

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS CONCLUSIONS AND DECISION

Applicants: Avery and Lisa Martin
13103 Sunday Lane
Mount Vernon, WA 98273

File No: PL05-0316

Request: Special Use Permit

Location: On Buchanan Street, Clear Lake, between Glenwood Drive and Sunday Lane; Lot 4, Block 2, of Bingham Acreage, within a portion of NE1/4 Sec. 11, T34N, R4E, W.M.

Land Use Designation: Rural Village Residential

Summary of Proposal: To construct new buildings for the operation of an outpatient clinic for a chiropractic practice. The clinic will cover approximately 3,000 square feet. A storage garage will occupy about 1,500 square feet.

Public Hearing: After reviewing the report of Planning and Development Services, the Hearing Examiner conducted a public Hearing on January 25, 2006.

Decision: The application is approved, subject to conditions.

FINDINGS OF FACT

1. Dr Avery Martin and Lisa Martin (applicants) seek a Special Use Permit for an outpatient facility to be used in connection with a chiropractic practice.

2. The project will be located on Parcel P62172 on Buchanan Street, Clear Lake, between Glenwood Drive and Sunday Lane. The property is Lot 4, Block 2, of Bingham Acreage, with a portion of the NE1/4 Sec.11, T34N, R4E, W.M.

3. The site is approximately one acre in size on the south side of Buchanan Street. It is rectangular with a north/south configuration, measuring about 150 feet along the north and south and about 300 feet along the east and west.

4. The property is currently vacant. There is a gravel driveway that angles through the lot from the east as a continuation of Sunday Lane. The topography is basically flat. The proposed project will be served by an on-site septic system and Public Utility District water.

5. Adjoining parcels are developed residential lots and undeveloped lots. Directly to the north, preliminary approval has been given for seven additional residential lots.

6. The applicants currently operate a chiropractic office in their home located on a separate parcel south of the subject lot. They received a Special Use Permit for this in 1988. Subsequently two sons have come into the business as chiropractors.

7. The proposal is to build a new outpatient medical and health care facility for the practice. The project will include two buildings: a clinic not to exceed 3,000 square feet and a garage/storage space of approximately 1,500 square feet. The clinic will include a classroom area. There will be a paved parking lot and a fenced children's play area.

8. The practice now consists of three doctors and three full-time employees. There are no plans to increase this number at the proposed site. Normal hours of operation will be Monday through Friday from 9 a.m. to 6 p.m. with a weekly evening class, usually held on Monday night. The class typically lasts until about 6:45 p.m. The doctors will be available after hours and on weekends for emergencies. The operation will involve clinical practice, educational classes and rehabilitation activities. None of the facilities will be available for public use.

9. The plans show the clinic located 38 feet from the east property line, 53 feet from the west property line, 83 feet from the north property line and 173 feet from the south property line. The current driveway will be realigned to run along the eastern property line, providing access from Buchanan Street to the north. The patient parking

area will be on the north (front) side of the building. Staff parking will be on the south (rear). The classroom will be attached to the southeast side of the clinic building. The children's play area will be on the west side of the building. The proposed garage and storage building will be located in the southwest corner of the property.

10. The applicants have provided a conceptual landscaping plan that shows fencing and trees and shrubs along Buchanan Street and the west property line. Trees and shrubbery will also be planted between the east side of the clinic and the driveway. The buildings will be designed to look residential.

11. The application was reviewed by various County Departments and their comments are reflected as conditions of approval.

12. No critical areas are located on the site or will be affected by the development. No chemical recovery issues are anticipated. Traffic impacts are not expected to be significant. The traffic will be within the capacity of the existing road system. A Determination of Non-Significance (DNS) under the State Environmental Policy Act (SEPA) was issued on November 17, 2005. The DNS was not appealed.

13. Dr. Martin emphasized that the subject proposal is for an improvement of the existing business in this neighborhood, not for an expansion of it. Expansion, if it occurs, will occur elsewhere. He said they have already opened another clinic in Bellingham. Future expansion could include a facility in Everett.

14. He testified that the current business has operated in this area for 18 years without significant problems or significant complaint. He said he thinks the new facilities which will provide ample handicapped parking will improve access and traffic flow. He said he has met with his neighbors and that they have no real problems with the proposal.

15. Two letters were received from the public on this project. One expressed concerns about business encroachment into residential areas and erosion of property values. The other was a letter of support. There was no public testimony at the hearing. There was no evidence related to property values.

16. Outpatient medical and health care services are permitted as Special Uses in the Rural Village Residential zone under SCC 14.16.310(4)(q), provided that the gross floor area is limited to 6,000 square feet and accessory storage and noncommercial uses are limited to 1,500 square feet. The number of practitioners may not exceed 10.

17. The criteria for Special Use Permits 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 . . . 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 or 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 determines that the proposal, as conditioned, 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.

19. The project will be well inside a landscaped lot and designed to look like a residence. It is a type of use that has been shown by experience to fit into the neighborhood.

20. 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)(ii).

2. The requirements of SEPA have been met.
3. The Special Use Permit approval criteria of SCC 14.16.900(2)(b)(v) will be met if the conditions set forth below are imposed and complied with.
4. Any finding herein which may be deemed a conclusion is hereby adopted as such.

CONDITIONS

1. The project shall be constructed and operated essentially as proposed in the application materials, except as the same may be altered by these conditions.
2. The applicants shall obtain all other required permits or approvals and shall abide by the conditions of same. Building permits shall be required for all structures.
3. Normal hours of operation shall be Monday through Friday, 9 a.m. to 6 p.m. with an evening class one day a week. The doctors and staff may make themselves available after hours and on weekends to deal with emergencies.
4. An access permit will be required for work within the County right-of-way.
5. Access to the property must be improved to commercial standards in accordance with County Road Standards.
6. A drainage report will be required showing drainage control conforming to the Department of Ecology Stormwater Management Manual and addressing:
 - a) Water quality and quantity for both stormwater and groundwater treatment utilizing Best Management Practices.
 - b) Permanent and temporary erosion/sedimentation control.
 - c) Operation and maintenance plan for drainage facilities.
7. An engineered drainage plan will be required with the building permit application.
8. Approval of the sewage disposal system will be required with the building permit application.
9. All buildings must be accessible to the handicapped.

10. If the sizes and dimensions of the buildings or the number of practitioners involved in the practice change substantially, the applicants shall advise the Planning and Development Services, and shall seek a permit amendment if so instructed.

11. With the building permit, the applicants shall provide a list of all chemicals to be used, including the MSDS for each chemical and the maximum amounts of each that will be used or stored on the premises.

12. Per SCC 14.24.320, a hydrogeo report addressing SCC 14.24.340(3) will be required with the building permit.

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

14. If applicable, the applicant shall provide Planning and Development Services with a copy of the disposal service contract for all chemicals used on site.

15. An approved landscaping plan in compliance with SCC 14.16.830(5)(g) will be required prior to issuance of any building permit.

16. If the landscaping improvements have not been fully installed prior to application for occupancy, a performance assurance bond as described in SCC 14.16.830(5)(g) will be required.

17. The Special Use Permit shall be void if not started within two years of the date of this decision or if abandoned for any period of one year.

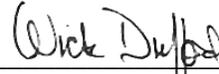
18. The Planning and Development Services Department shall be notified within 30 days of any change in ownership of the parcel by a letter referencing PL05-0316.

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

20. Failure to comply with any condition of the permit may result in its revocation.

DECISION

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



Wick Dufford, Hearing Examiner

Date of Action: February 9, 2006

Date Transmitted to Applicants: February 9, 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.