



200011300136

, Skagit County Auditor

11/30/2000 Page 1 of 14 3:23:56PM

AFTER RECORDING RETURN TO:  
SKAGIT COUNTY HEARING EXAMINER  
302 SOUTH FIRST STREET  
MOUNT VERNON, WA 98273

DOCUMENT TITLE: SHORELINE VARIANCE APPLICATION SL 00 0564 and  
VARIANCE APPLICATION VA 00 0588

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: DAVID FELT

ASSESSOR PARCEL NO: P74753 & P74763

ABBREVIATED LEGAL DESCRIPTION: located at 23982 N. Westview Road, Mount  
Vernon, WA; within Section 1, Township 33 North, Range 4 East, W.M., Skagit County,  
Washington.

**SKAGIT COUNTY HEARING EXAMINER**  
**STATE OF WASHINGTON**

In the Matter of the Application of  
**DAVID FELT**

For Shoreline Dimensional Variances  
And a Zoning Side Setback Variance  
To Allow Construction of a Garage/Shop/  
Carport Addition to a Single Family  
Residence at 23982 N. Westview Road,  
on the shoreline of Big Lake

)  
) SL 00-0564  
) VA 00-0588

)  
) FINDINGS OF FACT,  
) CONCLUSIONS OF LAW,  
) AND DECISION  
)  
)  
)

THIS MATTER, an application for dimensional variances, came on regularly for hearing on November 22, 2000, after due notice. Daniel Downs appeared for the Planning and Permit Center. The applicant was in attendance. Members of the public were given an opportunity to be heard.

Testimony was taken, exhibits were entered, and argument was made. On the basis thereof, the Examiner enters the following:

**FINDINGS OF FACT**

1. David L. Felt (applicant) seeks variances in order to build a garage/shop/carport addition to his residence at 23982 North Westview Road.

2. The property is on the shoreline of Big Lake. It is located within a portion of Sec 1, T33N, R4E, W.M. The shoreline designation is Rural Residential. The zoning is Rural Village Residential.

3. The new structure would be built on an existing concrete foundation and slab that is located 2 feet 2 inches from the north (side) property line. There is an existing residence on the property which is set back approximately 66 feet from the Ordinary High Water Mark (OHWM) of the lake. The proposed addition would be set back 74 feet from the OHWM.

4. The amount of the site covered by development is currently 41%. This percentage would not be increased by the proposed addition.

5. The County Shoreline Master Program (SMP) establishes a minimum side setback for shoreline property of 8 feet and sets a maximum site coverage allowance of 30%. SMP 7.13(2)(C), Table RD.



6. The application was received after July 24, 2000 and therefore the zoning code provisions made effective on that date are applicable. The relevant side yard setback for the Big Lake Rural Village is a minimum of 8 feet. SCC 14.16.310(5)(a)(ii).

7. On February 6, 1986, the County Hearing Examiner granted the applicant a variance (V-86-005) to build a garage/shop/carport on the site of the current proposal. The 1986 variance was granted in part because the proposed structure would replace an older non-conforming 12 by 20 foot garage that was located two feet from the county road on the east. The variance authorized construction of a 24 by 24 foot structure within 2 feet 2 inches of the north (side) property line and at 2 feet from the east property line.

8. After the 1986 approval, the foundation and slab were poured, but the project was not pursued further. In the late summer of 2000, the applicant filed the instant application, a modified version of the original one. The modified project would add a bedroom on top of the shop area. The roof line would blend with that of the existing house. The height of the overall residential structure would not increase.

9. The initial approval was a zoning variance only and did not include any variance from shorelines regulations. The present application requests shorelines as well as zoning approval and, therefore, represents the completion of the land use permitting process.

10. While not increasing developed site coverage, the presently proposed project would extend the northerly wall of the structure, creating additional length in the above-ground intrusion into the north side setback. The setback distance of 2 feet, 2 inches would not change, but the additional extent of the intrusion requires new zoning variance approval.

11. The submitted drawings show a notch in the north wall of the new addition, forming a recess at 3 feet or more from the side property line. In this recess, the applicant plans to install a door. Except for this door, there will be no openings on the north side of the structure.

