

**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS, AND DECISION

Applicant(s): Jon Shannon, on behalf of
SJC Fire Protection District #5
PO Box 432
Shaw Island, WA 98286

File No.: PCUP00-15-0012

Request: Conditional Use Permit (CUP)

Parcel No: 263422002

Location: 44 Squaw Bay Road, Shaw Island

Summary of Proposal: An application for a conditional use permit to allow
an additional structure to store emergency apparatus
indoors on-site

Land Use Designation: Rural Farm Forest

Public Hearing: May 28, 2015

Application Policies and Regulations: SJCC 18.80.100(D) CUP Criteria

Decision: Approved subject to conditions

S.J.C. COMMUNITY

JUN 18 2015

DEVELOPMENT & PLANNING

**BEFORE THE HEARING EXAMINER
FOR SAN JUAN COUNTY**

In the Matter of the Application of

SJC Fire Protection District #5

for approval of a conditional use permit
to allow construction of an additional
structure for storing emergency apparatus at
44 Squaw Bay Road, Shaw Island

) NO. PCUP-15-0012

S.J.C. COMMUNITY

JUN 18 2015

DEVELOPMENT & PLANNING

SUMMARY OF DECISION

The request for conditional use permit to authorize the construction of an additional structure to store emergency apparatus indoors on-site at 44 Squaw Bay Road, Shaw Island is **APPROVED** subject to conditions.

SUMMARY OF RECORD

Request:

Jon Shannon, on behalf of San Juan County Fire Protection District #5 (Applicant), requested a conditional use permit to authorize construction of an additional structure to store emergency apparatus indoors on-site at 44 Squaw Bay Road, Shaw Island.

Hearing Date:

The San Juan County Hearing Examiner held an open record public hearing on the request on May 28, 2015. By the agreement of the Applicant representative, the deadline for decision issuance was extended five business days to June 18, 2015.

Testimony:

At the open record public hearing, the following individuals presented testimony under oath:
Julie Thompson, Planner, San Juan County Department of Community Development
Jon Shannon, Fire Chief, Applicant Representative

Exhibits:

The following exhibits were admitted in the record:

1. Department of Community Development Staff Report to the Examiner, dated May 14, 2015
2. Land use project permit application, received April 15, 2015
3. Applicant narrative, dated April 12, 2015
4. Color copies of four photos of the subject property, submitted by the Applicant
5. San Juan County GIS map of the site
6. Site Plan and elevations

Upon consideration of the testimony and exhibits submitted at the open record public hearing, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

1. The Applicant requested approval of a conditional use permit to authorize the requested a conditional use permit to authorize construction of an additional structure to store emergency apparatus indoors on-site at 44 Squaw Bay Road, Shaw Island.¹ *Exhibits 1, 2, and 3; Shannon Testimony.*
2. The 0.61-acre subject property has a Rural Farm Forest land use designation. The site is developed with the existing unmanned Shaw Island fire station, an institutional use. The parcel is located west of Squaw Bay Road on Shaw Island. It is relatively flat and cleared of vegetation from the existing building to the north parcel boundary, with mature trees along the south boundary. There are no critical areas on-site. Surrounding land uses are institutional to the north and west, agricultural to the east, and preservation trust to the south. There are no airports or airfields in the vicinity. *Exhibit 1.*
3. The Shaw Island Subarea Plan is silent on emergency services as a land use. Pursuant to San Juan County Code (SJCC) 18.30.040 Table 3.2, emergency services are allowed in the Rural Farm Forest land use designation subject to a conditional use permit. *Exhibit 1; SJCC 18.30.040.*
4. Shaw Island Fire Department provides fire protection and emergency response to the residents and guests of Shaw Island. The Fire Protection District (the District) was established in 1962 and has been in operation since that time, relying on volunteer firefighters and EMTs. After conditional use permit 07CU006 was approved in 2007, the existing fire station was built in 2008 to house a Type 1 fire engine and a Type 1 tanker donated to the District. In January 2015, the District received two additional Type 1 engines by donation from San Juan Island District #3. Because exposure to freezing weather damages fire apparatus' pumps and valve systems, the District has requested permission to construct a new building to enclose the engines. *Exhibits 1 and 3; Shannon Testimony.*
5. The proposal would add a new 30- by 56-foot building just west of the existing fire station to house the new engines. It would have an identical foundation and footprint, with a slightly lower roof height. According to the District, the subject property is the best location for additional apparatus storage for several reasons. The District already owns the site and the neighborhood is used to the emergency response activity there. The historic station on Ben Nevis Loop is too small to house the new engines. The subject property's location is central, with easy access to County roads and the fire department's water supply. Firefighter training and apparatus maintenance is facilitated when the equipment is located together. *Exhibits 3 and 6; Shannon Testimony.*

