



## NOTICE OF DECISION

### City of Woodinville

**Development Services Department**

425-489-2754 • 17301 133rd Avenue NE • Woodinville, WA 98072

Desk Hours • Monday – Thursday 7:30am – 5:00pm • Friday 7:30am – 4:00pm

The City of Woodinville has issued a Notice of Hearing Examiner Decision for the following project:

**Project Name:** Chrysalis School

**Proponent:** Bob Fadden on behalf of Chrysalis School

**Project Number:** CUP13001/SEP13017

**Description of proposal:** A Conditional use permit to operate a Junior/Senior High School in the Industrial zone.

**Project Decision:** Approved with Conditions

**Project Location:** 15900 Woodinville-Redmond Road, Woodinville, WA.

**Notice of Decision Date:** August 19, 2013

**End of Appeal Period Date/Time:** September 2, 2013 by 4:00 p.m.

**Project Permit Expiration Date:** August 19, 2018

A public hearing was held before the Woodinville Hearing Examiner on July, 31, 2013 for review of the Conditional Use Permit application. After considering comments by the public, City staff, and outside agencies, the project was approved with conditions by the Woodinville Hearing Examiner, subject to the attached Findings of Fact, Conclusions and Decision.

The Conditional Use Permit shall be valid for five (5) years from the date of this Notice of Decision. If an issued permit is not obtained within this period, the Conditional Use Permit shall become null and void, and a new application would need to be submitted.

The Conditional Use Permit shall also be declared void if there is a failure to comply with the approved plans or conditions of approval.

The application, supporting documents, and studies are available for review at the City of Woodinville, 17301 133rd Avenue NE, Woodinville, WA 98072. Contact: Debra Crawford, Project Manager, at (425) 877-2285. Email address: [debrac@ci.woodinville.wa.us](mailto:debrac@ci.woodinville.wa.us).

### Appeals

A Party of Record must file an appeal of this decision within fourteen (14) days from date of this Notice of Decision. The final decision of the Hearing Examiner's Decision is appealable to the

Woodinville City Council. Appeals must be delivered to the City of Woodinville and must be filed no later than Monday, September 2, 2013 by 4:00 p.m.

Appellants must be a party of record. To receive additional information on appeals for this application, please contact the Project Manager listed below.

Affected property owners may request a change in valuation with King County for property tax purposes notwithstanding any program of revaluation. For information regarding property valuations and/or assessments, contact the King County Assessor's Office at 206-296-7300.

