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Skagit County Planning and Development Services



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**SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES
FINDINGS OF FACT**

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: ADMINISTRATIVE SPECIAL USE REQUEST
#PL08-0536
and
ADMINISTRATIVE REDUCTION IN SETBACK
REQUEST #PL08-0537

APPLICANT/CONTACT: SKAGIT COUNTY FIRE DISTRICT #5
C/O JOHN LEANDER
7960 THOMAS ROAD
BOW, WA 98232

PROPERTY OWNER: KRIS AND SUSAN WALKER
1801 CHUCKANUT RIDGE DRIVE
BOW, WA 98232

PROJECT LOCATION: Located approximately 75' north of the intersection of Chuckanut Drive and Chuckanut Ridge Drive at 1801 Chuckanut Ridge Drive, Bow, within a portion of Section 9, Township 36N, Range 3E W.M., situated within Skagit County, Washington. P127051

PROJECT DESCRIPTION: Administrative Special Use Permit application (#PL08-0536) and an Administrative reduction in setback request (#PL08-0537) for the construction of a new 1,152 square foot garage structure on a .36 acre site to be used for the storage of emergency vehicles and equipment. The structure is proposed to be located approximately 60 feet off of the south (front) property line, approximately 75 feet off of the north (rear) property line, approximately 30 feet off of the west (side) property line and approximately 28 feet off of the east (side) property line at the closest points. SCC 14.16.420(5) requires a 100 foot setback on all sides. SCC 14.16.420(3)(c) allows for Minor public uses with an approved Administrative Special Use permit.

ASSESSOR'S ACCOUNT NUMBERS:360309-3-003-0300, P127051
360309-3-003-0106, P90032

ZONING/ COMPREHENSIVE PLAN: The proposed project is located within the Secondary Forest - Natural Resource Lands (SF-NRL) zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps adopted October 10, 2007.

APPLICANTS OVERVIEW OF THE PROPOSED PROJECT:

"This project is very simple, yet it is vitally important to the public safety of the residents of Skagit Fire Protection District #5 and our mutual aid response partners."

"The project is to build a pole-building garage to house a new initial attack fire truck, which has been specially designed to service the steep hills on narrow and twisty roads in the Chuckanut Mountain area of Fire District #5. Our current fire trucks were designed for open, flat, agricultural land -- not the steep narrow roads up in the Chuckanut Drive area. The fire truck will also provide the Fire District with the capability to get off road, if need be, and suppress early stage wildfires while waiting for the DNR to arrive. This truck, the first of its kind, is now here. The problem is, we cannot position it where it needs to be, and it cannot serve its intended purpose, until we get this simple garage build for it."

"The location of this emergency vehicle garage, near the intersection of Chuckanut Ridge Drive with Chuckanut Drive, was chosen because it is central to the communities directly served. Extensive distance and response time studies have demonstrated that an emergency vehicle situated in this location will be able to travel a similar distance with a similar response time to most of the properties in the forested area along Chuckanut Drive north of Legg Road in Blanchard. This location also places emergency response vehicles significantly closer for responses to motor vehicle accidents and other emergency incidents along Chuckanut Drive. No other potential location for this emergency vehicle garage offered the same distance/response time capability."

"The communities that are in the immediate, service area of the proposed garage have an amazing history of self-help, cooperation, and coordination with Skagit County Emergency Management (Fire Marshal and Fire Warden), Washington State Department of Natural Resources Fire Protection Services, and Skagit Fire Protection District #5. One community was the first Firewise Community in Western Washington, the 38th such community in the nation. Over twenty other communities in this area have followed their example and become Firewise Communities. There are now over 300 such communities in the nation. Ten residents of the area served by the new initial attack fire truck have been trained and serve as volunteer fire fighters/first responders with the Edison Station of Fire District #5. Those fire fighters/first responders are ideally located to crew the emergency vehicles stationed in this new garage."



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GENERAL PROPERTY/PROJECT INFORMATION:

• **EMPLOYEES**

The applicant has indicated that there will be no employees on site.

• **PROPOSED HOURS AND DAYS OF OPERATION**

The applicant has indicated the following;

"The building to be erected on this site will house a vehicle owned and operated by Skagit County Fire District #5. This will be used by volunteer First Responders on as needed basis."

