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

**HEARING AUTHORITY:** SKAGIT COUNTY PLANNING DIRECTOR

**APPLICATION NUMBER:** ADMINISTRATIVE DECISION PL01-0134  
Amendment

**APPLICANT:** Gilberto DeLeon

**ADDRESS:** 1968 State Highway 9  
Sedro-Woolley, WA 98284

**PROJECT LOCATION:** Located at 1968 State Route 9, Sedro-  
Woolley, WA; within a portion of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of  
Section 7, Township 36 North, Range 05 East, W.M., Skagit  
County, Wa.

**ASSESSOR'S ACCOUNT NUMBER:** 360507-0-008-0107

**PROPERTY ID NUMBER:** P#50898

**RELATED FILES:** BP01-0160 and CE01-0135

**COMPREHENSIVE PLAN/ZONING:** Rural Resource

**STAFF FINDINGS:**

1. The original Administrative Decision issued on this proposal denied the request for a reduction of setbacks for an accessory dwelling unit (36' x 30')

and attached garage/storage room (48' x 22'). This already completed structure is located approximately 8 feet at its closest point from the west (rear) property line.

2. The applicant did not file an appeal on this decision.
3. In an attempt to be able to either keep at least a portion of the accessory structure in its original location or located the structure someplace else on the property, the applicant had a fish & wildlife report and a geologically hazardous area assessment completed for the property.
4. The geohazard assessment determined that there is no alluvial fan hazard associated with the stream on the property. The consultant concluded there is an erosion risk along the stream near the house.
5. The Fish and Wildlife Report prepared by Edison Engineering identified the stream has as a Type 3 requiring a 100-foot standard buffer per Skagit County Code 14.24.530(2). Staff concurs with the stream type designation. A Fish and Wildlife Report addendum prepared by Edison Engineering provided a buffer mitigation plan. The plan calls for a portion of the dwelling unit to be removed and the land restored. In addition, to compensate for the loss of buffer functions, the buffer between the remaining house and the creek will be replanted to provide habitat dominated by forest type vegetation.
6. The applicant is proposing to remove approximately the south 12-14 feet of the accessory dwelling unit, reducing the size to approximately 700 square feet. This would place the structure approximately 40 feet from the front property line and approximately 10 feet from the rear property line instead of the required 50 feet. The building would be approximately 23 feet from the top of the bank, and approximately 32 feet from the edge of the stream. In addition the applicant will remove an L-shaped shed and its contents, the paving block patio, construct a board fence and restore the area south of the accessory structure. The garage/storage area as constructed would remain.
7. A proposed six-foot high fence will be located at the south end of the remaining portion of the dwelling unit. The fence shall extend to the west property line on the west side of the house and to the driveway on the east side of the house. The fence shall extend south along the driveway to the property line.



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8. In a letter dated November 5, 2001, critical areas staff stated the following:

*In order to support a buffer reduction for the garage to remain within the standard buffer a Mitigation Plan will need to be produced by a qualified professional. Mitigation measurers will need to address impacts created by the disturbance to the stream buffer by the development of 3,441 sq.ft. of impervious surfaces including the garage, dwelling unit, walkway, and the concrete pad. Staff concurs that removal of the shed would be an excellent mitigation measure, as well as the addition of native vegetation in the buffer.*

9. The applicant's consultant submitted a detailed mitigation plan that in the consultant's opinion will provide greater functional capabilities than the original buffer on the subject property at the north side of the creek. The plan includes sections on onsite preparation, building removal, soil preparation recommendations, site planting plan, maintenance and fertilization, construction timing, monitoring and contingency plans, monitoring schedule and a contingency plans.

10. The plan was routed to the Technical Team for review. No comments were received.

### Decision

Upon further review, the Director hereby **approves** the request for the reduction in setbacks from SCC 14.16.430(b)(i) and (ii) pursuant to SCC 14.16.810(4) for the placement of an accessory dwelling unit/garage approximately 40 feet from the front property line and approximately 10 feet from the rear property line within the required 50-foot setback requirement with the following conditions:

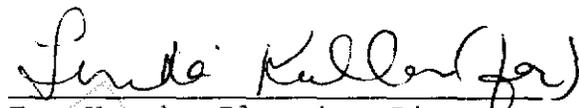
1. Prior to issuance of the building permit a PCA (Protective Critical Area) Easement shall be recorded for the Type 3 stream area.
2. The accessory dwelling unit, at its closest point, shall be located no closer than 31.8 feet from the Ordinary High Water Mark of the Type 3 stream as shown on the mitigated area site plan dated 9/26/01 submitted by Edison Engineering.
3. A building/demolition permit is required.

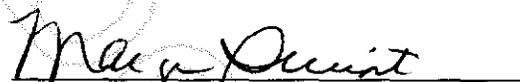


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4. In addition to the southern 12-14 feet of the accessory dwelling unit, the applicant shall remove the L-shaped shed and its contents and the paving block patio as described in the stream buffer mitigation plan dated December, 2001 prepared by Edison Engineering.
5. Prior to final approval of the building the applicant shall construct the six (6) foot high fence as described in the stream buffer mitigation plan dated December, 2001 prepared by Edison Engineering.
6. Prior to issuance of the building permit, Skagit County Codes 12.48 (water) and 12.05 (on site septic) shall be met.
7. The applicant shall adhere to the monitoring and contingency plan as described in the stream buffer mitigation plan dated December, 2001 prepared by Edison Engineering.
8. The accessory dwelling unit shall meet all the requirements of SCC 14.16.710.

  
Tom Karsh, Planning Director

  
Marge Swint,  
Associate Planner

Date of decision: 4/26/02  
End of Appeal period: 5/10/02

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 Permit Center within 14 calendar days of the date of decision of this Notice pursuant to SCC 14.06.110.



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