

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION in the matter of the application of Dr. Larry Campbell for a conditional use permit.

**Exhibit M
to the Hearing Examiner
Staff Report**

HEARING DATE: October 25, 2017

DECISION DATE October 26, 2017

RE: CUP-2017-281 – Amendment of Conditional Use Permit

APPLICATION DATE: October 11, 2017 (application complete)

DECISION SUMMARY: Approved with Conditions

PROPERTY OWNER: Larry and Celia Campbell
27847 Burmaster Road
Sedro-Woolley, WA 98284

PROJECT PROPONENT: Dr. Larry Campbell
27847 Burmaster Road
Sedro-Woolley, WA 98284

DESCRIPTION OF PROPOSAL: Application for an amendment to conditional use permit No. CUP-2016-030 to allow an additional 5,000 square feet of self-storage buildings to the previously approved 45,000 square feet project, for a total of 50,000 square feet.

Site Address:	1320 E. Moore St.	Parcel ID Nos.:	P39548 and P39549
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FINDINGS OF FACT

Introduction. This matter came on for hearing before the Sedro-Woolley hearing examiner on October 25, 2017, on the application of Dr. Larry Campbell for an amendment to conditional use permit CUP-2016-030.

Testimony. In addition to the presentation by staff and the applicant at the public hearing, testimony was received from Carl Lundstrom.

Written Comments. No written comments were received.

Exhibits. All exhibits submitted were admitted without objection. The Sedro-Woolley municipal code, comprehensive plan, zoning map, and the exhibits identified in Exhibit "A" were considered by the hearing examiner, and are incorporated herein.

The hearing examiner makes the following Findings of Fact based upon consideration of the exhibits admitted herein, evidence presented at the public hearing, and written comments received by the City. To the extent that any finding of fact is more properly characterized as a conclusion of law, or vice versa, the hearing examiner adopts it as such:

1. CUP 2017-281 (amendment) Application. On October 6, 2017, Dr. Larry Campbell (the "Applicant"), owner of parcels P39548 and P39549, submitted an application with a proposed site layout to amend CUP-2016-030, which authorized the construction of a self-storage facility consisting of 45,000 square feet of storage space. The application was deemed complete by the City on October 11, 2017. The amendment would allow the construction of an additional 5,000 square feet of self-storage space. The mini-storage facility is located at 1320 E. Moore Street in Sedro-Woolley. The Project Site is depicted in Exhibit "C" to the staff report, incorporated herein.
2. CUP 2016-030. The site layout proposed for CUP-2016-030 was conceptual at the time of the CUP application. After the CUP to construct the self-storage business was approved, the owner/applicant had site engineering and building plans prepared. Construction permits for the 45,000 square feet storage buildings were approved by the City. The facility is currently under construction.
3. Description of Proposal. The original proposal included approximately 211 storage units in nine separate structures that range from 3,900 square feet to 6,800 square feet. An office and possibly an on-site caretaker residence were associated with the mini-storage proposal. During the preparation of construction plans for the project, and through the permitting process, a more efficient site layout was developed. The revised layout accommodates more storage buildings without expanding the boundaries of the project. Exhibit "C" of the staff report shows the site plan approved for 45,000 square feet of storage buildings. At the north-east corner of the property there is room for approximately 5,000 square feet of buildings. Exhibit "D" of the staff report, incorporated herein, shows the proposed new buildings in relation to the existing approved site plan.
4. Boundary Line Adjustment. Since the time that the previous CUP was approved, a boundary line adjustment (BLA) was performed to align the underlying parcels with the boundaries of the storage facility. Exhibit E of the staff report, incorporated herein, is the approved, recorded survey of the BLA (Skagit County Auditor's File #201709110228). Tracts 2, 3 and 4 of the BLA are reserved for commercial development. The southern portion of Tract 1 is the footprint of the storage facility.
5. Zoning – Project Site and Adjoining Property to East. Both parcels P39548 and P39549 (the project site) are currently zoned Mixed Commercial (MC). The adjoining properties to the north, east and southwest are also zoned MC. Setbacks to other properties zoned MC are 10 feet pursuant to 17.20.020(A)(3)) SWMC.

