

CITY OF SEDRO-WOOLLEY
PLANNING DEPARTMENT
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-0771
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TRANSMITTAL & REPORT MEMORANDUM

HEARING DATE: December 13, 2021

TO: Sedro-Woolley Hearing Examiner

RE: CUP-2020-352 – Conditional Use Permit – JM Properties, LLC

FROM:


Nicole McGowan, Assistant Planner

APPLICATION DATE: December 2, 2020

APPLICATION COMPLETE: March 15, 2021

RECOMMENDATION: Staff Recommends **Approval with Conditions**

SITE LOCATION: 1402 Third Street, Parcels P130474, P113969, P75934, and P130475

PROPERTY OWNER: JM Property Management
2323 E Meadow BLVD
Mount Vernon, WA 98273

PROJECT PROPONENT: Ginger Pennington
137 Fair Way
Chelan, WA 98816

DESCRIPTION OF PROPOSAL:

An application for a conditional use permit (CUP) application (**Exhibit B**) has been received to add five four-plexes in addition to the existing 13 residential units on parcels P130474, P113969, P75934 and P130475 – generally located at the SW corner of Third Street and Jameson Street. The property is zoned Industrial, where residential units are not a permitted use. However, the use of the property has been apartments since 1950 (per Assessor's data), therefore the use is existing-conforming. An expansion of existing non-conforming use may be permitted as a conditional use per Sedro-Woolley Municipal Code (SWMC) 17.04.050. A

EXHIBIT A

CUP must be obtained per the process in Chapter 2.90 SWMC and the criteria in Title 17 SWMC.

Site Address:	1402 Third Street	Parcel ID Nos.:	P130474, P113969, P75934 and P130475
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Zoning District: Industrial (I)
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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	Industrial		Industrial	Multi-family residential
North	Public		Public	School
South	Industrial		Industrial	Vacant Industrial
East	Residential 7		Residential 7	Single family residential
West	Industrial		Industrial	Vacant Industrial

Residential 15 (R-15) Zoning Regulations:			
Minimum lot size:	No Minimum Lot Size	Lot width at building line:	N/A
Front Setback:	10 feet	Lot width at road frontage:	N/A
Rear Setback:	10 feet	Maximum building height:	35 feet
Side Setback:	8 feet (2 story)	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



FINDINGS OF FACT

1. A CUP for the expansion of the existing 13-unit apartment complex (CUP #1702) was issued on October 28 of 2003. That approval included an allowance for additional units, but CUP #1702 has expired.

2. The application and approval documents for CUP #1702 are vague. The Findings of Fact and Order/Decision did not specify important details such as how many total units and bedrooms would be allowed or how much parking must be provided. A total of 32 units were requested in the previous CUP application (exhibit 1 of CUP #1702 staff report) (**Exhibit C**). However, an addition of 28 units (all 2-bedroom) to the site was requested in the site plan (exhibit 2 of CUP #1702 staff report) which brought the total of proposed units to 41. The same numbers were used in the Notice of Application for the previous CUP issued September 24, 2003 (exhibit 4 of CUP #1702 staff report) and MDNS (exhibit 4 of CUP #1702 staff report), while the SEPA Checklist only envisioned the demolition of 2 buildings and construction of 2 new buildings (exhibit 6 of CUP #1702 staff report), which would result in a total of only 32 units if the application for CUP #1702 is accurate. Therefore it is unclear how many units and bedrooms were allowed by the approval of CUP #1702. It has been presumed that 26 new units were approved, despite the fact that there were only 32 total units before the two buildings were taken out of service. Also, the number of allowed bedrooms was unspecified, and the number of required parking spaces was not specified. The Notice of Decision for CUP #1702 (**Exhibit D**) does not clarify the approval.

3. On August 19, 2016, Adam Ware, representing the owners of parcels P130474, P113969, P75934 and P130475, submitted a CUP application (**Exhibit E**) to construct additional apartment units at the corner of Third and Jameson Streets in Sedro-Woolley. Adam Ware requested that his CUP be granted the same CUP approval as the previous CUP #1702 (**Exhibit F** includes Findings and Staff Report – including exhibits – for CUP #1702), with the exception that the units may be dispersed across the property in smaller

buildings than previously approved. The applicant proposed 18 new 2-bedroom units and 8 new 3-bedroom units. Since then CUP-2016-201 has expired. The CUP was approved with the following conditions:

