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Skagit County Planning and Permit Center



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Kathy Hill, Skagit County Auditor

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

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: ADMINISTRATIVE AGRICULTURAL
VARIANCE PL00-0333

APPLICANT: THOMAS RAY

ADDRESS: 1310 N. LaVENTURE ROAD
MOUNT VERNON, WA. 98273

PROJECT LOCATION: Located at 13772 Rawlins Road, Mount Vernon, within a portion of Section 17, Township 33N, Range 3 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: 330317-0-004-0005, P15952

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 June 26, 2000.
2. Per Section 14.01.033 of the Skagit County Code, a letter of completeness was issued on June 26, 2000. A Notice of Development Application was posted on the subject property and published in a newspaper of general circulation on June 29, 2000 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 respect to the Skagit County Critical Areas Ordinance 14.06 of the Skagit County Code. Staff determined that there are no critical area issues associated with this project and recommended approval without conditions.
5. The subject property is located within a designated A7 flood hazard area as identified by FEMA on Flood Insurance Rate Map (FIRM) panel # 530151 0425 C with the effective date of January 3, 1985.
6. The subject parcel is approximately 20.63 acres in size located off of the south side of Rawlins Road and the access to the parcel is off of Rawlins Road. The parcel is currently open agricultural land with an existing agricultural structure located along the southeast portion of the parcel approximately 250 feet off of the south property line. The parcel measures approximately 1,316 feet in length along the west property line, approximately 1,306 feet in length along the east property line, approximately 701 feet in width along the south property line and approximately 540 feet in width along the north property line. The project proposal is to locate a three bedroom single family residence approximately 128 feet off of the south property line, approximately 200 feet off of the east property line, approximately 450 feet off of the west property line, and approximately 1,128 feet off of the front (north) property line. The proposed location currently utilizes an existing on site septic system and is connected to public water (Public Utility District #1).
7. The majority of the surrounding area is agricultural in nature with large open agricultural fields currently under production.
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 1,128 feet from the north (front) property line, adjacent to Rawlins



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Road, and locate the structure adjacent to the existing accessory structure and existing utilities on site. 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 agricultural structure located in the immediate vicinity of the proposed home site, and there is existing water and an existing on site septic system located in the immediate vicinity of the proposed home site.

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 that the site is service water from Public Utility District #1 and that there are no concerns with the proposed project.
12. The application was routed to Skagit County Public Works for review. Public Works had no comments or concerns with the proposal.



13. The application was routed to the Conservation Futures Agricultural Advisory Committee for review. Conservation Futures agreed to recommend approval of the variance but requested that the existing septic system connection to the barn be disconnected.
14. 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 agricultural production. There is an existing private road currently to the site, existing utilities, and an existing agricultural accessory structure. With the current setup of the parcel and the location of the existing structures and utilities, this location is the most logical for the site. The placement of the structure in the proposed location will allow the continued production of agricultural crops on the rest of the parcel where the produce has been grown.

- 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.*

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 agricultural in nature with fields currently under production. Staff notes that the proposal fits in with the siting criteria and minimized the impacts on the agricultural use currently taking place.

The applicant has indicated that the literal interpretation of the provisions would deprive the applicant from using the existing driveway and existing utilities currently on site. The applicant indicated that if they were to locate within 200 feet of the front property line, the impact would result in a decrease of the land available for agricultural uses. The applicant further indicated that the appropriate permits were obtained for the accessory structure and the existing septic system (#S89-418) and that a future three bedroom home was listed out on the site plans for future construction. The applicant stated that the work approved by the county

and completed by the owner was all done in compliance with the zoning regulation in place at the time.

- 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 appropriate permits were applied for and issued under the zoning and building ordinances in effect at the time.

Staff concurs that the special conditions and circumstances did not result from the actions of the applicant. The applicant was allowed to construct the existing structure and install the existing utilities previously and this proposal will meet the siting criteria and reduce the impact to the agricultural use of the site.

- 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 the existing production area and will be located next to an existing structure and existing utilities.

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 is adjacent to existing structures and utilities previously permitted. This site will reduce the impact to the existing agricultural use on site.

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.



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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, Associate Planner

Date of Preliminary Approval: 7-31-00

Date of Final Approval: 8-16-00

Prepared By: BB



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