

Please return To:

Skagit County Planning and Permit Center



199908050047

Kathy Hill, Skagit County Auditor

8/5/1999 Page 1 of 6 10:24:57AM

**SKAGIT COUNTY PLANNING AND PERMIT CENTER  
FINDINGS OF FACT**

**HEARING AUTHORITY:** SKAGIT COUNTY PLANNING DIRECTOR

**APPLICATION NUMBER:** ADMINISTRATIVE AGRICULTURAL  
VARIANCE PL99-0233

**APPLICANT:** C. S. CAMPBELL/ VICKI BROWN

**ADDRESS:** 2920 COMANCHE DRIVE  
MOUNT VERNON, WA. 98273

**PROJECT LOCATION:** Located 30255 Walberg Road, Sedro Woolley, within a portion of Section 25, Township 35N, Range 5 East W.M. Skagit County, Washington.

**PROJECT DESCRIPTION:** Administrative Agricultural Variance request PL99-0233 for the placement of a residential structure more than 200 feet from a county road within an area designated as agricultural.

**ASSESSOR'S ACCOUNT NUMBER:** 350525-1-001-0002, P40173

**ZONING:** The parcel is located within a Agricultural zoning district.

**COMPREHENSIVE PLAN:** The Comprehensive Plan and associated maps adopted June 1, 1997 designates the area as Agricultural Natural Resource Land (AG-NRL).

**RECOMMENDATION:** The Skagit County Planning and Permit Center would recommend **approval** of this Administrative Agricultural Variance request.

## STAFF FINDINGS:

1. The subject property is zoned Agricultural and the Comprehensive Plan designates the area as Agricultural Natural Resource Land as indicated in the Skagit County Comprehensive Plan and associated maps as adopted June 1, 1997. The application was determined to be complete on April 27, 1999.
2. Per Section 14.01.033 of the Skagit County Code, a letter of completeness was issued on April 27, 1999. A Notice of Development Application was posted on the subject property and published in a newspaper of general circulation on April 29, 1999 as required by Section 14.01.040(2) of Skagit County Code.
3. The application has been reviewed in accordance with the State Environmental Policy Act guidelines WAC 197-11-800 and has been found to be exempt.
4. The subject parcel was reviewed with the respect to the Skagit County Critical Areas Ordinance 14.06 of the Skagit County Code. Staff conducted a site visit on April 28, 1999 to review the parcel for saturated soils and the presents of a Type 1 stream. Staff determined that there is a pastured wetland that will require an assessment and/or delineation for future development. A Protected Critical Area site plan will need to be recorded at the Auditors Office showing the 200 foot buffer from the type 1 water. Critical Areas staff approved the review for this project only.
5. The subject property is not located within a designated flood hazard area.
6. The subject parcel is approximately 20 acres in size located off of the west side of Walberg Road and the access is gained off of the west side of Walberg Road. The majority of the parcel contains open pasture land with spread out areas with stands of trees. The parcel measures approximately 1,352 feet in length along the south property line and approximately 1,209 feet in length along the north property line. The west property line measures approximately 523 feet in width and the east property line measures approximately 636 feet in width along Walberg Road. The existing driveway runs east and west and measures approximately 940 feet in length from the road to the approximate location of the home site. The parcel currently contains a small barn located approximately 662 feet off of the front property line and a shop building located approximately 900 feet off of the front property line. The proposed location currently has an existing well, an existing on site septic system, existing electrical service and was the old home site for the parent parcel. The proposed home site will be located approximately 370 feet off of the west property line, approximately 200 feet off of the south property line, approximately 410 feet off of the north property line, and approximately 950 feet off of the east (front) property line. The parcel contains open pasture with sparse trees along the front of the property and has a natural dip approximately mid property. The rear of the parcel contains a downward slope to the west which runs down to a slough. The portion of the parcel where the home



199908050047

Kathy Hill, Skagit County Auditor

8/5/1999 Page 2 of 6 10:24:57AM

site is proposed is higher than the other areas and is currently not being used for pasture. The parcel is serviced water via an individual drilled well and contains an on site septic system (S95-07741).

7. The majority of the surrounding area is undeveloped, wooded and contains natural vegetation. There are other parcels along the road some distance away to the north and the south although there are no other residence directly adjacent to the site.
8. The applicant is requesting an Administrative Agricultural Variance to allow the placement of a residential structure more than 200' from a County Road within an Agricultural zoning district. The proposal is to construct a single family residence approximately 900 – 950 feet from Walberg Road and locate the structure out of the low areas and the areas currently being used for horse pasture. Skagit County Code Section 14.04.112 (5)(c)(ii) states that residential structures shall be placed at least 35 feet off of the front yard property line, at least 15 feet off of the side yard property lines and no more than 200 feet off of the front yard property line.
9. Skagit County Code Section 14.04.112 (5)(d), Siting Criteria, states the following:
  - (i) Siting of all residential development in the Agricultural District shall minimize potential impacts on the agricultural activities. Agricultural buildings should, when possible, utilize siting criteria.
  - (ii) When structures exist on adjacent properties, siting of new structures shall comply with the following:
    - (a) Locate new structure(s) adjacent to an existing compatible structure(s), sharing a common access road;
    - (b) Where the provisions of subsection (d)(ii)(a) are not practical, locate adjacent to an existing structure and minimize the length of access from the nearest existing public road;
    - (c) Where the provisions of subsection (d)(ii)(a) or (b) are not practical, site to achieve minimum distance between structures, and minimize the length of the access from the nearest existing public road.
  - (iii) When no compatible structures exist on adjacent properties, new structures shall be sited to allow future development to satisfy subsection (d)(ii) of this section
  - (iv) Buildings, such as barns, stables or farm outbuildings shall be at least 20 feet from any dwelling unit on the property.

