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Skagit County Auditor

12/17/2002 Page 1 of 12 1:07PM

AFTER RECORDING RETURN TO:
SKAGIT COUNTY HEARING EXAMINER
302 SOUTH FIRST STREET
MOUNT VERNON, WA 98273

DOCUMENT TITLE: ORDER ON CONDITIONAL USE APPLICATION CU 02 0428

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: TOM LITTLE

ASSESSOR PARCEL NO: P29353

ABBREVIATED LEGAL DESCRIPTION: The proposal is located AT 3128 Cedardale Road, Mount Vernon, WA; within Sections 32, Township 34 North, Range 4 East, W.M., Skagit County, Washington.

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND DECISION

Applicant: Tom Little
1105 Springbrook Road
Lake Stevens, WA 98258

File No: PL02-0428

Request: Conditional Use Permit

Location: 4128 Cedardale Road, within a portion of Sec. 32, T34N,
R4E, WM. The site is within the Urban Growth Area
for the City of Mount Vernon.

Summary of Proposal: To establish an open sales yard for new and used vehicles
and equipment.

Land Use Designation: Commercial/Light Industrial - C/LI (Mount Vernon).

Public Hearing: After reviewing the report of the Planning and Permit
Center, the Hearing Examiner conducted a public hearing
on November 27, 2002.

Decision: The application is approved, subject to conditions.



200212170114

Skagit County Auditor

FINDINGS OF FACT

1. Tom Little (applicant) seeks approval for an open sales yard for new and used vehicles and equipment. The enterprise will be located at 4128 Cedardale Road, within a portion of Sec. 32, T34N, R4E WM.

2. The site comprises about 1.65 acres at the east end of Cedardale Road (approximately 650 feet north of Hickox Road). In connection with establishing the sales lot, the proposal calls for converting an existing single-family residence on the property to a commercial office.

3. Development in the vicinity of the site is a mixture of single-family residences and commercial activities. To the immediate south are vacant land and a few houses. To the immediate north and east is a Washington Department of Transportation office with outside storage of vehicles. Interstate-5 is located immediately to the west.

4. The proposed use requires a fairly large site, with reasonable access. The site selected is big enough. Cedardale Road is a collector arterial offering excellent access and designed to handle the additional traffic that would be generated by the proposed use.

5. Existing driveways will be used for access to the street. The applicant will be required to meet requirements of the Mount Vernon Engineer in connection with access improvements. Water, natural gas and electricity are available to the site. An on-site septic system will be provided. There is a storm water detention pond.

6. Landscaping will be required on the arterial frontage and in the parking area to mitigate visual impacts. A detailed lighting plan that minimizes lighting impacts on neighboring properties will also need to be submitted.

7. The property is located within the Urban Growth Area (UGA) for the City of Mount Vernon. Development of land in Skagit County that is located within a UGA is governed by the County-adopted provisions of the applicable City Code. Included in the adopted County regulations are the provisions of Mount Vernon Municipal Code, Title 17 - Zoning. (See SCC Chapter 14.02, Appendix A.)

8. Under Mount Vernon's Comprehensive Plan, commercial and light industrial development (C/LI) is contemplated in this area. The trend of development in the area is in fact consistent with this planning. In the future the frontage along Cedardale Road will primarily consist of commercial uses, sales yards and offices.

9. In C/LI zones, open sales lots (for used vehicles, boats, mobile homes, or equipment in operating condition) require a Conditional Use Permit for approval. MVMC 17.56.050(c).



10. The County Staff reviewed the application and routed it to appropriate County offices. There were no objections. Suggestions for conditions are incorporated into the decision below.

11. A Determination of Non-Significance (DNS) under the State Environmental Policy Act (SEPA) was issued on September 5, 2002. The DNS was not appealed.

12. The application materials were forwarded to the City of Mount Vernon. The City Staff analyzed the application under its conditional use criteria. As set forth in MVMC 17.108.060 the criteria are:

- A. The proposal is compatible with the intent of the comprehensive plan of 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 the 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 present an aesthetically attractive appearance.

13. Mount Vernon's staff concluded that the proposal, if properly conditioned, will be consistent with the above criteria. The Skagit County Staff concurs. The Hearing Examiner also concurs and adopts the analysis as set forth in the County's Staff Report. The Staff Report is by this reference incorporated herein as though fully set forth.

