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AFTER RECORDING RETURN TO:  
SKAGIT COUNTY HEARING EXAMINER  
302 SOUTH FIRST STREET  
MOUNT VERNON, WA 98273

DOCUMENT TITLE: ORDER ON CU 02.0207 CONDITIONAL USE PERMIT

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: CITY OF SEDRO WOOLLEY FIRE DEPARTMENT

ASSESSOR PARCEL NO: P119441

ABBREVIATED LEGAL DESCRIPTION: The proposed project is located at the northwest corner of the intersection of South Third Street and Morris Street; within the SE ¼ of the NW ¼ of Section 25, Township 35 North, Range 04 East, W.M., Skagit County, Washington.

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

**FINDINGS, CONCLUSIONS AND DECISION**

**Applicant:** Todd Olsen  
City of Sedro-Woolley Fire Department  
P. O. Box 659  
Sedro-Woolley, WA 98284

**File No:** PL 02-0207

**Request:** Conditional Use Permit

**Location:** Northwest corner of the intersection of South Third Street and Morris Street, within a portion of the SE1/4NW1/4, Sec. 25, T35N, R4E, WM.

**Summary of Proposal:** To establish a live fire training facility on approximately 3.5 acres of a six acre parcel within the Sedro-Woolley Urban Growth Area.

**Land Use Designations:** Comprehensive Plan: Sedro-Woolley Urban Growth Area  
Zoning: Open Space

**Public Hearing:** After reviewing the report of the Planning and Permit Center, the Hearing Examiner conducted a public hearing on February 12, 2003.

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



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## FINDINGS OF FACT

1. The Sedro-Woolley Fire Department seeks approval of a Conditional Use Permit for a live fire training facility within the Urban Growth Area (UGA) for the city of Sedro-Woolley.

2. Development of land in Skagit County that is located within a UGA is governed by the County-adopted provisions of the applicable City Code. Included in the adopted County regulations are the provisions of Title 17, Zoning, of the Sedro-Woolley Municipal Code (SWMC). See SCC 14.02.040

3. The property is located at the northwest corner of the intersection of South Third Street and Morris Street, within a portion of the SE1/4NW1/4, Sec. 25, T35N, R4E, WM. This location is within an Open Space (OS) zone under the SWMC. It is also within the floodplain.

4. The SWMC requires a special permission for development in the floodplain. The applicant, the City, and the County have requested that the project be subject to Conditional Use Permit approval.

5. The subject property is about six acres in size, oriented north/south, with a panhandle in the northern portion. The project site is approximately 3.5 acres located in the southern portion of the property, an area which is largely flat and covered with grass.

6. The northeast corner of the project site slopes gently towards a wetland that dominates the northern panhandle. A large screen of vegetation has recently been planted along the perimeter of the project area.

7. The properties to the west, east, and south are thinly developed with single-family residences. There are at present no buildings on the subject property. Public water (PUD) is available in the vicinity.

8. Live fire training on site will include facilities for fighting structure fires, car fires and dumpster fires. This kind of training is required annually by the State for all firefighters. Presently, the nearest center for such training is located in North Bend. It is a hardship, particularly for smaller departments in Skagit County, to take personnel away from duty for the time needed travel to and fro and use the North Bend facilities.

9. If funds are available, the goal is to install a Pre-designed Model Facility (a two-story training tower) on site for structural fire training. In the alternative 40-foot cargo containers can be used. Clean pallets will be stored on the property and burned in the structure fire prop. In addition there will be two car and two dumpsters on site with propane piped into them for clean safe burns. All props will be on concrete slabs.



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10. An annual permit authorizing clean burning shall be obtained from the Northwest Air Pollution Authority. NWAPA has endorsed the application for the facility. During burns a safety officer will be stationed at the propane shut off valve.