In regards to the siting criteria outlined in Skagit County Code Section 14.04.112, staff notes that there is an existing shop structure located in the immediate vicinity of the proposed home site, permitted under building permit #95-0532, and there is an existing drilled well and an existing on site septic system located in the immediate vicinity of the proposed home site. The proposed location has



199908050047

Kathy Hill, Skagit County Auditor

8/5/1999 Page 3 of 6 10:24:57AM

electrical service currently in place and used to be the homestead on the parent parcel. The applicant has indicated that all building will be located at least 20 feet away from the home site with the finished construction.

10. The application was routed to the Environmental Health Unit for review. The health unit had no comments or concerns with the proposal.
11. The application was routed to the Water Resources Division of the Skagit County Planning and Permit Center for review. In reviewing the application, Water Resources indicated the following: “ 1. Water review fees of \$75.00 is due to start a water review file. 2. According to SCC 12.48.020-3, proof of replacement of an existing building of record or approval of satisfactory individual water supply evaluation is needed. The Assessor’s print out showed no residential building valued. (For the individual water evaluation please provide: lot setback form, current Bac-t and inorganic lab test results. The well log copy has already been provided.)”
12. The application was routed to Skagit County Public Works for review. Public Works had no comments or concerns with the proposal.
13. Section 14.04.223 (1) (e) Variances of the Skagit County Code states that certain items will be reviewed when approving or denying Variances. Staff comments as they relate to the Variance criteria are as follows:
  - a. *That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.*

Staff recognizes that special conditions and circumstances generally apply to topographic hardships, i.e., a large ditch or creek or other physical feature peculiar to a particular parcel of property, that has a detrimental impact on a proposed development. The parcel is approximately 20 acres in size with the majority of land being used for horse pasture. There is a large swale, or dip, situated approximately mid property, running north and south, and the rear of the parcel slopes downward to the west where it meets a slough. At one time the property had sustained structures on the parent parcel in the proposed home location. There are already structures in the immediate area of the proposed homesite as well as power, water, and a septic system. The rest of the parcel contains open pasture with some stands of trees and is currently used for the grazing and pasturing of horses. The special condition exists because of the topography, current use of the parcel, past historical use of the parcel, and the location of the existing structures and utilities.

- b. *That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.*



199908050047

Kathy Hill, Skagit County Auditor

8/5/1999 Page 4 of 6 10:24:57AM

Staff notes that the literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter. Staff notes that although there are no other residences directly adjacent to this site, there are many other residences located throughout this region that are located more than 200 feet off of the front property line. The surrounding area is primarily wooded and undeveloped.

The applicant has indicated that the literal interpretation of the provisions would deprive the applicant from using the existing drive to reach the house site proposed near the shop, well, septic tank and pump house. All were constructed with the original farm layout in mind.

*c. That the special conditions and circumstances do not result from the actions of the applicant.*

The applicant has indicated that the conditions did not result from their actions. The applicant has indicated that the drive, old house site, orchard, and living area have always been sited out of the main farming areas.

Staff concurs that the special conditions and circumstances did not result from the actions of the applicant. The original homesite was located in the proposed location and there are already permitted structures and utilities on that portion of that parcel.

*d. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, buildings in the same district.*

The applicant has indicated that the variance would not grant a special privilege. The house would be sited out of farmland in an area previously set aside for living and gardening. Many farms in the district are designed around the lay of the land.

Staff notes that the granting of the variance request will not confer a special privilege to the applicant because the home site is proposed to be located in an area that was previously a home site. All of the utilities are currently in place and development permits have been issued for accessory structures that will be approximately 20+/- feet from the proposed structure. If the home site were to be moved closer to the front property line, that action would impact the current agricultural use of the site and defeat the purpose of the intent of this section of code. With the utilities and existing structures in place, the most appropriate use of the old home site is to allow the new home site to locate in that same area as opposed to further degrading the pasture lands and hay fields.



199908050047

Kathy Hill, Skagit County Auditor

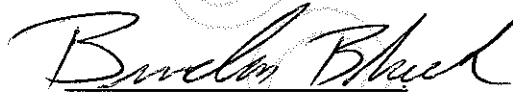
8/5/1999 Page 5 of 6 10:24:57AM

DECISION

The Director hereby **approves** of the requested Administrative Agricultural Variance with the following conditions.

1. Applicant shall obtain all permits and approvals from the appropriate jurisdiction.
2. Water review fees will need to be paid, at current rate, at the time of building permit review.
3. The applicant shall provide the following water review information at time of building permit submittal and have approval of satisfactory individual water supply evaluation prior to building permit issuance. (i.e. lot setback form, current Bac-t and inorganic lab test results).
4. The pastured wetland that will require an assessment and/or delineation for future development.
5. A Protected Critical Area site plan will need to be recorded at the Auditors Office showing the 200 foot buffer from the type 1 water.

The applicant and/or party of record may appeal the decision of the Administrative Official to the Skagit County Hearing Examiner pursuant to the provisions of Section 14.01.060. Every appeal to the Hearing Examiner shall be filed with the Planning and Permit Center within fifteen (15) calendar days after the date of the decision.



Brandon Black, Assistant Planner

Date of Preliminary Approval: 7-16-99

Date of Final Approval: 8-3-99

Prepared By: BB



199908050047

Kathy Hill, Skagit County Auditor

8/5/1999 Page 6 of 6 10:24:57AM