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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 CONDITIONAL USE APPLICATION CU 01 0124

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPELLANT: STAN MILLER

ASSESSOR PARCEL NO: P65259

ABBREVIATED LEGAL DESCRIPTION: The property is located at Lot 3 of "Everett's McLean Tracts", Mount Vernon, WA; a portion of Section 24, Township 34 North, Range 3 East, W.M., Skagit County, Washington.

SKAGIT COUNTY HEARING EXAMINER
STATE OF WASHINGTON

In the Matter of the Application of)	
STAN MILLER)	PL01-0124
)	
For a Conditional Use Permit to Allow)	FINDINGS OF FACT,
Construction of a Duplex on Property)	CONCLUSIONS OF LAW
Designated Single Family High Density)	AND DECISION
Within the Urban Growth Area of the)	
City of Mount Vernon)	
_____)	

THIS MATTER, a request for a Conditional Used Permit, came on regularly for hearing on June 27, 2001, after due notice. Brandon Black appeared for the County Planning and Permit Center. Gloria Rivera represented the City of Mount Vernon. Stan Miller represented himself. Members of the public were given an opportunity to be heard.

From the testimony given, exhibits admitted, and argument made, the Examiner enters the following:

FINDINGS OF FACT

1. Stan Miller (applicant) seeks permission to construct a single-story duplex on residentially zoned property within the Urban Growth Area for the City of Mount Vernon. The Comprehensive Plan designation is Single Family High Density (SF-HI). The zoning is R1-7.6.

2. The subject property is Lot 3 of "Everett's McLean Tracts," located along the east side of Cottonwood Lane, within a portion of Sec. 24, T34N, R3E, W.M. The lot is 12,036 square feet in size. The project proposal is to construct two 1,200 square foot residential units as a duplex, each with two bedrooms and each with an attached garage area of approximately 600 square feet.

3. A letter of completeness for the application was issued on February 23, 2001. A Determination of Non-Significance (DNS) under the State Environmental Policy Act (SEPA) was issued on March 22, 2001. The DNS was not appealed. Upon review no critical areas issues were identified.

4. Under Mount Vernon Municipal Code (MVMC) 17.15.050(D), duplexes may be allowed in the project's zoning district under the following circumstances:

(D) Single-story duplexes, subject to the regulations of Chapter 17,18 MVMC, where there is no more than one duplex or multi-family use



within 600 feet of the proposed use. Provided, that there is at least a 100-foot separation between another duplex or multifamily use. The 600 feet may be reduced to 300 feet, provided that 80 percent of the lots in the area described have single-family houses already built.

5. There is another duplex located at the Northeast corner of the intersection of Cottonwood Lane and McLean Road that is within 600 feet of the subject site. However, the existing duplex is over 100 feet from the project site and at least 80 percent of the neighborhood is developed with existing single-family residences. In general the neighborhood consists of houses spread out on large lots.

6. The proposal meets the setback and other dimensional requirements of the Mount Vernon Code. The garage and driveway space conforms to off-street parking requirements. Through configuration and style, the structure is designed to fit into the neighborhood setting.

7. To satisfy MVMC 17.93.020(G), landscaping must cover 20% of the gross site and street trees must be planted at an average of 30 feet apart on Cottonwood Lane. Landscaping is currently provided along all property lines to buffer the residence from neighboring uses. A condition of approval can require additional landscaping, including street trees.

8. Under an interlocal agreement with the City, the County is to apply the land use regulations of the City of Mount Vernon to proposed developments within the UGA. MVMC 17.107.060 contains the relevant standards for Conditional Use Permit approval. The standards require conformity with the City's comprehensive plan and development regulations, as well as compatibility of the proposal with the surrounding neighborhood.

9. The file contains a single letter of opposition from a neighborhood resident who feels that the rural flavor of the neighborhood will be changed by the development, adversely affecting the value and salability of other residences there. The applicant testified that he had discussed the project with the letter writer and assured him that the quality of the development will be high and that the size will approximate the look of other single-family residences in the area.

10. The Staff Report analyzes the proposal against the criteria of MVMC 17.107.060 and concludes that the project will be consistent with each of them. At the hearing, Mount Vernon gave testimony concurring in this analysis. The Examiner finds that the preponderance of evidence supports the compatibility of the proposal with its setting. He adopts the analysis of the Staff Report. The Staff Report is by this reference incorporated herein.

11. There was no public testimony at the hearing.



12. 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 proposal, as conditioned, is consistent with the applicable Conditional Use Permit Requirements. MVMC 17.107.060.

4. The permit should be granted, subject to the following conditions:

A. The project shall be constructed as described in the application and accompanying project information.

B. All other necessary permits shall be obtained.

C. The fire flow requirements of the Mount Vernon Fire Department for a duplex structure shall be met.

D. The permittee shall secure the City's approval of a plan for landscaping and additional street trees that meets the requirements of MVMC 17.93.020(G).