14. There was no public opposition to this application.

15. 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 subject matter of this proceeding.

2. The requirements of SEPA have been met.

3. If conditioned as set forth below, the project will meet the criteria for a Conditional Use Permit. MVMC 17.108.060.

4. The following conditions should be imposed:

(1) The project shall be carried out in a manner that conforms with the application and accompanying materials, except as the proposal may be modified by these conditions.

(2) The facility shall meet all requirements of the Mount Vernon Fire and Engineering Departments.

(3) Parking and landscaping shall meet the requirements of the Mount Vernon Municipal Code.

(4) Prior to commencing operations, the permittee shall submit to the City a detailed lighting plan for the parking area. The plan shall minimize the impacts of lighting on adjacent properties.

(5) Operation of equipment, construction, and daily operations shall comply with *Maximum Environmental Noise Levels*, Chapter 173-60 WAC, and with SCC 14.16.840 in regard to noise and light. Noise compliance shall include ventilation, heating and cooling equipment for any office and storage or garage buildings.

(6) Water quality standards for surface and ground waters shall be met pursuant to the terms of Chapters 173-200 and 173-201A WAC. Best management practices shall be used to prevent degradation of water quality.

(7) Prior to occupancy and commencement of operations, all requirements of the Skagit County Health Unit shall be met, pursuant to SCC Chapters 12.05 and 12.48. An approved septic system and potable water supply shall be provided.

(8) To comply with the Mount Vernon Stormwater Code the project will be required to provide stormwater treatment for runoff generated by the



site. The existing detention pond may have to be modified to provide a permanent wet pond for water quality treatment purposes.

(9) No vehicle or mechanical maintenance shall be performed on site.

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

(11) Failure to comply with the conditions of this permit may result in its revocation.

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

Wick Dufford

Wick Dufford, Hearing Examiner

Date of Action: December 17, 2002

Copy Transmitted to Applicant: December 17, 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.



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

HEARING AUTHORITY: SKAGIT COUNTY HEARING EXAMINER

HEARING DATE: NOVEMBER 27, 2002

APPLICATION NUMBER: CONDITIONAL USE REQUEST PL02-0428

APPLICANT: TOM LITTLE

ADDRESS: 1105 SPRINGBROOK ROAD
LAKE STEVENS, WA. 98258

CONTACT PERSON: CYRUS ANDERSON
12904 68TH STREET NE
LAKE STEVENS, WA. 98258

PROJECT LOCATION: Located at 4128 Cedardale Road, Mount Vernon, WA. within a portion of Section 32, Township 34N, Range 4 East W.M. Skagit County, Washington.

PROJECT DESCRIPTION: Conditional Use permit request #PL02-0428 to establish an open sales yard for new and used vehicles and equipment.

ASSESSOR'S ACCOUNT NUMBER: 340432-0-009-0017, P29353

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 August 2, 2002
3. Site Plan
4. Assessors section map
5. Letter of completeness dated August 12, 2002
6. Notice of Development application published August 15, 2002
7. Determination of Nonsignificance published September 5, 2002.



200212170114
Skagit County Auditor

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 August 12, 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 August 15, 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 September 5, 2002 and became effective following the fifteen-day comment period and the fourteen-day appeal period ending on October 4, 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 0425 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. This includes ventilation for heating and cooling of any office and storage/garage buildings. 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. Best Management Practices shall be utilized to prevent interference and/or degradation from point, non-point or conditions which could lead to degradation of water quality. 3. There shall be no maintenance of vehicles or equipment on the property. 4. Prior to occupancy and the start of the operation, all Health requirements shall be met as outlined within Skagit County Code section 12.05 and 12.48 which includes an approved septic system and an approved source of water for either public or private use.
8. The application materials were forwarded to the City of Mount Vernon on August 8, 2002. The City of Mount Vernon reviewed the application for compliance with the city development standards and supplied the following:



200212170114

Skagit County Auditor

9. The applicant is requesting a conditional use for an open sales lot of used vehicles, boats, and equipment on a 1.65 acre site located east of Cedardale Road and approximately 650 feet north of Hickox Road in south Mount Vernon. The proposal also includes converting an existing single-family residence to a commercial office. The Comprehensive Plan for the City Mount Vernon designates the Cedardale Road 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. The applicant met in a TEAM Development meeting with the City on July 9, 2002. The notes from the meeting are included with this report to be cited as conditions of 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, and equipment 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. With the location proposed, the proposed use requires a large site with reasonable access. The location on Cedardale Road 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 of a mixed-use environment. To the south is located vacant land and a few houses. A WSDOT office is located to the north and east with outside storage of vehicles. I-5 is located to the west. In the future the frontage along Cedardale Road will probably primarily consist of commercial uses, sales yards, and offices. Therefore, Standard B, as conditioned, is satisfied.

