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Skagit County Planning and Development Services

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SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES
FINDINGS OF FACT

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: ADMINISTRATIVE DECISION PL05-0716

APPLICANT: THOMAS RICHARDSON & ELFA GISLA

ADDRESS: P.O. BOX 336
CONWAY, WA. 98238

PROJECT LOCATION: Located at 18444 Spruce Street, Conway, within a portion of Section 19, Township 33 N., Range 4 East W.M. situated within Skagit County, Washington.

PROJECT DESCRIPTION: Administrative Decision request PL05-0716 for a substantially similar change of a Rural Business use. SCC section 14.16.150(2)(b) lists "a change of use from the existing use to a use which is substantially similar to the existing use in terms of the type of commercial activity performed," as a permitted use subject to an administrative decision. The existing use is for retail antique sales, storage, renovation and repair of antiques, as well as the retail sales, renovations and repairs of old sheds and vehicles. Coffee and food was served during auction days. The proposed use is to serve food and beverages but as a quality restaurant with occasional dinner theater style entertainment.

ASSESSOR'S ACCOUNT NUMBERS: 330419-2-080-0000

PROPERTY NUMBERS: P109252

ZONING/COMPREHENSIVE PLAN: The parcel is located within a Rural Business (RB) zoning/comprehensive plan designated area as identified within the Skagit County Comprehensive Plan and associated maps as adopted July 24, 2000 and as thereafter amended.

DEPARTMENTAL FINDINGS:

1. **PROCESSING:** Pursuant to SCC 14.06.100(2) the application was deemed complete. Subsequently, a Notice of Development Application was posted on the subject property and published in a newspaper of general circulation on November 17, 2005, as required by SCC 14.06.150. Notification was provided to all property owners within 300 feet of the subject property. There was a fifteen (15) day comment period associated with the Notice of Development which ended on December 2, 2005.
   - One comment letter was received from the Port of Skagit County on behalf of Roger Wyatt, with Bell Lumber and Pole Company, located at 18488 Main Street, Conway, on November 30, 2005. Bell Lumber and Pole Company leases the property owned by the Port of Skagit County which is adjacent to the project site. The Port request that access be available to Bell Lumber and Pole Company twenty-four hours a day, seven days a week for the trucks arriving and leaving daily on Greenfield Street. The Port requests that their tenant access not be restricted with a change in commercial activity.
   - The proposed use shall provide on-site parking and parking along rights of way shall be prohibited.

2. **FLOOD AREA REVIEW:** The project site is located within an A2 designated flood hazard area as identified by FEMA Flood Insurance Rate Map (FIRM) panel number 530151 0425C with the effective date of September 29, 1989.

3. **CRITICAL AREA REVIEW:** The subject parcel was reviewed with respect to the Skagit County Critical Areas Ordinance, SCC 14.24. Critical areas review indicated that the proposal is exempt from critical areas review provided that activity does not change septic effluent per 14.24.100(6).

4. **PUBLIC WORKS DEPARTMENT REVIEW:** The application was routed to the Skagit County Public Works Department for comments. Public Works staff has reviewed the proposal and stated that on-site parking shall be provided for all customers.

5. **SHORELINE REVIEW:** The proposal was reviewed by Skagit County shorelines staff. Staff had no comments.

6. **BUILDING DEPARTMENT REVIEW:** The proposal was reviewed by the Skagit County Building Department. The following comment was received;

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"This property is located within a designated floodplain. All building permit applications will need to demonstrate compliance with the Skagit County Flood Damage Prevention Ordinance. Notice is given that the building may require elevating to 1 foot above the base flood elevation if the value of repairs, remodeling or additions exceed 50% of the pre-construction fair market value of the building. Building permits shall be obtained as required by the International Building Code and Skagit County amendments to the Building Codes. Permit applications will need to demonstrate compliance with the currently adopted edition of the International Building Code, International Fire Code and other codes as adopted by Skagit County. Based on the intended use of this building, notice is given that fire sprinklers may be required throughout the building as required by the fire code."

