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, 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 SU 00 0608

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: RAYMOND and CHERI SMITH

ASSESSOR PARCEL NO: P16901

ABBREVIATED LEGAL DESCRIPTION: located at 18040 Fir Island Road, Mount Vernon, WA; within the NW ¼ of the NW ¼ of Section 19, Township 33 North, Range 3 East, W.M., Skagit County, Washington.

SKAGIT COUNTY HEARING EXAMINER
STATE OF WASHINGTON

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|---|---------------------|
| In the Matter of the Application of) | |
| RAYMOND AND CHERI SMITH) | PL00-0608 |
|) | |
| For a Special Use Permit for a Home) | FINDINGS OF FACT, |
| Occupation (Antique Sales) in an Existing) | CONCLUSIONS OF LAW, |
| Residence at 18040 Fir Island Road) | AND DECISION |
|) | |

THIS MATTER, an application for a Special Use Permit, came on regularly for hearing on February 14, 2001, after due notice. Marge Swint appeared for the Planning and Permit Center. The applicants represented themselves. Members of the public were given an opportunity to be heard.

From the testimony given, exhibits entered and argument made, the following is entered:

FINDINGS OF FACT

1. Raymond & Cheri Smith (applicants) seek permission to operate an antique business in their residence at 18040 Fir Island Road. The applicants reside on the premises.
2. The property is located within a portion of the NW1/4 NW1/4, Sec. 19, T33N, R3E, W.M. The land use designation is Agriculture-NRL.
3. A letter of completeness was issued on November 13, 2000. A Determination of Non-Significance (DNS) under the State Environmental Policy Act (SEPA) was issued on December 14, 2000. The DNS was not appealed.
4. Pursuant to SCC 14.24.100(5), standard Critical Areas review is not required.
5. The subject property is located within an A-7 Flood Hazard zone. The base flood elevation is 12 feet above mean sea level.
6. The subject property is about .19 acres in size, situated about 1,000 feet west of the Skagit River. The parcel is triangular in shape with the hypotenuse lying along the Keekeealla Slough and Fir Island Road to the north. The north property line is about 150 feet long. The east property line measures approximately 216 feet.
7. The parcel is developed with a three-story residence and a small detached garage. Between the two is an awning to provide cover for personal storage. The property is served by an individual septic system and public water.



8. The applicants ask to be allowed to use the lower floor of the residence for a resale/wholesale antique business (Trumpeter Antiques), with overflow into the garage. The garage will only be used three to four months a year during good weather. The sole employees will be the applicants, who live in the upper two stories of the house.

9. The business is to be open six days a week from 10 a.m. to 5 p.m., with Wednesday as the day of closure. No more than 5/6 cars a day are anticipated. A portable toilet is available on site if needed. During periods of use it is pumped weekly. There is adequate off-street parking space in front of the garage. The remainder of the open space is devoted to an established yard.

10. There is a small wooden sign in the shape of a trumpeter swan located adjacent to the roadway. It is less than four square feet in size and not illuminated.

11. The nearest neighbor is 300 feet away across the slough. The only other near neighbor is about 500 feet distant across a cornfield. The business has been operated at this location for 11 ½ years without benefit of permits. The neighbors have never objected.

12. The use has not and is not likely to impose environmental impacts beyond those which are common to a residential area. The number of clients anticipated at the site each day is relatively small.

13. The conduct of this enterprise is consistent the Economic Development Element of the Comprehensive Plan. It will not generate intrusions on the privacy of surrounding uses. Moreover, since the property is not used for resource production, there will be no effect on long-term natural resource management.

14. The existing infrastructure is more than adequate to support the business. No additional demands on services will occur. The business will be consistent with the public health, safety and welfare of the near community and generally.

15. The application was routed to various County departments. The only comment was from the Building Official who noted that a Change of Use Permit will be required.

16. At the hearing the only public testimony was from a neighbor who supported the application. There are six comment letters from neighbors and members of the nearby Conway business community. All of them express support.

17. 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. The proposal is a Home Based Business 2. Pursuant to the Zoning Code, such a business requires a Hearing Examiner Special Use Permit on Agricultural-Natural Resource Lands. SCC 14.26.400(4)(c).
4. SCC 14.16.900(3)(e) requires consideration of the following elements in evaluating a Home Based Business 2 application.
 - (1) Is carried on by a member of members of a family residing in the dwelling and may include up to 3 additional employees;
 - (2) Is clearly incidental and secondary to the use of the property for dwelling purposes;
 - (3) The business activity may be conducted in other than the dwelling;
 - (4) Has no outside storage or 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;
 - (5) 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;
 - (6) Does not create a level of parking demand beyond that which is normal to a residential area;
 - (7) May have clients come to the site.
5. The proposal, as conditioned, is consistent with the above elements.
6. The general criteria for Special Use Permit Approval are set forth in SCC 14.16.900(2)(b)(v).
 - (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 standard of SCC 14.16.840.



- (d) The proposed use will not generate intrusions on privacy or surrounding uses.
- (e) Potential effects regarding the general public health, safety, and general welfare.
- (f) For special uses in Industrial Forest-NRL, Secondary Forest-NRL, Agricultural-NRL, and Rural Resource-NRL, the impacts on long-term natural resources 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.
7. The proposal, as conditioned is consistent with the above criteria.
8. The following conditions should be imposed:
- (a) The home occupation shall be located and conducted as described in the application materials.
- (b) Within 30 days of the issuance of the Special Use Permit, the applicants shall apply for a Change of Use Permit under the Building Code and for any other required permits.
- (c) The applicants shall comply with SCC Chapter 14.34, Flood Damage Prevention.
- (d) The applicants shall comply with the provisions of SCC 14.16.870, Notification of Development Activities on or Adjacent to Designated Natural Resource Lands.
- (e) Hours of operation shall be from 10 a.m. to 5 p.m. every day except Wednesday. The business shall be closed on Wednesday.
- (f) Nonresidential employees shall be limited to three.
- (g) No sign exceeding four square feet shall be allowed on site. Any sign installed shall be not be illuminated.
- (h) There shall be no outside storage in connection with the home occupation. The premises shall be neatly maintained.
- (i) The permit shall become void if the actions required hereunder to achieve compliance are not completed within three (3) years from the date of this decision.



(j) The permit shall become void if the project is abandoned for a period of one (1) year.

(k) The Planning and Permit Center shall be notified within 30 days after any change in ownership of the parcel by providing a new ownership certificate referencing this file (PL00-0608).

(l) Prior to the issuance of the permit, any outstanding planning review fees shall be paid in full.

9. 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

Wick Dufford, Hearing Examiner

Date of Action: March 9, 2001

Copy transmitted to Applicants: March 9, 2001

RECONSIDERATION/APPEAL

As provided in SCC 14.06.180, a request for reconsideration may be filed with the Planning and Permit Center within 10 day after the date of this decision. As provided in SCC 14.06.120(9), the decision may be appealed to the Board of County Commissioners by filing a written Notice of Appeal with the Planning and Permit Center within 14 days after the date of the decision, or decision on reconsideration, if applicable.



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