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MEMO:

To: Sedro-Woolley Hearing Examiner

From: Jack Moore, 
Planning Director/ Building Official

Date: December 2, 2011

Subject: CUP-1-11 – Addendum to Staff Report – Renting Indoor Space for Hydroponic Growing of Medical Marijuana

Staff prepared a Transmittal & Report Memorandum (Staff Report) for the Hearing Examiner and made it available to the public on November 23, 2011. On November 30, after reviewing the Staff Report, the applicant – Tom Swett – submitted two supplemental documents. The first is titled *Supplemental Clarification Memo* and is attached hereto as Exhibit F to the Staff Report.

The applicant's *Supplemental Clarification Memo* includes a reference to an Exhibit A – a flyer showing the types of filters that are currently used at the facility – however that exhibit was not submitted to the Planning Department. The second document (Exhibit G of Staff Report) includes revised answers to the questions on page 2 of the CUP application form.

These supplemental documents effectively alter the applicant's Conditional Use Permit request. This memo is to help clarify to the Hearing Examiner and the interested public the request as modified by the applicant.

The revised application is a modification of two previously approved CUPs and proposes 15 traditional self-storage units as well as hydroponic garden units for 40 customers, reduced from 90 garden units proposed in the original application. This greatly reduces the number of traffic trips compared to what was previously approved under CUP #2569 as demonstrated in the applicant's *Supplemental Clarification Memo*.

The revised application materials do not mention outdoor storage for RVs and trailers. The first CUP allowed up to 11 RVs or trailers to be stored outdoors, the second CUP reduced that amount but did not state how much of a reduction.

REVISED RECOMMENDED CONDITIONS

After reviewing the applicant's revised proposal clarifying the existing mitigation measures in place and significantly reducing the number of daily traffic trips, the Planning Department recommends the following conditions if the Hearing Examiner approves the proposal:

1. All lighting shall be positioned downward and shielded from directly illuminating neighboring properties;
2. The business hours shall be limited to 7:00AM to 8:00PM;

3. Signs are limited to a combined total of 20 square feet;
4. Applicant shall submit a landscaping plan that includes landscaping at the entrance to the facility. The plan must be approved by the Planning Department and the landscaping shall be installed within 3 months of CUP approval;
5. Limit the outdoor storage of RVs and trailers to a maximum of 8 units.
6. The public comment period ended after the staff report was compiled, so complete public comment was not available to staff to help address the public concerns and possible impacts of the use. Staff asks that the Hearing Examiner add necessary conditions based on the written public comments received and oral testimony at the December 2, 2011 hearing.

Supplemental Clarification Memo

The proposal is for the modification of an existing Conditional Use Permit for A-1 storage (CUP #2569). That permit was a modification of the original Conditional Use Permit (CUP #172). The purpose of this narrative is to provide clarification and answer questions raised by the City regarding the application.

Only one of the two existing storage buildings has been converted for the indoor gardening purposes (The large building along the northern property line as shown on the site plan). The remaining building would continue to house eleven conventional storage units. In addition to the 11 traditional storage units in the separate building, there are 4 traditional units that have not been converted to allow for indoor gardening that can be rented for traditional storage purposes. This brings the total traditional units to 15. The converted building would allow for up to 40 renters to use the growing facilities. This would result in a total of 55 renters—a significant reduction from the 130 units previously approved.

The property is roughly 24,000 square feet in size. If it were to be subdivided it could accommodate two single family homes and the impacts associated with them. The discussion that follows provides clarification regarding the issues that the Planning Department Staff have indicated are most significant.

Traffic

The primary difference between the proposal and the approved CUP is the number of trips that would be generated and the type of trip. It is anticipated that the 40 renters would generate up to 13 trips per day and the 15 traditional units would generate another 4 trips per day for a total of 17 daily trips. The previously submitted narrative incorrectly stated that the trips from the 130 units to be 4 per day. In actuality, the number of trips from the 130 storage units is 36 trips per day. This number was calculated using the ITE Trip Generation Manual (Land Use type Mini-Warehouse (151)) which indicates that on a weekday it can be anticipated that each storage unit will generate 0.28 trips ($0.28 \times 130 = 36.4$). The anticipated 17 daily trips is significantly fewer than the 36 trips approved under the CUP and in fact would be fewer than the number of trips that would be generated if the property were developed as 2 single family homes (each single family home generates roughly 10 trips per day for a total of 20 trips). In addition the trips would not be the large moving trucks and trailers that would typically be associated with storage units (with the exception of the 15 conventional storage units—a significant reduction from the approved 130 units) but would be personal vehicles.

