



200210170033
Skagit County Auditor

10/17/2002 Page 1 of 7 10:05AM

SKAGIT COUNTY PLANNING & PERMIT CENTER

FINDINGS OF FACT

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: PL01-0450

APPLICANT: Roy Frazier

ADDRESS: 16975 Field Road
Bow, Wa 98232

CONTACT: Marianne Manville-Ailles
Skagit Surveyors & Engineers
806 Metcalf Street
Sedro-Woolley, WA 98284

PROJECT LOCATION: The property is located at 7875 Ershig Road, Bow, WA; within a portion of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12, Township 35 North, Range 03 East, W.M., Skagit County, WA.

PROJECT DESCRIPTION: Administrative Special Use request to allow placement of a manufactured home for the purpose of single farm worker housing on property designated Agriculture-NRL.

ASSESSOR'S ACCOUNT NUMBER: 350312-3-003-0201

Property ID Number: P#34149

RECOMMENDATION: The Director hereby **approves** the application for a Special Use permit, subject to the conditions and modifications.

STAFF FINDINGS:

1. The subject property is zoned Agriculture-NRL and the Comprehensive Plan designates the area as Agriculture-NRL.
2. The application was submitted on October 12, 2001. During the initial review of the project it was brought to the attention

of staff that the Lot of Record Certification issued for the subject parcel in July, 1998 may have been issued in error. At that time the application was put on hold until this issue was resolved. New information concerning the Lot of Record Certification was submitted July 15, 2002 and a new Lot of Record Certification was issued on July 19, 2002. Per Section 14.06.100 of the Skagit County Code, a letter of completeness was issued on August 2, 2002. A Notice of Development Application was posted on the subject property and published in a newspaper of general circulation August 15, 2002 as required by Section 14.06.150(2) of the Skagit County Code.

3. The application has been reviewed in accordance with the State Environmental Policy Act guidelines (WAC 197-11 and RCW 43.21C) and was found to be exempt.
4. The subject property was reviewed with respect to the Skagit County Critical Areas Ordinance Chapter 14.24 of the Skagit County Code. No critical areas were identified within 200 feet of the proposed site.
5. The subject property is not located in a Flood Hazard Zone per FIRM Map 530151 0235D dated September 29, 1989. The property is located within lands designated as natural resource. The applicant shall comply with the provisions of Skagit County Code 14.16.870, Notification of Development Activities on or Adjacent to Designated Natural Resource Lands.
6. The subject property is approximately 7.5 acres in size and is located at the northeast corner of the intersection of Ershig Road and Field Road. The applicant's residence along with other outbuildings is sited on the adjoining approximate 9.8 acre parcel located across the street in the northwest corner of the intersection. The two parcels are considered as one parcel per AF# 9312230084. The subject property is rectangular in shape and runs in a north/south configuration. Several barns, an existing concrete pad, and a separate three sided building are located in the northern portion of the subject parcel. According to the applicant, a portion of the property is used to house cows with the remainder of the parcel planted in farm crops. It is staffs' understanding that the applicant owns additional farmland and that the cows are rotated among these other parcels and the subject property. There is an existing driveway that serves the barn area.
7. The surrounding parcels are a mixture of small acreage lots that are developed with single family residences and larger parcels that are being farmed. There is a developed separate approximate .8 acre parcel located along Ershig Road that is situated in the middle third of the subject property. The land in the area is basically flat.



200210170033

Skagit County Auditor

8. The applicant is requesting an Administrative Special Use Permit to allow the placement of 14' x 66' manufactured home to be used for farm worker housing. As stated earlier a portion of the property is used for housing cows with the remainder planted in farm crops. The farm worker would be responsible for caring for the cows and "keeping an eye on things". The farm worker residence would provide the farm owner with a responsible individual in his absence.
9. The proposed home will be located behind the barns and adjacent to the concrete pad area. Per Skagit County Code Section 14.16.400(5) (a) (i)A) the maximum setback allowed from the front property line is 200 feet. The home will be placed 200 feet from the front (west) property line, approximately 40 feet from the north (side) property line, approximately 210 feet from the rear (east) property line and approximately 720 feet from the south (side). At such time as a farm employee does not occupy the home, the manufactured home will be removed. Staff notes that currently it appears that the recreational vehicle parked on the property is being lived in. The code will allow only one temporary home per parcel. The proposed home will be served by on site septic and public water from the Blanchard Edison system. The existing driveway will also be used by the proposed home. Parking for the new home will be directly south of the home site.
10. The application was routed to the appropriate county departments/divisions for review. Remarks from those departments are as follows: **Public Works**—no comments; **Septic Division**—a septic design has been submitted (SW02-0379) and approval is dependent on this land use approval; **Water Division**— A letter from the Blanchard Edison Water Association has been received. Prior to issuance of the building permit (per SCC 12.48.230) a public drinking water system evaluation signed by the Skagit County Health Department must be received.
11. Two letters were received from adjoining property owners as a result of the Notice of Development. The first letter was from the owner of the adjoining property that is surrounded on three sides by the subject parcel. They are requesting that the existing travel trailer now occupied on the property be removed and that no other house, temporary or otherwise be placed on the property. The second letter is from the property owner directly north of the subject parcel. His concerns dealt with the location of the mobile and would prefer the home to be placed within the first 200 feet of the front property line so as not to obstruct their view to the east. His second concern is about the potential noise coming from the mobile.



