



200305200118

Skagit County Auditor

5/20/2003 Page

1 of

7 10:49AM

AFTER RECORDING RETURN TO:
SKAGIT COUNTY HEARING EXAMINER
302 SOUTH FIRST STREET
MOUNT VERNON, WA 98273

DOCUMENT TITLE: ORDER ON SPECIAL USE PERMIT SU 02 0177

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: BURLINGTON EDISON SCHOOL DIST. #100 (ALLEN SCHOOL)

ASSESSOR PARCEL NO: P68632, P68629, P34762

LEGAL DESCRIPTION: This project is located at the existing Allen Elementary School site, 17145 Cook Road, along the north side of Cook Road, approximately 1,200 feet west of Chuckanut Drive. The portion of the proposed project which includes the 3,000 square foot storage building is located south of Chuckanut Drive, east of Avon Allen Road, at 9101 Avon Allen Road, Burlington, WA; a portion of Section 24 Township 35 North, Range 3E W.M., Skagit County, Washington.

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND DECISION

Applicant: Burlington-Edison School District #100
c/o John Leander, Director, Auxiliary Services
491 Burlington Boulevard
Burlington, WA 98233

Agent: Ravnik and Associates
c/o John Ravnik
P. O. Box 361
Burlington, WA 98233

File No: PL02-0177

Request: Special Use Permit

Location: Allen Elementary School at 17145 Cook Road,
approximately 1,200 feet west of Chuckanut Drive;
and on property at 9101 Avon Allen Road, south
of Chuckanut Drive, all within a portion of Sec.
24, T35N, R3E, W.M.

Land Use Designation: Rural Reserve

Summary of Proposal: (1) Complete interior remodel of 36,686 square foot
Allen Elementary School;
(2) Construction of 15,700 square foot building for
gymnasium, stage, kitchen and cafeteria for school;
(3) Approximately 3,000 square foot storage building
with a 60 by 12 foot concrete apron.

Public Hearing: After reviewing the report of the Planning and Permit
Center, the Hearing Examiner conducted a public hearing
on April 23, 2003.

Decision: The application is approved, subject to conditions.



200305200118

Skagit County Auditor

1

5/20/2003 Page

2 of

7 10:49AM

FINDINGS OF FACT

1. The Burlington-Edison School District #100 (applicant) seeks a Special Use Permit to make several improvements at Allen Elementary School.
2. The school is located at 17145 Cook Road, along the north side of the street. The location is about 1,200 feet west of Chuckanut Drive. The school building is on the southerly parcel of the property, comprising about 12 acres. A portion of the project is also located on a northerly parcel of school property at 9101 Avon Allen Road. This northerly parcel includes about 14.87 acres and is accessed off of both Chuckanut Drive and Avon Allen Road. The project lies within a portion of Sec. 24, T35N, R3E, W.M.
3. The District wishes to complete an interior remodel of the 36,686 square foot existing Allen School. Adjacent to the school to the east, they want to build a new gymnasium and cafeteria building of approximately 15,700 square feet. This facility will contain a kitchen and a stage. The proposal also includes the construction of a storage building of approximately 3,000 square feet and a 12-by-60-foot concrete apron on the northerly parcel (Lot B, Short Plat 110-78).
4. A new asphalt play area and concrete walk area, totaling about 25,785 square feet of impervious surface, will be associated with new gymnasium building. Along the east side of the property there will be a new asphalt bus lane, covering 31,255 square feet. In the northwest portion of the main school property, a new storm drainage detention pond encompassing about 29,700 square feet will be built. The entire project will involve placement of approximately 4,500 cubic yards of materials and the excavation of approximately 3,500 cubic yards of material.
5. All stormwater on the school parcel will drain or be pumped to the new detention facility. There will be no stormwater detention in the southeast portion of the site that is needed for floodwaters. Tests show that the proposed pond will be adequately sized in accordance with infiltration rates in the area. The project will also involve some miscellaneous changes in the septic facilities and in the water lines serving the facility.
6. Access to the school will continue to be from Cook Road. Access to the proposed 3,000 square-foot storage building will be off of Chuckanut Drive.
7. The project will involve no change in the use of the subject property. It will not result in any increase in the student population.
8. There is a mixture of uses in the surrounding area. Residential uses are located directly to the west, east and south of the school building. Agricultural fields are located to the south, east, southwest and southeast. Agricultural processing and marketing uses



are located along the east side of Chuckanut Drive. Various commercial uses are scattered throughout the vicinity.

9. The property is designated Rural Reserve under the July 24, 2000 Comprehensive Plan. The project application was deemed complete on February 4, 2003.

10. The principal concerns about this project relate to its potential effects on the behavior of flood waters in the vicinity of the school building. The school grounds are located on an historic overflow channel for floodwaters of the nearby Samish River.

