

CITY OF SEDRO-WOOLLEY PLANNING COMMISSION

In Re: the Application of:
Jameson Street, LLC.
Represented by Paul Ware.
18340 Osprey Court
Mount Vernon, WA 98274.
Conditional Use permit application.

Application No. 1702

FINDINGS OF FACT AND
ORDER/DECISION

This matter having come before the Sedro-Woolley Planning Commission on October 28, 2003, in the above referenced matter, the Planning Commission having considered the testimony of the applicant and witness, reviewed the files and records, now therefore, the Planning Commission hereby enters the following

1.0 FINDINGS OF FACT

1.1 The applicant, Jameson Street, LLC, represented by Paul Ware of 18340 Osprey Court, Mount Vernon WA 98274, filed a complete application for a Conditional Use permit to demolish, renovate and expand an existing apartment complex located at 1400 Third Street, in

EXHIBIT D.

the Heavy Industrial (HI) zone. The property owned by Jameson Street LLC is described as follows:

Parcel A:

Lots 5 through 9 and Lots 11 through 16, and the East 10 feet of lots 4 and 17, all in Block 55 of the First Addition to Town of Sedro, as per Plat recorded in Volume 3 of Plats, page 29, records of Skagit County, Washington; together with that portion of the North half of the vacated Fidalgo Street lying between the centerline of vacated Metcalf Street extended South and the West line of Third Street, as shown on said Plat, except the South 8 feet of that portion thereof lying East of the West line of said Third Street; also together with that portion of the vacated alley in said block that has reverted to said premises by operation of law; Situated in Skagit County, Washington.

Parcel B:

An exclusive easement for ingress, egress and parking over and across Lot 10 of Block 55 of the First Addition to Town of Sedro, as per Plat recorded in Volume 3 of Plats, page 29, records of Skagit County, Washington; together with that portion of the vacated alley in said block that has reverted to said premises by operation of law; Situated in Skagit County, Washington.

1.2 Sedro-Woolley Municipal Code Section 17.04.050 provides that legal non-conforming uses may be expanded, altered or enlarged pursuant to the conditional use permit process. The section reads as follows:

17.04.050 Nonconforming uses, structures, and lots.

Uses, structures and lots not conforming to the provisions of this title may continue if legally existing at time of adoption of the ordinance codified in this title or at time of annexation to the city if annexed subsequent to adoption, provided that:

A. Legal nonconforming uses and structures shall not be enlarged, altered or expanded unless such modification is approved through the conditional use permit process;

B. Legal nonconforming uses shall lose such status if abandoned for a period of six months or more;

C. Legal nonconforming structures may be maintained and repaired unless destroyed or damaged so as to have their fair market value reduced by seventy-five percent or more, in which case they shall lose legal nonconforming status;

D. Use and development of legal nonconforming lots shall be in accordance with all current regulations, including setback requirements; and

E. If question arises as to whether a use, structure or lot enjoys legal nonconforming status, the burden of proof shall be on the property owner to provide the necessary documentation. (Ord. 1013 § 1.05, 1985)

1.3 Sedro-Woolley Municipal Code section 17.28.010(B) provides that multi-family housing is a conditional use in the Heavy Industrial (HI) zone.

1.4 Under either SWMC 17.04.050 or SWMC 17.28.010(B), the applicant must obtain a conditional use permit for this project.

1.5 The criteria for a conditional use permit are set forth in SWMC section 17.56.060, which reads as follows:

17.56.060 Criteria.

The criteria upon which a conditional use permit application is judged shall be the extent to which it:

- A. Conforms to the comprehensive plan;
- B. Is compatible with the surrounding area, that is, causes no unreasonable adverse impacts; and
- C. Is well-planned in all respects so as to be an asset to the community. (Ord. 1013 § 4.02.06, 1985)

1.6 The Planning Commission received the following exhibits:

1. Staff Report
2. Conditional Use Permit application
3. Topographical survey
4. Notice of Application and Draft Mitigated DNS
5. Notice of Public Hearing and Final Mitigated DNS
6. SEPA environmental checklist
7. Comments received
8. Mailing distribution list

Copies of exhibits 1 & 5 are attached hereto as Exhibits A and B respectively.

1.7 The staff report and Mitigated DNS recommend approval subject to the following conditions:

- A. Stormwater: Provide a stormwater analysis report for the project to be approved by the City Engineer which shows type of treatment and proposed facilities.

