



STAFF REPORT
HEARING EXAMINER CONDITIONAL USE PERMIT *for*
ESSENTIAL PUBLIC FACILITY (EPF) & MASTER PLAN APPROVAL
***for the* SKAGIT COUNTY JAIL**

A. SUMMARY AND PURPOSE OF REQUEST

DATE OF REPORT: July 23, 2014

PROJECT/FILE NUMBER: Skagit County Jail,
CUP for EPF & Master Plan Approval
PL14-037

PROJECT PLANNER: Rebecca Lowell, Senior Planner

APPLICANT: Skagit County – Contact Person: Marc Estvold, 3302 Oakes Ave,
Anacortes, WA 98221

OWNERS:

Name:	Ownership:
Old 99 LLC (Bart and Patty Smith)	Parcel P29546, the northernmost parcel.
COLCO LLC (Jim Coles)	Parcels P119262, P119265, and P119267.
Thomas A. Little	Parcel P119263

PROJECT DESCRIPTION: Primarily due to overcrowding at the existing jail, Skagit County is pursuing the construction an approximate 110,000 square foot, single-story jail building with an estimated 400 beds to provide enough room to house inmates over the next 15 to 20 years. Administrative facilities, a medical diagnosis and treatment area, a program area for alcohol and drug treatment/Graduate Equivalent Degree opportunities, and a courtroom will also be integrated into this new facility.

To-date, an Environmental Impact Statement and a Comprehensive Plan amendment with an associated rezone have been processed and approved by the City for the new jail. The next step in approving this facility is the approval of a Conditional Use Permit (CUP) for the jail which is classified as an Essential Public Facility (EPF) and approval of a Master Plan.

Access to the site is planned off of Suzanne Lane with the western most access leading into a 65± stall parking area for visitors and to accommodate those coming to the court. The second access on the eastern part of the site will lead to the staff parking lot (that has 44± spaces), the inmate drop-off location (Sally Port), and a gated access road that will loop around the facility from Suzanne Lane to the north property line where it will curve to the west until it connects with Old Highway 99 South.

This site is located in a floodplain (zone AO2); and as such, the proposed building will be elevated five feet above the highest adjacent grade. The site will be graded such that stormwater runoff is directed to three distinct areas located near the northeast, southeast and along the west part of the site where stormwater will be collected, cleaned and attenuated before it is discharged off of this site. Stormwater runoff from this site will be conveyed in a closed pipe system and it eventually discharges into a portion of Lower Maddox Creek. Lower Maddox Creek flows to the south from this site and it ultimately discharges into the Skagit Bay.

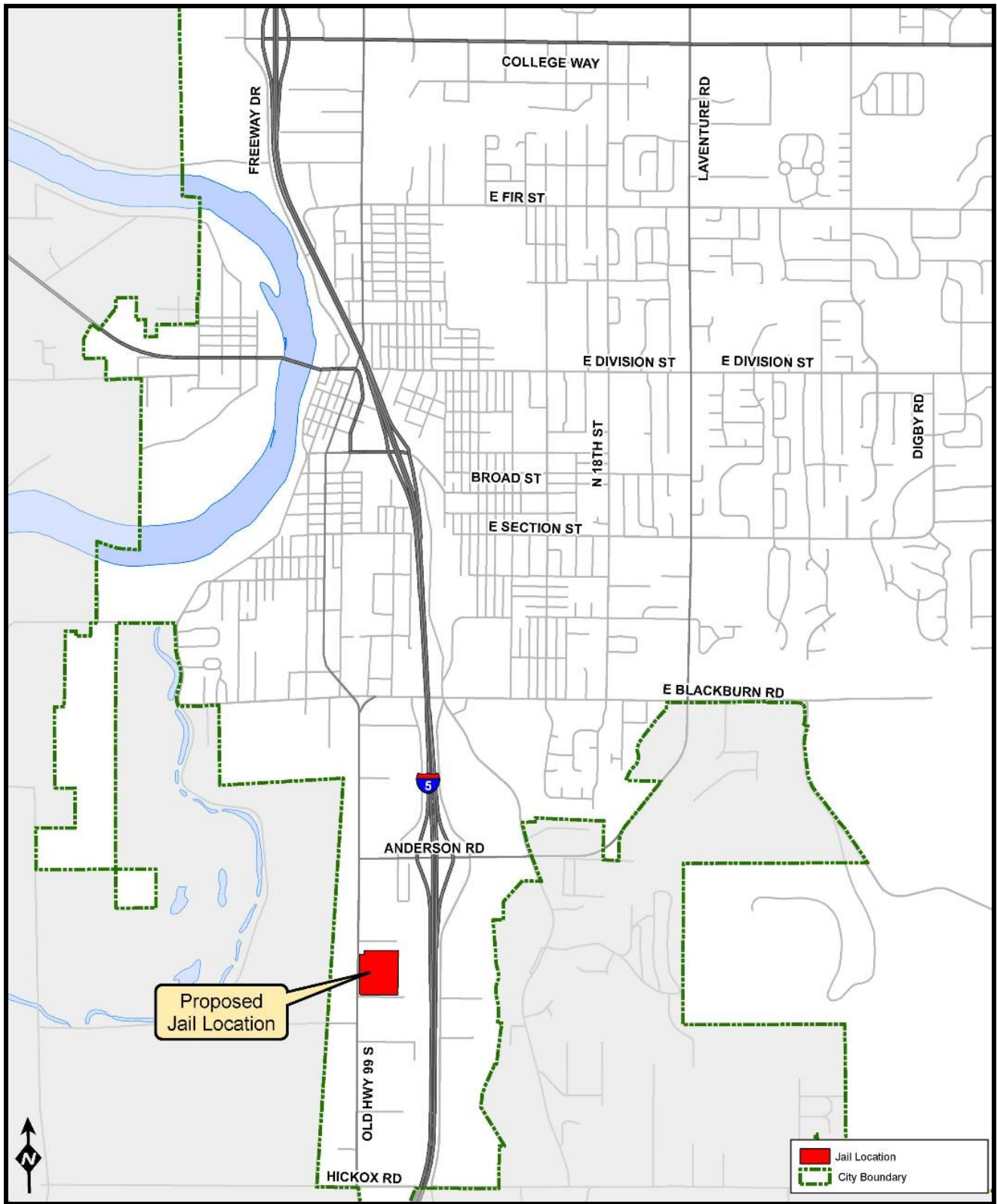
Landscaping, fencing and solid walls will be placed near the perimeter of the property to screen this site and to ensure that no inmates will be visible by the public traveling past this site at any time. Architectural elements including modulation of the building and the installation of different types of exterior building materials are planned for aesthetic reasons and to break up the mass of this large building.

The County is anticipating that the currently planned building will need to be expanded sometime in the future to be approximately 165,000 square feet in size to house up to 800 beds. An estimated 38± parking stalls will be added when this building is expanded in the future.

It is anticipated that the new jail will be open and running in May of 2017.

PROJECT LOCATION: The approximate 10.4± acre site is bound by Old Highway 99 South to the west and industrial property to the east, industrial property to the north of the site, and Suzanne Lane to the south of the site. The Skagit County Assessor describes the subject site as parcels: P119262, P119263, P119265, P119267, and roughly half of P29546. All of the subject parcels are located within a portion of the NW ¼ of Section 32, Township 34 North, Range 04 East, W.M.

