

ISLAND COUNTY HEARING EXAMINER

RE: SITE PLAN REVIEW ) File No. SPR 084/10  
Applicant: Ray & Halina Huffman ) FINDINGS OF FACT  
) CONCLUSIONS OF LAW  
) AND DECISION  
)

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**SUMMARY OF APPLICATION AND DECISION**

APPLICATION: Ray Huffman is seeking Site Plan Review Approval for a Home Industry Permit, which will allow him to bring his existing Automobile Repair Shop into compliance with the Island County Zoning Ordinance.

DECISION: Site Plan Review Approval is granted, subject to conditions.

**FINDINGS OF FACT**

INTRODUCTION

The following Findings of Fact and Conclusions of Law are based upon consideration of the exhibits admitted herein and evidence presented at the public hearing on September 16, 2010.

I.

PRELIMINARY INFORMATION

Applicant: Ray & Halina Huffman

Property Location: 821 Lawson Rd., Camano Island, WA  
Assessor’s Parcel No. R23113-490-3200

Applicable Ordinances, Statutes and Regulations: ICC 16.14, ICC 16.05 (Site Plan Review), ICC 17.03.060 (Rural Zone), ICC 17.03.180.A (General Land Use Standards), ICC 17.03.180.J (Home Industries), ICC 17.03.180.P (Design & Screening), ICC 17.03.180.Q (Parking & Access), ICC 17.03.180.R (Signage & Lighting), and ICC 17.03.180.S (Site Coverage & Setbacks). In addition, Island County Public Works and Island County Public Health have reviewed the applicant’s proposal to ensure compliance

with those elements of Island County Code related to Engineering, Land Development, Public Health and Sanitation.

Publication: September 1, 2010, issue of the Whidbey News Times /SW Record;  
August 31, 2010 issue of the Stanwood Camano News

Mailing of Notice to Applicant: August 11, 2010

Sign Posted: June 16, 2010

Mailing of Staff Report: August 11, 2010

Date of Application: May 5, 2010

Hearing Date: September 16, 2010

Exhibit Log:

1. Staff Report
2. Master Land Development Permit Application #084/10 SPR; received 5/5/10
3. Application for Site Plan Review; received 5/5/10
4. Plot Plan 8.5"x11", B&W; received 5/5/10
5. Parcel Information
  - a. Elevation color map
  - b. Quarter section map #480
  - c. Statutory Warranty Deed AF# 4157207
  - d. Ray Huffman Resume with Contractor List References; received 5/5/10
  - e. Certificate of Transportation Concurrency; received 5/5/10
  - f. Island County Building Permit Application #09-0050C; received 3/27/09
  - g. Critical Areas Request for Interpretation or Site Visit; received 3/30/09
  - h. 2009-2010 Plant Sale Receipt; dated 2/5/10
  - i. Lighting Plan; received 5/5/10
  - j. Environmental Plan; received 5/5/10
  - k. Business Signs
    - l. Color Photo of building
    - m. Google color aerial picture of 821 Lawson Rd
    - n. Map Quest Directions & Map; received 5/5/10
6. Island County Community Development Request for Comment; dated 6/9/10
7. Account Summary for parcel R23113-490-3200
8. Zoning printout for parcel R23113-490-3200
9. Island County database printout of Land Use permits; Building Permits; AGU permits & Forest Practice permits for parcel R23113-490-3200
10. Quarter Section Map
11. Arc Explorer 2.0 color printout of critical areas
12. Site Visit #1 Notes; dated 7/6/10

