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, Skagit County Auditor

11/9/2000 Page 1 of 7 9:17:02AM

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

DOCUMENT TITLE: SPECIAL USE APPLICATION SU 00 0350

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: PAUL TAYLOR

ASSESSOR PARCEL NO: P67226

ABBREVIATED LEGAL DESCRIPTION: located at 20388 Eric Street, Mount Vernon, WA;
within Section 33, Township 34 North, Range 4 East, W.M., Skagit County, Washington.

SKAGIT COUNTY HEARING EXAMINER
STATE OF WASHINGTON

In the Matter of the Application of)	
PAUL TAYLOR)	SU 00-0350
)	
For a Special Use Permit to Operate)	FINDINGS OF FACT,
A Law Office within a Residence in a)	CONCLUSIONS OF LAW,
Residential Zone at 20388 Eric Street)	AND DECISION
Within the Urban Growth Area of the)	
City of Mount Vernon)	
)	

THIS MATTER, an application for approval of a home occupation, came on regularly for hearing on September 27, 2000, upon due notice. Brandon Black appeared for the County Planning and Permit Center. Planner Ron Grina represented the City of Mount Vernon. Paul Taylor represented himself. Members of the public testified and expressed views in writing.

Based on the testimony taken, the exhibits entered and the argument made, the following is entered:

FINDINGS OF FACT

1. Paul Taylor (applicant) seeks a Special Use Permit in order to operate a law office from his residence at 20388 Eric Street.
2. The property is Lot 24 in the Linda Vista Addition per plat recorded in Volume 7 of Plats, page 74, Records of Skagit County. It is slightly less than one acre in size. The parcel is outside the city limits, but within the Urban Growth Area of the City of Mount Vernon.
3. Applications within the City's Urban Growth Area are reviewed by the City of Mount Vernon applying the provisions of the City Code. The City of Mount Vernon presented a Staff Report analyzing the application in light of applicable standards in that Code. See Chapter 17.96 Mount Vernon Municipal Code (MVMC).
4. Under the MVMC, the type of use sought is classified as a Type II Home Occupation. Within the city limits, the decision on whether to allow such a use would be an administrative decision issued by the Community and Economic Development Director. The use may be approved if it:
 - a. Is in conformance with the standards contained in this chapter (17.96 MVMC).



- b. Will be subordinate to the residential use of the property; and
- c. Is undertaken in a manner that is neither detrimental nor disruptive in terms of appearance or operation to neighboring properties or residents.

5. Professional office facilities are expressly permitted as home occupations. MVMC 17.96.020.C.8.

6. The total area devoted to a home occupation shall not exceed 25 percent of the gross floor area of the dwelling. MVMC 17.96.020.A. The proposed law office will occupy approximately 1,008 square feet, which is slightly less than 25 percent of the 4,178 square feet of gross floor area in the dwelling.

7. The conduct of a home occupation is subject to the following limitations:

- a. No more than one professionally designed and constructed non-illuminating sign, utilizing muted colors, not to exceed two (2) square feet, which shall be attached to the residence or accessory structure or placed in a window;
- b. No more than one outside volunteer or employee who is not a principal resident of the premises;
- c. There are no more than 6 client visits per day or a group of not more than 8 unrelated persons. One client does include a family;
- d. In addition to parking required for the residents, there are no more than two vehicles parked on or in the vicinity of the property as a result of the business at any one time, and;
- e. No exterior storage of materials, goods, and equipment.

8. Compliance with these limitations can be imposed as conditions of approval. The applicant has indicated that a small sign will be used denoting his law office. He says that only one employee will be present on the premises. He anticipates not more than two or three client visits per week. He has stated that past practice has involved approximately two vehicles on his office premises for short periods. No exterior storage is proposed.

9. In addition to conditions reflecting the above limitations, the City of Mount Vernon recommends additional restrictions in order to assure compliance with the requirement that the operation be "neither detrimental nor disruptive to neighboring properties or residents." These include (1) limiting client visits to times that do not conflict with the transporting of children to and from school, (2) restricting "suppliers" deliveries to three per week, scheduled where possible to not conflict with the



transporting of school children to and from the neighborhood, (3) requiring services to clients to be arranged by appointment or provided off-site, (4) limiting hours of operation to 9 a.m. to 5 pm. on weekdays.

10. The applicant is amenable to all of the City's proposed conditions, except the restriction on parking. As phrased by the City, the parking condition forbids business-related on-street parking and limits on-site parking to no more than four vehicles at any one time. The applicant states that the property presently has a large paved lot with space for as many as eight cars. He anticipates occasional client conferences involving six or seven people. These may bring in more than four cars. He asks for relief from the four-car limit.

11. A number of residents of the neighborhood have opposed approval of this home occupation. They disagree with the City's computation of square footage. They are concerned that the limitations in the permit cannot be effectively enforced and fear that traffic and parking will, in fact, exceed the volume suggested in the application. They see this use as incompatible with their quiet residential neighborhood and with the quality of life expected there.