**Contact person:** Debra Crawford, Project Manager

**(425) 877-2285**

**Email address:** [debrac@ci.woodinville.wa.us](mailto:debrac@ci.woodinville.wa.us)

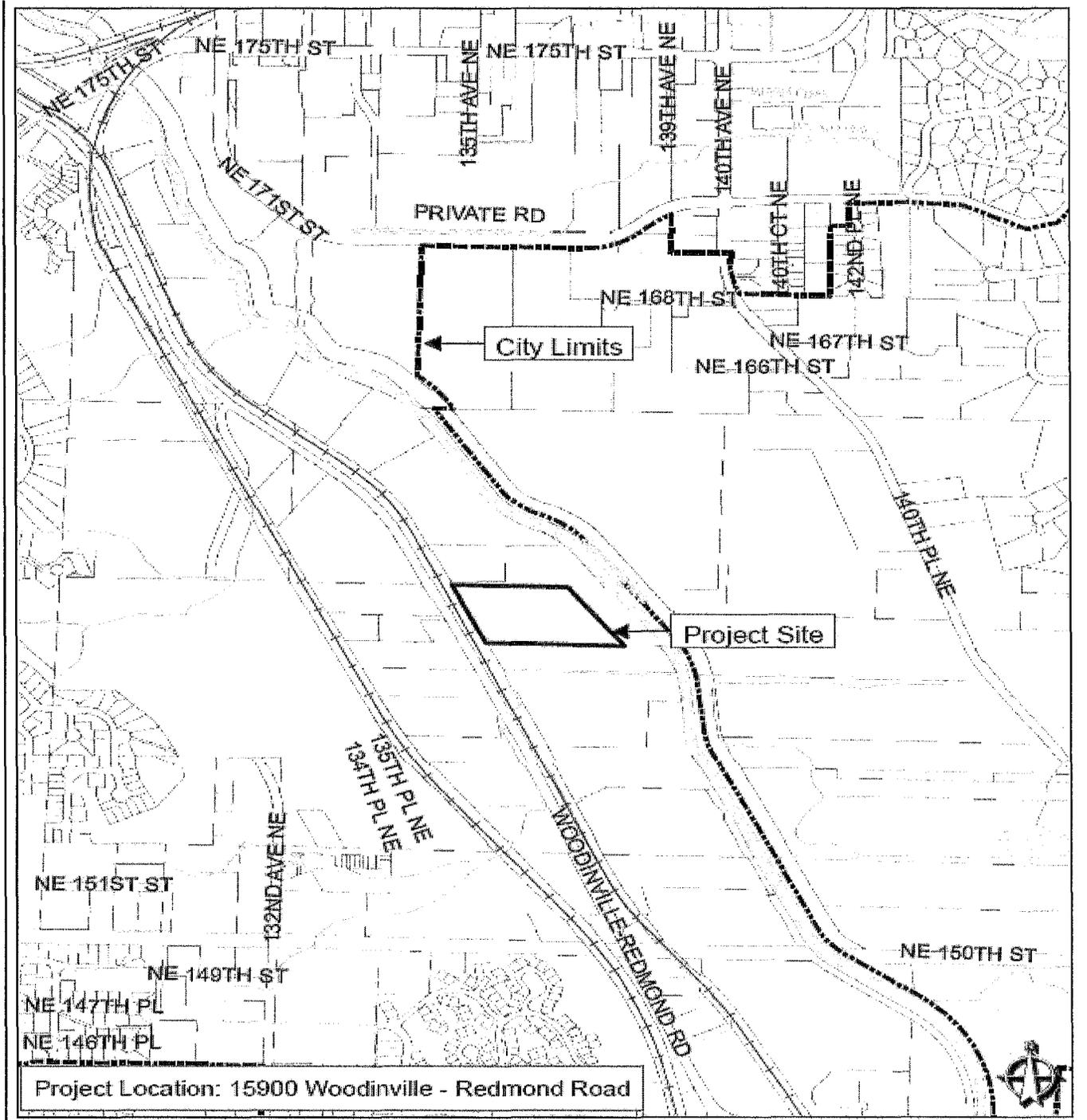


Date: 8/14/13

David Kuhl, Development Services Director

**Project Name:** Chrysalis School Conditional Use Permit  
**File Numbers:** CUP13001/SEP13017

### Location Map



**BEFORE THE HEARING EXAMINER  
FOR WOODINVILLE**

In the Matter of Application of	)	CUP13003/SEP13017
	)	
Chrysalis School	)	Findings of Fact and Conclusions
<u>for approval of a Conditional Use Permit</u>	)	and Decision

**SUMMARY OF DECISION**

The requested Conditional Use Permit to locate and operate a Junior/Senior High School in an Industrial zone at 15900 Woodinville-Redmond Road NE, Woodinville, Washington is granted subject to the conditions listed below.

**SUMMARY OF RECORD**

Request:

Chrysalis School (Applicant) requested approval of a Conditional Use Permit (CUP) to locate and operate a Junior/Senior High School in an Industrial zone at 15900 Woodinville-Redmond Road NE, Woodinville, Washington<sup>1</sup>.

Hearing Date:

A hearing on the request was held before the Hearing Examiner of Woodinville on July 31, 2013.