6. Zoning – Adjoining Property to West. Five adjacent properties to the west are zoned Residential 7, and are developed with single family homes. The location of the additional 5,000 square feet of storage buildings proposed under the amended CUP are not in the vicinity of any residential lots. Side setbacks to properties zoned R-7 are a minimum of thirty-five feet, and in accordance with SWMC § 17.20.020(A)(1), may be reduced to twenty feet if building step-backs as required by the design standards and guidelines are incorporated into the site design pursuant to Chapter 15.44 SWMC.
7. Project Location. As was found in the decision approving CUP 2016-030, the self-storage facility is located behind a new retail development.
8. Land Area. The overall land area dedicated to the self-storage use will not change as a result of the request; it will remain approximately 2.5 acres. By constructing buildings along the northeast corner of the property as proposed (see Exhibit D), the perimeter of the facility will be better secured. The back of the buildings can be used as the perimeter security barrier, reducing the amount of fencing needed to secure the site. This benefits the property owner and arguably is more aesthetically pleasing than chain link fencing.
9. Impact on Retail Lands. Because the proposed addition to the self-storage facility will not increase the footprint of the facility, the amended CUP will not result in the loss of retail land along the State Route 20 frontage.
10. Traffic Impacts. Per the City Schedule of Transportation Impact Fees, mini-storage facilities generate less traffic than many retail/commercial uses. The proposed addition to the approved mini-storage business will have less traffic impacts than most uses allowed outright in the MC zone.
11. Environmental Review. The proposed project is subject to review pursuant to Chapter 2.88 SWMC. SEPA notification was performed for the self-storage and retail development that are currently under construction. A SEPA MDNS (Exhibit F of staff report) was issued for both projects on November 18, 2016. The SEPA information listed a storage facility of 50,000 square feet; no additional SEPA notification will be necessary.
12. Notice of Application. On October 11, 2017 a “Notice of Application and Public Hearing” (staff report Exhibit G) was mailed to property owners and residents within 500 feet of the subject property. On October 11, 2017, notice was also posted on site.
13. Publication. On October 11, 2017 the Notice of Application and Public Hearing was published in the Skagit Valley Herald. The hearing date was scheduled for October 25, 2017 at 9:00 AM.

14. Staff Recommendation. Sedro-Woolley staff recommends that the Amendment to CUP 2016-030 be approved, with an increase in storage area square footage to 50,000, subject to certain conditions as set forth in the staff report.

Based upon the foregoing Findings of Fact, the hearing examiner makes the following,

CONCLUSIONS OF LAW

1. Chapter 2.90 SWMC and Title 17 SWMC apply to this project. Conditional uses are processed as a Type III permit and require a public hearing in front of the hearing examiner. In accordance with SWMC § 17.56.030(E), the hearing examiner is delegated authority to approve conditional use permits, provided that if the hearing examiner considers a development to be major, the hearing examiner may instead make a recommendation to the Sedro-Woolley City Council. The hearing examiner does not consider the proposal to be a major development.
2. Public notice requirements as set forth in SWMC § 2.90.075 have been satisfied.
3. Mini-storage facilities may be permitted as a conditional use in the MC zone in accordance with SWMC § 17.20.010(B). A CUP must be obtained per the process established in Chapter 2.90 SWMC and the criteria set forth in Title 17 SWMC.
4. Pursuant to SWMC § 17.56.060, a conditional use may be permitted if the proposal:
 - 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.