11. The applicant's engineer has carefully analyzed the flooding issue and has reached the conclusion that, as designed, the site improvements will neither inhibit the flow of floodwaters nor push them onto adjacent properties that have not historically experienced flooding. This analysis is based on floodwater elevations slightly in excess of those experienced in the largest flood of recent memory -- the November 1990 event. Due to adjoining elevations and the extent of Cook Road that acts as an overflow, it is considered highly unlikely that floodwaters will ever exceed the elevations used in the calculations.

12. There are small portions of the new gymnasium building and of the new bus lane that will encroach into the calculated footprint of floodwaters. These minor intrusions, however, will be offset by compensating excavations which will ultimately produce a flood storage capacity slightly higher than is now present. No obstructions to either the flow onto the site nor the flow off of the site will be introduced.

13. The County Department of Public Works reviewed the drainage studies and agreed with the applicant's engineer that the project is unlikely to adversely impact waters during a flood event. The project engineering was also reviewed and approved independently in connection with approval of the state funding portion of the development.

14. Several letters and witnesses addressed the flooding question. After an explanation of the plans, the commenters did not find fault specifically with the school district's improvement project at Allen School, but they did express a strong feeling that the overall question of flood management in this general area is badly in need of attention.

15. Diking and Drainage District No. 25 submitted a letter of no opposition to the project. One the District's commissioner's stated personal reservations.

16. One neighbor complained about littering and trespass by students and asked that the School District be required to build a chain link fence.



17. Pursuant to SCC 14.04.020, the improvements to the school are within the definition of a "major public use." Expansions of "major public uses" of the size contemplated are Hearing Examiner Special Uses. SCC 14.16. 320.

18. Environmental review was undertaken and a Mitigated Determination of Non-Significance (MDNS) under the State Environmental Policy Act (SEPA) was published by the County on February 27, 2003. The MDNS was not appealed.

19. 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 the subject matter of this proceeding. SCC 14.06.050(b)(ii).

2. The requirements of SEPA have been met.

3. The facts support a conclusion that the project, as conditioned, is consistent with the Special Use Permit criteria of SCC 14.16.900(2)(b)(v).

4. The following conditions should be imposed:

(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 necessary permits and abide by the conditions thereof.

(3) The applicant shall comply with conditions set forth in the MDNS, as follows:

a. Temporary erosion/sedimentation control measures, as approved by the Skagit County Department of Public Works, shall be in place prior to the placement of any fill material. The applicant shall maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County Drainage/Erosion/Sedimentation Control Ordinance. Said measures shall remain in place until completion of the project.

b. The applicant shall comply with Northwest Air Pollution Control Authority requirements.

c. The applicant shall comply with the provision of Chapter 14.32 of the Skagit County Code, the Skagit County Drainage, Water, Sedimentation Control Ordinance, as it relates to increased runoff.



- d. The applicant shall comply with 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 Chapter 14.24 SCC (Critical Areas Ordinance).
- (4) The applicant shall comply with the performance standards of SCC 14.16.840.
- (5) Prior to building permit approval, the applicant shall supply a letter from PUD #1 conforming that they have no objection to the project.
- (6) Prior to building permit approval, a permit shall be obtained for the installation of replacement septic tanks and pump stations.
- (7) Prior to building permit approval, the applicant shall submit a landscape plan for review and approval in accordance with SCC 14.16.830.
- (8) The applicant shall submit a copy of the Hearing Examiner's written order with the building permit application.
- (9) The applicant shall obtain an access permit from the Washington State Department of Transportation prior to building permit approval for the storage building located along Chuckanut Drive.
- (10) In connection with final review of plans for the bus lane, additional review of the existing crosswalk shall be conducted. The crosswalk may need to be moved or removed.
- (11) Prior to building permit approval, the applicant shall comply with all requirements of the Fire Marshal.
- (12) Prior to building permit approval, the application shall submit an annual maintenance plan for the oil-water separator for review and approval.
- (13) Prior to building permit approval, a "Low Flow" form must be executed and recorded.
- (14) The applicant shall comply with the soils report of Zipper Zeman dated February 15, 2002.



200305200118
Skagit County Auditor

(15) The project shall comply with Chapter 14.34 SCC, Flood Damage Prevention Ordinance.

(16) The applicant shall give consideration to the construction of an appropriate fence along its eastern boundary to control littering and trespass. However, no structure that would affect the flow of flood waters shall be built.

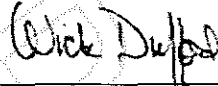
(17) The project shall be commenced and completed within the time frames specified in SCC 14.16.900(2)(d).

(18) Failure to comply with any of the conditions of approval herein may result in permit revocation.

5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

DECISION

The requested Special Use Permit is approved, subject to the conditions set forth in Conclusion 4 above.



Wick Dufford, Hearing Examiner

Date Action: May 14, 2003

Copy Transmitted to Applicant: May 14, 2003

RECONSIDERATION/APPEAL

As provided in SCC 14.06.180, a request for reconsideration may be filed with the Planning and Permit Center 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 the Planning and Permit Center within 14 days after the date of the decision, or decision on reconsideration, if applicable.



200305200118

Skagit County Auditor