

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND DECISION

Applicants: Ronald and Donna King
23972 Prairie Road
Sedro Woolley, WA 98284

File Nos: PL04-0782
PL05-0434

Request: Special Use Permit (Bed & Breakfast – North Star Retreat)
Special Use Permit (Home Based Business – photography)

Location: 23792 Prairie Road, within a portion of
NW1/4NE1/4NE1/4 Sec.25, T36N, R4E, W.M.
(Parcel: P104959)

Land Use Designation: Rural Reserve

Summary of Proposal: To operate a one-unit bed and breakfast located in a separate structure from the main dwelling and to use a meeting room attached to the residence for banquets, weddings and similar events. The room will also be used as a photography studio.

Public Hearing: After reviewing the report of Planning and Development Services, the Hearing Examiner conducted a public hearing on November 9, 2005.

Decision: The application is approved, subject to conditions.

FINDINGS OF FACT

1. Ronald and Donna King (applicants) seek two Special Use Permits – one to operate a bed and breakfast along with a social events facility, and the other to have a photography studio as a home occupation.
2. The site is an approximately seven-acre parcel located at 23972 Prairie Road, on the south side of the road. The property is within a portion of NW1/4NE1/4NE1/4 Sec. 25, T36N, R4E, W.M. The zoning is Rural Reserve.
3. The lot (P104959) has an irregular shape and runs in a north/south configuration. It is 100 feet along Prairie Road on the north, 1,200 feet along the west boundary, and 325 feet along the south boundary. From the south, the east property line runs north about 875 feet, then jogs about 225 feet to the west, and finally runs about 325 feet north to Prairie Road.
4. The property is basically flat with the front two-thirds being heavily wooded. The cleared areas are in lawn with attractive landscaping.
5. A single family residence and a cabin are located in the back third of the property. The residence is located about 225 feet from the west property line, 850 feet back from the north boundary (front), 300 feet from the south boundary (rear) and 50 feet from the east boundary. The cabin is roughly 30 feet west of the residence.
6. An indoor meeting area of approximately 1, 450 square feet is attached to the west side of the house. This will be used for occasional banquets, weddings and similar parties for up to 100 guests. In addition, the outside area immediately adjacent to the house may be used for such events. This area can accommodate another 50 people.
7. The residence and cabin are accessed by a long graveled driveway off of Prairie Road. The driveway is 16 feet wide and 900 feet long with several turnouts. The property is served by an on-site septic system and a private Group B water well. There is a contract for solid waste removal.
8. The cabin will be used for the bed and breakfast (B & B) operation. It is a one-room structure and measures 18 by 16 feet (288 square feet). Up to three guests can be accommodated. There is a covered porch and a ramped and railed entry. The cabin is served by the septic and water systems. A sprinkler fire suppression system has been installed. Parking is available in front of the cabin.
9. For the B & B, a continental breakfast will be provided. The meal will be served in the cabin. No unleashed pets will be allowed. Guests and leashed pets will be

able to walk through the property's woodlands. The B & B will be temporary lodging not to exceed 14 consecutive days.

10. Operation of the meeting area is sought in conjunction with the B & B. The meeting room is approximately 24 by 52 feet and contains a half bath and a storage area. There are two entrances into the room – one on the west from the outside and other from the residence. If the adjacent outdoor area is used commercial port-a-potties will be on hand as needed.

11. The meeting room facility will be available from 9:00 a.m. to 11 p.m. with no outdoor activity or no music allowed after 9:00 p.m. Wedding music will be permitted out of doors before 7:00 p.m. for up to one hour. Otherwise all music will be confined to the indoor area. The applicants promise that the volume of all music will be monitored so that it does not exceed what neighbors would expect from a private family party.

12. Residential style lighting will be used indoors and outdoors. The design will be to avoid glare outside of the property.

13. For social events, food will either be provided by Mrs. King or by an approved caterer. The on-site kitchen has been approved as a catering site by the Health Department. One or two employees of a catering business may be on hand to work an event. The only other occasional employee on site will be the parking attendants hired for large parties.

14. No hard liquor will be served or allowed to be consumed at any event. Controlled single serving (approximately four ounces) champagne toasts will be permitted at weddings. Wine and beer may be served through a certified bartender hired by the event client. Any persons discovered to have alcohol not served by the bartender will be escorted off the property by a designated driver.

