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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 Request CU 02 0079

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: Todd Cramer

ASSESSOR PARCEL NO: P22532

ABBREVIATED LEGAL DESCRIPTION: The proposed project is located at 17910 State Route 536, Mount Vernon, WA; a portion of Section 24, Township 34N, Range 3 East W.M. Skagit County, Washington.

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND DECISION

Applicant: Todd Cramer
3707 167th Place SW
Lynnwood, WA 98037

File No: PL02-0079

Request: Conditional Use Permit

Location: 17910 State Route 536, within a portion of Sec. 24,
T34N, R3E, WM. The site is within the Urban
Growth Area for the City of Mount Vernon.

Summary of Proposal: To allow for the operation of a retail auto sales lot
involving the display for sale of approximately 20
vehicles.

Land Use Designation: Commercial/Light Industrial

Public Hearing: After reviewing the report of the Planning and Permit
Center, the Hearing Examiner conducted a public
hearing on June 12, 2002.

Decision: The application is approved, subject to conditions.

FINDINGS OF FACT

1. Todd Cramer (applicant) seeks to establish a retail used auto sales yard on a previously developed commercial lot within the Urban Growth Area for the City of Mount Vernon.

2. The property is located at 17910 State Route 536 (Memorial Highway), within a portion of Sec. 24, T34N, R3E, WM. The parcel is designated Commercial/Limited Industrial (C/LI) in the Mount Vernon Comprehensive Plan.

3. Development of land in Skagit County that is located within an Urban Growth Area is governed by County adopted provisions of the applicable City Code. Mount Vernon's implementing zoning for the subject property is C/LI, which under MVMC 17.56.050 requires a conditional use permit for an open sales lot for used vehicles.

4. The proposal is for a small used car dealership displaying about 20 cars on an existing paved parking area and using an existing building on-site for an office. No construction is proposed. No hazardous materials will be stored at the site. No mechanical work will be done there. At most a couple of security lights will be installed.

5. The sales lots will be within an established strip mall complex that is served with potable water and a septic system. The existing on-site building has restroom facilities. Electricity and natural gas is furnished to the property. The proposed use will not add appreciably to the demand on presently available utilities.

6. The site in the past has been used for a retail business. There is an existing access from the highway. The new use will not create significant additional traffic. Paved parking space is available on the western portion of the site.

7. The proposed use will be compatible with its setting. An existing large used car dealership is located within 50 feet of the proposed site. Commercial uses are located to the north, east and west. To the south is one single family home and vacant land. Because this proposal involves only a change of use in a developed area, no additional landscaping will be required.

8. A Determination of Non-significance (DNS) under the State Environmental Policy Act (SEPA) was issued on May 2, 2002. The DNS was not appealed.

9. The application was properly posted and published. There was no written public comment. One member of the public testified in favor of the proposal at the public hearing.



10. The application was routed to appropriate County departments. None were opposed. Their comments are reflected in conditions of approval.

11. MVMC 17.108.060 outlines the following criteria for conditional use approval:

- a. The proposal is compatible with the intent of the comprehensive plan for the city.
- b. The proposal shall be compatible with the surrounding neighborhood.
- c. The surrounding neighborhood would not be negatively impacted by the size, arrangement or architectural design of the proposed use.
- d. Traffic patterns are not severely impacted.
- e. Public facilities are available to serve the proposed development.
- 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.
- g. The proposal has been designed to minimize adverse effects on neighboring properties.
- 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.

12. The City of Mount Vernon reviewed the application and determined that, as conditioned, it will meet their conditional use criteria. The Staff Report contains an analysis demonstrating such compliance. The Examiner concurs in this analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

13. 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. SCC 14.02.040 requires that in Urban Growth Areas the provisions of the applicable City code shall be applied when adopted by County Ordinance. Appendix A thereof lists Title 17 (Zoning) of the Mount Vernon Municipal Code as among those code provisions so adopted.

4. As conditioned, the proposal will comply with the Mount Vernon conditional use criteria.

5. The following conditions should be imposed:

a. The use shall be conducted as proposed in the application materials.

b. The permittee shall provide a lighting plan for the parking area that demonstrates that lighting will not intrusively interfere with the use of neighboring property

c. Parking associated with the use shall be limited to the paved portion of the site.

d. Noise and ventilation shall comply with State standards. The requirements of WAC 173-60 (noise) and SCC 14.16.840 (environmental performance standards) shall be met.

e. Contamination of public surface and ground waters shall not occur. The provisions of WAC 173-201A and 173-200 shall not be violated.

f. No vehicle or mechanical maintenance shall be performed on site.

g. This Conditional Use Permit shall be void if the use is not commenced within two years of the date of this approval.

h. Failure to comply the conditions of this permit may result in its revocation.