12. The applicant testified that he thinks the neighbors have been influenced by activities at this address under its previous ownership. He said there was an unpermitted publishing business at the site then, with up to six employees. He stated that his law practice is quite different. He described it as a limited practice focusing on real estate and land use and operated entirely on an appointment basis. He said he does not allow drop-in visits from clients and that this is made clear in the fee agreement. He said that the home office is intended as a transitional operation, and that he wants to retire in a few years and continue to live in the house. His belief is that the home occupation will not disrupt the neighborhood. He said he encourages neighbors to call him if they have any complaints.

13. The applicant also stated that delivery traffic will be minimal. He said that he just uses the regular mail, not UPS or other delivery systems. He is not sure that legal messenger services will even come to the new office's residential locale. His business makes extensive use of facsimile and email, so that the physical delivery needs of the past have largely been eliminated.

14. The City staff advised that their gross floor area calculations include decks and porches and that, when these are added in, the proposal meets 25% limitation. The Examiner defers to the City's interpretation of its own Code and accepts their calculations.

15. Any conclusion herein which may be deemed a finding is hereby adopted as such.



CONCLUSIONS OF LAW

1. The Skagit County Code (SCC) provisions in effect when this application was filed call for the processing of home occupations in residential districts as special uses to be approved by the Hearing Examiner. SCC 14.04.150(2)(g). Accordingly, the Examiner has jurisdiction over the parties and the subject matter of the proceeding.
2. Under the County's agreement with the City of Mount Vernon with respect to developments in the City's Urban Growth Area, the substantive standards to be applied in this case are the requirements of the Mount Vernon Municipal Code (MCMV) for Type II Home Occupations.
3. With the conditions imposed, the Examiner concludes that the home occupation sought will meet the standards of Chapter 17.96 MVMC. The area devoted to the home occupation will not exceed 25 percent of the gross floor area of the dwelling. Restrictions on signs, employees, client visits, parking and exterior storage reflect the limitations of the Code.
4. The office use, occupying less than 25% of the premises, will be subordinate to the residential use of the property.
5. The MVMC allows home occupations, provided that specified limitations are observed. The neighbors' concern is not that these limitations can't be met, but that they won't be met. While these fears are understandable, there is no convincing proof that this applicant will probably violate the terms of approval.
6. The Examiner concludes that, if the conditions are observed, it is more likely than not that the business will be neither detrimental nor disruptive in appearance or operation to neighboring properties and residences.
7. However, the Examiner finds no basis in the MVMC for allowing the applicant to exceed the parking limitations specified by ordinance. Therefore, parking is limited to four off-street cars as recommended by the City.
8. The application should be approved, subject to the following conditions:
 - a. The home occupation shall comply with the purpose, intent and applicable provisions of Chapter 17.96 MVMC. The permit may be revoked if the conditions of approval have not been complied with or the home occupation is otherwise conducted in a manner contrary to Chapter 17.96 of the MVMC.



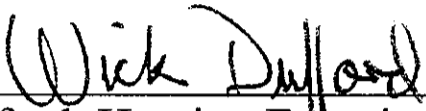
- b. No more than one professionally designed and constructed non-illuminating sign, utilizing muted colors, not to exceed two (2) square feet, shall be displayed and such sign shall be attached to to the residence or accessory structure or placed in a window.
- c. In addition to parking required for the residents, there is no on-street parking allowed. There shall be no more than four (4) vehicles parked out-of-doors on the property at any one time.
- d. Client visits shall comply with Chapter 17.96 of the MVMC. Client visits shall be scheduled wherever possible to not conflict with the transporting of schools children to and from the neighborhood.
- e. There shall be no more than three deliveries per week to the residence by suppliers. Delivery of mail and small packages by United States Postal Service or private delivery services shall not be included as supplier services. Supplier deliveries shall be scheduled wherever possible to not conflict with the transporting of school children to and from the neighborhood.
- f. Services to clients shall be arranged by appointment or provided off-site.
- g. No more than one outside volunteer or employee who is not a principal resident of the premises shall be allowed.
- h. Hours for client visits to the office portion of the residence shall be restricted to the period between 9.a.m. and 5 p.m., Monday through Friday, not including national holidays.
- i. The space allotted to the home occupation shall conform to the application.

9. To the extent that there is opposition to this use, even if the above conditions are complied with, the quarrel is with the provisions of the City Code.

10. Any finding herein which may be deemed a conclusion is hereby adopted as such.

DECISION

The requested Special Use Permit is **APPROVED**, subject to the conditions set forth in Conclusion 8 above.



Wick Dufford, Hearing Examiner

Date of Action: October 27, 2000

Copy transmitted to Applicant: October 27, 2000

RECONSIDERATION/APPEAL

A request for reconsideration may be filed as provided in SCC 14.06.180. The decision may be appealed to the Board of County Commissioners by filing a written Notice of Appeal with the Clerk of the Board within 14 days after the date of the Examiner's decision, or decision on reconsideration if applicable.