Testimony:

At the hearing the following presented testimony:

Debra Crawford-City of Woodinville  
Dean Altaras- NAI Puget Sound Properties  
Karen Fogle – Chrysalis School  
Bob Fadden – Lance Mueller & Associates

Exhibits

At the hearing, the following exhibits were submitted and admitted as part of the administrative review record:

- Exhibit 1 Staff Report
- Exhibit 2 Application forms received May 30, 2013
- Exhibit 3 Complete Letter of Application to Applicant
- Exhibit 4 Notice of Application issued June 24, 2013
- Exhibit 5 SEPA Determination of Nonsignificance issued July 15, 2013 and SEPA Checklist
- Exhibit 6 Agency Comments Received
- Exhibit 7 Notice of Public Hearing issued July 15, 2013
- Exhibit 8 Rendering of Existing School Building

<sup>1</sup> Legally described as LOT 1 WOODINVILLE BLA # BLA 2003-0014 REC # 20031015900008 SD BLA BEING N 10 AC OF POR S 1/2 OF NW 1/4 LY E OF R/R R/W & W OF SAMMAMISH RIVER DRAINAGE DITCH, Woodinville, WA

RECEIVED

JUL 14 2013

City of Woodinville

- Exhibit 9 Power Point hard copy  
Exhibit 10 Sign in sheet for hearing witnesses

Based on the testimony and evidence submitted at the open record hearing, the Hearing Examiner enters the following Findings and Conclusions to support the final decision:

### FINDINGS OF FACT

1. Chrysalis School (Applicant) requested approval of a Conditional Use Permit (CUP) to locate and operate a Junior/Senior High School in an Industrial (I) zone at 15900 Woodinville-Redmond Road NE, Woodinville, Washington. *Exhibit 1-pg. 1; Exhibits 2 and 3.* The school, at its present location in the same industrial area as the proposed school, includes grades 7 through 12. It operates 2 to 4 days a week for 3 to 5 hours on a staggered schedule. The building in which the school operations would be relocated is pre-existing structure. No external modification of the pre-existing structure would occur, but internal site improvements are required. Internal construction would include modification of office and school room space.<sup>2</sup> *Exhibit 1-pg. 1; Exhibits 2, pg. 2; Testimony of Ms. Crawford*
2. The property is part of an industrial area that was constructed pursuant to King County Codes and prior to the incorporation of the City of Woodinville in 1993. It is zoned Industrial (I) by the City. The School has been operating in the north industrial area of the parcel as a legal nonconforming use for twenty two (22) years. It is the intent of the Applicant to relocate the existing school operations from the north industrial area to the south industrial area on the parcel. *Testimony of Ms. Crawford; Exhibit 1, pgs. 1 & 3.* The space in the north industrial area is too small for the needs of the Applicant. *Exhibit 1-pg. 3; Testimony of Ms. Crawford.*
3. The entire parcel has 7.65 acres. The subject property has eleven developed structures that include a large office building and ten covered sheds. The sheds are scheduled to be demolished as part of the development plan. *Exhibit 1, pg. 3; Testimony of Ms. Crawford.* A boundary line adjustment of the parcel is proposed, and if approved, the site will become three separate parcels and the Chrysalis school site would be 1.51 acres. *Exhibit 1, pg. 1.*
4. The properties to the north, south and west are zoned Industrial and have been developed with industrial uses. The property to the east of the subject property is zoned Agricultural, 1 unit per 10 acres and is an agricultural use. *Exhibit 1, pg. 3*

---

<sup>2</sup> The application requested that the junior high school house 8<sup>th</sup> and 9<sup>th</sup> grades. During the hearing the City agreed that the CUP should be for grades 7 through 12. The CUP has been decided based on a use that includes grades 7 through 12.

