

Please return To:

Skagit County Planning and Development Services



200907140097

Skagit County Auditor

7/14/2009 Page

1 of

6 2:16PM

**SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES  
FINDINGS OF FACT**

**HEARING AUTHORITY:** SKAGIT COUNTY PLANNING DIRECTOR

**APPLICATION NUMBER:** ADMINISTRATIVE DECISION PL09-0151

**APPLICANT/CONTACT:** SAMISH RIVER PROPERTIES LLC  
C/O: WESLEY SMITH  
P.O. BOX 276  
DEMING, WA 98244

**OWNER:** WESLEY SMITH & ANDREW VALLEE  
P.O. BOX 276  
DEMING, WA 98244

**PROJECT LOCATION:** Located at 5719 Gilkey Ave., Bow, within a portion of Section 33, Township 36 N., Range 3 East W.M. situated within Skagit County, Washington. **P72959**

**PROJECT DESCRIPTION:** Administrative Decision request PL09-0151 for a substantially similar change of use from a hardware store (Morrison Hardware), which included a retail hardware store, a wood shop, and a barn that was utilized as a storage structure for material and equipment, to a wood shop for the production of furniture and cabinets. Skagit County Code (SCC) 14.16.150(2)(b) states the following as a permitted use; "Subject to an administrative decision, a change of use from the existing use to a use which is substantially similar to the existing use in terms of the type of commercial activity performed. A substantially similar use shall fall within the same broad use category as the existing use (retail, service, restaurant, or manufacturing), shall generate equal or less traffic as the existing use, and shall continue the same basic operational characteristics as the existing use."

**ASSESSOR'S ACCOUNT NUMBERS:** 4099-003-002-0105

**PROPERTY NUMBERS:** P72959

**ZONING/COMPREHENSIVE PLAN:** The proposed project is located within a Rural Business (RB) zoning/comprehensive Plan designated area as identified within the Skagit County Comprehensive Plan and associated maps as adopted October 10, 2007 and as thereafter amended.

**DEPARTMENTAL FINDINGS:**

1. **PROCESSING:** Pursuant to SCC 14.06.100(2) the application was deemed complete. Subsequently, a Notice of Development Application was posted on the subject property and published in a newspaper of general circulation on May 21, 2009, as required by SCC 14.06.150. Notification was provided to all property owners within 300 feet of the subject property. There was a fifteen (15) day comment period associated with the Notice of Development which ended on June 5, 2009. No comment letters were received.

2. **FLOOD AREA REVIEW:** The subject property is located within a designated A-8 flood hazard area per FEMA flood insurance Rate Map (FIRM) panel # 530151 0050 C with the effective date of January 3, 1985.

3. **CRITICAL AREA REVIEW:** The subject parcel was reviewed with respect to the Skagit County Critical Areas Ordinance, SCC 14.24. Critical areas review indicated the following;

“Based on the information submitted, this proposal appears to meet SCC 14.24.070(6). The proposal does not change the footprint of the existing structure, alter the use (from commercial) or increase the septic effluent.

The structure is within 200 feet of Edison Slough, Type S water. Future development will require additional review under SCC 14.24.”

4. **HEALTH DEPARTMENT REVIEW:** The application was routed to the Skagit County Planning and Development Services Health Unit for review. The following comments were notes; P72959 has no water connection from Blanchard Water and no large on site septic connection for the Edison (LOSS). Application for a building permit will require that if the building is plumbed, public water sign off from Skagit County Health Department and installation of a septic system is completed. No Edison LOSS assessment on this parcel for any type of connection.



5. **SHORELINE REVIEW:** The subject parcel was reviewed with respect to the Shoreline Master Program, SCC 14.26. The Shoreline Administrator indicated the following;

The following comments/questions pertain to shoreline issues only:

1. What has been the use of the property recently (within the last few years)?
2. Did the Morrison Hardware Company make things?
3. Does the applicant intend to do anything within the shoreline area other than work inside the existing structure?
4. The area is located within the rural shoreline jurisdiction.
5. What modifications are proposed within the structure?

The applicant's representative supplied the following responses to the above questions:

1. The interior of the barn has been modified by a previous property owner to replicate the scaled facades of an early western town. "Tombstone Toney's" was utilized as a commercial visitor attraction/exhibit and antique/junk mall. Most recently the barn has been utilized for storage purposes.
2. Yes. Morrison Hardware Company provided specialty cuts of lumber and siding and fabricated products on a special order basis. In addition the company produced house address numbers mounted on specially cut cedar boards many of which were still in use until the County's new addressing system was implemented. There are a number of structural and architectural features in and around the community of Bow/Edison that reflect the historic uses associated with the Company.
3. No. The footprint of the structure will remain unchanged.
4. Interior modifications will include removal of the replica facades/western buildings and establishment of appropriate work space for the fabrication of furniture. The structure will be made weather tight, insulated and provided with a heat source and power. A building permit application will follow the Administrative Decision.

