

UNOFFICIAL DOCUMENT



200203140068

Skagit County Auditor

3/14/2002 Page 1 of 8 11:43AM

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

DOCUMENT TITLE: Order on Special Use Permit Application SU 01 0554

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: WENDY PATON and KELLIE CARGILE

ASSESSOR PARCEL NO: P48933

ABBREVIATED LEGAL DESCRIPTION: The proposed project is located at 897 Able Lane, Sedro-Woolley, WA; Lot B of SP81-53; a portion of the SE 1/4 of the SE 1/4 of Section 05, Township 36 North, Range 04 East, W.M., Skagit County, Washington.

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND DECISION

Applicants: Wendy Paton and Kellie Cargile
897 Able Lane
Sedro Woolley, WA 98284

File No: PL01-0554

Request: Special Use Permit

Location: 897 Able Lane; Lot B of SP81-53, located within a portion of the SE1/4SE1/4, Sec. 5, T36N, R4E, WM.

Summary of Proposal: To create a viewing area along the Alger-Cain Lake Road for the viewing of alpacas. A drive through refreshment stand, picnic facilities and parking space will be provided.

Land Use Designation: *Comprehensive Plan:* Rural Reserve
Zoning: Rural Reserve

Public Hearing: After reviewing the report of the Planning and Permit Center, the Hearing Examiner conducted a public hearing on February 27, 2002. Due notice of the hearing was given.

Decision: The application is approved subject to conditions.



200203140068

Skagit County Auditor

3/14/2002 Page 2 of 8 11:43AM

FINDINGS OF FACT

1. Wendy Paton and Kellie Cargile seek to create an animal viewing area along the Alger-Cain Lake Road, providing space for motorists to get off the busy paved roadway to look at alpacas being raised on a small farm.

2. The viewing area will include a refreshment stand, parking spaces, and picnic tables and benches. The goal is to offer a safe place to observe the alpacas and to learn about them. Information will be made available about alpacas and alpaca products.

3. In addition to refreshments, the stand may offer a limited number of alpaca products for sale (e.g., hats, mittens, gloves, scarves). The sale of drinks and snacks and of alpaca products is intended as incidental to the main safety and educational purpose of the viewing area.

4. There are only about 35,000 alpacas in the United States.. Thus, the opportunity to see them is a rarity. The applicants have been raising alpacas since November 1997 and over the past few years have increased the herd to approximately 50 animals. The alpacas have proven to be of great interest to passing motorists, and as the herd has grown, so has the number of motorists pulling off the road to get a look at them.

5. The Alger-Cain Lake Road is a moderate to high volume road which serves South Lake Whatcom, Sudden Valley, and Glen Haven. There is little gravel on the shoulder and no good place at present to pull over and stop. The applicants feel that a safe off road area is needed for viewing to prevent accidents.

6. The subject property is approximately five (5) acres in size, situated near the corner of Able Lane and the Alger-Cain Lake Road. (Lot B of Short Plat 81-53, within a portion of the SE1/4SE1/4, Sec. 5, T36N, R4E, WM.) It is essentially triangular in shape and lies in roughly a north-south configuration. Able Lane lies along the west property line. The Alger-Cain Lake Road runs along the east property line.

7. The property is basically flat. The north boundary measures about 546 feet. The west boundary is about 764 feet long. The east border is approximately 650 long. There is a southern boundary of 134 feet. A single-family residence and several outbuildings are situated on the west side and are accessed from Able Lane. There is a private well and an on-site septic system. The northwest corner is wooded. About 3.5 acres of the property is devoted to pasture for the alpacas. Most of the pasture borders the Alger-Cain Lake Road.

8. The proposed viewing enclave is an area approximately 60 by 65 feet in size located off of the Alger-Cain Lake Road. Access will be from a single entry point



200203140068

Skagit County Auditor

leading to a driving pattern that circles the refreshment stand. The refreshment stand will be an 8 foot by 16 foot cedar hut in the middle of the enclave, set back about 35 feet from the entrance. Service at the stand will be for drive-by patrons and the parking areas will be located to the sides. A pathway will run around the perimeter of the area with picnic tables, benches and informational kiosks near the parking spaces. The design is intended to avoid conflicts between cars and pedestrian activities.

9. The area will be surrounded by fencing and the entrance will have a gate that can be secured during off-hours. The hours of operation for the refreshment stand will be from 6:00 a.m. to 4:00 p.m., Monday through Friday, and 6:00 a.m. to 3:00 p.m. on Saturday. It will be closed on Sunday. The parking area will be open for viewing from 6:00 a.m. till dusk and the gate will be closed thereafter. The fencing will be designed to separate the public from the animals. Feeding them will be forbidden. There will be six designated parking stalls, one marked for handicapped usage.

10. The enclave will be landscaped with replanted trees and floral planters. The cedar refreshment stand has been selected to blend with the existing house and outbuildings.

11. The commercial aspects of the operation are ancillary -- largely for the convenience of the persons who come to view the animals. The alpaca fleece raised on the farm is sold and processed into finished products by others at locations off-site. Any alpaca products ordered or purchased on the site would, therefore, not be the products of a home occupation. However, some thought has been given to eventually offering the opportunity for patrons to pick an alpaca and be able to order a blanket made from its fleece.

