

## NOTICE OF DECISION

### BEFORE THE SKAGIT COUNTY HEARING EXAMINER

- Applicants:** Patrick and Kelli Bever  
5723 State Route 9  
Sedro Woolley, WA 98284
- Request:** Special Use Permit – Home Based Business III  
#PL17-0057
- Location:** 5570 North Fruitdale Road, east of State Route 9 and north of Cranberry Lake. The parcel is Lot 2 of the Bevers Fine Homes Short Plat (PL14-0036). It is within a portion of NE1/4SW1/4 Sec. 31, T36N, R5E, W.M. Parcel No. P132479
- Land Use Designation:** Rural Reserve (RRv)
- Summary of Proposal:** To operate a hair salon in a single family residence that is currently under construction. The proposed salon will occupy the northeast 800 square feet of the residence. It will have its own exterior entrance and its own parking area.
- SEPA Compliance:** Exempt
- Public Hearing:** May 24, 2017. Testimony by Planning and Development Services (PDS) staff and by Patrick and Kelli Bever, applicants. No public Testimony.
- Decision/Date:** The application is approved, subject to conditions. June 16, 2017.
- Reconsideration/Appeal:** Reconsideration may be requested by filing with PDS within 10 days of this decision. Appeal is to the Board of County Commissioners by filing with PDS within 14 day of this decision or decision on reconsideration, if applicable.
- Online Text:** The entire decision can be views at:  
[www.skagitcounty.net/hearingexaminer](http://www.skagitcounty.net/hearingexaminer)

## **FINDINGS OF FACT**

1. Patrick and Kelli Bever (applicants) seek a Special Use Permit to operate a hair salon in their home.

2. The site is a 10 acre parcel identified as Lot 2 of the Bevers Fine Home Short Plat (PL140036). The property is Parcel P132479, located at 5570 North Fruitdale Road. It is within a portion of NE1/4SW1/4 Sec. 31, T36N, R5E, W.M.

3. The parcel is somewhat triangular in shape, with development located in the northern tip. About 1.5 acres of the 10 have been developed. The remaining acreage is vegetated. At present a 6,000 square foot single-family residence and attached garage are under construction on the site. (See BP14-0634.) The residence should be complete sometime in the summer of 2017.

4. The remainder of the parcel is vegetated, containing critical areas and a stream. The critical areas and buffers have been placed in a Protected Critical Area (PCA) easement recorded with the County Auditor. The residence is located approximately 400 feet west of Bonneville Power transmission lines and the Pacific Northwest Pipeline.

5. Access to the house site is via North Fruitdale Road, then south 300 feet on a 30-foot-wide access easement. The business will have its own exterior entrance and parking area. Parking will consist of three standard spaces and one ADA space, all located on the northeast side of the residence.

6. The salon will share the sewage disposal system for the residence, provided by a four-bedroom septic system approved by the County Health Department under permit SW 14-0263 and completed by the date of hearing. The Health Department has determined that the expected number of customers and employees should not negatively impact the system proposed.

7. The proposal is to operate the hair salon from Monday through Saturday from 9 a.m. to 5 p.m. There will be one or two full time employees. The applicant anticipates on average 3 to 6 clients visiting the salon per day. Client visits will be by appointment only. The time per appointment will vary from 45 minutes to as much as three hours, depending on the hair services requested.

8. The site plan and aerial photos show that a buffer of mature trees runs along the entire border of the parcel. No additional landscaping will be required.

9. The applicant proposed to place one 1' x 2' sign by the driveway entrance along Fruitdale Road. The sign must be located outside the public right-of-way.

10. The surrounding areas, like the site, are zoned Rural Reserve (RRv). The majority of nearby properties are large 5-10 acre parcels containing single-family residences, forested areas and parcels in agricultural production. The proposed use, entirely inside the house, will be compatible with its setting.

11. The application was deemed complete on February 28, 2017. On March 9, 2017, as required by law, Notice of Development Application was posted, published and mailed to property owners within 300 feet. No comment letters were submitted.

12. The application was routed to various County departments for review. None had objections. Their comments are included as conditions of approval.

13. Critical areas review for the subject parcel was completed during review of the short plat, PL 14-0036. All identified critical areas have been placed with a Protected Critical Areas (PCA) easement recorded with the County Auditor. No development is proposed within the PCA.

14. There is a well on the property, but none of the development intrudes into the well protection zone.

15. The proposal meets the Special Use Permit requirements for a Home-Based Business 3, as set forth in SCC 14.16.730(4). The business will be carried out by a member of the family residing in the dwelling; the business will be clearly incidental and secondary to the use of the property for dwelling purposes; the business will have not outside storage or other exterior indication of its existence with the except of a small non-illuminated sign; the business will not create environmental impacts beyond that which is common to a residential area.

16. The Staff Report analyzes the applications in light of the general Special Use approval criteria of SCC 14.16.900(1)(b)(v). The Staff has concluded that, as conditioned, the proposed use will meet these criteria. 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.

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 this proceeding. SCC 14.06.050(1)(b).

2. The proposal is exempt from the procedural requirements of the State Environmental Policy Act.

3. A Home-Based Business 3 requires a Hearing Examiner Special Use permit in the Rural Reserve zone. SCC 14.16.320(4)(l).

4. The proposal meets the particular approval criteria for a Home-Based Business 3. SCC 14.16.730(4).

5. The proposal, as conditioned, meets the general criteria for Special Use approval. SCC 14.16.900(1)(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 as described in the application materials, except as the same may be modified by these conditions.

2. Prior to operating the hair salon, the Applicants shall obtain the appropriate building permits for the building modifications necessary to accommodate the salon (i.e., plumbing, fire wall barrier installation; bathroom and ADA requirements.)

3. All faucets or hose bibs that the public has access to shall be signed “non-potable water.” Bottled water shall be provided for the public to drink.

4. No parking shall be allowed within the 100 foot well protection zone (WPZ) for well W94-0022, except on concrete surfaces that drain away from the well.

5. The disposal of atypical household sewage, i.e., salon chemicals, into the septic system, is not allowed and shall not occur.

6. Prior to operation of the proposed hair salon, the County Fire Marshal shall be contacted regarding the need for an inspection.

7. The Applicants shall comply with all applicable State and County regulations, including but not limited to SCC 14.16.730(4) (Home-Based Business 3) and SCC 14.16.320 (Rural Reserve zone).

8. This Special Use Permit shall be void if the use permitted has not been established or a complete building permit filed within two years of permit approval.

9. Expansion or intensification of the use beyond what has been described in the application materials shall require additional review by the County Department of Planning and Development Services (PDS).

10. PDS shall be notified of any change of ownership within 30 days of the change.

11. A copy of this permit decision shall be submitted with building permits associated with this Special Use.


12. This permit shall be void if the use is abandoned for more than a year.

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

**ORDER**

The requested Special Use Permit for a Home-Based Business 3 (PL17-0057) is approved, subject to the conditions set forth above.

**SO ORDERED**, this 16th day of June 2017.

  
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Wick Dufford, Hearing Examiner

Transmitted to Applicants and County staff, June 16, 2017

See Notice of Decision, page 1, for appeal information.