

**SAN JUAN COUNTY  
HEARING EXAMINER**

**FINDINGS, CONCLUSIONS AND DECISION**

**Applicants:** San Juan Fire District #2  
% Mike Harris  
P.O. Box 217  
Eastsound, WA 98245

**File No:** HE03-09 (08CU017)

**Request:** Conditional Use Permit (CUP) S.J.C. COMMUNITY

**Parcel No:** 260724006 JAN 16 2009

**Location:** 13 Legend Lane, Deer Harbor DEVELOPMENT & PLANNING  
Orcas Island

**Summary of Proposal:** A request for a CUP to build a fire station in Deer Harbor.

**Land Use Designation:** Hamlet Residential

**Public Hearing:** After reviewing the report of the Community Development and Planning Department a public hearing was held on January 7, 2009.

**Applicable Policies and Regulations:** Deer Harbor Subarea Plan (Ord 26-2007)  
SJCC 18.40 Signs  
SJCC 18.60 Development Standards/Landscaping  
SJCC 18.80.110 CUP Criteria

**Decision:** The application is approved subject to conditions.

## **Findings of Fact**

1. San Juan Fire District #2 requests a CUP to construct a fire station in Deer Harbor.
2. The parcel is located at 13 Legend Lane off Channel Road in Deer Harbor. The parcel consists of .45 acres and is owned by the Fire District. The parcel is designated Hamlet Residential.
3. Under the Deer Harbor Subarea Plan emergency services are allowed in Hamlet Residential designations by CUP.
4. A revised site plan was submitted to the Community Development and Planning Department (CDPD) on January 5, 2009. (Ex. 1) An explanation of the revised plan was submitted by letter (Ex. 2) and an illustrative site plan was also submitted at the hearing (Ex. 3).
5. The site is located on the south side of the County road. The neighborhood is a mixed residential and commercial area. Deer Harbor Boat Works is located west of the site, a phone company office is east of the site, a bed and breakfast facility is located to the north and residential uses complete the area.
6. The revised site plan (Ex. 2) proposal is to construct a fire station with four truck bays and a second story. The ground floor footprint is approximately 2,500 square feet. The second story footprint is to be approximately 1,500 square feet. No basement is contemplated.
7. A total of nine parking spaces are proposed in small clumps. No landscaping requirements are called for in the revised site plan location.
8. The ground floor of the two-story building will house trucks, a restroom, a training/meeting room, storage areas and a small kitchen. The upper story would contain storage areas as well as a m/f dormitory for use during peak emergency periods.
9. The access roads to the building will be paved.
10. An access permit has been approved by Public Works. A single wide trailer currently on the property will be scheduled for demolition.
11. A single water storage tank of approximately 10-14 feet in height is proposed. The tank will be buried somewhat but bedrock will prevent underground storage. Screening for the tank, a generator for emergency power, a propane tank and trash bins will be provided as required by County regulations.

12. The water storage tank will hold approximately 10,000 gallons for future sprinkler fire protection. The proposal anticipates using a stormwater catchment system for filling and washing fire equipment and irrigating landscaping. An existing water system is to be used only for requirements inside the proposed building.
13. The Fire District and adjoining neighbor have reached an oral agreement with regard to the west boundary line. The proposal involves moving the fire district boundary 10 feet to the east and installing 10 feet of Type A landscaping along the western boundary as delineated in Ex. 3. That proposal meets with the approval of the CDPD administrator.
14. With regard to the north boundary line the administrator has concurred in placing Type A landscaping directly north of the drainfield with the balance of the north boundary line to be Type B landscaping.
15. Whether the proposed location or alternative location should have been selected is not a decision to be made an appointed hearing examiner. Rather that decision rests within the discretion of the elected fire commissioners. Likewise any budget issues relating to the proposed fire station are decisions that rest with the elected fire commissioners.
16. The fire station building does have a residential appearance and is within the size limits of the Deer Harbor Subarea Plan. There are adequate sewer and water services.
17. A Determination of Non-Significance was issued on November 5, 2008. No comments were received.
18. Notice of application and hearing was published November 5, 2008. Mailing and site posting occurred on November 6, 2008. A public hearing was held on January 7, 2009.
19. The staff report is incorporated herein by reference as though fully set forth. The analysis and factual statements contained in the staff report are adopted as a finding herein.
20. Any conclusion herein which may be deemed a finding is hereby adopted as such.

### **Conclusions of Law**

1. The Hearing Examiner has jurisdiction over the persons and subject matter of this proceeding.

2. The application has complied with the requirements of the State Environmental Policy Act.
3. Proper notice was given in compliance with local and state requirements.
4. Properly conditioned, the proposal meets the criteria of a CUP and the Deer Harbor Subarea Plan.
5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

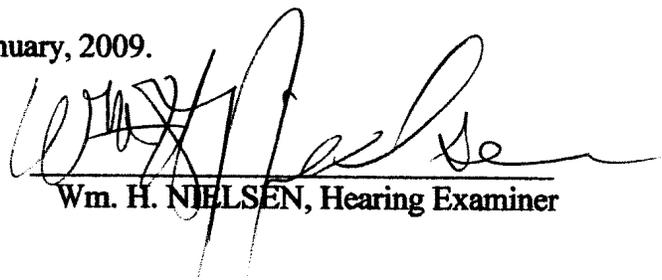
### **Conditions**

1. The project is to be constructed as shown within the application materials specifically within the confines of Exs. 1, 2 and 3.
2. Emergency services are the only uses allowed.
3. Exterior lighting shall comply with county regulations.
4. The boundary line and landscaping proposals shall be consistent with Exs. 1, 2 and 3. A final landscaping plan with concurrence of the adjacent neighbors shall be submitted to and approved by CDPD prior to the issuance of any building permit.
5. A final stormwater drainage plan shall be submitted to and approved by Public Works prior to the issuance of any building permit. Water and sewage disposal shall be reviewed and approved by Health and Community Services prior to issuance of any building permit.

### **Decision**

The conditional use permit is approved subject to the conditions set forth above.

DONE this 16<sup>th</sup> day of January, 2009.

  
Wm. H. NIELSEN, Hearing Examiner

### **Appeal**

Any appeal of this decision shall be to Superior Court pursuant to the Land Use Petition Act, Chapter 36.70 RCW, within 21 days of the issuance of the decision. See Home Rule Charter, Section 3.70.