12. The site is rectangular, about 70 feet wide along the waterfront and approximately 110 feet deep. Big Lake is to the west. North Westview Road is to the east. The slope is from the road toward the lake. The properties to the north and south are developed in residences. The home to the north is approximately 18 feet from the property line. There is a buffer of trees on this boundary and the home to north has no windows facing the applicant's house. On the street side, the proposed garage will line up with the garage of the neighbor to the south.

13. Given the size of the lot, the applicable shoreline setback, and the constraints posed by the location of the road and placement of the house, there is no other place on the property available for the proposed addition.



14. The surrounding area has been extensively developed for residential use. The relative high density includes much development that is inconsistent with current setback requirements. The proposed project, substantially approved earlier for zoning purposes, would not impose any additional impacts from the perspective of shoreline management. The focus is on the north side setback, not on waterward development. No adverse effect on adjacent property has been identified. However, because of proximity, building code requirements regarding a one hour rated wall assembly on the north side will need to be addressed.

15. A Fish and Wildlife Site Assessment was conducted pursuant to the Critical Areas Ordinance. The report by Russ Orrell, Fisheries Biologist, identified little or no environmental impact and recommended as mitigation only the designation of a 50 foot deep strip behind the shore as a Protected Critical Area (PCA).

16. Consulted agencies had no concerns about this project. There was just one public comment -- a letter favoring the proposal.

17. The shoreline variance criteria for development landward of the OHWM, are set forth at SMP 10.03(1). The applicant must prove:

- a. That the strict application of the bulk, dimensional or performance standards set forth in this Master Program precludes or significantly interferes with a reasonable use of the property not otherwise prohibited by this Master Program.
- b. That the hardship described above is specifically related to the property and is the result of unique conditions such as irregular lot shape, size or natural features and the application of this Master Program and not, for example, from deed restrictions or the applicant's own actions.
- c. That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.
- d. That the variance does not constitute a grant of special privilege not enjoyed by the other properties in the same area and will be the minimum necessary to afford relief.
- e. That the public interest will suffer no substantial detrimental effect.

In the granting of variance permits, the cumulative impact of additional requests for like in the area is to be considered.



18. The newly adopted zoning variance criteria are set forth at SCC 14.10.030(2), as follows:

- a. 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. Topics to be addressed include topographic or critical area constraints that may make use of the particular site infeasible without the proposed variance.
- b. 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 SCC Titles 14 and 15.
- c. The special conditions and circumstances do not result from the actions of the Applicant.
- d. The granting of the variance requested will not confer on the Applicant any special privilege that is denied by SCC Titles 14 and 15 to other lands, structures, or buildings in the same district.
- e. An explanation of how the requested variance meets any other specific criteria required for the type of variance requested, including, but not limited, to the following:
  - (i) Explanation of compliance with the criteria for a Critical Areas Ordinance variance under SCC 14.24.140.
  - (ii) Explanation of compliance with the criteria for a shoreline variance under the Skagit County Shoreline Management Master Program.
  - (iii) Explanation of compliance with the criteria for a public works alternative under the Skagit County Public Works Standards adopted pursuant to SCC 14.36.
  - (iv) Explanation of compliance with the criteria for variance from the agricultural siting criteria found in SCC 14.16.400(6).
  - (v) Explanation for compliance with the criteria for a Flood Hazard Ordinance variance found in SCC 14.34.130.
- f. If applicable, an explanation from the Applicant as to why, if a variance is denied, the Applicant would be denied all reasonable use of his or her property.

19. The Staff Report analyzes the proposal in light of the standards for both zoning and shoreline variances and determines that the project is consistent with the applicable criteria. The Examiner concurs in this analysis and adopts the same.



20. The reasons set forth in the application justify the granting of the variances as to both the zoning code and the shoreline regulations. The uses proposed are reasonable accessory residential uses. The variances are the minimum needed in furtherance of these reasonable uses.

21. The granting of the variances will be in harmony with the general purpose and intent of the land and building development title and other applicable provisions of the County Code, and will not be injurious to the neighborhood, or otherwise detrimental to public welfare.

22. Any conclusion herein which may be deemed a finding is hereby adopted as such.

### **CONCLUSIONS OF LAW**

1. The Hearing Examiner has jurisdiction over the parties and subject matter of this proceeding. SMP 10.02(3), SCC 14.06.050(b)(i).

2. The application is exempt from the procedural requirements of the State Environmental Policy Act. WAC 197-11-800(6).

3. The findings support a conclusion that, as conditioned, the proposal will meet the criteria for approval of the relevant shorelines and zoning variances. SMP 10.03(1), SCC 14.10.030(2).