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

DECISION

The requested Conditional Use Permit is approved, subject to the conditions set forth in Conclusion 5 above.

Wick Dufford

Wick Dufford, Hearing Examiner



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Date of Action: July 5, 2002

Copy Transmitted to Applicant: July 5, 2002

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 days 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.



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

HEARING AUTHORITY: SKAGIT COUNTY HEARING EXAMINER

HEARING DATE: JUNE 12, 2002

APPLICATION NUMBER: CONDITIONAL USE REQUEST PL02-0079

APPLICANT: TODD CRAMER

ADDRESS: 3707 167TH PLACE SW
LYNNWOOD, WA. 98037

PROJECT LOCATION: Located at 17910 State Route 536, Mount Vernon, WA. within a portion of Section 24, Township 34N, Range 3 East W.M. Skagit County, Washington.

PROJECT DESCRIPTION: Conditional Use permit request #PL02-0079 to allow for the operation of a retail auto sales lot for the display and sales of approximately 20 vehicles.

ASSESSOR'S ACCOUNT NUMBER: 340324-0-016-0001, P22532

ZONING/ COMPREHENSIVE PLAN: The subject parcel is designated as Commercial/Light Industrial (C/LI) within the Urban Growth Area for the City of Mount Vernon.

EXHIBITS:

1. Staff findings 1-9
2. Application dated March 28, 2002
3. Site Plan
4. Assessors section map
5. Letter of completeness dated April 8, 2002
6. Notice of Development application published April 11, 2002
7. Determination of Nonsignificance published May 2, 2002.



STAFF FINDINGS:

1. The subject property is zoned/designated as Commercial/Light Industrial (C/LI) within the Urban Growth Area for the City of Mount Vernon as indicated in the Comprehensive Plan and associated maps adopted July 24, 2000. The application was determined to be complete on April 8, 2002 and is vested under the Comprehensive Plan and zoning regulations in effect at that time. A letter of completeness was issued as per Section 14.06.100 of the Skagit County Code.
2. A Notice of Development Application was posted on the subject property and published in a newspaper of general circulation on April 11, 2002 as required by Section 14.06.150 of 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 May 2, 2002 and became effective following the fifteen-day comment period and the fourteen-day appeal period ending on May 31, 2002.
4. The subject parcel was reviewed with the respect to the Skagit County Critical Areas Ordinance 14.24 of the Skagit County Code. Critical areas staff reviewed the proposal and recommended approval without conditions.
5. The subject property is located within a designated A0 flood hazard zone as identified by FEMA on Flood Insurance Rate Map (FIRM) 530151 0250 C with the effective date of January 3, 1985.
6. The application was routed to Skagit County Public Works for review. Public Works recommended approval without conditions.
7. The application was routed to the Skagit County Health Unit for review. The Health Units comments are as follows: "1. Noise and ventilation issues shall comply with state standards and WAC 173-60 and SCC 14.16.840 with regards to noise and light issues. 2. Surface and ground water quality shall be protected as described in WAC 173-201A and WAC 173-200 for issues pertaining to contamination and vehicle parking for customers and sales. And 3. No vehicle or mechanical maintenance shall be performed on site."
8. The application materials were forwarded to the City of Mount Vernon on April 4, 2002. The City of Mount Vernon reviewed the application for compliance with the city development standards and supplied the following:
9. The applicant is requesting a conditional use for an open sales lot of used vehicles. The Comprehensive Plan for the City of Mount Vernon designates the Highway 536 area in the unincorporated Urban Growth Area as C/L (Commercial/Limited Industrial). The applicable Mount Vernon City Code implementing the Comprehensive Plan is Chapter 17.56 of the Mount Vernon Municipal Code (MVMC) that designates this area C/L (Commercial/Limited Industrial). Under Section 17.56.050©, open sales lots for used vehicles, boats, mobile homes, or equipment in operating condition) require a conditional use permit for approval.

STAFF REVIEW:

Section 17.108.060 of the Mount Vernon Municipal Code outlines standards which applications for a conditional use permit must be measured against.



