



200412150096

Skagit County Auditor

12/15/2004 Page 1 of 8 1:29PM

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

DOCUMENT TITLE: ORDER ON SPECIAL USE PERMIT SU -3 -026

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: RICHARD RANDALL

ASSESSOR PARCEL NO: P62193

LEGAL DESCRIPTION: The proposed project is located at 22901 Bumblebee Lane; a portion of Section 11, Township 34 North, Range 4 East, W.M., Skagit County, Washington.

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

**FINDINGS, CONCLUSIONS AND DECISION**

**Applicant:** Richard Randall  
P. O. Box 646  
Clear Lake, WA 98235

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

**File No:** PL03-0926

**Request:** Special Use Permit

**Location:** 22901 Bumblebee Lane, within a portion of Sec. 11,  
T34N, R4E, W.M. Parcel Number: P62193

**Land Use Designation:** Rural Village Residential (RVR)

**Summary of Proposal:** Home Based Business II for operation of a refrigeration  
equipment servicing business from an existing shop/  
office on the subject property.

**Public Hearing:** After reviewing the report of the Planning and Permit  
Center, the Hearing Examiner conducted a public hearing  
on October 20, 2004.

**Decision:** The application is approved, subject to conditions.



## FINDINGS OF FACT

1. Richard Randall (applicant) seeks a Special Use Permit to operate a home based business in his shop located on the same property as his residence at 22901 Bumblebee Lane in the Clear Lake area.

2. The property lies within a portion of Sec. 11, T34N, R4E, W.M. Bumblebee Lane is an unpaved private dead end road, located on unopened County right-of-way. The applicant is at the end of the road. Bumblebee is accessed via Teak Lane off of Buchanan Street.

3. The subject property is nearly an acre in size and rectangular in shape. The length runs north-south approximately 260 feet. The width is about 154 feet. The residence is in the northeast part of the property. The shop/office is located in the southwest corner of the property. Both structures share a common access driveway.

4. The shop/office structure to be used for the business contains about 1,445 square feet. Sanitary facilities are included. The site plan depicts the shop building as being 10 feet from the south property line and 25 feet from the west property line. The site is served by an on-site septic system and PUD water.

5. The subject property is designated Rural Village Residential (RVR). The surrounding properties are likewise developed in a typical rural residential manner with single family homes. A fire hydrant is located approximately 800 feet from the subject property at the intersection of Teak Lane and Buchanan Street.

6. The business in question has been operating for several years without benefit of permit. The instant application is the outgrowth of a Code enforcement case. The business involves the servicing of commercial/light industrial refrigeration equipment. In the main, the work takes place away from the subject property at remote sites where the equipment is located. No retail sales are involved. The on-site business activities involve office work and some limited repair work in the shop. The use of the property for business activities is secondary to the residential use.

7. The business has one employee in addition to the applicant. The employee does most of his work off-site, and does not need to come to the property daily. Clients rarely come the shop. Typically there are about two UPS deliveries per week. The applicant estimates that business traffic averages around 2-4 trips per day, not exceeding that expectable from normal residential use.

8. Four vehicles have been associated with the business: two large trucks and two vans. One of the large trucks is to be sold and the other will be kept off site. The vans can park by the shop out of sight from the road.



9. Normal business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. Occasionally, emergency calls may occur on a weekend. Some of these are covered by the employee who leaves from his home directly to the client's site.

10. There are no critical areas on the site. The existing septic system is adequate. The applicant does not expect to generate undue noise, nuisance impacts, or pollution. Conditions of approval are recommended to address these items.

11. Nothing about the business as it exists or as proposed will detract from the residential appearance of the site. No used appliances will be discarded there. No outside storage is contemplated. No signs will be put up. Screening vegetation has been planted to hide the shop. The shop is down slope below the grade of Bumblebee Lane.

12. There is some history of disturbance of neighbors with back-up beepers, truck traffic, and dust. The applicant states that such things will not occur in the future. No beeper equipped truck will be kept on site. The big-truck traffic of the past was largely connected with the construction of the residence which has now been completed. The applicant contributes his share to the maintenance of the road, including oiling to keep down dust.

