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2
3 **BEFORE THE HEARING EXAMINER**
4 **FOR SKAGIT COUNTY**
5

6 **Applicant:** Burlington Edison School District
7 % John Leander
8 491 N. Burlington Blvd.
9 Burlington, WA 98233

10 **Agents:** Ravnik and Associates
11 P.O. Box 361
12 Burlington, WA 98233

13 **File No:** SU 05 0311

14 **Request:** Special Use Permit

15 **Location:** Edison Elementary School, 14342 West Bow Hill Road, Bow, WA; within a
16 portion of Section 33, Township 36 North, Range 3 East, W.M., Skagit
17 County, Washington

18 **Assessor's**

19 **Parcel Nos.:** P72998, P48535, P48538, P106869

20 **Land Use Designation:** RVR

21 **Summary of Proposal:** To install five portable units along the south side of the
22 existing school building divided into two phases.

23 **Public Hearing:** After reviewing the report of the Planning & Development Services,
24 the Hearing Examiner, *pro tem*, conducted a public hearing on
25 August 24, 2005.

Decision: The application is approved subject to the conditions stated in the
decision.

1 **FINDINGS OF FACT**

- 2 1. Burlington-Edison School District #100 ("Applicant") seeks a special use permit
3 to install five portable units on the grounds of the Edison Elementary School.
- 4 2. The location of the proposal is 14342 West Bow Hill Road, Bow, Washington.
5 The situs is within a portion of Section 33, Township 36 North, Range 3 East,
6 W.M. The zoning for the property is RVR.
- 7 3. The school property is 18 plus acres in size located south of the Edison Fire
8 Station, south and east of West Bow Hill Road and east of Main Avenue.
- 9 4. The existing Edison Elementary School now employs approximately 35 full time
10 personnel who are on site Monday through Friday 7:30 a.m. to 4:00 p.m. The
11 school also employs approximately 15-20 part-time personnel who work Monday
12 through Friday, three to six hours per day.
- 13 5. The proposal is to install up to five portable classroom buildings. The project is
14 divided into two phases with Phase I work to involve the placement of one
15 portable classroom measuring 28' x 46' with site preparation to occur in July or
16 August 2005. Phase II work, involving the placement of four more portable
17 classroom buildings would occur within 10 years.
- 18 6. The proposed new portables will have no negative aesthetic impacts on the
19 surroundings and all will be dedicated to improving the function of the existing
20 Edison School. The color and type of finish for the proposed and future buildings
21 will not impact the aesthetics of the surrounding area. The classrooms will be
22 located on the south side of the school building and due to their size and height,
23 most will not be noticeable from West Bow Hill Road, which is approximately 400
24 feet north of the site. The buildings also will not be readily visible from other
25 areas.
7. The addition of the five portables will not generate a noticeable increase or
change in the surrounding traffic patterns. An existing traffic report completed in
1996 indicates that all roads in the vicinity operate at an LOSA. The existing
school parking has approximately 120 parking stalls on the west side and 25
more parking stalls on the north side of the campus. The existing, on-site,
parking facilities will accommodate the minor increase in parking needs that
occur with additional staff associated with each of the proposed and future
classroom buildings.
8. Public water is available to the site. The new facilities will be connected to the
Edison Large On-Site Septic System.

- 1 9. The Health Unit (Water Resources division) indicated the following: "Please note
2 the below items for conditions of approval of SPU PL05-0311 based on the
3 request of one (1) plumbed middle school science curriculum lab portable and
4 four (4) future portables for classroom use."
5 • The school's share of the septic, Edison Large On-Site Septic system is sized
6 for a carrying capacity of 656 students plus faculty, based on 2.55 gallons per
7 day capacity design unless new infra-structure capacity is added for the
8 treatment facility and the drainfield.
9 • The school shall pay for full use of the ten (10) allotted shares starting in
10 January 2005 when the new invoicing starts for the 1,650 gallons capped
11 contribution.
12 • The "pump pot" being installed from the designated summer 2005 lab
13 portable shall be plumbed to the first septic tank in line from the school.
14 Pump pots tend to masticate materials and fine suspensions take longer to
15 settle out. By plumbing to the first tank in the series line, there is less
16 possibility of suspensions being passed into the main gravel filter.
17 • The drip field zone is to be augmented to a maximum of 1,100 gallons/24
18 hour period [day] from 1000 gallons/day.
19 • Billing from the engineering consulting firm, Harry Sellers of Gray and
20 Osborne, for evaluation of the school's use capacity will be directly mailed to
21 the school district.
22 • Applicant shall comply with WAC 173-60 and SCC 14.16.840 for noise and
23 light conditions.
24 • Applicant shall comply with Water Quality WAC's for surface and ground
25 water quality, WAC's 173-201A and 173-200.
10. No critical areas will be affected.
11. No significant environmental impacts are anticipated. A mitigated
determination of non-significance (MDNS) was issued and published in July 7,
2005 becoming effective following the 14-day appeal period which ended on July
21, 2005. No appeals were received and the following conditions were placed on
the threshold determination (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 completion of the project.
 - b. The applicant shall comply with Northwest Air Pollution 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 resulting from additional impervious surfaces.
 - d. The applicant shall comply with Fire Code Standards.