- a. **Total Number of Residential Units.** The total number of units is limited to the capacity of the property to accommodate the required landscaping, recreation area, utility infrastructure (including detention ponds, if required) and on-site parking, to a maximum total of 39 units.
- b. **Parking.** No off-site parking will be counted towards the required parking. Parking shall be based on the parking requirements in Chapter 17.16 SWMC.
- c. **Demolition.** Proper demolition permits shall be applied for and the dilapidated, abandoned building on the south portion of the property shall be demolished within 90 days of this conditional use permit approval.
- d. **Landscaping.** Landscaping shall be based on the landscaping requirements for the R-15 Zone as set forth in Chapter 17.50 SWMC. At least 20% of the gross site area shall be landscaped.
- e. **Outdoor Recreation.** An outdoor recreational area that is consistent with Chapter 17.38 SWMC shall be provided, sized in accordance with that Chapter and based upon the total number of units in the complete development.
- f. **ROW Improvements.** Street and right-of-way improvements shall be completed to Jameson and Third Street as approved by the City Engineer, including street trees.
- g. **Signage.** Signage shall be limited to one 4'X8' single sided sign, not taller than 5' in height, measured from grade to top, at the corner of Jameson and Third Streets. Such sign shall clearly indicate the address of the development.
- h. **Construction Permits.** Obtain permits for the construction of and site development for the proposed expansion.
- i. **Design Standards.** Comply with Sedro-Woolley Design Standards and Guidelines, Chapters 1, 2, 5 and 6.
- j. **Impact Fees.** Impact Fees and General Facilities charges shall be assessed and collected at the rate adopted by ordinance at the time of building permit issuance.
- k. **MDNS.** The applicant shall comply with the conditions of the SEPA MDNS issued December 5, 2016.
- l. **Lighting.** Lighting shall be shielded from shining onto adjacent residential properties or roadways.

- m. **Storm water.** The applicant will be required to demonstrate compliance with state and local stormwater regulations, including (but not limited to) providing quality and quantity controls.
 - n. **Sewer.** Any relocation, extension or connection of utilities will be done at the owner's expense.
4. On December 2, 2020, Ginger Pennington submitted a third conditional use permit application to build five four-plexes in addition to the existing 13 residential units located at the corner of Jameson and Third Streets.
 5. There is a rental house on P130475 (1402 Third Street), an 8-unit apartment (two-story) on parcel P130474 (assessor has no address for this parcel), a three unit building and a one-unit building (including the laundry facility) on P75394 (1404 Third Street). P112969 has no structures, just parking lot (assessor has no address for this parcel). In The parking for the complex is on all 4 parcels and easements for ingress, egress, parking and utilities are all throughout the group of parcels. All the existing units are two-bedroom units. In total, the parcels occupy approximately 1.6 acres (69,700 square feet).
 6. All four lots are zoned Industrial and are on a corner, therefore, the property has two front setbacks and two side setbacks (no rear setbacks on corner lots). However, due to the nature of the existing non-conforming residential use, this development is being treated as a Residential 15 zoning designation and follows the setback requirements set forth for such zoning.
 7. Although CUP approval #1702 included the demolition of two dilapidated buildings as part of the project, only one of the buildings was removed. The other has been removed per CUP-2016-201 conditions of approval.
 8. The property is in the Industrial zone – regulated by Ch. 17.28 SWMC; there are no residential standards defined in Ch. 17.28 SWMC because residential is not typically allowed in the Industrial zone. For example, in the Residential 15 zone and Central Business District (CBD), there are standards for number of parking spaces per unit, based on the number of bedrooms. In order to accommodate for the necessary parking requirements of multi-family residences, it has been administratively decided that this CUP application shall be treated as a Residential 15 (R-15) zoning designation.
 9. Twenty percent landscaping is required for all projects in the R-15 zone and new development must meet the requirements of the *Sedro-Woolley Design Standards and Guidelines* manual.
 10. Expansion of existing non-conforming uses may be approved through the conditional use process. Per SWMC 17.04.05 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.
11. A conditional use permit may be issued if the proposal meets the review criteria of SWMC 17.56.060. 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.

ANALYSIS

1. Application Process:
 - a. On December 2, 2020, the City received the conditional use permit application. Included in this submittal were a signed conditional use permit application (**Exhibit B**), site plan (**Exhibit G**), and a SEPA Checklist. The SEPA Checklist required corrections. The City determined the application was complete on March 15, 2021, with the condition that before issuing the Notice of Application and SEPA comment period, some additional mailings and further revisions to the SEPA Checklist were needed. No pre-application meeting was required per the planning director because the applicant had recently participated in a pre-application meeting for a similar existing project.
 - b. The City received the final, complete SEPA Checklist (**Exhibit H**) on June 30, 2021.
 - c. On July 7, 2021, the City issued a Notice of Application and SEPA Comment Period (**Exhibit I**) per WAC 197-11-355.