Conformance with the Comprehensive Plan

5. Sedro-Woolley Comprehensive Plan Policy LU1.5 provides that commercial and industrial land uses should be buffered when they abut residential development. The hearing examiner's decision for CUP-2016-030 concluded that the project site contains adequate space for a landscape buffer. That conclusion is adopted herein.
6. Sedro-Woolley Comprehensive Plan Policy LU3.2 provides that transportation and sanitary sewer services are to be established as "urban" services, requiring concurrency under the Growth Management Act (GMA). Sedro-Woolley Comprehensive Plan Policy LU3.3 provides that developments that cannot be serviced by city transportation and sewer services are to be disapproved. The hearing examiner's decision for CUP-2016-030 concluded that adequate utility and transportation services exist to meet the demands of the proposed project. That conclusion is adopted herein.
7. Sedro-Woolley Comprehensive Plan Policy LU5.1 provides that commercial development should be focused in the central business district, and strip commercial

development should be discouraged. Written comment was received making the point that expansion beyond the downtown hub would constitute “sprawl,” when there is vacant land available.

The term “strip commercial development” is not defined by the Sedro-Woolley municipal code, or by the comprehensive plan. Within the planning profession, “strip development” is viewed as a linear pattern of retail businesses along arterial roadways characterized by parking lots, big signs, and dependence on automobiles for access and circulation. This definition, in the context of the comprehensive plan, is applicable. The hearing examiner’s decision for CUP-2016-030 concluded that the proposed project consists of a mini-storage facility, and does not fall within this definition. That conclusion is adopted herein.

To the extent that the project will be constructed out of the downtown hub, the hearing examiner finds that both state law and Sedro-Woolley’s comprehensive plan do not provide for sequential development in which lands closest to the city center are developed first, before lands further away from the city center. To the contrary, Sedro-Woolley Comprehensive Plan Policy LU5.7 provides that the rights of property owners to freely use and develop private property consistent with city regulations are to be encouraged. This policy is consistent with state law.

8. Sedro-Woolley Comprehensive Plan Policy LU5.2 provides that growth pressures which could have a negative impact on community values should be resisted. Community values are addressed in the Vision Statement section of the Sedro-Woolley Comprehensive Plan, wherein the Plan states that,

The town’s scale promotes a “homey” feeling. Residents feel important as a part of their community rather than alienated as they might in a big city. Residents are involved in the community and strive to maintain a safe, healthy, enjoyable, and economically viable community.

The hearing examiner’s decision for CUP-2016-030 concluded that the scale of the project is modest. That conclusion is adopted herein. There is nothing in the record to suggest that the proposed project will have an adverse impact on community values.

9. Sedro-Woolley Comprehensive Plan Policy LU5.3 provides that developments that further the community character of Sedro-Woolley are to be supported. The hearing examiner’s decision for CUP-2016-030 concluded that the proposed project allows the creation of a small business that provides a service needed by residents. That conclusion is adopted herein. Compliance with the City’s development regulations, including the zoning code, ensures development that will advance the City’s character.
10. Sedro-Woolley Comprehensive Plan Policy LU5.5 provides that incompatible uses within residential areas should be prohibited. The intent of the MC zone is to “encourage a compatible mix of commercial and residential development.” SWMC § 17.20.005. The hearing examiner’s decision for CUP-2016-030 concluded that the proposed project does not emit noxious odors, or create significant noise. That conclusion is adopted herein. In accordance with the City Schedule of Transportation

Impact Fees, mini-storage facilities generate less traffic than Business and Commercial uses that are allowed outright in the Mixed Commercial zone. The hearing examiner's decision for CUP-2016-030 further concluded that with a landscaping buffer that complies with the City's landscaping requirements, the proposed mini-storage facility is compatible¹ with existing residential uses. That conclusion is adopted herein.