13. Public Health Department Review letter with 2 attached forms from Aneta Hupfauer to Brad Johnson; dated 6/21/10
  - a. Guidance for Preparing a Solid Waste Management Plan (SWMP)
  - b. Solid Waste Management Plan Guidance for Commercial Activities
14. Building Department Review letter from Tamra Patterson to Brad Johnson; dated 6/23/10
15. Site Plan Review letter from John Bertrand to Brad Johnson; dated 6/24/10
16. Public Comment fax letter from Lonnie Demmert to Brad Johnson; fax date 6/26/10
17. Public Comment fax letter from Steve Bladek to Brad Johnson; fax date 6/28/10
18. Public Comment fax letter from Juanita & Nils Hagberg to Brad Johnson; fax date 6/28/10
19. Public Comment letter from Kathleen Ratcliff to Brad Johnson; received 6/28/10
20. Public Comment letter from Curt & Laura Cummings to Island County Community Development; received 6/28/10
21. Public Comment letter from Mr. & Mrs. Michael Wark to Island County Community Development; received 6/29/10
22. Public Comment fax letter from Joan Solberg to Brad Johnson; received 6/29/10
23. Public Comment fax letter from Garth & Michelle Bell to Island County Community Development; received 6/29/10
24. Public Comment letter from Steve Bladek to Brad Johnson; received 6/29/10
25. Public Comment fax letter from Heather Malone to Brad Johnson; received 6/29/10
26. Public Comment letter from Lonnie Demmert to Brad Johnson; received 6/29/10
27. Notice of Incomplete Application letter from Andreana Richardson for Brad Johnson to Ray & Halina Huffman; dated 5/28/10
28. Notice of Complete Application letter from Andreana Richardson for Brad Johnson; dated 6/9/10
29. Affidavit of Mailing the Public Notice to Ray Huffman; dated 6/10/10
30. Affidavit of Mailing the Public Notice to Parties of Record and/or property owners within 300 feet; dated 6/10/10
31. Notice of Application; dated 6/15/10
32. Affidavit of Posting the Public Notice Sign; received 6/16/10
33. Affidavit of Publication in the Stanwood/Camano News on 6/15/10; received 6/18/10
34. Letter from Paula Bradshaw, Office of the Island County Hearing Examiner to Ray & Halina Huffman setting hearing date with enclosed staff report, dated 8/11/10.
35. Affidavit of Mailing hearing notice and staff report, dated August 11, 2010
36. Correspondence letter from Ray Huffman to Andreana Richardson, RE: Notice of Incomplete Application; received 6/3/10
37. Letter changing hearing location from Paula Bradshaw to Ray & Halina Huffman, dated 8/24/10
38. Affidavit of Mailing hearing location letter, dated 8/24/10
39. Affidavit of Publication in the Stanwood/Camano News, dated August 31, 2010.
40. Affidavit of Publication in the Whidbey News Times, dated September 14, 2010.

41. Solid Waste Management Plan, submitted at the hearing.

### HEARING TESTIMONY

Ray and Halina Huffman  
821 Lawson Road  
Camano Island, WA 98282

Lonnie Demmert  
828 Lawson Road  
Camano Island, WA 98281

Sheryl Wark  
151 O'Farrell Road  
Camano Island, WA 98282

Mary Offarrel  
113 O'Farrell Road  
Camano Island, WA 98282

Brad Johnson  
Island County Planning and Community Development  
P.O. Box 5000  
Coupeville, WA 98239

### II.

Ray Huffman owns and lives on a property located at 821 Lawson Road, Camano Island, Washington. The site is zoned Rural. Mr. Huffman has been conducting an automotive repair business in an existing 1,080-square foot, detached shop building on the property. At present, Mr. Huffman is the owner of the business. There are no employees.

Mr. Huffman's business has been the subject of Island County's Code Enforcement Action 069/10 COV. This application was submitted in order to determine if such a business could be allowed at this location and to resolve the Code Enforcement Action.

### III.

Island County Planning and Community Development has recommended Site Plan Review Approval allowing the business as a Type III Home Industry. The recommended approval is subject to a long set of conditions, starting on page 9 of the Staff Report and ending on page 13. All other County Agencies with jurisdiction have reviewed the proposal, have not indicated any objection to the proposal, but have submitted Conditions of Approval, designed to meet the regulations that these agencies administer. These recommended conditions have been incorporated into the conditions recommended by

Planning and Community Development in the Staff Report. The Staff Report of Island County Planning and Community Development is Exhibit No. 1 in the Hearing Examiner file. The Hearing Examiner has reviewed the Staff Report, all of the documents submitted into the record, has completed a site inspection, and has taken public testimony on the proposal.

The Hearing Examiner concludes that the factual information in the Staff Report is supported by the record as a whole. The Hearing Examiner hereby incorporates herein by this reference, the Factual Findings set forth in the Staff Report, Exhibit No. 1 in the Hearing Examiner file, a copy of which is attached hereto.

#### IV.

There were a number of written comments expressing concern and objection to the proposed Home Industry. There was testimony at the public hearing indicating objection to and concern about the proposal.

The main public concerns addressed the issue of compatibility of the proposed automotive repair business with the surrounding community. Staff has accurately identified the surrounding community as a quiet, rural residential community, located on acreage size parcels, along a dead-end road. Citizen concerns addressed their feeling that the proposed business was not appropriate for the rural residential setting in which it would operate; indicated concerns about noise from the business, increased traffic, increase maintenance costs on the private road, and the potential for surface water and contamination from pollutants, such as oil and antifreeze. Concerns were also indicated regarding fire flow and fire hazards.

#### V.

The Applicant is a retired mechanic who has been conducting the business, without employees, as a part-time business in the shop building already located on the property.

As pointed out by Staff and confirmed by the Hearing Examiner's site inspection, the Applicants' property is very well maintained and the business, subject to recommended conditions, will not have an adverse aesthetic impact on the surrounding community.

The Applicant indicated that he did not intend to hire employees at this time and that normally he would work on one or two vehicles a day.