11. In addition to the burn props, there will be a storage structure, a gravel parking lot, and an apparatus staging area. The parking and training areas will be lighted. Port-a-potties with self-contained hand washing facilities will be installed. There will be garbage cans and a dumpster for ashes and charred wood generated during the burns. Storage will be provided for fire hoses, bunker gear, tools, and appliances. A 1,500 gallon portable tank will be available for drafting water training. The storage structure will have an awning to provide shade for "rehabbing" fire fighters.

12. Tank water from fire engines will be used to extinguish fires and for equipment clean up. PUD water will be use for hand washing and watering the grounds.

13. The nearest approach of any training area to a property boundary will be 65 feet from the west property line. Trees will provide a screen along this boundary. A chain link fence will surround the entire project area. There will be a single access from Third Street on the east side.

14. The applicant hopes to make the facility available for use by other fire departments in the County and beyond. The estimate is that no more than 40 fire fighters will ever be on the site at one time. The facilities will be a maximum of 36 times a year. The proposed hours of operation are 7-10 p.m. on weekdays, and 7 a.m. to 7 pm. on Saturdays. There may be occasional daytime drills during the week.

15. The site design and hours of operation have been planned to minimize any disturbance to neighbors. The site was formerly used for the wastewater treatment plant for Sedro-Woolley which has since been removed. The former use elicited some complaints. However, neighbors were contacted about the fire training facility and no one opposed the project.

16. Flooding of the site is common. The structures located on the training site will all be designed to pass flood waters. They will be anchored to concrete slabs to prevent them from moving during flood events. The flooding that occurs is of the back water type, so that velocities are generally not significant.

17. Visual impacts will be minimized by keeping the grounds clean and by the vegetative buffer. No sirens will be used and no noise will be generated after 10 p.m.

18. A Mitigated Determination of Non-Significance (MDNS) was issued under the State Environmental Policy Act (SEPA) on November 28, 2002. The MDNS was not appealed. The following conditions were attached:



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- (a) The applicant shall comply with Skagit County Code 14.24 Critical Areas.
- (b) The applicant shall comply with Northwest Air Pollution Authority requirements.
- (c) The applicant shall comply with the 1992 DOE Stormwater Drainage Manual.
- (d) The hours of operation will need to be consistent with City of Sedro-Woolley Municipal Code Title 9.45 Public Disturbance.

19. The application was reviewed for consistency with the Skagit County Critical Areas Ordinance, SCC Chapter 14.24. Fish and Wildlife and Wetland Site Assessment reports were required. A report covering these matters was submitted by Advanced Environmental Solutions in December of 2002. The proposed project does not directly impact the wetland, on-site drainage or associated buffer areas. After Staff review, the following conditions are recommended:

- (a) Per SCC 14.24.170(1)(d) permanent buffer edge markers must be placed at the edge of the Protected Critical Area (PCA) boundary (along the 100-foot wetland buffer). The applicant may choose to place a fence along this buffer edge instead of placing sign posts.
- (b) A PCA site plan must be recorded at the County Auditor's office per SCC 14.24.170(1)(b).

The evidence is that the site plan has already been recorded.

20. The property is located within an A-7 flood hazard zone and is adjacent to land designated Agriculture-NRL. County regulations regarding such lands will have to be complied with.

21. SWMC 17.56.060 lists the standards for approval of a Conditional Use Permit. The criteria are:

- A. Conforms to the comprehensive plan;
- B. Is compatible with the surrounding area, that is, causes no unreasonable adverse impacts;
- C. Is well-planned in all respects so as to be an asset to the community.

22. The City Staff's analysis of the project in light of these criteria is contained in the Staff Report. They find that, as conditioned, the proposal will meet the criteria. The County staff agrees with the City's analysis. The Examiner likewise concurs in this analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

23. There was no adverse public comment on this proposal. Representatives of several firefighting organizations appeared and testified that the facility is needed and that it will significantly improve the ability of department's in the area to provide effective training.



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

## CONCLUSIONS

1. The Hearing Examiner has jurisdiction over the persons and the subject matter of this proceeding.

2. The requirements of SEPA have been met.

3. With the conditions set forth below, the proposal will consistent with the requirements for a Conditional Use Permit under SWMC 17.56.060, and a Conditional Use Permit, so conditioned, should be approved.