E. Failure to comply with the conditions of approval may be grounds for revocation of the permit.

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

DECISION

The request Conditional Use Permit is approved subject to the conditions set forth in Conclusion 4 above.

Wick Dufford

Wick Dufford, Hearing Examiner

Date of Action: July 17, 2001

Copies Transmitted to Applicant: July 17, 2001

Attachment: Staff Report



RECONSIDERATION/APPEAL

As provided in SCC 14.06.180, a request for reconsideration may be filed with the Planning and Permit Center within 10 dates 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.



**SKAGIT COUNTY PLANNING AND PERMIT CENTER
FINDINGS OF FACT**

HEARING AUTHORITY: SKAGIT COUNTY HEARING EXAMINER

HEARING DATE: JUNE 27, 2001

APPLICATION NUMBER: CONDITIONAL USE REQUEST PL01-0124

APPLICANT: STAN MILLER

ADDRESS: P.O. BOX 1232
LACONNER, WA. 98257

PROJECT LOCATION: Located along the east side of Cottonwood Lane, identified as Lot 3 of "Everett's McLean Tracts", Mount Vernon, within a portion of Section 24, Township 34N, Range 3 East W.M. Skagit County, Washington.

PROJECT DESCRIPTION: Conditional Use request PL01-0124 to allow for the construction of a duplex on a 12,036 square foot lot. The project proposal is to construct two 1,200 square foot residential units (duplex) each with an approximate 600 square foot attached garage area.

ASSESSOR'S ACCOUNT NUMBER: 3911-000-003-0009, P65259

ZONING: The parcel is located within a Residential zoning district, R1-7.6 Zoning Designation. (Cottonwood Lane).

COMPREHENSIVE PLAN: The Comprehensive Plan designates the area as Single Family High Density (SF-HI) within the Urban Growth Area for the City of Mount Vernon as indicated in the Skagit County Comprehensive Plan and associated maps as adopted July 24, 2000.

RECOMMENDATION: The Planning and Permit Center recommends **approval** of the request.

EXHIBITS:

1. Staff Findings 1-9
2. Application dated February 12, 2001
3. Letter of Completeness dated February 23, 2001
4. Notice of Development application published March 1, 2001
5. SEPA DNS issued March 22, 2001.



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6. Site Plan
7. Assessors section map

STAFF FINDINGS:

1. The subject property is zoned Residential and the Comprehensive Plan and associated maps adopted July 24, 2001 designates the area as Single Family High Density (SF-HI) within the Urban Growth Area for the City of Mount Vernon. The application was determined to be complete on February 23, 2001 and is vested under the Comprehensive Plan and regulations in effect at that time.
2. Per Section 14.06.100 of the Skagit County Code, a letter of completeness was issued and the Notice of Development Application was posted on the subject property and published in a newspaper of general circulation on February 23, 2001 as required by Section 14.06.150 of Skagit County Code. The public hearing has been advertised in accordance with the requirements of Chapter 14.06 of the Skagit County Code.
3. The application has been reviewed in accordance with the State Environmental Policy Act guidelines (WAC 197-11 and RCW 43.21C). A Determination of Nonsignificance (DNS) was issued on March 22, 2001 and became effective following the fifteen-day comment period and the fourteen-day appeal period ending on April 20, 2001. There were no conditions placed on the threshold determination. No comments were received during the comment period.
4. The subject parcel was reviewed with the respect to the Skagit County Critical Areas Ordinance 14.24 of the Skagit County Code. Staff comments indicated that critical areas was previously review and approved for the proposal.
5. The subject property is located within a designated A7 flood hazard area as identified by 530151 0250 C with the effective date of January 3, 1985.
6. The applicant is requesting a conditional use permit for construction of a duplex. The Comprehensive Plan for the City Mount Vernon designates the Cottonwood Lane area in the unincorporated Urban Growth Area as SF-HI (Single-Family High Density). The applicable Mount Vernon City Code implementing the Comprehensive Plan has two zoning designations for SF-HI (R1, 7.6 and R1, 6.0), allowing for densities of 5 to 7.5 dwelling units per acre. As established in Section 17.15.020 of the Mount Vernon Municipal Code (MVMC), minimum lot sizes are set at 7,600 square feet or 6000 square feet. Under Section 17.15.050(D) and (E), duplexes may be allowed as a conditional use under the following circumstances:
 - (D) Single-story duplexes, subject to the regulations of Chapter 17.18 MVMC, where there is no more than one duplex or multi-family use within 600 feet of the proposed use. Provided, that there is at least a 100-foot separation between another duplex or



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multifamily use. The 600 feet maybe reduced to 300 feet, provided that 80 percent of the lots in the area described have single-family houses already built.