4. The following conditions should be imposed:

a. The permittee shall record with the County Auditor a site plan showing the lot in question, and marking the area to be designated as a Protected Critical Area, as recommended in the Fish and Wildlife Site Assessment, dated October 31, 2000. (See Attachment C).

b. The permittee shall obtain all other necessary approvals and permits, including a Skagit County Building Permit.

c. The permittee shall strictly adhere to the site diagram and other project information submitted for this proposal.

d. Design of the proposed structure will address building code requirements for a one hour rated wall assembly and no openings shall be allowed along the north side of the structure within three feet of the property line.

e. The permittee shall utilize proper sedimentation and erosion control measures during construction. Construction material and debris shall not



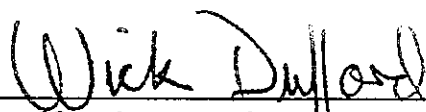
be allowed to enter the water.

f. Approval of the shoreline variances shall be obtained from the Department of Ecology. After such approval is obtained, construction shall commence within two years and the project completion shall be achieved within five years.

5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

### DECISION

Subject to the conditions set forth in Conclusion 4 above, the shoreline side setback and lot coverage variances requested and the zoning side setback variance requested are **APPROVED**.

  
Wick Dufford, Hearing Examiner

Date of Action: November 28, 2000

Copy Transmitted to Applicant: November 28, 2000

Attachment: Staff Report

### RECONSIDERATION/APPEAL

A request for reconsideration may be filed as provided in SCC 14.06.180. The decision may be appealed to the Board of County Commissioners by filing a written Notice of Appeal with the Clerk of the Board within 14 days after the date of the Examiner's decision, or decision on reconsideration if applicable.



1  
2  
3 **SKAGIT COUNTY PLANNING & PERMIT CENTER**

4  
5 **FINDINGS OF FACT**

6  
7  
8 REVIEWING AUTHORITY: Skagit County Hearing Examiner

9  
10 PUBLIC HEARING DATE: November 22, 2000

11  
12 APPLICATION FOR: Shoreline Variance #PL 00-0564 (SHL)  
13 Zoning Variance #PL00-0588 (VAR)

14  
15 APPLICATION DATE: August 30 & September 12, 2000

16  
17 APPLICANT: David Felt  
18 23982 N. Westview Road  
19 PARCEL# 74753&74763 Mount Vernon, WA 98274

20  
21 PROJECT DESCRIPTION: The construction of a garage/shop/carport addition to an  
22 existing single-family residence. The variances are needed because the structure would be  
23 built on an existing concrete foundation that is located 2 feet 2 inches away from the  
24 north property line, an 8-foot side yard setback is normally required. The distance of the  
25 addition from the OHWM is approximately 74 feet. The applicant has also requested  
26 variance approval for the 41% of existing "developed" site coverage on the lot.

27  
28 The proposed project is located at 23982 N. Westview Road, Big Lake, within a portion of  
29 Section 1, Township 33 North, Range 4 East, W.M., Skagit County. The subject proposal is  
30 located on the shoreline of Big Lake designated Rural Residential under the Shoreline  
31 Master Program.

32  
33 The proposal triggers the need for a shoreline variance because:

- 34 1. The minimum side shoreline setback from the property line in the rural residential  
35 shoreline designation is 8 feet (see SCSMMP 7.13(2)© Table RD).  
36 2. The maximum allowed site coverage of a lot to be "developed" in a Rural  
37 Residential shoreline designation is 30% per SCSMMP 7.13(2) © Table RD, while  
38 the existing coverage is already at 41%.  
39 3. The minimum side yard zoning setback in the Big Lake Rural Village is 8 feet from  
40 the property line (see SCC 14.16.310(5)(a)(ii)).

41  
42 PROJECT LOCATION: The proposed project is located at 23982 N. Westview Road, Big  
43 Lake, within a portion of Section 1, Township 33 North, Range 4 East, W.M., Skagit  
44 County. The subject proposal is located on the shoreline of Big Lake designated Rural  
45 Residential under the Shoreline Management Master Program (SMMP).





1  
2 RECOMMENDATION: **Approval**, with conditions stated at the end of the report.

