

## NOTICE OF DECISION

### BEFORE THE SKAGIT COUNTY HEARING EXAMINER

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

**Contact:** Ravnik & Associates  
c/o John Ravnik  
P. O. Box 361  
Burlington, WA 98233

**Request:** Special Use Permit, PL17-0161

**Location:** 10979 Emily Lane, north side of Josh Wilson Road, within a portion of Sec 27, T33N, R3E, W.M. Parcel No. P118287

**Land Use Designation:** Rural Reserve (RRv)

**Summary of Proposal:** To build a new parking lot on an adjacent 1.13 acre site located to the west of the Bayview School property. The new parking area will add 108 parking stalls and will relocate 10 existing spaces.

**SEPA Compliance:** Mitigated Determination of Non-Significance (MDNS) published with previous Special Use Permit decision #PL06-0547, published January 11, 2007.

**Public Hearing:** August 23, 2007. Testimony by Planning and Development Services (PDS) staff and Applicant's engineer. No public testimony.

**Decision:** The application is approved, subject to conditions.

**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](http://www.skagitcounty.net/hearingexaminer)

## **FINDINGS OF FACT**

1. Burlington-Edison School District #100 (applicant) seeks a Special Use Permit to install a new parking lot adjacent to the Bayview School.
2. The site is Lot 1 of Short Plat 96-0107, within a portion of SW1/4 Sec. 27, T35N, R3E, W.M. The location is at 10979 Emily Lane, on the north side of Josh Wilson Road. The Parcel Number is P118287.
3. The parcel is zoned Rural Reserve (RRv), and is about 1.13 acres in size. It was purchased by the District in 2007 with the intent that would serve as a lot for overflow parking for the adjacent elementary school.
4. This overflow lot was previously approved over 10 years ago under PL06-0547 but that approval has expired.
5. The extra parking space this lot will provide was not needed initially, but the District has experienced growth in the student population and this has led to reviving the parking expansion project.
6. Currently, at times, there is not enough parking on-site to accommodate everyone desiring to park. This has led to overflow parking in parking lots of neighboring businesses and along Josh Wilson Road. In addition at pick-up times in the afternoon a significant back-up of vehicles develops along Josh Wilson Road.
6. Parking across and along the street, of course, also creates hazards for pedestrians walking to and from the school.
7. The proposed layout and configuration of drive lanes will result in vehicle queuing within the parking lot and should virtually eliminate school-related vehicle and pedestrian activities within the Josh Wilson Road right-of-way. Paint striping and construction of pedestrian paths will direct people walking from the new parking lot to the existing developed school site.
8. Parents will be directed to use only the new access for the new parking area for student drop-off and pick up. The current west driveway will be eliminated, requiring staff to use the existing east entrance for daily parking.
9. In addition, a segregated location will be created for buses to enter and exit the school grounds to access the designated bus loading and off-loading area along the west side of the school.
10. Utility requirements will be limited to storm drainage facilities and electrical service for lighting. Stormwater runoff from this development will be integrated into the elementary school's existing detention facilities.

11. To soften the view from the adjacent residence to the north and prevent the intrusion of headlights, screening along the north side of the parking area will be provided by either a dense row of shrubs or a low-profile wall or fence. This screening will perform the function of the 20-foot-wide greenbelt requirement on the short plat. Beyond this special screening need, the proposed parking lot will be required to landscape in a manner similar to what exists at the school to the south.

12. As noted, the subject project is for an improvement originally contemplated under a 2007 Special Use Permit (PL06-0547). The only noteworthy change involves reconfiguration of the access location. The Mitigated Determination of Non-Significance (MDNS) issued for PL06-0547 covers the instant parking lot undertaking.

13. The surrounding land uses are Rural and Light Industrial in nature. The south side of Josh Wilson Road contains several light industrial businesses. The Port of Skagit County Business Park and Skagit Regional Airport are located farther to the south. To the north, east and west the land is rural with scattered residential parcels, open pasture, and forested properties.

14. The application was deemed complete as of April 27, 2017. Notice of Development application was posted, published and mailed as required by law. One public comment letter was received from the Red Tail Flats Homeowner's Association concerning use of Emily Lane. The applicant responded that Emily Lane will not be used by the proposal.

15. The proposal was circulated to County departments. None had objections. Their comments are reflected in conditions of approval.

16. The criteria for Special Use Permit approval emphasize compatibility of such uses with uses permitted outright. The proposed project will actually improve the compatibility of the school use with neighboring uses by largely eliminating traffic conflicts.

17. The Staff Report analyzes the application in light of the special use approval criteria of SCC 14.16.900(1)(b)(v). The Staff analysis is that, as conditioned, the project will be consistent with the approval criteria. 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 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(b)
2. The proposal calls for the expansion of a major public use and thus requires a Hearing Examiner Special Use permit. SCC 14.16.320(4)(o).
3. The requirements of SEPA have been met.

4. As conditioned, the proposed parking facility is consistent with the criteria for approval of a Special Use Permit. 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 comply with any applicable conditions of the January 8, 2007 SEPA MDNS,

3. The applicant shall obtain all required permits and abide by the conditions of same.

4. The applicant comply with all relevant County and State regulations, including but not limited to, Chapter 14.24 SCC (critical areas), Chapter 14.16 SCC (zoning), SCC 14.16.210 (airport environs overlay), SCC 14.16.840 (performance standards), Chapters 173-200 and 201A WAC (surface and ground water quality). Degradation of water quality shall be prevented by implementation of Best Management Practices.

5. Prior to commencing construction, a fill and grade permit shall be obtained.

6. A commercial access permit shall is required for any proposed new connection points to the County road system. Any existing access points being modified can be addressed in the same permit.

7. A landscape plan prepared in accordance with SCC 14.16.830 shall be submitted for review with the fill and grade permit. The landscape plan shall include adequate screening along the north property line.

8. The special use permit shall be void if the project has not been commenced within two years of project approval. The permit shall become void if the use is abandoned for a period of one year.

9. The site is high land use classification for stormwater, so all nine minimum requirements will apply.

10. If the separator is installed, a copy of the monitoring and maintenance contract for the oil/water scrubber and the pickup contract for waste fluids from equipment maintenance shall be provided to PDS.

11. Prior to issuance of the fill and grade permit, any outstanding planning review fees shall be paid in full.

12. PDS shall be notified within 30 days after any change in ownership of the subject property by submitting a letter to the Planning Director referencing the permit numbers (PL17-0161).

13. Failure to comply with any permit condition may result in permit revocation. SCC 14.16.900(1)(b)(iii).

**ORDER**

The requested Special Use Permit (PL17-0161) is approved, subject to the conditions set forth above.

**SO ORDERED**, this 29, day of August, 2017.

  
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Wick Dufford, Hearing Examiner

Transmitted to Applicant, Ravnik and Associates and County Staff, August 29, 2017.

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