- (E) Two-story duplexes, subject to the regulations of Chapter 17.18 MVMC, and under the conditions set forth in subsection D, and where adjoining zoning, existing land use, existing structures and neighborhood character are such that in the judgment of the planning commission and city council it would be compatible and would not detrimentally impact the surrounding area. In making such determination the commission and council shall consider land uses or potential uses, setbacks, building heights, open spaces, and any other relevant factors.

7. From the application submitted it appears the request comes under Subsection D. However, there is another duplex located at the Northeast corner of the intersection of Cottonwood Lane and McLean Road within 600 feet. Therefore, the application would come under the 300-foot requirement. In this instance, the existing duplex lot is over 100 feet from the proposed duplex lot and at least 80 percent of the neighborhood is comprised of existing single family residences. The proposed duplex is of single-story construction.
8. The setbacks required per Section 17.15.070 have been met. The lot is approximately 12,036 square feet and the lot coverage is 26% (not counting the patios) which is under the 35% allowed per Section 17.15.080. The landscaping must cover 20% of the gross site and street trees must be planted at an average of 30 feet apart on Cottonwood Lane to satisfy Section 17.93.020(G) of the MVMC. The plans show two garage parking spaces plus two driveway parking spaces for each unit thereby meeting the requirement of four off-street parking spaces for a duplex per Section 17.15.100 of the MVMC. Finally, it appears the residential configuration and features of the proposed duplex will fit into the neighborhood.

9. **PROPOSED FINDINGS AND CONCLUSIONS**

Section 17.107.060 of the MVMC requires that a conditional use permit meet certain criteria to be approved.

Standard A. The proposal is compatible with the intent of the comprehensive plan for the city. Staff response: The city's Comprehensive Plan Map designates this property R1 (single-family residential zoning). Duplexes are permitted through the conditional use permit process in the City's zoning code provided separation exists between duplexes and 80 percent of the existing residences in the area are of a single-family nature. Under the circumstances, the requirements are met and the use is compatible with the City's zoning code and Comprehensive Plan and Therefore, Standard A is satisfied.

Standard B. The proposal shall be compatible with the surrounding neighborhood. Staff response: The neighborhood consists of primarily single family environment. One duplex or multi-family residence exists over 100 feet to the south. The proposed duplex meets the distance requirements of the MVMC and will continue to allow a primarily single-family nature to exists in this developed neighborhood. Therefore, Standard B is satisfied.



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Standard C. The surrounding neighborhood would not be negatively impacted by the size, arrangement or architectural design of the proposed use.

Staff response: The proposed one-story single-family structure will be of a low-key nature and the arrangement allows for the preservation of a large amount of open space. The structure meets or exceeds all setback requirements listed in the City's zoning code. A requirement of additional street landscaping to minimize impacts will be required. Therefore, Standard C is satisfied.

Standard D. Traffic patterns are not severely impacted.

Staff response: Traffic generation from the proposed use will not trigger any transportation improvements and will not severely impact the surrounding area. Cottonwood Lane is designated as a residential collector street and is designed to handle any additional traffic that may be generated by the proposed use. Therefore, Standard D is satisfied.

Standard E. Public facilities are available to serve the proposed development.

Staff response: Water, sewer, public streets and electricity are available to the site. Drainage requirements will not be triggered since the proposed use does not exceed 5,000 square feet of impervious surface. Therefore, Standard E is satisfied.

Standard F. The proposal has no materially detrimental effects on neighboring properties due to excessive noise, lighting or other interference with the peaceful use and possession of said neighboring properties.

Staff response: The use is residential in nature. No additional exterior lighting is proposed at this time. The use is compatible with surrounding residential properties. The addition of another residential unit should have little impact on noise or traffic. Therefore, Standard F is satisfied.

Standard G. The proposal has been designed to minimize adverse effects on neighboring properties.

Staff response: The proposed residential activity is located in a one-story structure with a large amount of open space. Sufficient parking is provided per the submitted site plan. Additional street landscaping will be required per the MVMC. Therefore, Standard G is satisfied.

Standard H. Landscaping materials are provided in sufficient quantities and locations to screen objectionable views, break up large parking areas and present an aesthetically attractive appearance.

Staff response: Landscaping is provided along the north, south, west, and east property lines that buffer the proposed residence from the neighboring uses. The applicant will be asked to provide extra street trees per the MVMC to help minimize the use. As conditioned, the proposed landscaping should meet or exceed landscape requirements listed in the MVMC. Therefore, Standard H is satisfied.

RECOMMENDATIONS:

It is recommended the conditional use permit, be approved subject to the following conditions:



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1. The fire flow requirements of the Mount Vernon Fire Department for a duplex structure must be met.
2. Provide parking and landscaping along with street trees to assist in reducing the visual impact of the activity per the MVMC.



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