• **EXTERIOR INDICATION OF USE AND PROPOSED METHODS TO MITIGATE AESTHETIC IMPACTS**

The applicant has indicated the following;

"No exterior indication of use has been planned at this time. Aesthetic impact will be reduced/controlled by using roof and siding colors that are compatible with the natural surroundings. Landscaping will be used to enhance the appearance of this garage."

• **PROJECT PARKING NEEDS AND PROVISIONS**

The applicant has indicated the following;

"Sufficient parking space already exists nearby. Parking will only be necessary for 1 – 2 privately owned vehicles during emergency responses. No parking spaces will be eliminated by this project."

• **DEVELOPMENT SCHEDULE**

The applicant has indicated the following;

"Construction of the Emergency Vehicle Garage will be completed within three months of meeting all the necessary County requirements for permitting etc."

• **VEHICLE TRAFFIC GENERATED BY THE USE AND ITS IMPACT ON THE COUNTY AND STATE ROAD SYSTEMS**

The applicant has indicated the following;

"On average, less than 1 vehicular round trip per day would be generated by this project. Peak volumes are typically summer days, fair weather days, and holidays."

• **INTERNAL ROADWAY SYSTEM**

The applicant has indicated the following;

"No new roads will be required and no improvements to existing roads will be required."



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- **NOISE, ODORS, OR HEAT**

The applicant has indicated the following;

"The only noise created by this project will be the infrequent departure and return of an emergency vehicle from the site. There will not be any externally audible, fixed siren at this site. No odor or heat will be generated from the proposed use."

- **AIR EMISSIONS, VIBRATIONS, CHEMICALS, WASTE OILS, SOLVENTS, FUEL, ETC.**

The applicant has indicated the following;

"Temporary dust will be created during the grading/filling activity and will be controlled by spraying water. No other emissions are anticipated. No heavy equipment or machinery will be used that will cause vibration to adjacent properties. No chemicals, waste oils, solvents, fuel, etc. will be stored."

- **WATER POLLUTION POTENTIAL**

The applicant has indicated the following;

"There is no natural source of water on or near the site and therefore, no potential for water pollution."

- **POTENTIAL FOR TRESPASSING / PREVENTION OF TRESPASSING**

The applicant has indicated the following;

"This building will be used solely by Fire District #5 Volunteer First Responders. There is no potential for trespassing onto adjacent properties, or any need to prevent trespassing."

- **IF YOUR PROPOSAL INCLUDES THE UTILIZATION OF AN EXISTING STRUCTURE, PLEASE INDICATE HOW YOU INTEND TO COMPLY WITH THE UNIFORM BUILDING REQUIREMENTS FOR CHANGE OF USE**

Not applicable.

- **SEWAGE DISPOSAL**

The applicant has indicated the following;

"No sewage generating facilities will be provided on this site."

DEPARTMENTAL FINDINGS:

1. The subject property is located within a Secondary Forest - Natural Resource Lands (SF-NRL) zoning/Comprehensive Plan designated area as identified within



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the Skagit County Comprehensive Plan and associated maps as adopted October 10, 2007. The applications were determined to be complete per SCC 14.06.100 on September 22, 2008 and are vested under the Comprehensive Plan and zoning regulations in effect at that time.

2. A Notice of Development Application was posted on the subject property and published in a newspaper of general circulation on September 25, 2008 as required by SCC 14.06.150. Notification was provided to all property owners and occupants within 300 feet of the subject property, posted on site and posted within 300 feet of the subject property. There was a fifteen (15) day comment period associated with the Notice of Development which ended on October 10, 2008. This comment period also included comments regarding the State Environmental Policy Act (SEPA) review as outlined within WAC 197-11-355 (optional DNS process). No public comments were received.
3. The subject parcel was reviewed with respect to the Skagit County Critical Areas Ordinance 14.24 of the Skagit County Code. Critical Areas staff indicated that a site visit was conducted and review was completed with the associated land division application #PL08-0535. Critical areas staff preliminarily approved CAO review on November 6, 2008 with final approval to occur with the recording of the land division and the Protected Critical Area Easement (PCA).
4. The applications have been reviewed in accordance with the State Environmental Policy Act guidelines (WAC 197-11 and RCW 43.21C). A Mitigated Determination of Non-Significance (MDNS) was issued on October 13, 2008 and published in a newspaper of general circulation on October 16, 2008, becoming effective following a fourteen-day (14) appeal period that ended on October 31, 2008. No appeals were received and the following conditions were placed on the threshold determination (MDNS):
 - 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 Ordinance. Said measures shall remain in place until completion of the project.
 - b. The applicant shall comply with Northwest Clean Air Agency requirements.
 - c. 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.
 - 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 provisions of 14.24 of the Skagit County Code (Skagit County Critical Areas Ordinance).