- d. On September 28, 2021, the Planning Department issued a SEPA Threshold Mitigated Determination of Non-significance (MDNS)(**Exhibit J**) with the following mitigation measures:
 - i. Hours of construction shall be limited to 7:00 a.m. to 9:00 p.m. weekdays and 8:00 a.m. to 9:00 p.m. weekends as required in SWMC 9.46.020;
 - ii. Comply with Northwest Clean Air Agency regulations during construction activities;
 - iii. Provide a temporary erosion and sedimentation control plan for approval by the city engineer;
 - iv. Lighting from the site shall be directed and/or shielded so as to not shine directly at the neighboring residential properties;
 - v. Contribute police impact fees of \$505.76 per unit as per the residential unit fee calculation in the Capital Facilities Element of the City of Sedro-Woolley Comprehensive Plan;
 - vi. All construction traffic shall use temporary construction access as approved by the Public Works Department; and
 - vii. 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.

- e. A public hearing before the Sedro-Woolley Hearing Examiner was scheduled for December 13, 2021 via Zoom. Notice of the meeting was issued to the public and interested parties (**Exhibit K**).

CONCLUSION: The CUP 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 I**) was issued on July 7, 2021 and the comment period ended on July 21, 2021. The city published the notice in the Skagit Valley Herald on July 7, 2021. Notices were mailed on July 6, 2021 to all residents and property owners within 500 feet of the subject property and the notice was posted on the subject site on July 6, 2021.

- b. Two comments were received during the SEPA Comment Period. One comment letter was from the Department of Ecology regarding a nearby contaminated site listed on Ecology's database within a 750-foot radius of the project site. (**Exhibit N**). The second comment was from Ms. Shannon Burrow – a resident of the City of

Sedro-Woolley – regarding concern about contamination from buried gas tanks and Ness’s old gas station/auto repair, traffic, rodents, privacy, and noise (**Exhibit O**).

- c. On September 28, 2021, the Planning Department issued a SEPA Threshold Mitigated Determination of Non-significance (MDNS)(**Exhibit J**) that was published in the Skagit Valley Herald the same day, 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 K**) for the proposal on December 13, 2021. The notice was posted on the subject site, mailed to all parties of interest, residents and property owners within 500 feet of the property, and published in the legal notices section of the Skagit Valley Herald on December 3, 2021.

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 Industrial (I). The intent of the Industrial zone is to provide appropriately located areas for manufacturing, warehousing, distribution, and office uses to enhance the city’s economic base in a manner that minimizes impacts to surrounding nonindustrial zones.
- 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. Goal LU1: To safely accommodate population growth without causing urban sprawl;
 - 1. Policy LU1.2: Prevent urban development outside the Urban Growth Area (UGA);
 - ii. Goal LU3: To provide concurrent urban services;
 - 1. Policy LU3.3: Do not approve developments that cannot be serviced by city transportation and sewer services;
 - 2. Policy LU3.5: Ensure that new development bears its fair share of the cost of associated increases in required capital facilities and services;
 - iii. Goal LU4: To reduce damages from natural disasters and preserve the characteristics of the natural environment;
 - 1. Policy LU4.4: Provide effective and timely application of sensitive and critical area land use policies, including SEPA review for all

- developments involving potentially significant environmental issues;
- iv. Goal LU6: To provide clear review and approval processes for land use actions;
 1. Policy LU6.4: Develop and implement design review procedures for all land use zones. Residents and property owners in the affected designation areas shall be involved in this process, to the extent possible;
 2. Policy LU6.6: Encourage community involvement and participation in the land use decision making process, and provide understandable information and notices to affected residents and the press, to enable meaningful involvement and participation;
 - c. Staff finds that this proposal is consistent with the above goals from the Land Use Element of the comprehensive plan.
 - i. The proposed project allows for population growth to be accommodated within the UGA, preventing urban sprawl.
 - ii. Staff recognizes that there is existing residential use on the property that is sufficiently maintained that it is likely to be on the site for decades into the future. The expansion of the residential use makes use of underused land that could be used for housing.
 - iii. Staff finds that the properties to the east are occupied by single family residences and are zoned R-7. The land to the north is the Sedro-Woolley High School. The proposed apartments are compatible with the surrounding area and provide a buffer from the industrially zoned property to the south and west of the subject property.
 - iv. The development will be serviced by city transportation and sewer and is required to bear its fair share of the cost of associated increases in required capital facilities and services – particularly police impact fees of \$505.76 per unit as conditioned by the SEPA MDNS.
 - v. SEPA review has been thoroughly conducted and resulted in feedback from the Department of Ecology regarding one nearby contaminated site within 750 feet of the subject location. This feedback was carefully considered and it was concluded that the project does not have a probable significant adverse impact on the environment.
 - vi. The development is subject to the regulations in the City of Sedro-Woolley Design Standards and Guidelines Manual, Chapter 2, Standards and Guidelines for All Development, Chapter 5, Additional Standards for Multi-Family Development, Chapter 6, Additional Standards for Recreation Areas in Subdivisions and Multi-Family Developments.

