



200107110145
Skagit County Auditor
7/11/2001 Page 1 of 8 1:42:36PM

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

DOCUMENT TITLE: ORDER ON SPECIAL USE APPLICATION SU 00 0048

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPELLANT: DAVID and SANDRA WALDE

ASSESSOR PARCEL NO: P16334

ABBREVIATED LEGAL DESCRIPTION: The property is located at 930 East Hickox Road, Mount Vernon, WA; a portion of Section 5, Township 33 North, Range 4 East, W.M., Skagit County, Washington.

UNOFFICIAL COPY DOCUMENT

**SKAGIT COUNTY HEARING EXAMINER
STATE OF WASHINGTON**

In the Matter of:

DAVID and SANDARA WALDE
Application No. PL01-0048
for a Special Use Permit.

FINDINGS OF FACT
ENTRY AND ORDER
No. PL01-0048

This matter having come regularly before the Skagit County Hearing Examiner for a public hearing under an application filed with the Skagit County Department of Planning and Permit Center by the applicants requesting an unclassified special use permit as described and located in the Report and Findings of the Skagit County Department of Planning and Permit Center:

The project is located at 930 East Hickox Road, Mount Vernon, WA. within a portion of Section 5, Township 33N, Range 4 East W.M. Skagit County, Washington.

ASSESSOR'S ACCOUNT NUMBER: 330405-0-011-0009, P16334

Notice having been given to all property owners within 300 feet of said property and all matters submitted at the public hearing 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 make the following:

FINDINGS OF FACT

1. The subject property is zoned/designated as Agricultural-Natural Resource Land as indicated in the Comprehensive Plan and associated maps adopted July 24, 2000. The application was determined to be complete on January 29, 2001 and is vested under the Comprehensive Plan and zoning regulations in effect at that time. A letter of completeness was issued as per Section 14.06.100 of the Skagit County Code.
2. A Notice of Development Application was posted on the subject property and published in a newspaper of general circulation on February 8, 2001 as required by Section 14.06.150 of Skagit County Code.
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 March 1, 2001 and became effective following the fifteen-day comment period and the fifteen-day appeal period ending on April 2, 2001.



4. The subject parcel was reviewed with the respect to the Skagit County Critical Areas Ordinance 14.24 of the Skagit County Code. Staff comments indicated that the critical areas review was approved with the building permit application for the construction of the accessory structure. Critical areas staff recommended approval without conditions.
5. The subject property is located within a designated A0 flood hazard zone as identified by FEMA on Flood Insurance Rate Map (FIRM) 530151 0425 C with the effective date of January 3, 1985.
6. The subject property is approximately .54 acres in size located along the southeast corner of the intersection of Hickox Road and Cedardale Road. The subject property measures approximately 650 feet in length along the east and west property lines and approximately 70 feet in width at the widest point along the north property line. The parcel is triangular in shape and the south property line meets at a point. The parcel contains an existing 1,350 square foot residential structure located along the north portion of the property and an existing 2,160 square foot accessory structure located approximately 100 feet to the south of the existing residence. The existing access to the residence is off of Hickox Road and the shop is accessed off of Cedardale Road. The parcel is serviced water from Public Utility District #1 and utilizes an existing on-site septic system.
7. The surrounding area is currently rural and agricultural in nature with open agricultural fields and scattered residences.
8. The applicant is requesting a Special Use Permit to allow the operation of a home occupation in the existing accessory structure. The proposal is to operate a lawn mower repair business out of the existing 2,160 square foot accessory structure. Skagit County Code Section 14.16.400 (4)(c) outlines Home Based business 2 as a special use permit before the Hearing Examiner with in lands designated as Agricultural-Natural Resource Lands.
9. The application was reviewed by the Skagit County Department of Public Works. Public Works had no comments or concerns with the project proposal.
10. The Water Resource division of Skagit County Planning and Permit Center reviewed this application. Water Resources had no comments or concerns with the proposal with the use of Public Utility District #1 as the water source.
11. The application was routed to Skagit County Environmental Health Specialist for review. Environmental Health indicated that if there is no plumbing in the building, then septic is not an issue. Staff notes that the review of the building permit records did not indicate that plumbing was part of the plan review for the accessory structure.



12. This application is being considered as a Home Based Business 2 Special Use Permit. Skagit County Code Section 14.04.020 defines Home Based Business as follows: "Home based businesses are home occupations that remain incidental to the use of a residence for general dwelling purposes and are compatible with rural character. Two categories of Home Based Businesses are allowed in Skagit County, Home Based Business 1 and Home Based Business 2. Home Based business 1 is generally a permitted use while Home Based Business 2 requires a Special Use Permit."

13. Skagit County Code section 14.16.900(3)(e) outlines that Home Based Business 2 Special Use permits are 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;

Employees: The applicant has indicated that the home occupation will be family operated and include one part time employee and one full time employee (the father of the property owner). The applicant has further indicated that the hours of operation are proposed to be Sunday to Friday, 9:00 a.m. to 5:00 p.m.

b. Is clearly incidental and secondary to the use of the property for dwelling purposes;

Secondary to the use of the property: The proposed use will take place within an existing accessory structure on site. There is an existing residence on the parcel occupied by the property owner. The use will be incidental and secondary to the use of the property for dwelling purposes.

c. The business activity may be conducted in other than the dwelling;

Business may be conducted in another building: The lawn mower repair operation would be conducted within the existing 12,160 square foot accessory structure.

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 (1) sign not to exceed four (4) square feet, provided such sign shall not be illuminated;

No outside storage: The applicant has indicated that there will be no outside storage or other exterior indication of the home occupation. The applicant has indicated that they would like to have two signs placed on site, one on the front, and south side of the building. The applicant further indicated that the business has adequate customer base so the signs are to make sure the customers can find the new location of the business. At this time Skagit County Code only allows for one (1) sign not to exceed four (4) square feet in size as outlined within this Home Based Business 2 criteria.