Below is a vicinity map that shows the location of the subject site in red. Please keep in mind this map is to be used only in the context of this staff report to locate the subject site. The property lines shown on this map are approximate.



B. EXHIBIT LIST

Exhibits included as attachments to this staff report:

Exhibit 1: Master Land Use Applications (and associated information) submitted by the applicant.

Exhibit 2: City's Procedural Documentation:

- Final EIS Notice of Availability & Subsequent Addendum
- Ordinance 3629
- Pre-application Materials
- Technically Compete Letter
- Notice of Application and Public Hearing and its Posting Affidavit**
- Notice of Public Hearing**

**These Notices are accompanied by affidavits of mailing and evidence that the notices were published.

Exhibit 3: Comments from City staff:

- Comments from Scott Sutherland, Solid Waste Division Manager, dated July 15, 2014.
- Comments from Ana Chesterfield, Engineering Services Manager for the CEDD, dated July 22, 2014.

Exhibit 4: Comments from the Public:

- Email from Al Peraino dated July 9, 2014 that is accompanied by Marc Estvold's response.
- Email from Sonya Dahl dated May 9, 2014.
- Email from Mark Estvold summarizing his response to a question posed by Mr. Roger Peterson.
- Letter dated July 21, 2001 from Clarita Navidad.
- Letter dated July 20, 2014 (delivered to CEDD on July 21, 2014) from Cherry Armstrong.

Exhibit 5: Project Narrative and Justification for Proposal submitted by the applicant.

Exhibit 6: Site Plans submitted by the applicant:

- Sheets S1 – S3 ALTA/ACSM Survey with and without aerial photos
- Sheet 1.00: Building Program Site Plan
- Sheet 1.01: Existing Site Plan
- Sheet 1.02: Proposed Site Plan
- Sheet 1.03: Proposed Grading Plan
- Sheet 1.05.1: Proposed Landscape Plan
- Sheet 1.05.2: Proposed Landscape Plan
- Sheet 1.06: Proposed Site Utility Plan
- Sheet 1.07: Street Lighting Plan (with accompanying information)
- Sheet 2.01: Proposed Exterior Elevations
- Sheet 2.02: Massing Building Sections
- Sheet 2.03: Perspective View at Street Corner
- Sheet 2.04: Perspective View at Main Entrance

Exhibit 7: Cursory Geotechnical Evaluation from Materials Testing & Consulting, Inc. dated October 8, 2013.

Exhibit 8: Stormwater Strategy dated July 2, 2014 and a Stormwater Drainage Narrative dated July 2, 2014 both from KPFF Consulting Engineers

Exhibit 9: Summary of the Parking and Landscaping Requirements from the applicant.

Exhibit 10: A copy of the Draft and Final EIS documents and technical reports for the Truck City site (the public comments received are not included; but can be - if requested).

Exhibit 11: Staff Report Narrative prepared for the previously approved Comprehensive Plan Amendment & Associated Rezone (the exhibits noted in this report are not attached).

C. GENERAL INFORMATION

Zoning Designation: Public (P)

Comprehensive Plan Designation: Government Center (GC)

Existing Site Use: Approximate south half of the overall area is undeveloped. The remaining northern portion of the area is comprised of a truck fueling station with food mart, parking lots, and other accessory buildings.

Neighborhood characteristics:

North: C-L zoned property developed as a commercial nursery.

East: C-L zoned property that is developed with commercial buildings, parking lots, and a business that sells landscape rock and other associated materials.

South: Suzanne Lane.

West: Old Highway 99 South

Access: Off of Old Highway 99 South on the west side of the site and Suzanne Lane on the south side of the proposal area.

Site Area: The area of the lot is 10.4 ± acres.

Below is an aerial map that show the location of the subject site in red. The property lines shown on this map are approximate.



D. APPLICABLE SECTIONS OF THE MOUNT VERNON MUNICIPAL CODE (MVMC)

The CUP for the requested EPF and the Master Plan are subject to:

Title 13: Sewers

Title 14: Land Use and Development

- Chapter 14.05 Administration of Development Regulations
- Chapter 14.10 COncurrency

Title 15: Buildings and Construction

- Chapter 15.04 Building Code
- Chapter 15.06 Environmental Policies
- Chapter 15.08 International Fire Code and Fire Prevention Bureau
- Chapter 15.16 Grading, Excavation and Fill
- Chapter 15.18 Land Clearing
- Chapter 15.36 Floodplain Management Standards
- Chapter 15.40 Critical Areas

Title 16: Subdivisions

- Chapter 16.36 Boundary Line Adjustment

Title 17: Zoning

- Chapter 17.06 Definitions
- Chapter 17.30 Public (P) Zoning District
- Chapter 17.84 Parking
- Chapter 17.93 Landscaping
- Chapter 17.108 Conditional Use Permits
- Chapter 17.200 Essential Public Facilities

Contained within **SECTION J 'NOTES TO THE APPLICANT'**, at the end of this report, is additional information regarding compliance with portions of Titles 13, 14, 15, 16, and 17 of the MVMC that will be used to review this site when development permits (e.g. Fill & Grade and Building Permit(s)) are submitted for the facility evaluated within this staff report.

E. APPLICABLE SECTIONS OF THE MOUNT VERNON COMPREHENSIVE PLAN

- Land Use Element (Chapter 2)
- Transportation Element (Chapter 6)
- Capital Facilities, Public Services & Utilities Element (Chapter 7)

F. BACKGROUND/HISTORICAL INFORMATION

Prior to the subject CUP for an EPF and Master Plan being submitted to the City the applicant completed the Environmental Impact Statement process and a Comprehensive Plan Amendment and associated rezone was granted for the site.

An overview of both processes, the EIS and land use designation changes, follows.

- **January 29, 2013** Skagit County submitted Comprehensive Plan Amendments and associated rezones for two different areas within the City of Mount Vernon. One application was for properties generally located south of Kincaid Street between Interstate-5 and the BNSF railroad tracks (east to west, respectively) referred to as the Alf Christianson area. The other application was for the subject property that is generally located between Old Highway 99 South and Interstate-5 (west to east, respectively) with Suzanne Lane abutting its south boundary, and referred to as the Truck City area.
- **February 13, 2013** a public hearing was held before the Mount Vernon City Council to consider which proposed amendments to include on the 2013 docket. At this hearing, the City Council approved Resolution 856, which docketed the two (2) applications generally described in the bulleted item above (the 'Alf Christianson' and 'Truck City' sites).
- **July 18, 2013** a SEPA threshold Determination of Significance (DS) and a Notice of Public Hearing for the Scope of the EIS was issued. The Scoping Hearing was held on August 13, 2013.
- **December 18, 2013** the Notice of Availability for the Skagit County Jail Draft Environmental Impact Statement (EIS) was published; and its 30-day public comment period ended on January 16, 2014. A public hearing was held on January 9, 2014.
- The Final EIS was issued **March 3, 2014**. Following the Comprehensive Plan Amendment and associated rezone, that is described below below, an addendum to the Final EIS was issued on **June 11, 2014**.
- **April 22, 2014** a public hearing was held before the City Council that resulted in the approval of Ordinance 3629 that re-designated the subject site from a Comprehensive Plan and zoning designation of Commercial-Limited Industrial (C-L) to a Comprehensive Plan designation of Government Center (GC) and a zoning of Public (P).

