

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

**FINDINGS, CONCLUSIONS AND DECISION**

**Applicant:** Skagit County Fire District #2  
c/o Ken Anderson  
15908 McLean Road  
Mount Vernon, WA 98273

**Agent:** Quentin Sutter  
Carletti Architects, P.S.  
116 E. Fir Street, Suite A  
Mount Vernon, WA 98273

**File No:** PL09-0371

**Request:** Special Use Permit

**Location:** Between 15127 and 15195 State Route 536 (Memorial Highway).  
Lot 1 of SP #PL08-0093, within a portion of the S1/2SW1/4 Sec.  
10, T34N, R3E, W.M.

**Parcel No:** P21348

**Land Use Designation:** Agricultural-Natural Resource Land (AG-NRL)

**Summary of Proposal:** To construct a satellite fire station as a Major Public Use. Phase I will include a 3,120 square foot equipment building with two bays, a concrete apron, septic system, water detention vault and gravel parking. Phase II will include a 2,000 square foot sleeper building and a 3,000 square foot administration building.

**Public Hearing:** After reviewing the report of Planning and Development Services, the Hearing Examiner conducted a public hearing on February 10, 2010.

**Decision:** The application is approved, subject to conditions.

## **FINDINGS OF FACT**

1. Fire District #2 seeks a Special Use Permit to build a new satellite fire state near the urban growth and industrial areas on Bayview Ridge.

2. The proposed site is on the north side of the Memorial Highway (State Route 536), a short distance south of Highway 20. The property is situated within a portion of S1/2SW1/4 Sec. 10, T34N, R3E, W. M.

3. The site comprises approximately 2.8 acres of ground and is undeveloped and generally flat. It was used in the past a stock pile area for the adjacent turf farm. The proposed fire station will not displace the growing of crops.

4. The property is basically rectangular, measuring 473 feet along the south (highway) boundary, 220 along the west, 484 feet along the north and 304 feet along the east. A 50-foot access and utility easement runs north-south along the west property line.

5. The initial construction (Phase I) will involve two fire apparatus bays located in a 60-foot by 52-foot structure in the southeast part of the lot. The building will include some minor storage, a decon area and one office. Space will be left for a connected third bay in the future. A cement apron providing access to Memorial Highway will be placed in front of the apparatus bays. Four parking stalls adjacent to the building will be set aside for the first response team. Additional parking will be in a gravel lot off Access Road which runs across the north boundary of the site.

6. Ultimately, a 2,000-square-foot sleeper building and 3,000-square-foot administration building will be built behind the apparatus bays (Phase II). The sleeper will include a kitchen, day room and wash room facilities. The admin building will include training space and offices for report writing. To provide parking for these structures, the gravel lot off Access Road will be converted to asphalt.

7. The activities at the site will be limited to fire fighter response and training. There are no plans for use of the buildings for public meetings or other functions of the general community. The typical response will be from 6 to 10 fire fighters.

8. The architecture of the new structures will reflect the rural barn/agricultural look of the surrounding area. Green design will be included through site orientation, use of local materials, and use of energy efficient appliances. A landscaping plan for Phase I was submitted, showing a Type 2 buffer along the east side of the apron and a Type 3 buffer along the highway in front of the building.

9. To the west of the equipment bays will be a new detention pond constructed in Phase I for stormwater. Stormwater will be collected in catch basins, treated in a bioswale and detained in a pond in the western portion of the site, prior to discharge to an existing roadside ditch. Vehicle washing will take place on the concrete apron in front of the apparatus bays. Drainage from the apron will run through a mechanical water treatment facility (oil/water separator) prior to discharge to the ditch.

10. The new satellite station will supplement the facilities at the existing Beaver Marsh Road station. The existing station will serve everything south of McLean Road. The new station will serve the north end of the district.

11. Public Works expressed no concerns about traffic conflicts or road capacities. The Washington State Department of Transportation (WSDOT) must issue an access connection permit for the facility, but preliminarily there are no indications of problems. The location is optimally situated for quick response to the area to be served.

