

**BEFORE THE HEARING EXAMINER
FOR SKAGIT COUNTY**

In the Matter of the Application of)	No. PL24-0007
)	
Darby Darrow)	Darrow SUP
)	
)	
)	
<u>For a Special Use Permit</u>)	FINDINGS, CONCLUSIONS, AND DECISION

SUMMARY OF RECOMMENDATION

The request for a special use permit to allow the operation of a Home-Based Business 3 at 3874 Sharpe Road, in the Anacortes area of unincorporated Skagit County, is **APPROVED**. Conditions are necessary to address specific impacts of the proposal.

SUMMARY OF RECORD

Hearing Date:

The Hearing Examiner held an open record hearing on the request on April 10, 2024.

Testimony:

The following individuals presented testimony under oath at the open record hearing:

Kevin Cricchio, County Senior Planner
Darby Darrow, Applicant

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, undated
2. Special Use Permit Application, dated January 3, 2024, with Supplemental Narrative; Site Photographs; Parcel Information; and On-site Sewage System Certification
3. Assessor’s Parcel Information & GIS Images
4. Notice of Development Application, dated February 1, 2024, with Mailing Labels
5. Public Comment
6. Agency and Department Comments
 - a. Comment from Leah Forbes, Senior Planner, dated March 25, 2024
 - b. Email from Kevin Cricchio, Senior Planner, dated March 22, 2024
 - c. Email from Kevin Cricchio, Senior Planner, dated February 2, 2024
 - d. Protected Critical Area Site Plan, dated December 3, 2010
 - e. Critical Area Review, dated September 13, 2010
 - f. Wetland Assessment, prepared by Skagit Wetlands and Critical Areas, LLC, dated September 21, 2010

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- g. Letter from Skagit County Planning and Development Services, dated September 23, 2010
 - h. Critical Areas Review Form, dated September 13, 2010
 - i. Predevelopment/Preapplication Meeting Notes, dated October 5, 2023
 - j. Comment from Bonnie LaCount, Deputy Fire Marshal, dated February 6, 2024
 - k. Comment from Rachel Wilkens, Skagit County Public Health
 - l. Comment from Greg Geleynse, dated February 28, 2024
 - m. Comment from Joey Amaro, Skagit County Public Works Department, dated February 9, 2024
 - n. Letter from Erin Langley, Senior Water Resource Planner, dated October 5, 2023
7. Notice of Public Hearing, undated
 8. Staff PowerPoint Presentation, dated April 10, 2024
 9. Site Plan, revised June 23, 2023
 10. Structural Analysis, prepared by Tim K. Garrison, P.E., dated June 19, 2023

The Hearing Examiner enters the following findings and conclusions based upon the testimony and exhibits admitted at the open record hearing:

FINDINGS

Application and Notice

1. Darby Darrow (Applicant) requests approval of a special use permit (SUP) to allow for the operation of a Home-Based Business 3¹ at 3874 Shape Road.² The Applicant would operate a martial arts studio in an existing detached accessory building on the subject property. An addition, including an ADA-compliant restroom, would be added to the existing building. *Exhibit 1, Staff Report, pages 1 through 3; Exhibit 2; Exhibit 3; Exhibit 9; Exhibit 10.*
2. Skagit County (County) determined that the application was complete on February 1, 2024. On February 1, 2024, the County published notice of the proposal in the *Skagit Valley Herald*, posted notice on the subject property, and mailed notice to all adjacent property owners within 300 feet of the property, as required by Skagit County Code (SCC) 14.06.150, with a comment deadline of February 15, 2024. On March 21, 2024,

¹ *Home-based business* means home occupations that remain incidental to the use of a residence for general dwelling purposes and are compatible with rural character. Three categories of home-based businesses are allowed in Skagit County: Home-Based Business 1, Home-Based Business 2, and Home-Based Business 3. Home-Based Business 1 is generally a permitted use while Home-Based Business 2 and 3 require a special use permit. *Skagit County Code (SCC) 14.04.020*. A Home-Based Business 3 is subject to special use provisions under SCC 14.16.730, which are discussed in greater detail below.