13. Neighbors are also concerned about the presence and handling of hazardous materials on site. The applicant states that refrigerants are not used on site, but that limited quantities are present in the van and shop within DOT approved containers. The containers resemble propane bottles. A log is kept regarding handling and history of possession of all such containers. In the past there have been no incidents of hazardous material spills or discharges to the environment. Under the circumstances, such events are highly unlikely. The applicant will be obliged to comply with all applicable regulations on the handling of hazardous materials.

14. A Mitigated Determination of Non-Significance (MDNS) was issued under the State Environmental Policy Act (SEPA) on August 24, 2004. The MDNS was not appealed.

15. Commenting agencies identified regulatory requirements that are addressed through conditions of approval

16. Special Use Permit criteria specific to Home Based Businesses are set forth at SCC 14.16.900(3)(e), as follows:

- (i) Is carried on by a member or members of a family residing in the dwelling and many include up to (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 (1) sign not to exceed four (4) 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; and
- (vi) May have clients come to the site.

17. The Examiner finds that the proposal, as conditioned, will meet these above specific requirements.

18. The standard criteria for Special Use Permit approval are set for at 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 ... Natural Resource Lands ... , 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 and services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.

19. The Staff Report analyzes the application in light of the above criteria and finds that the proposal, as conditioned, will comply 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.

20. 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. SCC 14.06.050(1)(b)(ii).

2. The requirements of SEPA have been met.

3. In the Rural Village Residential zone, a Home Based Business 2 is permitted as a Hearing Examiner Special Use. SCC 14.16.310(4)(g).

4. Absent compelling contrary evidence, it must be presumed that permittees will comply with conditions of approval imposed upon them. In this case, the Examiner was not persuaded that non-compliance is likely.

5. The facts support a conclusion that the business proposed by the applicant, as conditioned, will be consistent with the applicable approval criteria. SCC 14.16.900(2)(b)(v), 14.16.900(3)(e).

### **CONDITIONS**

1. This permit authorizes a Home-Based Business 2. The permittee shall operate the business as described in his application, except as the same may be modified by these conditions.

2. Prior to the start of operation under this permit, the applicant shall obtain any necessary building permits and meet any requirements associated with using the existing office/shop for business purposes.

3. Prior to the start of operation under this permit, the applicant shall submit a current letter of water availability or a copy of the PUD billing for the office/shop building.

4. The permit shall not be effective until all review fees have been paid.
5. The business shall be conducted by family members residing in the dwelling and no more than three (3) employees.
6. Only one (1) non-illuminated sign shall be allowed, not to exceed four (4) square feet.
7. Prior to the start of operation under this permit, a Trail permit shall be obtained from the County Department of Public Works and all associated requirements shall be completed.
8. Hours of operation shall be limited to 8 a.m. to 5 p.m. Monday through Friday, including the starting or operating of any business vehicles or equipment and employee or client arrival or departure. In the event of any emergency requiring operations outside of established hours, every effort shall be made to limit the activity involved to minimize impacts on the neighbors.
9. The permittee shall comply with all conditions of the Mitigated Determination of Non-Significance issued on August 24, 2004.
10. The permittee shall comply with all applicable requirements for the handling of hazardous materials. No hazardous waste shall be maintained on the site and no releases of hazardous materials to the environment shall be allowed.
11. There shall be no outside storage of any business-related materials nor other exterior indication of the home occupation or variation from the residential character of the property.
12. The permittee shall comply with all applicable County and State regulations relating to environmental protection, including surface and ground water quality standards, noise standards, and air pollution control requirements.
13. All vehicles associated with the business operation shall be parked in enclosed garages or screened from adjacent properties outside of business hours.
14. Any damage to any private road directly caused by traffic associated with the business shall be corrected by the permittee at his expense.
15. The Special Use Permit shall be valid for operations on Parcel P62193 only and cannot be transferred to any other property or be interpreted to allow any other type of business than that specifically described in the application.



16. The Planning and Permit Center shall be notified within 30 days after any change in the ownership of the subject property by a letter to the Planning Director referencing PL03-0926.

17. The Special Use Permit shall be void if operations are not started within two (2) years of the date of this decision or if abandoned for a period of one (1) or more years.

18. If the business grows beyond the criteria established for Home Based Business 2 by the County code or beyond the conditions set forth herein, the business shall relocate to a zoning classification which would permit the activity.

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

### DECISION

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

  
Wick Dufford, Hearing Examiner

Date of Action: December 9, 2004

Date Transmitted to Applicant: December 9, 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.