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, Skagit County Auditor

1/26/2001 Page 1 of 13 12:23:39PM

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

DOCUMENT TITLE: SPECIAL USE PERMIT SU 00 0504

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: ROGER AND LARRY SEESE

ASSESSOR PARCEL NO: 360325-1-005-0400; P109075

ABBREVIATED LEGAL DESCRIPTION: located at 17695 Colony Road, Bow, WA; Lot 4 of S/p 96-056; within the NE 1/4 of Section 25, Township 36 North, Range 3 East W.M., Skagit County, Washington

7. The shop is located approximately 100 feet from the front property line on Colony Road. It is about 50 feet from the north side boundary and about 150 feet from the south side property line. The house is about 25 feet to the east. The driveway serves both house and shop and widens to an ample parking area. The driveway is graveled, has a turn-around area, and can accommodate at least seven customers' cars.

8. The applicants do not anticipate more than two or three customers on the site at any time. About 10 customers a day are predicted. After review, public works decided that the driveway does not need to be upgraded for the proposed use.

9. At first only family members will work in the business. Additional employees may be added when business warrants. No more than three employees will be used.

10. There will be no outside storage or exterior indication of the home occupation, other than one four foot square sign.

11. The subject property is served by a residential on-site septic system and gets potable water from a private well. The existing septic system is designed for four bedrooms. It should be able to handle a couple of employees added to existing use. If a bathroom were added to the shop, a revised site plan would need to be submitted showing how the sewage will be routed to the septic tank. If non-resident employees are added, the well water should be tested and approved by the County.

12. No environmental problems are likely to result from the home occupation.

13. The Permit Center has identified this proposal as a Home Based Business 2. Such a home occupation requires a Special Use Permit.

14. The only neighbor that might be affected at all lives to the south. The neighbor testified in favor of the proposal

15. The Staff Report analyzes the proposal for consistency with the Special Use Permit criteria and finds that these criteria will be met. The Examiner concurs in the Staff's analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

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

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the parties and the subject matter of this proceeding. SCC 14.06.050(1)(b).

2. The requirements of SEPA have been met.

3. Pursuant to SCC 14.16.900(3)(e) a Home Based Business 2 must conform to the following:

- (i) Is carried out by a member or members of a family residing in the dwelling and may include up to three additional employees;
- (ii) Is clearly incidental and secondary to the use of the property for dwelling purposes;
- (iii) The business activity may be conducted in other than the dwelling;
- (iv) Has no outside storage nor other exterior indication of the home occupation or variation from the residential character of the property with the exception of one sign not to exceed four square feet, provided such sign shall not be illuminated;
- (v) Does not create a level of electrical interference, line voltage fluctuation, noise vibration, smoke, dust, odors, heat, glare, traffic and other environmental impacts beyond that which is common to a residential area;
- (vi) Does not create a level of parking demand beyond that which is normal to a residential area; and
- (vii) Many have clients come to the site.

4. The proposal, as conditioned, is consistent with the above criteria.

5. Under SCC 14.16.900(2)(v), special use approval requires consideration of the following elements:

- a) The proposed use will be compatible with existing and planned land use and comply with the Comprehensive Plan.
- b) The proposed use complies with the Skagit County Code.
- c) The proposed use will not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840.
- d) The proposed use will not generate intrusions on privacy of surrounding uses;
- e) Potential effects regarding the general public health, safety, and general welfare.
- f) For special uses in Industrial Forest-Natural Resource Lands, Secondary



Forest-Natural Resource Lands, Agricultural-Natural Resource Lands, and Rural Resource-Natural Resource Lands, the impacts on long-term natural resource management and production will be minimized.

g) The proposed use is not in conflict with the health and safety of the community.

h) The proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.

6. The proposal, as conditioned, is consistent with the above criteria.

7. The following conditions should be imposed:

a. The home occupation shall be situated and conducted as described in the application materials.

b. The permittee shall obtain all other applicable permits prior to the start of business.

c. Hours of operation shall not exceed 7 a.m. to 7 p.m., Sunday through Saturday.

d. Non residential employees shall be limited to three (3).

e. One (1) non-illuminated sign not to exceed four (4) square feet will be allowed on site.

f. There shall be no outside storage in connection with the home occupation. The premises shall be neatly maintained.

g. Operations shall comply with Chapter 173-160 WAC, Environmental Noise Limits.

h. The permit shall be void if not started within two (2) years of the date of this decision or if abandoned for a period of one (1) year.

i. The County Planning and Permit Center shall be notified within 30 days after any change in ownership of the parcel.

j. Prior to the start of operations all planning review fees shall be paid in full.

k. If a bathroom or potable water is installed in the shop, the permittee shall obtain necessary approvals.



