


CITY OF SEDRO-WOOLLEY
PLANNING DEPARTMENT
325 Metcalf Street
Sedro-Woolley, WA 98284
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TRANSMITTAL & REPORT MEMORANDUM

HEARING DATE: September 24, 2020

TO: Sedro-Woolley Hearing Examiner

RE: File # CUP-2020-125 – Conditional Use Permit – USIT Auxiliary Storage Building

FROM: 
Katherine Weir, Assistant Planner

GENERAL INFORMATION:

APPLICATION DATE: June 6, 2020

APPLICATION COMPLETE: July 10, 2020

RECOMMENDATION: Staff Recommends **Approval with Conditions**

PROJECT NAME: USIT Auxiliary Storage Building

SITE LOCATION: 640 SR 20, Parcel #76946

PROPERTY OWNER: Upper Skagit Indian Tribe
25944 Community Plaza Way
Sedro-Woolley, WA 98284

PROJECT PROPONENT: Upper Skagit Indian Tribe
ATTN: Bob Hayden
25944 Community Plaza Way
Sedro-Woolley, WA 98284

DESCRIPTION OF PROPOSAL:

The city has received a Conditional Use Permit (CUP) application for a proposal to build an auxiliary storage building behind an existing commercial building at 620 SR 20. The proposed new 9,025 square foot storage building will replace a former storage building that

was demolished in 2019 at the site. The new storage building will serve the existing commercial use and other cultural uses for the Upper Skagit Indian Tribe.

| | |
|-------------------------|------------------------------|
| Site Address: | 640 SR 20, Sedro-Woolley, WA |
| Parcel ID Nos. | P76946 |
| Zoning District: | Mixed Commercial |

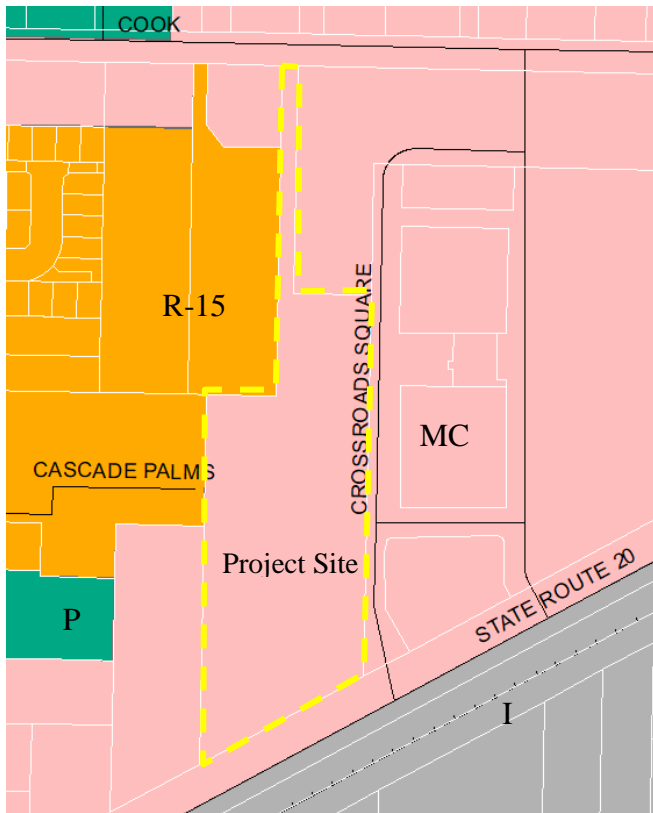
COMPREHENSIVE PLAN LAND USE DESIGNATIONS, ZONING DESIGNATIONS AND EXISTING LAND USES OF THE SITE AND SURROUNDING AREAS:

| Area | Land Designation | Use | Zoning | Existing Use |
|--------------|----------------------------------|------------|----------------------------------|---|
| Project Site | Mixed Commercial | | Mixed Commercial | Commercial/Vacant area |
| North | Mixed Commercial | | Mixed Commercial | Single family residential |
| South | Industrial | | Industrial | Industrial/ Single family residential |
| East | Mixed Commercial | | Mixed Commercial | Commercial/Retail |
| West | Mixed Commercial, Residential 15 | | Mixed Commercial, Residential 15 | Commercial/Retail, multi-family housing |

| Mixed Commercial (MC) Zoning Regulations: | | | |
|--|---------------------|-----------------------------|---------------------|
| Minimum lot size: | No Minimum Lot Size | Lot width at building line: | N/A |
| Front Setback: | 20 feet | Lot width at road frontage: | 20 feet |
| Rear Setback: | 10 feet | Maximum building height: | 35 feet/ 60 feet |
| Side Setback: | 10 feet | Maximum building coverage: | N/A |