² The Applicant previously applied for, and was granted, a special use permit to operate Home-Based Business 3 on the property (PL15-0514). Specifically, the Applicant proposed to operate a martial arts/fitness and firearms training facility. The Applicant never operated the proposed business. Accordingly, the SUP expired. *Exhibit 1, Staff Report, page 4.*

the County published a notice of the public hearing associated with the application in the *Skagit Valley Herald*, posted notice on the subject property, and mailed notice to the parties of record and to landowners located within 300 feet of site, as is required by SCC 14.06.150(3). No public comments were received. *Exhibit 1, Staff Report, page 4; Exhibit 4; Exhibit 5; Exhibit 7.*

3. On February 2, 2024, the County emailed notice to government departments and agencies, including the Department of Ecology, the Department of Archaeology and Historic Preservation, and the Samish Tribe. The Deputy Fire Marshal commented that the Applicant will need to install fire extinguishers and schedule a life safety inspection prior to building occupancy. County Public Health stated that the Applicant must abide by conditions of the Hearing Examiner’s 2015 decision. Specifically, parking is prohibited within the well protection zone except on the concrete slab that drains away from the well and the Applicant must supply bottled water and post “non-potable water – drink bottled water only” signs at the restroom faucets. If the Applicant proposes to provide drinking water from the on-site well, the Applicant will need to comply with the public water system code requirements. County Public Health also commented that the increase in sewage will need to be addressed at the time of the building permit application. County Planning and Development Services stated that the existing single domestic well cannot be used to serve the public. In addition, the detached structure is subject to site assessment and the Applicant must provide a well search and site plan that identifies wells and potential receptors within 1,000 feet of the subject property. County Public Works Department commented that a change of use from residential to a home based business will require a commercial access permit. *Exhibit 1, Staff Report, pages 4 and 5; Exhibit 6.*

State Environmental Policy Act

4. The County Planning and Development Services Department determined that the proposal is categorically exempt from review under the State Environmental Policy Act (SEPA), chapter 43.21C Revised Code of Washington (RCW), as provided in Washington Administrative Code (WAC) 197-11-800(6)(b). That provision of the statewide SEPA rules exempts from SEPA land use decisions for authorized activities conducted within an existing building that would not change the character of the building in a way that would remove it from an exempt class. *Exhibit 1, Staff Report, page 4; Exhibit 4.*

Comprehensive Plan, Zoning, and Surrounding Uses

5. The subject property lies in the “Rural Reserve” designation of the Skagit County Comprehensive Plan. According to the Comprehensive Plan:
Rural Reserve, Rural Intermediate, and Rural Village Residential are the main residential land use designations in the Rural area. . . . All lands designated Rural Intermediate and Rural Village Residential are considered to be part of a Limited Area of More Intensive Rural

Development (LAMIRD) as described in policy 3B-1.2 and as authorized by RCW 36.70A.070(5)(d)(i). These designations reflect areas that were generally already developed or platted at land use densities of 1 residence (or “dwelling unit”) per 2.5 acres, or greater, when the Growth Management Act was implemented in 1990.

Comprehensive Plan, page 8; Exhibit 1, Staff Report, page 2.

6. The subject property and all surrounding properties are located in the “Rural Reserve” (RRv) zoning district. The purpose of the RRv zoning district is to allow low-density development and to preserve the open space character of those areas not designated as resource lands or as urban growth areas. Lands in this zoning district are transitional areas between resource lands and non-resource lands for those uses that require moderate acreage and provide residential and limited employment and service opportunities for rural residents. They establish long-term open spaces and critical area protection using CaRDs as the preferred residential development pattern.

SCC 14.16.320(1). Exhibit 1, Staff Report, pages 2 and 3.