4. The following conditions should be imposed:

(1) The project shall be installed and operated as described in the drawings and other material submitted with the application, except as the same may be modified by these conditions.

(2) The applicant shall comply with the Skagit County Code provisions related to Flood Damage Prevention.

(3) The project shall comply with the terms of the Protected Critical Area Site Plan. Per SCC 14.24.170(1)(d) permanent buffer edge markers must be placed at the edge of the PCA boundary (along the 100-foot wetland buffer). The applicant may choose to place a fence along this buffer edge instead of placing sign posts.

(4) The applicant shall obtain all other applicable permits (e.g., building permit, access permit).

(5) The applicant shall comply with the provisions of SCC 14.16.870, Notification of Development Activities on or Adjacent to Designated Natural Resource Lands.

(6) The applicant shall comply with the conditions set forth in the MDNS (see Finding 18) issued on November 7, 2002.

(7) The applicant shall cause a drainage plan to be prepared for this project by a licensed engineer and shall comply with its terms.

(8) This conditional use permit shall be void if substantial progress toward



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construction of improvements is not made within two (2) years of the date of approval or if the use has not commenced within five (5) years thereof.

(9) Prior to the issuance of any permit or the start of operations, any outstanding planning review fees shall be paid in full.

(10) Failure to comply with any of the conditions of this permit may result in its revocation.

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

### DECISION

The requested Conditional Use Permit is approved, subject to the conditions set forth in Conclusion 4 above.

*Wick Dufford*

Wick Dufford, Hearing Examiner

Date of Action: February 25, 2003.

Copies Transmitted to Applicant: February 25, 2003.

Attachment: Staff Report

### RECONSIDERATION/APPEAL

As provided in SCC 14.06.180, a request for reconsideration may be filed with the Planning and Permit Center 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 the Planning and Permit Center within 14 days after the date of the decision, or decision on reconsideration, if applicable.



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SKAGIT COUNTY PLANNING & PERMIT CENTER

FINDINGS OF FACT

**HEARING AUTHORITY:** SKAGIT COUNTY HEARING EXAMINER  
**HEARING DATE:** February 12, 2003  
**APPLICATION NUMBER:** PL02-0207  
**APPLICANT:** Todd Olsen  
City of Sedro-Woolley Fire Department  
**ADDRESS:** PO Box 659  
Sedro-Woolley, WA 98284

**PROJECT DESCRIPTION:** Conditional Use Request for a Live Fire Training Facility located within the urban growth area for the City of Sedro-Woolley. The subject property is approximately 6 acres in size and the proposed use will occupy approximately 3 acres of the total property.

**PROJECT LOCATION:** The proposed project is located at the northwest corner of the intersection of South Third Street and Morris Street; within a portion of the SE ¼ of the NW ¼ of Section 25, Township 35 North, Range 04 East, W.M., Skagit County, Wa.

**ASSESSOR'S ACCOUNT NUMBER:** 350425-2-008-0004,  
**P# Number:** P#119441

**ZONING:** Open Space

**COMPREHENSIVE PLAN:** Urban Growth Area City of Sedro-Woolley

**RECOMMENDATION:** The Planning & Permit Center in conjunction with the City of Sedro-Woolley recommends **approval** of a Conditional Use permit for a Live Fire Training Center, subject to conditions and modifications.

**EXHIBITS:**

1. Staff Report
2. Application dated October 2, 2002
3. Applicant's Narrative
4. Environmental Checklist
5. Site Plan
6. Proposed building information (Volunteer 2)
7. Assessor Map & Aerial Photo
8. Letter of completeness dated November 1, 2002





9. Notice of Development dated November 7, 2002
10. Mitigated Determination of Nonsignificance dated November 28, 2002
11. Critical Areas Site Assessment prepared by Advanced Environmental Solutions dated December 2002.
12. Protective Critical Area Site Plan recorded January 6, 2003.
13. Staff photos
14. Letter from Northwest Air Pollution Authority dated January 15, 2003.