11. Sedro-Woolley Comprehensive Plan Policy LU5.6 provides that the community's planning programs should reflect basic community values. For the same reasons as set forth in paragraph 9 above, the Hearing examiner concluded that community values will not be impacted by the proposed project in the hearing examiner's decision for CUP-2016-030. That conclusion is adopted herein.
12. Sedro-Woolley Comprehensive Plan Policy LU5.7 provides that the rights of property owners to freely use and develop private property consistent with city regulations are to be encouraged. The hearing examiner's decision for CUP-2016-030 concluded that as conditioned, the proposed project will comply with city development regulations. That conclusion is adopted herein.
13. Sedro-Woolley Comprehensive Plan Policy LU5.8 provides that high standards of appearance in all residential areas and in other high visibility areas are to be encouraged. Compliance with the City's development regulations will ensure a high standard of appearance. The hearing examiner's decision for CUP-2016-030 concluded that because the planned mini-storage facility is proposed to be located to the rear of a retail development, aesthetic concerns about the development being located along Highway 20 will be mitigated, and any aesthetic concerns resulting from the proximity of the proposal to neighboring residential areas will be addressed through project landscaping and project conditions in the form of a sight-obscuring fence. That conclusion is adopted herein.
14. Sedro-Woolley Comprehensive Plan Goal LU 14 provides that, in order to preserve Sedro-Woolley's existing agricultural lands and heritage, it is the goal of the City to "Recognize and promote the benefits of agricultural land which include maintaining open spaces, establishing rural character, preserving view corridors, enhancing wildlife habitat, and providing employment for the residents of Skagit County."

The hearing examiner's decision for CUP-2016-030 concluded that the Project's single-story construction will limit view obstruction, while allowing competing goals of the Comprehensive Plan to be accomplished. That conclusion is adopted herein.

15. Sedro-Woolley Comprehensive Plan Goal E1 establishes the goal of developing a sound fiscal base. The development of the project at the rear of the property, away from Highway 20, will not result in the loss of retail land along the State Route 20 frontage. The hearing examiner's decision for CUP-2016-030 concluded that the proposed project will establish a local business, which creates local jobs and tax revenues. That conclusion is adopted herein. The proposed project advances the goal of developing a sound fiscal base.

¹ Revised to correct scrivener's error

16. The hearing examiner concludes that the proposed amendment to CUP 2016-030 complies with the Sedro-Woolley Comprehensive Plan in all respects.

Compatibility with the Surrounding Area.

17. The hearing examiner concluded in CUP 2016-030 that the proposed mini-storage business was compatible with the surrounding area. The hearing examiner concludes here that the 5,000 square foot additional storage area will not alter the hearing examiner's earlier conclusion.

Project is Well-Planned.

18. The Sedro-Woolley Municipal Code does not identify criteria to be utilized to assess whether a project is "well planned . . . so as to be an asset to the community."
19. In the parlance of urban planning, good design results in projects that are aesthetically appealing, enhance public safety and security, minimize future blight, and minimize adverse impacts on communities such as traffic congestion, air, water, noise and light pollution. The proposed project is not anticipated to result in air, noise, or light pollution. Water quality will be preserved through the applicant's compliance with the City's water quality standards. Environmental impacts will be minimized or eliminated by the applicant's compliance with construction standards, and development regulations.
20. At the conditional use permit stage of a proposed project, the applicant must demonstrate that it is able to comply with all applicable development regulations. The hearing examiner concludes that the applicant has met his burden of proof, and that compliance with the City's development regulations is feasible.

DECISION

Based on the above Findings of Fact and Conclusions of Law, the Hearing examiner **APPROVES** Conditional Use Permit # CUP 2017-281 to amend CUP 2016-030 to an additional 5,000 square feet to the facility already approved by CUP 2016-030 subject to the following **conditions**:

1. The Applicant shall comply with the conditions of CUP-2016-030.
2. The Applicant shall obtain permits for the construction of and site development for the proposed expansion of the facility from the City.

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APPEAL

Petitions for review of the Hearing Examiner's decision should be filed with the Sedro-Woolley Planning Director, in accordance with the provisions of 2.90.090 SWMC.



**Scott G. Thomas,
Hearing Examiner**

EXHIBITS

- A. Conditional Use Permit Application #CUP-2017-281
- B. Hearing Examiner Decision for previously approved #CUP-2016-030
- C. Site plan for approved building permit #BP-2017-246 for 45,000 sqft of storage units
- D. Site plan showing proposed additional storage units
- E. Boundary line adjustment survey showing revised parcel lines in the area
- F. SEPA MDNS issued November 18, 2016
- G. Notice of Application and Public Hearing
- H. Public Testimony sign-in sheet.