- 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;

Electrical interference: There is no indication that the proposal will cause any electrical interference, line voltage fluctuation, noise, vibration, smoke, dust, odors, heat, glare, traffic or other environmental impacts beyond that which is common to a residential area. The applicant has indicated that the noise, odors, emissions, or heat generated from this business will be small and be derived from occasional mowing of the grass area behind the shop. The applicant indicated that there will be no machinery of any kind which may cause vibration to adjacent properties. The applicant further indicated that all chemicals, waste oils, solvents, or fuel will be stored in the proper hazardous materials cabinet and "Safety Kleen" will administer a regular monthly maintenance visit.

- f. Does not create a level of parking demand beyond that which is normal to a residential area; and
g. May have clients come to the site.

The applicant has indicated that there are currently two existing driveways off of Cedardale Road onto the property with adequate visibility and room for parking on the south side of the shop as well as in front. The applicant has further indicated that the business will have clients come to the site however only approximately 3 to 5 vehicles will be on the property at any given time during the day since most of the customers are elderly and part of the service offered is that the owner will pick up and deliver the movers to those individuals.

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 conditions included in any approval, the business shall relocate in a zoning classification which would permit the activity.

14. Section 14.16.900 Special Uses of the Skagit County Code states that certain items 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.

The Skagit County Comprehensive Plan does not specifically provide policies that either support or oppose the proposed project. However, Chapter 12 of the Skagit County Comprehensive Plan adopted July 24, 2000 titled the "Economic Development Element", outlines a section titled "Employment". Goal A of this chapter states: "Create and maintain diverse employment opportunities that meet the changing income needs of Skagit County residents. Also under this Chapter, "objective #1" lists:

A-1: Facilitate the creation and retention of family wage jobs to meet the needs and demands of Skagit County Households. And,

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. And,

A-3: Encourage educational opportunities for residents of all ages to develop and upgrade skills required for employment, advancement and entrepreneurship.

Policy 12A-1.3 of Chapter 12 states:

Home occupations that are consistent with the character of adjoining properties and neighborhoods will be accommodated.

B. The proposed use complies with Skagit County Code.

The subject parcel is zoned Agricultural Natural Resource Land (A-NRL) as well as surrounding parcels. Per Skagit County Code section 14.16.400 Home Based Business 2 proposals require a Hearing Examiner Special Use permit approval within Agricultural-Natural Resource zones.

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.

As previously indicated, there is no indication that the proposal will cause any electrical interference, line voltage fluctuation, noise, vibration, smoke, dust, odors, heat, glare, traffic or other environmental impacts beyond that which is common to a residential area. The applicant has indicated that the noise, odors, emissions, or heat generated from this business will be small and be derived from occasional mowing of the grass area behind the shop. The applicant indicated that there will be no machinery of any kind which may cause vibration to adjacent properties. The applicant further indicated that all chemicals, waste oils, solvents, or fuel will be stored in the proper hazardous materials cabinet and "Safety Kleen" will administer a regular monthly maintenance visit.

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

The applicant has indicated that trespassing onto adjacent properties will not be tolerated. The applicant has stated that they have spoke with their neighbor who owns the property and have agreed to keep the lines of communication open in case of concerns arise from either party. If intrusion does become a problem the applicant has discussed the option of fencing the site. The applicant further indicated that a security system has been installed within both the existing home and the shop as well as monitoring devices on both of the driveways entering the property from Cedardale Road so that trespass onto the site will be detected.



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

There will be no effects on the general public health, safety, or general welfare from the proposed operation provided the site is maintained.

6. For special uses in Industrial Forest – Natural Resource Lands, Secondary Forest – Natural Resource Lands, and Rural Resource – Natural Resource Lands, the impacts on long-term natural resource management and production will be minimized.

The subject site is designated as Agricultural Natural Resource Land. This criteria item is not applicable to the proposed project.

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

There is no indication that the proposed use will be in conflict with the health or safety of the community.

8. 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 parcel is supported by adequate public facilities and the accessory building does not have a bathroom therefore no additional impact will be created. There is no indication that the proposal will adversely affect public services to the surrounding area.

CONCLUSIONS

The Hearing Examiner, having duly considered the matter and all testimony and evidence presented at the public hearing makes the following conclusions:

1. The Hearing Examiner has jurisdiction over the parties and subject matter of this application.
2. The applicant has complied with the provisions of Section 14.16.900 of the Skagit County Code as they apply to this application.

DECISION

The Hearing Examiner APPROVES the application for a special use permit subject to the following conditions:

9. The applicant shall obtain all necessary land use approvals.
10. The permit shall be void if not started within one year of the date of this order.



11. All hazardous wastes must be disposed of in accordance with WAC 173-303 "Dangerous Waste Regulations".
12. There shall be no more than three (3) employees allowed to be associated with the home occupation, outside of the applicants listed in the application and/or the residence of the property.
13. Further review will be needed by the Planning and Permit Center if any major change occurs in the intensity of the use outlined in the application.
14. If the use is abandoned for a period of one (1) year, the Special Use Permit shall be void.
15. The applicant is permitted to have one (1) sign, not to exceed 4 square feet in size.
16. The hours of operation shall be limited to 8:00 a.m. through 5:30 p.m., Sunday through Friday.
17. There shall be no outside storage of materials on site associated with the repair business.
18. The applicant shall comply with WAC 173-160, "Noise Compliance".



C. THOMAS MOSER, PRO TEM
Skagit County Hearing Examiner

Signed July 10, 2001