3  
4 EXHIBITS:

- 5  
6 1. Staff report.  
7 2. August 7, 2000 letter from David & Pam Felt to Tom Karsh.  
8 3. August 30 & September 12, 2000, shoreline variance and zoning applications, a  
9 narrative, ownership certification and photos.  
10 4. September 21<sup>st</sup> & 28<sup>th</sup> Notice of Application.  
11 5. October 3, 2000 Letter of Completeness.  
12 6. October 31, 2000 Fish & Wildlife Site Assessment prepared by Russell Orrell.

13  
14 STAFF FINDINGS:

- 15  
16 1. The application has been advertised in accordance with Section 9.04 of the Skagit  
17 County Shoreline Management Master Program (SCSMMP) and WAC 173-14-070.  
18  
19 2. The subject proposal is located on the shoreline of a property with a single-family  
20 residence adjacent to Big Lake in an area designated as the Big Lake Rural  
21 Village Residential by the Skagit County Comprehensive Plan and the Skagit  
22 County Zoning Ordinance. The property is designated as Rural Residential in the  
23 SCSMMP.  
24  
25 3. Zoning variance V86-005 was approved by the Skagit County Hearing Examiner  
26 in 1986 to replace a existing 12' X 20' garage with a 24' X 24' garage. This  
27 variance provided for placement of the garage within 2'2" of the north side  
28 property line and 2 feet sway from the County road. Staff have determined that  
29 the current proposal also requires a additional zoning variance to allow the side  
30 property line variance to be continued west in the area where the current proposed  
31 shop and bedroom are to be located.  
32  
33 4. The SCSMMP requires an 8-foot minimum setback from side property lines in the  
34 Rural Residential shoreline designation. Therefore, the shoreline variance  
35 application would serve to bring the former zoning variance and the current  
36 zoning variance request into compliance with SCSMMP regulations.  
37  
38 5. The applicants obtained a zoning variance on February 19, 1986 from the Skagit  
39 County Hearing Examiner to build a garage/shop carport on the site of the current  
40 proposal. This variance in part was granted because it replaced a older non-  
41 conforming 12' X 20' garage that also was located 2' away from the 25' front  
42 setback. The applicants were unable to proceed with the partially permitted  
43 activity due to financial constraints and no complementary shoreline variance has  
44 ever been obtained since the original zoning variance approval. In the summer of  
45 2000 the applicants approached the County with a modified version of the  
46 proposal from the original one that was obtained in 1986.



1  
2 6. The property is rectangular in shape 70' X 110' in size. The property slopes from  
3 the road down to the lake (see photo provided). The surrounding area is developed  
4 with single-family residences as previously noted by the Big Lake Rural Village  
5 designation of the area.  
6

7 7. Staff determined that the subject proposal required a Fish & Wildlife Site  
8 Assessment/Habitat Management Plan pursuant to 14.06.510 & 520 of the Skagit  
9 County Critical Areas Ordinance (CAO). The report identified no or little impact  
10 from the proposal if appropriate erosion control measures were taken during  
11 construction. The report proposed the following mitigation:  
12

13 a) The area landward of the OHWM should be designated as a Protected Critical  
14 Area (PCA) consistent with the attached site plan and filed with the County  
15 Auditors office as required in SCC 14.06.145.  
16

17 8. The proposal is categorically exempt from the State Environmental Policy Act  
18 (SEPA) as noted in WAC 197-11-800(1)(b)(I) regarding residential structures.  
19

20 9. One letter of support was received regarding the proposal.  
21

22 10. Staff determined that the proposal is not located on a Shoreline of Statewide  
23 Significance.  
24

25 11. The SCSMMP, Chapter 10 Variances, sets forth the criteria for granting Shoreline  
26 Variance Permits. Section 10.03(1) - Criteria for granting shoreline variance permits  
27 reads:  
28

29 Variance permits for development to be located landward of the ordinary high  
30 water mark (OHWM), except within areas designated marshes, bogs or swamps  
31 pursuant to Chapter 173-22 WAC, may be granted provided the applicant can meet  
32 all the following criteria; the burden of proof shall be on the applicant.  
33

34 a. **That the strict application of the bulk, dimensional or performance**  
35 **standards set forth in this Master Program precludes or significantly**  
36 **interferes with a reasonable use of the property not otherwise**  
37 **prohibited by this Master Program.**