- B. Street improvements to 3rd Street and Jameson Avenue as approved by the City Engineer, including street trees in compliance with SWMC 15.40.
- C. Lighting: The site plan shall indicate the location of any lighting within the project. Lighting shall be shielded so as not to spill onto neighboring properties.
- D. Play area: Provide a play area and open space area of at least 7500 square feet as proposed in the site plan, of a design acceptable to the city, which includes a minimum of:
 - 1) Play equipment suitable for young children;
 - 2) Either a sport court for teenagers or a covered area by the storage area; and
 - 3) Seating for both children and adults.
 The play area shall be centrally located so as to be easily visible from all apartment buildings.
- E. Parcel B: The following condition applies to Parcel B. If Parcel B (P113969) is included in the project, the applicant shall fill or remove as required by the Department of Ecology (DOE) and applicable state law, all underground storage tanks, and take remedial action as required by DOE and applicable state law, with respect to any contamination.
- F. Police Impact: Contribute voluntary police impact fees of \$202.96 per unit as per the City of Sedro-Woolley Comprehensive Plan Capital Facilities Element.
- G. Construction shall comply with Northwest Air Pollution Authority Requirements.
- H. Landscaping: Provide a landscaping plan which complies with SWMC 17.50 for approval by the Planning Director. Provide screening to the adjacent residential properties. Buildings should be constructed to resemble single family residences to the greatest extent possible.

1.8 City Staff recommended the following additional conditions:

- A. Signage: Signage shall be limited to one 4x8 foot single sided sign, not taller than 5 feet in height, measured from grade to top, located at the corner of Jameson and Third Streets.
- B. Solid waste receptacles shall conform to the City of Sedro-Woolley Solid Waste Division enclosure standards and regulations on file with the City Public Works department and approved by the Public Works Director.

1.9 The applicant satisfied the requirements of SWMC 17.56.060 as follows:

A. Conforms to the Comprehensive Plan:

The purpose for the CUP application is to allow for an existing non-conforming use to be expanded and renovated to better serve the community and its residents.

Goal H1: To provide sound, adequate housing for all current and future Sedro-Woolley residents.

Goal H2: To provide affordable housing for all current and future Sedro-Woolley residents.

Policy LU5.7: Recognize the rights of property owners to freely use and develop private property consistent with City regulations. Current regulations provide for development that is not consistent through Conditional Use Permits.

B. Is compatible with the surrounding area, that is, causes no unreasonable adverse impacts:

Property to the west and south are zoned Heavy Industrial. Landscaping will be required to improve compatibility with the surrounding residents.

C. Is well planned in all respects so as to be an asset to the community:

The existing buildings have a history of serious health department, building code and Labor and Industry violations, including life safety violations and the proposed renovations should provide for healthy and safe living spaces for residents in the community.

1.10 The application should be approved, subject to the following conditions:

- A. Stormwater: Provide a stormwater analysis report for the project to be approved by the City Engineer which shows type of treatment and proposed facilities.
- B. Street improvements to 3rd Street and Jameson Avenue as approved by the City Engineer, including street trees in compliance with SWMC 15.40.
- C. Lighting: The site plan shall indicate the location of any lighting within the project. Lighting shall be shielded so as not to spill onto neighboring properties.
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 - 2) Either a sport court for teenagers or a covered area by the storage area; and
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- E. The following condition applies to Parcel B:
If Parcel B (P113969) is included in the project, the applicant shall fill or remove (as required by the Department of Ecology (DOE) and applicable state and federal law) all underground storage tanks, and take such remedial action as required by DOE and applicable state and federal law, with respect to any contamination, as approved by the Planning Director. If parcel B is not utilized by the applicant, the applicant shall erect a fence between Parcel A and Parcel B to prevent access from Parcel A to Parcel B, as directed by the Sedro-Woolley Planning Director.
- F. Police Impact: Contribute voluntary police impact fees of \$202.96 per unit as per the City of Sedro-Woolley Comprehensive Plan Capital Facilities Element.
- G. Construction shall comply with Northwest Air Pollution Authority Requirements.
- H. Landscaping: Provide a landscaping plan which complies with SWMC 17.50 for approval by the Planning Director. Provide screening to the adjacent residential properties. Buildings should be constructed to resemble single family residences to the greatest extent possible.

