

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

**FINDINGS, CONCLUSIONS AND DECISION**

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

**Agent:** John Ravnik  
Ravnik and Associates  
P. O. Box 361  
Burlington, WA 98233

**File No:** PL06-0547

**Request:** Special Use Permit

**Location:** Adjacent to Bayview Elementary School, on Lot 1 Short Plat SP#96-0107, at 10979 Emily Lane, north side of Josh Wilson Road, within a portion of Sec. 27, T35N, R3E, W.M.

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

**Summary of Proposal:** To construct a 40,000 square foot asphalt parking lot on approximately 1.13 acres, to provide an overflow parking area for school events. The lot will add approximately 118 parking stalls.

**Public Hearing:** After reviewing the report of Planning and Development Services, the Hearing Examiner conducted a public hearing on February 28, 2007.

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

## **FINDINGS OF FACT**

1. Burlington-Edison School District #100 (applicant) seeks a Special Use Permit to build an overflow parking lot adjacent to Bayview Elementary School.

2. The site comprises approximately 1.13 acres on Lot 1 of Short Plat SP#96-0107 at 10979 Emily Lane, within a portion of Sec. 27, T35N, R3E, W.M. The location is on the north side of Josh Wilson Road, approximately 1.2 miles east of the Farm to Market Road. The site is Parcel number P118287, adjacent to the school at 15241 Josh Wilson Road. The zoning is Rural Reserve (RRv).

3. The school property is 13+ acres in size, divided into two parts: the south 4.80 acres and the north 9.01 acres. The proposed new parking lot is adjacent to the south part – an the area immediately to the west of the existing school parking lot and bus lane. The parcel is now owned by John Brink. On approval of the Special Use Permit, the District will purchase the land from him. The subject parcel is approximately 148 feet north/south and approximately 333 feet east/west. Emily Lane borders the parcel on the west.

4. The proposal is to build an asphalt lot covering approximately 40,000 square feet. The new paving will add 118 parking stalls. Access will be from the east side via the existing school bus lane which serves the existing school parking lot. The bus lane connects to Josh Wilson Road. There will be no direct outlets for vehicle traffic onto Emily Lane, but a pedestrian access will be created there. The connection from the existing school lot to the new lot will eliminate about 10 parking spaces, resulting in a net increase of 108 stalls over what currently exists at the school.

5. The reason for developing this extra lot is to provide additional parking capacity at the school – capacity which is needed periodically when special events are held there. At present, people attending such events are obliged to park along Josh Wilson Road or are forced onto private property to the south. Josh Wilson has a 50 mile per hour speed limit and no sidewalk. Parking and walking along it is dangerous. The proposed overflow lot would improve safety.

6. No increased traffic congestion is anticipated. Lot use would largely be after normal school hours. For ingress, Josh Wilson has a center left turn lane built when the school was constructed. Queuing for egress will be confined to the lot.

7. Neighbors who commented on the project were in favor of it in concept, but concerned that it might be bigger than needed, constituting a large paved eyesore that would detract from the rural feeling of the surroundings. They also had questions about drainage, fencing, landscaping, and lighting.

8. Drainage from the existing school grounds is routed to an existing on-site detention facility. After treatment, this run-off water is ultimately discharged to Joe Leary Slough. Drainage from the new parking lot will most likely be directed to the existing detention facility which presently has extra storage capacity. A second option involves building a separate detention facility at the overflow lot site, providing treatment, discharging to the ditch along Josh Wilson Road, and then ultimately to Joe Leary Slough.

9. In no case will any of the stormwater from the new lot go to residential areas in the vicinity. Moreover, because the lot will not be used frequently, it is not anticipated that the paving will pickup significant amounts of oil and grease needing to be treated by the drainage system.

10. The applicant intends to install landscaping around the perimeter and a three-foot-high, slatted, chain link fence along the north property line. Lighting will be provided but used only when needed. The lights will be shielded and hooded so that glare is reduced and neighboring properties are not illuminated.