8. 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 7 above.

Wick Dufford

Wick Dufford, Hearing Examiner

Date of Action: January 16, 2001

Copy transmitted to Applicants: January 16, 2001

Attachment: Staff Report

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.



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Skagit County Auditor

SKAGIT COUNTY PLANNING & PERMIT CENTER

FINDINGS OF FACT

HEARING AUTHORITY: SKAGIT COUNTY HEARING EXAMINER

HEARING DATE: December 27, 2000

APPLICATION NUMBER: PL00-0504

APPLICANT: Roger & Larry Seese

ADDRESS: 17695 Colony Road
Bow, Wa 98232

PROJECT DESCRIPTION: Special Use Permit for a home occupation to allow for an archery shop for the retail sales of archery hunting equipment and supplies to be located in an existing 10' x 20' accessory structure.

PROJECT LOCATION: The proposed project is located at 17695 Colony Road, Bow, WA, Lot 4 of SP96-056 within a portion of the NE ¼ Section 25, Township 36 North, Range 03 East, W.M., Skagit County, Wa.

ASSESSOR'S ACCOUNT NUMBER: 360325-1-005-0400
P# Number: P#109075

ZONING: Rural Reserve

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 August 10, 2000
2. Environmental Checklist
3. Site Plan
4. Assessor Map
5. Letter of completeness dated September 15, 2000
6. Notice of Development dated September 21, 2000
7. Determination of Nonsignificance dated October 19, 2000



STAFF FINDINGS:

1. The subject property is zoned Rural Reserve and the Comprehensive Plan designates the area as Rural Reserve.
2. Per Skagit County Code Section 14.06.100 a letter of completeness was issued on September 15, 2000. A Notice of Development Application was posted on the subject property, published in a newspaper of general circulation, and mailed to property owners within 300 feet of the subject property on September 21, 2000 as required by Skagit County Code Section 14.06.150(2) of the Skagit County Code. The public hearing has been advertised and notices sent as required by Skagit County Code Section 14.06.150(3).
3. The application has been reviewed in accordance with the State Environmental Policy Act guidelines (WAC 197-11 and RCW 43.21C). A Determination of Nonsignificance (DNS) was issued on October 19, 2000, becoming effective following the fifteen-day comment period ending November 3, 2000 and 15 day appeal period ending November 20, 2000.
4. The subject application has been reviewed with respect to the Skagit County Critical Areas Ordinance Chapter 14.24 of the Skagit County Code. The subject property was reviewed in conjunction with building permit 98-0286 and no critical area indicators were present.
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 5 acres in size and is located on the west side of Colony Road. The property measures approximately 212 feet wide by approximately 1060 feet long and lies in an east/west configuration. There is an existing residence, 1,000 square foot garage, and a small 10 x 20 accessory building located on the east half of the subject property. The parcel is buffered with natural vegetation along the west, south, and north property lines. The property is served by individual septic system and a private well.
7. The applicant is requesting a Special Use Permit to utilize the existing accessory building for a home occupation to allow for an archery shop for the retail sales of archery hunting equipment and supplies. The applicant anticipates most of the business will consist of special orders for certain supplies with most of the "walkin" traffic occurring just before or during hunting season. Initially the proposed hours of operation will be limited to primarily afternoon and early evening hours (3 p.m. to 8 p.m.) Monday through Friday. As the business grows, the applicant would like to be available for business 7 days a week, from 7 a.m. to 7 p.m.



In the beginning, the operation will be family operated but additional employees would be hired as needed.

8. The existing shop is approximately 200 sq. ft. in size and is currently being used as a workshop building. The building is located approximately 100 feet from the front property line—Colony Road, approximately 50 feet from the side (north) property line, approximately 25 feet from the existing residence and approximately 150 feet to the south side property line. There is a single driveway off of Colony Road that will serve both the residence and the proposed business. Parking for the proposed business would be located to the east of the proposed shop and existing garage. The area is graveled with a turn around area and can accommodate at least seven (7) cars in addition to the applicant's personal cars.
9. The application was routed to the various county departments for review and comments. Their comments are as follows:
Public Works—Initially the department requested that the driveway met commercial driveway standards IAW Skagit County Road Standards. After additional review based on the anticipated amount of traffic per day, it was determined that the driveway would not need to be upgraded. **Septic**—Existing septic S96-0880, a couple of additional employees shouldn't be a problem for the septic system since it is a 4-bedroom system. If there were to be a bathroom in the "shop" then a revised site plan will need to be submitted showing how the sewage will get from the shop to the tank. **Corey Schmidt Building Official**—no comments. **Ron Palmer, Environmental Health**—Prior to the addition of any employees not living on the property a current satisfactory bacteriological test for the well in use must be approved. **Dan Cain, Fire Marshall**, no comments.
10. Skagit County Code Section 14.16.900(3)(e) identifies Home Based Business 2 as special use permits subject to the following criteria:
 - (a) *Is carried on by a member or members of a family residing in the dwelling and may include up to three (3) additional employees;* The applicants initially will run the business and will add additional employees when the business warrants.
 - (b) *Is clearly incidental and secondary to the use of the property for dwelling purposes;* The applicant's reside on the property.
 - (c) *The business activity may be conducted in other than the dwelling;* The proposed business will be conducted in an existing 10' x 20' outbuilding currently being used as a workshop.
 - (d) *Has no outside storage nor other exterior indication of the home occupation or variation from the residential character of the property with the exception of one*