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5. The subject property is not located within a designated flood hazard area as identified by FEMA.
6. The subject property proposed for the two bay garage structure is .36 acres in size and is being subdivided from an existing 20 acre parcel per SCC 14.16.850(8) and short plat application number PL08-0535. The subject property measures approximately 55.34 feet in width along the north property line, approximately 155 feet in length along the west property line, approximately 138 feet in length along the east property line, approximately 95 feet in width along the southeast property line and approximately 80 feet in width along the southwest property line. The site is physically located east of Chuckanut Drive and north and west of Chuckanut Ridge Drive which extends from Chuckanut Drive, east, and up hill, around the subject property. The topography of the site is such that it slopes downhill to the west, toward Chuckanut Drive, with a level benched area suitable for the proposed garage structure. The majority of the surrounding area is currently rural and forestry in nature with scattered residential structures, timber lands sloping to the bay and open agricultural fields to the south.
7. The applicant is requesting an Administrative Special Use Permit application (#PL08-0536) and an Administrative reduction in setback request (#PL08-0537) for the construction of a new 1,152 square foot garage structure on a .36 acre site to be used for the storage of emergency vehicles and equipment. The structure is proposed to be located approximately 60 feet off of the south (front) property line, approximately 75 feet off of the north (rear) property line, approximately 30 feet off of the west (side) property line and approximately 28 feet off of the east (side) property line at the closest points. SCC 14.16.420(5) requires a 100 foot setback on all sides. SCC 14.16.420(3)(c) allows for Minor public uses with an approved Administrative Special Use permit. SCC 14.04.020 defines public uses as:

"government or quasi-government owned and operated facilities which are not unclassified uses or utilities, including, but not limited to, primary and secondary schools, libraries, postal services, offices, training facilities, fire and police stations, and courts."

SCC 14.04.020 further defines "Public uses, minor" as:

"less intensive public facilities that include less than 3,000 square feet of gross floor area and that utilize 2 or fewer full-time employees."

8. The application was routed to the Skagit County Environmental Health Unit (water and septic) for review. No concerns were noted from Skagit County Planning and Development Services Environmental Health Unit.
9. The application was routed to the Public Works Department for review and comments. Public Works indicated that they have no objection to the proposed projects.



10. The application was routed to the Skagit County Fire Marshal's office for review. The Fire Marshal submitted the following response:

"The Skagit County Fire Marshals Office is in full support of this project. This project is every bit as important as stated in the summary. I do not see any negative impacts. The size of the building does not require fire flow or sprinklers."

11. **Skagit County Special Use Permit Criteria.** Section 14.16.900 (2) Special Use Permit requirements of the Skagit County Code indicates that certain items will be reviewed when approving or denying Special Use permits. Those items are as follows:

- A. The proposed use will be compatible with existing and planned land use and comply with the Comprehensive Plan.

The Skagit County Comprehensive Plan does not specifically provide policies that either support or oppose the proposed project. However, the Comprehensive Plan adopted July 24, 2000 indicates in the Land Use Element on Page 4-85, Goal C which states to "address public land uses as site specific related developments not requiring comprehensive plan amendments". Further, Policy 4C-1.1 states that "Within each comprehensive plan land use designation,.... public uses should be considered as "special uses" under Skagit County 14.16, the zoning ordinance. Public uses should be reviewed as site specific projects so that public benefits and land use impacts can be analyzed and, if necessary, appropriate mitigation applied."

Staff notes that the applicants' proposal will be compatible with the existing land use in that the proposed location is central to the community directly served by the fire district. The proposed structure will house an emergency response vehicle that is especially equipped to maneuver on the rough terrain of Chuckanut Mountain back roads as well provide for a quicker response time to motor vehicle accidents and other emergencies that often occur along Chuckanut Drive.

- B. The proposed use complies with the Skagit County Code.

