



**NOTICE OF HEARING EXAMINER'S RECOMMENDATION &
NOTICE OF PUBLIC HEARING**

DATE: April 26, 2018 **LAND USE NUMBER:** PL17-109

APPLICATION NAME: Madison Elementary School Master Plan

PROJECT DESCRIPTION: The proposal is the construction of a new Madison Elementary School which will replace the existing facility. The new school will contain 69,000 square feet in a building with 30 classrooms serving 550 students from grades K-5; and ancillary support uses (library, kitchen, administrative offices, etc.). It will replace the current school (currently 58,000 square feet) and 5 portable class rooms. The new Madison School will be served by 120 parking spaces for faculty and visitors plus student bus pick up/drop off areas.

RECOMMENDATION: The City's Hearing Examiner held an open record public hearing on April 10, 2018. Following this hearing the Examiner has recommended **APPROVAL** of the subject application with the conditions found within the accompanying Hearing Examiner Recommendation.

RECONSIDERATION: An applicant or party of record feeling that the recommendation of the examiner is based on an erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence, which could not be reasonably available at the public hearing, may make a written application to have the Hearing Examiner's Recommendation reconsidered on/before **MAY 4, 2018**. Procedural details with regard to submitting a request for reconsideration of the Hearing Examiner's recommendation can be read within the Mount Vernon Municipal Code (MVMC) 14.05.110(H)(4). A link to the City's MVMC can be found on the City's website at: www.mountvernonwa.gov

CITY COUNCIL PUBLIC HEARING: a closed record public hearing will be held before the Mount Vernon City Council on **Wednesday, May 23, 2018 at 7PM** at the City's Police and Court Campus located at 1805 Continental Place in Mount Vernon.

APPLICANT: Mount Vernon School District #320, Contact: Suzanne Gilbert, 124 East Lawrence Street, Mount Vernon, WA 98273; (360) 428-6110; sgilbert@mvsd320.org

PROJECT LOCATION: This site address is 907 East Fir Street. The Skagit County Assessor describes the subject site as parcels P26001, P113447, and P113446. The site is located within a portion of the SE ¼ of Section 17, Township 34 North, Range 04 East, W.M.

To receive additional information regarding this project contact the DS Department and ask to become a party of record:

Rebecca Lowell, Principal Planner
Development Services Department
City of Mount Vernon
910 Cleveland Avenue, Mount Vernon WA 98273
Telephone - 360-336-6214; Facsimile - 360-336-6283

City staff has created a page on the City's website where the materials for this application (including the Hearing Examiner's recommendation) can be viewed. This webpage can be viewed as follows: navigate to: www.mountvernonwa.gov; once here click on 'Departments' then 'Development Services' then 'News & Notices' then scroll down this page until you find the Application Name/No. listed within this notice.

ISSUED: April 26, 2018

PUBLISHED: April 30, 2018

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

**BEFORE THE HEARING EXAMINER FOR THE CITY OF
MOUNT VERNON**

Phil Olbrechts, Hearing Examiner

RE: Madison Elementary School Master Plan PL17-109	FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL RECOMMENDATION
--	--

INTRODUCTION

The District has requested master plan approval for the replacement of Madison Elementary School, located at 907 East Fir Street. The new school will contain 69,000 square feet in a building with 30 classrooms serving 560 students from grades K-5. It is recommended that the City Council approve the master plan, subject to conditions.

The currently existing school serves 465 students and the existing school building is 58,000 square feet in size along with five additional portable classrooms. A major improvement over current conditions will be the relocation of a drop-off area from off-site on Fir Street to the parking area on-site. The building footprint will be largely the same as that of the existing building but building height will be increased from approximately 25 feet to a maximum 46’8”. However, the building will be “stepped” into the hillside and will appear to be only two stories in height to adjoining properties. One member of the public appeared to testify. There were no public comment letters.

ORAL TESTIMONY

Note: This hearing summary is provided as a courtesy to those who would benefit from a general overview of the public testimony. The summary is not required or necessary to the recommendation issued by the Hearing Examiner. No assurances are made as to completeness or accuracy. Nothing in this summary should be construed as a finding or legal conclusion made by the Examiner or an indication of what the Examiner found significant to his decision. Findings of Fact and Conclusions of Law commence on Page 5 of this Recommendation.

Rebecca Lowell, City of Mount Vernon Principal Planner, summarized the proposal.