**STAFF FINDINGS:**

1. The subject property has a zoning designation of Open Space and a Comprehensive Plan designation of Urban Growth Area for the City of Sedro-Woolley.
2. Skagit County Code 14.02.040 states that for all land in unincorporated Growth Management Act (GMA) designated urban growth areas, the provisions of the applicable city code, when adopted by Skagit County ordinance shall be applied.
3. Per Skagit County Code Section 14.06.100 a letter of completeness was issued on November 1, 2002. A Notice of Development Application was posted on the subject property, published in a newspaper of general circulation, and mailed to property owners within 300 feet of the subject property on November 7, 2002 as required by Skagit County Code Section 14.06.150(2). The public hearing has been advertised and notices sent as required by Skagit County Code Section 14.06.150(3).
4. The application has been reviewed in accordance with the State Environmental Policy Act guidelines (WAC 197-11 and RCW 43.21C). A Mitigated Determination of Nonsignificance (DNS) was issued on November 28, 2002 becoming effective following the fifteen-day comment period ending 12-13-02 and 14-day appeal period ending 12-27-02. The following conditions were attached:
  - The applicant shall comply with Skagit County Code 14.24 Critical Areas.
  - The applicant shall comply with Northwest Air Pollution Authority requirements.
  - The applicant shall comply with the 1992 DOE Stormwater Drainage Manual.
  - The hours of operation will need to be consistent with City of Sedro-Woolley Municipal Code Title 9.46 Public Disturbance.
5. The subject application has been reviewed with respect to the Skagit County Critical Areas Ordinance Chapter 14.24. As a



result of the site visit a Fish and Wildlife & a Wetland Site Assessment Report was required. A Critical Areas Site Assessment Report dated December 2002 was submitted by Advanced Environmental Solutions. The report was reviewed by staff and the following conditions will apply.

- Per SCC 14.24.170(1)(d) permanent buffer edge markers must be placed at the edge of the PCA boundary (along the 100-foot wetland buffer). The applicant may choose to place a fence along this buffer edge instead of placing sign posts.
- A PCA site plan must be recorded at the County Auditor's office per SCC 14.24.170(1)(b).

Staff notes that the PCA site plan has been recorded and is an exhibit with this report.

6. The subject property is located within an A-7 flood hazard zone with a base flood elevation of 46 feet per FIRM Map 530151 0255D dated September 9, 1989. The applicant will be required to be in compliance with Skagit County Code 14.34 Flood Damage Prevention.
7. The subject property is located adjacent to land designated as Agriculture-NRL. The applicant shall comply with the provisions of Skagit County Code 14.16.870, Notification of Development Activities on or Adjacent to Designated Natural Resource Lands.
8. The subject property is approximately 6 acres in size and is located at the corner of Third and Morris Street south and west of the Sedro-Woolley city limits. The lot is a panhandled shape running in a north/south configuration with the panhandle located in the northern portion. The site was formerly the wastewater treatment plant for the City of Sedro-Woolley. There are no buildings on the property however buried concrete is present in the southern portion of the parcel. The proposed project site (approximately 3.5 acres) will be located in the southern portion of the property. The southern half of the subject property is basically flat however the northeast corner of the proposed project site gently slopes to the northeast towards a wetland depression that dominates the northern panhandle end of the total parcel. A large number of bare root trees, shrubs and other wetland tolerant plants have recently been planted along the perimeter of the proposed project site. The properties to the west, east, and south are all developed with single family residences. There is public water available in the area.
9. The applicant is requesting a Conditional Use Permit to place a Live Fire Training Facility on the property. Live



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fire training which includes fighting structure, car, and dumpster fires is required annually by the State of Washington for all firefighters. If and when funds allow the ultimate goal is to put a Pre-designed Model Facility (Volunteer 2) on site. As an alternative, 40-foot cargo containers will be used for structural fire training. Pallets will also be stored on site and burned as part of this training. In addition there will be two cars and two dumpsters with propane piped to them located on concrete slabs for that portion of the training. A safety officer will man the propane shut off value while these props are being used. The storage unit and props will be properly anchored to concrete slabs to prevent them from moving during a flood. Vents will be on all structures to allow water flow in and out.