#### VI.

Staff specifically addressed each of the community concerns in the Staff Report. A number of the concerns were within the jurisdiction of other County agencies, which

indicated that such concerns would not have significant adverse impacts, subject to conditions imposed by those agencies.

As currently operated, the Applicant's business generates only minor additional traffic and only a modest noise impact on the nearest residence is from the off and on use of tools and the running of vehicle engines.

Staff has recommended approval of the proposed Home Industry use which could allow no more than two full-time employees on the site. Because of the parcel size, less than five-acres, a more intensive home industry is not allowed. A more intensive use would have greater impacts on the community from traffic, noise associated with the traffic, and the use of tools, including pneumatic tools in the operation of the business. The Applicant has indicated no plans to expand the business or hire employees. The Hearing Examiner agrees that a restricted automotive repair business, with no more than two employees on this site would be compatible with surrounding residential uses in this quiet neighborhood located on a dead-end road. There are numerous other locations available in the Rural zone which would better serve a larger Home Industry involved in the maintenance and repair of vehicles.

## VII.

Any Conclusion of Law which is deemed a Finding of Fact is hereby adopted as such. Based on the foregoing Findings of Fact, now are entered the following:

### **CONCLUSIONS OF LAW**

#### I.

Vehicle repair businesses are specifically allowed in the Rural zone, subject to compliance with applicable regulations. The Applicant proposes to operate the business within a 1,080-square foot detached shop building. Because the activity area is greater than 800-square feet, this Home Industry Application must be, and has been, processed as a Type III Review requiring a public hearing before the Island County Hearing Examiner.

The Home Industry use is a Conditional Use in the Rural zone and can be approved only if, subject to conditions, it can be constructed and operated in a manner which complies with the Site Plan Review Criteria and other applicable criteria. The Staff Report indicates that subject to recommended Conditions of Approval, the proposed Home Industry would be consistent with all of the Code sections listed in the Staff Report on page 2, where Staff states as follows:

The following code sections have been applied to this review:  
ICC 16.14, ICC 16.05 (Site Plan Review, ICC 17.03.060  
(Rural Zone), ICC 17.03.180.A (General Land Use Standards),

ICC 17.03.180.J (Home Industries), ICC 17.03.180.P (Design & Screening), ICC 17.03.180.Q (Parking & Access), ICC 17.03.180.R (Signage & Lighting), and ICC 17.03.180.S (Site Coverage & Setbacks). In addition, Island County Public Works and Island County Public Health have reviewed the applicant's proposal to ensure compliance with those elements of Island County Code related to Engineering, Land Development, Public Health and Sanitation.

Staff has concluded in the Staff Report, a copy of which is attached hereto, that, subject to the recommended Conditions of Approval on pages 9 through 13 of the Staff Report, a small Home Industry maintained and operated as proposed by the Applicant, can operate in a manner that is consistent with all applicable sections of the Island County Code. The Hearing Examiner has reviewed Staff's analysis and also concludes that, subject to the conditions recommended by Staff, the proposed Home Industry, consisting of two bays dedicated to vehicle repair in the existing detached shop building, can be operated in a manner consistent with the applicable Island County regulations.

## II.

Because the Applicants' parcel is less than five acres, no more than two full-time, non-family employees are allowed. The owner of the business is required to live on the site; and the business approved is limited to two bays in the existing 1,080-square foot building.

The business is subject to the limitations on noise in a residential area established by WAC 173-60-040.

The Hearing Examiner concludes that, subject to the Conditions of Approval recommended by Staff, the proposed business can be maintained and operated in a manner consistent with applicable regulations and that Home Industry Site Plan Review Approval is appropriate for the Applicant's proposal.

## III.

Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such. Based on the foregoing Findings of Fact and Conclusions of Law, now is entered the following:

### **DECISION**

Site Plan Review Approval is hereby granted to Ray and Halina Huffman, approving SPR 084/10, allowing the operation of a small vehicle repair business within an existing

detached shop on the Applicants' property, located at 821 Lawson Road, Camano Island, Washington, subject to the Conditions of Approval recommended by Staff on pages 9 through 13 of the Staff Report, Exhibit No. 1 in the Hearing Examiner file, and attached hereto.

Entered this 30<sup>th</sup> day of September, 2010, pursuant to authority granted under the laws of the State of Washington and Island County.

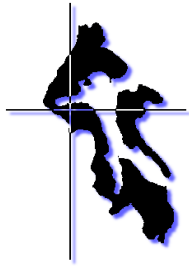
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MICHAEL BOBBINK  
Island County Hearing Examiner

#### APPEAL PROCESS:

##### SPR

This decision of the Hearing Examiner shall be a final and conclusive decision unless within fourteen (14) days following the mailing of such decision a written statement of appeal is filed with the Island County Board of Commissioners by the applicant, a Department of the County, or Party of Record, who is also an Aggrieved Person. Said statement shall set forth any alleged errors and/or the basis for appeal and shall be accompanied by a fee pursuant to the fee schedule adopted by the Board; provided that such appeal fee shall not be charged to a department of the County or to other than the first appellant ICC 16.13.100.b; ICC 16.19.190.



# ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

Robert H. Pederson, AICP  
Director

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## STAFF REPORT & RECOMENDATION SITE PLAN REVIEW – TYPE III 084/10 SPR HUFFMAN HOME INDUSTRY SITE PLAN REVIEW

### I – PROPOSAL

Ray Huffman has applied for a Type III Home Industry Permit in order to bring his existing Automobile Repair Shop into compliance with Island County Zoning regulations.

### II – FINDINGS

#### **A – Project & Site Description**

1. Mr. Huffman currently owns property at 821 Lawson Road on Camano Island (Parcel Number R23113-490-3200) consisting of a parcel approximately 2.55 acres in size, a 2,725 square foot single family home, and a 1,080 square foot detached shop building. Mr. Huffman's property lies at the northern end of a long, paved private road, in a heavily wooded area of large lot residential development. The shop building in which Mr. Huffman conducts his business is separated from adjoining properties and Lawson Road by a significant grade change. Specifically the lot slopes quite dramatically to east in such a fashion that the Shop building is not clearly visible from the road or neighboring properties. In addition the shop building is buffered from adjoining lots to the north, east, and south by mature evergreen trees and other native vegetation.
2. The applicant's property is currently subject to Island County Code Enforcement Action 069/10 COV. Specifically, the applicant was notified that the Automobile Repair Facility being operated on their property would require a Type III Home Industry Site Plan Approval in order to continue operation.

Exhibit # 1  
SPR 084-10

3. In accordance with the requirements of the Code Enforcement Action identified above, Mr. Huffman submitted a complete application for the necessary approval(s) on May 5, 2010.

### **B – Standard of Review & Applicable Regulations**

1. The applicant is proposing to operate a business classified as a Home Industry pursuant to ICC 17.03.180.J.
2. The project site is located in an area zoned “Rural” (R). Home Industries are identified as *conditionally* allowed in the R zone subject to review and approval through a Site Plan Review process.
3. Home Industry permits may be reviewed through a Type II if the total activity area is less than 800 square feet. The applicant is proposing to operate a 1,080 square foot shop; therefore, in accordance with ICC 17.03.080.J.2.i, this application must be processed as a Type III review and the final approval authority rests with the Island County Hearings Examiner.
4. The following code sections have been applied to this review: ICC 16.14, ICC 16.05 (Site Plan Review), ICC 17.03.060 (Rural Zone), ICC 17.03.180.A (General Land Use Standards), ICC 17.03.180.J (Home Industries), ICC 17.03.180.P (Design & Screening), ICC 17.03.180.Q (Parking & Access), ICC 17.03.180.R (Signage & Lighting), and ICC 17.03.180.S (Site Coverage & Setbacks). In addition, Island County Public Works and Island County Public Health have reviewed the applicant’s proposal to ensure compliance with those elements of Island County Code related to Engineering, Land Development, Public Health and Sanitation.

### **C – Rural Zone ICC 17.03.060**

1. Island County Code identifies “Home Industry” as a use which may be allowed through a Conditional Use Review Process.
2. The project site consists of a parcel approximately 2.55 acres in size, identified as parcel number R23113-490-3200. Currently, the minimum lot size in the R zone is 5 acres; however, the applicant’s parcel was legally established through an approved platting process prior to the adoption of the current minimum lot size requirements. Therefore, the applicant’s parcel can be considered a legally established nonconforming lot.
3. A building permit issued by Island County April 21, 2009 authorized the construction of the detached pole building in which the Home Industry will be located. This building was constructed in compliance with all applicable setback and height restrictions.

