



**201909240043**

09/24/2019 11:45 AM Pages: 1 of 11 Fees: \$113.50  
Skagit County Auditor

**WHEN RECORDED RETURN TO:**

Land Title & Escrow  
3010 Commercial Ave  
Anacortes, WA 98221

Land Title and Escrow

02-169541-0E

**DOCUMENT TITLE(S):**  
Conditional Use Permit

**REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:**

**GRANTOR:**  
Randy Click & Donna Jung

**GRANTEE:**  
The Public

**ABBREVIATED LEGAL DESCRIPTION:**

Lots 1-4, SP SPL-2015-0004; Being a Ptn Of Lots 18-20, Blk 8, Beale's Maple-Grove Add.

**TAX PARCEL NUMBER(S):**  
3775-008-020-0306, P133552/3775-008-020-0106, P133553/3775-008-020-0406, P133554/3775-008-020-0006, P56622



**CITY COUNCIL'S FINDINGS OF FACT, CONCLUSIONS  
OF LAW, & DECISION:**

**CLOSED-RECORD DECISION**

**HEARING DATE:** 6:00 PM on Monday, May 13, 2019

**PRE-DECISION OPEN-RECORD**

**PUBLIC HEARING DATE:** 6:00 PM on Wednesday, April 24, 2019

**Site Visit:** 3:00 PM on Wednesday, April 24, 2019

**FILE NUMBER:** CUP-2018-0003

**PROJECT LOCATION:** The subject properties are located at the northwest corner of 34<sup>th</sup> Street and "Q" Avenue intersection. Addressed as 3316 "Q" Avenue, 3320 "Q" Avenue, 3312 "Q" Avenue, & 908 34<sup>th</sup> Street.

**SUBJECT PARCEL:** Parcel #: P133552, P133553, P133554, & P56622

**APPLICANT &  
LANDOWNER:**

Randy Click & Donna Jung  
1308 33<sup>rd</sup> Street  
Anacortes, WA 98221

**STAFF REPORT  
PREPARED BY:**

Kevin Cricchio, AICP, ISA, WPIT  
Senior Planner  
City of Anacortes  
904 6<sup>th</sup> Street  
Anacortes, WA 98221

**SUBJECT PROPOSAL:**

The applicant has applied for a Conditional Use Permit (CUP) to permit the conversion of three (3) short-term rentals located on the subject properties to single-family residences along with allowing the construction of a single-family residence on the vacant lot (P133553). All four (4) of the subject lots involved in the CUP request were created by short plat (SPL-2015-0004) in 2016 and are located in the Commercial Zoning District. Short-term

rentals are permitted outright (typed as "Overnight Accommodations" in AMC 17.24.020) in the Commercial Zoning District but single-family residences require an approved Conditional Use Permit per AMC 17.24.040.

**CURRENT ZONING:** Commercial Zoning District

**COMPREHENSIVE PLAN DESIGNATION:** Commercial

**SURROUNDING ZONING & LAND USES:**

Direction:	Zoning:	Present Land-Use:
<b>North:</b>	Commercial Zoning District	Single-family residences
<b>South:</b>	Commercial Zoning District	Motel /Inn
<b>East:</b>	Residential High Density B Zoning District (R4B)	Single-family residences
<b>West:</b>	Commercial Zoning District	Condominiums/ Multi-family

**FINDINGS OF FACT:**

**I. GENERAL BACKGROUND:**

1. The subject property properties were created by short plat. On January 28, 2016, preliminary approval was given to create four (4) lots. Shortly thereafter, the applicant submitted for final short plat. The final short plat was recorded with Skagit County on November 3, 2016.
2. On page 2 of 2 of the recorded short plat, there is a note that states, "Unless the underlying Commercial Zoning District or regulations therein change, no single-family residential use is permitted on any of the four (4) lots created by this short plat unless approved via a Conditional Use Permit."
3. To date, three (3) of the four (4) lots that makeup the short plat have been built on addressed as 908 34<sup>th</sup> Street (Parcel #: P133552), 3312 "Q" Avenue (Parcel #: P133554) & 3320 "Q" Avenue (Parcel #: P56622). The fourth lot addressed as 3316 "Q" Avenue (Parcel #: P133553), remains unimproved /vacant to date. Because of this note on the face of the short plat, these three (3) structures were constructed as short-term vacation rentals, not single-family residences. The issued building permits are BLD-2016-1116, BLD-2016-1332, & BLD-2015-0668 respectively.
4. A pre-application conference is required for Conditional Use Permit applications per AMC Table 19.20.030-1. Accordingly, a pre-application conference meeting was conducted with the applicant on Tuesday, September 11, 2018.
5. A neighborhood meeting is required for Conditional Use Permit applications per AMC Table 19.20.030-1. Accordingly, a neighborhood meeting was conducted at

