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UNOFFICIAL SKAGIT COUNTY DOCUMENT



199907260008

Kathy Hill, Skagit County Auditor

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AFTER RECORDING RETURN TO:
SKAGIT COUNTY HEARING EXAMINER
302 SOUTH FIRST STREET
MOUNT VERNON, WA 98273

DOCUMENT TITLE: ORDER ON SPECIAL USE PERMIT SP 98 0427

GRANTOR(S): SKAGIT COUNTY HEARING EXAMINER

GRANTEE: TODD and PAMELA MCCORMACK

ASSESSOR PARCEL NO: P19747

ABBREVIATED LEGAL DESCRIPTION: located at 9094 Stevenson Road, Anacortes, WA;
within the SW 1/4 of Section 3, Township 34 North, Range 2 East, W.M., Skagit County,
Washington.

SKAGIT COUNTY HEARING EXAMINER
STATE OF WASHINGTON

In the matter of:)	
Application No. SP 98 0427)	Findings of Fact, Conclusions of Law,
Of TODD and PAMELA MCCORMACK)	Decision and Entry of Order
for a Special Use Permit for:)	No. SP 98 0427
an auto body repair shop in a separate building)	
_____)	

THIS MATTER having come regularly before the Skagit County Hearing Examiner for a Public Hearing under an application filed with the Skagit County Planning and Permit Center on behalf of the Applicant requesting a Special Use Permit as described in the attached Report and Findings of that Department and located at 9094 Stevenson Road, Anacortes, WA; within the SW ¼ of Section 3, Township 34 North, Range 2 East, W.M., Skagit County, Washington;

Assessor Account No: 340203-3-016-0001; P19747

And, notice having been given to all property owners within 300 feet of said property and all matters in the file having been considered together with the testimony, evidence, and exhibits in open hearing and made a part of the record in this matter; the Hearing Examiner makes the following findings of fact:

FINDINGS OF FACT

1. July 14, 1999 was fixed as the date of the public hearing and the Hearing Examiner held a public hearing on that date.
2. All persons present at the Public Hearing were given an opportunity to present evidence and testimony, and all correspondence received was made a part of the record.
3. The Planning and Permit Center issued a Staff Report and Findings. The Hearing Examiner adopts Findings no. one (1) through ten (10) as presented in that report.

CONCLUSIONS

1. The Hearing Examiner has determined that this application meets the following criteria as required by Section 14.04.150(3)(d) of the Skagit County Code:
 1. Conformity to (or compatibility with) the Comprehensive Plan in respect to the compatibility with existing and future land use and circulation;
 2. The zoning of subject property and surrounding properties and the conformance of the application with the zoning ordinance.
 3. Automobile or truck traffic and parking and its effect on surrounding community;
 4. Noise, odors, heat, vibration, air and water pollution potential of the proposed t



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5. Intrusion of privacy;
 6. Design of the site and structures as to possible effects on the neighborhood;
 7. In addition to possible effects on the neighborhood in which the use is to located, the potential effects on the region shall be considered.
 8. Potential effects regarding the general public health, safety, and general welfare.
2. The Hearing Examiner also concludes that, as required by Section 14.04.150 (3)(e) of the Skagit County Code,

The project, with the appropriate conditions and/or modifications and/or restrictions (if applicable and necessary are listed as conditions of approval below) would be compatible with the environment and would carry out the objectives of the comprehensive plan, the zoning ordinance, and other plans, codes, and ordinances of Skagit County.

DECISION/ORDER

The Hearing Examiner hereby **APPROVES** the application for a Special Use Permit, subject to the following conditions:

1. The applicant shall obtain all applicable local, state and federal permits prior to the continuation of the business.
2. The applicant shall comply with all conditions of the MDNS.
3. Handling of chemicals and work activities around auto body repair shall be conducted in a manner which precludes impacts on the air, groundwater and surface water. Chemicals shall be stored in a manner that protects the integrity of the containers and protects from release of chemicals (i.e. covered, contained, protected from weather). The applicant shall comply with the handling, storage and disposal requirements contained in WAC 173-303, Dangerous Waste Regulations, and Skagit County Code 12.16, Solid Waste Handling and Facilities. Waste chemicals and solid waste shall be disposed of at a licensed solid waste facility or the moderate risk waste facility. The facility shall comply with WAC 173-303.
4. Any car on site for more than one week shall be kept in a fenced storage area, out of sight of the street, behind the shop.
5. All outside storage areas shall be fenced and landscaped with Type I landscaping per SCC 14.04.160(3)(a).
6. Days and hours of operation shall be limited to Monday through Saturday, 8:00 a.m. to 5:00 p.m.
7. The permit shall be void if the project is not started within two (2) years of the date of this order or if abandoned for a period of one (1) year.
8. Approval to Construct from the Northwest Air Pollution Authority shall be obtained prior to continuation of operation.
9. All sanding of paints and other restorative materials shall occur in the designated shop area. Such materials are to be contained and disposed of properly. A release of such materials into the environment is to be minimized.
10. Any change to the proposed hours of operation or use of additional space within the building shall require approval of the Hearing Examiner.