PUBLIC UTILITIES AND SERVICES PROVIDED BY:

| | | | |
|---------------------|-----------------------|------------------|-------------------------------|
| Water: | Skagit County PUD #1 | Cable TV: | Comcast |
| Sewer: | City of Sedro-Woolley | Police: | City of Sedro-Woolley |
| Garbage: | City of Sedro-Woolley | Fire: | City of Sedro-Woolley |
| Storm Water: | City of Sedro-Woolley | School: | Sedro-Woolley School District |
| Telephone: | Verizon | Hospital: | Peace Health United |
| Electricity: | Puget Sound Energy | Gas: | Cascade Natural Gas |



ANALYSIS

1. Application Process:

- a. On February 26, 2020 the city held a required pre-application meeting for the Upper Skagit Indian Tribe auxiliary storage building with the project applicant.
- b. On June 3, 2020, the City received the conditional use permit application in digital format as required by the current remote submittal process. Included in this submittal were a signed conditional use permit application (**Exhibit B**) and site plan (**Exhibit C**). After receiving the required paper materials on June 24, 2020, the City determined the application was complete on July 10, 2020.
- c. On July 14, 2020, the City issued a Notice of Application and SEPA Comment Period (**Exhibit D**) utilizing the optional DNS process per WAC 197-11-355.
- d. On August 18, 2020, the Planning Department issued a SEPA Threshold Determination of Mitigated Non-significance (**Exhibit E**) with the following mitigation measures:

- i. Shield vehicle lights and any other exterior lighting from the residential properties;
 - ii. Construction shall comply with all local, state and federal regulations, including Sedro-Woolley Municipal Code Title 13.36 Stormwater Management Standards; Title 13.40 Stormwater Facilities Maintenance; Title 15.40 Public Works Construction Standards; Title 17 Zoning; Sedro-Woolley Public Works Design Standards and the Sedro-Woolley Comprehensive Plan;
 - iii. Comply with Northwest Clean Air Agency Regulations during construction activities;
 - iv. Any water discharged to the City stormwater system as a result of this project must be approved by and comply with conditions of the Public Works Department; and
 - v. Provide a temporary erosion and sedimentation control plan for approval by the city engineer.
- e. A public hearing before the Sedro-Woolley Hearing Examiner was scheduled for September 24, 2020 via Zoom. Notice of the meeting was issued to the public and interested parties.

CONCLUSION: The application meets the procedural requirements for Type III applications established in Chapter 2.90 SWMC.

2. Public Notification, Meeting and Comment:

- a. The Notice of Application and SEPA Comment Period (**Exhibit D**) was issued on July 14, 2020 and the comment period ended on July 28, 2020. The city published the notice in the Skagit Valley Herald on July 14, 2020. Notices were mailed on July 13, 2020 to all residents and property owners within 500 feet of the subject property and the notice was posted on the subject site on July 14, 2020.
- b. One comment was received during the SEPA Comment Period. The comment letter was from the Department of Ecology regarding nearby contaminated sites listed on Ecology's database within a 750-foot radius of the project site. (**Exhibit F**).
- c. On August 18, 2020 the Planning Department issued a SEPA Threshold Determination of Mitigated Non-significance (**Exhibit E**) that was published in the Skagit Valley Herald on August 18, 2020, mailed to all property owners and residents within 500 feet of the subject property, and posted on the subject site.
- d. The City issued a Notice of Public Hearing (**Exhibit G**) for the proposal on September 12, 2020. The notice was posted on the subject site on September 10, 2020, published in the legal notices section of the Skagit Valley Herald on September

12, 2020 as well as mailed to all parties of interest, residents and property owners within 500 feet of the property on September 10, 2020.

CONCLUSION: The city has met the noticing requirements for Type III applications established in 2.90 SWMC.

3. Comprehensive Plan:

- a. The Sedro-Woolley Comprehensive Plan identifies this area as Mixed Commercial (MC). The intent of the MC zone is to allow a compatible mix of commercial and residential development with standards intended to present an attractive and welcoming appearance to visitors at the entrances to the city and at selected nodes along major roads.
- b. Specific goals and policies from the Land Use Element of the Comprehensive Plan that are relevant and applicable to this proposal include the following:
 - i. Policy LU1.5: Buffer commercial and industrial land uses when they abut residential development.
 - ii. Policy LU5.7: Recognize the rights of property owners to freely use and develop private property consistent with city regulations.
 - iii. Policy LU9.4: Recognize and retain Native American culture present within and near the UGA. Improve and enhance relations with the Upper Skagit Tribe. Encourage development of Tribal businesses within the CBD.
- c. Staff finds that this proposal is consistent with the above goals from the Land Use Element of the comprehensive plan. The proposed building will not be visible from nearby roads and therefore will not have an aesthetic impact on visitors. The proposal has a buffer between the existing residential developments (setbacks over 100 feet plus an existing fence and trees), and the applicant has followed procedure and city regulations. The proposed auxiliary storage building will be an asset to the Upper Skagit Tribe owned commercial building located at this site and will also serve cultural uses for the tribe.

CONCLUSION: The application as conditioned conforms to the Sedro-Woolley Comprehensive Plan.