12. Public water is available to the site. The plans include septic tank and drainfield facilities for sanitary sewage to be built during Phase I. A septic system evaluation has been approved for the property.

13. To the west and south of the subject site is prime farm land which does not offer suitable sites for the proposed satellite station. Access to sites on or north of Highway 20 would be difficult for fire fighters called in, likely increasing response time. To the east is more farm land as well as residential and business properties which are unsuitable. The Examiner finds that there is no other viable parcel of non-resource designated land to serve the affected area. The specific site, though designated AG-NRL, is not being used for agricultural production.

14. The site is part of a three-lot land division for which reduced lot size was allowed in anticipation of the proposed public safety use. The lot may not be converted to residential use without a Comprehensive Plan amendment. The proposed satellite fire station conforms to the Code definition of Major Public Use (over 3,000 square feet of gross floor area).

15. The application was deemed complete on November 6, 2009, and a Notice of Development Application was posted, published and mailed on November 12, 2009. No comments were received.

16. A Determination of Non-Significance (DNS) under the State Environmental Policy Act (SEPA) was issued on December 12, 2009. The appeal period ended January 11, 2010. The DNS was not appealed There were no public comments.

17. The application was circulated to various County departments. Their comments are reflected in conditions of approval. No objections were registered by the relevant drainage district. There was no public testimony at the hearing.

18. The general 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 use in . . . Natural Resource Lands, the impacts of 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 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.

18. The Staff Report analyzes the application in light of the above criteria and finds that, as conditioned, the proposal will conform to 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.

19. 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(b)(ii).

2. The requirements of SEPA have been met.

3. The proposed satellite fire station is a Major Public Use as defined by SCC 14.04.020.

4. A Hearing Examiner Special Use Permit is required for a Major Public Use in an AG-NRL zone. SCC 14.16.400(4)(f). Such a use may only be allowed where there is no other

viable parcel of non-resource designated land to serve the affected area. As found above, there is no other viable parcel here.

5. The proposal, as conditioned, meets the criteria for approval of a Special Use Permit. 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 project shall be constructed and operated as described in the application materials, except as the same may be modified by these conditions.

2. The applicant shall obtain all other necessary permits and approvals and abide by the conditions of same.

3. The buildings shall meet the standards of Chapter 14.34 SCC, Flood Damage Prevention.

4. The applicant shall comply with SCC 14.16.830(6) (landscaping).

5. The applicant shall comply with all other applicable regulations and statutes, including but not limited to, SCC 14.16.840 (performance standards), Chapter 173-60 WAC (minimum noise levels), Chapters 173-200 and 201A WAC (surface and groundwater quality).

5. Prior to issuance of a building permit,

(a) the applicant shall submit to Public Works a storm-water/drainage report addressing water quantity and quality for storm-water and groundwater. WSDOT shall also review and approve the storm-water/drainage report.

(b) a geotech report addressing liquefaction potential shall be submitted and approved.

(c) an approval of the septic design shall be obtained.

(d) the applicant shall obtain an access connection permit from WSDOT.

6. All outstanding permit fees shall be paid prior to final approval of the building permit.

7. Planning and Development Services shall be notified within 30 days after any change in ownership of the parcel by submitting a letter to the Planning Director referencing PL09-0371.

8. Per SCC 14.16.900(1)(d) this permit shall be void if the use permitted has not been established or a complete building permit has not been filed within two years of permit approval.

9. Per SCC 14.16.900(1)(d)(i) Subsequent phases for the subject project shall be commenced or constructed with the time frames established in the phasing plan, or absent a phasing plan, within six years.

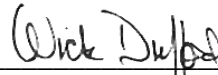
10. A copy of this permit decision shall be submitted with the building permit.

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

### **DECISION**

The requested Special Use Permit (PL09-0371) is approved, subject to the conditions set forth above.

**DONE** this 1<sup>st</sup> day of March, 2010.



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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.