7. Home-Based Business 3 is a permitted use in the RRv zoning district with approval of a special use permit from the Hearing Examiner. *SCC 14.16.320(4)(l)*. Home-Based Business 3 permit applications are also subject to special use provisions under *SCC 14.16.730(4)(a)*, discussed in further detail below. *Exhibit 1, Staff Report, pages 2 and 3.*

Existing Conditions and Proposal

8. The approximately 10-acre property is developed with a single-family residence and 1,300 square foot accessory building. Most of the undeveloped portion of the property is forested. A 25-foot tall row of Leyland Cypress trees surrounds the site. A drainage ditch is located on the north end at the street. The property is situated on a two-lane street and is not near any schools. The property is accessed from Sharpe Road. A gravel circular driveway is adjacent to the accessory building. Properties to the north, south, east, and west are developed with single-family residences. *Exhibit 1, Staff Report, pages 1 through 3; Exhibit 2; Exhibit 3; Exhibit 9.*
9. As noted above, the proposal includes an addition to the existing accessory building to accommodate the martial arts studio and an ADA-compliant restroom. The proposed addition will have a footprint of 1,097 square feet with an additional 378 square foot storage loft. The building will accommodate the restroom, an office, and a shop. The restroom would be connected to the on-site septic system. Classes will be held Mondays, Wednesdays, and Fridays at 6:00 AM, 9:30 AM, 4:30 PM, 5:30 PM, and 6:30 PM. The Applicant estimates that approximately 20 individuals attend classes each day, with approximately six vehicles arriving for each class. Parking would be provided in the gravel circular driveway adjacent to the accessory building and by four additional parking

spots adjacent to the residence. A handicapped parking spot would be placed immediately next to the front door of the accessory building. The Applicant, who resides in the single-family residence on the property, will be the sole employee of the studio. *Exhibit 1, Staff Report, pages 1 and 3; Exhibit 2; Exhibit 9; Exhibit 10.*

Critical Areas

10. Review of critical areas on and near the property was conducted for an application (PL10-0408) by the previous owners of the property. The wetland assessment, prepared by Skagit Wetlands & Critical Areas, LLC, on September 21, 2010, identified a Category III wetland on the neighboring property to the west and across Sharpe Road to the north. The 75-foot buffer associated with the wetland extends onto the western portion of the property. The wetland and its buffer constitute a protected critical area (PCA). A protected critical area site plan was recorded on December 3, 2010, which provides the following requirements:
- The PCA is to be left undisturbed in its natural state.
 - No clearing, grading, filling, logging or removal of woody material, building, construction, road construction, planting of non-native vegetation, or grazing is allowed within the PCA except as specifically permitted by the County on a case-by-case basis.
 - As mitigation, a minimum of 12 trees must be planted to continue the hedge row.

Leah Forbes, a County Senior Planner, stated that activities within the wetland buffer on the lawn may continue but no permanent structures are allowed. Ms. Forbes noted that 12 trees have not been planted as required. *Exhibit 1, Staff Report, page 4; Exhibit 6.*

Special Use Permit

11. As noted above, the proposed development is classified a “Home-Based Business 3,” requiring approval of an SUP. The Applicant has applied for an SUP to permit the use of the property for a home-based business and has submitted a project narrative with its application materials. The Applicant’s materials specifically address the criteria for approval of an SUP under SCC 14.16.900(1)(b)(v), and contend:
- The building matches the color of the residence. There is no indication that the building is a business other than a sign on the door that is 3 square feet in size. The sign would not be illuminated.
 - The proposed use is in the Rural Reserve portion of the County.
 - There will be no undue noise, odor, heat, vibration, air and water pollution impacts on surrounding, existing, or potential dwelling units.
 - There is a 25-foot tall row of Leyland Cypress trees that surrounds the site, separating it from neighboring properties.
 - The proposed use will not cause potential adverse effects on the general public health, safety, and welfare.
 - No activities conducted on the property would compromise the health and safety of the community.

- Everything needed for the business will be on the property and will not affect the surrounding area.

Exhibit 1, Staff Report, pages 5 through 8; Exhibit 2.

