

REPORT and DECISION of the SNOHOMISH COUNTY HEARING EXAMINER

DATE OF DECISION: January 31, 2007

PLAT/PROJECT NAME: *MARTHA LAKE FIRE STATION #21*

APPLICANT/
LANDOWNER: Snohomish County Fire District No. 1

FILE NO.: 05 124256 LU

TYPE OF REQUEST: Major Modification to Condition Use Permit CU 38-571

DECISION (SUMMARY): APPROVED subject to conditions

BASIC INFORMATION

GENERAL LOCATION: The property is located at 16819 13th Avenue W, Lynnwood, WA

ACREAGE: 2.72 acres

ZONING: R-9600

COMPREHENSIVE PLAN DESIGNATION:

General Policy Plan Designation: Urban Center
Subarea Plan: North Creek
Subarea Plan Designation: Suburban(1-4 du/ac)

UTILITIES:

Water: Alderwood Water & Wastewater District
Sewage: Alderwood Water & Wastewater District

SCHOOL DISTRICT: Edmonds

FIRE DISTRICT: No. 1

SELECTED AGENCY RECOMMENDATIONS:

Department of:
Planning and Development Services: Approve subject to conditions
Public Works: Approve subject to conditions

INTRODUCTION

The applicant filed the Master Application on April 10, 2006. (Exhibit 1)

The Hearing Examiner (Examiner) made a site familiarization visit on January 15, 2007.

The Department of Planning and Development Services (PDS) gave proper public notice of the open record hearing as required by the county code. (Exhibits 23-25)

A SEPA determination of nonsignificance was made on October 17, 2006. (Exhibit 22) No appeal was filed.

The Examiner held an open record hearing on January 16, 2007, the 119th day of the 120-day decision making period. Witnesses were sworn, testimony was presented, and exhibits were entered at the hearing.

PUBLIC HEARING

The public hearing commenced on January 16, 2007 at 1:08 p.m. The Examiner indicated that he has read the PDS staff report, reviewed the file and viewed the area and therefore has a general idea of the particular request involved.

The hearing concluded at 1:25 p.m.

NOTE: Audio tapes of this hearing are available in the Office of the Hearing Examiner.

FINDINGS, CONCLUSIONS AND DECISION

FINDINGS:

1. Applicant Fire District proposes reconstruct its existing fire station at 16819 13th Avenue W, Lynnwood. The existing fire station was established under Conditional Use Permit CU-38-571. The building is old, probably constructed in 1938, and needs reconstruction as well as better landscaping on the perimeter as well as on site. The buildings are to be replaced except for the maintenance space, which will be replaced later. The bays for active fire apparatus will be located on the north side of the building, so that vehicles can exit directly to the west toward 13th Avenue W. The building houses four shifts with five firefighters on each shift. Parking for vehicles will be on the south and east sides. A public meeting room will be included. Variances from the perimeter landscaping requirements have been granted on the southwest corner and the north perimeter, to deal with parking requirements and the vehicle bays.
2. Notice of the proposed Conditional Use Permit was given as provided by ordinance. No comment was received from the public.
3. The project will generate about the same number of vehicle trips as before, and was deemed concurrent on May 19, 2006.

4. Existing access points will be maintained. Full frontage improvements will be required, including road widening, concrete gutter and curb, five foot planter and seven foot sidewalk. Applicant may be required to dedicate right-of-way to accommodate these improvements.
5. No impact fees will be required for the improvement. No transportation demand management measures will be required.
6. A concept for storm water management has been approved, which will be reviewed and approved by PDS staff, subject to necessary conditions. A pond at the entrance to the site will accept runoff from the site as part of the storm water management system. There are no critical areas on or near the site.
7. The site is designated Urban Center in the GMA Comprehensive Plan, and is within an Urban Growth Area. The site is zoned PCB. Surrounding uses include a church to the north, multiple residences to the east, single-family residences to the south, and a light manufacturing facility across the street to the west.
8. Any Finding of Fact in this Report and Decision, which should be deemed a Conclusion, is hereby adopted as such.

CONCLUSIONS:

1. The Examiner having fully reviewed the PDS staff report, hereby adopts said staff report as properly setting forth the issues, the land use requests, consistency with the existing regulations, policies, principles, conditions and their effect upon the request. It is therefore hereby adopted by the Examiner as a conclusion as if set forth in full herein, in order to avoid needless repetition. There are no changes to the recommendations of the staff report.
2. The request is consistent with the GMACP; GMA-based County codes; and the type and character of land use permitted on the site and the permitted density with the applicable design and development standards.
3. The criteria for approval of a Conditional Use Permit are set forth in Chapter 30.42C of the Snohomish County Code:
 - (a) The proposal is consistent with the comprehensive plan;
 - (b) The proposal complies with applicable requirements of this title;
 - (c) The proposal will not be materially detrimental to uses or property in the immediate vicinity; and
 - (d) The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding property.

PDS staff concludes that the application satisfies the criteria, and the Examiner concurs.

