

NOTICE OF DECISION

BEFORE THE HEARING EXAMINER OF SKAGIT COUNTY

Applicant: Skagit County Fire District (Big Lake) #9
c/o Bruce Thomson
16822 West Big Lake Boulevard
Mount Vernon, WA 98274

Agent: Summit Engineers and Surveyors
c/o Young-Soo Kim
2218 Old Highway 99 South Road
Mount Vernon, WA 98273

Request/File No: Special Use Permit, PL12-0036

Location: 16818 and 16822 West Big Lake Boulevard, within a portion of
Sec. 25, T34N, R4E, W.M.

Land Use Designations: Rural Village Residential and Rural Reserve

Summary of Proposal: To construct and operate a new fire station encompassing
approximately 20,000 square feet on a four-acre open space
tract associated with the Ladum Estates subdivision (PL12-0017).
The project will include an impervious personnel training area
that can also be used as an overflow parking area for the Fire
District and the public, including Big Lake Elementary School.

SEPA Compliance: Mitigated Determination of Non-Significance (MDNS) issued
May 3, 2012. No appeals.

Public Hearing: July 25, 2012. One member of the public testified. Planning and
Development Services (PDS) recommended approval.

Decision: Approval, subject to conditions

Reconsideration/Appeal: A Request for Reconsideration may be filed with PDS within 10
days of this decision. The decision may be appealed to the Board
of County Commissioners by filing an appeal with PDS within 14
days of the date of decision or decision on reconsideration, if
applicable.

Online Text: The entire decision can be viewed at:
[www.skagitcounty.net/hearing examiner](http://www.skagitcounty.net/hearing_examiner)

FINDINGS OF FACT

1. Skagit County Fire District (Big Lake) #9 seeks a Special Use Permit to build and operate a new fire station on a portion of the open space associated with the preliminarily approved Ladum Estates subdivision.
2. The overall site is at the northwest corner of the road intersection of West Big Lake Boulevard and Lake View Boulevard, lying northwest from the Big Lake Elementary School. The address is 16818 and 16822 West Big Lake Boulevard. The property is within a portion of Sec. 25, T34N, R4E, W.M. (Parcels P27834 and P67140.) Nookachamps Creek is located approximately a quarter mile east of the site and Big Lake is located approximately a quarter mile south of the site.
3. In total, the site consists of 22 acres within two zoning designations divided along the Sewer District #2 boundary. The westerly 2/3 will be developed into 12 single family residential lots (PL12-0017). 4.385 acres of the easterly portion are proposed for a Public Tract (Tract B) that will be the site of the new fire station. The area where the new station will be built is zoned as Rural Village Residential (RVR).
4. The existing fire station is located on property (P67140) located immediately adjacent to the south of the Ladum parcel. This parcel has been combined with the Ladum property and is included in the density calculation for the residential land division.
5. Upon preliminary plat approval, the plan is to deed Tract B of the subdivision to Fire District use. The proposed new facility will consist of a 20,000 square-foot building and an impervious area to be used for fire-fighter and emergency personnel training.
6. The tract where the new fire station will be contains a barn, shed and residence, all of which will be demolished. Animals which have been kept on the property will be removed.
7. The new fire station will be served by public water and the existing public sewer. There is adequate capacity for this development. A water line meeting PUD requirements will need to be installed. Along with the adjacent subdivision, the fire station development will meet County drainage requirements.
8. There are 38 volunteers involved with the Fire District. Normally the new facility will be manned by three or four volunteers. The number will, of course, increase during training activities. The station will operate seven days a week, 24 hours a day. There will be three eight-hour shifts daily.
9. The site will be accessed off the north side of West Big Lake Boulevard. Fire station related traffic will consist of employee/volunteer vehicles with occasional fire truck and emergency vehicle use. A site plan shows parking along the front near the street for day-to-day business, and parking in the rear for fire district training.

10. Apart from the fire station use, the building will also be used for public meetings, and the property will serve more generally as a community facility. The northern (rear) parking area is intended for overflow parking for community members attending Big Lake Elementary School events. The community will be encouraged to use this parking for such events instead of parking along West Big Lake Boulevard within County road right-of way. Providing a safe walkway and street crossing for children has been conditioned as a part of the land division approval.

11. The open space function will further be served by requiring the facility to provide recreational amenities, such as basketball hoops and playground equipment. Landscaping will be added along the front (south) and east property lines.

