

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND DECISION

Applicant: Mark and Janine Cook
15729 Mountain View Road
Mount Vernon, WA 982273

Agent: Cherie Mueller, Architect
3431 39th Ave. West
Seattle, WA 98199

File No: PL06-0556

Request: Special Use Permit (Home Based Business 2)

Location: 15729 Mountain View Road, approximately one mile west of the intersection with State Route 9. The property is within Sec. 23, T34N, R4E, W.M.

Land Use Designation: Urban Reserve Residential (Urban Growth Area)

Summary of Proposal: To operate a photography studio in a 1,200 square foot building separate from the existing residence.

Public Hearing: After reviewing the report of Planning and Development Services, the Hearing Examiner conducted a public hearing on September 27, 2006.

Decision: The application is approved, subject to conditions.

FINDINGS OF FACT

1. Mark and Janine Cook (applicants) seek a Special Use Permit to operate a photography studio as a home based business on the property where they reside.

2. The property is at 15729 Mountain View Road, about one mile west of the road's intersection with State Route 9. The lot is Parcel P27633 located within Sec. 23, T34N, R4E, W.M. It is about 2.93 acres in size, situated on the east side of the road.

3. The site is within an Urban Growth Area for the City of Mount Vernon. The zoning is Urban Reserve Residential. No conversion of agricultural land will be needed to accommodate the proposed business activity.

3. The lot is rectangular, with the long dimension running east and west. The existing single family residence is in the west portion of the property, set back some 210 feet from Mountain View Road. The applicants propose to add two new buildings – a garage and the photography studio. Each will require a building permit.

4. The proposed studio will be incidental and secondary to the use of the property for dwelling purposes. The studio will occupy about 1,200 square feet, in a building around 80 feet back from the road. It will be directly west of the house. A paved parking area will occupy space between the studio and the house. The new garage will be north of the parking area.

5. The site plan indicates that 4155 square feet of new impervious surface will be added to the existing impervious area of 7,350 square feet. Seven parking spaces will be provided, including one for handicapped customers. Prior to construction, the project will require an approved drainage study prepared by a licensed civil engineer.

6. The studio will contain a restroom with the waste going to the existing septic system. The capacity of the present system appears adequate to handle the modest waste load increase anticipated, but the applicant needs to show how the studio building will tie into that system.

7. The applicants have proposed that they be able to use bottled water for the potable water needs at the studio. The County Health Department has agreed to this idea so long as signs are posted on the faucets that the water is non-potable.

8. The project is located within 200 feet of a potential geological hazard (steep slope). A geological hazard site assessment prepared by a qualified professional will need to be prepared and approved.

9. The studio building will of a scale and height and built of materials that will blend with the contemporary style of the residence.

10. The photography studio will operate on an appointment basis. Hours of operation will be from 8 a.m. to 6 p.m., six days a week. There may be up to three employees who live off site. Vehicle traffic generated is projected to be modest – approximately 3-5 cars per day arriving at pre-arranged times. The parking demand will not exceed normal residential demand.

11. The only exterior indication of the business will be a small sandwich board sign at the road, a maximum of four feet square. There will be no outside storage or other exterior indication of the home business. No environmental impacts beyond those common to a residential area will result from the operation.

12. 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.

13. The Staff Report analyzes the application against these criteria and concludes that, as conditioned, the proposal will be consistent 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.

14. The proposed use is not located in or adjacent to natural resource lands. Additional public facilities will not be required.

15. The City of Mount Vernon had no comment on the proposal. There were no comment letters from the general public.

16. 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(b). It is a Level II application.

2. Under SCC 14.16.370(4), a Home Based Business 2, is permitted in an Urban Reserve Residential Zone as a Hearing Examiner Special Use,

3. Special requirements for home based businesses are set forth at SCC 14.16.900(3)(e), as follows:

(1) Is carried out by a member or members of a family residing in the dwelling and may include up to 3 additional employees;

(2) Is clearly incidental and secondary to the use of the property for dwelling purposes;

(3) The business activity may be conducted in other than the dwelling;

(4) 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 1 sign not to exceed 4 square feet, provided such sign shall not be illuminated.

(5) Does not create a level of electrical interference, line voltage fluctuation, vibration, smoke, dust, odors, heat, glare, traffic and other environmental impacts beyond that which is common to a residential area;

(6) Does not create a level of parking demand beyond that which is normal to a residential area; and

(7) May have clients come to the site.

4. The findings support a conclusion that the above criteria will be met by the proposed photography studio.

5. The proposal, as conditioned, is consistent with the general Special Use Permit criteria of SCC 14.16.900(2)(b)(v).

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

CONDITIONS

1. The project shall be constructed and operated substantially as described in the application materials, except as the same may be altered by these conditions.

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

3. Prior to building permit approval for the garage and studio, a geological hazard site assessment report prepared by a qualified professional shall be submitted to and approved by Planning and Development Services.

3. Prior to building or grading permit approval, a drainage study prepared by a licensed civil engineer shall be submitted to and approved by Public Works.

4. Any driveway improvements made within the Mountain View Road right-of-way shall require a permit from Public Works.

5. Potable water shall be provided, subject to requirements of the Health Department.

6. Prior to building permit approval, a drawing shall be submitted showing how the studio's facilities fit into the existing septic system.

7. Hours of operation for the photography studio shall be between 8:00 a.m. and 6:00 p.m., Monday through Saturday.

8. Non-residential employees shall be limited to three.

9. One non-illuminated sign not to exceed four square feet will be allowed on site.

10. The permit shall be void if the project is not started within two years of the date of this approval, and if abandoned for a period of one year.

11. When the business grows beyond the criteria established by law and by these conditions, the business shall relocate to a zoning classification which permits the activity.

12. 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 PL06-0556.

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

14. Failure to carry out any of these conditions may result in revocation of the permit.



Wick Dufford, Hearing Examiner

Date of Action: October 4, 2006

Date Transmitted to Applicants: October 4, 2006

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.