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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 REQUEST SU 03 0221

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: JIM FRIEDRICHS

ASSESSOR PARCEL NO: P#62190

LEGAL DESCRIPTION: The proposed project is located at 13066 Teak Lane., Mt. Vernon, WA; Bingham Acreage Lot 6, Block 3; within a portion of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 11, Township 34 North, Range 04 East, W.M., Skagit County, Washington.

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND DECISION

Applicant: Jim Friedrichs
P. O. Box 521
Clear Lake, WA 98235

Agent: David Hough
17483 W. Big Lake Blvd
Mount Vernon, WA 98274

File No: PL03-0221

Request: Special Use Permit

Location: 13066 Teak Lane, Bingham Acreage Lot 6, Block 3; within a portion of NE1/4NE1/4, Sec. 11, T34N, R4E, W.M.

Land Use Designation: Rural Village Residential

Summary of Proposal: To allow a residential building contractor's office and limited prefabrication shop to operate in an existing 1,755 square-foot shop building on residential property.

Public Hearing: After reviewing the report of the Planning and Permit Center, the Hearing Examiner conducted a public hearing on November 5, 2003.

Decision: The application is approved, subject to conditions.



FINDINGS OF FACT

1. Jim Friedrichs (applicant) seeks a Special Use Permit to conduct a Home Based Business in an existing shop building on the property of his residence. He wishes to operate an office for his residential contracting business and to do a minor amount of pre-fabrication work for the homes he is building.

2. The address of the property is 13066 Teak Lane, a private road which intersects with Buchanan Street about 300 feet to the north. The parcel is Bingham Acreage Lot 6, Block 3; within a portion of the NE1/4NE1/4, Sec. 11, T34N, R4E, W.M. The land use designation is Rural Village Residential.

3. The lot is about 1.02 acres in size and rectangular, measuring approximately 160 feet east-west by 290 feet north-south. There is a single-family residence in the southwest part of the lot, where the applicant resides. The shop is located in the northeast corner. There are separate driveways for each structure.

4. The shop to be used for the business is approximately 1,755 square feet in size and is setback about 25 feet from the east property line and 16 feet for the north property line. A setback easement has been obtained from the adjoining owner to the north to comply with additional setback requirements for the change in occupancy. The property is served by public water and an on-site sewage system. There is a fire hydrant on the corner of Teak Lane and Buchanan Street.

5. The property slopes gently up from the shop to the residence. It is well-landscaped, heavily treed, and satisfactorily screened from neighboring lots. The surrounding properties are developed with single-family residences.

6. Conversion of the shop to the home business use will necessitate no exterior alterations. Some interior work will be needed, principally for a restroom. There will be no outside storage. A two-square-foot non-illuminated sign will be attached flush to the building.

7. In the applicant's contracting business most of the work is done at the remote sites of clients. His employees spend most of their time at such locations. The office use on his home lot will involve the preparation of design plans and management of the construction work by phone. There will be occasional client visits to the office. Business hours will be 8 a.m. to 5 p.m. Monday through Friday.

8. In another portion of the shop, a minor amount of pre-fabrication work will be done. This will involve small items like cabinets and headers that can be transported from the site in a pick-up truck. No large vehicles will need to come to the shop. The applicant estimates that less than 5% of any job or an average of one or two days per month will be devoted to the prefabrication work.



9. There will be a total of three employees in addition to the applicant. Normally these employees will go directly to remote building sites to work

10. Teak Lane has been developed into a two-lane gravel road that meets County rural road standards. The home business will not involve significant additional traffic. The applicant believes that traffic and parking will not exceed the normal residential use of property. He estimates average daily business traffic as one or two vehicles per day. At least four additional parking spaces are available around the shop.

11. The work involved will be done indoors. The building is insulated. The tools involved in the fabrication work will be carpenter tools typical of a residential shop. The office and pre-fab work will not result in unusual noise, smoke, odors or other environmental impacts external to the structure.

12. A Determination of Non-Significance (DNS) under the State Environmental Policy Act (SEPA) was issued for this proposal on July 3, 2003. The DNS was not appealed.

13. Letters from two neighbors relating to traffic were routed to the Department of Public Works. Public Works responded that no road improvements are required for the small increase in traffic predicted. The only concern raised on review by County departments was that the office/shop must meet handicapped accessibility standards and current non-residential energy code requirements. Building plans will have to reflect that these matters have been addressed.

14. SCC 14.16.900(3)(e) sets forth the following criteria in addition to the usual Special Use Permit standards for approval of a Home Based Business 2:

- (i) Is carried on by a member or members of a family residing in the dwelling and may include up to three (3) 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 (4) 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.
- (vii) May have clients come to the site.



15. The Examiner finds that all of the above special criteria will be met.
16. The standard criteria for a Special Use Permit are contained in SCC 14.16.900(2)(b)(v), as follows:
- [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-NRL, Secondary Forest-NRL, Agricultural-NRL, and Rural Resource-NRL, 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.

17. The Staff Report analyzes the application in light of these criteria and finds that, as conditioned, the proposal will be 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. The proposed home based business will be compatible with the rural residential character of the neighborhood. A neighbor of the applicant's testified to this effect.

19. 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 persons and the subject matter of this proceeding.
2. The requirements of SEPA have been met.



3. The requested use is for a Home Based Business 2. Under SCC 14.16.310(4)(g), such a business is allowed in the Rural Village Residential zone as a Hearing Examiner Special Use.

4. Both the special criteria of SCC 14.16.900(3)(e) and the standard criteria of SCC 14.16.900(2)(b)(v) are satisfied by this proposal, as conditioned below. The requirements for a Special Use Permit have been met.

5. The following conditions should be imposed:

- (1) The business will be conducted in accordance with the application materials submitted, except as the same may be modified by these conditions.
- (2) The applicant shall obtain all other required permits prior to the start of business.
- (3) The shop must meet handicapped accessibility requirements for parking, building access, restrooms, etc.
- (4) The building must meet current non-residential energy code requirements.
- (5) Hours of operation shall be Monday through Friday from 8 a.m. to 5 p.m.
- (6) Non-residential employees shall be limited to three (3).
- (7) An increase in traffic beyond an average of 10 trips per day, or the addition of large truck traffic will require further review by the Department of Public Works.
- (8) One non-illuminated sign not to exceed four square feet will be allowed on site.
- (9) The special use permit shall be void if not started within two years of the date of this decision and if abandoned for a period of one year.
- (10) If the business grows beyond the criteria established by law and the conditions herein, the business shall be relocated to a zoning classification that permits the activity.
- (11) The Planning and Permit Center shall be notified within 30 days after any change in ownership of the parcel by submitting a letter to the Planning Director referencing the permit number (PL03-0221).
- (12) Prior to the issuance of any permit, any outstanding planning review fees shall be paid in full.
- (13) Failure to comply with any of these conditions may be grounds for permit revocation.



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

DECISION

The requested Special Use Permit for a Home Based Business 2 is approved, subject to the conditions set forth in Conclusion 5 above.



Wick Dufford, Hearing Examiner

Date of Action: December 11, 2003

Copy Transmitted to Applicant: December 11, 2003

RECONSIDERATION/APPEAL

As provided in the Skagit County Shoreline Master Program, Section 13.01, a request for reconsideration may be filed with the Planning and Permit Center within five (5) days after the date of this decision. 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 five (5) days after the date of decision, or decision on reconsideration, if applicable.



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