The Shoreline Administrator stated the following; "Based on the comments provided by Graham-Bunting & Associates a Shoreline Exemption will be required for the project."

6. **PUBLIC WORKS DEPARTMENT REVIEW:** The application was routed to the Skagit County Public Works Department for comments. Public Works staff has no objection to the above referenced application.
7. The subject parcel is approximately .12 acres (approx. 5,227 sq. ft.) in size located off of the east side of Gilkey Avenue. The subject property measures approximately 86 feet along the west and east property lines, and approximately



60 feet along the north and south property lines. Access to the site will be off of Gilkey Avenue.

8. The existing facility is located along the northerly portion of the property on the east side of Gilkey Avenue. There is one existing building on site that measures approximately 2,440 (61' x 40') square feet. The proposal includes repairing the existing barn, provide power and sanitary services and utilize it as a wood shop for the production of furniture and cabinets while utilizing the existing footprint.
9. The applicant is requesting an Administrative Decision for the proposed use of Parcel 72959 and the building situated on the parcel, as a woodshop which is substantially similar to the pre-existing use associated with the Morrison Hardware Company. The Morrison Hardware Company occupied several buildings in the vicinity including: The retail hardware store located at the Northeast corner of the intersection of Gilkey Avenue and MacTaggart Avenue. The wood shop located just west of Gilkey Avenue and North of the Longhorn Saloon currently occupied by the applicants (Smith-Vallee Gallery). The barn located just north of the retail hardware store was utilized as a storage structure for material and equipment.

The applicant's research included a discussion with the pervious store manager which confirmed the use of the barn for storage of lumber products, drywall, a forklift and a delivery truck and that the use of the barn was an integral part to the hardware store.

The following is included in the applicants narrative; "Broad Use Category: The Morison Hardware Company provided a retail store for the sale of hardware and building materials and included the barn and woodshop for storage and woodworking. Utilization of the barn as a woodshop would be generally consistent with the uses associated with Morrison Hardware.

Operational Characteristics will provide for a storage and woodworking facility in the barn and a commercial outlet at the adjacent Smith-Vallee Gallery.

10. The surrounding area is predominantly made up of Business and Commercial uses to the west, south and north with Residential uses to the east.
11. SCC 14.16.150(2)(b) states; "Subject to an administrative decision, a change of use from the existing use to a use which is substantially similar to the existing use in terms of the type of commercial activity performed. A substantially similar use shall fall within the same broad use category as the existing use (retail, service, restaurant, or manufacturing), shall generate equal or less traffic as the existing use, and shall continue the same basic operational characteristics as the existing use (for example,



a change of use from a convenience store to a gas station would not be permitted, but a change from a convenience store to a video store would).”

12. The department has determined that the proposed use will be substantially similar to the previous use of the site with no increased impacts. The applicant’s representative has stated that traffic will be limited to 3-5 workers and no public access. Traffic is anticipated to be less than the volume associated with the Morrison Hardware Company since there is no commercial use associated with the workshop. Commercial related activities will occur off-site at the adjacent Smith-Vallee Gallery. The proposal will also continue the same basic operational characteristics as the existing use.

### **DECISION**

Based on the information presented by the applicants and the applicant’s representative the Department finds that the proposed use of the barn structure is substantially similar to the previous use associated with Morrison Hardware Company. The Director hereby approves the application for an Administrative Decision subject to the conditions listed below:

1. The applicant shall obtain all necessary land use approvals from the appropriate jurisdiction.
2. A Shoreline Exemption will be required for the project at time of Building Permit submittal.
3. Application for a building permit will require that if the building is plumbed, public water sign off from Skagit County Health Department and installation of a septic system will be required.
4. Future development will require additional review under SCC 14.24.”



200907140097

Skagit County Auditor

7/14/2009 Page 5 of 6 2:16PM

Prepared By:

Michele Q. Szafran, Associate Planner

Reviewed By:

Brandon Black  
Brandon Black, Senior Planner – Team  
Supervisor

Date of approval: June 26, 2009

The applicant and/or a party of record may appeal the decision of the Administrative Official to the Skagit County Hearing Examiner pursuant to the provisions of Section 14.06.110(7). Parties with standing to appeal must submit the appeal form and appeal fees to the Planning and Development Services within 14 calendar days of the publication of this Notice pursuant to SCC 14.06.110.



200907140097

Skagit County Auditor

7/14/2009 Page

6 of

6

2:16PM