12. County staff also reviewed the proposal for consistency with the requirements for an SUP under SCC 14.16.900(1)(b)(v), and determined:

- The subject property is zoned as Rural Reserve. The proposed use would not change the existing zoning of the site. Home-Based Business 3 is an allowed use with a SUP. As conditioned, the subject proposal would be compatible with existing and planned land uses.
- The proposed use is permitted under the County code with a SUP approved by the Hearing Examiner. With conditions, the proposed project would comply with both the County code and the Comprehensive Plan.
- The proposed use would not have any impacts on the surrounding, existing, or potential dwelling units in the vicinity. The property lies in the Rural Reserve zoning district, is approximately 10 acres in size, and surrounded by similarly sized residential lots.
- The subject property is surrounded by large tracts of land developed with single-family residences. A Home-Based Business 3 use is consistent with what is allowed in the underlying Rural Reserve zoning district.
- No impacts from the proposed use are anticipated to adversely impact the public's health, safety, or general welfare.
- The subject property lies in the Rural Reserve zoning district and is not located in the Industrial Forest – Natural Resource Lands; Secondary Forest – Natural Resource Lands; Agricultural – Natural Resource Lands; or Rural Resource – Natural Resource Lands zoning districts. The operation of the proposed business at this location has no potential to create an impact on the current or long-term natural resource management or production within the area or Skagit County.
- The proposed use would not adversely impact the health and safety of the neighborhood or community.
- The proposed use would not adversely alter existing or proposed public facilities or services to neighboring properties or the surrounding areas as a whole.
- The proposed use would not change or alter the character, landscape, and/or lifestyle of the rural area.

Exhibit 1, Staff Report, pages 5 through 8.

13. The proposed use is also subject to special provisions specific to Home-Based Business 3 uses under SCC 14.16.730(4)(a). The Applicant's materials also specifically address the criteria for a Home-Based Business 3 under SCC 14.16.730(4)(a), and contend:

- The business would be operated by the Applicant, the sole employee and resident of the property.

- The property is the Applicant's only residence. The business would operate three days a week.
 - The business building would be approximately 1,400 square feet on a 9.72-acre property.
 - The building matches the color of the residence. There is no indication that it is a business except for a three-foot square sign on the door that is not illuminated.
 - The only electrical usage is indoor lights, heating, a computer, and a TV.
 - The number of vehicles parked on the property during class times would be less than some neighboring residential properties. All parking is off-street and secluded from view by a 25-foot tall hedge that surrounds the site.
 - Clients would come to the site to attend hour-long classes three days per week.
- Exhibit 1, Staff Report, pages 8 through 10; Exhibit 2.*

14. County staff also reviewed the proposal for consistency with the requirements for a Home-Based Business 3 under SCC 14.16.730(4)(a) and determined:
- According to the Applicant's narrative, the Applicant is the sole employee.
 - The proposed business will be run three days per week within an existing detached shop/accessory building and proposed addition.
 - The proposed Home-Based Business 3 will occur within an existing detached accessory building and proposed addition totally approximately 1,400 square feet.
 - No outside storage is proposed or permitted as part of a Home-Based Business 3.
 - The proposed Home-Based Business 3 will not create any 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.
 - The proposed Home-Based Business 3 will not create a level of parking demand beyond that which is normal to a residential area. Clients will come to the home-based business for one-hour-long classes three days per week.
 - As is permitted with a Home-Based Business 3, clients may come to the site. The applicant does propose to have clients come to the home-based business to learn Martial Arts with a detached shop/accessory building.
- Exhibit 1, Staff Report, pages 8 through 11.*

Testimony

15. Kevin Cricchio, County Senior Planner, testified generally about the proposal. He explained that the proposal is for the operation of a Home Based Business 3 in an existing detached accessory structure. The Applicant would be the sole employee at the martial arts studio, which would hold classes three days per week. A gravel circular driveway and additional parking spots adjacent to the single-family residence would provide off-street parking for individuals attending classes. A buffer of Leyland Cypress trees would reduce visual impacts to neighbors.

