7352

    Samish Indian Nation
    Jackie Ferry, THPO
    jferry@samishtribe.nsn.us
    Phone: 360-293-6404 ext. 126

11. All outstanding planning review fees shall be paid prior to final project approval or building permit issuance.

12. Per Skagit County Code 14.06.510-1, the use must be established within 3 years of the date of project or permit approval. Failure to commence the project within three (3) years, or to complete the principal building within three (3) years of commencement, shall result in the approval lapsing pursuant to SCC 14.06.510-1.

APPEAL RIGHTS

This decision may be appealed pursuant to SCC 14.06.410. A written appeal must be submitted within **14 calendar days** of the decision date. Appeals must be filed with Planning and Development Services and include the appeal fee.

Prepared By:

Jeanne Aungst, Associate Planner

Reviewed By:

Robby Eckroth, AICP, Planning Manager