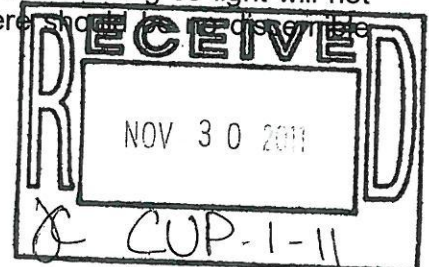
Noise

The primary source of noise from the indoor storage activities would be the noise of the vehicles coming to and from the site. As discussed previously the number of trips is fewer than approved in the earlier CUP so would be a reduction in the anticipated impacts from the modification. Gardening activities would occur inside of the buildings while the traditional storage unit model includes the noise associated with moving items from a truck/trailer located outside of the units in to them. Overall the noise associated with indoor gardening is less than that associated with traditional storage.

Lighting

Each gardening set up is enclosed and they are further enclosed in a building so light will not escape. No changes are proposed to the exterior lighting so there should be no difference from the approved and existing storage use.

EXHIBIT F



Odor

The gardening facilities include filtration systems to ensure that any odors are mitigated. We have attached a copy of a flyer showing the types of filters that are currently in use at the facility (Exhibit A).

Security

The security of the entire facility has been increased to discourage vandals and theft. The fencing around the facility has been upgraded and alarms have been installed. Evergreen Security Company has been retained to provide security services for the property.

Legal Issues

The City Staff has indicated that "the CUP application is not being judged on that facet". However, the applicant has been in close contact with local, state and federal law enforcement regarding the facility.

In reviewing a conditional use permit request, the Hearing Examiner must consider the following criteria specified in Section 17.56.060 of the Sedro-Woolley Zoning Ordinance. Use extra sheets if needed.

1.

How does the proposed use conform with the Comprehensive Plan for the City of Sedro-Woolley? The proposal is a modification to an existing Conditional Use permit. The original permit was issued in 2002 for a total of 58 units (CUP-1-02) and was modified in 2005 to allow 130 units (CUP #2569). The current proposal would modify the existing CUP to allow for a significant number of the traditional storage units to be converted to indoor gardening facilities. The net effect of the proposal is to reduce the number of units to 15 traditional storage units and 40 tenants utilizing the indoor gardening facilities. The indoor gardening facilities are similar to the storage use in that the owner leases space to garden instead of store household items or other "excess stuff" that the renter may have. Since the use is substantially similar to the approved CUP and since the CUP was previously found to be in conformance with the Comprehensive Plan for Sedro-Woolley then the modification is then also in conformance with the Comprehensive Plan.

2.

Is the proposed use compatible with the surrounding area, this is, causes no unreasonable adverse impacts on other properties in the immediate vicinity? (If yes, please explain how the use is compatible. If no, explain how any impacts might be mitigated). For well over 20 years the site has been used for storage purposes of one kind or another. For the last 9 years the current owner has had a CUP for to operate a storage unit—first for 58 units and then for 130 units. All of these uses were not only compatible with the surrounding area but have been in use long enough that they in fact are part of what defines the character of the area. The proposal is a less intensive use than the previously approved CUP for 130 traditional storage units. As proposed the 15 traditional storage units and 40 indoor gardening tenants would be compatible with the area as has the approve storage unit and the storage use that has been occurring on the property for more than 20 years.

3.

Is the proposed development or use well planned in all respects so as to be an asset to the community? The proposed modification is the continuance of an existing storage use of the property. The indoor gardening would result in more frequent trips by the renters of the space than traditional storage units however they would arrive at the site in personal vehicles not have rental trucks or trailers. In addition the fewer overall renters would result in fewer overall trips. The hours of operation would not change. No changes would be made to the exterior of the site so it would not look different than it currently looks. Since the previously approved CUPs met the requirement for being well planned and an asset to the community and since this modification request primarily impacts the interior of the buildings and reduces the number of renters, it too meets the criterion.

4.

Other applications or variances being applied for as part of project: Not applicable.

EXHIBIT *G*