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 C/L (Commercial/Limited Industrial). Uses associated with used vehicles, equipment, vehicles, and boats are listed as permitted through the conditional use permit process in the City's zoning code. Under the Comprehensive Plan, general commercial uses include activities such as motels, restaurants, and automobile dealers. The uses need a larger site, with reasonable access, but which do not generate the level of traffic associated with retail shopping centers. The location on Memorial Highway would provide the necessary access and site requirements. Therefore the use is compatible with the City's zoning code and Comprehensive Plan and Standard A is satisfied.

Standard B. The proposal shall be compatible with the surrounding neighborhood.

Staff response: The neighborhood consists primarily of a commercial environment. Commercial uses are located to the north, east, and west. The remainder of the area to the south consists of one single family and vacant land. The lot is already commercially developed so the applicant will not be required to provide screening landscaping and fencing when located adjacent to a residential area. Therefore, Standard B, as conditioned, is satisfied.
Cramer CUP

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

Staff response: As proposed, the sales office will be in an existing commercial structure that is required to have ADA accessibility. The applicant will not be required to meet the City fencing codes and landscaping standards since his operation is a portion of an already existing commercial facility. Parking of sales vehicles needs to be located on the paved portion of the site to reduce the chance of contamination entering the soils in the unpaved areas. Therefore, Standard C, as conditioned, is satisfied.

Standard D. Traffic patterns are not severely impacted.

Staff response: Highway 536 is designated a principal arterial street in the comprehensive plan and is designed to handle additional traffic that may be generated by the proposed use. No new access point are proposed. With the designation of the adjacent roadway, there will not be a severe impact on the traffic patterns. Therefore, as conditioned, Standard D is satisfied.

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

Staff response: Water, public streets, natural gas, and electricity are available to the site. No drainage requirements are will be triggered since no new impervious surface is being proposed.. The sanitation service serving the existing building is being utilized. Access, sanitation services, and water availability must conform to the requirements of the Fire Department and Sanitation Departments and P.U.D. Therefore, Standard E is satisfied with the necessary improvements.



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 area in the vicinity of the site is a mixture of a few single-family residences and commercial development. The adjacent street is a principal arterial that generates a significant amount of traffic with accompanying noise and light. With the impacts already occurring in the area, location of the sales yard should create a negligible impact especially with the bulk of the activity occurring during the daylight hours. Therefore, Standard F, as conditioned, is satisfied.

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

Staff response: The site is an existing commercial location. Additional landscaping is encouraged to help mitigate impacts on the arterial frontage. The western portion of the site has been used for paved commercial parking. A lighting plan will need to be submitted with utilities that will minimize the lighting impacts. Therefore, as conditioned, Standard G is satisfied.

Cramer CUP
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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: The site is located on a developed commercial lot. Additional landscaping is encouraged adjacent to the arterial street for aesthetic purposes. Therefore, as conditioned, Standard H will be satisfied.

RECOMMENDATIONS:

It is recommended the conditional use permit for Todd Cramer, for an open lot for the sale of used vehicles, be approved subject to the following conditions:

- 1. Provide a lighting plan for the parking area that reduces the degree of lighting on adjacent properties.

PROPOSED FINDINGS AND CONCLUSIONS

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

- 1. The proposal is compatible with the intent of the commercial/limited industrial zoning shown in the comprehensive plan with the required design improvements.
- 2. The proposal is compatible with the surrounding uses in the area, which are limited single-family residential and commercial activities as conditioned.



3. The surrounding neighborhood will not be negatively impacted by the size, arrangement or architectural design of the development with proper lighting.
4. Highway 536 is designated as principal arterial street designed to handle any additional traffic that may be generated by the proposed use with the required improvements.
5. Water, public streets, electricity, and gas are available to service the proposed development as conditioned.
6. The proposal will have no materially detrimental effects on neighboring properties due to excessive noise, lighting, etc, with the nature of the surrounding area, hours of operation, and applicable conditions.
7. The proposal must be designed to minimize adverse effects in neighboring properties as conditioned.
8. Landscaping materials and required screening should provide an aesthetically attractive appearance.
9. Noise and ventilation issues shall comply with state standards and WAC 173-60 and SCC 14.16.840 with regards to noise and light issues.
10. Surface and ground water quality shall be protected as described in WAC 173-201A and WAC 173-200 for issues pertaining to contamination and vehicle parking for customers and sales.
11. No vehicle or mechanical maintenance shall be performed on site.

Date: 5-23-02
Prepared by: BB



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