Mr. Cricchio testified that the Applicant previously applied for, and was granted, a special use permit to operate a martial arts studio/fitness and firearms training facility on the property, but the Applicant never operated the business and the special use permit subsequently expired. The new proposal does not include a firearms training facility.

Mr. Cricchio testified that a critical areas review was previously conducted for the site and that the buffer associated with an off-site wetland extends onto the property. Mitigation of buffer impacts requires a minimum of 12 trees to be planted on the western side of the property. Activities may continue in the buffer area, but no permanent structures are allowed. Mr. Cricchio testified that the existing accessory structure is not near the wetland or its associated buffer. Any future building permits would be reviewed by critical areas staff to ensure no buildings are constructed within the wetland buffer.

Mr. Cricchio testified that there are no square footage limitations for Home Based Business 3 uses. He explained that the County Public Works Department reviewed the proposal and did not express any concerns about traffic. In addition, the County Public Works Department can review traffic impacts during the building permit phase. Sewage and stormwater would also be reviewed at the building permit phase. The property has an on-site septic system. *Testimony of Kevin Cricchio.*

16. Darby Darrow, Applicant, testified that a previous owner of the property was looking to build a granny flat near the wetland buffer but never did. Mr. Darrow is not interested in building a similar structure. Mr. Darrow explained that the proposed addition would be built on the eastern side of the existing structure. The wetland and its buffer are to the west of the structure.

Mr. Darrow testified that approximately 30 vehicles would visit the property over a 12-hour period on an operating day. He stated that the property would not be used as a firearms training facility. During classes, individuals may learn tactics with guns, but they would not be using real guns.

Mr. Darrow testified that the new restroom would be connected to the existing septic system. The property has two septic fields. In 2012 the original field was saturated, so the previous owner was required to install an additional field. The original field can still be used. Mr. Darrow testified that a septic designer visited the property and determined that the existing septic system and fields could accommodate the proposed use. Mr. Darrow said he had eliminated any plans he may have had in the past to include a shooting range; no shooting range is proposed anymore. *Testimony of Darby Darrow.*

Staff Recommendation

17. Mr. Cricchio testified that the County staff recommends that the Hearing Examiner approve the SUP request, with conditions. *Exhibit 1, Staff Report, pages 11 through 13; Testimony of Kevin Cricchio.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner generally has jurisdiction to hear and decide requests for non-administrative Special Use Permits (SUPs). *SCC 14.16.900(1)(b)(ii)*.

Criteria for Review

Applicants for Special Use Permits must demonstrate that the proposed activity will not adversely affect or prevent those uses normally allowed within the respective zoning district. *SCC 14.16.900(1)(a)*.

The burden of proof shall be on the Applicant to provide evidence in support of the application. Under the municipal code, the Applicant must demonstrate:

- (A) The proposed use will be compatible with existing and planned land use.
- (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) The proposed use will not cause potential adverse effects on the general public health, safety, and welfare.
- (F) For special uses in Industrial Forest—Natural Resource Lands; Secondary Forest—Natural Resource Lands; Agricultural—Natural Resource Lands; and Rural Resource—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 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.
- (I) The proposed use will maintain the character, landscape and lifestyle of the rural area. For new uses, proximity to existing businesses operating via special use permit shall be reviewed and considered for cumulative impacts.

SCC 14.16.900(1)(b)(v).

In addition, SCC 14.16.900(1)(d) provides that all special uses require “a development project be commenced . . . within 2 years of the permit approval, unless development is phased.”

The criteria for review adopted by the Skagit County Board of County Commissioners are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with County development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

Conclusions Based on Findings

With conditions, the proposed use would comply with the requirements for a Special Use Permit. The Hearing Examiner agrees with County staff's analysis that the proposal is consistent with the goals and policies of the Comprehensive Plan and with the purpose of the Rural Reserve zoning district. The proposed Home-Based Business 3 is allowed in the Rural Reserve zoning district with an SUP. The proposed use would be compatible with existing and planned land uses. The property would primarily be used for residential purposes. The proposed use would be limited to an existing accessory structure and the proposed addition. Surrounding properties are primarily residential in nature and many also contain home-based businesses. The County provided reasonable notice and opportunity to comment on the proposal and to testify at the open record hearing. No public comments were received.

