

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND DECISION

Applicants: David and Matt Strong
P. O. Box 406
Burlington, WA 98233

Agent: Marianne Manville-Ailles
Skagit Surveyors
806 Metcalf Street
Sedro-Woolley, WA 98284

File No: PL05-0141

Request: Special Use Permit (Home Based Business II)

Location: 9406 Adrian Lane, within a portion of Sec. 23, T35N,
R4E, W.M.

Land Use Designation: Rural Reserve

Summary of Proposal: To operate a recreational vehicle structural repair business
In a 60' by 80' pole building built on property on which the
Operators will reside in a mobile home.

Public Hearing: After reviewing the report of Planning and Development
Services, the Hearing Examiner conducted a public hearing
on June 8, 2005.

Decision: The application is approved, subject to conditions.

FINDINGS OF FACT

1. David and Matt Strong (applicants) seeks a Special Use Permit for a home-based business to operate on property they own at 9406 Adrian Lane.

2. The subject property is within a portion of Sec. 23, T35N, R4E, W.M. It is Parcel # P118954. It comprises approximately 3.03 acres and is located west of intersection of Prospect Street and Cook Road. The lot was created by subdivision in 2002. Cook Road forms the subdivision's southern property line. The property is served by Adrian Lane, a private roadway meeting county standards leading north from Cook Road. To the south are the Janicki Ball Fields. The property is rectangular in shape with the long dimension running north and south. The zoning is Rural Reserve.

3. The proposed home-based business is a recreational vehicle repair operation, specializing in structural repairs, such as vehicle accident damage. The business would be owned and operated by John Sherwood, dba "JR's RV Repair and Rebuild." This business has been operated in the County for over 25 years.

4. Upon approval of this Special Use Permit, the Strongs intend to enter into a long-term lease of the property to Mr. Sherwood. Mr. Sherwood and his wife would reside in a mobile home which already exists on the site.

5. To house the business, a large pole building, approximately 60 feet by 80 feet would be erected on the property. The repair business would be conducted entirely within the structure. The enterprise would be operated from 8:00 a.m. to 5:00 p.m. daily. The employees would be four family members – Mr. Sherwood, his wife, his son and his brother-in-law.

6. The structure would be built in an area undergoing transition from farm land to more residential uses. Such buildings as the one proposed are not uncommon in the vicinity. Indeed, there used to be milking parlor where the new building is going in. The structure would not be out of character with its setting. Brickyard Creek and its buffer form a natural barrier from the nearest residence on the east.

7. The proposal includes parking some RV's outside. Those arriving would be parked in a temporary parking area on the east side of the building. Those waiting for parts or waiting for their owners to pick them up would be parked on the north between the shop building and the house. A maximum of seven RV's could be parking outside at any time. No vehicle should remain parked on site for more than a week. A landscape buffer of English laurel is proposed for the eastern edge of the property. The idea is to minimize the external indicators of the business.

8. There is adequate parking space for employees on the three-plus-acre parcel. The traffic generated would be roughly 20 trips per day – an amount easily accommodated by the existing road system.

9. The repair business requires no machinery that produces noise, odors or heat that would be at odds with the agricultural or residential uses in the surrounding neighborhood. Chemicals and wastes will be of items that are not uncommon in any garage/shop in the county.

10. There is an approved water supply. The shop will contain a restroom for the employees. Any septic system concerns can be addressed at the building permit stage. The business will have an RV dump station and holding tank for effluent from RV's requiring work on their restrooms. The holding tank will have an alarm to warn when pumping is needed. A contract with a pumping company will be arranged.

11. A drainage study was submitted with the application and reviewed by Public Works.

12. Consulted County departments had no objections to the proposal. Their comments are incorporated as conditions of approval.

13. Notice of development was posted, published and mailed on March 24, 2005. No public comments were received. There was no public testimony at the hearing.

14. A Determination of Non-Significant (DNS) under the State Environmental Policy Act (SEPA) was issued on April 14, 2005. The DNS was not appealed. Critical Areas concerns were addressed in the early subdivision process.

15. SCC 14.16.900(3)(e) sets forth 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;

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

17. 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.

18. The Staff Report analyzes the application in light of the above criteria and finds that, as conditioned, the business will comply with them. The Staff Report is by this reference incorporated herein as though fully set forth.

19. 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 compliance is unlikely.

4. "Home Based Business II" is allowed with an approved Hearing Examiner special Use Permit in the subject zone. SCC 14.16.320(4)(o).

5. The facts support a conclusion that the business, as 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 permittees shall construct improvements and operate the business as described in the application materials, except as the same may be altered by these conditions.

2. Prior to the start of business, the applicants shall obtain a building permit for the pole building (repair shop). The applicants shall obtain any other required permits.

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

4. The business shall be secondary to the use of the property for dwelling purposes.

5. One non-illuminated sign not to exceed four square feet shall be allowed on site. Except for this sign and the limited temporary outdoor parking of RV's as described in the application, there shall be no exterior indication of the business. No outdoor storage of parts or materials used in the business shall be allowed.

6. The applicants shall upgrade Adrian Lane as necessary to provide a road that complies with Skagit County Road Standards Figure B-1, Private Roadway Section.

7. The applicants shall provide a Storm Water Control Plan with their building permit application.

8. Any septic system approval issues shall be resolved prior to issuance of a building permit.

9. The proposed building will require fire flow. Whether a fire hydrant will be required to be installed shall be determined at the time of building permit review.

10. The applicants shall comply with all PUD requirements for expanded use.

11. A list of quantities of flammable liquids and other hazardous materials and MSDS's for those materials shall be reviewed at the time of building permit review.

12. A hydrogeo report is required per SCC 14.24.320 for change/expansion of use on the property. Depending on locations of nearby and on-property wells and review of submitted well information, additional information may be requested by the County hydrogeologist.

13. The applicants shall comply with applicable State and local regulations, including Chapter 173-60 WAC and SCC 14.16.840 for noise and light conditions, and Chapters 173-201A and 173-200 WAC for surface and ground water quality.

14. Approval of the Special Use Permit does not support a future land division.

15. The permit shall not be effective until all outstanding review fees have been paid in full. This includes a \$50 fee for review time by the Health Department.

16. The Special Use Permit shall be void if work is not started within two years of the date of this permit approval or if abandoned for any period of one year.

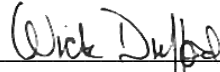
17. No significant changes from the type and volume of business shall occur without first obtaining the review and approval of Planning and Development Services. If and when the business grows beyond the limitations of a home-based business and the conditions imposed here, the business shall relocate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

18. Planning and Development Services shall be notified within 30 days after any change in ownership of the parcel through a letter referencing Permit Number PL05-0141.

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

DECISION

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



Wick Dufford, Hearing Examiner

Date of Action: June 27, 2005

Date Transmitted to Applicants: June 27, 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.