4. Specific Criteria: Titles 17.20, 17.56, 15.44, 17.36, 17.50 and 17.65 SWMC establish the requirements and criteria relevant for approving this application and are reviewed as follows:

- a. 17.20 SWMC Mixed Commercial:

- i. The applicant submitted a site plan (**Exhibit C**) that demonstrates that the proposal exceeds the bulk restrictions of the Mixed Commercial Zone.
 - ii. The proposal far exceeds the front setback requirement of 20 feet and rear setback requirement of 10 feet. The side setback requirements are also exceeded. On the western property line, the required setback from the residential zone is 35 feet. The proposed building is over 100 feet from the western property line. On the eastern property line, the setback requirement from the MC zone is 10 feet. The proposed building is 20 feet from the eastern property line with landscaping included.
- b. 17.56 SWMC Conditional Use Permits:
- i. The criteria for conditional use permits are as follows: conforms to the comprehensive plan; is compatible with the surrounding area, that is, causes no unreasonable adverse impacts; and is well-planned in all respects so as to be an asset to the community.
 - ii. The applicant provided a description of how their proposal meets the above criteria in their responses to the questions on the CUP application form (**Exhibit B**).
 - iii. As discussed in section 3 of this report, the proposal is in conformance with the comprehensive plan.
 - iv. Staff finds that the proposed auxiliary storage building will not significantly affect the surrounding residential uses and is compatible with the surrounding commercial. The building will serve the existing commercial use on the developed lot and will be setback approximately 360 feet from State Route 20.
 - v. Staff finds that with the placement, additional landscaping, and proposed alternating building colors discussed in the application response, the proposal is well planned in all respects so as to be an asset to the community.
- c. 15.44 SWMC Design Review:
- i. Per the Sedro-Woolley Design Standards and Guidelines, Chapter 4, Additional Standards for the Mixed Commercial Zone, screening of blank walls is required.

- ii. Staff finds that the blank walls of the proposed building will have little to no visual impacts because of the location of the proposed building and the orientation of the neighboring commercial use. The largest blank wall of the proposed building faces the loading area in the back of the neighboring commercial use, and the setback requirement is exceeded by 10 feet. Staff finds that a reduction of this standard is acceptable, and the proposed 20 foot landscaping area along the blank wall will meet the intent of the screening requirement.

d. 17.36 SWMC Parking

- i. The applicant provided a site plan (**Exhibit C**) that demonstrates that the proposal meets the standards of this chapter including the required number of parking spaces for the proposed use.

e. 17.50 SWMC Landscaping

- i. Development in the Mixed Commercial zone shall provide landscaping over 15% of the total site and meet the requirements in 17.50 SWMC. The applicant has shown a roughly 4,044 square foot area of new landscaping on the site plan (**Exhibit C**). Staff finds that this area combined with the sites existing landscaping will satisfy the landscaping requirement. A full landscaping plan is a required component of the construction plans associated with the building permit application (**Condition 1**).
- ii. Per 17.50.120, there are screening requirements for proposals that abut properties with different land use classifications. The landscaped screening area must be 30 feet wide with site obscuring plantings. This width may be reduced to 15 feet with a fence alternative. Portions of the project site abut residential properties zone Residential-15 (R-15). Staff finds that the sites existing developed conditions, including landscaping, a drive lane and a sight obscuring fence, combined with the distance of well over 100 feet between the proposed building and the R-15 zoned parcels provides adequate screening from the neighboring residential properties. However the sight obscuring fence provides the strongest screening of all the existing conditions and must be maintained (**Condition 3**).

f. 17.65 SWMC Regulations for Critical Areas

- i. Per 17.65.090, the Planning Director reviewed the project site and determined that a critical areas site assessment was not required.

CONCLUSION: The application as conditioned meets the review criteria set forth in SWMC that apply to this proposal.

5. State Environmental Policy Act Review

- a. The applicant submitted and the City reviewed a SEPA Checklist (**Exhibit H**). Notice of Application and SEPA Comment Period (**Exhibit D**) was issued on July 14, 2020 and the comment period ended on July 28, 2020. The City issued a MDNS (**Exhibit E**) on August 18, 2020.
- b. The City received one comment (**Exhibit F**) during the public comment period. No appeals of the MDNS were submitted.

CONCLUSION: The application meets the SEPA standards identified in the State Environmental Policy Act (WAC 197-11).

STAFF RECOMMENDATIONS

Permit No. 2020-125 is hereby **recommended for APPROVAL subject to the following conditions:**

1. Provide a landscape plan that meets the requirements of Chapter 17.50 SWMC at time of building application.
2. Comply with the mitigation requirements set forth by the MDNS.
3. Maintain a sight-obscuring fence around the storage building. If the existing fence is to be altered or replaced, a fence detail must be submitted to the Sedro-Woolley Planning Department for review.

EXHIBITS

- A. Staff Report
- B. Conditional Use Permit Application #CUP-2020-125
- C. Site Plan
- D. Notice of Application and SEPA Comment Period
- E. SEPA MDNS
- F. Ecology Letter
- G. Notice of Public Hearing
- H. SEPA Checklist