

October 3, 1997

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON

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**REPORT AND RECOMMENDATION
TO THE METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: King County Department of Transportation File No. **L97UU001**
Proposed Ordinance No. **97-573**

PORT OF SEATTLE
Special Use Permit Application

Location: On the north side of Southeast Grouse Ridge Road, and
east of 508th Avenue Southeast (if extended)
(50810 SE Grouse Ridge Road)

Applicant: Port of Seattle
P.O. Box 1209
Seattle, WA 98111

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve, subject to conditions
Department's Final:	Approve, subject to conditions
Examiner:	Approve, subject to conditions

EXAMINER PROCEEDINGS:

Hearing opened:	September 23, 1997
Hearing closed:	September 23, 1997

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner: Washington State Department of Natural Resources
P.O. Box 68, Enumclaw, WA 98022
ATTN: Clay Sprague

Applicant: Port of Seattle, P.O. Box 1209, Seattle, WA 98111
ATTN: Bob Riley

STR: 21-23-9
Zoning: Forest (F)
Size: 3.28 acres
Location: 50810 Southeast Grouse Ridge Road
Request: Special Use Permit to expand an existing regional fire training facility
Proposal: To construct a vehicle-maneuvering area and stormwater retention facilities associated with a future Aircraft Rescue Firefighting Facility (ARFF) located within the Washington State Fire Training Academy (WSFTA). The vehicle maneuvering area and stormwater facilities will be located within a 3.28-acre area immediately adjacent to the northwest boundary of the WSFTA site. The ARFF training facility was approved under a 1982 Unclassified Use Permit (File No, 129-81-U).

Community Plan Area: Snoqualmie Valley
Comprehensive Plan Designation: Forestry (F)

2. The Port of Seattle (the Applicant) proposes to construct a vehicle maneuvering area and associated stormwater management facilities on a 3.28-acre site which abuts the existing Washington State Firefighting Training Academy (WSFTA). The WSFTA site, comprising approximately 50 acres operates pursuant to special use permit as a regional firefighting training facility, which includes aircraft rescue firefighting.¹ The property is owned by the Washington State Department of Natural Resources.
- A. The proposed maneuvering area will surround the proposed “burn area” and will extend outward 160 to 220 feet in all directions. The maneuvering area is designed to accommodate large firefighting vehicles.
- B. The storm water facility will consist of a retention/infiltration pond to be located in the northwest corner of the 3-acre property, one of two such ponds to be constructed in association with the Aircraft Rescue Firefighting Facility (ARFF).

The complete plans are contained in this hearing record as exhibit no. 4. In addition, detailed descriptions are contained in the Applicant’s April, 1997, FEIS addendum (see exhibit no. 3). A more brief summary is contained pages 2 and 3 of the Department of Development and Environmental Services preliminary report to the Hearing Examiner dated September 23, 1997 (exhibit no. 1).

3. An environmental impact statement is not required. As indicated above, an FEIS addendum has been prepared specific to this project, consistent with both NEPA and SEPA. See exhibit no. 3.

¹ The Special Use Permit derives from a UUP file no. 129-81-U, which automatically converted to a special use permit upon enactment of KCC Title 21A in early 1995.

4. The Department recommends granting approval of the requested special use permit subject to only three conditions. These conditions would require the 3-acre expansion to be developed consistently with the Applicant's site plan; would limit uses and activities to aircraft rescue firefighting training or to those uses which are permitted "outright" in the underlying F (forestry) zone; and, would require the installation and maintenance of perimeter security fencing.
5. The Applicant accepts the Department's recommendation and requests the Council's approval.
6. No person or agency appeared to oppose the proposed development. The record contains no evidence of opposition to the proposal.
7. The facts and analysis contained in the Land Use Services Division preliminary report dated September 23, 1997 are correct and are incorporated here by reference. A copy of the Land Use Services Division report will be attached to those copies of the Examiner's report which are submitted to the Metropolitan King County Council.