15. No business will be solicited on-site. No drive-up reservations will be taken. All reservations will be via telephone or the internet.

16. Parking for up to 80 people will be available for the social events. There are four areas on the west side of the driveway that can in total accommodate 40 vehicles. Handicapped spaces will be identified near the residence. In addition, the applicant has an agreement with the adjacent owner to the east (Stueve) for use of a 90 by 90 foot area where an additional 40 cars can be parked. This area will be clearly marked as separate from the rest of the neighbor's property. The only access will be through the applicant's driveway crossing south of the residence into the neighbor's land. A separate entrance and exit will be provided. An attendant will be present at this separate parking site during events. No parking will be allowed on or near Prairie Road.

17. The entrance to the applicant's property will be well-marked and clear directional signs will be located within the property. Incoming and exiting traffic is expected to be graduated. Increased traffic on Prairie Road will occur on only an occasional basis. No significant traffic congestion is anticipated.

18. Adjacent to the property on the west is the Burlington Northern Railroad line. Nearby properties are all acreages, developed with single family residences. The residence, the B & B cabin and the meeting area are well buffered from neighbors by woodlands. The nearest neighboring house (Steuve) is approximately 250 feet from the residence. The next nearest is 650 feet away. The property is fenced except for the side bordered by the railroad line. No trespassing signs will be posted at regular intervals around the perimeter.

19. The proposed photography studio operation will use the meeting room during times when no events are being held. The hours of the business will be from 10:00 a.m. to 6:00 p.m. daily by appointment only. Photo shoots will be permitted on the grounds as well as within the meeting room. There are no plans for developing film on the property. Initial client contact will be by telephone or internet. A small office for this business will be located between the meeting area and the residence. A small business sign will be placed at the driveway the entrance to the grounds at Prairie Road. More than adequate parking for this business is available. Mr. King will be the sole employee.

20. A Notice of Development Application for the B & B was published on April 28, 2005. A Notice of Development Application for the photo studio was published on August 18, 2005. On September 13, 2005, the County issued a Determination of Non-Significance (DNS) for both proposals under the State Environmental Policy Act (SEPA).

20. Two comment letters were received on the B & B application. None were received about the photo studio. There were no comments on the DNS. The DNS was not appealed. At the hearing there was no adverse public testimony.

21. The two commenters expressed worries about increased traffic on Prairie Road and noise from social events. One mentioned cars parked on the shoulders of the road for events at the school in the neighborhood. Concern was expressed regarding drivers who have been drinking.

22. The Examiner finds that these apprehensions do not provide adequate cause for denying the permits. The site of the events is really very secluded and significantly buffered from other properties. The conditions of approval should insure that no parking problems on the road are experienced, that noise is adequately controlled, and that drinking is appropriately limited. The long driveway and the location of parking facilities should insure that traffic congestion on the road is minimal. The applicants provided assurances that every effort will be made to avoid disturbing neighbors.

23. The applications were reviewed by various County departments and their comments were capable of being addressed through conditions of approval. Planning and Development Services analyzed the applications against the relevant criteria for home-based businesses, bed and breakfast operations, and special uses in general. They determined that the proposals, as conditioned, will be consistent with the applicable standards. The Hearing Examiner concurs with this analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

23. 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 subject matter of this proceeding. Because two permits were sought, the applications were consolidated for processing and the procedure for the highest permit level was followed. Thus, both applications were heard by the Examiner. SCC 14.06.060.

2. The requirements of SEPA have been met.

3. SCC 14.04.020 defines “Bed and Breakfast” as follows:

An owner-occupied and managed dwelling which is used to provide overnight guest lodging for compensation and which usually provides a morning meal, and/or may include facilities for banquets, weddings and similar small parties. Guest lodging may be in a separate structure from the main dwelling.

At the site in question, the B & B proposal here is within the definition.

4. As conditioned, the permits meet the relevant criteria for Special Use Permit approval for the uses sought. See SCC 14.16.900(3)(e), 14.16.900(3)(c), 14.16.900(2)(b)(v).

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

CONDITIONS

1. The applicants shall operate the bed and breakfast/special events and photography businesses as described in the application materials, except as the same may be modified by these conditions.