6:00 PM on December 4, 2018 in the Senior Center. The neighborhood meeting notice was posted on site in two different locations, published in the Anacortes American newspaper, and mailed to neighboring landowners within 300 feet of the subject property as is required by AMC 19.20.120(D).

6. On December 11, 2018, the City of Anacortes' Department of Planning, Community, & Economic Development received the subject Conditional-Use Permit application.

**II. NOTICE OF APPLICATION (NOA) & NOTICE OF HEARING (NOH):**

1. Following a review of the application material submitted, the subject application was deemed complete on January 9, 2019. A notice of application and hearing was posted onsite, published in the local newspaper, and mailed to neighboring landowners concerning three (3) of the four (4) lots within the short plat. Shortly thereafter, the applicant changed their mind and decided to include all four (4) lots within the short plat as part of the proposed Conditional Use Permit. Accordingly, a revised notice of application and hearing was posted onsite, published in the local newspaper, and mailed to neighboring landowners concerns to include all four (4) lots of the short plat.
2. The revised notice of application and hearing was also posted at city hall, the local USPS office, the library, and on the city's website.
3. Agencies and departments of jurisdiction were solicited for comment.
4. Per AMC Table 19.20.030-1, Conditional Use Permits are considered a Type 4 land use permit, which requires a 21-day comment period.
5. Because a revised notice of application and hearing was required due to a change in the scope of the project, a new comment period was also is needed. The comment period for the subject application began on March 13, 2019, and ended at 5:00 PM on April 3, 2019. Comments however were accepted until the close of the pre-decision open record public hearing.

**III. CRITICAL AREA / ENVIRONMENTALLY SENSITIVE AREA REVIEW:**

There are no known critical areas located either on the subject property or within 300 feet to it.

**IV. STATE ENVIRONMENTAL POLICY ACT:**

The subject proposal was determined to be exempt from SEPA environmental review per WAC § 197.11.800 and AMC § 18.04.120.

**V. PUBLIC COMMENT:**

Any public comment received can be been found in **Exhibit # 04**.

**VI. AGENCY & DEPARTMENT COMMENT:**

Comments received from both agencies and departments of jurisdiction can be found in Exhibit # 05.

**VII. ZONING ORDINANCE/CODE:**

1. Per AMC 17.24.010, the purpose of the Commercial (C) Zoning District is “...to provide for establishments offering accommodations or services to motorists and tourists, and to provide areas for retail, wholesale, and repair activities outside the central business district.”
2. Single-family residences in the Commercial Zoning District require a Conditional Use Permit per AMC 17.24.040.
3. All three (3) building permits (BLD-2016-1116, BLD-2016-1332, & BLD-2015-0668) submitted to the city in 2015 and 2016 were reviewed for conformance with the Commercial Zoning District’s requirements including but not limited to setbacks, maximum land coverage, maximum permitted height, and landscaping. As stated earlier, three (3) of the four (4) lots have already been built on with short-term vacation rentals. The applicant now wishes to convert these three (3) vacation rentals into single-family residences and permit the construction of a single-family residence on the vacant unimproved lot. This is why the applicant seeks a Conditional Use Permit.
4. According to AMC 17.46.020, short-term vacation rentals (typed as overnight accommodations) require one (1) off-street parking space while single-family residences require two (2) off-street parking spaces per residence.
5. As stated earlier, three (3) of the four (4) lots that makeup the 4-lot short plat have been built on. Currently these three (3) structures are being used as short-term vacation rentals. One of these short-term rentals addressed as 3312 “Q” Avenue (Parcel #: P133554, Lot #4 of the short plat) does not have adequate room onsite to permit two (2) off-street parking spaces. Therefore, the applicant wishes to use an easement across lot #1 of the short plat to permit this and meet the two (2) off-street parking space requirement per AMC 17.46.020.
6. Per AMC § 19.36.040, in order to grant a Conditional Use Permit, the decision maker must find that the use would be consistent with the following criteria as follows:
  - A) The use would comply with any specific requirements for the conditional use specified elsewhere in this code.