## D – Site Plan Review ICC 16.15

1. The use proposed by the applicant will not result in any significant environmental impacts that can not be mitigated by reasonable mitigation measures. Island County has concluded that if the conditions of the approval attached to this decision are fully implemented, any impacts associated with this proposal will be adequately mitigated.
2. The use proposed by the applicant will be adequately served by, and will not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned for the area. Specifically, the applicant is proposing a small scale auto repair facility that will service a limited number of vehicles. Since the facility proposed by the applicant is limited to 2 service bays and since the facility will not employ any nonresident employees, Island County concludes that the burden on local services will be similar to the existing residential use. In addition, The Island County Public Health Department has reviewed the applicant's proposal and determined that the existing on-site septic system and water connection are adequate to serve the proposed shop, and the Island County Public Works Department has issued a Transportation Concurrency Certificate which demonstrates that the shop will not cause any significant transportation impacts.
3. As previously noted, this application concerns a use which is conditionally allowed in the R zone and the findings and conditions associated with this decision demonstrate compliance with applicable Island County development regulations.
4. The project site is approximately 2.55 acres in size and is heavily wooded. The location of the applicant's shop is physically and visually separated from the Lawson Road and the neighboring properties by a significant grade change. In addition, the detached shop building in which the Home Industry will be accommodated is of a scale and type which is generally common to residential and rural residential environments in Island County. Given the degree of visual buffering provided by the existing topography and vegetation, as well as the generous size of the applicant's lot, Island County concludes that the subject site is physically suitable for the type of use proposed by the applicant.
5. Provided Mr. Huffman abides by the conditions of approval associated with this decision Island County does not foresee any detrimental impacts to the surrounding neighborhood. Mr. Huffman's shop has only 2 service bays, and will not employ any off site employees. Since these factors represent significant constraints in the scale of the business Mr. Huffman could potentially operate, it is doubtful that enough cars could come and go from the site to generate a volume of traffic which is not compatible with a residential environment. Furthermore, the conditions of approval associated with this decision will require that all vehicles being serviced or awaiting service be stored inside. Also the Mr. Huffman's hours of business will be limited to normal hours of operation.

6. In order to demonstrate the proposed use and its design conforms to Island County's adopted definition of "Rural Character" each of the defining elements of rural character are presented below along with an explanation of how the applicant's proposal conforms to these elements.

- a. *Open space, the natural landscape, and vegetation predominate over the built environment.*

Mr. Huffman will be using an existing detached shop building which already has access to Lawson road through a graveled driveway and Mr. Huffman is not proposing any additional clearing, grading, or construction. Furthermore the shop building which will house Mr. Huffman's Home Industry is of a size and type which is common to Island County's rural areas.

- b. *Land uses that foster traditional rural lifestyles, rural based economies, and opportunities to both live and work in rural areas.*

The Home Industry proposed by Mr. will allow him to both live and work in a rural area. In addition the mechanical services provided by Mr. Huffman represent a significant convenience for other Camano Island residents.

- c. *Landscapes that are traditionally found in rural areas and communities.*

As noted above, the applicant's home industry will be housed in an existing shop building that is compatible with the rural/residential character of the surrounding area.

- d. *Patterns of development which are compatible with the use of land by wildlife for wildlife habitat.*

Mr. Huffman's business is housed in an existing building that was legally permitted and which has been demonstrated to be compatible with Island County's rural landscape. He is not proposing to conduct any further clearing, grading, or construction and large portions of the site remain in a natural state. Importantly these natural forested areas adjoin forested areas on neighboring properties which taken together form an interconnected system of natural areas suitable for use by wildlife as wildlife habitat.

- e. *Patterns of development that reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.*

It is the general policy of Island County to limit commercial uses to established Urban Growth Areas. However, Island County's Comprehensive Plan and Development Regulations allow for limited commercial and nonresidential development in rural areas.

In determining the appropriateness of a given use in a rural area, the most important question is one of scale. The use proposed by the applicant is of very limited scale; due to the size of the shop and the lack of non resident employees the shop will likely serve a local rather than regional customer base. Furthermore, the repair shop will be housed in an existing building located within an existing development thereby maximizing the use of existing developed lands. Accordingly, Island County finds that the Home Industry Proposed by the applicant will not contribute to the inappropriate conversion of land into sprawling low-density development.

f. *Uses and patterns of development which do not require the extension of urban governmental services.*

As previously noted the applicant intends to make use of an existing building which is connected to an onsite septic system and a public water service. The proposed use will generate little or no perceptible increase in water consumption or sewage effluent flow. In addition, Island County Public Works has reviewed the proposal and determined that it will result in insignificant transportation, drainage and public safety impacts. The Island County Public Health Department has reviewed the application and similarly determined that the onsite septic system is capable of supporting the proposed use and that any resulting environmental health or sanitation impacts will be fully mitigated by the conditions of approval attached to this decision. Therefore, Island County finds that the proposed automobile repair facility will not require the extension of urban governmental services.

g. *Uses which are consistent with the protection of natural surface water flows and ground water recharge and discharge areas.*

There is no clearing, grading, or construction work associated with the applicant's proposal; and accordingly, the proposed use will have no perceptible impact on natural surface water flows or ground water recharge/discharge areas. It should be noted that toxic or hazardous chemicals, solvents, and other substances are frequently associated with auto repair facilities, and that the presence of an onsite septic system provides a means by which these substances could be introduced into the ground water. However, as a condition of approval the applicant will be required to prepare a Solid Waste Management Plan in accordance with Island County and Washington State requirements.