CONCLUSIONS:

KCC 21A.44.050 establishes the criteria by which a special use permit application shall be evaluated by the Examiner. The preponderance of the evidence in this hearing record amply demonstrates compliance with those criteria:

- This 3-acre expansion of an existing 50-acre facility will not be incompatible with the types of uses permitted in surrounding areas. The operation of the fire-fighting facility for over 15 years has demonstrated environmental compatibility. The special use will not materially endanger the health, safety and welfare of the community, as past practice has also demonstrated.
- This 3-acre addition will not result in an appreciable increase in pedestrian and vehicular traffic; and therefore will not inflict hazardous traffic volumes or movement upon existing neighborhood traffic patterns.
- The existing facilities operate adequately without adverse effect upon public services. The 3-acre addition may be expected not to add noticeably to that burden.
- The location, size and height of buildings, structures, walls and fences are amply illustrated in the project plans (exhibit no. 4) and the EIS addendum (exhibit no. 3) and will not hinder or discourage the appropriate development of use or neighboring properties.
- The Department of Development and Environmental Services has concluded that this special use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of KCC Title 21A. The Comprehensive Plan policies, which apply are cited on pages 7 and 8 of the Department's preliminary report to the Examiner (exhibit no. 1).
- As the Department notes, the loss of 3 acres of land designated "forest production" will have little or no short or long term impacts to forestry resources in the vicinity; most particularly, in this case, because the subject 3-acre parcel is currently unforested and has been historically used as a gravel pit.

For all the above reasons, the requested special use permit should be approved subject to the conditions recommended by the Department.

RECOMMENDATION:

APPROVE the special use permit (file no. L97UU001), subject to the following conditions:

1. This 3-acre expansion area shall be developed consistent with the site plan dated May 12, 1997 (exhibit no. 4 of this hearing record). Minor modifications may be allowed at the discretion of the Land Use Services Division of the Department of Development and Environmental Services.
2. Only uses and activities associated with the Aircraft Rescue Firefighting Facility or other uses permitted outright in the F (forestry) zone classification shall be conducted on this 3-acre site. Temporary uses, as may be authorized by KCC 21A, also may be allowed.
3. Security fencing shall be installed and maintained around the perimeter of the Aircraft Rescue Firefighting Facility site.

RECOMMENDED this 3rd day of October, 1997.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 3rd day of October, 1997, to the following parties and interested persons:

Mr/Mrs Joe Brandalise
Homestead Vly Trust Fund Assn
4756 South Bond Street
Seattle, WA 98118-5628

King Co. Airport Police
ARFF Chief
P.O. Box 80245
Seattle, WA 98108

Bob Riley
Port of Seattle
P.O. Box 1209
Seattle, WA 98111

Port of Seattle
Fire Chief
2400 S 170th St
Seattle, WA 98158

Snoqualmie Valley Report
Rebecca Burgess
P.O. Box 349
North Bend, WA 98045

Paul Garalski
11301 NE 7th
Apt. M-8
Vancouver, WA 98684

Clay Sprague, WA St DNR
P.O. Box 68
Enumclaw, WA 98022

WA State Fire Marshall
P.O. Box 42638
Olympia, WA 98504

Rick Smith, WSFTA
50810 Grouse Rdg Rd
N.Bend, WA 98045

Michaelene Manion, DDES/LUSD

Greg Borba, DDES/LUSD

Marilyn Cox, SEPA

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the Metropolitan King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before **October 17, 1997**. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the Metropolitan King County Council on or before **October 24, 1997**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE SEPTEMBER 23, 1997 PUBLIC HEARING ON KING COUNTY DEPARTMENT OF TRANSPORTATION FILE NO. L97UU001/PORT OF SEATTLE SPECIAL USE PERMIT APPLICATION:

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing were Robert Riley, Rick Smith, and Greg Borba/DDES.

The following exhibits were offered and entered into the hearing record:

- Exhibit No. 1 DDES preliminary report to the Hearing Examiner
- Exhibit No. 2 Special use permit application, received May 12, 1997
- Exhibit No. 3 Addendum to final EIS, received May 12, 1997
- Exhibit No. 4 Project plans (9 sheets), received May 12, 1997
- Exhibit No. 5 Copy of Ordinance 5853, with attached Hearing Examiner report
- Exhibit No. 6 King County assessor maps (3)
- Exhibit No. 7 Affidavit of posting for notice of application; posting date June 25, 1997
- Exhibit No. 8 Affidavit of posting for notice of hearing/recommendation; posting date August 18, 1997
- Exhibit No. 9 Affidavit of publication in Seattle Times; publishing date August 25, 1997
- Exhibit No. 10 Final EIS for Fire Training Center, dated November 1981
- Exhibit No. 11 DDES special use permit file no. L97UU001
- Exhibit No. 12 Lease agreement between DNR and WA State Patrol
- Exhibit No. 13 Letter from Al Hayes

RST:vam

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