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11. The Skagit County Planning and Permit Center shall be notified within 30 days of any change in ownership.
12. Prior to the start of operations, documentation shall be provided to the Skagit County Planning and Permit Center confirming connection to or availability of water from Public Utility District #1 for this parcel.
13. Prior to start of operation, all planning review fees shall be paid in full.

This decision shall become final unless Reconsideration is requested in accordance with SCC§ 14.01.057 or Appeal is made to the Skagit County Board of Commissioners in accordance with SCC§ 14.01.061.

SKAGIT COUNTY HEARING EXAMINER


BRADFORD E. FURLONG, PRO TEM

Date of Action: 7/22/99

Copies Transmitted to Applicant: 7/22/99

Attachment: Staff Report and Findings



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SKAGIT COUNTY PLANNING & PERMIT CENTER

FINDINGS OF FACT

HEARING AUTHORITY: SKAGIT COUNTY HEARING EXAMINER
HEARING DATE: July 14, 1999
APPLICATION NUMBER: P198-0427
APPLICANT: Todd & Pamela McCormack
ADDRESS: 9078 Stevenson Road
Anacortes, WA 98221

PROJECT LOCATION: The property is located at 9094 Stevenson Road, Anacortes, WA; within a portion of the SW ¼ Section 03, Township 34 North, Range 02 East, W.M. Skagit County, Washington.

PROJECT DESCRIPTION: Special Use request PL98-0427 to allow for an auto body repair shop. The shop will be located in an existing separate shop building located at the east end of the subject property.

ASSESSOR'S ACCOUNT NUMBER: 340203-3-016-0001
P# Number: 19747

ZONING: Industrial
COMPREHENSIVE PLAN: Rural Reserve

RECOMMENDATION: The Planning & Permit Center recommends approval of the application for a Special Use permit, subject to conditions and modifications.

EXHIBITS:

1. Application dated December 2, 1998
2. Environmental Checklist
3. Site Plan
4. Assessor Map
5. Staff Photos
6. Letter of incompleteness dated December 23, 1998
7. Letter of completeness dated April 7, 1999
8. Mitigated Determination of Nonsignificance dated May 4, 1999



STAFF FINDINGS:

1. The subject property is zoned Industrial and the Comprehensive Plan designates the area as Rural Reserve.
- 2.
3. Per Section 14.01.033 of the Skagit County Code, a letter of incompleteness was issued on December 23, 1998. The applicant submitted the requested information on March 3, 1999. The application was then routed for comments and a letter of completeness was issued on April 7, 1999. A Notice of Development Application was posted on the subject property and published in a newspaper of general circulation on April 15, 1999 as required by Section 14.01.040(2) of the Skagit County Code.
4. The application has been reviewed in accordance with the State Environmental Policy Act guidelines (WAC 197-11 and RCW 43.21C). A Mitigated Determination of Nonsignificance (MDNS) was issued on May 4, 1999, becoming effective following the fifteen-day comment period and 15 day appeal period ending June 7, 1999. The following conditions were attached:
 1. *The applicant shall comply with Northwest Air Pollution Authority requirements.*
 2. *The applicant shall comply with SCC 14.04.180 Performance Standards.*
 3. *Noise levels generated from the operation of the business must comply with WAC Chapter 173-60. The shop needs to have adequate ventilation so that the doors and windows can be kept closed during the operation of noisy equipment and hand tools.*
 4. *Parking spaces and a complete turn around area on-site shall be provided.*
 5. *All sanding of paints and other restorative materials shall occur in the designated shop area. Such materials are to be contained and disposed of properly. A release of such materials to the environment is to be minimized.*
 6. *The applicant shall comply with the standards of Model Toxics Control Act Cleanup Regulations (WAC 173-340).*
4. The subject application has been reviewed with respect to the Skagit County Critical Areas Ordinance Chapter 14.06 of the Skagit County Code. Staff conducted a field visit on March 15, 1999 and determined that no critical area existed on site. Checklist review and site visit fees are due.
5. The subject property is not located in a Flood Hazard Zone and is not adjacent to a designated natural resource land.
6. The subject property is approximately .82 acres in size and is located on the south side of Stevenson Road. The property



measures approximately 264 feet long by 135 feet wide and lies in an east/west configuration. The subject property has an existing residence and a detached 34 feet x 24 feet garage located on the west half of the subject property. The applicant lives in the residence. The existing shop building for the proposed business is located on the east end of the property. The subject property is relatively flat and is surrounded by trees and vegetation. The property is served by individual septic system and by PUD water.