G. DEPARTMENT ANALYSIS

Following is staff's analysis of the components that are required to be satisfied for approval of this application. Staff will begin with the procedural components of this application and will then analyze the Decision Criteria contained within the Mount Vernon Municipal Code for Type II Essential Public Facilities and the Master Plan requirement for Public zoned sites consistent with Chapter 17.30 MVMC.

PROCEDURAL:

Mount Vernon Municipal Code (MVMC) Chapter 14.05 contains permit specific procedural requirements for the City's Zoning code, Title 17.

With regard to the subject proposal, the zoning code and Chapter 14.05 (looked at together) require that the proposed jail be processed as a Type IV, Conditional Use Permit for EPFs (14.05.060 MVMC). The subject Type IV permit requires an open record pre-decision hearing before the Hearing Examiner who will make a recommendation on the application to the City Council. The City Council will then make the final decision on the application after a closed record hearing (14.05.050.B.4 MVMC).

Master Plan approval consistent with Chapter 17.30 MVMC is also required for the subject site as it is greater than 10-acres and the site is zoned Public (P). Master Plan approval is also procedurally a Type IV permit requiring an open record pre-decision hearing before the Hearing Examiner who will make a recommendation to the City Council.

Chapter 14.05.080(G) MVMC allows the City to process multiple applications concurrently with a consolidated review process. With this authority the City is processing the CUP for an EPF together with the Master Plan for the subject development.

Consistent with 14.05.110 MVMC the following project review procedures have been completed for this project:

- **March 3, 2014** the final EIS for this project was issued. Following the Comprehensive Plan Amendment and associated rezone, described below, an addendum to the Final EIS was issued on **June 11, 2014**.
- **June 25, 2013** the applicant met with City staff at a pre-application meeting to ascertain City requirements to allow the subject project to proceed.
- **June 24, 2014** the subject CUP for an EPF and Master Plan were submitted to the City.
- **June 30, 2014** staff deemed the materials submitted on June 24th technically complete for processing.

- **July 1, 2014** a Notice of Application and Public Hearing was issued. This Notice was mailed to those property owners within 300 feet of the subject site and to all parties of record from the previously processed EIS and Comprehensive Plan Amendment/Rezone. This notice was also published in the Skagit Valley Herald on July 8, 2014. The applicant posted a land use sign on the subject site on July 2, 2014.
- **July 9, 2014** a copy of the applicant's site plans, technical reports and the NOA/Public Hearing Notice was distributed by CEDD staff to other City Departments who were asked to provide comments on/before July 18, 2014. Comments from the City's Sanitation Department and Engineering Services were both received in response to this request. Please see **Exhibit 3** for copies of the comments received.
- **July 15, 2014** a Notice of Public Hearing was issued. This Notice was mailed to those property owners within 300 feet of the subject site and to all parties of record from the previously processed EIS and Comprehensive Plan Amendment/Rezone on July 18, 2014 in addition to being published in the classified section of the Skagit Valley Herald on this same date.

CUP'S FOR EPF DECISION CRITERIA:

MVMC 17.200.060(F) provides criteria that the Hearing Examiner is to consider, along with all other relevant information, in making a decision on Conditional Use Permit applications for TYPE II Essential Public Facility applications.

- 1. The proposal shall be consistent with the comprehensive plan and types of uses of the underlying zoning of the proposed site including being consistent with the environmental impacts of the underlying zoning permitted uses.**

The Comprehensive Plan designation of the site is Government Center (GC) and it is zoned Public (P). The development regulations for the Public District are codified within Chapter 17.30 of the MVMC. The intent of the Public District is to provide areas within the community that are available for public uses and to have master plans prepared for these uses when they are 10-acres or greater in size (17.30.010 MVMC).

The Comprehensive Plan identifies the subject site being located in Sub-Area Plan G: Interstate 5 Corridor and City Entry System. A public facility, such as a new jail, would be consistent with this sub-area plan. The physical characteristics of a jail facility are compatible with the existing, surrounding development; and with future development that would be required to be developed consistent with the Commercial-Limited Industrial zone. This sub-area plan does not have goals or objectives targeted to the Truck City location, and no sub-area plan has been prepared.

The types of uses allowed in the Public zone include: schools, colleges, churches, government buildings (including police and fire stations), public parks, public utility buildings, and commercial or public parking garages and surface parking (17.30.020 MVMC).

The proposed jail is consistent with, and would have similar environmental impacts, to other permitted uses allowed in the Public District listed above.

Please see the accompanying **Exhibit 5 (II. Justification for Proposal / E. Comprehensive Plan Compatibility)**, submitted by Skagit County that provides additional information with regard to this criteria.

- 2. The project applicant has demonstrated a need for the project, as supported by an analysis of the projected service population, an inventory of existing and planned comparable facilities, and the projected demand for the type of facility proposed.**

Please see the accompanying **Exhibit 5 (II. Justification for Proposal / A. Project Purpose and Need)**, submitted by Skagit County that provides this information.

The referenced Exhibit provides detailed Information on the constraints facing the existing jail facility in terms of capacity and the overcrowding that is currently experienced; and the future demand for jail beds. The applicant notes that the overcrowding leads to serious staffing challenges and safety issues both inside and outside the current jail facility.

- 3. If applicable, the project would serve a significant share of the city's population, and the proposed site will reasonably serve the project's overall service population.**

Please see the accompanying **Exhibit 5 (II. Justification for Proposal / A. Project Purpose and Need)**, submitted by Skagit County that provides this information.

The referenced Exhibit provides information on the intent to provide sufficient jail infrastructure to Skagit County residents, cities/towns, and tribes over the next 15 to 20 years; and to provide the opportunity for future growth of these facilities over a 40- to 50-year planning horizon.

- 4. The applicant has reasonably investigated alternative sites, as evidenced by a detailed explanation of site selection methodology.**

Please see the accompanying **Exhibit 5 (II. Justification for Proposal / B. Summary of Alternative Analysis)**; and **Exhibit 10 (Chapter 2 DEIS)** that provide this information.

The referenced Exhibits describe 14 different sites and the evaluation criteria that were used in assessing these sites between 2006 and 2013. In addition, these Exhibits describe how 12 of these sites were eliminated from further consideration and how two (2) sites (the Alf Christianson and the Truck City site) were further vetted.

5. The project is consistent with the applicant's own long-range plans for facilities and operations.

The applicant states that they are providing sufficient jail infrastructure to serve the residents, cities/towns, and tribes of Skagit County over the next 15 to 20 years; and they are providing an opportunity to accommodate future jail infrastructure needs over a 40- to 50-year planning horizon.

Please see the accompanying **Exhibit 5 (II. Justification for Proposal / A. Project Purpose and Need)** submitted by Skagit County.

