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CITY OF EDMONDS

121 5th Avenue North, Edmonds WA 98020

Phone: 425.771.0220 • Fax: 425.771.0221 • Web: www.edmondswa.gov

DEVELOPMENT SERVICES DEPARTMENT • PLANNING DIVISION

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BEFORE THE HEARING EXAMINER FOR THE CITY OF EDMONDS

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Phil Olbrechts, Hearing Examiner

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RE: Cascadia Art Museum

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND FINAL DECISION**

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Conditional Use Permit

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PLN20140074

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INTRODUCTION

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The applicant has applied for a conditional use permit to locate a museum, Cascadia Art Museum, in an existing building located at 190 Sunset Ave. The application is approved with conditions.

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TESTIMONY

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Jen Machuga, Edmonds planner, summarized the proposal. The applicant was present to answer questions. There was no public comment on the proposal.

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EXHIBITS

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The staff report and attachments 1-12 identified at page 7 of the staff report were admitted at hearing as Exhibit 1.

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FINDINGS OF FACT

Procedural:

1. Applicant. Salish Crossing, LLC.
2. Owner. Salish Crossing, LLC.
3. Hearing. The Hearing Examiner conducted a hearing on the subject application on February 12, 2015 at 4:30 pm in the Council Chambers of the Edmonds Public Safety Complex.

Substantive:

3. Site and Proposal Description. The applicant has applied for a conditional use permit to locate a museum, Cascadia Art Museum, in an existing building located at 190 Sunset Ave. The building is located on a 4.3 acre property. The museum will occupy approximately 8,700 square feet of the existing 22,000 square foot building. The majority of the 8,700 square foot space will be dedicated to six art galleries and one multi-purpose room. The remainder of the space will include storage areas for artwork, shipping and receiving room, lounge and lavatory for volunteers and employees, two offices and a small gift shop and reception area. The anticipated opening times are between Thursday through Sunday from 10 a.m. to possibly 7 p.m. however hours could vary slightly depending on the exhibits and other events occurring at the museum.

The existing building on the site is currently vacant; however, it was originally constructed for a grocery store and more recently an antique mall occupied the space. According to Snohomish County Assessor's records, the existing building was constructed in 1966. The subject site is relatively level and contains existing landscaping typical of commercial development. The majority of the site is covered by the existing building and pavement for the parking and access drives.

4. Characteristics of the Area. Properties to the south of the subject site are within the General Commercial (CG) zone and include office buildings. To the north the properties area zoned BC and Commercial Waterfront (CW). Uses include retail commercial and professional offices. Immediately west of the project site are rail lines with properties zoned CW west of the rail lines. These properties are developed with a mix of uses including retail businesses, professional offices and residential apartments. East of the project site, across Sunset Avenue, are the lanes for cars waiting for the ferry with residential apartments just east of the lanes. These properties are zoned Downtown Mixed Commercial (BD2) and Downtown Mixed Residential (BD4).

1 5. Adverse Impacts of Proposed Use. There are no significant adverse
2 associated with the proposal. This is to be expected since the use will be in an
3 existing building with nominal exterior alterations and the closest residential uses are
4 separated from the proposal by the ferry lanes to the Edmonds ferry dock. The
5 nominal exterior alterations depicted in project drawings, Ex. 7, will be reviewed
6 against consistency with the City's design regulations during building permit review.
7 There are no critical areas on site. As discussed in the staff report, the project site
8 contains enough parking to meet current parking standards. The City's engineering
9 department has reviewed the proposal against the City's engineering standards and
10 found no need for any transportation improvements.

CONCLUSIONS OF LAW

Procedural:

9 1. Authority of Hearing Examiner. ECDC 20.01.003 provides that the
10 Hearing Examiner will hold a hearing and issue a final decision on conditional use
11 permit applications. ECDC 20.01.002(B) requires consolidation of design review
12 permits with the hearing examiner review of the conditional use permits.

Substantive:

13 2. Zoning Designations. The subject property is zoned Community Business
14 (BC).

15 3. Permit Review Criteria. A conditional use permit is required for the
16 proposed museum because ECDC 16.50.010(C)(12) requires a conditional use permit
17 for museums in the BC zone. The criteria for a conditional use permit are governed
18 by ECDC 20.050.010. All applicable criteria are quoted below and applied through
19 corresponding conclusions of law.

20 **ECDC 20.050.010:** *No conditional use permit may be approved unless all of the
21 findings in this section can be made.*

22 A. *That the proposal is consistent with the comprehensive plan.*

23 4. The proposal is consistent with the Comprehensive Plan. The staff report
24 analysis of the comprehensive plan, located at Section IX, is adopted and incorporated
25 by this reference as if set forth in full.

ECDC 20.05.010(B): *Zoning Ordinance. That the proposed use, and its location, is
consistent with the purposes of the zoning ordinance and the purposes of the zone
district in which the use is to be located, and that the proposed use will meet all
applicable requirements of the zoning ordinance.*

1 5. The staff report analysis of Zoning Ordinance compliance, located at
2 Section X, is adopted and incorporated by this reference as if set forth in full.

3 **ECDC 20.05.010(C):** *Not Detrimental. That the use, as approved or conditionally*
4 *approved, will not be significantly detrimental to the public health, safety and welfare,*
5 *and to nearby private property or improvements unless the use is a public necessity.*

6 6. As discussed in Finding of Fact No. 5, there are no significant adverse
7 impacts associated with the project. As a consequence, the proposal will not be
8 significantly detrimental to the public health, safety and welfare or to nearby
9 properties or improvements.

10 **ECDC 20.05.010(D):** *Transferability. The hearing examiner shall determine whether*
11 *the conditional use permit shall run with the land or shall be personal. If it runs with*
12 *the land and the hearing examiner finds it in the public interest, the hearing examiner*
13 *may require that it be recorded in the form of a covenant with the Snohomish County*
14 *auditor. The hearing examiner may also determine whether the conditional use permit*
15 *may or may not be used by a subsequent user of the same property.*

16 7. The conditional use permit shall run with the land, but has to maintain the
17 proposed design and use or a use of similar or less impact. "Similar or less impact"
18 shall be assessed, at the least, in terms of traffic, noise, odor, vibration, parking
19 demand and light pollution.

20 DECISION

21 The conditional use permit is approved, subject to the following conditions:

- 22 1. The permit shall run with the land and shall be transferable to other future ownership
23 at the property for a museum or use of similar or less impact.
- 24 2. The applicant shall obtain all necessary building permit approvals and inspections
25 prior to opening the art museum.
1. This application is subject to the applicable requirements contained in the Edmonds
Community Development Code (ECDC) and it is the responsibility of the applicant
to ensure compliance with the various provisions contained in these ordinances.

Dated this 28th day of February 2015.


Phil A. Olbrechts

City of Edmonds Hearing Examiner

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Appeal Right and Valuation Notices

This land use decision is final and subject to closed record appeal to the City Council as authorized by ECDC 20.01.003. Appeals must be filed within 14 days of the issuance of this decision as required by ECDC 20.07.004(B). Reconsideration may be requested within 10 calendar days of issuance of this decision as required by ECDC 20.06.010.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.