

NOTICE OF DECISION

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

Applicant: Sedro-Woolley School District #101
Attn: Ken Franks
801 Trail Road
Sedro-Woolley, WA 98284

Request: Special Use Permit Modification, #PL17-0063

Location: 23631 Lake Street, Clear Lake, within a portion of Sec. 1,
T34N, R4E, W.M. Parcel No: P23289

Land Use Designation: Rural Village Residential (RVR)

Summary of Proposal: To add a two room classroom portable of approximately 1,792 square feet at Clear Lake Elementary School. (Modifying SUP # PL04-0498)

SEPA Compliance: Addendum completed April 27, 2017

Public Hearing: May 24, 2017. Testimony by Planning and Development Services (PDS) staff and by Ken Franks, representative for School District. No public testimony.

Decision/Date: The application is approved, subject to conditions. June 16, 2017.

Reconsideration/Appeal: Reconsideration may be requested by filing with PDS within 10 days of this decision. Appeal is to the 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

FINDINGS OF FACT

1. Sedro-Woolley School District #101 seeks a modification of a Special Use Permit approved October 12, 2004 (#PL04-0498). The request is to add a two-room classroom portable to the present Clear Lake Elementary School.

2. The site is at 23631 Lake Street in the community of Clear Lake, within a portion of Section 1, T34N, R4E, W.M. The parcel number is P23289. The property is north of and adjacent to Lake Street, south of School Drive and east of North Front Street which is also east of State Route 9. The namesake lake is located about 1,000 feet to the east.

3. At present the site contains the existing elementary school house and two existing accessory school buildings, as well as two existing portable classrooms and a gymnasium. The property also contains an outdoor playground area and parking areas.

4. In 2004 the School District received a Special Use Permit to install a portable of the same size as now proposed. The present request is considered a modification of the 2004 approval.

5. The instant proposal is to install a 28' x 64' portable classroom building located approximately 40 feet south of the gym along the parking area at the southwest corner of the property. The site is inside the fenced playground area.

6. The added portable will be a new building of modern construction, finished to blend with the existing structures on site.

7. The property is in a flood hazard area (FIRM Map 530151 0275C, effective January 3, 1985), requiring that the finished floor be above flood elevation. This floor elevation will be at the same height as the existing portable at the southeast side of the property.

8. The applicant states, "Installation of a portable is necessary at the time because of a growing number of students at this site and a lack of funding for a larger school." The District is planning for new construction of permanent class rooms as funding becomes available.

8. The immediate plan is to install the subject portable over the summer of 2017.

9. The site has a Comprehensive Plan designation of Rural Village and a zoning designation of Rural Village Residential (RVR). The parcel to be used for the new portable is about .55 acres in size, being a portion of the overall 7.5-acre school campus. The school facility is served by public water and two on-site septic systems.

10. The surrounding land uses are RVR and Agricultural Natural Resource Lands (Ag-NRL) to the west of SR 9.

11. The existing access, parking and traffic circulation to the site will not change as a result of the proposal. No increases in traffic are anticipated.

12. The school property is landscaped in the front along Lake Street. The playground is surrounded by a chain link fence. According to the Staff Report, “the playground structures add a sculptural component to the landscaping around the portable.” No additional landscaping is proposed for the site.

13. The application was deemed complete as of March 17, 2017. Notice of Development Application was posted, published and mailed on March 9, 2017. No public comments were received.

14. Environmental review resulted in a Mitigated Determination of Non-Significance Addendum, issued on April 27, 2017. The addendum adds information about the project but does not substantially change the pre-existing analysis of environmental impacts.

15. The application was routed to various County departments and the State Department of Transportation. No objections were registered. Comments made are reflected in conditions of approval.

16. The Staff reviewed this proposal in light of the approval criteria for Special Use permits. As a result, they determined that the project, as conditioned, will be consistent with the criteria. The Hearing Examiner concurs with this evaluation and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

17. The additional classroom will fit in with the surroundings. It will be compatible with neighboring uses and will be supported by adequate public facilities. It will not alter the character of its setting.

18. 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 14.06.050(1)(b).
2. The requirements of the State Environmental Policy Act have been met.
3. Major public uses in the RVR zone require a Hearing Examiner Special Use Permit. SCC 14.16.310(4)(f). By definition the school is a major public use. SCC 14.04.020.
4. The proposed addition of a portable classroom meets the criteria for Special Use Permit approval. 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 project shall be constructed as described in the application materials, except as the same may be modified by these conditions.
2. The applicant shall obtain all other required permits and abide by the conditions of same.
3. The applicant shall comply with the applicable conditions listed in the previous Special Use Permit (PL04-0498), including any applicable conditions of the August 2004 SEPA MDNS.
4. The portable classroom must have a fire alarm system wired into the existing system. (IFC 907.2.3)
5. Emergency lighting shall be installed to meet IFC 1008.1.
6. Fire extinguishers shall be installed to meet IFC 906.1.
7. No chemicals shall be stored in the portable classroom.
8. A septic system expansion will be required at the time of building permit application if the anticipated increase in students exceeds current septic capabilities.
9. The applicant shall comply with SCC 14.16.870, Notification of Development Activities on or Adjacent to Designated Resource Lands.
10. Prior to construction, the plans shall be reviewed pursuant to Chapter 246-366 WAC. Contact the County Health Department for more information.
11. A building permit is required for installation of the proposed portable. Construction plans for the commercial coach must demonstrate compliance with the 2015 International Building Code. Plans must demonstrate compliance with ADA requirements for access to the building. A copy of this decision shall be submitted with the building permit application.
12. A flood plain development permit is required. Under the flood zone designation of A-7, a minimum elevation of 46 feet above mean sea level shall be required for the finished floor.
13. The applicant shall comply with all applicable State and local regulations, including but not limited to Chapter 173-60 WAC (noise), SCC 14.16.840 (performance standards), Chapters 173-201A and 173-200 WAC (surface and ground water quality). Ventilation shall not be addressed by open doors or windows.

14. Prior to issuance of the building permit, all outstanding planning review fees shall be paid in full.

15. The County Planning and Development Services Department shall be notified within 30 days after any change in ownership for the parcel through submission of a letter to the Planning Director referencing the permit number.

16. The applicant shall comply with the annual certification process, acknowledging in writing compliance with the original permit approval, including any conditions.

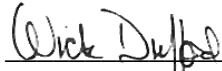
17. This permit modification shall be void if the use permitted has not been established or a completed building permit filed with PDS within two years of this approval.

18. Failure to comply with any condition herein may result in permit revocation.

ORDER

The requested Special Use Permit Modification (PL17-0063) is approved, subject to the conditions set forth above.

SO ORDERED, this 16th day of June 2017.



Wick Dufford, Hearing Examiner

Transmitted to Applicant and County staff, June 16, 2017.

See Notice of Decision, page 1, for appeal information.