7. The subject property is *not* located in an area zoned Rural Agriculture or Commercial Agriculture.

#### **E– Non Residential Design, Landscaping, and Screening ICC 17.03.180.P**

1. Island County Code requires that nonresidential buildings located in the R zone either comply fully with Island County's "building design standards" or be completely screened from view. The structure in which the applicant will conduct their business is of a style and scale appropriate and common to Island County's rural areas. In addition the significant grade change between the adjoining private road and the shop building, coupled with the intervening placement of the applicant's home provides a level of visual screening that exceeds that which could be achieved by landscaping alone. In addition the existing landscaping and setbacks separating the applicant's shop building from adjoining properties provides a dense and nearly opaque buffer along the northern, southern and eastern property boundaries. Therefore, Island County concludes that no additional screening, fencing or increased setbacks are warranted.
2. The general appearance of the applicant's property is one of a well kept residential property. On July 06, 2010 Island County conducted a site visit; during this site visit no inoperable cars, equipment, or business related outdoor storage was observed.
3. The building in which the applicant's business will be located was constructed in accordance with a building permit issued by Island County April 04, 2009 (09-0050C); therefore this structure meets all applicable requirements related to building height, setbacks, and residential design standards.

**F– Parking, Access and Loading ICC 17.03.180.Q**

1. The established gravel parking area and access road will be more than sufficient to meet the limited parking and access requirements of the proposed use.
2. On April 20, 2010 The Island County Public Works Department issued the applicant a Certificate of Transportation Concurrency (200920110CC) after determining that the proposed use would have few, if any perceptible transportation impacts.

**G– Signage and Outdoor Lighting Requirements ICC 17.03.180.R**

1. Drawings submitted by Mr. Huffman indicate that he intends to place three signs on his property for business identification and directional purposes. However, pursuant to Island County Code ICC 17.03.180.R.4.g.i, non residential uses in the R zone are limited to one (1) on-site sign per premise and this sign may not exceed 9 square feet in area per side
2. A lighting plan submitted by the applicant suggests that several external floodlights will be used to illuminate the areas surrounding the shop building. In order to prevent offsite impacts these lights shall only be used when necessary and shall not

be left on all night. Alternatively, the applicant may utilize motion sensing light switches.

#### **H- Site Coverage and Setbacks ICC 17.03.180.S**

1. The site plan submitted by the applicant indicates that aside from the graveled access road and parking areas (which are not considered impervious surface area) approximately 2% of the site is covered with impervious surfaces. For parcels less than 5 acres in size Island County allows a total impervious surface area of 10%; therefore, the applicant's proposal will fully comply with this requirement.
2. Island County code requires that all non residential structures be setback at least 50 feet in the rural zone. The applicant is not proposing to construct any new structures within 50 feet of a property line; therefore the applicant's proposal complies with ICC 17.03.180.J.2.n.

#### **I – Health Department Requirements**

1. Those aspects of the project relating to public health and sanitation have been addressed in the attached memo from Aneta Hupfauer dated June 21, 2010 (see attached exhibit "B").
2. In order to address concerns regarding the storage, handling and proper disposal of potentially hazardous substances and materials, the applicant must have a Solid Waste Disposal Plan approved by the Island County Health Department.

#### **J – Public Works and Engineering Requirements**

1. Those aspects of the project relating to public works, land development, and transportation have been addressed in the attached memo from John Bertrand dated June 24, 2010 (see attached exhibit "C").

#### **K – Home Industry Standards ICC 17.03.080.J**

1. Auto Repair Shops with a maximum of 2 service bays are a use which is specifically identified in Island County Code as being permissible as a Home Industry in rural zones. The applicant's proposed shop has only 2 service bays; therefore, the proposal complies with ICC 17.03.080.J.1.c.
2. The minimum parcel size for Home Industries employing a maximum of two (2) non-family employees is 2.5 acres. The applicant's parcel is approximately 2.55 acres in size and the applicant does not intend to employ any non family employees; therefore, the proposal complies with ICC 17.03.080.J.2.b.

3. The Home Industry subject to this review is the only Home Industry currently being operated or proposed for operation on the applicant's parcel.
4. Island County Assessor's data, as well as a site inspection conducted by Island County, confirm that the Owner of the business is a full time resident of the subject parcel.
5. The applicant has not proposed any on-site direct retail sales.
6. Island County Code requires that all Home Industry related activities occur indoors or be totally screened from view. Island County conducted a site visit on July 06, 2010; during this site visit no outside storage or visible home business activities were observed. In addition, a condition of approval has been attached to this recommendation requiring that all vehicles being repaired or awaiting repair be stored indoors.
7. Pursuant to Island County Code ICC 17.03.080.J.2. Home Industries incorporating between 800 and 4,000 square feet of gross floor area may be authorized through a Type III process. The applicant is proposing to utilize a 1,080 square foot shop building; accordingly, this application has been processed in accordance with the procedures and requirements applicable to Type III land use reviews.
8. Island County Code specifies that there shall be no external evidence of any incidental commercial activities taking place within the Home Industry building. Given the screening afforded by the topography, landscaping, and natural forested areas present on the applicant's property, Island County concludes that there will be no visible evidence of any incidental commercial activity taking place on the property.
9. As previously noted, the shop building which will accommodate Mr. Huffman's Home Industry was permitted by Island County. However, the shop was permitted as a residential accessory structure. Since the applicant is proposing to change the use of the structure, a building permit will be required in order to change the use of the building and to allow the Island County Building Department to review the structure for fire flow and life safety requirements.
10. Island County's Home Industry standards require non-residential structures used for Home Industry purposes to be located at least 50 feet from any adjoining property lines. The site plan submitted by the applicant indicates that the shop building is located 50 feet from the nearest property line; therefore, the proposal will comply with this requirement.