5. In early January 2013 the Applicant requested a zoning code amendment to allow Junior and Senior High Schools uses in an I zone. The amendment was approved and adopted by the City Council per ordinance 565. Junior and Senior High Schools in an I zone are subject to a CUP process. *Testimony of Ms. Crawford; Exhibit 1, pg. 3.* A building permit for minor tenant improvements is also required for the project. *Exhibit 1, pg. 4*
6. The entire parcel, including the subject property, was most recently used as a lumber yard. A two-story 22,946 square feet structure on site was constructed in 2005. *Exhibit 1, pg. 3.* Water and sewer services are provided by the Woodinville Water District, and electricity and gas are provided by the Puget Sound Energy Company. *Exhibit 1, pg. 3* Fire service is covered by the Woodinville Fire and Rescue. *Exhibit 1, pg. 1.* The property is in the Northshore School District. *Exhibit 1, pg. 2*
7. Access to the site is off the Woodinville-Redmond Road NE. Even though there are other uses contained on the entire parcel, the access for the proposed school will be independent of those uses. *Testimony of Ms. Crawford.*
8. Subsequent to the zoning code amendment the Applicant submitted a request for a CUP to the City. A Notice of Application was issued on June 24, 2013. *Exhibit 4; Exhibit 1, pg. 6*
9. Pursuant to SEPA (*RCW 43.21C*) the project was subject to review of environmental impacts that would result from the development. The City, who was the lead agency for the review and the responsible authority, issued a Determination of NonSignificance (DNS) on Monday, July 15, 2013. No appeals of the DNS were filed. *Exhibit 5.* Because the property is not within the Shoreline Master Program Management Area, no shoreline review was done. *Exhibit 1, pg. 4*
10. The subject property has been developed with 86 parking spaces. The required parking for the proposed use, based on City of Woodinville ordinances and formulas, is 64 spaces. The required parking includes 12 spaces for Junior and Senior High use; 21 spaces for office use; one space for storage use; and 30 spaces for assembly area uses. The Planning Director determined that the parking proposed on-site was sufficient under the City's code and did not require a parking analysis. *Exhibit 1, pg. 5.* The parking standards are satisfied.
11. According to the City's Public Works Department no traffic impact fees will be imposed as part of the project. *Exhibit 1, pg. 5.* The Director also determined that the increase in AM/PM peak hour trips did not require a traffic analysis to evaluate potential level of service issues on the public street system. *Exhibit 1, pg. 6.*
12. The pre-existing building that will house the school will be the only use on the lot. No exterior modifications to the school site are proposed that would impact other properties or change or alter the character or appearance of the area. There will be no conflicts over

- parking. The location of parking onsite reduces potential pedestrian conflicts with other uses. *Testimony of Ms. Crawford; Exhibit 1, pg. 5*
13. Neighborhood traffic circulation will not be impacted by the school use because there will be direct access for the school traffic off Woodinville-Redmond Road NE. The CUP would not impact the safety of the public. *Testimony of Ms. Crawford; Exhibit 2, pg 13*
  14. All public noticing requirements have been met. The City distributed a request for comments on the CUP to various city and state agencies. No agency comments were submitted regarding increased public services or facility needs for this project. *Testimony of Ms. Crawford.; Exhibit 1, pgs. 6 and 7*
  15. The CUP has been reviewed for consistency with the City of Woodinville's development regulations and considered in light of: the allowed land use schools in an I zone; the size and impact of the proposed use; the availability and effectiveness of the infrastructure; and the compliance and use of development standards of the City. The City of Woodinville has determined the Chrysalis School project meets the requirements of the City of Woodinville infrastructure standards, Comprehensive Plan, and Woodinville Municipal Code. *Testimony of Ms. Crawford*

## CONCLUSIONS

### I. Jurisdiction:

The Hearing Examiner is granted jurisdiction to hear and decide applications for conditional use permits pursuant to RCW 36.70B and Woodinville Municipal Code (WMC) 17.07.020 and WMC 17.07.030

### II. Applicable Ordinances and Regulations

#### WMC 21.44.050 Conditional Use Permit.

A conditional use permit shall be granted by the City only if the applicant demonstrates that:

- (1) The conditional use is designed in a manner which is compatible with the character and appearance of the existing or proposed development in the vicinity of the subject property;
- (2) The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
- (3) The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
- (4) Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
- (5) The conditional use is not in conflict with the health and safety of the community;
- (6) The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
- (7) The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be

established to mitigate adverse impacts on such facilities. (Ord. 496 § 2 (Att. B), 2010; Ord. 465 § 27, 2008; Ord. 175 § 1, 1997)

RCW 36.70B.040 – Determination of Consistency

RCW 36.70B.040 and WMC 17.13.100 require that a proposed project be reviewed for consistency with a local government’s development regulations during project review by consideration of the following:

- Type of land use;
- Level of development, such as units per acre or other measures of density;
- Infrastructure, including public facilities and services needed to serve the development;
- The characteristics of the development, such as development standards.

