

NOTICE OF DECISION

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

- Applicant:** Helping Hands Food Bank
c/o Rebecca Schlaht – Operations Manager
601 Cook Road
Sedro-Wooley, WA 98284
- Consultant:** Carletti Architects, P.S.
116 E. Fir Street, Suite A
Mount Vernon, WA 98273
- Request:** Special Use Permit, PL16-0328
- Location:** Northwest corner of Fruitdale and Wicker Road, north of existing residence located at 24703 Wicker Road, within a portion of Sec. 19, T35N, R5E, W.M.
- Land Use Designation:** Urban Reserve Residential (URR), Sedro-Woolley Urban Growth Area
- Summary of Proposal:** Relocation and construction of Helping Hand Food Bank on 4.25 acre site, project includes building 10,000 square foot food bank, a structure resembling a barn, with future 2,500 square foot addition. Proposed also is “*Food Forest and Community Garden*” along northern two acres of site.
- SEPA Compliance:** Mitigated Determination of Non-Significance (MDNS), issued August 18, 2016.
- Public Hearing:** October 5, 2016. Testimony by Staff, Applicant and City of Sedro-Woolley. Three citizens testified. Planning and Development Services (PDS) recommended approval.
- Decision/Date:** The application is approved, subject to conditions. October 19, 2016.
- 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/hearingexaminer

FINDING OF FACT

1. Helping Hands Food Bank requests a Special Use Permit to build a new food bank facility at a new location.
2. The location is at the northwest corner of Fruitdale and Wicker Roads, north of the existing residence at 24703 Wicker Road. The site is within a portion of Sec. 19, T35N, R5E, W.M. The parcel numbers are P39532 and P39773.
3. The subject property is within the Sedro-Woolley Urban Growth Area. The zoning is Urban Reserve Residential (URR). The property is owned by the City of Sedro-Woolley.
4. The land immediately west of the site is within the Sedro-Woolley city limits. It contains the City-owned Union Cemetery. To the east of the site are properties designated Rural Reserve (RRv) and Agricultural Natural Resource Land (Ag-NRL). These are devoted to open fields and pasture, with small concentrated single family residential lots located along Fruitdale Road. To the north along Diane Lane is dense residential development that will be separated from the new building by two acres of trees and shrubs.
5. The subject property now consists of two parcels totaling about 9.09 acres. The owner intends to complete a boundary line adjustment to position the parcel dividing line to run north and south. The proposed food bank project will locate on approximately 4.25 acres along the east portion of the ownership along Fruitdale Road.
6. The proposed site is now occupied by a single story 1,700 square foot home with detached garage and a 2,016 square foot multi-purpose building. These structures will remain. The new food bank would be built north of the house.
7. Parking will be located to the north and east of the food bank, accessed from Fruitdale Road. There will be 23 customer parking spaces on the north and 22 parking spaces for staff and volunteers on the east. A large truck turn-around area will be provided.
8. The new food bank building will be an approximately 10,000 square foot single story wood framed structure designed to resemble a barn. There is the potential for a 2,500 square foot addition. The height will be approximately 24 feet 6 inches to the midpoint of the roof and 33 feet to the roof peak. Landscaping will be provided along Fruitdale Road.
9. Along the north two acres of the site, the applicant proposes a “Food Forest and Community Garden.” The idea is to allow clients and members of the community to grow their own food on their own garden plots. Permaculture principles will be used in the food forest portion of the area.
10. The new food bank will distribute food to the community five days a week. At present the bank is distributing only once a week for five hours. The new operation will be open 25 hours a week. Clients will still come once a week but visits will be spread out over five days.

The expanded schedule will eliminate crowding and allow for smooth distribution without lines. There will be three full-time employees and up to 15 volunteers working at the facility.

11. On-site food distribution will be augmented by the mobile food program, involving delivery of groceries to clients who cannot make it into the food bank because of disability and by the backpack program supplying food for school children for over the weekends.

12. In addition to food distribution, Helping Hands will offer job training through a program developed with the Department of Labor to provide training in warehouse skills. The training will be conducted during hours when staff is on site. Also, the conference room and office will be available for career development classes and for meetings of Worksource and Community Action. There will be daily office hours in the building for agencies involved in community support.

13. The facility will receive water from the Public Utility District. Sewage will be handled via an on-site septic system. Customers of the food bank will use portable facilities. Indoor bathroom usage will be limited to employees. The building will have sprinklers in case of fire.

14. Public Works reviewed traffic conditions in the neighborhood and concluded that adjacent roadways and those in the vicinity currently meet or exceed applicable level of service standards for the area. The addition of the food bank is not expected to change this. However, a Level 1 traffic analysis is being conducted and must be reviewed and approved prior to issuance of a building permit. If any roadway changes are needed to accommodate the development, they will be required at that level.

15. The application was routed to the Washington State Department of Transportation (WSDOT) which had no comments. Likewise, the County Fire Marshal's office had no comments. Responses from other consulted agencies and departments are reflected in conditions of approval.

16. The application was deemed complete on July 14, 2016. Notice of Development Application was posted, published and mailed as required by law. Two public comments were received, both concerned with traffic impacts.

17. The application was reviewed under the State Environmental Policy Act (SEPA). A Mitigated Determination of Non-Significance (MDNS) was issued on August 18, 2016. No appeals were received. The MDNS set forth the following conditions:

(1) 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.

(2) The applicant shall comply with Northwest Clean Air Agency requirements.