10. A chain link fence will surround the entire project area site with a single access from Third Street. A gravel parking lot will be created in the southeast corner of the proposed project site for trainee parking. An area is also planned for apparatus staging. Lighting is proposed in the parking area and also in the training areas. The applicant is proposing to use port-a-potties with self-contained hand washing capabilities. Garbage cans and a dumpster for all ashes and charred wood particles will be located within the site. A 20-foot cargo container will be on site for the storage of fire hoses, bunker gear, tools, and appliances along with a 1500 gallon portable tank to be used for drafting water training. This container will also have an awning to provide shade for rehabbing firefighters. The closest any "training area" would be to west property line is 65 feet. The staging areas will be graveled while the rehab area will be grassed.
11. The Sedro-Woolley Fire Department hopes to open the facility up to all fire departments to use. They estimate that no more than 40 fire fighters would be onsite at any one time. The facility would be used a maximum of 36 days per year with the proposed hours of operation being from 7-10 p.m. weekdays and 7 a.m. to 7 p.m. on Saturdays. These hours were created to accommodate best the needs of the majority of the volunteer fire departments and to minimize disturbing any of the nearby residences. On occasion a few daytime drills during the week may be held to meet the needs of full time personnel.

To minimize any sight or noise impacts to the surrounding areas, a buffer area with trees and vegetation has been created and the grounds will be kept clean. There will be no sirens used or training operations past 10 p.m. All departments will be required to have an accountability system in places to keep track of personnel on site for



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safety purposes in addition to eliminate trespassing off of the training site.

12. The application was routed to the various county departments for review and comments. Their comments are as follows: **Public Works**—Per Skagit County Drainage Ordinance 14.32.040(5)(a) a drainage plan prepared by a licensed engineer is required for this project and shall be submitted with the grading permit application. An access permit shall be obtained from Skagit County for access to Third Street. **Environmental Health**—Because of the intermittent use of the site the use of portable restrooms with hand washing facilities should be adequate provided they are regularly maintained.
13. As part of the environmental review for this project, Northwest Air Pollution Authority (NWAPA) was notified of the proposed project. A letter of support has been received from this agency. An annual fire permit from NWAPA will be required and special operating restrictions can be imposed to minimize air pollution impacts.
14. This project is located in the Sedro-Woolley UGA. In this area, the rules that apply are the City's development regulations and the County's process and critical areas ordinance. This combination of rules is often difficult to interpret and apply. Sedro-Woolley Municipal Code Section 17.34 lists Public Uses as a permitted activity in the Open Space (OS) zone. Fire Department facilities are a public use. All uses in the OS zone must comply with the critical areas ordinance, which requires a special use permit for development in the floodplain (second priority sensitive area - 17.65.070). Thus all uses in the OS zone would require a special use permit. The Skagit County critical areas ordinance does not require a special use permit for development in the floodplain. Due to this ambiguity and because a previous City use on this site was the cause of neighborhood concern, the City, as applicant and reviewer requests that this project be subject to a conditional use permit so the community is offered maximum opportunity to be heard.
15. SWMC Section 17.56.060 lists the criteria upon which a conditional use permit is judged:

**Criteria A: Conforms to the comprehensive plan.**

This project conforms to the City of Sedro-Woolley Comprehensive Plan Policy FD.4 (Fire Department 4). Adequate support facilities including fire administration, fire maintenance operations, warehousing facilities, self-contained breathing apparatus repair,



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and fire training will be constructed and maintained to support the effective delivery of services.