1 Ms. Lowell noted that there was confusion created by the site plans. The public
2 description of the plan was 69,000 sq. ft., 30 class rooms & 560 students with a later
3 addition of 4 classrooms increasing the area of the proposal. It turns out that the
4 additional four classrooms are already included in the currently proposed 30
5 classrooms and 69,000 square feet. Because of this, staff recommended condition
6 No. 3 in the staff report is not necessary and should be struck. This condition
7 required a memorandum of understanding to address parking demand created by what
8 staff understood to be the planned increase in area over 69,000 square feet by the
9 proposed four classrooms. Since the 69,000 square feet includes the four classrooms,
10 staff has determined that the proposed parking is consistent with the City's parking
11 standards and no further parking mitigation is necessary.

12 In response to examiner questions regarding the change in impacts over the currently
13 existing school, the District's architect, Brian Ho, identified that the existing building
14 is in the 25-foot range for height and that the proposed building will be three stories
15 with part of it stepping down the hill and the upper portion is two stories. The
16 building footprint will not change significantly, but the added area of the building will
17 be taken up by the added story. The north portion of site is one-story which is high
18 volume but multi-purpose. The school will not be hidden by trees and the south
19 façade will be high enough to be visible from First Street. The north portion's high
20 volume two-story will be set 14 feet lower than the two-story upper portion of the
21 site. The architect clarified that each of the buildings appear as two-story buildings.
22 Susanne Gilbert of the school district stated that current student capacity is
23 approximately 485 at the school. The Districts presented an image with the building
24 elevations.

25 In response to a hearing examiner request for clarification on stormwater
requirements for wetland hydrology, Ms. Lowell noted that the stormwater manual
prepared by the Department of Ecology has conflicting standards regarding post-
development flows where the more general standards require forested condition, pre-
development flows once construction is complete but for wetlands the standard is that
hydrology be maintained (i.e. the flows stay the same pre and post development).
The City had its biologist, Dr. Lee, assess the conflict and objectives of the
conflicting standards. He concluded that maintaining wetland hydrology superseded
the requirement for forested condition flows.

The examiner also inquired about school activities and field lighting. Ms. Lowell
explained that they have a letter detailing the types of events that occur throughout
the school year which may cause parking overflow. The school will not have a field
with lighting. The fields and athletic facilities are not large enough or developed for
tournament events or similar activities. It will not be a destination school for sports.
Dr. Bruner, the District Superintendent, clarified that the peak events are kindergarten
graduation and 5th grade graduation. Curriculum nights may also occur but won't be
as popular. The parking analysis did show that there is enough space onsite for the
biggest events, Condition 2 is in place to deal with parking issues on-site.

District Presentation

1
2 Dr. Carl Bruner noted that the original application was submitted around the 2nd
3 week of January 2018. The proposal is part of a 2016 bond proposal approved by
4 voters in the Mount Vernon school district. This project will provide much needed
5 classroom space and addresses life safety issues stemming from student drop off/pick
up. The superintendent confirmed from examiner inquiries that one major benefit of
the proposal is the relocation of the student drop-off from off-site to on-site.

6 Jon Sitkin, attorney for the District, explained that the District's parking study called
7 for a parking overflow operations plan which they have been working on. It hasn't
8 been fully fleshed out and City Staff has not had a chance to fully vet it, so they don't
9 expect staff to approve or disapprove it yet. He wants to focus on the bond promise
10 of 560 capacity, the expansion, overflow parking and a bit on storm water. He hopes
11 to clarify any discrepancies. The City has been cooperative in facilitating a dual
12 process. The site plan process is concurrent with the building permit review, not
sequential. He stated this dual process is what probably caused confusion for City
Staff. The master site plan is inclusive of the building permit plans. That is why the
3rd recommended staff condition should be removed. The District does not see a
future of portables or expansion beyond the 30 classrooms.

13 Mr. Sitkin noted that regarding the parking overflow operations plan, there will be
14 approximately 108 permanent parking spaces, 45 identified as staff parking. This
15 number is not final as they are unsure of fire department access currently. Busses
16 would not be expected to be operating during events. Use of the bus lane allows
17 approximately 48 additional parking stalls during events. With these added spaces
there are 156 onsite parking stalls. Off-site there are roughly 22 spaces along 9th
street. First Street parking is not included in this plan. The parking analysis shows
bike lanes. They excluded parking on the play field from the overflow plan because it
would cause storm water issues.