This parcel is designated as Secondary Forest - Natural Resource Land (SF-NRL). Skagit County Code section (SCC) 14.16.420(3)(c) allows for Minor public uses related to the provision of emergency services, where there is no other viable parcel or non-resource designated land to serve the affected area, with an approved Administrative Special Use permit. Further, the applicant shall demonstrate the need to locate the use in the natural resource land and provide an analysis of alternatives to the development of the use within the natural resource land. SCC 14.04.020 defines public uses as:



"government or quasi-government owned and operated facilities which are not unclassified uses or utilities, including, but not limited to, primary and secondary schools, libraries, postal services, offices, training facilities, fire and police stations, and courts."

SCC 14.04.020 further defines "Public uses, minor" as:

"less intensive public facilities that include less than 3,000 square feet of gross floor area and that utilize 2 or fewer full-time employees."

The applicant has supplied the following response regarding the proposed location within the natural resource land designation:

"The location of this emergency vehicle garage, near the intersection of Chuckanut Ridge Drive with Chuckanut Drive, was chosen because it is central to the communities directly served. Extensive distance and response time studies have demonstrated that an emergency vehicle situated in this location will be able to travel a similar distance with a similar response time to most of the properties in the forested area along Chuckanut Drive north of Legg Road in Blanchard. This location also places emergency response vehicles significantly closer for responses to motor vehicle accidents and other emergency incidents along Chuckanut Drive. No other potential location for this emergency vehicle garage offered the same distance/response time capability."

The Department notes that the emergency service use proposed at this location is appropriately sited. The proximity of the use in relation to existing and potential emergencies in relation to the proposed response times has demonstrated that the proposed location is appropriate. The proposed facility is intended to be used as a volunteer first responder emergency facility dedicated to responding quickly to wildfires, motor vehicle accidents and other emergency incidents along Chuckanut Drive while waiting for, and in coordination with, the Department of Natural Resources, Fire Protection District #5, and Skagit County Emergency Management personnel. The proposal will be able to minimize impacts on the Natural Resource land activities and management and will actually act as an emergency response support facility in the event of wildfires or other incidents within the surrounding resource land areas.

- 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.

The applicant has indicated:



"The only noise created by this project will be the infrequent departure and return of an emergency vehicle from the site. There will not be any externally audible, fixed siren at this site. No odor or heat will be generated from the proposed use. Temporary dust will be created during the grading/filling activity and will be controlled by spraying water. No other emissions are anticipated. No heavy equipment or machinery will be used that will cause vibration to adjacent properties. No chemicals, waste oils, solvents, fuel, etc. will be stored. There is no natural source of water on or near the site and therefore, no potential for water pollution."

The Department notes that the proposal will not create any 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 and the proposal will be required to be in compliance with the performance standards.

- D. The proposed use will not generate intrusions on privacy of surrounding uses.

The applicant indicated the following:

"This building will be used solely by Fire District #5 Volunteer First Responders. There is no potential for trespassing onto adjacent properties, or any need to prevent trespassing." The applicant further stated that there would not be the potential to generate intrusions on the privacy of surrounding uses because it is purely a storage unit, intended to be used on an occasional basis to respond to emergency incidents. Additionally the garage is distant from any other residences.

The Department notes that the proposed location is quite a distance from any residential structures and does not have the potential to generate intrusions on the privacy of the surrounding uses.

- E. Potential effects regarding the general public health, safety, and general welfare.

There will be no negative effects on the neighborhood, region, general public health, safety, or welfare as a result of this project provided the site is maintained. The parking area will be on site and will not create any potential impacts. The proposed use is for the storage of emergency vehicles and equipment for volunteer use and will be an asset to the surrounding areas in emergency occurrences.

- F. For special uses in Industrial Forest NRL, Secondary Forest NRL, Agricultural NRL, and Rural Resource NRL, the impacts on long-term natural resource management and production will be minimized.



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There will be no impacts on natural resource management or production as a result of the proposed project. The subject parcel is a small lot created under SCC 14.16.850(8) for the public use proposed by the structure. The proposed location does not currently support natural resource activities and will not have any negative impact on existing or future resource related activities in the area. Further, the applicant has stated that no timber was harvested to accommodate the structure.

- G. The proposed use is not in conflict with the health and safety of the community.

