

BEFORE THE SKAGIT COUNTY HEARING EXAMINER
FINDINGS, CONCLUSIONS AND DECISION

Applicant: Skagit County Fire District #13
c/o Chuck Hedlin
P. O. Box 1007
LaConner, WA 98257

Agent: Ravnik and Associates
c/o Heike Nelson
P.O. Box 361/1633 Lindamood Lane
Burlington, WAAA 98233

File No: PL08-0527

Request: Special Use Permit

Location: 17423 Snee-Oosh Road about 1,000 feet east of Indian Road on Fidalgo Island within the Swinomish Indian Reservation. The site encompasses about an acre, within a portion of Sec. 35, T34N, R2E, W.M.

Parcel No: P20820

Land Use Designation: Rural Reserve (RRv)

Summary of Proposal: To build a new fire station facility (major public use) in phases. Phase I will include a fire station building with a footprint of approximately 3,825 square feet, consisting of four truck bays and a two-story office area. Phase II will expand this building by 2,160 square feet. Phase III involves a separate two-story building with a footprint of 3,600 square feet. Asphalt improvements will be made in Phase I, expanded in Phase II, and completed in Phase III.

Public Hearing: After reviewing the report of Planning and Development Services, the Hearing Examiner conducted a public hearing on January 28, 2009.

Decision: The application is approved, subject to conditions.

FINDINGS OF FACT

1. Skagit County Fire District #13 requests a Special Use Permit to build a new fire station facility.
2. The new station will be located at 17423 Snee-Oosh Road, approximately 1,000 feet east of Indian Road on Fidalgo Island within the Swinomish Indian Reservation. It lies within a portion of Sec. 35, T34N, R2E, W.M.
3. The project site is Lot 3, Short Card PL08-0365 proposed by Robert Holt. It is about one acre in size and is currently undeveloped. Snee-Ooosh Road abuts the property on the south.
4. The parcel is designated Rural Reserve (RRv). The new fire station will constitute a major public use of 3,000 square feet or greater. As a result, a Hearing Examiner Special Use Permit is required.
5. The proposed station will replace the existing two-bay fire station located at Hope Island/Snee-Oosh Beach. The new station will provide both an expansion of facilities and a closer location to areas of significant population growth.
6. Parallel review of this application has been conducted by the Swinomish Tribe in accordance with the Memorandum of Understanding between Skagit County and Swinomish Indian Tribal Planning.
7. The facility is proposed for development in three phases. Phase I will include the main fire station building, consisting of four truck bays and a two-story office area. The initial footprint of this building will be 3,825 square feet. Phase I will include approximately 12,579 square feet of impervious asphalt surface for drive lanes and parking. There will be 12 parking stalls. An additional 13,754 square feet to the east, west and north of the building will be surfaced with gravel. Phase I will also include installation of a 3,270 square foot detention pond on the east side of the site and 10,780 square feet of landscaping. A site-screening fence will be placed along the north property line.
8. Phase II of the project will provide a 2,160 square foot expansion to the west end of the Phase I station building. Phase III will involve construction of a separate additional 3,600 square foot building, potentially two-stories high, on the easterly side of the site. Additional asphalt will be installed with each phase.
9. On completion of all three phases, there will be a total of approximately 9,585 square feet of building footprint area, 19,800 square feet of asphalt surfacing, 23 striped parking stalls, 4,600 feet of gravel, the 3,270 foot detention pond, and about 6,700 square feet of landscaping on the project site.

10. The proposal complies with the setbacks, lot coverage, and other dimensional requirements of the Zoning Code.

11. The applicant initially requested 25 years to complete all phases. The County Staff requested that the phasing plan be completed within a maximum of ten years from the date of approval. The applicant has agreed to this.

12. The site is relatively flat, however some grading and filling will be necessary to provide for building sites and to create adequate slope in the parking and drive areas for drainage. Excavation will be required for the detention pond. A Fill and Grade permit application has been submitted.

13. The new facility initially will not be manned on a full-time basis. One or two people will work in the proposed office area approximately eight hours a day, five days per week. Volunteers will be on call every day to come and respond to emergencies at all times. Additional personnel will be onsite for fire station meetings. At present, such meetings occur once a week with from 10 to 20 people attending. Typically the meetings are in the evening. The 12 paved spaces proposed for Phase I parking will be augmented by the availability of the graveled areas.

14. Traffic generated will be limited to the one or two office workers, persons coming in for emergencies, the emergency vehicles, and people attending weekly station meetings. Emergency traffic generated may increase somewhat, but overall the traffic impact of the facility will be slight. Since this new station will provide shorter response times, the time emergency vehicles spend on area roadways should be reduced.

15. There is an existing drainage ditch along the north side of Snee-Ooosh Road. From the project site, connecting roadside ditches convey water easterly approximately $\frac{3}{4}$ mile prior to its entering the Swinomish Channel and Puget Sound. A preliminary drainage analysis has been made. Surface water from the property will be collected by a series of catch basins and conveyed to the detention pond. The detention pond will release water to a control structure that will discharge at pre-project rates to the existing road-side ditch. The proposed storm water facilities will include an oil/water separator vault to accommodate the minimal amount of oils that may accumulate on the impervious surfaces. Petroleum products will be retained by the oil-absorbent pads within the vault. Silt and dirt will settle out.