38 *The parcel is rectangular in shape, 8,400 sq feet in size and bordered by*  
39 *Big Lake to the west and North Westview Road to the east. The eastern*  
40 *portion of the property is divided by a county road and an abandoned*  
41 *railroad grade. The proposed addition to the existing residence would*  
42 *allow construction on an existing concrete pad that is located 2 feet away*  
43 *from the north property line. The location of the road and railroad grade*  
44 *as well as the shoreline setbacks would not allow expansion of the*  
45 *residence in any other location on the property and still provide access to*  
46 *the site due to the topography and existing infrastructure (see photo*



provided). The existing site coverage of the lot that is developed is approximately 41% and would not be further increased by the current proposal. Staff has determined that if the dimensional requirements of site coverage and side setbacks were imposed on the property an unreasonable condition would exist.

- b. **That the hardship described above is specifically related to the property and is the result of unique conditions such as irregular lot shape, size or natural features and the application of this Master Program and not, for example, from deed restrictions or the applicant's own actions.**

*The hardship is due to the lot size, topography, access constraints and the County road bisecting the owner properties.*

- c. **That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.**

*The surrounding area has been developed for rural residential use as demonstrated by the Big Lake Rural Village Residential zoning designation. All residences within 300 feet of the side property lines average a total of 46 feet from the OHWM. The applicant's residence is 66 feet from the OHWM and the addition would be located no closer to the OHWM than 74 feet. No adverse effect to the adjacent properties has been identified but the proposed structure will be required to address building code requirements regarding a one hour rated wall assembly and no openings allowed on the north side of the structure.*

- d. **That the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the same area and will be the minimum necessary to afford relief.**

*The issuance of a variance for this proposal would be consistent with the relatively high-density development within the Big Lake Rural Village. The proposal is the minimum necessary due to the location of the existing concrete foundation.*

- e. **That the public interest will suffer no substantial detrimental effect.**

*Any possible detrimental effects however how remote, should be mitigated through compliance with the conditions placed on the development as recommended by staff and the environmental consultant.*

10. Section 14.10.030(2)(a-f) Variance Application Procedures of the Skagit County Code states that variance requests conform to the following standards:

- a. **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. Topics to be addressed**



1 include topographic or critical area constraints that make use of the  
2 particular site infeasible without the proposed variance.

3 *Due to topographic, access and lot size constraints, the area available for any*  
4 *type of expansion to accommodate a garage is limited.*

5  
6  
7 b. **.Literal interpretation of the provisions of this chapter would**  
8 **deprive the applicant of rights commonly enjoyed by other properties in the**  
9 **same district under the terms of SCC Titles 14 and 15.**

10 *Staff notes that the literal interpretation of the provisions of this chapter would*  
11 *deprive the applicant of rights commonly enjoyed by other property owners in the*  
12 *same district under the terms of this chapter.*

13  
14 c. **The special conditions and circumstances do not result from the actions**  
15 **of the Applicant.**

16 *The applicant has indicated that Variance 86-005 provides zoning approval had*  
17 *been obtained for the construction of a 24' X 24 garage. The concrete foundation*  
18 *was poured after approval but the project was not completed due to financial*  
19 *hardships.*

20  
21 d. **The granting of the variance requested will not confer on the Applicant**  
22 **any special privilege that is denied by SCC Titles 14 & 15 to other lands,**  
23 **structures, buildings in the same district.**

24 *See 11 (d) above).*

25 e. **An explanation of how the requested variance meets any other specified**  
26 **criteria required for the type of variance requested, where applicable,**  
27 **including, but not limited, to the following:**

28  
29 (i) **Explanation of compliance with the criteria for a Critical Areas**  
30 **Ordinance variance under SCC 14.24.140.**

31 *This is addressed by the CAO report that has been submitted.*

32 (ii) **Explanation of compliance with the criteria for a shoreline variance**  
33 **under the Skagit County Shoreline Management Master Program.**

34 *This is addressed in the Shoreline variance criteria section in item #11.*

35 (iii) **Explanation of compliance with the criteria for a public works**  
36 **alternative under the Skagit County Public Works Standard**  
37 **adopted pursuant to SCC 14.36.**

38 *The portion of the proposal nearest to the road was approved via*  
39 *Variance 86-005. Public Works staff determined that no change in*  
40 *access, view corridors or the County road (alignment) itself is occurring*  
41 *and therefore the new proposal is in compliance with current standards.*

42 (iv) **Explanation of compliance with the criteria for variance from the**  
43 **agricultural siting criteria found in SCC 14.16.400(6).**

44 *Not applicable.*



1 (v) Explanation of compliance with the criteria for a Flood Hazard  
2 Ordinance variance found in SCC 14.34.130.