Additionally, public notice requirements have been met thus far per SWMC 2.90.075 and 17.56.030.

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

4. Specific Criteria: Titles 17.16, 17.36, 17.38, 17.44, 17.50, and 17.56 SWMC establish the requirements and criteria relevant for approving this application and are reviewed as follows:
- a. 17.16 SWMC Residential 15 (R-15 Zone):
 - i. The bulk restrictions for the R-15 zone are a minimum front setback of 10 feet, a minimum side setback of 8 feet for two story dwellings, a rear setback of 10 feet, and a maximum height of 35 feet.
 - 1. The applicant submitted a site plan (**Exhibit I**) and elevations (**Exhibit L**) that demonstrate that the proposal meets the setback and height requirements of the R-15 Zone, respectively.
 - ii. The parking standards for residential uses in the R-15 zone are per the table below:

Studio	1 space
1 bedroom	2 spaces
2 bedrooms	2 spaces
3 bedrooms	3 spaces
4 or more bedrooms	4 spaces
Visitor/overflow spaces	1 additional space per 8 units

- 1. This development includes twelve 1-bedroom units and twenty-one 2-bedroom units in total, which creates a need for a total of 70 parking spaces (including 4 spaces for visitors/overflow). Thirty percent of the total number of parking spaces may be designated for compact cars (7.5 x 15 ft.). With some adjustments, staff finds that the site plan demonstrates that there will be sufficient room to incorporate all required parking spaces on-site.
- b. 17.36 SWMC Off-Street Parking and Loading:
 - i. Off-street parking spaces are required to be located off the public right-of-way and within five hundred feet walking distance of a public entrance to the building served.
 - 1. Staff finds that the site plan demonstrates there will be ample room for all parking locations to meet this standard.
 - ii. Parking facilities shall have access to a public thoroughfare, with ingress and egress designed with respect to intersections, crosswalks and traffic in

general so as not to create safety hazards or impedances. One-way driveway widths shall be at least 12 feet and two-way driveway widths shall be at least 20 feet.

1. On the site plan it is shown that there are 2 two-way driveways both at 25 feet in width and two one-way driveways (one ingress, the other egress) at 18 feet in width. Staff finds that there is ample room on the site for these requirements to be satisfied.
- iii. Parking facilities are to incorporate maneuvering room so as not to require backing out onto a public street.
 1. Staff finds that with some adjustments, the site plan shows that there is enough room to incorporate the necessary maneuvering room.
- iv. Parking facilities are to be designed so that all vehicles are independently mobile and do not block each other.
 1. Staff finds that there is ample room to ensure all parking space locations can be designed to be independently mobile.
- v. Parking facilities are to be surfaced with a dust-free, durable material, provided that the portion of the driveway lying within the public right-of-way shall be paved with a material matching or superior to that of the public thoroughfare.
 1. With a minor correction to the site plan adding a note to surface the parking facilities with a dust-free durable material, staff finds that this requirement can be met.
- vi. Parking facilities must incorporate provision for drainage so as not to create on-site or off-site drainage problems.
 1. The Engineering Department has provided review comments (**Exhibit M**) calling for the necessity of frontage improvements including curb, gutter, sidewalk, and associated roadway drainage on Third Street frontage.
- vii. Parking facilities must provide for convenient pedestrian movement from parking spaces to building entrance, sufficiently separated from or compatible with vehicular traffic to ensure safety.
 1. Staff finds that the layout of the parking facilities allows for convenient and safe pedestrian movement from parking spaces to building entrance and that this requirement has been met.
- viii. Parking facilities must be in accordance with the following dimensional requirements, provided that a maximum of thirty percent of the total required spaces may be designated for compact cars with a width of 7.5 feet, length of 15 feet, and correspondingly reduced maneuvering room.
 1. Of the 70 required on-site parking spaces, a maximum of 21 of those stalls can be designated as compact. The site plan shows a

total of 18 compact stalls which is under the maximum number of compact parking stalls allowed. Staff finds that this requirement has been met.