12. Environmental review of the applications was performed pursuant to the State Environmental Policy Act (SEPA). As a result a Mitigated Determination of Non-Significance (MDNS) was issued on May 3, 2012. The MDNS was not appealed. The following conditions were imposed:

- a. 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 Ordinances. Said measures shall remain in place until completion of the project.
- b. The applicant shall comply with all Northwest Clean Air Agency requirements.
- c. The applicant shall comply with the provision of Chapter 14.32 of the Skagit County Code, the Skagit County Drainage, Water, Sedimentation Control Ordinance, as it relates to increased runoff resulting from additional impervious surfaces.
- d. The applicant shall comply with Fire Code Standards.
- e. An engineered soils compaction report shall be required for all structures placed on fill material.
- f. The applicant shall comply with all relevant provision of 14.24 of the Skagit County Code (Skagit County Critical Areas Ordinance).
- g. The proposal shall comply with **all** applicable requirements of SCC 14.16 and SCC 14.18. Most notably, SCC 14.16.830 Landscaping, SCC 14.16.840, Performance Standards, and SCC 14.16.850, General Provisions.
- h. This project may be subject to one of Ecology's National Pollutant Discharge Elimination System (NPDES) permits. A Construction Stormwater General or

Industrial Permit may be required by the Department of Ecology (WSDOE) for this project. Contact the WSDOE Bellingham Field Office at (360) 715-5200 to determine if an NPDES permit is required.

i. 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. 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. If following consultation with the above parties it is determined that an archaeological and cultural resource assessment is 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.

13. Neither of the two wetlands that are located on the overall 22 acre site are situated on Tract B where the fire station is proposed.

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

15. The Staff Report analyzed the application in light of the Code requirements for Special Use Permit approval and determined that, as conditioned, the project will comply with the requirements. 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.

16. The hearing was properly noticed as required by law. There only public testimony was a private concern about moving animals from the site. There was one letter which questioned the use being made of open space.

17. 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 subject matter of this proceeding. SCC 14.06.050(1)(b)(2).

2. The requirements of SEPA have been met.

3. The proposed 20,000-square-foot facility is a major public use by definition. SCC 14.04.020.

4. A major public use is approvable as a special use in the Rural Village Residential zone, after a hearing examiner hearing. SCC 14.16.310(4)(f).

5. The Examiner concludes that the project, as conditioned, meets the requirements for Special Use Permit approval. SCC 14.16.900(1)(b)(v).

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

CONDITIONS

1. The applicant shall construct and operate the facility in accordance with the application materials, except as the same may be modified by these conditions.

2. The applicant shall obtain all necessary permits and approvals, including but not limited to grading and building permits.

3. The applicant shall comply with all conditions set forth in the MDNS issued May 3, 2012. (See Finding 12 above.)

4. The applicant shall comply with applicable County Code requirements, including, but not limited to Chapter 14.24 SCC (Critical Areas), Chapter 14.16 SCC (Zoning). Particular attention is directed to SCC 14.16.840 (Performance Standards).

5. The applicant shall comply with applicable State regulations, including but not limited to Chapter 173-60 (Noise), Chapters 173-201A and 173-200 (Surface and Ground Water Quality).

6. The applicant shall obtain approval of sewage disposal from the Big Lake Sewer District prior to obtaining a building permit.

7. The applicant shall obtain approval with regard to all PDS Health Unit (water and septic) and Skagit County Health Department conditions prior to obtaining a building permit. These include, but are not necessarily limited to:

- (a) A water line, sized and controlled per PUD requirements shall be in place;
- b) Any change of use (e.g., public meetings) from those of the original fire hall must meet any new requirements of the PUD. (Written confirmation of compliance with PUD requirements shall be submitted to PDS.)
- c) A hydro-geo report per SCC 14.24.330-2a shall be submitted.
- d) No equipment maintenance shall occur in the new building that affects water quality. Cleaning/washing of equipments shall occur on hard surfaces that collect and treat runoff.
- e) Mitigation for exceeding the 5% impervious surface threshold in a low flow SWSL area shall be identified.

f) The Health Department shall be advised of proposed kitchen or food facilities and the applicant shall obtain approval for same.

Additional information that arises during the review process may trigger supplemental information requests.

8. The applicant shall provide some type(s) of recreational amenity(ies) for the public and advise PDS of same.

9. Landscaping shall be provided in accordance with SCC 14.16.830 (combination of Types II, III and IV).

10. All outstanding review fees shall be paid prior to final approval.

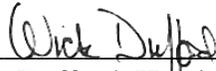
11. This permit shall be void if the use permitted has not been established or a complete building permit filed with PDS within two years of permit approval.

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

DECISION

The requested Special Use Permit (PL12-0036) is approved, subject to the conditions set forth above.

DONE, this 22nd day of August, 2012



Wick Dufford, Hearing Examiner

Transmitted to Applicant and interested parties on August 22, 2012.

See Notice of Decision, Page 1, for Reconsideration and Appeal information.