6. The project has fewer impacts in the particular geographic area in contrast with other available locations.

Please see the accompanying **Exhibit 5 (II. Justification for Proposal / B. Summary of Alternative Analysis)**; and **Exhibit 10 (Chapter 2 DEIS)** that provide this information.

7. The applicant has provided a meaningful opportunity for public participation in the siting decision and development of mitigation measures that is appropriate in light of the project's scope, applicable requirements of the city code, and state or federal law.

Opportunities for public participation in the siting decision and development of mitigation measures were provided through the EIS process (see **Exhibit 10**); and through the Comprehensive Plan Amendment/rezone process (see **Exhibit 11**).

Exhibit 5 (II. Justification for Proposal / C. Public Involvement) outlines the County initiated public participation process beginning in 2006. Notably, 17 public meetings and work sessions have been held since June of 2012.

8. The proposal complies with applicable requirements of all other applicable provisions of the city code.

Other applicable provisions of the city code include: Chapter 14.10 (Concurrency Management), 15.04 (Building Code), 15.06 Environmental Policies), 15.08 (International Fire Code and Fire Prevention Bureau), 15.16 (Grading, Excavation and Fill), 15.36 (Floodplain Management Standards), 16.36 (Boundary Line Adjustment), 17.30 (Public District), 17.84 (Parking and Loading), 17.85 (Dumpster and Recycling Standards), 17.87 (Signs), 17.93 (Landscaping), and 17.99 (Fences and Walls).

Due to the number of different municipal code sections that need to be analyzed with this Decision Criteria staff has organized the response into the following table. Please note that there are many code requirements outlined below that can only be conceptually reviewed at this point in time because final site plans have not yet been developed.

TABLE 1: APPLICABLE CITY CODE PROVISIONS TO BE ANALYZED PER CUP FOR EPF DECISION CRITERIA

MVMC Chapter:	Summary of Requirements:	Staff Comments:
<p>TITLE 13 SEWERS</p>	<p>This title provides standards for the installation and maintenance of both sanitary and storm sewers in the City.</p> <p>Also, this title provides connection fees and rates for these utilities.</p>	<p>Through the EIS process general information was gathered regarding work that would be required to install/extend both sanitary and storm sewers (see Exhibit 10).</p> <p>Compliance with this Title of the code will be required when Building Permit(s) are submitted to the City for review and approval of the planned facilities. With the conceptual information submitted to-date the Engineering Division of the CEDD has made general comments regarding the proposed site plan and other general information noting the following (see Exhibit 3):</p> <ul style="list-style-type: none"> • Utility and access easement that need to be granted or extinguished will be determined (in part) during civil plan review and will be no less than the required width per City code and Engineering Standards. • Sewer stubs for commercial properties are typically 6” in diameter. The project’s design Engineer is required to accordingly size the sewer system to serve the proposed development. • The project’s design Engineer shall thoroughly review the drainage analysis previously completed for the Western Peterbilt plat to verify the allowed percentages of impervious surfaces to ascertain how these apply to the proposed development. • Any impervious surface increase outside of the allowed threshold is required to comply with storm water flow control and water quality meeting the 2005 Department of Ecology Stormwater Management Manual for Western Washington. • The development requires a storm drainage analysis prepared by a licensed civil engineer addressing storm water quantity and quality in accordance with City of Mount Vernon Municipal Code Chapter 13.00 and the 2005 Washington State Department of Ecology Stormwater Management Manual for Western Washington. • Low Impact Development (LID) facilities designs shall be consistent with guidance found in the Puget Sound Action Team Low Impact Development Technical Guidance Manual for Puget Sound • Any proposed storm water infiltration facilities will be required to provide a soil specific evaluation to determine the appropriate type, design and location of such.

MVMC Chapter:	Summary of Requirements:	Staff Comments:
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**14.10
CONCURRENCY
MANAGEMENT**

Provides minimum Levels of Service (LOS) for pedestrian safety, traffic capacity, street design, on-site transportation impacts, transit, pavement conditions, and non-motorized transportation. The City’s transportation consultant inputs projects into the City’s traffic model to ascertain what impacts there will be with the traffic associated with a development.

In addition to the traffic model the City’s transportation consultant also evaluates the concurrency requirements in this Chapter of the MVMC and makes recommended conditions of approval to the City.

Through the EIS process a Transportation Concurrency Review was completed (see **Appendices E and F** found within the accompanying **Exhibit 10** of the DEIS).

The concurrency review for this site used the future build out to determine the traffic impacts due to the future jail construction on the subject site – i.e., a 800 bed facility was used not a 400-bed facility.

Concurrency LOS review included pedestrian safety, traffic capacity, street design, on-site, transit, non-motorized and pavement condition.

The mitigation measures suggested in the Transportation Concurrency Review for this development include:

- Pedestrian facilities on the project frontage (Suzanne Lane) that connect to the existing sidewalks built on the south side of this road. This improvement would not be eligible for impact fee credits.
- Three-quarter street LOS improvements must be in place on Suzanne Lane. This improvement would not be eligible for impact fee credits.
- Estimated total impact fees are \$60,687.00.

Staff will be requesting the Hearing Examiner condition this project such that a Skagit Transit (SKAT) bus stop be constructed in very close proximity to the subject site and that the County coordinate with SKAT to ensure that transit service is available from the subject site at regular intervals (to be approved by the City) to ensure that inmates that are released have the option of using the SKAT bus for transport.

**15.04
BUILDING CODE**

Provides minimum standards to safeguard life or limb, health or property, construction and public welfare, by regulating and controlling building and related work.

This Chapter adopts the IBC, IRC, IMC, UPC and others to provide the minimum standards required of this Chapter.

Compliance with this Chapter of the code will be required when Building Permit(s) are submitted to the City for review and approval of the planned facilities.

MVMC Chapter:	Summary of Requirements:	Staff Comments:
15.06 ENVIRONMENTAL POLICIES	Adopts the State’s RCW and WAC for the State Environmental Policy Act (SEPA).	This Chapter has been satisfied with the issuance of the FEIS and the subsequent SEPA Addendum for this project. Please see Exhibit 10 .
15.08 INTERNATIONAL FIRE CODE, ETC	<p>Adopts the IFC and other requirements to regulate development to ensure public safety.</p> <p>In addition to regulating building construction and installation of equipment like fire hydrants this chapter also has minimum drive lane requirements and turning radi to ensure quick and safe access to a site with Fire Department trucks.</p>	<p>Compliance with this Chapter of the code will be required when Building Permit(s) are submitted to the City for review and approval of the planned facilities.</p> <p>To-date the Fire Department has made general comments regarding the proposed site plan noting the following:</p> <ul style="list-style-type: none"> • Fire hydrants will likely need to be installed every 300 feet along the road that extends to the north from Suzanne Lane, turns to the west and then connects to Old Highway 99 South. • Any access road/driveway that a fire truck will use to gain access to the site will require an approved turn around if it is longer than 150 feet. Turn arounds that can be approved include a 90-foot diameter cul-de-sac, a 120-foot hammerhead, or 60-foot ‘Y’. • Minimum road/driveway width is 26 feet in areas where fire hydrants are located. • The subgrade and paving of all roads/driveways will have to be capable of supporting a fire apparatus load of at least 75,000 pounds. • Minimum turning radi on the site shall be no less than 28-feet inside/45-feet outside. • The Fire Department will need to evaluate the building height, at a later date, to see if aerial apparatus access will be required. • The Fire Department will have minimum standards for the proposed gates on the site that will be determined at a later date with the final site plan review. • The Fire Department reviews tank removal and measures to mitigate on-site contamination.
15.16 GRADING, EXCAVATION & FILL	Establishes minimum requirements and procedures to control potential adverse impacts associated with earthwork grading activity.	Compliance with this Chapter of the code will be required with Building Permit(s) and Fill & Grade Permit(s) are submitted to the City for review and approval of the planned facilities.

