



200409080056

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 0951

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: TOM HOLT CAMP

ASSESSOR PARCEL NO: P37135

LEGAL DESCRIPTION: Located at 9966 Holtcamp Road, Sedro Woolley, WA; a portion of the SE 1/4 of the NW 1/4 of Section 22, Township 35 North, Range 4 East, W.M., Skagit County, Washington.

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

Applicant: Tom Holtcamp
10080 Holtcamp Road
Sedro Woolley, WA 98284

File No: PL03-0951

Request: Special Use Permit (Home Based Business)

Location: 9966 Holtcamp Road, within a portion of the SE1/4NW1/4
Sec. 22, T35N, R4E, W.M.

Land Use Designation: Agricultural Natural Resource Land (Ag-NRL)

Summary of Proposal: To operate an antique/collectibles store and a storage facility
for RVs, boats, and farm equipment in existing buildings formerly
used in the operation of a dairy.

Public Hearing: After reviewing the report of the Planning and Permit Center,
the Hearing Examiner conducted a public hearing on
July 14, 2004.

Decision: The application is approved, subject to conditions.



FINDINGS OF FACT

1. Tom Holtcamp (applicant) and his wife Dolores seek to operate a home based business on their land at 9966 Holtcamp Road. The 25-acre property was formerly the site of a dairy. They now wish to engage in an antique/collectibles business and in the storage of RV's, boats and farm equipment.

2. The property is located within a portion of the SE1/4NW1/4 Sec. 22, T35N, R4E, W.M. It is a short distance north of the intersection of Holtcamp Road and State Route 20.

3. The property is rectangular. There is an existing single-family residence in the southeast portion where the applicant and his wife reside. There are a large number of outbuildings. Storage is currently taking place in two of them. The applicant has indicated a possibility that storage could take place in seven others. The former milking parlor will be used to house an antique/collectibles shop.

4. The applicant asks for permission to operate the antique/collectibles shop daily from 10 a.m. to 5 p.m. The storage facilities will not have fixed hours and will operate primarily by appointment. The business will have no outside employees.

5. The dairy ceased operations about seven years ago and efforts to lease it out haven't been successful. The buildings are now largely vacant. The storage offered for large vehicles, boats, and equipment will all be indoors and out of sight. No outside storage or outside work is proposed. The locale is remote from neighbors. The exterior areas at the site will be spruced up and will, in the applicant's opinion, have an enhanced appearance over their former look as a working farm.

6. The use will not foreclose agricultural use of the property. No conversion of agricultural land will occur.

7. The applicant estimates that the new uses will probably not generate much more traffic than came to the site when he was farming. He thinks approximately six cars a day is likely for the antique store. The storage business will generate only sporadic visits. There is more than adequate parking space.

8. Holtcamp Road is a public road maintained by the County.

9. The County departments consulted had few concerns about the proposed operations. Critical areas review was approved based on a site visit in April 2004. The Health Department identified regulations that will need to be met. They emphasized that there should be no dumping from vehicles/boats and no maintenance of vehicles or equipment on the property. The Fire Marshal said that satisfactory provisions for fire flow can be worked out.



10. SCC 14.16.900(3) establishes special approval criteria for home-based businesses, as follows:

- (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.
- (b) Is clearly incidental to and secondary to the use of the property for dwelling purposes;
- (c) The business activity may be conducted in other than the dwelling;
- (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) feet square provided that such sign shall not be illuminated;
- (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;
- (f) Does not create a level of parking demand beyond that which is normal to a residential area;
- (g) May have clients come to the site.

11. The point of these rules is to prevent a residential property from being converted into something that looks like a commercial operation. The instant proposal complies with the both the letter and the spirit of these restrictions.

12. SJCC 14.16.900(2)(b)(v) contains the criteria for approval of Special Use Permits generally. The criteria are:

- (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 within .. Agricultural-Natural Resource Lands, . . . the impact 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.

13. The Staff Report analyzes the application in light of these general criteria and finds that, as conditioned, the proposal will be consistent with the requirements. The Examiner concurs in this analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

14. A Determination of Non-Significance (DNS) under the State Environmental Policy Act (SEPA) was issued on May 20, 2004. The DNS was not appealed.

15. Just two letters of public comment were received. One was in support and the other in opposition. The negative sentiment was concerned that the applicant has not been jumping through all the necessary hoops in getting his business going. The instant permit proceeding represents the hoop that he must jump through for land use approval. Any other business licensing requirements are not the subject of this application.

16. There was no public testimony at the hearing.

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 persons and the subject matter of this proceeding.

2. The requirements of SEPA have been met.

3. SCC 14.16.400(4)(c) allows home-based businesses on Agricultural-Natural Resource Lands, provided no conversion of agricultural land is required to accommodate the business.

4. The proposal meets the requirements for a home based business and for the approval of a special use permit, if conditioned as set forth below. SCC 14.16.900(2)(b)(v), 14.16.900(3)(e).

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



CONDITIONS OF APPROVAL

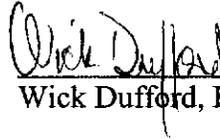
1. Prior to the start of business the applicant shall obtain building permits for the change of use of each building involved in the special use permit.
2. Prior to the start of business, the applicant shall obtain all other applicable permits, including any necessary business licenses.
3. Prior to the start of business, a fire flow system shall be provided that has a flow of at least 750 gpm for a one hour duration. The applicant shall reach an agreement with the Fire Marshal that fire prevention measures are adequate.
4. Employees who do not live in the residence shall be limited to three (3).
5. Operation of the antique/collectibles store may be seven days a week between 10:00 a.m. and 5:00 p.m.
6. One (1) non-illuminated sign, not to exceed four (4) feet square, shall be allowed on the site.
7. In association with storage operations, there shall be no dumping from vehicles, boats, farm equipment, or any other items stored or used in the business.
8. No on-site maintenance shall be performed on any of the vehicles, boats, or equipment that is stored.
9. If future property use entails non-resident employees or the use of water by the public, a public water review and approval shall be obtained as per Chapter 12.48 SCC.
10. Relevant performance standards for noise, light and maintenance of water quality shall be adhered to, as set forth in SCC 14.16.840, Chapter 173-60 WAC and Chapter 173-200 WAC.
11. The Special Use Permit shall be void if the business is not started within two (2) years of the date of this decision, and if abandoned for a period of one (1) year.
12. If the business grows beyond the limits of the Home Based Business 2 criteria and the conditions of approval herein, the business shall relocate to a zoning classification that permits the activities.
13. The County Planning and Permit Center shall be notified within 30 days after any change in ownership of the parcel by submission of a letter to the Director referencing permit #PL03-0951.
14. Prior to the issuance of any permit, all outstanding review fees shall be paid in full.



15. Failure to comply with any condition of approval may result in permit revocation.

DECISION

The requested Special Use Permit is approved, subject to the conditions set forth above.



Wick Dufford, Hearing Examiner

Date of Action: August 11, 2004

Date Transmitted to Applicant: August 11, 2004

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.



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