16. No storage of chemicals, waste oils, solvents, fuel or other petroleum products will be kept at the site. Vehicle fuel will be obtained off site. Vehicle repairs will occur at off-site locations. No significant pollution potential is associated with the project.

17. Electrical service will be provided via existing lines along Snee-Ooosh Road by Puget Sound Energy. Water service will be provided by the Swinomish Utility

Authority through an existing waterline fronting the project area. Sanitary sewer service will be provided by a public system through an existing forcemain fronting the property. Sewage from the buildings will be routed to an onsite pump station that will discharge to the existing forcemain.

18. The application was routed to relevant County departments and their comments are reflected in conditions of approval. The site is not within a flood hazard area. There are no anticipated critical areas impacts.

19. A Mitigated Determination of Non-Significance (MDNS) under the State Environmental Policy Act (SEPA) was issued on October 30, 2008. The MDNS was not appealed. The conditions of the MDNS are standard conditions requiring compliance with existing regulations. They are as follows:

1. Temporary erosion/sedimentation control measures, as approved by the Skagit County Department of Public Works, shall be in place prior to the placement of any fill material. The applicant shall maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County Drainage Ordinance. Said measures shall remain in place until completion of the project.
2. The applicant shall comply with Northwest Clean Air Agency requirements.
3. The applicant shall comply with the provisions of Chapter 14.32 of the Skagit County Code, the Skagit County Drainage Ordinance, as it relates to increased runoff resulting from additional impervious surfaces.
4. The applicant shall comply with Fire Code Standards.
5. An engineered soils compaction report shall be required for all structures placed on fill material.
6. The applicant shall comply with all relevant provisions of 14.24 of the Skagit County Code (Skagit County Critical Areas Ordinance).

20. The criteria for Special Use Permit approval are set forth at SCC 14.16.900(1)(b)(v), as follows:

- (a) The proposed use will be compatible with existing and planned land use and comply with the Comprehensive Plan.
- (b) The proposed use complies with the Skagit County Code.
- (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 standards of SCC 14.16.840.

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

(e) Potential effects regarding the general public health, safety, and general welfare.

(f) For special uses in ... Natural Resource Lands ..., the impacts on long-term natural resource management and production will be minimized.

(g) The proposed use is not in conflict with the health and safety of the community.

(h) The proposed use will be supported by adequate public facilities and services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.

21. The Staff Report analyzes the application in light of the above criteria and finds that, as conditioned, the project will be consistent with them. 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.

22. There was no public comment on this proposal, either in writing or at the public hearing.

23. Swinomish Indian Tribal Planning has completed its review of this project. The Tribal community has recommended approval with conditions. Their conditions do not conflict with the conditions recommended by County Staff.

24. Far from adversely affecting the health and safety of the community, the new fire station will affirmatively serve those ends. The populations which it more conveniently serves include a high percentage of older people. Around 80% of the calls received by the present station are medical emergencies. This new more centrally located facility will provide quicker and more effective emergency response.

25. 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 persons and the subject matter of this proceeding. SCC 14.06.050(1)(b).
2. The proposal constitutes a “major public use” of 3,000 square feet or greater. As such, it requires a Hearing Examiner Special Use Permit under SCC 14.16.320(4)(s).
3. As conditioned, the proposal meets the requirements for issuance of a Special Use Permit. SCC 14.16.900(1)(b)(v).
4. The requirements of SEPA have been met.
5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

CONDITIONS

1. The project shall be constructed as described in the application materials, except as the same may be modified by these conditions.
2. The applicants shall obtain building permits and any other necessary approvals.
3. A grading permit is required for construction of the detention system and an engineered drainage analysis shall be submitted with the initial building permit application.
4. The applicant shall complete the phasing plan within a maximum of ten years.
5. The applicant shall comply with all applicable State and County regulations, including but not limited to, Chapter 14.16 SCC (zoning), SCC 14.16.840 (performance standards), Chapter 173-60 WAC (noise), Chapters 173-200 and 201A WAC (water quality).
6. The applicant shall comply with all conditions of the Mitigated Determination of Non-Significance (MDNS) issued on October 30, 2008.
7. The applicant shall comply with all conditions imposed by the Swinomish Tribe. All installations required by the Swinomish Utility Authority for full service shall be installed and accepted per Chapter 12.48 SCC prior to project completion and occupancy.
8. Wash-down and cleaning of vehicles shall be on paved surfaces and drainage from such activities shall be directed to the on-site drainage system and not directly to

ditches. Discharges may require a permit from the Washington State Department of Ecology.

9. Any of this phased development that includes kitchen facilities shall be approved by the Skagit County Public Health Department.

10. The project shall be commenced with two years of permit approval.

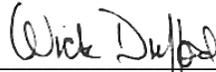
11. Land use review fees shall be paid prior to building permit approval.

12. Failure to comply with any condition may result on permit revocation.

DECISION

The application for a Special Use Permit (PL08-0527) is approved, subject to the conditions set forth above.

DONE this 10th day of February, 2009



Wick Dufford, Hearing Examiner

RECONSIDERATION/APPEAL

As provided in SCC 14.06.180, a request for reconsideration may be filed with Planning and Development Services within 10 days after the date of this decision. As provided in SCC 14.06.120(9), the decision may be appealed to the Board of County Commissioners by filing a written Notice of Appeal with Planning and Development Services within 14 days after the date of the decision, or decision on reconsideration, if applicable.