

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

**FINDINGS, CONCLUSIONS AND DECISION**

**Applicant:** Anderson Appliance Inc.  
2520 Cedardale Road  
Mount Vernon, WA 98273

**Agent:** Meyer Sign & Advertising  
c/o Bill Lynch  
2608 Highway 99 South  
Mount Vernon, WA 98273

**File No:** PL04-0842

**Request:** Conditional Use Permit

**Location:** 2520 Cedardale Road, within the Urban Growth Area of the City of Mount Vernon. The site is within a portion of Sec. 292, T34N, R4E, W.M>

**Land Use Designation:** Commercial Limited Industrial District –Mount Vernon

**Summary of Proposal:** To install a 75.79 square foot electronic message center, on a freeway oriented freestanding sign of 113.04 square feet.

**Public Hearing:** After reviewing the report of the Planning and Permit Center, the Hearing Examiner conducted a public hearing on January 12, 2005.

**Decision:** The application is approved, subject to conditions.

## **FINDINGS OF FACT**

1. Anderson Appliance Inc. (applicant) has applied to install 75.79 square foot electronic changing message center on a freeway-orient sign at 2520 Cedardale road.
2. The electronic message center will be placed just below a freestanding sign of 113.04 square feet located on a pole.
3. The site is within the Urban Growth Area for the City of Mount Vernon. Development of land that is located within an urban growth area is governed by the Count-adopted provisions of the applicable City code. Skagit County Code (SCC) 14.02.040, Appendix A, lists the provisions of the Mount Vernon Municipal Code (MVMC) that the County has adopted. Included is Title 17 – Zoning.
4. The site is within the Commercial Limited Industrial Zone (C-L). Under the Comprehensive Plan retail stores and the outside sale of vehicles are among the permitted uses in the zone and rules for signs are the least restrictive in the city.
5. Other illuminated signs for similar uses already exist in the vicinity. The proposal will fit in with the setting.
6. The City of Mount Vernon reviewed this application under its zoning scheme. In the C-L zone pursuant to MVMC 17.87.080(E) changing message center signs or other similar electrically or electronically controlled signs with advertising are allowed only by conditional use permit.
5. MVMC 17.108.060 requires that a proposal be compatible with the comprehensive plan for the city and establishes the following decision criteria for conditional uses:
  - A. The proposal shall be compatible with the surrounding neighborhood;
  - B. The surrounding neighborhood would not be negatively impacted by the size, arrangement or architectural design of the proposed use;
  - C. Traffic patterns are not severely impacted;
  - D. Public facilities are available to serve the proposed development;
  - E. The proposal has no materially detrimental effects on neighboring properties.
  - F. The proposal has been designed to minimize adverse effects on neighboring properties;
  - G. Landscaping materials are provided in sufficient quantities and locations to screen objectionable views, break up large parking areas and present aesthetically attractive appearance.

6. The Mount Vernon staff found this proposal to be consistent with its conditional use criteria and noted that no land use issues were raised by city departments during the application review. The county staff concurred with the city staff.

7. Initially the proposal exceeded the applicable height limit, but this problem was solved by raising the grade. The Hearing Examiner agrees that, as proposed, the sign meet the applicable conditional use standards.

8. Notice of this development application was given as required by law. There was no public comment.

9. 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 proposal is exempt from the procedural requirements of the State Environmental Policy Act (SEPA).

3. The proposal is consistent with the applicable conditional use criteria. MVMC 17.108.060. The equivalent of a Conditional Use Permit under the county's system is a Special Use Permit.

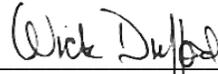
4. The permit should be issued subject to conditions that insure compliance with all applicable regulations.

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

## DECISION

The proposal is approved, subject to the following conditions:

1. The project shall comply with the City of Mount Vernon Development Standards.
2. The applicant shall obtain all other necessary permits and approvals from the appropriate jurisdiction.
3. Operation of equipment, construction, and daily operations shall comply with *Maximum Environmental Noise Levels*, Chapter 173-60 WAC and adequately control vibration and light.
4. The project shall conform to the drawings submitted with the application.



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Wick Dufford, Hearing Examiner

Date of Approval: February 10, 2005

Date Transmitted Applicant: February 10, 2005

## 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.