**15.36
FLOODPLAIN
MANAGEMENT
STANDARDS**

Regulates development in floodplains to ensure public health, safety and welfare and to minimize public and private losses due to flood conditions in specific areas.

Adopts by reference “The Flood Insurance Study for the City of Mount Vernon, Washington, Skagit County”, dated January 3, 1985 with accompanying flood insurance maps.

Requires buildings to be elevated and/or floodproofed.

Compliance with this Chapter of the code will be required when Building Permit(s) are submitted to the City for review and approval of the planned facilities.

The DEIS states that, “while jails are not specifically listed as a critical facility, they are considered critical to protect against flooding because the inmates they house are dependent on uninterrupted vehicle access to bring in food, medical supplies, and other essential items” (pg 33 – 35).

As such, in addition to other requirements found in 15.36 MVMC that this site will have to comply with, flood proofing and sealing measures will be required to ensure that toxic substances will not be displaced by or released into floodwaters and the lowest floor of the proposed facility will be required to be at least three (3) feet above the base flood elevation as shown on the 1985 FIRM. The base flood elevation for this site is two (2) feet. This means that this site will be elevated no less than five feet above the highest grade adjacent to the proposed jail facility.

Consistent with the FEIS staff will be requesting the Hearing Examiner condition this project such that an Emergency Preparedness Plan identifying procedures to be implemented during a major flood event be created and that staff at the jail be trained in the emergency procedures. Also, a plaque or reference line shall be installed in the site that shows past and probable flood heights. Please see **Exhibit 10** (Section 3.3 Floodplains in the DEIS; and Appendix C, Facility within a Floodplain found in the FEIS).

**16.36
BLA**

Provides a mechanism to transfer land between contiguous lots; and among other things, not create split zoned properties and combine or move lots/lot lines so that property lines don’t run through buildings.

Compliance with this Chapter of the code will be required before final occupancy of the jail facility can be granted by the City.

The Comprehensive Plan Amendment and associated rezone that re-designated this site (see **Exhibit 11**) conditioned its re-designation to require that a BLA be completed to result in no split zoned parcels.

In addition to the split zoned parcels, in its existing condition, the proposed building is shown with property lines running through it, and there are a number of existing and proposed easements that will need to be extinguished and created for the proposed site.

**17.30
PUBLIC DISTRICT**

Provide areas within the City that are available for public uses. This chapter has minimum setbacks, building height, requires a master plan for certain size uses, and cross-references the City’s landscaping, parking, and signage codes.

Chapter 17.30 MVMC states that a “master plan shall include proposed land use information (land use, densities, site design, adjacent uses, circulation, utility corridors and alignments, wetlands) for review and approval by the city pursuant to the procedures of this chapter. The master plan shall also be accompanied by a phasing plan describing the general boundaries of each phase and the expected date at which a detailed site plan for that phase will be submitted”.

The approval of a Master Plan has been incorporated into the CUP for EPF process as described in sub-section G of this staff report.

Staff notes that the master plan submittal items required in Chapter 17.30 MVMC are also requirements of the CUP for an EPF.

**17.84
PARKING
& LOADING**

Purpose is to reduce street congestion and traffic hazards by requiring safe, adequate parking facilities for off-street parking.
This Chapter sets forth the minimum number of parking spaces and their dimensional requirements; including ADA spaces.

This Chapter also contains provisions requiring that lighting of off-street parking be arranged so that it does not constitute a nuisance or hazard to passing traffic.

Since this chapter of the code does not contain a minimum parking requirement specifically for jail facilities; a preliminary parking analysis was completed for this site that indicated a minimum of 115 parking spaces would be required for the currently planned approximate 110,000 s.f. jail facility; and that with the future expansion the total parking would be increased to 155 spaces.

The applicant has demonstrated, conceptually, that they can comply with the minimum number of parking spaces identified with the preliminary parking analysis. Final site plan review will be completed at a later date to ensure that the other dimensional requirements of this Chapter of the code are met; such as, the minimum drive aisles, parking stall length and width, the number and size of ADA stalls, and other similar items.

Staff will be asking the Hearing Examiner to condition this project such that a final parking analysis be completed to ascertain the final number of parking spaces to be located on the site; and, consistent with the FEIS staff will be requesting the Hearing Examiner condition this project such that on-site lighting comply with the design guidelines established by the Dark Sky Society and the applicant shall demonstrate that their exterior lighting will not contribute to light pollution by throwing light beyond the property or up into the sky. Please see the site plans contained in **Exhibit 6** (sheet 1.02) and **Exhibit 9** that describe and show the preliminary parking lot configuration; also see the FEIS, in **Exhibit 10**.

MVMC Chapter:	Summary of Requirements:	Staff Comments:
17.85 DUMPSTER & RECYCLING	Contains standards regarding the location, size, and clearances for dumpster and recycling enclosures and associated pads to ensure unobstructed access to these facilities by the City's solid waste personnel and to not infringe on other traffic movement on a site.	The preliminary site plans submitted identify an area for the proposed dumpsters. The City's sanitation department has provided comments with regard to how the current dumpster location/design will need to be changed to comply with this Chapter of the code. Please see Exhibit 3 for a copy of the referenced comments regarding the dumpster location/design.
17.87 SIGNS	Regulates the type, size and location of signs on property within the City.	If the applicant plans on installing signage on the subject facility, compliance with this Chapter of the code will be required. Site specific signage will be approved, if submitted, with a Building Permit that the City will process for the applicant.
17.93 LANDSCAPING	Regulates the amount, type, location and sets minimum maintenance standards for landscaping on property. For the subject site it requires a 10-foot wide landscaping strip along both Old Highway 99 South and Suzanne Lane, that no less than 15% of the gross site area be landscaped, and that no less than 4% of the on-site parking areas with 20 or more parking spaces be landscaped.	The applicant has demonstrated, conceptually, that they can comply with the minimum amount of landscaping required. When Building Permit(s) are submitted to the City, staff will complete a final site plan review to ensure that all of the requirements of this Chapter are met; such as, the length, width and composition of frontage landscaping and parking lot landscaping, specific type of landscaping installed (street trees, shrubs, ground over and the like), its location, and other similar items. Please see the site plans contained in Exhibit 6 (sheet 1.02) and Exhibit 9 that describe and show the preliminary landscaping design.
17.99 FENCES & WALLS	Contains minimum standards for the type and location of fences and walls. This chapter allows fences and walls to be up to eight (8) feet in height so long as vision clearance problems are not created.	The applicant has demonstrated, conceptually, that they can comply with the fencing and wall standards in this Chapter of the code. When Building Permit(s) are submitted, staff will complete a final site plan review to ensure that the other requirements of this Chapter are met. Please see the site plans contained in Exhibit 6 (sheets 1.02, 1.03, 1.05.1, 1.05.2, and 2.01 – 2.04.)