sign not to exceed four (4) square feet provided such sign shall not be illuminated; There will be no outside storage or exterior indication of the proposed home occupation. The applicant is proposing to have one four (4) square foot sign for advertising.

- (e) Does not create a level of electrical interference, line voltage fluctuation, noise, vibration, smoke, dust, odors, heat, glare, traffic and other environmental impacts beyond that which is common to a residential area. The proposed business will not create any of these environmental impacts except for some additional traffic to the site. The applicant does not anticipate more than 2-3 customers on site at any one time. There will be periodic deliveries from curriers such as UPS or Federal Express but most likely not more than once or twice a week.
- (f) Does not create a level of parking demand beyond that which is normal to a residential area. The applicant has demonstrated there is adequate parking with a turn around on his site.
- (g) May have clients come to the site. The applicant anticipates the majority of his clients will be picking up special orders with some "walk in" traffic.

It should be noted that the intent of this category of Special Uses is to allow home based businesses to operate with the above-noted limitations. When the business grows beyond the criteria established above and the conditions included in any approval, the business shall be relocated to a zoning classification which would permit the activity.

11. Skagit County Code Section 14.16.900(2)(b)(v) Special Uses indicates that certain criteria will be reviewed when approving or denying Special Use Permits. Those items are as follows:

A. The proposed use will be compatible with existing and planned land use and comply with the Comprehensive Plan.

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 proposed use complies with the Skagit County Code.

The subject property is zoned Rural Reserve. Skagit County Code 14.04. defines Home Based Businesses as home occupations that remain incidental to the use of a residence for general dwelling purposes and are compatible with rural character. There are two categories of Home Based Business allowed. Home Based Business 1 is generally a permitted use while Home Based Business 2 requires a special use permit. SCC Section 14.16.320(4)(p) lists Home Based Business 2 in the Rural Reserve zone as a Hearing Examiner Special Use. The application is then reviewed on its own merits.

C. The proposed use will not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding, existing, or potential dwelling units, based on the performance standard of SCC 14.16.840.

The anticipated use will be retail sales of archery hunting equipment and supplies with the majority of business consisting of special orders. There will be no noise, odors, heat, vibration, air and water pollution created as a result of this proposal.

D. The proposed use will not generate intrusions on privacy of surrounding uses.

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 applicant anticipates approximately 2-3 customers at any one time. The site is approximately 5 acres in size, with a private drive accessing off Colony Road. The subject parcel is buffered on the north, south, and west with natural vegetation with the west half of the property being undeveloped. This should mitigate the potential for intrusion onto the adjoining property. The property across the street from the parcel is open pasture.

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

If the Special Use is approved, there will be minimal



effects on the general public health, safety and general welfare as a result of this proposal. The business will be conducted out of an existing structure and will be primarily special orders for certain archery supplies.

F. For special uses in Industrial Forest-NRL, Secondary Forest-NRL, Agricultural-NRL, and Rural Resource-NRL, the impacts on long-term natural resource management and production will be minimized.

The subject property is not located within an area designated as Natural Resource.

G. The proposed use is not in conflict with the health and safety of the community.

The health and safety of the community will not be affected by this proposed home based business.

H. The proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.

The proposed used will be supported by adequate public services and will not adversely affect public services to the surrounding areas as the proposed business will be conducted in an existing structure.

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 permits prior to the start of business.
2. Hours of operation will be Sunday through Saturday, 7 a.m. to 7 p.m.
3. Non residential employees will be limited to three (3).
4. One (1) nonilluminated sign not to exceed 4 (four) square feet or will be allowed on site.
5. 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
6. The County Planning and Permit Center shall be notified



within 30 days after any change in ownership of the parcel.

7. Prior to the start of operations all planning review fees shall be paid in full.

Prepared by: MS



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, Skagit County Auditor