- 1 e. An engineered soils compaction report shall be required for all structures
2 placed on fill material.
3 f. The applicant shall comply with all relevant provisions of 14.24 (Skagit
4 County Critical Areas Ordinance).

5 12. Other uses in the immediate area consist of the rural village of Edison. The
6 construction of the temporary classroom buildings on the existing school campus
7 will be compatible with the Edison rural village.

8 13. The comments of various county departments are reflected in conditions of
9 approval. Building permits will be required. The Fire Marshal will need a
10 determination as to the specific requirements related to portable classrooms by
11 Washington State Amendments to the International Fire Code at the time of
12 building permit application.

13 14. The school is a "major public use". With the existing building, the proposed
14 development exceeds 2,000 square feet.

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

17 (a) The proposed use will be compatible with existing and planned land
18 use and comply with the Comprehensive Plan.

19 (b) The proposed use complies with the Skagit County Code.

20 (c) The proposed use will not create undue noise, odor, heat, vibration,
21 air and water pollution impacts on surrounding, existing, or potential
22 dwelling units, based on the performance standards of SCC 14.16.840.

23 (d) The proposed use will not generate intrusions on privacy of
24 surrounding uses.

25 (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

1 services and will not adversely affect public services to the surrounding
2 areas, or conditions can be established to mitigate adverse impacts on
3 such facilities.

4 16. The Staff Report analyzes the proposal in light of the above criteria and finds
5 that, as conditioned, it will be consistent with them. The Hearing Examiner
6 concurs with this analysis and adopts the same. The Staff Report is by this
7 reference incorporated herein as though fully set forth.

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

9 **CONCLUSIONS OF LAW**

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

12 2. The requirements of SEPA have been met.

13 3. The proposed development within the Rural Village Residential district
14 requires a Hearing Examiner Special Use Permit. SCC 14.16.320(4)(s).

15 4. The facts support a conclusion that, as conditioned below, the proposal will
16 be consistent with the criteria for approval of a Special Use Permit. SCC
17 14.16.900(2)(b)(v).

18 5. The proposal is in effect for a phased development. The plan to anticipate
19 needs at least 10 years into the future is prudent and should be approved.

20 6. Any finding herein which may be deemed a conclusion is hereby adopted as
21 such.

22 **CONDITIONS**

23 Based on a review of all associated environmental studies, special use criteria and the
24 above findings, the Planning and Development Services staff recommends **APPROVAL**
25 of the requested Special Use Permit with the following conditions:

1. The applicant shall obtain all necessary permits and approvals.

2. The applicant shall comply with the conditions outlined within the SEPA threshold
Determination (MDNS) which are listed in Finding #11, above.

- 1 3. The applicant shall comply with all relevant provisions of Skagit County Code
2 14.24, the Critical Areas Ordinance, and Skagit County Code 14.16 the Zoning
3 Ordinance.
- 4 4. The applicant/proposal shall comply with SCC 14.16.840, Performance Standards.
- 5 4. Building permits are required for all buildings. Fire sprinklers are required in all
6 classroom buildings not meeting the exemption outlined within section 903.2.2 of
7 the Washington State Amendments to the 2003 International Building Code, and
8 all buildings must meet handicapped accessibility requirements.
- 9 6. Prior to building permit approval, the applicant must provide an amendment to
10 the Traffic Analysis, done in 1996, that addresses the change in traffic due to the
11 addition of portable classrooms. This amendment should consider full build out.
- 12 7. In accordance with Skagit County Code 14.32 an engineered drainage report and
13 plan will be required with a building permit or grading permit application.
- 14 8. The applicant shall comply with the Fire Marshal requirements prior to building
15 permit approval.
- 16 9. The applicant shall comply with all requirements from the Environmental Health
17 Unit (Water Resources) as indicated within Departmental Finding and as follows:
 - 18 • The school's share of the septic, Edison Large On-Site Septic system is sized
19 for a carrying capacity of 656 students plus faculty, based on 2.55 gallons per
20 day capacity design unless new infra-structure capacity is added for the
21 treatment facility and the drainfield. The school's capacity shall not be
22 exceeded without Health Department approval.
 - 23 • The school shall pay for full use of the ten (10) allotted shares starting in
24 January 2005 when the new invoicing starts for the 1,650 gallons capped
25 contribution.
 - The "pump pot" being installed from the designated summer 2005 lab
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possibility of suspensions being passed into the main gravel filter.
 - The drip field zone is to be augmented to a maximum of 1,100 gallons/24
hour period [day] from 1000 gallons/day.
 - Billing from the engineering consulting firm, Harry Sellers of Gray and
Osborne, for evaluation of the school's use capacity will be directly mailed to
the school district. School district shall make prompt payment of such billing.
 - Applicant shall comply with WAC 173-60 and SCC 14.16.840 for noise and
light conditions.