- 9. The project site meets the facility's minimum physical site requirements, including projected expansion needs. Site requirements shall be determined by the minimum size of the facility, setbacks, access, support facilities, topography, geology, and on-site mitigation needs.**

Please see the accompanying **Exhibit 5 (II. Justification for Proposal / A. Project Purpose and Need and B. Summary of Alternatives Analysis)**; submitted by Skagit County.

The existing and future needs for jail infrastructure and its associated support facilities has been documented by the County within the above referenced Exhibit. The setbacks, access, and topography for the subject site are illustrated on the site plans that are attached, labeled as **Exhibit 6** (specifically, see Sheets: 1.01, 1.02 and 1.03).

On-site (and off-site) mitigation needs have been determined with the EIS process that was previously completed for the subject site. Please see **Exhibit 10** for a copy of the EIS. A summary of the Environmental Impacts and Mitigation Measures has been provided by the applicant and can be found in **Exhibit 5 (II. Justification for Proposal / D. Environmental, Social, Economic, Financial and Infrastructure Impacts)**.

- 10. The proposal, as conditioned, adequately mitigates significant adverse impacts to life, limb, property, the environment, public health and safety, transportation systems, economic development and other identified impacts.**

Please see the accompanying **Exhibit 5 (II. Justification for Proposal / D. Environmental, Social, Economic, Financial and Infrastructure Impacts)** prepared by the applicant that addresses this criteria.

- 11. The proposal shall not have any probable significant adverse impact on critical areas or resource lands, except for lineal facilities, such as highways, where no feasible alternative exists.**

The subject site is not located on, nor it is abutting, critical areas or resource lands.

- 12. The proposal incorporates specific features to ensure it responds appropriately to the existing or planned character, appearance, quality of development, and physical characteristics of the site and surrounding property.**

Please see the accompanying **Exhibit 5 (II. Justification for Proposal / F. Neighborhood Compatibility and H. Landscaping)** submitted by Skagit County; **Exhibit 6** (Sheets 1.02 to 2.04), and **Exhibit 10**, the EIS materials, that provide this information.

The above-referenced Justification for Proposal (from the County), in part, states, *“The new jail will be an aesthetically-designed single-story structure with a low building height that is partially screened by evergreen vegetation. Several measures will also be implemented into the final jail design to minimize potential impacts of new light and on surrounding viewers and night skies, including hooded outdoor lighting, full cut-off fixtures for outdoor lighting and orientation of outdoor lights away from adjoining land uses. Plant material utilized in the landscape plan will also be located to reduce light and glare”.*

13. Major public facilities which generate substantial traffic should be sited near major transportation corridors.

The subject facility will only be adding 33 new PM peak hour trips to the City’s transportation network. This is a relatively minor addition of trips. Even so, the site is located in close proximity to Interstate-5 with entrance/exit ramps on to and off of I-5 approximately 1.4 miles± to the north of the site and less than a mile (.80 of a mile±) to the south of the site.

Chapters E and F of the DEIS (attached labeled as **Exhibit 10**) provide a great deal of additional traffic related information for the subject site development.

14. The project sponsor has proposed mitigation measures that are consistent with the Uniform Relocation Assistance Act, Chapter 8.26 RCW, Chapter 486-100 WAC as now and hereafter amended when otherwise required by law.

Not applicable to the subject project.

15. The proposal will not be materially detrimental to uses or property in the immediate vicinity.

The proposed jail would be a public use in the midst of commercial, industrial, agricultural, and limited pre-existing, non-conforming residential uses in the vicinity.

Please see the accompanying **Exhibit 5 (II. Justification for Proposal / D. Environmental, Social, Economic, Financial and Infrastructure Impacts)** that elaborates how this development satisfies this criteria.

16. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensures it responds appropriately to the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding property.

The answer to this criteria is similar to criteria number 15 (above); staff notes that the proposed jail would be a public use in the midst of commercial, industrial, agricultural, and limited pre-existing, non-conforming residential uses in the vicinity.

Please see the accompanying **Exhibit 5 (II. Justification for Proposal / D. Environmental, Social, Economic, Financial and Infrastructure Impacts)** that elaborates how this development satisfies this criteria and **Exhibit 6** (Sheets 1.02 to 2.04).

- 17. Parity exists with the uses permitted in the same general area in their freedom from nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards, and similar matters.**

Please see the accompanying **Exhibit 5 (II. Justification for Proposal / D. Environmental, Social, Economic, Financial and Infrastructure Impacts)** that elaborates how this development satisfies this criteria.

The above-referenced Justification for Proposal (from the County), in part, states, *“...the proposed jail facility would not emit odors, air pollutants, vibrations, or create physical hazards. Noise would be similar to other low-impact non-residential uses, the main sources of which would be traffic and building systems. Traffic would increase by approximately 33 vehicles per day, which is a minimal increase compared to current average daily traffic”*.

MASTER PLAN REQUIREMENTS:

MVMC 17.30.090 outlines the requirements for Master Plans that are processed when a development is greater than 10-acres in size in the Public District.

- 1. For staff to review, and for the Hearing Examiner to make a recommendation to the City Council, Master Plan applications are required to include: proposed land use information (land use, densities, site design, adjacent uses, circulation, utility corridors and alignments, wetlands) and a phasing plan the describes the general boundaries of each phase and the expected date that each phase will be developed.**

Staff notes that all of the applicable Master Plan items listed above are also required as part of the CUP for an EPF permit. As such, no additional Master Plan information needed to be submitted by the applicant.

H. STAFF'S SUGGESTED FINDINGS OF FACT & CONCLUSIONS OF LAW:

FINDINGS OF FACT:

1. The applicant requested approval of a Conditional Use Permit (CUP) for an Essential Public Facility for a proposed jail facility. With this application the applicant also seeks approval of a Master Plan consistent with the requirements of Chapter 17.30 MVMC.
2. The City determined that the land use applications filed by the Applicant were technically complete for further processing on July 1, 2014. City staff sought input from other City departments, public agencies and public regarding the submitted materials. In response to this the City received a number of comments from the public and two (2) comments from City staff.
3. The zoning designation of the subject site is Public (P) and its Comprehensive Plan designation is Government Center (GC).
4. The properties surrounding the subject site have the following uses:
 - North:** C-L zoned property developed as a commercial nursery.
 - East:** C-L zoned property that is developed with commercial buildings, parking lots, and a business that sells landscape rock and other associated materials.
 - South:** Suzanne Lane.
 - West:** Old Highway 99 South
5. The entire site is within a 100-year floodplain that has been designated by the Flood Insurance Rate Map (FIRM) and has been designated as Zone A-02.
6. The applicant has submitted conceptual stormwater drainage plans (and narratives), Parking and Landscaping Counts, a Cursory Geotechnical Evaluation Report, and a series of conceptual site plans. The submitted materials, although conceptual in nature, do provide the City with enough information to be able to ascertain that the proposal could satisfy the City's development regulations. City staff notes that there will be changes necessary to the currently submitted site plans to achieve compliance with the mitigation measures identified through the EIS process and the City's development regulations.
7. The hearing of July 29, 2014, was preceded with appropriate notice. The Notice of Application & Public Hearing was issued on July 1, 2014, was sent to those property owners within 300-feet of the project site and parties of record on July 8, 2014, was published on July 8, 2014, and Land Use Change signs (that included a copy of the Notice of Application & Hearing Notice) were posted on the project site on July 2, 2014. A second Notice of Public Hearing was issued on July 15, 2014, was sent to those property owners within 300-feet of the project site and parties of record on July 17, 2014, was published on July 18, 2014