12. The refreshment stand will offer a limited menu of pop, water, juices, espresso drinks, prepared pastries and cookies, chips, ice cream bars, fruit. The applicants propose to follow all health department requirements for operation of the stand and picnic area.

13. The viewing area will be too small to accommodate large groups, such as classes brought by school bus. Moreover, it is anticipated that, in general, stays at the site will be short. At present no public restrooms are being required. Should furnishing such facilities become necessary, the applicants are amenable to providing sani-kan type units. The bathrooms in the house will serve as restrooms for employees.

14. Details of the signs to be used to advise motorists of the viewing area and to direct traffic within the enclave have not yet been worked out. The intent, however, is to use non-intrusive, non-commercial type signs that serve solely an informational function. Traffic impacts should be minimal, assuming that safe ingress and egress can be achieved. Public Works will require an access permit. The location on the Alger-Cain Lake Road should eliminate most of the "curiosity" traffic from Able Lane.



200203140068

Skagit County Auditor

3/14/2002 Page 4 of 8 11:43AM

15. Some neighbors wrote to question the intensity of the use and its compatibility with the non-commercial rural environment. The recommendations of consulted agencies are reflected in conditions of approval. The Planning and Permit Center has concluded that the proposal, as conditioned, will be compatible with the Rural Reserve designation. The maintenance of the refreshment stand will be made contingent on maintenance of alpaca viewing. If the herd is not maintained, the stand will have to be removed.

16. 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.

17. The Staff Report analyzes the proposal in light of the above criteria and finds that, as conditioned, it is consistent with them. The Examiner concurs in this analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

18. There are no critical areas on the site. A Determination of Non-Significance (DNS) was issued under the State Environmental Policy Act (SEPA) on December 6, 2001. The DNS was not appealed.

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



200203140068

Skagit County Auditor

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the persons and the subject matter of this proceeding. SCC 14.06.050(1)(b).
2. The procedural requirements of SEPA have been met.
3. The raising of alpacas falls within the definition of "agriculture." The maintenance of the viewing area appears to meet the definition of "accessory use." SCC 14.04.020. The zoning regulations for the Rural Reserve designation identify accessory agricultural uses as permitted uses. SCC 14.16.320(2)(b).
4. Nonetheless, the Planning and Permit Center has required a Special Use Permit in this case, seeing the instant proposal as governed by the requirements for maintenance of an "animal preserve." SCC 14.16.320(4)(d).
5. As conditioned, the proposal is consistent with the requirements for a Special Use Permit. SCC 14.16.900(2)(b)(v).
6. The following conditions should be imposed:
 - (1) The project shall be constructed and operated in accordance with the application materials, except as the same may be modified by these conditions.
 - (2) The applicants shall obtain all other applicable permits prior to opening the viewing area.
 - (3) Hours of operation for the refreshment/information facility will be from 6:00 a.m. to 4:00 p.m. Monday through Friday and 6:00 a.m. to 3:00 p.m. on Saturday. The stand will be closed on Sunday.
 - (4) The applicants shall conform to all requirements of the Public Works Department. An access permit from Public Works is required for the access on Alger-Cain Lake Road. The access shall meet Skagit County Road Standards.
 - (5) All activities and parking shall be on the applicants' property and not along the access easement.
 - (6) The project shall comply with the County Drainage Ordinance



200203140068
Skagit County Auditor

(Chapter 14.32 SCC).

(7) The facilities shall meet all requirements of the Health Department. The refreshment stand must meet the food service establishment requirements and be operated by a person permitted (yearly permit) by the Health Department to run an espresso stand.

(8) For the garbage collection area, either secondary containment or an impervious pad with drainage directed to the on-site sewage system must be provided.

(9) Permanent restrooms must be available for the use of employees.

(10) The refreshment stand must be plumbed into an approved wastewater system for wastewater disposal.

(11) The refreshment stand must be served by an approved public water system.

(12) The refreshment stand must meet setback requirements from property lines.

(13) The refreshment stand may be operated only so long as the alpaca herd is located on the property.

(14) Prior to commencing operations, the applicant shall submit a Sign Plan for review and approval. The signage for the project shall be as approved by the Planning and Permit Center in consultation with Public Works.

(15) This Special Use Permit shall be void if a completed building permit application has not been submitted within two years of the date of this approval.

(16) The Planning and Permit Center must be notified within 30 days after any change in ownership of the subject parcel. Such notification shall reference this file (PL01-0554).

(17) Prior to issuance of the building permit, all planning review fees shall be paid in full.

(18) Failure to comply with any of the conditions of approval herein may result in revocation of the permit.



200203140068

Skagit County Auditor

3/14/2002 Page 7 of 8 11:43AM

7. 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 of approval set forth in Conclusion 6 above.

Wick Dufford

Wick Dufford, Hearing Examiner

Date of Action: March 13, 2002

Copy Transmitted to Applicant: March 13, 2002

RECONSIDERATION/APPEAL

As provided in SCC 14.06.180, a request for reconsideration may be filed with the Planning and Permit Center within 10 days 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.