**Criteria B: Is compatible with the surrounding area, that is, cause no unreasonable adverse impacts;**

The site is the former location of the municipal sewer treatment plant, which has been removed and is now a grassy field.

Measures to reduce impacts include:

- Floodproofing,
- Limited days and hours of operation and numbers of personnel on site,
- On-site parking,
- Landscaped buffer on the perimeter,
- Wetlands protection,
- Drainage as needed,
- Limiting air emissions below allowable levels (permit from NWAPA).

These measures are detailed below.

The facility is compatible with the surrounding area in that we will not be placing permanent structures to impede water flow across the flood plain. Additional measures that will minimize the impact include:

Maximum days of use are 36 times a year, which keeps the traffic and noise to a minimum.

Access is limited to a driveway off Third Street approximate 200-feet north of Morris Street.

On-site parking provided. A gravel parking lot will be provided so there will be no parking on street.

We estimate that no more than 40 personnel will be on site at one time. The main hours of operations will be 7-10 p.m. on weekdays and 7 a.m. to 7 p.m. on Saturdays. These hours were created to best meet the needs of the majority Volunteer Fire Departments, and to minimize disturbing any of the near by residents. There may be a few daytime drills during the week to meet the needs for the full time personnel.

To minimize any visual or noise impacts, a buffer area with trees and vegetation has been created and the grounds will be kept clean. There will be no sirens used and no training operations past 10 p.m.

Pallets would be stored on site and burned in the Structure fire prop, with an annual permit issued by the



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Department of NW Air Pollution. (All Clean Burning)  
No chemicals, waste oils, solvents etc. will be stored on site. A retention pond will be placed on site if needed.

Props will be properly anchored to concrete slabs to prevent them from moving during a flood. Vents will be on all structures 1 square inch per square foot area to allow water flow in and out.

**Criteria C: Is well-planned in all respects so as to be an asset to the community.**

- **Needed Training**

Live fire training is required by the State of Washington, for all firefighters annually. Firefighters must be trained for structure fires, car fires and dumpster fires. Due to logistics and cost, some departments in our County can't do this training. Meeting these training requirements not only meets the state requirements but our firefighters will be better trained to safely respond to an emergency and is able to quickly resolve the emergency, saving lives and property.

- **Insurance Rating**

Having this facility will increase our fire insurance rating and could contribute to lower insurance rates for the city and homeowners.

- **Public Education**

We anticipate providing public fire extinguisher courses on site.

**RECOMMENDATION:**

The Skagit County Planning & Permit Center in conjunction with the City of Sedro-Woolley recommends **approval** of the application for a Conditional Use permit for a Live Fire Training Center, subject to the conditions and modifications listed below:

1. The applicant shall obtain all applicable permits (i.e. building, access, etc.)
2. Applicant shall comply with all conditions outlined in the MDNS.
  - The applicant shall comply with Skagit County Code 14.24 Critical Areas.
  - The applicant shall comply with Northwest Air Pollution Authority requirements.
  - The applicant shall comply with the 1992 DOE Stormwater Drainage Manual.
  - The hours of operation will need to be consistent with City of Sedro-Woolley Municipal Code Title 9.46 Public Disturbance.



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3. The applicant shall comply with the provisions of Skagit County Code 14.16.870, Notification of Development Activities on or Adjacent to Designated Natural Resource Lands.
4. The applicant will be required to be in compliance with Skagit County Code 14.34 Flood Damage Prevention.
5. An annual fire permit from Northwest Air Pollution Authority will be required.
6. A drainage plan prepared by a licensed engineer is required for this project.
7. Per SWMC 17.56.050 This conditional use permit shall be void if substantial progress toward construction of improvements is not made within two (2) years of the date of this order or if the use has not commenced within five years.
8. The County Planning and Permit Center shall be notified within 30 days after any change in ownership of the parcel by submitting a letter to the Planning Director referencing the permit number (PL02-0207).
9. Prior to the issuance of any permit or the start of operations any outstanding planning review fees shall be paid in full.

Prepared by: MS

