

**NOTICE OF DECISION**

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

- Applicant:** Skagit Transit  
c/o Carolyn Chase  
600 County Shop Land  
Burlington, WA 98233
- Request:** Special Use Permit, PL15-0310
- Location:** 11784 Bay Ridge Drive, within a portion of Sec. 34, T35N, R3E,  
W. M. Parcel Nos: P121434, P121435
- Land Use Designation:** Bayview Ridge Light Industrial (BR-LI)
- Summary of Proposal:** Relocation of Skagit Transit Maintenance, Operations and Administration base to the soon-to-be-vacant FedEx site. Skagit Transit hopes to purchase a portion of abutting property in the near future to use for additional parking, maneuvering and fueling.
- SEPA Compliance:** Determination of Non-Significance (DNS) issued July 28, 2015. No comments. No appeals.
- Public Hearing:** September 23, 2015. Testimony by staff and applicant. No public testimony. Planning and Development Services recommended approval.
- Decision/Date:** The application is approved, subject to conditions. October 12, 2015.
- Reconsideration/Appeal:** Reconsideration may be requested by filing with PDS within 10 days of this decision. Appeal is to the Board of County Commissioners by filing with PDS within 14 days of this 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 Transit seeks approval for the relocation of its Maintenance, Operations and Administration base (MOA) to the Bayview Ridge industrial area. The facility is currently in Burlington.
2. The property involved is located at 11784 Bay Ridge Drive, within a portion of Sec. 34, T35N, R3E. W. M. The parcel numbers are P121434 and P121435. The site comprises 7.4 acres. It is within the Bayview Ridge Light Industrial (BR-LI) zone.
3. The location is on the north side of Peterson Road along the west side of Bay Ridge Drive. Port of Skagit County Bayview Business Park property is located immediately to the west. Some of the surrounding parcels are occupied by industrial uses. Others remain undeveloped.
4. The site is currently used as a ground distribution center by FedEx. It is expected that Fed Ex will vacate the site in the fall of 2015 or early winter.
5. Skagit Transit plans to purchase a portion of abutting property to the north (P127387) to be used eventually for additional parking, maneuvering and fueling.
6. Existing on-site improvements include a building, parking areas, fencing, stormwater detention, lighting and underground utilities. A critical areas buffer exists on the property, associated with wetlands located on the Port of Skagit property to the west.
7. The site is now 80-90% covered with impervious surface and is fenced. It is served by public sewer and water. More impervious surface will be added to the parcel to the north, when and if purchased.
8. Skagit Transit operates fixed route commuter bus and paratransit services, and a commuter van program. Over the next six years, plans are to modestly expand service to underserved and unserved urban areas and to high-demand rural areas.
9. Presently, most customer interactions occur at Skagit Station in downtown Mount Vernon or by phone and email. A small number of customers (probably less than seven per day) come to the MOA to apply for paratransit service, purchase bus passes, apply for reduced fare cards or make vanpool payments. This situation is expected to continue in the future.
10. Skagit Transit currently has 121 full-time and part time employees. At least 70 of these are driver operators who report in and out of the MOA at the beginning of shifts but perform 95% of their work offsite. The transit service operates seven days per week with reduced service on weekends. Driver shifts begin and 4 am and end at 9 pm. Except for drivers and personnel at the Skagit Station, employees of the organization work at the MOA.

11. The shift to the new MOA base is slated to occur over a period of about six years. Initially, after permitting and purchase, Skagit Transit will begin using the property for storage of surplus vehicles and for use by the Facilities Maintenance Department. Phase II (2017-2020) will involve engineering and design of renovations and fueling station. Phase III (2018-2021) will be the construction phase.

12. Projections are that the Skagit Transit MOA will generate an average of 297 vehicle trips per day -- 72 of these being buses and heavy trucks. It is anticipated that the existing external road system can readily accommodate the impact of this traffic. Further, no immediate need to change the existing internal road system has been identified. The site currently has a 150-space employee parking area to the west of the building and 35 trailer and tractor parking spaces to the south. Unmarked trailer parking is also available on paved space north of the building. Existing parking is considered more than adequate to cover staff, fleet and visitor parking.

13. The future construction of a fueling station, additional parking and additional maneuvering area will require additional internal circulation. No plans have, as yet, been developed for this future phase. Acquisition and development of the northerly parcel will likely require building and grading permits.

14. Critical areas review relevant to the site was conducted in relation to prior development. A Protected Critical Area (PCA) site plan identifies the wetland to the west of the property and establishes a 50-foot buffer from the west property line. The immediate project proposes no impacts on the PCA. Expansion of the site to the north may not be allowed to impact the buffer.

15. The application was deemed complete on July 6, 2015. Notice was given as required by law. No public comments were received on the project. Environmental review under the State Environmental Policy Act (SEPA) resulted in issuance of a Determination of Non-Significance (DNS) on July 28, 2015. No comments and no appeals were received.

16. The application was circulated to relevant government departments. None had objections. Environmental Health noted that a well site review is required with the building permit for change of use/occupancy.

17. The application was reviewed by Staff for compliance with the approval criteria for Special Uses. The Staff concluded that, as conditioned, the proposal will meet the criteria. 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.

18. The proposed change of use for this previously developed property is compatible with existing and planned land use and with the Comprehensive Plan. The new use can be accommodated by existing infrastructure. Environmental impacts will be similar to the impacts of the current FedEx tenant. The project will have no impact on existing farmland or forest lands.

19. The applicant states that regulations for the handling of fuels and hazardous materials will be complied with.

20. 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)(ii).

2. The MOA base is a major public use. SCC 14.04.020. In the Bayview Ridge Light Industrial zone, major public uses are special uses requiring Hearing Examiner approval. SCC 14.16.180((5)(a).

3. The requirements of SEPA have been met.

4. As conditioned, the proposal meets the special use approval criteria. SCC 14.16.900(1)(b)(v).

5. Any finding herein 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 necessary permits prior to commencement of use of the site.

3. The applicant shall comply with all applicable regulations, including but not limited to, SCC 14.16.840 (performance standards), Chapter 172-60 WAC (noise), Chapters 173-200 and 173-201A WAC (water quality). ;

4. There shall be no impacts to the existing Protected Critical Area (PCA) easement. If the proposed expansion to the north occurs (Parcel: P127387), the 50-foot buffer must not be impacted by the development.

5. A building permit is required for the proposed change of use/occupancy. A well site review per SCC 14.24.330(2)(a) shall be required for this permit.

6. A building permit shall be required for any tenant improvements or modifications.

7. Approval shall not be final until all permit review fees are paid.

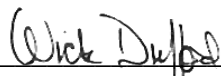
8. This permit shall be void if the project has not been commenced within two years of permit approval.

9. Failure to comply with any permit conditions may result in permit revocation.

### **DECISION**

The requested Special Use Permit (PL15-0310) is approved, subject to the conditions set forth above.

**DONE**, this 12<sup>th</sup> day of October, 2015

  
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Wick Dufford, Hearing Examiner

Transmitted to Applicant October 12, 2015

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