200210170033
Skagit County Auditor

12. Section 14.16.900(2) (v) Special Uses of the Skagit County Code indicates that certain items will be reviewed when approving or denying Special Use Permits. Those items are as follows:

- A. The proposed use will be compatible with existing and planned land use and comply with the Comprehensive Plan.**

As stated in the Comprehensive Plan Chapter 8 **The Housing Element Goal E Farmworker Housing**—To provide housing that addresses the requirements of regular-hired workers, seasonal farm workers, local seasonal farm workers and migrant farm workers in order to maintain the economic viability of agriculture. **Policy 8E-5.1** states Farm worker housing shall not be denied because it lacks proximity to public facilities and services, provided public health and safety are not compromised.

- B. The proposed use complies with the Skagit County Code.**

The property is zoned Agriculture-NRL with a portion of the property under crop production and the northern portion of the property used for cows. The placement of the manufactured home is to facilitate work for the applicant by hired labor. The request is in compliance with the intent of the Agricultural District of the Skagit County Code. Per Section 14.16.400(3) (h), temporary manufactured homes as permitted in SCC 14.16.900(3) (b) can be considered through the Administrative Special Use process. The application is then reviewed on its own merits.

- C. The proposed use will not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding, existing, or potential dwelling units, based on the performance standard of SCC 14.16.840.**

Provided the site is maintained in a typical residential manner any noise, odor, heat, vibration, air or water pollution impacts on surrounding, existing or potential dwelling units should be minimal if at all.

- D. The proposed use will not generate intrusions on privacy of surrounding uses.**

The proposed manufactured home appears to have minimal chance of intrusion of privacy onto the adjacent properties. The existing site is located in an area of the acreage that is not presently cultivated and will not interfere with current agricultural practices. There is a fence around the adjacent property that is located in the middle of the subject parcel. However the single-family residence directly to the north of the proposed home could be impacted as there is no type of



200210170033

Skagit County Auditor

buffer between the properties. As long as the home is situated close by the barns, their view should not be obstructed. The properties directly to the east and west are farm fields.

E. Potential effects regarding the general public health, safety, and general welfare.

General public health, safety and general welfare should not be affected by the proposed home.

F. For special uses in Industrial Forest-NRL, Secondary Forest-NRL, Agricultural-NRL, and Rural Resource-NRL, the impacts on long-term natural resource management and production will be minimized.

As stated in the applicant's narrative, the purpose of the special use is to provide farm worker housing which in turn is intended to further long term management of the agricultural land. The housing is being located on an existing concrete pad next to the existing barns so as not to encroach on the useable farmland.

G. The proposed use is not in conflict with the health and safety of the community.

The proposed project should not conflict with the health and safety of the community as long as the home is maintained in a typical residential manner. The home will meet applicable Skagit County codes for protecting health and safety.

H. The proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.

There are adequate public facilities and services to support the proposed home. The proposed home will not adversely affect public services to the surrounding areas.

13. Section 14.16.900(3)(b) Special Uses with Specific Criteria states a temporary manufactured home accessory to a farm dwelling unit on the property meeting the definition of a farm in RCW 84.34.020 to accommodate agricultural workers and their families employed on the premises can be considered, as provided:

(i) The property must meet the definition of a farm in RCW 84.34.020 (Open Space Taxation). *Staff notes the property is enrolled in the farm and agriculture open space taxation program and therefore meets the definition of a farm.*

(ii) Demonstrate compliance with the temporary worker standards in Washington State Law including RCW



19.27, RCW 70.114a, RCW 49.17, RCW 43.22 and RCW 43.70. The proposed home meets the building code requirements for a standard home which exceeds the temporary worker standards. The referenced RCW's all deal with the construction of the housing and issues of health and safety. The proposed manufactured home meets or exceeds all of the standards that are set forth in the RCW's.

DECISION

The Director hereby **approves** the application for a Special Use permit for the placement of a temporary manufactured home pursuant to SCC 14.16.900(3)(b), subject to the conditions and modifications listed below:

1. The applicant shall obtain all approvals (i.e. building permit, on-site septic, potable water, etc).
2. Prior to issuance of the building permit (per SCC 12.48.230) a public drinking water system evaluation signed by the Skagit County Health Department must be received.
3. The manufactured home is to be used for a farm employee for this site only. At such time as a farm employee does not occupy the home, the manufactured home will be removed.
4. The travel trailer that is located on the subject parcel can not be used for dwelling purposes.
5. Prior to the issuance of the building permit, the applicant shall comply with the provisions of Skagit County Code 14.16.870, Notification of Development Activities on or Adjacent to Designated Natural Resource Lands.
6. Per SCC 14.16.900(2) (d) This special use permit shall be void if a completed building permit application has not been submitted within two (2) years of the date of this order.



200210170033
Skagit County Auditor

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 14.01.060. Every appeal to the Hearing Examiner shall be filed with the Planning & Permit Center within fifteen (15) calendar days after the date of the decision.

Sinde Kulle (for)
Tom Karsh, Planning Director

Marge Swint
Marge Swint, ~~Assistant~~ Planner
Associate

Date of Preliminary Approval: 10/1/02
Date of Final Approval: 10/15/02



200210170033
Skagit County Auditor