The proposed use will not create a conflict with the health and safety of the community provided all local, state and federal regulations are complied with. The applicant has indicated that in fact the use is being proposed to provide health and safety services for the surrounding 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.

The proposal will be supported by adequate facilities and will not adversely affect public services to the surrounding areas. There will be no water or septic service needs for the storage structure and the use will be to store emergency response vehicles and equipment that will be providing additional services to the community.

12. Pursuant to Skagit County Code section 14.16.810(4), the Administrative Official may reduce the required front, side or rear setbacks where topography or critical areas or the lot's size and configuration impact the reasonable development of the property. To reduce the front or rear setback, the Administrative Official must determine that the public health, safety and welfare will be maintained. Consultation with the Public Works Department concerning traffic safety may be solicited during this analysis.

Staff has consulted with the Skagit County Public Works Department and critical areas review has been conducted and approved. There were no concerns received after review of the proposed setback reduction.

13. Skagit County Code section 14.16.420(3)(c) the Secondary Forest - Natural Resource Land (SF-NRL) designated area, requires a 100 foot setback off of all property lines.
14. Staff finds that the proposal to construct a 1,152 square foot garage structure on a .36 acre site to be used for the storage of emergency vehicles and equipment



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reasonable due to the lot size, configuration and location of adjacent critical areas (steep slopes). The structure is proposed to be located approximately 60 feet off of the south (front) property line, approximately 75 feet off of the north (rear) property line, approximately 30 feet off of the west (side) property line and approximately 28 feet off of the east (side) property line at the closest points.

15. Staff finds that the requested setback reduction would not create any problems with regard to the maintenance of public health, safety or welfare. Additionally, no traffic safety concerns were identified with the proposal. Staff finds that based on the lot size, the configuration and location of adjacent critical areas (steep slopes) in proximity to this lot, the proposal shall be approved.

DECISION

The Director hereby **approves** the application for an Administrative Special Use Permit, and **approves** the request for the reduction in the setback requirements, subject to the conditions and modifications listed below:

1. The applicant shall obtain all necessary land use approvals.
2. The proposal will be in compliance with the performance standards outlined within SCC 14.16.840.
3. The proposal shall comply with Skagit County Health Department requirements.
4. The applicant shall comply with the conditions outlined within the SEPA threshold Determination (MDNS) which are listed within the Departmental Findings (Finding #4).
5. The applicant shall comply with all relevant provisions of Skagit County Code 14.24, the Critical Areas Ordinance, and Skagit County Code 14.16 the Zoning Ordinance.
6. The building permit for the proposed structure shall be issued in accordance with the approved reduction in setbacks as requested.
7. A copy of this decision shall be submitted with the building permit at time of application.
8. Per SCC 14.16.900(1)(d) this special use permit shall be void if a completed building permit application has not been submitted within two (2) years of the date of this order.
9. Applicant shall comply with Water Quality WAC's for surface and ground water quality, WAC's 173-201A and 173-200.
10. Any future expansions beyond what was provided in the application materials shall require further review by Planning and Development Services.
11. Applicant shall comply with SCC 14.16.800 Parking and SCC 14.16.830 Landscaping.

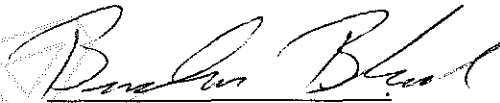


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12. Skagit County Planning and Development Services shall be notified by mail, referring to file number PL08-0536, within 30 days after any change in ownership of the parcel or any change of the applicant.
13. ***Please be advised that this approval for reduction of setback is based on a limited review specific to the criteria for this application (14.16.810 (4) SCC). Other County requirements may alter your proposal and require revision to your plan to comply with all jurisdictional requirements for development.***

The applicant and/or party of record may appeal the decision of the Administrative Official to the Skagit County Hearing Examiner pursuant to the provisions of Section 14.06. Every appeal to the Hearing Examiner shall be filed with the Planning and Permit Center within fourteen (14) calendar days after the date of the decision.



Brandon Black, Senior Planner – Team Supervisor
On behalf of Gary Christensen
AICP, Planning and Development Services Director



Bill Dowe, CBO, Deputy Director

Date of Preliminary Approval: 11-12-08

Date of Final Approval: 11-26-08

Prepared By: BB

Approved By: BD



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