

NOTICE OF DECISION

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

- Applicant:** Jeff Malone
7391 Miller Road
Anacortes, WA 98221
- Agent:** Rollin Harper
Sehome Planning and Development Services
103 East Holly Street #206
Bellingham, WA 98225
- Request:** Special Use Permit for Home Based-Business III (auto repair),
PL18-0107
- Location:** 7391 Miller Road, Anacortes, west of State Route 20, south
of Anacortes city boundary, east of Pioneer Trail RV Park,
and directly south of Fernhill Cemetery, situated within a portion
of the SE1/4 SW1/4 Sec. 5, T34N, R2E, W.M.
- Land Use Designation:** Rural Reserve (RRv)
- Summary of Proposal:** To authorize the operation of an automotive repair shop within an
existing 38'x 98' residential accessory structure, offering car
maintenance, repair and towing services.
- SEPA Compliance:** Determination of Non-Significance (DNS) published April 19,
2018. No appeals.
- Public Hearing:** June 13, 2018. Testimony by Planning and Development Services
(PDS) staff and applicant's consultant. No public testimony.
- Decision/Date:** The application is approved, subject to conditions. June 21, 2018
- Reconsideration/Appeal:** Reconsideration may be requested by filing with PDS within 10
days of this decision. Appeal is to the County Commissioners by
filing with PDS within 14 days of this decision, or decision on
reconsideration if applicable.
- Online Text:** The entire decision can be viewed at:
www.skagitcounty.net/hearingexaminer

FINDINGS OF FACT

1. Jeff Malone (applicant) seeks permission to operate a home-based auto repair business.
2. The location is at 7391 Miller Road, west of State Route 20 and approximately 1,400 feet south of the City of Anacortes' boundary. The property is east of Pioneer Trails RV Park and directly south of Fernhill Cemetery. The Similk Beach Golf Course is located nearby, east of SR 20. The site is within a portion of the SE1/4SW1/4 Sec. 5, T34N,R2E, W.M. The Parcel number is P20024.
3. Home-based businesses are occupations that remain incidental to the use of a residence for general dwelling purposes and are compatible with rural character, There is a house on the subject property which has been continuously occupied as a residence and which the applicant has now purchased for his own home.
4. The zoning of the site Rural Reserve (RRv). Home-Based Business Type 3 uses are permitted within the zone with a Hearing Examiner Special Use Permit.
5. The business has in fact been operating at the site for several years. The current application is to bring it into compliance with permitting requirements. There is no record of complaints. The property is well-screened from its neighbors by a buffer of trees.
6. The repair business is located within an existing 3,724 square foot shop building. There is a large parking area adjacent. At least one space will be designated an ADA handicap space. The estimate given for the volume of business is about 20 visits by customers per day. There will be up to three full-time employees.
7. The Staff Report incorrectly states the hours of operation for the business. The hours of operation on weekdays are in fact of from 8 a.m. to 5 p.m. By this reference the Staff Report is amended to reflect these hours.
8. The natural screening of the property will need to be maintained. If any trees that provide screening die or are removed, the applicant must replace them with trees that provide an equal amount of screening. A single sign will be allowed at the driveway entrance along Miller Road.
9. The surrounding areas are also designated Rural Reserve (RRv). The majority of parcels in the vicinity of residential and forested, averaging 2-to-5 acres in size.
10. Critical areas review for the area was completed with PL96-0863. The proposed use will not expand into any undeveloped areas on site and will not impact any critical areas.

11. The existing septic system can be used by plumbing from the shop so long as oils and chemicals are not introduced into the system, Bottled water must be provided for public consumption. No parking is to be allowed within the 100-foot domestic well protection zone.

12. The application was routed to interested County departments. None had objections. Their comments are reflected in conditions of approval.

13. The Staff Report reviewed the application in light of the Special Use Permit approval criteria and determined that, as conditioned, the enterprise will meet the criteria, including the special requirements for Home Based Businesses. 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. 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)(ii).
2. The requirements of SEPA have been met.
3. The Home-Based Business III, as conditioned, meets the requirements for approval of this Special Use Permit. SCC 14.16.900(1)(b)(v), SCC 14.16.730.
4. Any finding herein which may be deemed a conclusion is hereby adopted as such.

CONDITIONS

1. The enterprise shall be conducted as described in the application materials, except as the same may be modified by these conditions.
2. The applicant shall submit a building permit application for change of use of the building (shop) from a private residential accessory building to a non-residential use – Group F occupancy. The application shall include a non-structural code analysis prepared by an architect which shall include drawings showing changes/modifications required to comply with the 2015 International Building Code. The changes and modifications will include accessibility, bathrooms, exhaust systems, exiting.
3. The applicant shall apply for a building permit for any sign. Only one sign, not to exceed four square feet, shall be permitted. Such sign shall not be illuminated.
4. All faucets or hose bibs that the public has access to must be signed as “non-potable water.” Bottled water shall be provided for the public to drink. No parking shall be allowed within the 100’ well protection zone (WPZ) except on concrete surfaces that drain away from the well.

5. The disposal of atypical household sewage (e.g., oils or chemicals) into the on-site septic system is not allowed under WA 246-272A-0270(2)(c).

6. Disposal of hazardous waste (other than typical household waste) shall be in compliance with SCC 12.16.210 & 220. If assistance is needed in regard to comply with these requirements, contact the Skagit County Health Department.

7. An oil/water separator shall be installed.

8. The applicant shall contact the Skagit County Fire Marshal yearly to conduct an inspection of the business.

9. Any new development of the parcel may require additional critical area review.

10. Trees and other vegetation on the parcel that provide screening of the business from neighboring properties shall be maintained. If for any reason any trees or other vegetation that provide screening are removed, they shall be replaced with trees or other vegetation that will provide equal screening.

11. The applicant shall comply with all requirements for a Home-Based Business 3 set forth in SCC 14.16.730(4).

12. All development on site shall comply with the requirements of SCC 14.16.320 (Rural Reserve zone).

13. Per SCC 14.16.900(2)(d), this permit shall be void if the use permitted has not been established or if a complete building permit has not been filed with Skagit County Planning and Development Services (PDS) within two years of permit approval.

14. Expansion or intensification of the use beyond that outlined in the subject proposal shall require additional review and approval by PDS.

15. PDS shall be notified of any change of ownership of the property or the business within 30 days of the change.

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

17. This permit shall be void if the use is abandoned for more than a year, per SCC 14.16.880(4).

18. Failure to comply with any conditions may result in permit revocation. SCC 14.16.900(1)(b)(iii).

ORDER

The requested Special Use Permit (PL18-0107) is approved, subject to the conditions set forth above.

SO ORDERED, this 21st, day of June, 2018.



Wick Dufford, Hearing Examiner

Transmitted to applicant, County Staff and County Commissioners on June 21, 2018.

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