- (3) The applicant shall comply with the provisions of Chapter 14.32 of the Skagit County Code, the Stormwater Management Ordinance.
- (4) The applicant shall comply with Fire Code Standards.
- (5) An engineered soils compaction report shall be required for all structures placed on fill material.
- (6) The applicant shall comply with all relevant provisions of 14.24 (Skagit County Critical Areas Ordinance) of the Skagit County Code.
- (7) A traffic impact analysis will be required for review by Skagit County Public Works.
- (8) A Construction, or Industrial, Stormwater General Permit (NPDES) 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.

18. Critical Areas staff noted that critical areas review was completed and approved with an earlier application and that there are no critical areas indicators within 200 feet of the proposal.

19. At the public hearing, public testimony concerned three subjects: (1) public notice, (2) public safety, and (3) traffic impacts. The record shows that public notice was given as required by law. There was no indication that the location of the new food bank poses any particular threat to public safety in the area. Traffic impacts are predicted to be modest. Any road improvements needed will be identified in a traffic study to be reviewed prior to building permit issuance.

20. Extensive publicity was given to the choice of sites for the food bank in the newspaper and at public meetings sponsored by the City of Sedro Woolley

21. The food bank has been “temporarily” located on tribal land since 2008. A far-ranging search was conducted for a new permanent home. The size of the operation requires a large site. The City of Sedro Woolley purchased the subject property for the purpose of locating the food bank there. The City will lease the site to the food bank. It is anticipated that eventually the food bank will purchase the site.

22. The Staff reviewed this project as a proposed “public use.” The Staff noted that the food bank is not specifically identified as a “public use” but is “substantially similar” to such a use. Staff also pointed out that the definition of “public use” includes but is not limited to listed uses that serve the public.

23. The Staff reviewed the application in light of the Special Use Criteria of SCC 14.16.900 and determined that, as conditioned, the proposal will be consistent with 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.

24. The proposed use will produce a level of activity which is a change for the surrounding area. However, on the record here, it does not appear that this change will be a

negative one. Possibly noisy operations, such as truck unloading, will be restricted to day time hours. Except for a 7 p.m. closing time on Thursday, the hours of operation will be during normal business hours. Ample parking will be provided on site so there will be no long lines of traffic on Fruitdale and Wicker Roads. There will be no parking on the roads themselves.

25. The proposed larger facility will provide significant public benefits. More hours will be provided for community use of the food bank. Additional food will be saved from landfill/garbage disposal. The community garden will allow family self-help in growing food and the Food Forest will provide valuable information on sustainable methods of cultivation. The classes offered and the connections to other services will be a positive contribution to the welfare of the community.

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

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over these proceedings. SCC 14.06.050(1)(b)(ii).
2. The procedural requirements of SEPA have been met.
3. The proposed use was properly categorized as a ‘public use.’ See SCC 14.16.020(3); It is a “major public use” because of its size. SCC 14.04.020.
4. In the Urban Reserve Residential (URR) zone, a major public use requires a Special Use Permit. SCC 14.16.370(3)(1).
5. The proposed project, as conditioned, meets the criteria for Special Use permit approval. 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 food bank 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 applicable permits and abide by the conditions of same.
3. The applicant shall abide by the conditions set forth in the MDNS, issued on August 18, 2016. (See Finding #17 above.)

4. The applicant shall comply with all applicable local and State regulations, including but not limited to:
 - a. Chapter 14.24 SCC, Critical Areas
 - b. Chapter 14.16 SCC, Zoning
 - c. SCC 14.16.840, Performance Standards
 - d. Chapter 173-60, Noise
 - e. Chapter 173-201A and 173-200 WAC, Surface and Ground Water Quality
5. The project shall comply with all Fire Marshal requirements.
6. A Building Permit and other associated development permits are required.
7. All PUD #1 requirements shall be met and written approval shall be obtained from the PUD prior to final building permit inspection.
8. Information regarding any on-site wells shall be provided. Any existing wells shall be decommissioned and documentation shall be provided detailing the decommissioning.
9. Because the project is within NPDES permit coverage area, stormwater design must be in compliance with Skagit County Code and the Department of Ecology 2012 Stormwater Manual, second edition. The drainage analysis shall be prepared by a civil engineer. The report will be submitted either with the Fill and Grade Permit or with the Building Permit, whichever is submitted first.
10. A Commercial Access Permit will be required for the connection point to the County road.
11. A Utility Permit shall be obtained for working on utilities within the County right-of-way.
12. The final traffic analysis shall be reviewed and approved prior to issuance of Building Permit. The applicant shall make any improvements recommended by the traffic analysis.
13. The facility shall comply with the handling, storage and disposal requirements for moderate risk waste and conditionally exempt small quantity generator substances. SCC 12.16.210, SCC 12.16.220. The operator shall plan for handling, storage and disposal of facility maintenance and cleaning supplies. Food waste awaiting pick-up by farmers or for composting shall be properly contained while on site, per Chapter 12.16 SCC.
14. Landscaping, parking and signs shall be provided in accordance with SCC 14.16.800, SCC 14.16.820, and SCC 14.16.830.
15. The proposal shall be commenced within two years of permit approval, per SCC 14.16.900(1)(d).

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

17. Failure to comply with any condition may result in permit revocation. SCC 14.16.900(1)(b)(iii).

DECISION

The requested Special Use Permit (PL16-0328) is approved, subject to the conditions set forth above.

DONE, this 19th day of October, 2016.



Wick Dufford, Hearing Examiner

Transmitted to Applicant, Staff and Interested Parties: October 19, 2016.

See Notice of Decision, page 1, for appeal information