2. The applicants shall obtain all applicable permits prior to the start of business.

3. The access and driveway shall be improved to comply with Skagit County Road Standards for commercial access. Prior to the start of business, the applicants shall receive verification from Public Works that this work has been satisfactorily completed.

4. An access permit is required for all work performed within the County right-of-way.

5. A grading permit may be required for driveway improvements.

6. All applicable State and County regulations shall be complied with, including, but not limited to, the performance standards of SCC 14.16.840 (noise and light), chapter 173-60 WAC (state noise regulations), chapters 173-200 and 201A (surface and ground water quality).

7. Each business shall be limited to one non-illuminated sign on site not to exceed four (4) square feet.

8. A change of use permit and a certificate of occupancy is required for the bed and breakfast cabin and the room used for weddings and other events.

9. The event areas will be handicapped accessible.

10. No more than 100 people will be allowed in the meeting room. The attendance at any event shall be limited to no more than 150 people.

11. "No trespassing" signs shall be posted as appropriate. Information on the boundaries of the applicants' property shall be made available to all guests.

12. Any pets shall be confined within a designated area on the property and leashed when walked.

13. All parking areas shall be marked and parking for all events shall be limited to designated parking areas.

14. All conditions of the parking agreement entitled "License to Park Cars," between Melvin G. Stueve and Ronald and Donna King shall be observed.

15. No parking shall be allowed on the County right-of-way.

16. Prior to renting the bed and breakfast room, the applicants shall receive a plan review and annual license from the Health Department. A copy of this license shall be placed in the planning file for PL04-0782.

17. Portable restrooms shall be adequate in number and adequately maintained. The applicants shall maintain a current contract for portable restrooms that shall be available upon request.

18. A minimum of two parking attendants shall be required for larger events. The attendants shall be hired by the applicants.

19. The entrance and the exit for the off-site parking area shall be clearly marked.

20. One of the applicants, or a representative, shall be present at each event to monitor activities to ensure that the requirements of this permit and of any relevant signed contract are adhered to.

21. Event hours shall be limited 9:00 a.m. to 11:00 p.m. All activities out of doors shall cease after 9:00 p.m. Wedding music only shall be allowed out of doors but only for a period not to exceed one hour before 7:00 p.m. All other music shall be confined to indoor areas. All music shall cease after 9:00 p.m.

22. The applicants shall monitor noise at events and make every effort to keep noise at levels expectable from a private family party.

23. Alcohol available at events shall be limited to bottled beer, champagne and wine. No hard liquor shall be allowed onto the site. Any person bring hard liquor onto the site shall be obliged to leave. No guest shall be permitted to carry alcohol of any kind off the site.

24. Residential style lighting shall be used indoors and outdoors. The lighting shall not result in glare outside of the property.

25. Prior to issuance of a change of use permit, a limited hydrogeo report shall be submitted as required by SCC 14.24.320.

26. If at any time on-site photo developing is desired for the photography business, the applicants shall obtain chemical disposal approval from the State Department of Ecology. A copy of that approval shall be placed in the planning file (PL05-0434).

27. For the Home Based Business non-residential employees shall be limited to three. When and if that business grows beyond the criteria established in SCC 14.16.900(3)(e), the business shall relocated to a zoning classification which would permit the activity.

28. The Special Use Permits shall be void unless started within two years of the date of permit approval or if abandoned for any period of one year.

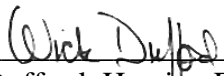
29. The Planning and Development Services Department shall be notified within 30 days of any change in ownership of the subject parcel or of the businesses thereon through a letter referencing the permit numbers PL04-0782 and PL05-0434.

30. Prior to issuance of any Special Use Permit, any outstanding review fees shall be paid in full.

31. Failure to comply with any permit condition may result in permit revocation.

DECISION

The requested Special Use Permits (PL04-0782 and PL05-0434) are approved, subject to the conditions set forth above.



Wick Dufford, Hearing Examiner

Date of Action: December 6, 2005

Date Transmitted to Applicants: December 6, 2005

RECONSIDERATION/APPEAL

As provided in SCC 14.06.180, a request for reconsideration may be filed with Planning and Development Services 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 Planning and Development Services within 14 days after the date of the decision, or decision on reconsideration, if applicable.