Conclusions based on Findings

1. The Applicant requested approval of a CUP to locate and operate a Junior/Senior High School in an Industrial zone at 15900 Woodinville-Redmond Road NE, Woodinville, Washington. *Finding of Fact No. 1*
2. The location of the school, as proposed by the Applicant, has been designed in a compatible manner with the character and appearance of the existing or proposed development in the vicinity of the industrial zoned area near the Woodinville-Redmond Road NE. *Findings of Fact Nos. 2, 4, 10 and 12*
3. The proposed school would be located in a preexisting building that has been onsite for over 8 years. The location, size and height of buildings and screening vegetation for the conditional use will not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties. *Findings of Fact Nos. 1, 3, 6 and 10*
4. The proposed use of the school has been is designed in a manner that is compatible with the physical characteristics of the subject property. No exterior structural changes will occur. *Finding of Fact No.1*
5. The use of the property as a school will not conflict with the health and safety of the community. *Findings of Fact Nos.6, 7, 12, and 13*
6. There will be no exterior modifications to the site. The proposed interior modifications to the structure will be reviewed by the City as part of the building permit process. Any impacts to the property or to the surrounding properties will be mitigated in a manner equal to or greater than the standards of this title. *Finding of Fact Nos. 1 and 5*
7. The pedestrian and vehicular traffic associated with the school use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood. *Findings of Fact Nos. 10, 11, 12 and 13*
8. The school will be supported by adequate public facilities and services and will not adversely affect public services to the surrounding area. *Findings of Fact No. 6*

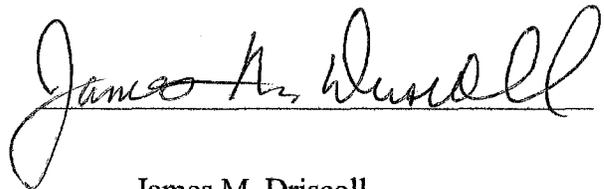
9. RCW 36.70B.040 and WMC 17.13. have been reviewed by the City and it has been determined that the proposed CUP is consistent with Woodinville's development regulations. Findings of Fact 15

### DECISION

Based on the above stated Findings of Fact and the Conclusions of compliance with the applicable ordinance, it is hereby ordered that a Conditional Use Permit to locate and operate a Junior and Senior High School in an Industrial zone at 15900 Woodinville-Redmond Road NE, Woodinville, Washington is granted subject to the following conditions:

1. The Conditional Use Permit allows a junior and senior high school to be located at 15900 Woodinville-Redmond Road NE, Woodinville, Washington in an existing building that is approximately 22,946 square feet. The junior high school shall include grades 7 through 9 and the high school shall be grades 10 through 12. Any expansion of this use requires a minor modification of the conditional use permit from the City of Woodinville.
2. All interior work shall be done subject to a building permit issued by the City of Woodinville. No occupancy or use shall be permitted until a final inspection and certificate of occupancy has been issued by the City of Woodinville.
3. Pedestrian walkways shall be clearly marked.
4. A safe pedestrian pick-up/drop-off area that does not interfere with local traffic shall be provided prior to any educational activity being held onsite.
5. All conditions of approval are required to be met at all times in order for the Conditional Use Permit to remain valid. Any change in operations that violates any condition of approval requires a major modification of the Conditional Use Permit.
6. Class sizes are limited by the occupancy that is listed on the posted certificate of occupancy.
7. All fire code required exits shall be maintained at all times. Fire alarm and fire sprinklers may be required for this project

Dated this 12<sup>th</sup> day of August, 2013



James M. Driscoll  
Hearing Examiner  
City of Woodinville