3 *The site is located in Zone C which is not designated as a Flood Hazard*  
4 *Area on the F.E.M.A maps.*  
5  
6  
7

8 **REVIEW OF APPLICABLE COUNTY SMMP POLICIES & REGULATIONS.**  
9

10 The proposal has been reviewed for consistency with SMP Chapter 7.13 Residential  
11 Development as defined in Chapter 3.03. The entire chapter 7.13 of the SCSMMP regarding  
12 Residential Development is included as Attachment "A" of the staff report, staff has  
13 summarized the policies involved.

14 Staff determined that the proposal does not conflict with the **general policies** regarding  
15 residential development, coordination, optimum use, joint use, public access, public use,  
16 natural resource processes, hazardous areas, water quality & quantity, PUD's, floating  
17 homes, community services, Shoreline Management jurisdiction, location and design and  
18 construction and impacts. Staff has further determined that the proposal complies with all  
19 SCSMMP **regulations** regarding shoreline designation, general regulations, accessory uses,  
20 hazardous areas, shore defense works, landfilling, public access, fragile areas, utilities, roads  
21 and parking areas, drainage, sewage and screening **except** shoreline setbacks.

22 The following inserts from the Regulation section are considered below with staff notes  
23 in italics:  
24

25 **2. REGULATIONS**

26 A. Shoreline Area

27 (2) Rural Residential

28 (a) Residential development is permitted subject to the General and Tabular Regulations.

29 B General

30 (9) Shoreline setback;

31 Residential structures shall be setback common to the average of setbacks for existing  
32 dwelling units within 300 feet of side property lines or a minimum setback distance as  
33 Required in Table RD, whichever is greater

34 *The average residential setback in the area is 46 feet therefore the minimum setback of*  
35 *50 feet as stated in Table RD would apply. The proposed addition is located at 74 feet*  
36 *thereby not requiring a shoreline variance from the OHWM.*

37 C. Tabular Regulations

38 (2) Sideyard setbacks

39 (a) Single family, duplex – Rural Residential

40 The standard setback in shoreline regulations and zoning code within the Big Lake Rural  
41 Village Residential is 8 feet.  
42  
43  
44  
45  
46



200011300136  
Skagit County Auditor

1 RECOMMENDATION

2  
3 Based on the above findings, the Skagit County Planning and Permit Center would  
4 recommend for **approval** of a Shoreline Variance Permit subject to the following  
5 conditions:  
6

- 7
- 8 1. The applicant shall record a site plan showing the lot in question, clearly marking  
9 the land waterward of the proposed structure as an Protected Critical Area and  
10 shall show the types and location of native vegetation to be planted. The site plan  
11 must be recorded by the County Auditor's (SCC 14.06.145(2) office prior to  
12 construction of the proposal.  
13
  - 14 2. The applicant must obtain a Skagit County Building Permit and receive all the  
15 necessary approvals.  
16
  - 17 3. The subject proposal shall comply with the Skagit County Shorelines Management  
18 Master Program and the Shoreline Management Act RCW 90.58.  
19
  - 20 4. The applicant shall strictly adhere to the project information (site diagram) submitted  
21 for this proposal. If the applicant proposes any modifications of the subject proposal,  
22 he/she shall request a shoreline permit revision from this office prior to the start of  
23 construction.  
24
  - 25 5. No adverse effect to the adjacent properties has been identified but the proposed  
26 structure will be required to address building code requirements regarding a one  
27 hour rated wall assembly and no openings allowed within 3 feet of the side property  
28 line.  
29
  - 30 6. The applicant shall comply with the Fish & Wildlife Site Assessment  
31 recommendation in regards to utilizing proper sedimentation and erosion control  
32 measures during construction. The recommendations included:  
33
  - 34 a) The area landward of the OHWM should be designated as a Protected Critical  
35 Area (PCA) consistent with the attached site plan and filed with the County  
36 Auditors office as required in SCC 14.06.145.  
37  
38  
39  
40  
41

42 Prepared By: DD

43 Approved By:

44 Date: November 13, 2000.

45 Amended:



200011300136  
, Skagit County Auditor