7. The applicant is requesting a Special Use Permit to utilize an existing accessory building for an auto body repair shop. The applicant is proposing to do auto body and spot repairs, custom pinstripping, installing running boards, selling and installing bug guards, selling and replacing windshields and auto glass. In addition, he plans to offer minor tune-ups, sanding and buffing paint jobs, complete detailing, and installing car stereos.
8. The existing shop is approximately 2520 sq. ft. in size and is irregular in shape. The building is located (at its closest point) approximately 42 feet from the front property line—Stevenson Road, approximately 2 feet from the side (east) property line, approximately 25 feet from the rear and approximately 210 feet to the west side property line. The area in front of the shop building has been asphalt. The existing residence and detached garage are approximately 100 feet west of the shop building and is served by a separate driveway. There is a row of evergreen trees providing a buffer between the shop area and the residential area.
9. The application was routed to the various county departments for review and comments. Their comments are as follows: **Public Works**—no comments, **Septic**—no comments, **Corey Schmidt Building Official**—A change of use permit for this project will require a new permit application and complete construction & operations plans. The previous permit was for a private garage where no repair work is allowed. The proposed use changes the use characteristics dramatically. **Ron Palmer, Environmental Health**— (a) A letter or other documentation (billing or etc) is needed confirming connection to or the availability of water by Public Utility District #1. (b) Noise levels must comply with Chapter 173-60 WAC. The shop needs to have adequate ventilation so that the doors and windows can be kept closed during the operation of noisy equipment and use of noisy hand tools (e.g. hammers, grinders, sanders and etc.). The majority of noise complaints from similar operations come during the summer months when doors and windows are left open to provide relief from the heat. (c) Cleaning solvent, caustics and other chemicals must not be used in a manner that would allow them to get into the on-site sewage disposal system. **Dan Cain, Fire Marshall**, --the Special Use Permit must be followed by a building permit application showing



compliance for the change of use. **Britt Pfaff, Health Department,**--The applicant shall comply with the handling, storage and disposal requirements contained in WAC 173-303, Dangerous Waste Regulations and Skagit County Code 12.16. Solid Waste Handling and Facilities

10. Section 14.04.150 (3)(d) Unclassified Special Uses of the Skagit County Code indicates that certain items will be reviewed when approving or denying Special Use Permits. Those items are as follows:

A. Conformity to the Comprehensive Plan in respect to the compatibility with existing and future land use and circulation.

Chapter 12 Economic Development Element of the Comprehensive Plans has several goals, objectives, and policies that support the proposed project. Goal A--Create and maintain diverse employment opportunities that meet the changing income needs of Skagit County residents. **Objective 1: A-1** Facilitate the creation and retention of family wage jobs to meet the needs and demands of Skagit County households. **A-2** Encourage diverse job options and entrepreneurial opportunities for persons interested in full-time and part-time employment or desiring to own their own business. **Policies--1.1** Business investments that provide economic and employment opportunities to meet the employment needs of all county residents should actively be encourage. **1.3** Home occupations that are consistent with the character of adjoining properties and neighborhoods will be accommodated. **2.6** Land shall be designated as industrial so as to accommodate a mix of business, light and heavy industry, and public and private owners consistent with market requirements and trends.

B. The zoning of subject property and surrounding properties and the conformance of the application with the Zoning Ordinance.

The zoning of the subject property is Industrial does not allow the proposed project as an outright permitted use. Nor does SCC Section 14.04.150(f) Unclassified Special Uses, Industrial provide a clear category of Special Use to properly classify the project. Therefore, the Department has determined that the project is similar an auto wrecking/junk yard activity that is allowed as a Special Use. The Planning Department recognizes that the Special Use Permit process will allow for adequate review and public participation. The application is then evaluated for compliance with above referenced criteria as well as impacts in regard to traffic, noise, and possible effects on the neighborhood and area in which the potential operation is proposed.

Thus the application is in compliance with the Skagit County Zoning ordinance.



C. Automobile or truck traffic and parking and its effect on surrounding community.

The applicant has indicated that, if the Special Use were approved that there will be no other employees. Vehicles to be worked on will arrive either by individual delivery or by the applicant himself. According to the applicant, the majority of the work he does comes from car lots. He anticipates no more than 4 or 5 vehicles on site at one time. The area in front of the shop has been paved and parking is available for up to 15 cars. The applicant anticipates keeping the vehicles he is working on inside the shop. The subject property is located on Stevenson Road, a County road. The applicant anticipates a total of 5 to 15 vehicles may be coming to the site per day. This area is zoned Industrial which in nature can have more traffic than found in a residential zoned area. It would appear that any increase in traffic would have a minimal effect on the area.