**STAFF ANALYSIS:**

Single-family residences are permitted in the Commercial Zoning District via an approved Conditional Use Permit per AMC 17.24.040. As stated above, the subject proposal appears to have met the applicable development regulations for the Commercial Zoning District including but not limited to maximum permitted height,

lot coverage, landscaping, and minimum setbacks as measured from property lines. There is no minimum lot size requirement for any permitted or conditionally permitted use(s) in the Commercial Zoning District per AMC 17.24.050.

- B) Access to this site is appropriate considering the anticipated volume of traffic resulting from the use.

**STAFF ANALYSIS:**

The Conditional Use Permit is to permit the use of three (3) short-term vacation rentals that currently exist onsite to be used as single-family residences instead. One (1) of the four (4) lots of the short plat that created the lots in question is vacant/unimproved land. The applicant wishes also to construct a single-family residence on this respective vacant lot. Adequate access to each of the four lots in question occurs via "Q" Avenue and 34<sup>th</sup> Street.

- C) Off-street parking and loading facilities are adequate in terms of location, amount, and design to service the use.

**STAFF ANALYSIS:**

Single-family residences require two (2) off-street parking spaces per residence per AMC 17.46.020. Lot four (4) of the short plat has a short-term rental constructed on it. If the Conditional Use Permit is approved, and the short-term rental is converted to a single-family residence, it would not have adequate room onsite to permit two (2) off-street parking spaces onsite as is required per AMC 17.46.020. The applicant proposes an easement across the vacant lot (Lot #1 of the subject short plat; 3316 "Q" Avenue) that abuts and is contiguous with lot # four (4) (addressed as 3312 "Q" Avenue; Parcel #: P133554) to allow ample room to meet this two (2) off-street parking space requirement. The subject conditional use permit has been conditioned below accordingly.

- D) The amount and location of open-space and the provision of screening is such that buffering of incompatible uses is achieved.

**STAFF ANALYSIS:**

No open-space or buffering of incompatible uses is required or applicable in this case for the proposed use of single-family residences on the four (4) lots in question.

- E) The location and intensity of outdoor lighting is such that it does not cast light on adjacent, adjoining, or neighboring properties.

**STAFF ANALYSIS:**

As conditioned below, outdoor lighting will be down-shielded thus preventing glare and light trespass.

F) Hours and manner of operation of the propose use, including anticipated noise generation, are not inconsistent with the adjacent or nearby uses.

**STAFF ANALYSIS:**

If the Conditional Use Permit is approved, four (4) single-family residences will be permitted on the four (4) respective lots. The proposed use will be consistent with adjacent uses as the site abuts a single family residence and a condominium complex with single family residences also located to the east across "Q" Avenue.

G) Public facilities and utilities are capable of adequately serving the proposed use.

**STAFF ANALYSIS:**

All public facilities ("Q" Avenue and 34 Street) and utilities (i.e., potable water, sanitary sewer, and stormwater) abut and /or are present at the subject property.

H) The physical conditions of the site, including size, shape, topography, and drainage, are suitable for the proposed development.

**STAFF ANALYSIS:**

Any new building permit application to construct a single-family residence on the vacant lot will be reviewed for conformance with applicable stormwater regulations per AMC 19.76. The three (3) existing structures [short term vacation rentals] that are located on the other three (3) of the four (4) lots of the short plat were reviewed in 2015/ 2016 for conformance with city adopted stormwater management requirements.

I) Any other factors deemed relevant to the decision maker.

**STAFF ANALYSIS:**

No additional factors were determined to be relevant by the decision maker.

7. The subject proposal is consistent with the above development regulations and the proposed land use is permitted in the underlying zoning districts.

**VIII. CONCLUSIONS OF LAW:**

1. The public notice requirements of the Conditional-Use Permit have been complied with.

2. The project is consistent with the general purposes of the City's Comprehensive Plan, the city's planning standards and specifications of the zoning ordinance, and other ordinances applicable to the proposal.
3. The City Council bases its Findings of Fact, Conclusions of Law & Decision on the entire record, including all testimony and exhibits. Any finding, which would be deemed a Conclusion of Law, and any Conclusion of Law, which should be deemed a finding is hereby adopted as such.