7. The subject parcel is approximately 1 acre in size located in Conway off of the south side of Spruce Street. The subject property measures approximately 100 feet along the north property line, approximately 320 feet along the east property line, approximately 190 feet along the south property line, approximately 160 feet along the southwest property line, and approximately 170 feet along the northwest property line. Access to the site will be off of Spruce Street.

8. The existing facility is located along the southwesterly portion of the property. The pre-existing occupancy of the structure has been for storage, rehabilitation, and retail sales of miscellaneous items including antiques, furniture, vehicles, sheds and estate sale items with occasional food service. Hours of operation were from approximately 9:00 am to 6:00 pm. The entire structure was filled with antiques and other goods, and customers were allowed in the entire building (5,101 square feet). While the site does have existing gravel parking, the presence of numerous auction items (vehicles, and sheds) caused many patrons to park outside the property boundary on the surrounding surface streets. During auction days, patrons filled both the parking lot of the adjacent fire station and parked within the right-of-way for several blocks around the area.

9. The applicant is requesting an Administrative Decision to allow for the change in the business use on site. The applicant would like to utilize the existing building for a restaurant with seating for approximately 66 people with occasional dinner theater style entertainment. Hours of operation are expected to be from approximately 4:00pm to 11:30 pm. There will be no change to the building foot print and minor interior renovations. The front portion of the existing building will be used for dining. The front half of the rear portions of the existing building will be remodeled to provide restrooms and kitchen facilities. The remainder of the building (the rear half and upper floors) will not be used. Gravel parking is provided on site along the North end of the property.

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10. The surrounding areas are zoned Rural Village Residential (RVR) and Natural Resource Industrial (NRI).

11. SCC 14.16.150(2)(b) states "Subject to an administrative decision, a change of use from the existing use to a use which is substantially similar to the existing use in terms of the type of commercial activity performed. A substantially similar use shall fall within the same broad use category as the existing use (retail, service, restaurant, or manufacturing), shall generate equal or less traffic as the existing use, and shall continue the same basic operational characteristics as the existing use (for example, a change of use from a convenience store to a gas station would not be permitted, but a change from a convenience store to a video store would)."

12. The department has determined that the proposed use will be substantially similar to the previous use of the site with no increased impacts. The applicant has provided information using figures from the Institute of Transportation Engineers *Trip Generation, 7th Edition* which indicated that "traffic for the proposed project will be substantially similar to the previously existing business, in fact, the peak and total number of vehicle trips are projected to be less than the peak and total trips experienced in the previously existing permitted use as an antique sales and auction barn." The applicant has indicated that the previous use caused difficult parking situations during auction days because the parking lot onsite was used to place the auction items. The proposed use will allow for parking to be contained onsite. The proposal will also continue the same basic operational characteristics as the existing use.

DECISION

The Director hereby approves the application for an Administrative Special Use Permit subject to the conditions listed below:

1. The applicant shall obtain all necessary land use approvals from the appropriate jurisdiction.

2. The permit shall be void if not started within two years of the date of this order.

3. The applicant shall provide on-site parking for all customers.

4. All fees must be paid prior to final approval.

5. The building may require elevating to 1 foot above the base flood elevation if the value of remodeling or additions exceed 50% of the pre-construction fair market value of the building.

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6. Fire sprinklers may be required throughout the building as required by the fire code.

Prepared By: Michele Q. Szafran

Michele Q. Szafran, Assistant Planner

Reviewed By: Brent Morrow

Brent Morrow, Senior Planner

Date of approval: December 27, 2005

The applicant and/or a party of record may appeal the decision of the Administrative Official to the Skagit County Hearing Examiner pursuant to the provisions of Section 14.06.110(7). Parties with standing to appeal must submit the appeal form and appeal fees to the Planning and Development Services within 14 calendar days of the publication of this Notice pursuant to SCC 14.06.110.

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