18 One main issue in the operations plan deals with maintaining fire access through the
19 parking areas. They don't want to block fire access to the school. The plan would
20 have onsite signage directing parking for events. If there were an estimated 80
21 vehicles for an event, a parking monitor would be used. The principal would prepare
22 and communicate to staff that 1 hour before the event and a half hour after the event a
23 parking monitor would be used to maintain flow in conjunction with parking signage.
24 This is the District's current concept of the operations plan requested by City staff.
The plan is not complete for final submission and they have not determined the
location of fire lanes. They must still analyse the turning radius for a fire truck
coming off 9th Street. They hope to have the completed plan before the next council
meeting.

25
Joyce Rozendaal, a neighbor, inquired about traffic on 9th Street and stormwater.
Brian Ho explained that 9th currently sees a lot of traffic and parent pick-up/drop off.

1 One of the first meetings with city staff addressed concerns over the amount of traffic
2 on 9th. One of the primary design goals for the site plan was to get as much traffic as
3 possible off 9th Street. Per the site plan, the only traffic for day to day operations
4 would be food service delivery, staff (custodial/cooks), and garbage trucks accessing
5 the service yard. The overall amount of traffic that the street will see will be
6 significantly less. On stormwater impacts, Jon Sitkin responded there is not a storm
7 water system currently in place that collects, treats and manages storm water. The
8 proposal includes a storm water system that would modernize it to current standards.

9 In response to examiner questions, Suzanne Gilbert stated that they are not exactly
10 sure what time food service deliveries occur. Cooks start early but they don't believe
11 food is delivered that early. Paul Ho explained food delivery is currently in a different
12 area, on the SE portion of the site, while the new service area is on the west side. It is
13 off the property line by 60-70 feet, but the service yard is enclosed by an 8-foot
14 masonry wall. Mrs. Gilbert added that the loading area will be built into the hillside
15 making it more buffered than the current area. Additionally, any large food trucks go
16 to the food service center off Blackburn at the main operations and maintenance. The
17 trucks going onto 9th would not be any larger than a UPS truck.

18 Regarding examiner questions on stormwater flow impacts to neighbors caused by
19 use of wetland flow standards as opposed to forested condition standards, a District
20 representative explained that the northern parcel is mostly wetland and storm waters
21 tend to flow into the area. There is a ditch by 9th Street that carries a lot of the storm
22 water coming onto the site. It is currently not draining enough for the school site. The
23 site plan design maintains that ditch with additional retentions. From the ditch and
24 retention, spreaders run off and sheet flow down through the upper wetlands and into
25 the wetland itself. It discharges into the creek by which time it's been filtered. This
system will clean the water going into the existing wetland and control the flow off-
site. Mr. Sitkin pointed out that the preliminary storm water site plan section on flow
control indicates that post project runoff frequencies and durations will be reduced
from the current conditions.

EXHIBITS

Exhibits 1-5¹ identified at Page 3 of the March 29, 2018 staff report were admitted
into the record during the April 10, 2018 public hearing. The following exhibits were
also admitted during the hearing:

Exhibit 6: Mitigated Determination of Non-Significance (MDNS) & Addendum.

¹ At the hearing the staff packet of exhibits was inaccurately reported by the examiner as being
composed of four exhibits when in fact it contained five exhibits. The exhibits added during the
hearing to the packet have been renumbered from 5-7 to 6-8 as a result.

1 Exhibit 7: Draft Madison Elementary Parking Procedure & Associated Site Plan
2 Parking Map.

3 Exhibit 8: Elevations of project site.
4

5 FINDINGS OF FACT

6 Procedural:

7 1. District and Property Owner. Mount Vernon School District #320,
8 Contact: Suzanne Gilbert, 124 East Lawrence Street, Mount Vernon, WA 98273.

9 2. Hearing. A hearing for the master plan application was held on April 10,
10 2018.

11 Substantive:

12 3. Site/Proposal Description. The District has requested master plan
13 approval for the replacement of Madison Elementary School, located at 907 East Fir
14 Street. The new school will contain 69,000 square feet in a building with 30
15 classrooms serving 560 students from grades K-5. It will replace the current school
16 building (currently 58,000 square feet) and 5 portable class rooms. The new Madison
17 School will be served by 120 parking spaces for faculty and visitors plus student bus
18 pick up/drop off areas. North 9th Street will be improved along the site frontage per
19 City code.