4. The request should be approved subject to compliance by the applicant with the following Conditions:

CONDITIONS

- A. The CUP Site Plan, elevations, and conceptual landscape plan received by PDS on September 26, 2006 (Exhibit 16A, 16B, 16C 16D, and 18A) shall constitute the CUP official site plan. Any revisions to the CUP and/or development plan exhibits shall be in accordance with SCC 30.42C.110.
- B. Prior to initiation of any further site work; and/or prior to issuance of any development/construction permits by the county:
 - i. A Land Use Permit Binder shall be filed for the subject Decision.
 - ii. All site development work shall comply with the requirements of the plans and permits approved pursuant to Condition A, above.
- C. In conformity with applicable standards and timing requirements:
 - i. Right-of-way shall be deeded to Snohomish County, to the satisfaction of the DPW along the parcel's frontage on 13th Ave W.
 - ii. Storm water drainage measures shall be implemented.
 - iii. Parking area improvements and the site landscape plan (Exhibit 16A and 18A) shall be implemented.
 - iv. Urban frontage improvements shall be constructed along the parcel's frontage on 13th Ave W to the satisfaction of the DPW.

Nothing in this permit/approval excuses the applicant, owner, lessee, agent, successor or assigns from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project.

- 5. Any Conclusion in this Report and Decision, which should be deemed a Finding of Fact, is hereby adopted as such.

DECISION:

The request by Snohomish County Fire District #1 for a CONDITIONAL USE PERMIT for replacement of it's fire station at 16819 13th Avenue W is hereby APPROVED, SUBJECT TO COMPLIANCE by the applicant, with the CONDITIONS set forth in Conclusion 4, above.

Decision issued this 31st day of January, 2007.

Gordon Crandall, Hearing Examiner Pro-Tem

EXPLANATION OF RECONSIDERATION AND APPEAL PROCEDURES

The decision of the Hearing Examiner is final and conclusive with right of appeal to the County Council. However, reconsideration by the Examiner may also be sought by one or more parties of record. The following paragraphs summarize the reconsideration and appeal processes. For more information about reconsideration and appeal procedures, please see Chapter 30.72 SCC and the respective Examiner and Council Rules of Procedure.

Reconsideration

Any party of record may request reconsideration by the Examiner. A petition for reconsideration must be filed in writing with the Office of the Hearing Examiner, 2nd Floor, County Administration-East Building, 3000 Rockefeller Avenue, Everett, Washington, (Mailing Address: M/S #405, 3000 Rockefeller Avenue, Everett WA 98201) on or before **February 12, 2007**. There is no fee for filing a petition for reconsideration. **“The petitioner for reconsideration shall mail or otherwise provide a copy of the petition for reconsideration to all parties of record on the date of filing.”** [SCC 30.72.065]

A petition for reconsideration does not have to be in a special form but must: contain the name, mailing address and daytime telephone number of the petitioner, together with the signature of the petitioner or of the petitioner’s attorney, if any; identify the specific findings, conclusions, actions and/or conditions for which reconsideration is requested; state the relief requested; and, where applicable, identify the specific nature of any newly discovered evidence and/or changes proposed by the applicant.

The grounds for seeking reconsideration are limited to the following:

- (a) The Hearing Examiner exceeded the Hearing Examiner’s jurisdiction;
- (b) The Hearing Examiner failed to follow the applicable procedure in reaching the Hearing Examiner’s decision;
- (c) The Hearing Examiner committed an error of law;
- (d) The Hearing Examiner’s findings, conclusions and/or conditions are not supported by the record;
- (e) New evidence which could not reasonably have been produced and which is material to the decision is discovered; or
- (f) The applicant proposed changes to the application in response to deficiencies identified in the decision.

Petitions for reconsideration will be processed and considered by the Hearing Examiner pursuant to the provisions of SCC 30.72.065. Please include the County file number in any correspondence regarding this case.

Appeal

An appeal to the County Council may be filed by any aggrieved party of record. Where the reconsideration process of SCC 30.72.065 has been invoked, no appeal may be filed until the reconsideration petition has been disposed of by the hearing examiner. An aggrieved party need not file a petition for reconsideration but may file an appeal directly to the County Council. If a petition for reconsideration is filed, issues subsequently raised by that party on appeal to the County Council shall be limited to those issues raised in the petition for reconsideration. Appeals shall be addressed to the Snohomish County Council but shall be filed in writing with the Department of Planning and Development Services, 2nd Floor, County Administration-East Building, 3000 Rockefeller Avenue, Everett, Washington (Mailing address: M/S #604, 3000 Rockefeller Avenue, Everett, WA 98201) on or before **February 14, 2007** and shall be accompanied by a filing fee in the amount of five hundred dollars (\$500.00); PROVIDED, that the filing fee shall not be charged to a department of the County or to other than the first appellant; and PROVIDED FURTHER, that the filing fee shall be refunded in any case where an appeal is dismissed without hearing because of untimely filing, lack of standing, lack of jurisdiction or other procedural defect. [SCC 30.72.070]

An appeal must contain the following items in order to be complete: a detailed statement of the grounds for appeal; a detailed statement of the facts upon which the appeal is based, including citations to specific Hearing Examiner findings, conclusions, exhibits or oral testimony; written arguments in support of the appeal; the name, mailing address and daytime telephone number of each appellant, together with the signature of at least one of the appellants or of the attorney for the appellant(s), if any; the name, mailing address, daytime telephone number and signature of the appellant's agent or representative, if any; and the required filing fee.

The grounds for filing an appeal shall be limited to the following:

- (a) The decision exceeded the Hearing Examiner's jurisdiction;
- (b) The Hearing Examiner failed to follow the applicable procedure in reaching his decision;
- (c) The Hearing Examiner committed an error of law; or
- (d) The Hearing Examiner's findings, conclusions and/or conditions are not supported by substantial evidence in the record. [SCC 30.72.080]

Appeals will be processed and considered by the County Council pursuant to the provisions of Chapter 30.72 SCC. Please include the County file number in any correspondence regarding the case.