**IX. STAFF RECOMMENDATION:**

The Department of Planning, Community, and Economic Development recommends that City Council approve the subject Conditional Use Permit subject to staff's suggested conditions of approval as listed below.

**X. PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission conducted a pre-decision open-record public hearing on April 24, 2019, following a 3:00 PM site visit, regarding the subject Conditional Use Permit. Following public testimony and deliberation, the Planning Commission voted 4-1 in favor of recommending approval to City Council.

**XI. DECISION:**

Based on the foregoing information and analysis, the application material submitted by the applicant, and the City regulatory authority to implement the policies, standards, and the regulations of the Anacortes Municipal Code (AMC), the City Council approves the Conditional Use Permit subject to staff's suggested conditions of approval as listed below.

**XII. CONDITIONS OF APPROVAL:**

1. The applicant shall be responsible for reimbursement to the City for the full cost of posting, mailing and publication associated with the neighborhood meeting notice, notice of application & hearing, revised notice of application & hearing, and notice of decision for this proposal. Payment shall be made prior to building permit application submittal or issuance &/or conversion of uses from short-term rentals to single-family residences.
2. The scope of this project shall not exceed that as set out in the conditional use permit application (including attachments), and in accordance with the determinations made and conditions imposed.
3. A building permit shall be secured before any construction activities begin onsite.
4. Hours of construction /work are limited to 7:00 AM to 10:00 PM Sunday through Saturday.
5. Any proposed exterior lighting shall be down-shielded thus preventing light trespass and impacts to the adjacent neighborhood.

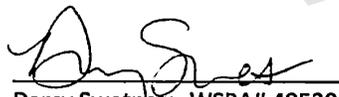
- 6. Prior to building permit approval or issuance to construct a single-family residence on the vacant lot, the applicant /landowner shall obtain an access/ parking easement to permit two (2) off-street parking spaces on the abutting lot. This easement shall be reviewed and approved by the City of Anacortes' Public Works and Planning Departments. Once approved by the city, the easement shall be recorded with Skagit County Auditor's office. A copy of the recorded easement shall be provided to the City of Anacortes Planning Department for our records.

**INTRODUCED, PASSED, AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ANACORTES on this 13th day of May 2019.**

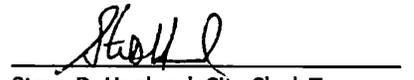
**CITY OF ANACORTES, WASHINGTON**

  
 LAURIE M. GERE, MAYOR

Approved as to form and legality:

  
 Darcy Swetnam, WSBA# 40530  
 City Attorney

ATTEST:

  
 Steve D. Hoglund, City Clerk Treasurer

**JUDICIAL APPEAL:**

Per AMC 19.20.030-1 and 19.20.240(A), there is no further administrative appeal available for this decision. Appeals of the decision may be made to Superior Court pursuant to Chapter 36.70C RCW.

**EXHIBITS:**

EXHIBIT NUMBER:	NAME OF EXHIBIT:
Exhibit #01	Map of the site with Applicant, Neighbor, City Council, and Agency Site Photos
Exhibit #02	GIS Map & Assessor's Info
Exhibit #03	Neighborhood Meeting & Revised Notice of Application & Hearing
Exhibit #04	Public Comments Received
Exhibit #05	Agency & Department Comments Received
Exhibit #06	Site Photos
Exhibit #07	Planning Commission Minutes
Exhibit #08	PCED Presentation to the Planning Commission
Exhibit #09	PCED Presentation to City Council
Exhibit #10	City Council Minutes

Escrow No.: 02-169541-OE

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

Lots 1-4, Short Plat No. SPL-2015-0004, approved November 2, 2016, under Auditor's File No. 201611030052; being a portion of Lots 18, 19 and 20, Block 8, "BEALE'S MAPLE-GROVE ADDITION TO THE CITY OF ANACORTES," as per plat recorded in Volume 2 of Plats, page 19, records of Skagit County, Washington.

Situate in the City of Anacortes, County of Skagit, State of Washington.