20 The proposal would include approximately 24,000 cubic yards of cut and 16,000
21 cubic yards of fill. Construction is to occur on the southern portion of the site. The
22 project will avoid changes to the northern portion of the site to ensure preservation of
23 the on-site critical areas.

24 The proposal will include two access points from East Fir Street and one
25 service/secondary access on 9th Avenue.

4. Characteristics of the Area. Abutting the site to the north is open space
associated with Kulshan Creek and Kulshan Trail. To the east and west is single-
family and multi-family development. To the south is East Fir Street and the Mount
Vernon Cemetery.

5. Environmental Review. The District has determined that there are no
probable significant adverse impacts created by the proposal. The District served as
the lead agency for State Environmental Policy Act (“SEPA”) review and issued an
mitigated determination of non-significance”) on September 1, 2017. The District

1 issued an addendum on October 9, 2017 to address the removal of a 4,000-gallon
2 underground storage tank and remediation of associated soils.

3 6. Overall Regulatory Compliance. The District has submitted several studies
4 demonstrating that the general layout of the proposal is consistent with City
5 development standards. More specific code review will be conducted by City staff as
6 a part of building permit and clearing and grading permit review. The findings of the
7 studies are summarized as follows:

8 A. Critical Areas. The only critical areas located on-site are wetlands. The
9 District prepared a wetland assessment by Shockey Planning Group, Ex. 4d.
10 The assessment determined that the project site contains one Category II
11 wetland and three Category III wetlands. The proposal will not encroach into
12 the wetlands or the buffers imposed by City code. The City's stormwater
13 regulations also require that wetland hydrology be maintained by post-
14 development stormwater flows. Consequently, the proposal will likely
15 comply with the City's critical area regulations and will not adversely affect
16 critical areas.

17 B. Parking. The proposal meets City parking standards. The City's parking
18 standards, specifically MVMC 17.84.030, do not specify any specific parking
19 numbers for elementary school visitor parking, except to require that it be
20 "adequate." As a result, the District prepared parking studies, Ex. 4a,
21 showing how much parking is necessary to serve an elementary school based
22 upon parking demand from other elementary schools. Based upon these
23 studies, the District established to the satisfaction of staff that the proposed
24 120 stalls would be adequate, with the added condition that the District
25 prepare an operations plan to address overflow and event parking. The
District submitted a draft of such plan into the hearing, Ex. 7, but the draft
plan had not yet been reviewed by staff as of the date of the hearing.

19 C. Noise. The District prepared noise studies, Ex. 4b, establishing compliance
20 with the City's noise standards. As testified during the hearing, the project
21 will not be associated with any major noise impacts. The athletic fields are
22 not large enough to accommodate any major sports events and are not lighted
23 so there will be no evening events requiring field lights.

24 D. Drainage/Stormwater. The District prepared a preliminary stormwater site
25 plan, Ex. 4c, demonstrating general consistency with the City's stormwater
regulations. The District proposes that drainage is captured in a traditional
pipe and catch basin system, with separate drainage systems for each of two
drainage basins discharging to their respective wetlands. As testified by the
District's attorney, given the evolution of stormwater standards over the last
few decades, one can expect a significant improvement in stormwater
treatment and impacts over current conditions.

1 E. Transportation Concurrency. The District prepared a traffic concurrency
2 analysis, Ex. 4e. The analysis concludes that the proposal is consistent with
3 level of service requirements for traffic capacity. Several recommendations
4 were made for compliance with street design level of service standards. These
5 recommendations have already been incorporated into the proposal or can be
6 required during building permit review without materially affecting the
7 proposed master plan design.

8 F. Zoning Code Bulk and Dimensional Compliance/Landscaping. Section G1a
9 of the staff report identifies how the proposal complies with applicable zoning
10 code bulk and dimensional requirements. As outlined in the staff report, the
11 proposal exceeds minimum setbacks, is within building height limitations
12 (max building height is 50 feet, District proposes up to 47 feet). Section G1a
13 also notes that proposed landscaping complies with landscaping regulations.

