

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND DECISION

Applicant: Burlington-Edison School District #100
c/o John Leander
491 N. Burlington Boulevard
Burlington, WA 98233

Agent: Ravnik & Associates
108 E. Gilkey Road,
P.O, Box 361
Burlington, WA 98233

File Nos: PL05-0087

Request: Special Use Permit

Location: Bayview Elementary School, 15241 Josh Wilson Road,
within a portion of Sec. 27, T35N, R3E, W.M.

Land Use Designation: Rural Reserve (RRv)

Summary of Proposal: To install nine portable units along the north side of the existing school building – eight classroom units and one restroom. One of the units may be larger than standard to accommodate a science program.

Public Hearing: After reviewing the report of Planning and Development Services, the Hearing Examiner conducted a public hearing on May 25, 2005.

Decision: The application is approved, subject to conditions.

FINDINGS OF FACT

1. Burlington-Edison School District #100 (applicant) seeks a Special Use Permit to install nine portable units on the grounds of Bayview Elementary School.
2. The location is 15421 Josh Wilson Road on the north side of the road about 1.2 miles east of the Farm to Market Road. The site is within a portion of Sec. 27, T35N, R3E, W.M. The zoning of the property is Rural Reserve (RRv).
3. This school property is 13+ acres in size, consisting of north and south parcels. The present school campus is on the south 4.80 acres. The open grass playground and remaining property are on the north 9.01 acres.
4. The Bayview Elementary School now employs 36 full-time personnel who are on site from 7:30 a. to 4:00 p.m. In addition there are approximately 16 part-time employees who work Monday through Friday from three to six hours per day.
5. The proposal is to install up to eight portable classroom buildings and one portable restroom building. When all these buildings are in place, approximately 12 additional full-time staff will be needed. The portables will be a standard size, except for one used to house a science program. This will be two to three times larger than the others.
6. The main school building is north of the road with a parking and drop off area on the south side in front. The bus area and turnaround is on the west side. There is an existing portable on the east side.
7. The proposed new portables will be placed to the north and northeast of the main building, near the lot line of the north and south parcels. Most will be hidden by the building in views from Josh Wilson Road. To the north, east and west of the school property, there are no residences that have their primary views towards the school.
8. The current plan is to install four units this summer – two standard classrooms, a science room and a restroom. The remaining units would be gradually phased in over the next 10 years.
9. There is already adequate parking on site (144 stalls) to accommodate the additional staff anticipated. There will be some growth in the student population and therefore some increase in drop-offs and pick-ups, but the anticipated increases in traffic attributable to this project can readily be accommodated by the existing road system.
10. Public water is available to the site. The new facilities will be connected to the existing sewer system. There is no indication of unusual drainage problems. No critical areas will be affected.

11. No significant environmental impacts are anticipated. A Mitigated Determination of Non-Significance (MDNS) under the State Environmental Policy Act (SEPA) was issued on March 24, 2005. The MDNS was not appealed. The following standard conditions were imposed via the MDNS:

- a. Temporary/erosion/sedimentation control measures shall be in place prior to the placement of any fill material. The applicant shall maintain all temporary erosion/sedimentation control measures until the completion of the project.
- b. The applicant shall comply with Northwest Air Pollution Control Authority requirements.
- c. The applicant shall comply with the provisions of Chapter 14.32 of the Skagit County Code, the Skagit County Drainage Ordinance, as it relates to increased runoff from additional impervious surfaces.
- d. The applicant shall comply with all Fire Code standards.
- e. An engineered soils compaction report shall be required for all structures placed on fill material.
- f. The applicant shall comply with all relevant provisions of 14.24 (Skagit County Critical Areas Ordinance).

12. Other uses in the immediate area are scattered rural residences. Several commercial/light industrial businesses are located to the south of Josh Wilson Road. The Bayview Regional Airport (Port of Skagit County) is located to the south and also encompasses a variety of light industrial uses.

12. The increase in classrooms will be entirely compatible with mix of low density uses in the vicinity.

13. Proximity to the airport requires the Port to acquire an avigation easement. The Port has agreed to a 55 DNS noise limit in the easement – significantly lower than the normal limit. The lower limit (measured outside of buildings) can be met at the site.

14. The comments of the various County departments are reflected in conditions of approval. Building permits will be required. Whether there is a need for fire sprinklers will be reviewed at that stage.

15. The school is a “major public use.” With the existing building, the proposed development exceeds 3,000 square feet or greater.

16. The criteria for Special Use Permit approval are set forth at SCC 14.16.900(2)(b)(v), as follows:

- (a) The proposed use will be compatible with existing and planned land use and comply with the Comprehensive Plan.
- (b) The proposed use complies with the Skagit County Code.
- (c) The proposed use will not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840.
- (d) The proposed use will not generate intrusions on privacy of surrounding uses.
- (e) Potential effects regarding the general public health, safety, and general welfare.
- (f) for special uses in ... Natural Resource Lands ..., the impacts on long-term natural resource management and production will be minimized.
- (g) The proposed use is not in conflict with the health and safety of the community.
- (h) The proposed use will be supported by adequate public facilities and services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.

17. The Staff Report analyzes the proposal in light of the above criteria and finds that, as conditioned, it will be consistent with them. 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.

18. Any conclusion that may be deemed a finding is hereby adopted as such.

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the persons and the subject matter of this proceeding.
2. The requirements of SEPA have been met.

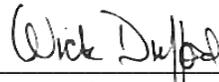
3. The proposed development within the Rural Reserve district requires a Hearing Examiner Special Use Permit. SCC 14.16.320(4)(s).
4. The facts support a conclusion that, as conditioned below, the proposal will be consistent with the criteria for approval of a Special Use Permit. SCC 14.16.900(2)(b)(v).
5. The proposal is in effect for a phased development. The plan to anticipate needs at least 10 years into the future is prudent and should be approved.
6. Any finding herein which may be deemed a conclusion is hereby adopted as such.

CONDITIONS OF APPROVAL

1. The project shall be installed and operated substantially as proposed in the application materials, except as the same may be modified by these conditions.
2. The applicant shall obtain all other necessary permits or approvals. Building permits shall be required for the installation of buildings. At the building permit stage, the question of whether fire sprinklers are needed shall be reviewed.
3. The applicant shall comply with all conditions set forth in the MDNS issued on March 24, 2005. (See Finding 11.)
4. The terms and conditions of the avigation easement shall be agreed to prior to obtaining any building permit. A recorded copy of the easement shall be supplied to Planning and Development Services.
5. The applicant shall comply with all relevant provisions of County regulations, including SCC 14.16.840, Performance Standards.
6. All buildings shall meet handicapped accessibility requirements.
7. The applicant shall comply with all applicable requirements of SCC 14.16.210, the Airport Environs Overlay.
8. The project shall be commenced within two years of permit approval. Development may be phased. Up to four units shall be included in the first phase. The remainder may be phased in over a 10 year period from the date of permit approval.
9. Failure to comply with any of the conditions of the permit may result in its revocation.

DECISION

The requested Special Use Permit is approved, subject to the conditions set forth above.



Wick Dufford, Hearing Examiner

Date of Action: June 21, 2005.

Date Transmitted to Applicant: June 21, 2005

RECONSIDERATION/APPEAL

As provided in SCC 14.06.180, a request for reconsideration may be filed with Planning and Development Services within 10 days after the date of this decision. As provided in SCC 14.06.120(9), the decision may be appealed to the Board of County Commissioners by filing a written Notice of Appeal with Planning and Development Services within 14 days after the date of the decision, or decision on reconsideration, if applicable.