

## NOTICE OF DECISION

### BEFORE THE SKAGIT COUNTY HEARING EXAMINER

- Applicant:** Skagit Transit  
c/o Brad Windler  
600 County Shop Lane  
Burlington, WA 98223
- Request:** Special Use Permit Modification (SPU), PL19-0242
- Location:** 11784 Bay Ridge Drive, within a portion of Sec. 34, T35N, R3E, W.M.
- Land Use Designation:** Bayview Ridge Light Industrial (BR-LI)
- Summary of Proposal:** Relocation of Skagit Transit Maintenance, Operations and Administration (MOA) base to the former FedEx site. A portion of abutting property to the north has been purchased for additional parking, maneuvering and fueling.
- Public Hearing:** August 28, 2019. Testimony by Planning and Development Services (PDS) staff and by applicant. No public testimony.
- Decision/Date:** The application is approved subject to conditions.  
September 13, 2019
- Reconsideration/Appeal:** Reconsideration may be requested by filing with PDS within 10 days of this decision. Appeal is to 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](http://www.skagitcounty.net/hearingexaminer)

## **FINDINGS OF FACT**

1. Skagit Transit seeks a Special Use Permit to relocate its Maintenance, Operations and Administration (MOA) base to the Bayview Ridge Light Industrial area.
2. The proposed site is at 11784 Bay Ridge Drive, within a portion of Sec. 34, T35N, R3D, W.M. This is in the BR-LI zone. The parcel numbers are P121434, P121435 and P134381.
3. The site was developed historically by Fed Ex and used as a ground distribution center. Fed Ex vacated the site in the winter of 2015. In connection with the proposed new use of the site, Skagit Transit purchased abutting property (P134381) to the north to be used for additional parking, maneuvering and fueling.
4. The site is 10.37 acres located on the north side of Peterson Road and on the west side of Bay Ridge Drive. The primary building for the proposed use already exists. 80-90 percent of the site is covered with impervious surface (building and pavement). The property is flat, the steepest slope being 2%. Additional improvements include fencing, stormwater detention, lighting and underground utilities.
5. A wetland determination was completed in 2001 and a Protected Critical Areas (PCA) plan has been recorded.
6. Skagit Transit obtained a Special Use Permit (PL15-0310) for the proposed use in 2015, but that permit became void when the project was not started within two years of approval. This request is to replace the expired permit. The proposed use is classified as a Major Public Use.
7. Skagit Transit is the public transportation provider in Skagit County with 907,500 boarding's in 2018. It operates fixed route, commuter bus, paratransit services, and a commuter van program. Over the next six years, Skagit Transit plans to modestly expand into underserved and unserved urban areas and into high demand rural areas.
8. Employees, fleet vehicles, vendors and delivery vehicles will provide the vast majority of traffic to and from the site. Currently Skagit Transit has 143 full-time and part-time employees, of which 80+ are bus operators. The bus drivers report in and out and the beginning and end of shifts at the site but perform 95% of their work offsite.
9. Currently most customer interactions occur at Skagit Station in downtown Mount Vernon or by phone and email. Additionally, a Service Coordinator and a Security Supervisor work at Skagit Station.

10. However, a small number of customers, typically less than seven per day, are expected to come to the MOA to pick up or submit applications for paratransit service, to buy bus passes, to apply for reduced fare cards or to make vanpool payments.

11. Skagit Transit operates seven days per week with reduced service on Saturdays and Sunday, meaning that some traffic will be using the site during most hours. The earliest driver weekday shift begins at 4 AM and the latest ends in the 9 PM hour. Supervisors, dispatchers and schedulers are on shift at similar hours. Vehicle and facilities maintenance personnel also work an extended seven days a week schedule. The vehicle cleaning crew comprised of four staff members and jail inmates works between 3 p.m. and 1 a.m. About 26 administrative and operations office workers work 8 to 5 Monday through Friday.

12. The Skagit Transit MOA generates an average of 297 vehicle trips per day. Of these, 72 are buses and heavy trucks. Existing parking is more than adequate to cover staff, fleet and visitor parking. The site has internal circulation lanes for maneuvering through parking areas and around buildings. There are no plans to make any changes to the internal road system.

13. The property is surrounded by other land within the BR-LI zone. The Port of Skagit County Bayview Business Park is located immediately to the west. Some of the surrounding parcels are occupied by industrial uses. Others are undeveloped.

14. The applicant intends to phase development for the proposed use. The initial development schedule extended over five to six years.

15. The initial application was deemed complete and a Notice of Development Application was posted, published and mailed as required by law. The Notice was published on June 27, 2015. No public comments were received.

16. Environmental review involved the completion of a SEPA checklist and issuance of a Determination of Non-Significance (DNS). The DNS, issued July 28, 2015, was not appealed.

17. The application was routed to relevant County departments. None had critical comments. It was noted that the existing building is served with public water and sewer. The project will need a building permit for any tenant improvements.

18. The Staff Report analyzed the application against the applicable Special Use Criteria and concluded that, as conditioned, the project is 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.

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

## **CONCLUSIONS OF LAW**

1. The Hearing Examiner has jurisdiction over this proceeding. SCC 14.16.900.
2. The requirements of the State Environmental Policy Act (SEPA) have been met.
3. Under the definitions of the Unified Development Code, the proposal is for a major public use. SCC 14.04.020. Within the Bayview Ridge Light Industrial Zone, a major public use is allowed by Special Use Permit. SCC 14.16.180(5)
4. As conditioned, the request for a Special Use Permit modification meets the relevant approval criteria. SCC 14.16.900(1)(b)(v).
5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

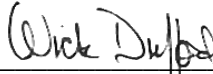
## **CONDITIONS**

1. The proposal shall be carried out as described in the application materials, except as the same may be modified by these conditions.
2. A building permit shall be required for any tenant improvement or modifications. A well site review shall be required with the building permit (SCC 14.24.330(2))
3. All other required permits shall be obtained and their conditions adhered to.
4. The provisions of the Protected Critical Area Plan shall be adhered to.
5. The applicant shall comply with all applicable requirements of the Skagit County Code, including but not limited to, Chapter 14.24 SCC (critical areas), Chapter 14.16 SCC (zoning). See, in particular, SCC 14.16.840.
6. The applicant shall comply with all applicable State regulations, included but not limited to Chapters 173-201A and 173-200 WAC (surface and ground water quality), Chapter 173-60 (noise).
7. If the proposed expansion to the north occurs (P134481), the 50-foot buffer must not be impacted by future development.
8. All outstanding planning review fees shall be paid prior to final approval.
9. Per SCC 14.16.900, the proposal shall be commenced within two years of permit approval.
10. If the applicant proposes any modification of the subject proposal, it shall notify Planning and Development Services prior to the start of operation or construction.

11. Failure to comply with any condition of approval may result in permit revocation.  
SCC 14.16.900(1)(b)

**DECISION**

The application for a Special Use Permit Modification (PL19-0242) is approved, subject to the conditions set forth above.

  
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Wick Dufford, Hearing Examiner

Transmitted to applicant and staff, September 13, 2019.