¹ The subject property is known as Tax Parcel number 263422002. *Exhibit 1.*

6. The District asserted that approval would not lead to more intensive use of the property because the District's response to any call is limited to the number of volunteer firefighters available, which will not increase as a result of the new engines or approval of the requested CUP. *Exhibit 3; Shannon Testimony.*
7. Construction building would not require removal of any vegetation. The area proposed for construction is already graveled; no new impervious surface is proposed. No change to the existing site access is proposed; existing sight distance at the site entrances is adequate. Lighting and utilities to the new structure would be the same as those to the existing building. No fire hydrants and no new landscaping are proposed. *Exhibits 1, 3, 4, 5, and 6; Shannon Testimony.*
8. All new development is required to conform to the minimum requirements of the Washington Department of Ecology Stormwater Management Manual for Western Washington, or in the alternative, the best management practices identified in the January 2005 Low Impact Development Technical Guidance Manual for Puget Sound for managing runoff, controlling soil erosion, and maximizing and protecting recharge. *SJCC 18.60.070; Exhibit 1.* The application materials indicate that stormwater runoff from the new structure would be conveyed to the roof drain system for the existing building, which has been approved by the County. The Applicant representative indicated the existing system has adequate capacity. *Exhibits 1 and 3; Shannon Testimony.*
9. Due to hydrogeologic characteristics, all of the land area of San Juan County is classified as highly susceptible aquifer recharge area. Institutional facilities must comply with the requirements of the County's critical aquifer recharge area regulations. Applicants are required to provide a list of the quantities and types of chemicals to be used, proposed spill containment plans, and a plan for disposal of waste materials. *SJCC 18.35.080, Critical aquifer recharge areas.* The Applicant indicated that no chemicals would be stored in the new building aside from the Class A and Class B foam stored on the parked apparatus. *Exhibit 3.* Planning Staff accepted this information in satisfaction of the critical aquifer regulations' requirements. *Thompson Testimony; Exhibit 1.*
10. The application is also requesting that this application process consider two possible additional future uses of the site: a project to construct a water supply system and additional space for an ambulance to be parked. However, no materials related to these future projects were submitted and Staff did not recommend any action on this briefly stated request. *Exhibit 3; Shannon Testimony; Thompson Testimony.*
11. The application was submitted March 27, 2015 and determined to be complete on the same date. Notice of the application was posted on-site and mailed to surrounding property owners on April 3, 2015. Notice was published on April 15, 2015. The County did not receive comments on the proposal. *Exhibits 1 and 2; McEnery Testimony.*
12. Planning Staff submitted that the proposed expanded institutional (emergency services) use would be consistent with the intent of the Unified Development Code and the

Comprehensive Plan as well as specific requirements in SJCC Chapter 18.60. Staff noted that there are no other fire stations anticipated to be built on Shaw Island and that cumulative effects are not anticipated. No conflict with surrounding existing or permitted land uses would result from approval. Staff recommended approval with conditions. *Thompson Testimony; Exhibit 1.* The Applicant waived objection to the recommended conditions. *Shannon Testimony.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide applications for conditional use permit pursuant to Chapter 36.70.970 of the Revised Code of Washington and Chapters 2.22 and 18.80 of the San Juan County Code.

Criteria for Review

Pursuant to SJCC 18.80.100.D, a conditional use permit shall be granted by the County only if the following criteria are met:

1. The proposed use will not be contrary to the intent or purposes and regulations of this code or the Comprehensive Plan;
2. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located;
3. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval;
4. The cumulative impact of additional requests for like actions (the total of the conditional uses over time or space) will not produce significant adverse effects to the environment that cannot be mitigated by conditions of approval;
5. The proposal will be served by adequate facilities including access, fire protection, water, stormwater control, and sewage disposal facilities;
6. The location, size, and height of buildings, structures, walls and fences, and screening vegetation associated with the proposed use shall not unreasonably interfere with allowable development or use of neighboring properties;
7. The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood;
8. The proposal complies with the performance standards set forth in Chapter 18.40 SJCC;
9. The proposal does not include any use or activity that would result in the siting of an incompatible use adjacent to an airport or airfield (RCW 36.70.547); and
10. The proposal conforms to the development standards in Chapter 18.60 SJCC.

Conclusions Based on Findings

1. Enhanced emergency services facilities are consistent with the intent of the Unified Development Code and the County's Comprehensive Plan. *Findings 2, 3, 4, 7, and 12.*
2. The proposed structure would be similar if not identical in appearance to the existing building at the fire station and would be consistent with the Rural Farm Forest land use designation. *Findings 2, 3, 5, 6, 7, and 12.*
3. No critical areas were identified on-site. No new impervious surfaces or vegetation removal are included in the proposal. Conditions would ensure that stormwater runoff is managed consistent with County standards. *Findings 2, 7, 8, and 9.*
4. The proposal consists of a building to house emergency response apparatus. Additional similar requests would be limited in number and subject to the same review process. No cumulative significant adverse impacts would result from the instant approval. *Findings 1, 5, 6, and 12.*
5. The site is served by public roads and has adequate sight distance at entrances. Conditions would ensure adequate stormwater control is supplied. The unmanned station is not required to provide and would create no demand for water or sanitary service. *Findings 2, 7, and 8.*
6. Review during the building permit process would ensure compliance with setbacks, height limits, and other applicable development standards. As proposed and conditioned, approval would not inhibit full development of surrounding parcels. *Findings 2, 5, 6, 9, and 12.*
7. The existing site entrances provide adequate sight distance. *Finding 7.*
8. There are no use-specific performance standards for the proposed use. *SJCC 18.40.*
9. There are no airports or airfields in the vicinity. *Finding 2.*
10. As conditioned, the proposal would conform to applicable requirements of SJCC Chapter 18.60. *Findings 3, 7, and 12.*

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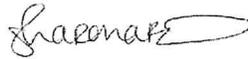
DECISION

Based on the preceding findings and conclusions, the request for conditional use permit to authorize construction of an additional structure to store emergency apparatus indoors on-site at 44 Squaw Bay Road, Shaw Island is **APPROVED** subject to the following conditions:

1. Construction shall conform to the approved stormwater site plan.
2. Development authorized through this permit shall be completed within five years from the date of permit approval or the permit shall become null and void. An extension of up to one year may be granted by the decision making authority if the permittee demonstrates good cause for an extension.

Decided June 17, 2015.

By:



Sharon A. Rice
San Juan County Hearing Examiner