8. The Final EIS that included the subject site development was issued and published on March 3, 2014. An addendum to the FEIS was issued on June 30, 2014. The appeal period for this SEPA process has tolled with no appeals having been filed.
9. The City passed and adopted Ordinance 3629 on April 22, 2014 that re-designated the subject from a zoning and Comprehensive Plan designation of Commercial-Limited Industrial to a zoning designation of Public (P) and a Comprehensive Plan designation of Government Center (GC). Ordinance 3629 was published on April 26, 2014 and became effective (and in full force) on April 20, 2014. No appeals were filed regarding this decision.
10. All persons present at the hearings wishing to speak were heard and all written comments were considered, along with the written report submitted by City staff.

CONCLUSIONS OF LAW

1. The requirements in Chapter 14.05 MVMC have been satisfied for the subject CUP for an EPF and the Master Plan approval required in 17.30 MVMC.
2. The Final EIS issued and published on March 3, 2014 along with the addendum to the FEIS that was issued on June 30, 2014 demonstrate compliance with the SEPA process and Chapter 15.06 MVMC.
3. The City has addressed the review criteria for Type II Essential Public Facilities found in Chapter 17.200 MVMC and the Master Plan requirements found in Chapter 17.30 MVMC. The City indicates that in concept the proposed facility can comply with these criteria; and that when Fill & Grade and Building Permit(s) are submitted following the subject CUP permit approval staff will ensure that changes are made to these plans to ensure compliance with all of the City's development regulations.

I. RECOMMENDATION TO THE HEARING EXAMINER:

That the Conditional Use Permit for an Essential Public Facility and Master Plan approval for the **Skagit County Jail, Project File No. PL14-037** be **APPROVED** based on this Staff Report that contains the above outlined Findings of Fact & Conclusions of Law and Staff's Recommended Conditions of Approval below.

Staff's Recommended Conditions of Approval that shall be completed prior to the final occupancy of the jail facility (unless otherwise specifically noted):

1. The permits that will be submitted to the City for review and approval following the subject permit approval shall comply with all applicable provisions of the Mount Vernon Municipal Code.
2. With the submittal of the first construction related permit for the installation of infrastructure (not the pre-load) or buildings the applicant shall submit a final site plan for City review and approval. The applicant has demonstrated (in concept) that they can, with revisions, comply with the provisions of the MVMC that this development will be subject to. This final site plan shall demonstrate complete compliance with all of applicable development regulations.
3. Within 90-days following the County taking ownership of the subject site they shall complete a Boundary Line Adjustment consistent with Chapter 16.36 MVMC that: 1) results in no split zoned lots of record; 2) results in no property lines running through proposed buildings; 3) results in compliance with the setbacks for the Public District; and 4) results in easements/encumbrances being both extinguished and created for all infrastructure serving the site.
4. If spread footings and pre-loading the site (as suggested in the MTC Report found in the accompanying **Exhibit 5**) are not methods used the applicant shall submit report(s) from qualified professionals that explain why these measures are not necessary and shall stipulate other measures to be used to achieve the outcomes the spread footings and pre-loaded were intended to.
5. Additional site exploration shall be completed to better characterize liquefaction susceptibility.

6. In addition to compliance with Chapter 15.36 MVMC the jail facility shall:
 - a. Install flood proofing and sealing measures to ensure that toxic substances will not be displaced by or released into floodwaters.
 - b. Elevate the jail facility such that it is no less than five (5) feet above the highest grade adjacent to it.
 - c. Submit an Emergency Preparedness Plan identifying procedures to be implemented during a major flood events and County staff at the jail shall be trained in the emergency procedures outlined within this Plan.
 - d. A plaque or reference line shall be installed in the site that shows past and probable flood heights.
 - e. The site construction contractor shall identify a location where heavy equipment can be evacuated to during flood events.
7. Further investigation shall be completed to verify the presence or absence of hydrocarbons, pesticides, or asbestos on the site. Remediation of contamination shall be addressed by the applicant in a plan approved by the Washington State Department of Ecology.
8. During the construction phase of this project the site construction contractor shall prepare for City approval an emergency response plan and spill control and prevention plan to cover their planned operation and maintenance activities.
9. On-site lighting shall comply with the intent of the design guidelines established by the Dark Sky Society and the applicant shall demonstrate that their exterior lighting will not contribute to light pollution by throwing light beyond the property or up into the sky.
 - a. More specifically, at a minimum, the applicant shall: limit fixture heights, install lighting hoods, and direct outdoor lighting away from adjoining properties.
10. Further archaeological review shall be completed due to the initial subsurface trenching being limited in scope.
 - a. If archaeological materials are encountered during construction, an archaeologist, the City, and the County shall be notified and work must be halted until the material can be inspected and assessed.
11. Pedestrian facilities on the project frontage that connect to the existing sidewalks built on the south side of Suzanne Lane shall be constructed.
12. Three-quarter street LOS improvements shall be constructed or demonstrated to be in place along the portion of the site abutting Suzanne Lane.
13. The applicant shall pay traffic impact fees according to the fee schedule that is in effect at building permit issuance.

14. A final parking analysis shall be submitted to the City with the first Fill & Grade (with the exception of a Fill & Grade permit that may be submitted for pre-loading the site) or Building Permit (whichever is submitted first) that provides staff with final, detailed information such that the final parking counts can be ascertained.
15. A Skagit Transit (SKAT) bus stop shall be constructed in very close proximity to the subject site. Skagit County shall coordinate with SKAT to ensure that transit service is available from the subject site at regular intervals (to be approved by the City) to ensure that released inmates are able to board a SKAT bus within a reasonable amount of time following their release.
16. An inmate release plan shall be submitted for City approval before the City Council hearing where a final decision on the subject applications will be made. The requested plan needs to outline rules, policies and procedures that the County shall follow to ensure that released inmates are transported from the site by: 1) someone picking them up; 2) boarding a SKAT bus; or, 3) the County arranging for vehicular transport.