The proposed use would not create undue noise, odor, heat, vibration, or air and water pollution impacts on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840. Any impacts resulting from construction would be minimal and temporary. The proposed use would not generate intrusions on privacy of surrounding uses. A 25-foot tall row of Leyland Cypress trees surrounds the site and reduces visual impacts to neighbors.

The Hearing Examiner determines that the proposed use would not cause potential adverse effects on the public health, safety, and welfare. The proposed use would not adversely impact or change the long-term management and production of any natural resources zoned as Industrial Forest—Natural Resource Lands; Secondary Forest—Natural Resource Lands; Agricultural—Natural Resource Lands; or Rural Resource—Natural Resource Lands.

The proposed use would be supported by adequate public facilities or services and would not adversely affect public services to the surrounding areas. The proposed use would not modify the residential use of the property and would maintain the character, landscape, and lifestyle of the rural area.

The proposed use complies with the special provisions for Home-Based Business 3 uses under SCC 14.16.730.4.a. The Applicant resides on the property and would be the only employee of the studio. Business operations are limited to three days per week, with five classes being held each day. The proposed use would not create any level of electrical interference, line voltage fluctuation, noise, vibration, smoke, dust, odors, heat, glare, traffic, or other environmental impacts beyond that which is common to a residential area. Adequate on-site parking would be

provided. After completion of construction activities, the parking demand would not exceed that of typical residential uses.

Conditions are necessary to ensure that the proposed use complies with state and County regulations, as well as to ensure that the Applicant notify state, County, and affected tribes if cultural materials are discovered on-site. *Findings 1 – 17.*

DECISION

Based on the preceding findings and conclusions, the request for a special use permit to allow the operation of a Home-Based Business 3 at 3874 Sharpe Road, in the Anacortes area of unincorporated Skagit County, is **APPROVED**, with the following conditions:³

1. Development shall comply with Skagit County Planning & Development Services Department's Critical Area/Natural Resource Division including but not limited to:
 - A. *Critical areas review of this project area was completed with PL10-0408. A Protected Critical Area (PCA) site plan was recorded indicating the offsite wetland, buffer that extends onto this parcel, and the requirement to plant a minimum of 12 trees along the western property line to continue the hedge row. It does not appear that those trees have been planted. The activities within the wetland buffer on the "lawn" may continue but no permanent structures are allowed.*
 - B. *Development applications are subject to water review requirements outlined in SCC 14.24 and SCC 12.48. The existing single domestic well cannot be used to serve the public.*
2. Both a building permit and grading permit with Skagit County Planning & Development Services must be secured prior to work. Construction of the project will need to comply with section 14.32 of the Skagit County Code.
3. All applicable permits (local, state, and federal) must be secured before any construction activities begin onsite. Copies of permits shall be provided to the Skagit County Planning & Development Services Department.
4. The Applicant shall be responsible for reimbursement to Skagit County Planning & Development Services Department for the full cost of mailing(s) and newspaper publication associated with the Notice of Development Application, Notice of Issuance of SEPA MDNS, Notice of Hearing, and Notice of Decision. Payment shall be made prior to building permit/grading permit application submittal &/or issuance.
5. Noise levels must not to exceed those standards as established by the state and Skagit County pursuant to RCW 70.107 RCW, WAC 173.60, and SCC 14.16.840.

³ This decision includes conditions designed to mitigate impacts of this proposed project as well as conditions required by the County code.