- I. Signage: Signage shall be limited to one 4x8 foot single sided sign, not taller than 5 feet in height, measured from grade to top, located at the corner of Jameson and Third Streets.
- J. Solid waste receptacles shall conform to the City of Sedro-Woolley Solid Waste Division enclosure standards and regulations on file with the City Public Works department and approved by the Public Works Director.

1.11 Notice of a public hearing was published on October 8, 2003 and mailed to all appropriate parties. Public hearing was held on October 28, 2003.

BASED ON THE FOREGOING FINDINGS OF FACT, THE PLANNING COMMISSION MAKES THE FOLLOWING:

2.0 ORDER AND DECISION:

2.1 The application of Jameson Street, LLC for a Conditional Use Permit #1702 is hereby APPROVED, subject to the following conditions:

- A. Stormwater: Provide a stormwater analysis report for the project to be approved by the City Engineer which shows type of treatment and proposed facilities.
- B. Street improvements to 3rd Street and Jameson Avenue as approved by the City Engineer, including street trees in compliance with SWMC 15.40.
- C. Lighting: The site plan shall indicate the location of any lighting within the project. Lighting shall be shielded so as not to spill onto neighboring properties.
- D. Play area: Provide a play area and open space area of at least 7500 square feet as proposed in the site plan, of a design acceptable to the city, which includes a minimum of:
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 - 3) Seating for both children and adults.The play area shall be centrally located so as to be easily visible from all apartment buildings.
- E. Police Impact: Contribute voluntary police impact fees of \$202.96 per unit as per the City of Sedro-Woolley Comprehensive Plan Capital Facilities Element.
- F. Construction shall comply with Northwest Air Pollution Authority Requirements.
- G. Landscaping: Provide a landscaping plan which complies with SWMC 17.50 for approval by the Planning Director. Provide screening to the adjacent residential properties. Buildings should be constructed to resemble single family residences to the greatest extent possible.
- H. Signage: Signage shall be limited to one 4x8 foot single sided sign, not taller than 5 feet in height, measured from grade to top, located at the corner of Jameson and Third Streets.

I. Solid waste receptacles shall conform to the City of Sedro-Woolley Solid Waste Division enclosure standards and regulations on file with the City Public Works department and approved by the Public Works Director.

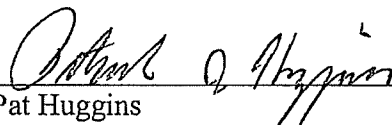
J. The following condition applies to Parcel B:

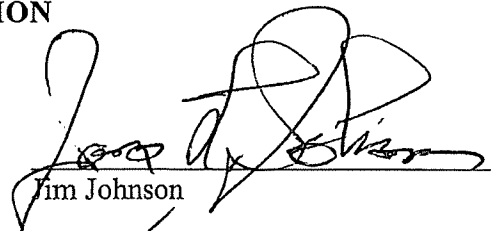
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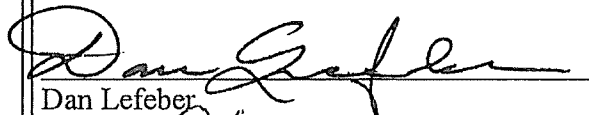
2.2 The approval of this project subject to these conditions shall not be construed to excuse compliance with any other applicable ordinance, law or regulation.

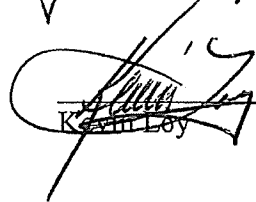
Dated: Oct 28, 2003

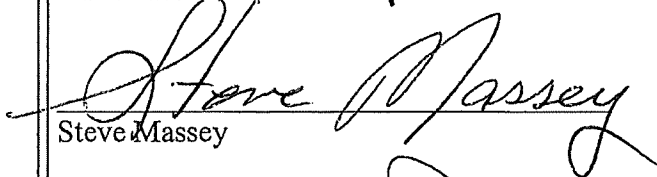
SEDRO-WOOLLEY PLANNING COMMISSION


Pat Huggins

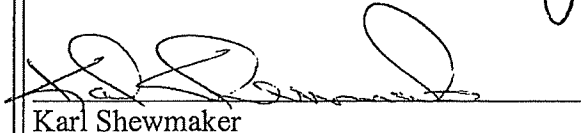

Jim Johnson


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