J. NOTES TO THE APPLICANT:

1. When the EIS was completed for this project the traffic impact fee was estimated to be \$60,687.00. In addition, the Transportation Concurrency Review for this project reminds the applicant the required pedestrian facilities along the project frontage to Suzanne Lane and the three-quarter street LOS improvement on Suzanne Lane are not eligible for traffic impact fee credits.
2. As noted throughout this staff report there will be a number of changes needed to the site plans to achieve compliance with the MVMC. In addition to the items listed above as Staff's Suggested Conditions of Approval please note the following:

From the City's Engineering Services Division of the CEDD:

Street Improvements:

- Comply with Traffic Concurrency and analysis determination performed during EIS process by City of Mount Vernon Traffic Consultant.
- The pedestrian connection from the subject site to the pedestrian improvements located on the south side of Suzanne Lane shall meet City of Mount Vernon codes and standards and shall be reviewed and approved by the City.
- Shoulder widening on Old Highway 99 as outlined on the Traffic Concurrency determination has a potential for the need of drainage control such as concrete curb and gutter. This item will be determined during Civil Plan review for the Fill & Grade permit.
- Proposed access onto Old Highway 99 shall be per current City of Mount Vernon standards and shall be reviewed and approved during Civil Plan review.

Utility Access/Maintenance Easements:

- New proposed installation and relocation of existing utilities have the potential of requiring new or expanded maintenance and access easements to the City of Mount Vernon and other utilities companies. The required width of utility and access easements will be determined during civil plan review and will be no less than the required width per City of Mount Vernon Municipal code and Engineering Standards.
- Boundary Line Adjustment (BLA) will be required depending on the Applicant's determination of lot reconfiguration.

Sewer System:

- There are individual and existing sewer stubs off of Suzanne Lane 12" Sewer Main. Sewer stubs for commercial properties are typically 6" in diameter. The project's design Engineer is required to accordingly size the sewer system to serve the proposed development

Storm Drainage and Water Quality:

- Stormwater flow control and water quality was designed and installed with the Western Peterbilt Binding Site Plan and shall meet the 85% threshold of impervious surface coverage and the 15% of pervious coverage. The project's design Engineer shall thoroughly review the drainage analysis to verify the allowed percentages and how these apply to the proposed development.
- Any impervious surface increase outside of the allowed threshold is required to comply with storm water flow control and water quality meeting the 2005 Department of Ecology Stormwater Management Manual for Western Washington.
- The development requires a storm drainage analysis prepared by a licensed civil engineer addressing storm water quantity and quality in accordance with City of Mount Vernon Municipal Code Chapter 13.00 and the 2005 Washington State Department of Ecology Stormwater Management Manual for Western Washington.
- Low Impact Development (LID) facilities designs shall be consistent with guidance found in the Puget Sound Action Team Low Impact Development Technical Guidance Manual for Puget Sound.
- Any proposed storm water infiltration facilities will be required to provide a soil specific evaluation to determine the appropriate type, design and location of such.

Early Grading and Pre-Loading:

- Will require review and approval of a grading and temporary erosion and sediment control plan before any work can commence.
- A Construction Storm water General permit is required per Department of Ecology.

From the City's Fire Department:

- Fire hydrants will likely need to be installed every 300 feet along the road that extends to the north from Suzanne Lane, turns to the west and then connects to Old Highway 99 South.
- Any access road/driveway that a fire truck will use to gain access to the site will require an approved turn around if it is longer than 150 feet. Turn arounds that can be approved include a 90-foot diameter cul-de-sac, a 120-foot hammerhead, or 60-foot 'Y'.
- Minimum road/driveway width is 26 feet in areas where fire hydrants are located.
- The subgrade and paving of all roads/driveways will have to be capable of supporting a fire apparatus load of at least 75,000 pounds.
- Minimum turning radi on the site shall be no less than 28-feet inside/45-feet outside.
- The Fire Department will also need to evaluate the building height, at a later date, to see if aerial apparatus access will be required.
- The Fire Department will have minimum standards for the proposed gates on the site that will be determined at a later date with the final site plan review.
- The removal of underground tanks and potential mitigation of contamination on the site will require permit(s) from the City's Fire Department.

From the Planning Division at the CEDD:

Parking:

- All off-street parking is required to be located within 300 feet of a building entrance, measured along a normal pedestrian route.
- The minimum size of parking spaces is determined by the parking angle. The applicant's current site plan shows this parking all at 90-degrees; so the minimum parking stalls will be 9 feet in width by 19 feet in length. These dimensions will change should the parking angle be modified. Please see 17.84.060 MVMV for these requirements along with minimum drive aisle widths that will be required in areas that Fire access is not required (the Fire Department standards supersede the drive aisle widths found in this table).
- ADA requirements shall be satisfied consistent with Chapter 19.27 RCW and WAC Title 51.
- Off-street loading areas shall be designed to be of an adequate size for accommodating the maximum number and size of vehicles simultaneously loaded or unloaded in connections with the facility. Please note that no part of a truck or van using the loading space is allowed to project into the public street, see Chapter 17.84.120 MVMC.

Landscape:

- No less than a 10-foot wide landscaping strip shall be required next to both Old Highway 99 and Suzanne Lane. Within this strip City approved minimum 2-inch caliper street trees shall be installed on 30-foot centers (on average). No less than sixty percent (60%) of this 10-foot wide strip shall be covered within two (2) years with shrubs that shall be no less than 2-gallon size when installed. No less than forty percent (40%) of the 10-foot wide strip not covered with street trees or shrubs shall have groundcover installed that shall be a minimum of 1-gallon in size.
- The final site plan shall demonstrate that trees are not closer than one (1)-foot from any permanent hard surface paving or walkway.
- Street trees installed near roads shall have their branches/foilage five (5) feet or more above adjacent grade and shrubs shall not exceed 36-inches in height. Particular attention shall be paid to ensure that sight obstructions are not created at street, parking lot, or driveway locations.
- There shall be a minimum clearance of three (3) feet around fire hydrants and Fire Department connections for sprinklers and standpipes on the site.
- No less than fifteen percent (15%) of the gross site area shall be landscaped. Of this overall amount of landscaping no less than ten percent (10%) of it shall be located in parking areas on the site that have 20 or more spaces.
- Landscaping in parking areas shall be located between parking stalls or the end of parking columns and shall have a minimum average width of 10 feet and shall be the same length as the parking stall or column. In addition to the street trees required along the site frontage, no less than one (1) tree for each 150 square feet of required parking lot landscaping shall be installed.

From the Solid Waste Division of Public Works:

- The garbage and recycling compactors will need to be moved to eliminate access issues the current configuration creates for the City's Solid Waste Department.
- All compactor gate enclosure openings need to be no less the 12 feet in width, especially when the gates are open. All gates must be secured with cain bolts when opened to keep the gates from hitting the sides of a truck when servicing the compactors.

3. The approvals sought by the applicant require that the City's Hearing Examiner make a recommendation, at an open record public hearing that will be forwarded to the City Council, who will make a final decision at a closed record public hearing. The written recommendation for this project will be issued by the Hearing Examiner within 14 days after the date the record closes. The Hearing Examiner shall reconsider his/her recommendation if a written request is properly filed by the applicant or a party of record within 10 days of the date of the initial recommendation. A party wishing to file a request for reconsideration of the Hearing Examiner's recommendation shall follow the process outlined within MVMC 14.05.110(H)(4). A copy of this portion of the MVMC can be obtained by contacting the Community & Economic Development Department; or it can be downloaded on the City's web site at: <http://www.mountvernonwa.gov>

TRANSMITTED to the applicant and the Hearing Examiner on **July 23, 2014**.