

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND DECISION

Applicant: Brenda Jennings
815 Dana Drive
Sedro-Woolley, WA 98284

File No: PL04-0814

Request: Special Use Permit (Home Based Business)

Location: 24224 Polte Road, within a portion of Sec. 19, T35N, R5E,
W.M., within the Sedro-Woolley Urban Growth Area.

Land Use Designation: Urban Reserve Residential (URR) – UGA

Summary of Proposal: To operate a beauty salon in a single family residence.
The business will be by appointment only, no more than
four days a week, catering to approximately three to four
customers per day.

Public Hearing: After reviewing the report of Planning and Development
Services, the Hearing Examiner conducted a public
hearing on April 6, 2005.

Decision: The application is approved, subject to conditions.

FINDINGS OF FACT

1. Brenda Jennings (applicant) seeks a Special Use Permit to operate a beauty salon in the home where she resides.
2. The residence is on Lot 2 of Short Plat PL02-0512 within the Sedro Woolley Urban Growth Area (UGA). The address is 24224 Polte Road SW. The parcel number is P120414, within Sec. 19, T35N, R5E, W.M.
3. The lot is situated down a 200-foot driveway from the road. The residence is new. The zoning is Urban Reserve Residential (URR). Heavily developed residential subdivisions surround the property.
4. There will be no employees other than the applicant. The salon will operate by appointment only. The proposed hours of operation are between 10:30 a.m. and 6:00 p.m., no more than four days in any week – either Monday through Thursday or Tuesday through Friday, depending on the work schedule of applicant’s husband.
5. Only one customer at a time will be served. There is adequate parking on the property. Only three or four clients a day are anticipated.
6. The site will maintain the residential appearance of surrounding uses. The salon use will be incidental and secondary to the residential use of the property. There will be no outside storage or other exterior indication of the business. The property is to be enclosed by a fence and the business activity will take place solely within the house.
7. The applicant is not proposing a sign, but if one is later desired, it will comply with the Home Occupation standard – non-illuminated, not to exceed four square feet.
8. No toxic materials will be maintained on the premises. The business will not involve noise, pollution, electrical interference or other environmental impacts. Traffic attributable to the use will not exceed that expectable from normal residential use.
9. SCC 14.16.900(3)(e) sets forth special criteria for a Home Based Business 2. Permit are subject to the following:
 - a. Is carried out by member or members of a family residing in the dwelling and may include up to three (3) additional employees;
 - b. Is clearly incidental 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 (1) sign not to exceed four (4) square feet, provided 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; and
- g. May have clients come to the site.

10. The application discloses an understanding of these limitations and a willingness and ability to comply with them.

11. The 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.

12. The Staff Report analyzes the application in light of the above criteria and finds that, as conditioned, it will comply with them. 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.

13. The business will carry out the Comprehensive Plan goal of encouraging home occupations that are consistent with existing land use patterns and are of appropriate size and scale.

14. A Determination of Non-Significance (DNS) under the State Environmental Policy Act (SEPA) was issued for this application on February 17, 2005. The DNS was not appealed.

15. No reviewing agency or department had critical comments. The building official notes that there will be a need for ADA compliance along with appropriate restroom facilities. The new septic system should be adequate to handle the use.

16. The City of Sedro Woolley had no concerns. There was no public comment on the proposal.

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. SJCC 14.06.050(1).

2. The requirements of SEPA have been met.

3. Absent compelling contrary evidence, it is presumed that permittees will comply with the conditions of approval imposed on them. In this case the Examiner has no reason to think that non-compliance is likely.

4. SCC 14.16.370(5) lists "Home Based Business 2" as an allowed use with an approved Hearing Examiner Special Use Permit.

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

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

CONDITIONS

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

2. Prior to operation, the applicant shall obtain all other necessary permits and approvals.

3. The applicant shall comply with all relevant Skagit County code provisions, including the Critical Areas Ordinance (Chapter 14.24 SCC) and the zoning ordinance (Chapter 14.16 SCC).

4. The structure shall meet Building Code requirements for ADA accessibility.

5. No significant changes from the type and volume of business shall occur without first obtaining the review and approval of Planning and Development Services. If and when the business grows beyond the limitations of a home based business and the conditions imposed herein, the business shall relocate to a zoning classification that would permit the activity.

6. The use authorized must be started within two years from the date of this approval and may not be abandoned for a period of one year, or the permit will become void.

7. Planning and Development Services shall be notified within 30 days after any change in ownership of the parcel.

8. Failure to comply with any of the conditions of the permit may result in its revocation.

DECISION

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



Wick Dufford, Hearing Examiner

Date of Action: April 20, 2005

Date Transmitted to Applicant: April 20, 2005

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.