**L – Island County Critical Areas Ordinance ICC 17.02.A**

1. During the public comment period several comments were received expressing concern that the applicant's shop building had been constructed in a wetland area or stream. However, prior to the issuance of the building permit which authorized the construction of the shop building, Island County's Biologist visited the site and determined that no regulated wetland features were present in the vicinity of the building site. In addition Island County conducted a site visit on July 06, 2010 during which no regulated wetlands, wetland indicators or streams were observed; accordingly, Island County has concluded that the applicant's shop building *did not* impact any regulated wetlands, and that the Home Industry proposed by the applicant *will not* impact any regulated wetlands.

### **III CONCLUSION**

Home industries have the potential to introduce inappropriate and unexpected impacts into residential or rural areas. However, provided appropriate measures are taken to limit the scale of the structures involved and the scope of the uses proposed, these uses can be successfully introduced into residential or rural areas with few if any significant impacts. Based on the information submitted by the applicant and on the conditions observed during Island County's site visit, Island County has concluded that the applicant's proposal is compatible with the surrounding area.

### **IV SEPA THRESHOLD DETERMINATION**

This proposal is exempt from State Environmental Policy Act (SEPA) threshold determination requirements pursuant to WAC 197-11-800.

### **V RECOMENDATION**

Based upon the above review, Island County concludes that the applicant's proposal complies with all applicable regulations, and that any resulting impacts have been fully mitigated by the conditions of approval attached to this recommendation; therefore, Island County hereby recommends that Site Plan Review Application 084/10 SPR be approved subject to the following conditions of approval:

### **VI RECOMMENDED CONDITIONS OF APPROVAL**

#### **A – General Conditions**

1. All development activities on, and use of the subject parcel shall be in conformance with the attached copy of the Approved Site Plan (see attached exhibit "A") except as modified by the conditions of approval identified in this report.
2. This site plan and any associated conditions of approval may be amended through a formal Site Plan Amendment process, provided any such amendments conform

to any applicable regulations in effect at the time the application for the amendment(s) is received.

3. All development activities on, and use of the subject parcel shall be in compliance with all applicable Washington State laws and Island County codes.
4. The use of this site is limited to the uses described in this report and shown on the Approved Final Site Plan.
5. This site plan approval is valid for a period of five (5) years. If during this time the required building permits are not obtained and if the conditions of approval identified in this report are not implemented, the site plan shall become null and void pursuant to ICC 16.15.150.
6. This site plan approval does not cover the issuance of a building permit. The applicant is advised that building permits are required for any building or construction activity on the subject property.
7. The conditions of approval identified in this report are subject to change if any information provided by the applicant or their authorized representative is found to be inaccurate.
8. Any smoke, toxic gases or other emissions shall comply with the regulations of the Northwest Air Pollution Control Authority as well as any other applicable Washington State or Federal regulations.
9. Emissions of dust, dirt, fly ash, or other airborne solids shall comply with the regulations of the Northwest Air Pollution Control Authority as well as any other applicable Washington State or Federal regulations.
10. Ground vibration inherently and/or recurrently generated from the permitted use and/or equipment, other than vehicles, shall not be perceptible without instruments at any point beyond the property boundary in which the use is located.
11. Activities which may create offensive glare, heat, electromagnetic and other radiation shall be conducted and contained in an enclosed building unless otherwise mitigated.
12. The emission of obnoxious odors of any kind beyond the lot boundaries is prohibited.
13. Noise emissions shall not exceed levels as established by WAC 173-60-040.

**B – Engineering/Public Works Conditions**

1. The requirements and conditions identified in the attached memo from Island County Development Coordinator, John Bertrand dated June 24, 2010 must be addressed (see attached exhibit “C”).
2. The applicant shall work with the Island County Building Department to address the fire flow and safety comments identified in the above memo.

#### **C – Public Health Conditions**

1. The requirements and conditions identified in the attached memo from Island Health Department Land Use Coordinator, Aneta Hupfauer dated June 21, 2010 must be addressed (see attached exhibit “B”).
2. The applicant shall prepare a Solid Waste Management Plan. This Solid Waste Management Plan shall be approved by Island County Public Health prior to any final building permit approval.