- ix. Parking spaces shall be provided for the handicapped and shall be clearly signed or marked with stenciled notation on the pavement designating such use and shall be posted with an approved handicapped parking sign directly in front of the stall. Each space shall be at least eight feet wide and shall have an adjacent access aisle five feet wide minimum. Two accessible parking spaces may share a common access aisle. Van spaces shall be sixteen feet in width to include the access aisle. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 in all directions. Parking spaces shall be located closest to the handicapped accessible entrance with an accessible route provided to that entrance. Parking spaces for the handicapped shall be provided as follows:

Total Parking Provided	Minimum Number Required for the Handicapped
6—25 spaces	1 space
26—50 spaces	2 spaces
51—75 spaces	3 spaces
76—100 spaces	4 spaces
101—150 spaces	5 spaces
151—200 spaces	6 spaces
201—300 spaces	7 spaces
301—400 spaces	8 spaces
401 and over	To be arranged with the zoning administrator

- 1. A total of 70 parking spaces are required to serve this development. Per the table above, the minimum number of handicapped stalls required is 3. The site plan shows 3 handicapped stalls. Staff finds that this requirement has been met.
- c. 17.38 SWMC Residential Recreation Areas:
 - i. New multifamily developments of nine units or more shall be required, as a condition of approval, to provide eight thousand square feet of unpaved, usable open space with lawn or other soft surface for an outdoor recreation area, plus an additional one hundred square feet of usable open space for each additional unit beyond the initial twenty-five units.
 - 1. The site plan indicates that there will be sufficient space to provide for the required 8,800 square feet of recreation area for this development. Staff finds that this requirement has been met.

- d. 17.44 SWMC General Regulations for All Zones:
 - i. On any corner lot in which a front yard is required by this title, no wall, fence, or other structure shall be erected, and no hedge, shrub, tree or other growth shall be maintained which will materially impede vision and when a hazard exists between the heights of three feet and ten feet above the centerline grades of the intersecting street within the triangle formed by the intersecting property lines nearest the streets and a straight line joining such property lines at points which are thirty feet distance from the point of intersection, measured along such property lines. In case of open type fences, blocking, a maximum height of four feet shall prevail within the aforementioned triangular area.
 - 1. A detailed landscaping plan is to be submitted with future submittals at which time the planning department will review for compliance with maintaining the vision clearance triangle.
 - ii. On any driveway or alley upon which access is obtained from a public right-of-way, there shall be a vision clearance triangle maintained in which no wall, fence, or other structure shall be erected, and no hedge, shrub, tree or other growth shall be maintained which will materially impede vision and when a hazard exists between the heights of three feet and ten feet above the centerline grades of the access and the street. The triangle is measured from the property lines and extends twenty feet parallel to the public right-of-way and ten feet parallel to the driveway or alley. In case of open type fences, blocking, a maximum height of four feet shall prevail within the aforementioned triangular area.
 - 1. A detailed landscaping plan is to be submitted with future submittals at which time the planning department will review for compliance with maintaining the vision clearance triangle.
 - iii. Where a zone with more restrictive setback requirements is adjoined without an intervening public right-of-way, setbacks shall be that which is required in the more restrictive zone.
 - 1. Jameson and Third Street intervene between the subject development (treated as a Residential 15 zoning designation) and the Public zoning to the north and Residential 7 to the east, respectively. Setbacks will follow the requirements set forth for Residential 15 zones. Staff finds that this requirement has been met.
- e. 17.50 SWMC Landscaping
 - i. Landscaping in the Residential 15 zone is required to be no less than 20% of the total site area.
 - 1. The site plan indicates that there is sufficient space to incorporate a minimum of 20% landscaping.

f. 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.
 1. 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**).
 2. As discussed in section 3 of this report, the proposal is in conformance with the comprehensive plan.
 3. Staff finds that the proposed additional multi-family residential buildings will not significantly affect and are compatible with the surrounding Public, Residential 7, and Industrial uses.
 4. Staff finds that with the some adjustment to parking lot layout and additional landscaping detail, the proposal is well planned in all respects so as to be an asset to the community.