14 7. Compatibility. The proposal is compatible with surrounding uses. As previously
15 noted, the District served as lead agency for SEPA review and determined that the
16 proposal will create no significant adverse impacts. There is nothing in the record
17 that contradicts this assessment. Overall, the proposed school replacement improves
18 over current conditions by moving the drop-off area off Fir Street onto the project
19 site. Noise impacts are minimal. The size and bulk of the project is buffered by the
20 17.78 acres that comprises the project site, over eight acres of which is encumbered
21 with wetlands and wetland buffers. School parking and buffer landscaping separates
22 the proposed buildings from residences to the east and N. 9th Street separates the
23 project site from residences to the west. The proposal is designed to comply with
24 detailed stormwater, critical area, noise, concurrency, critical area and public works
25 standards, all of which assure that impacts to neighboring properties are minimized.

CONCLUSIONS OF LAW

Procedural:

1. Authority of Hearing Examiner. The hearing examiner has authority to conduct
hearings and make recommendations on master plan applications to the City Council
as authorized by MVMC 14.05.050.B.4. and MVMC 14.05.060.

Substantive:

2. Zoning Designation. The zoning map and comprehensive plan map
designations for the property are both Public (P)

3. Review Criteria. Master plan review is required for any projects over ten
acres in size in the P district pursuant to MVMV 17.30.090. Review of the master
plan application is somewhat challenging because there are no review criteria adopted
into the MVMC other than the application submittal requirements required by

1 MVMC 17.30.090. Those application requirements are quoted below in italics and
2 assessed in a corresponding conclusion of law. In the absence of any express review
3 criteria, the staff report applies the definition of master plan, which is also adopted by
4 this decision as a review standard for the reasons identified below.

5 **MVMC 17.30.090(A):** *Master Plan Submittal Requirements. The master plan shall*
6 *include proposed land use information (land use, densities, site design, adjacent uses,*
7 *circulation, utility corridors and alignments, wetlands) for review and approval by*
8 *the city pursuant to the procedures of this chapter....*

9 4. As determined by staff and as demonstrated by the site plans submitted by the
10 applicant, Ex. 3, all the information required by MVMC 17.30.090(A) has been
11 submitted by the District. The information required by MVMC 17.30.090(A) implies
12 that the proposal must comply with development standards related to that
13 information, e.g. wetland information implicates consistency with wetland standards
14 and site design implicates consistency with parking, landscaping, street standards etc.
15 MVMC 17.30.090(C) requires that review of master plans “*recognize the lesser level*
16 *of detail include in the master plan application.*” Combining MVMC 17.30.090(C)
17 with the information required by MVMC 17.30.090(A), quoted above, it is concluded
18 that a master plan can only be approved if the design information required in the
19 master plan application is generally consistent with pertinent City development
20 standards. For the reasons identified in Finding of Fact No. 6, the required
21 information provided by the District is generally consistent with all applicable City
22 development standards. The proposal is consistent with the implied review criteria of
23 MVMC 17.30.090(A).

24 **MVMC 17.30.130:** *“Master plan” is intended to show how proposed development*
25 *will comply with the development standards in the applicable zoning. It also is*
26 *intended to show compatibility of development within the master plan area, and*
27 *compatibility of anticipated uses in areas adjacent to and abutting the master plan*
28 *area. It provides long-term guidance for a smaller area than a conceptual*
29 *redevelopment plan, but a larger area than a detailed site plan.*

30 5. Definitions are typically not used to set permit review criteria. However, in the
31 absence of any express review criteria, a definition can provide some guidance as to
32 what an applicant must establish to secure permit approval. As noted previously, a
33 use over ten acres in size in the P district is subject to master plan review. The first
34 prerequisite for this review is that the application qualify as a master plan under the
35 master plan definition. The definition quoted above corroborates the determination
36 made in Conclusion of Law No. 4 that the master plan must comply with applicable
37 zoning standards. The definition also requires compatibility of use. The proposal is
38 compatible with adjoining uses for the reasons identified in Finding of Fact No. 7.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Recommendation

The proposal complies with implied master plan review criteria as detailed in Conclusions of Law No. 4 and 5 of this recommendation. For this reason, it is recommended that the City Council approve the master plan application as depicted in Exhibits 2 and 3, subject to the following conditions:

1. In the event that there are changes to the preliminary stormwater designs or other designs that would result in impacts to the designated critical areas and/or their buffers, additional critical areas review/permits and additional environmental review would be required.
2. Overflow or event parking will be addressed as part of an “operations” plan to be developed prior to the opening of the new school.

Dated this 24th day of April 2018.



Phil A. Olbrechts

City of Mount Vernon Hearing Examiner