#### **D – Landscaping, Screening, Design and Setback Conditions**

1. No portion of any structure used for home business purposes shall be located within 50 feet of a neighboring property line.
2. The native vegetation surrounding the Home Industry building on the north, south, and east sides shall be maintained in perpetuity.

#### **E – Parking, Loading and Circulation Conditions ICC 17.03.080.Q**

1. The quantity of parking shown on the approved final site plan shall be maintained in perpetuity.
2. All vehicles associated with the Home Industry shall be parked in the gravel parking area associated with the shop building as shown on the approved site plan. Under no circumstances shall any vehicles associated with the Home Industry be parked on or along Lawson Road.
3. During non business hours all vehicles being serviced or awaiting service shall be parked indoors.

#### **F- Signage and Lighting Conditions**

1. During the approved hours of operation the use of outdoor flood lights and general area lighting is allowed, provided such lighting is not directed towards the perimeter of the site.

2. Outside of the approved hours of operation no flood lights or general area lighting shall be used except on an as needed, temporary basis. The purpose of this condition is to prohibit the continuous operation of high intensity outdoor lighting during non business hours; however, nothing in this condition shall prohibit the installation and use of motion sensing switches or other security devices.
3. Signage shall be limited to one (1) sign with a maximum area of nine (9) square feet per side. No other signage or visible evidence of incidental commercial activities shall be permitted; however, nothing in this condition shall prohibit the installation of an “open” sign in the window of the shop in addition to the signage permitted above.

### **G – Site Coverage and Setback Conditions**

1. All development and intensive use(s) of the site shall be confined to the existing area of development as defined by the existing shop and its associated parking.
2. Any buildings or structures hereinafter erected on the site shall comply with Island County’s setback requirements.
3. Any future development of the site shall comply with applicable Island County site coverage limits.

### **H – Home Industry Conditions**

1. So long as the Home Industry authorized by this decision is present, the applicant’s property shall not be further divided or adjusted, if such an adjustment or division would have the effect of reducing the size of the parcel containing the Home Industry below 2.5 acres.
2. If at any time the Home Industry authorized by this decision fails to comply with the conditions of approval attached to this decision or is otherwise in violation of applicable regulations, The Home Industry shall be discontinued, brought into conformity, or relocated to a zoning classification which would permit the use.
3. At all times the owner of the Home Industry subject to this review shall be a full-time resident of the parcel containing the Home Industry.
4. No on-site direct retail sales shall be permitted unless the products being sold are produced on-site, or directly related and clearly ancillary to the Home Business activity authorized by this decision.
5. All activities related to the conduct of the Home Industry authorized by this decision shall be conducted within the enclosed shop building identified on the approved site plan; however, minor incidental business activities may take place in

the graveled parking area in front of the shop provided no repair work involving the disassembly or assembly of vehicles or vehicle components shall be conducted take place outside of the enclosed shop building. Examples of activities which may take place outside include, but are not limited to: vehicle washing, the checking of fluid levels, and the inflation of tires. Examples of activities which shall not be permitted outside of the enclosed shop building include but are not limited to: oil changes or the replacement of vehicle components.

6. Any material expansion of the Home Industry activities authorized by this decision, or physical expansion of the enclosed shop building shown on the approved site plan shall be prohibited unless reviewed and approved by Island County in accordance with any applicable regulations in effect at the time such application is received by Island County.
7. The parking areas associated with the Home Industry shall be confined to those areas which are shown on the approved site plan.
8. There shall be no obvious external evidence of any incidental commercial activities taking place within the Home Industry building.
9. The Home Industry authorized by this decision shall not employ more than two (2) full time, non-family employees.
10. In accordance with the attached Building Department memo from Tamra Peterson dated June 23, 2010 (see attached exhibit "D"), a permit must be obtained to authorize the commercial use of the shop building. Additionally, this building permit review must consider the fire flow concerns identified in the attached memo from John Bertrand Dated June 24, 2010 (see exhibit "C").
11. The authorized hours of operation shall be as follows: *Weekdays 7:00 A.M – 9:00 P.M, and Weekends 10:00 A.M – 7:00 P.M.*; except, the applicant is authorized to work on vehicles within the shop building outside of these hours of operation, provided there are no noise emissions of a nonresidential nature, no starting, stopping, or idling of vehicles, and no customer traffic.

SIGNED THIS \_\_\_\_\_ DAY OF AUGUST 2010

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Brad Johnson, Associate Planner  
Island County Planning & Community Development

Attachments:

Exhibit "A" – Approved Site Plan  
Exhibit "B" – Health Department Memo  
Exhibit "C" – Public Works Memo  
Exhibit "D" – Building Department Memo