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 in the narrative of the applicant's packet, the conversion of the house into the office will be designed to mitigate impacts. City code requires that the office be approved with ADA accessibility. The applicant will be required to meet the City landscaping standards (including buffer widths, and types and placement of vegetation). If over twenty vehicles are located on the lot, additional parking lot landscaping is required (17.93.030 of the



200212170114

Skagit County Auditor

MVMC). The applicant is proposing low-impact lighting. Such lighting must not create a glare onto residentially zoned lots. Therefore, Standard C, as conditioned, is satisfied.

Standard D. Traffic patterns are not severely impacted.

Staff response: Cedardale Road is designated a collector arterial street in the comprehensive plan and is designed to handle additional traffic that may be generated by the proposed. Existing driveways will be utilized. The applicant will be required to meet development standards required by the Mount Vernon Engineer, including any improvements to the road access. With the designation of the adjacent roadway and the improvements required, 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. Drainage requirements will not be triggered since the present proposed development will not exceed 5,000 square feet of impervious surface, however, water quality standards must be met. The applicant will be required to construct storm water improvements in accordance with the City Engineering standards. The site will be required to have an existing on-site septic system since sanitary sewer is not available to the site. 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 some single-family residences and commercial development. The adjacent street is a collector 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 and office should create a negligible impact especially with the bulk of the activity occurring during the daylight hours. With a condition of adequate landscaping and a well-designed lighting plan, any impacts created should be minimal. Therefore, Standard F, as conditioned, is satisfied.

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

Staff response: Landscaping is required to help mitigate impacts on the arterial frontage and in the parking area. A detailed lighting plan will need to be submitted with utilities that will minimize the lighting impacts. Therefore, as conditioned, 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.



200212170114
Skagit County Auditor

Staff response: Landscaping must meet City requirements regarding frontage landscaping and buffer widths and interior parking lot landscaping. Therefore, as conditioned, Standard H will be satisfied.

RECOMMENDATIONS:

It is recommended the conditional use permit for Tom Little, for an open lot for the sale of used vehicles and equipment, be approved subject to the following conditions:

1. Meet all requirements of the Fire Department and Engineering Department.
2. Provide parking or landscaping that meets Mount Vernon City Code.
3. Provide a detailed 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 industrial and commercial 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 landscaping and lighting.
4. Cederdale Road is designated as a collector 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 will provide an aesthetically attractive appearance
9. Development of this use will be subject to impact fees pursuant to the terms of the applicable impact fee ordinance.
10. Operation of equipment/construction and daily operations shall comply with Maximum Environmental Noise Levels Chapter 173-60 WAC and address noise and vibration limitations, and Skagit County Code 14.16.840 for light and noise conditions. This includes ventilation for heating and cooling of any office and storage/garage buildings.
11. Washington State WAC's 173-201A and 173-200 shall be complied with, as required to address surface water quality issues and ground water issues. Best management practices shall be utilized to prevent interference and/or degradation from point, non-point or conditions which could lead to degradation of water quality.



200212170114

Skagit County Auditor

12. Prior to occupancy and the start of the operation all Health requirements shall be met, Skagit County Code sections 12.05 and 12.48, which includes an approved septic system and an approved source of water for either individual or public use.
13. The project is presently provided with an approved stormwater detention pond. However, no provision has been made for water quality. To comply with current City of Mount Vernon Stormwater Code this project will be required to provide stormwater treatment for runoff generated by this site. The existing detention pond may be modified to provide a permanent wet pond for water quality treatment purposes.
14. No vehicle or mechanical maintenance shall be performed on site.

Date: 11-6-02

Prepared by: Brandon Black
Gloria Rivera



200212170114
Skagit County Auditor

12/17/2002 Page 12 of 12 1:07PM