D. Noise, odors, heat, vibration, air and water pollution potential of the proposed use.

If the Special Use Permit is approved, there will be minimal pollution potential in regard to noise, odors, heat, vibration, air and water from the proposed project. Any noise, odors, or heat generated from the proposed project will be kept to a minimum. In regards to air pollution, the applicant will use a paint arrester. There is an existing 3400-cfm explosion proof fan in the paint room. The paint room is 20 ft. x 26 ft. with filters. The applicant has contact Northwest Air Pollution and will need to make the following changes to meet their code. a) an exhaust stack through the roof at least six (6) feet above the roof line. b) purchase and install a functional pressure differential gauge in the paint room to show the static pressure drop in the particulate filters.

E. Intrusion of privacy.

The intrusion of privacy as a result of the proposed project will be minimal. Any intrusion would result from the additional traffic to and from the site. The site is approximately .82 acres in size, with a private drive accessing off Stevenson Road. Evergreen trees surround the property. Currently, the properties to the east and north of the proposed shop are vacant.

The applicant has indicated that if the Special Use Permit is approved, normal business hours would be Monday-Friday 8 a.m. - 5 p.m. Due to the nature of the business, there could be an occasional vehicle that is brought to the site. With typical business hours, the operation would not intrude on the privacy of adjacent property owners during the weekend.



F. Design of site and structures as to possible effects on the neighborhood.

The subject property is approximately .82 acres in size and is located on the south side of Stevenson Road. The property measures approximately 264 feet long by 135 feet wide and lies in an east/west configuration. The applicant lives in the existing residence located on the west half of the subject property. The existing shop building for the proposed business is located on the east end of the property. The existing shop is approximately 2520 sq. ft. in size and is irregular in shape. The building is located (at its closest point) approximately 42 feet from the front property line—Stevenson Road, approximately 2 feet from the side (east) property line, approximately 25 feet from the rear and approximately 210 feet to the west side property line. The area in front of the shop building has been asphalt. The existing residence and detached garage are approximately 100 feet west of the shop building and is served by a separate driveway. There is a row of evergreen trees providing a buffer between the shop area and the residential area. There are evergreen trees and vegetation along the perimeter of his property to provide screening so as not to infringe on the neighboring properties. This should mitigate the potential for intrusion onto the adjoining property.

G. In addition to possible effects on the neighborhood in which the use is to be located, the potential effects on the region shall be considered.

The subject property is located in an area zoned Industrial. As sited above there should be minimal effect on the region as a result of the design of the proposal.

H. Potential effects regarding the general public health, safety, and general welfare.

Any potential effects on the general public health, safety and general welfare should be minimal as a result of the proposed project. The applicant is taking measures to be in total compliance with all local, state and federal requirements.

RECOMMENDATION:

The Skagit County Planning & Permit Center recommends approval of the application for a Special Use permit, subject to the conditions and modifications listed below:

1. The applicant shall obtain all applicable local, state, and federal permits prior to the continuation of the business. (i.e. occupancy rating-building permits, state business license, etc.).



2. The applicant shall comply with all conditions of the MDNS.
3. The applicant shall comply with the handling, storage and disposal requirements contained in WAC 173-303, Dangerous Waste Regulations and Skagit County Code 12.16, Solid Waste Handling and Facilities.
4. All cars to be on site for one week or more shall be kept in a storage area.
5. All outside storage areas shall be fenced and landscaped with Type I landscaping per SCC 14.04.160(3)(a).
6. Days and hours of operation shall be limited to Monday through Friday 8 a.m. to 5 p.m. On occasion, a vehicle maybe "dropped off" during off-hours.
7. The permit shall be void if not started within (2) two years of the date of this order and if abandoned for a period of 1 (one) year
8. Approval to Construct from the Northwest Air Pollution Authority must be obtain prior to the continuation of operation.
9. All sanding of paints and other restorative materials shall occur in the designated shop area. Such materials are to be contained and disposed of properly. A release of such materials to the environment is to be minimized.
10. Chemicals shall be stored in a manner that protects the integrity of the containers and protects from release of chemicals (i.e. covered, contained, protected from weather). Waste chemicals and solid waste must be disposed of at a licensed solid waste facility or the moderate risk waste facility. The facility must comply with WAC 173-303.
11. Handling of chemicals and work activities around auto body repair is to be conducted in a manner that will preclude impacts on the air, groundwater, and surface water.
12. Any major change to the proposed hours of operation or use of additional space within the building shall require approval of the Hearing Examiner.
13. The County Planning and Permit Center shall be notified within 30 days after any change in ownership of the parcel.
14. Prior to the start of operations a letter or other documentation (billing or etc) is needed confirming connection to or the availability of water by Public Utility District #1.



15. Prior to the start of operations all planning review fees need to be paid in full.

Prepared by: MS

Approved by: 