11. The details of the fence on the north have been coordinated with Mr. Brink, who also owns the adjacent property on that boundary. He suggested the landscaping for the overflow lot be similar to that around the existing school – low maintenance evergreen shrubs. Other neighbors expressed a desire for a hedge or larger plants that would provide more screening of the lot. The applicant indicated a willingness to work with neighbors on the details of landscaping. A professional landscaper will be used.

12. Apparently the school has experienced significant student growth. And attendance at special events has also grown. On occasion, as many as 100 cars have been observed parking along Josh Wilson Road and on other nearby properties. But, the perception is that the number of people attending school events is depressed by the difficulties attending parking. In addition, the new lot's use may not be limited to school activities, but may also be used for charity events of groups from the community at large. The Examiner is convinced of the need for the lot. On the entire record, he was not persuaded that the lot is excessively large.

13. The Examiner further finds that the facility will pose no significant drainage problem to existing residential development in the vicinity, and that the question of the lot's visual compatibility can be satisfactorily resolved through appropriate landscaping.

14. The application was properly advertised and required comment periods were provided. Environmental review was conducted and on January 8, 2007, a Mitigated Determination of Non-Significant (MDNS) was issued. The MDNS was not appealed. It imposed the following conditions:

- a. Temporary erosion/sedimentation control measures, as approved by the Skagit County Department of Public Works, shall be in place prior to

the start of work. The applicant shall maintain all temporary erosion/ sedimentation control measures in accordance with the Skagit County Drainage Ordinance. Said measures shall remain in place until completion of the project.

b. The applicant shall comply with Northwest Clean Air Agency requirements.

c. The applicant shall comply with the provisions of Chapter 14.32 of the Skagit County Code, the Skagit County Drainage Ordinance.

d. The applicant shall comply with all relevant provisions of 14.24 (Skagit County Critical Areas Ordinance).

15. The application was routed to appropriate County departments. Their comments are included as conditions of approval. Critical Areas review was conducted on Short Plat 96-0107 and no additional review was deemed necessary for the subject proposal.

16. The criteria for Special Use Permit approval are set forth 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.

17. The Staff Report analyzes the application in light of the above criteria and determines that, as conditioned, the project will be consistent with them. 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 the persons and the subject matter of this proceeding.

2. The requirements of the State Environmental Policy Act (SEPA) have been met.

3. The Bayview Elementary School is a “major public use.” SCC 14.04.020. The proposed lot will be the expansion of such a use. In the Rural Reserve zone, the expansion of a major public use (over 3,000 square feet) is allowed by Hearing Examiner Special Use Permit. SCC 14.16.320(4)(s).

4. As conditioned, the proposed overflow parking lot is consistent with the criteria for approval of a Special Use Permit. SCC 14.16.900(2)(b)(v).

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

### **CONDITIONS**

1. The facility shall be constructed as shown and described in the application materials, except as the same may be altered by these conditions.

2. The applicant shall obtain a fill and grade permit, and all other necessary permits and approvals. The State Department of Ecology should be contacted to determine if a permit is needed for discharges to State waters.

3. The applicant shall comply with the condition of the MDNS issued on January 8, 2007. (See Finding 14.)

4. The applicant shall comply with all relevant provisions of the Skagit County Code, including those concerning Critical Areas (Chapter 14.24 SCC), Zoning (Chapter 14.16 SCC), Drainage (Chapter 14.32 SCC), and Performance Standards (SCC 14.16.840).

5. Lighting for the parking lot shall be shielded and hooded so that glare does not intrude onto neighboring properties. Lights shall be turned off when not needed.

6. Best Management Practices shall be used to prevent degradation of surface and ground water quality, per Chapters 173-200 and 173-201A WAC.

7. Noise standards of Chapter 173-60 shall be met.

8. A Drainage Report, prepared by a licensed engineer, addressing water quantity and quality for stormwater and groundwater shall be submitted. Detention facilities shall meet relevant County and State requirements.

9. A copy of the monitoring and maintenance contract for any oil/water scrubber and any pickup contract for waste fluids shall be provided to Planning and Development Services.

10. Failure to comply with these conditions may result in permit revocation.

### **DECISION**

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



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Wick Dufford, Hearing Examiner

Date of Action: March 19, 2007

Date Transmitted to Applicant: March 19, 2007