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Skagit County Auditor

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

DOCUMENT TITLE: ORDER ON SPECIAL USE PERMIT SU 04 0498

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: SEDRO WOOLLEY SCHOOL DISTRICT #101

ASSESSOR PARCEL NO: P23300

ABBREVIATED LEGAL DESCRIPTION: The project is located at 23631 Lake Street, Clear Lake, WA; within Section 1, Township 34N, Range 4E W.M., Skagit County, Washington.

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

Applicant: Sedro-Woolley School District #101
c/o Mike Riddle, Facilities Director
801 Trail Road
Sedro Woolley, WA 98284

File No: PL04-0498

Request: Special Use Permit

Location: Clear Lake Elementary School, 23631 Lake Street, within a portion of Sec. 1, T34N, R4E, W.M.

Land Use Designation: Rural Village Residential (RVR)

Summary of Proposal: Installation of a 28' x 64' modular structure along the southeast side of the existing elementary school building. The portable structure will house two classrooms.

Public Hearing: After reviewing the report of the Planning and Permit Center, the Hearing Examiner conducted a public hearing on September 22, 2004.

Decision: The application is approved, subject to conditions.



FINDINGS OF FACT

1. Sedro-Woolley School District #101 (applicant) seeks a Special Use Permit to install a portable modular classroom structure next to the existing Clear Lake Elementary School.
2. The structure will measure 28 feet by 64 feet and will house two classrooms. It will be placed along the southeast side of the school.
3. The project is located at 23631 Lake Street, Clear Lake, within a portion of Sec. 1, T34N, R4E, W.M. The zoning designation is Rural Village Residential (RVR). The property is not within a designated flood hazard area.
4. The proposal meets the definition of a "major public use." In RVR districts, major public uses are allowed by Special Use Permit issued by the Hearing Examiner. SCC 14.16.310(4)(i).
5. The additional classroom space is to be used to reduce class sizes. No additional students will be accommodated. No more school employees will be added. There is adequate space for the structure on the existing school grounds.
6. The proposal will have no traffic impacts and no impacts on the existing parking facilities on the site. Access locations will not change.
7. The school operates between 9:30 a.m. to 3:30 p.m. Monday through Friday during the school year. The construction activity associated with installing the classroom may occur between 7:00 a.m. and 4:00 p.m. The construction period will last only about a week.
8. The surrounding land uses are primarily residential with a post office, fire station and a few small grocery stores in the near vicinity.
9. The proposed use will be consistent with the existing use of the site and will not be incompatible with other uses in the neighborhood.
10. No significant aesthetic or other environmental impacts are anticipated. No critical areas are located within 200 feet of the development. A Mitigated Determination on Non-Significance (MDNS) under the State Environmental Policy Act (SEPA) was issued on August 19, 2004, and was not appealed. The conditions of the MDNS were standard requirements for compliance with existing regulations.
11. Departmental reviews revealed no problems that cannot be readily addressed through conditions of approval.



12. Notice of the application and of the hearing was properly made. There was no public correspondence on the proposal and no public comment at the hearing.

13. The criteria for Special Use Permit approves are set for 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.

14. The Staff Report analyzes the project in light of these criteria and finds that, as conditioned, it will be consistent with them. The Hearing Examiner concurs in this analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

15. 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.
2. The requirements of SEPA have been met.
3. The findings support a conclusion that the proposal, as conditioned, will be consistent with the approval criteria for a Special Use Permit. SCC 14.16.900(2)(b)(v).
4. Any finding herein which may be deemed a conclusion is hereby adopted as such.

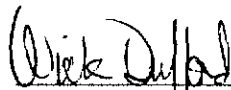
CONDITIONS

1. The project shall be constructed as shown in the application and accompanying plans, except as the same may be modified by these conditions.
2. The applicant shall obtain all required permits and approvals, including a County building permit.
3. Confirmation that adequate water is available from Public Utility District #1 is required prior to building permit approval.
4. The applicant shall comply with all conditions set forth in the MDNS issued on August 19, 2004.
5. The applicant shall comply with all applicable provision of the Skagit County Code.
6. The timing of development shall be in conformity with SCC 14.16.900(d).
7. Failure to comply with any condition of approval may result in permit revocation.



DECISION

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



Wick Dufford, Hearing Examiner

Date of Action: October 13, 2004

Date Transmitted to Applicant: October 13, 2004

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.