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. On December 2, 2020, the applicant submitted and the City reviewed a SEPA Checklist. Corrections were necessary. A final, satisfactory revision of the SEPA Checklist was submitted June 30, 2021 (**Exhibit H**). Notice of Application and SEPA Comment Period (**Exhibit I**) was issued on July 7, 2021 and the comment period ended on July 21, 2021. The City issued a MDNS (**Exhibit J**) on September 28, 2021.
- b. The City received two comments during the public comment period – one from the Department of Ecology (**Exhibit N**) and the other from Ms. Shannon Burrow – a resident of the City of Sedro-Woolley (**Exhibit O**). 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 RECOMMENDATION

Based on the above Findings of Fact, the Planning Department recommends **APPROVAL** of Conditional Use Permit # CUP-2016-201 to allow the construction of the proposed five

four-plexes and associated site improvements on parcels P130474, P113969, P75934 and P130475 subject to the following **conditions**:

1. The total number of units is limited to the capacity of the property to accommodate the required landscaping, recreation area, utility infrastructure (including detention ponds, if required) and on-site parking, to a maximum total of 33 units.
2. No off-site parking will be counted towards the required parking. Parking shall be based on the parking requirements in Chapter 17.16 SWMC.
3. Per the parking table below, twelve 1-bedroom units and twenty-one 2-bedroom units create a requirement for a total of 70 parking spaces for this development (this calculation includes parking accommodation for the existing 13 residential units). This total includes the 4 additional visitor/overflow parking spaces required (SWMC 17.16.050). Typical parking stalls are 9 x 19 ft. Thirty percent of the total number of parking spaces may be designated for compact cars (7.5 x 15 ft.), per SWMC 17.36.040. The current site plan shows only 65 of the 70 required on-site parking stalls. On-street parking does not count toward this parking requirement.

Studio	1 space
1 bedroom	2 spaces
2 bedrooms	2 spaces
3 bedrooms	3 spaces
4 or more bedrooms	4 spaces
Visitor/overflow spaces	1 additional space per 8 units

4. Landscaping shall be based on the landscaping requirements for the R-15 Zone as set forth in Chapter 17.50 SWMC. At least 20% of the gross site area shall be landscaped.
5. Provide a site plan that shows that all the required landscaping parking and recreation areas for the entire development can fit on the four parcels.
6. An outdoor recreational area that is consistent with Chapter 17.38 SWMC shall be provided, sized in accordance with that Chapter and based upon the total number of units in the complete development.
7. Street and right-of-way improvements shall be completed to Jameson and Third Street as approved by the City Engineer, including street trees.
8. Signage shall be limited to one 4'X8' single sided sign, not taller than 5' in height, measured from grade to top, at the corner of Jameson and Third Streets. Such sign shall clearly indicate the address of the development.

9. Obtain permits for the construction of and site development for the proposed expansion.
10. Comply with Sedro-Woolley Design Standards and Guidelines, Chapters 1, 2, 5 and 6.
11. Impact Fees and General Facilities charges shall be assessed and collected at the rate adopted by ordinance at the time of building permit issuance.
12. The applicant shall comply with the conditions of the SEPA MDNS issued September 28, 2021.
13. Lighting shall be shielded from shining onto adjacent residential properties or roadways.
14. The applicant will be required to demonstrate compliance with state and local stormwater regulations, including (but not limited to) providing quality and quantity controls.
15. Any relocation, extension or connection of utilities will be done at the owner's expense.
16. All parking lots will need to incorporate enough maneuvering room to allow cars to turn around so as not to require backing out onto an arterial.

EXHIBITS

- A. CUP-2020-352 Staff Report
- B. Ginger Pennington, Conditional Use Permit Application, CUP-2020-352 dated December 2, 2020
- C. CUP #1702 Staff Report
- D. CUP #1702 Notice of Decision
- E. Adam Ware, Conditional Use Permit Application, CUP-2016-201 dated August 19, 2016
- F. CUP #1702 Findings and Staff Report – including exhibits
- G. CUP-2020-352 Site plan
- H. CUP 2020-352 SEPA Checklist
- I. CUP-2020-352 Notice of Application and SEPA Comment Period
- J. CUP-2020-352 SEPA Threshold Mitigated Determination of Non-significance (MDNS)
- K. CUP-2020-352 Notice of Public Hearing
- L. CUP-2020-352 Elevations
- M. CUP 2020-352 Engineering Department review comments
- N. Department of Ecology Letter
- O. Shannon Burrow public comment