6. The Applicant must comply with WAC 173-60 and SCC 14.16.840 for noise, vibration and light conditions.
7. At all times, best management practices (BMPs) shall be implemented during grading, excavation, cut/fill, and construction activities.
8. Development shall comply with SCC 14.16.900 regulating Special Use Permits in unincorporated Skagit County including but not limited to:
 - A. All special uses, including master planned resorts, shall require a development project be commenced for the entire parcel within 2 years of the permit approval, unless development is phased. For the purposes of this Section, “commenced” shall mean either (1) the use permitted by the permit has been established or (2) a complete building permit has been filed with Planning and Development Services for the principal building which will allow the use. Upon building permit approval, the principal building shall be completed (i.e., final inspections completed) within 3 years. Those portions of the property, which are not included within the development area and where the above time frames are not met, shall automatically be removed from the special use approval, unless a phasing plan is approved pursuant to Subsections (1)(d)(i) and (iii) of this Section. For purposes of this Subsection, “development area” shall mean all portions of the site needed to meet UDC requirements, such as lot coverage and setbacks.
9. The Home-Based Business 3 is to be conducted/operated entirely within a detached shop/accessory building outside of any single-family residence or any future permitted ADU. No outside storage is permitted.
10. The Applicant/landowner shall comply with the requirements of the Public Works Department including but not limited to:
 - A. A change of use from Residential to a Home Base Business will trigger a Commercial Access Permit.
11. The Applicant/landowner shall comply with the requirements of the Public Health Department including but not limited to:
 - A. Conditions will remain consistent with PL15-0514 elaborated below. The application states the parcel is served by an individual drinking water well. For this project, the prior conditions regarding drinking water usage for the commercial establishment shall remain in effect. According to BP15-0822 and PL15-0514, the Hearing Examiner approved the following drinking water conditions: supply bottled water, sign restroom faucets “non-potable water-drink bottled water only” & no parking is allowed within the well protection zone except on the concrete slab that drains away from well. If the applicant proposes to provide drinking water from the drinking water well on the premises and discontinue the conditions outlined in the Hearing Examiner decision above, then the applicant will need to comply with the public water system requirements per Chapter 12.48 Skagit County Code (SCC) Rules and Regulations Governing

Individual and Public Drinking Water Systems, specifically SCC 12.48.010(2). You will need to contact the State Department of Health for information on this process.

- B. The increase in sewage will need to be addressed at time of building permit application.
12. As conditioned above, the subject home-based businesses may operate with the above-noted limitations. However, if the business grows beyond the criteria established above and the conditions included in this approval, the business shall relocate to a zoning classification which would permit the activity.
 13. The Applicant/landowner shall comply with the requirements of the Fire Marshall's Office including but not limited to:
 - A. Install Fire Extinguishers to meet the IFC 906.1 Standards. Contact the Fire Marshal's Office for the life safety inspection before occupancy of the business.
 14. Any proposed exterior lighting associated with the proposed Home Based Business shall be down-shielded preventing light trespass.
 15. The applicant shall obtain an approved building permit for the proposed addition and change of use to an existing accessory building located onsite where the Home Based Business 3 is proposed prior to holding classes within this structure.
 16. The subject Home-Based Business 3 shall comply with Skagit County Code 14.16.730 regulating Home Based Businesses in unincorporated Skagit County.
 17. Per SCC 14.16.900(1)(d), the use permitted must be established or a complete building permit must be filed within two (2) years of permit approval or the permit shall be void.
 18. Expansion or intensification of the use approved hereby shall require additional review by Skagit County Planning and Development Services (PDS).
 19. Planning and Development Services (PDS) shall be notified of any change of ownership of the subject property or of the business within 30-days of the change.
 20. The Applicant/landowner must at all times comply with the conditions of approval as part of this Special Use Permit. Should Skagit County's Code Enforcement determine that there is non-compliance with the conditions of approval herein, pertinent zoning code, and/or Home-Based Business criteria, the subject Special Use Permit's approval may be revoked per SCC 14.16.900(1)(b).
 21. The Applicant shall pay any traffic impact fees that are assessed as part of the building permit review for this project.

DECIDED this 24th day of April 2024.

A handwritten signature in black ink that reads "Alex Sidles". The signature is written in a cursive style with a long horizontal flourish extending to the right.

ALEX SIDLES
Hearing Examiner