

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

**FINDINGS, CONCLUSIONS AND DECISION**

**Applicant:** Susan Witten  
18056 Peterson Road  
Burlington, WA 98233

**File No:** PL05-0041

**Request:** Special Use Permit (Home Based Business)

**Location:** 18056 Peterson Road, within a portion of Sec. 6, T34N, R4E, W.M.; Parcel #P23628.

**Land Use Designation:** Urban Reserve Residential in Urban Growth area

**Summary of Proposal:** To operate a financial planning business in an existing residence. The present family room and back entry will be converted into an office area. The business will include one employee and average 8 to 20 clients per week.

**Public Hearing:** After reviewing the report of Planning and Development Services, the Hearing Examiner conducted a public hearing on May 11, 2005.

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

## **FINDINGS OF FACT**

1. Susan Witten (applicant) seeks a Special Use Permit to operate a financial planning business in the home where she resides.
2. The residence is located at 18056 Peterson Road, off of Route 20, east of the intersection of Peterson Road and Pulver Road. The property is .66 acres in size, situated within a portion of Sec. 6, T34N, R4E, W.M. The parcel number is P23628. In addition to the residence there are two garages on the lot.
3. The zoning is Urban Reserve Residential (URR) within the Urban Growth Area.
4. There will be one employee other than the applicant. The employee is expected to come to the home four days a week to work. An average of 8 to 10 clients per week for the business are estimated. All clients will be scheduled by appointment. Normally there will be just one client at the home at a time. The hours of the business will be from 9 a.m. to 5 p.m.
5. There is a long driveway from the street to the house and an ample black-topped area for parking in the garage area. The impact of the business on traffic will be insignificant.
6. The business is being moved from off site to the home. There is an established clientele. Word of the enterprise is solely by word of mouth. The applicant engages in no public advertising. Clients are accepted by recommendation only.
7. The site will maintain the residential appearance of surrounding uses. The present family room and back entry will be converted to an office. A 25' by 25' addition to the living room in the front of the house is contemplated, but the new space will be part of the private residential area. There will be no external indication of the business, except for a small sign.
8. The business will be incidental and secondary to the residential use of the property. No toxic materials will be maintained on site. The business will not cause noise, pollution, electrical interference or other environmental impacts.
9. The application was deemed complete on February 4, 2005. Notice of Application was posted, published and mailed as required. No comment letters were received. There was no public testimony at the hearing.
10. The application was routed to appropriate County departments for review. Their comments are reflected in conditions of approval.

11. A Determination of Non-Significance (DNS) under the State Environmental Policy Act (SESPA) was issued on February 25, 2005. The appeal period ended April 1, 2005. There were no appeals.

12. SCC 14.16.900(3)(e) sets for special criteria for a Home Based Business 2 Permit, as follows:

- a. Is carried out 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 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, provide 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;

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

14. The criteria for Special Use Permit approval are set forth 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.

15. The Staff Report analyzes the application in light of the above criteria and finds that, as conditioned, the business 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.

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

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. SCC 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 upon them. In this case, the Examiner has no reason to think that non-compliance is likely.

4. "Home Based Business 2" is allowed with an approved Hearing Examiner Special Use Permit in the subject zone.

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

6. Any finding herein 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 the start of business, the permittee shall: (a) obtain building permits for change of use in connection with the area of the house to be used for the business; (b) obtain all other necessary permits and approvals; (c) provide parking and building access for the handicapped as required by the Building Division.

3. Non-residential employees shall be limited to three (3).

4. One (1) non-illuminated sign not to exceed four square feet shall be allowed on site.

5. A \$25 review fee must be paid to the Health Department prior to the operation of the business.

6. 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 permits the activity.

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

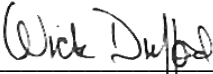
8. Planning and Development Services shall be notified within 30 days after any change in ownership of the parcel through a letter to the Planning Director referencing the Permit Number PL05-0041.

9. Prior to issuance of any permit, all outstanding planning review fees shall be paid in full.

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

## DECISION

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

  
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Wick Dufford, Hearing Examiner

Date of Action: June 1, 2005

Date Transmitted to Applicant: June 1, 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.