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Skagit County Auditor

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

DOCUMENT TITLE: ORDER ON CONDITIONAL USE REQUEST CU 02 0388

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: DESIREE HOPKE TRIAL

ASSESSOR PARCEL NO: P64984

ABBREVIATED LEGAL DESCRIPTION: The proposed project is located 24620 Hoehn Road, Sedro-Woolley, WA; a portion of the SW ¼ of the SE ¼ of Section 19, Township 35 North, Range 05 East, W.M., Skagit County, WA.

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND DECISION

Applicant: Desiree Hopke Trial
24620 Hoehn Road S.W.
Sedro Woolley, WA 98284

File No: PL02-0388

Request: Conditional Use Permit (Dependent Relative Cottage)

Location: 24620 Hoehn Road, within the Urban Growth Area for the City of Sedro Woolley. The property is within a portion of the SW1/4SE1/4, Sec. 19, T35N, R5E, WM.

Summary of Proposal: To allow the placement of a mobile home temporarily on a parcel with an existing residence to provide for the close medical care of a family member.

Land Use Designation: SF-2 (Single Family Residential, 3-5 units per acre)

Public Hearing: After reviewing the report of the Planning and Permit Center, the Hearing Examiner conducted a public hearing on November 6, 2002

Decision: The application is approved, subject to conditions.



FINDINGS OF FACT

1. Desiree Hopke Trial (applicant) seeks a Conditional Use Permit to place a dependent relative cottage on a parcel with an existing residence located within the Urban Growth Area (UGA) of the City of Sedro Woolley.
2. The site is at 24620 Hoehn Road, within a portion of the SW1/4SE1/4, Sec. 19, T35N, R5E, WM. The zoning is SF-2.
3. The property is within 500 feet of lands designated as natural resource and so will need to comply with the notification requirements of SCC 14.16.870.
4. A Wetland Delineation Site Assessment Report, dated August 29, 2002, prepared by Cantrell & Associates, Inc. was submitted. The report found no jurisdictional wetlands within 200 feet of the project area.
5. The subject property is approximately 7.5 acres in size and rectangular in shape. The northern portion is developed and the southern part is bare land. The existing house is in the northwest corner of the property. A shop and barn are located south and east of the house. The residence is served by an on-site septic system and an existing well.
6. The upper two thirds of the property where the residence and outbuildings are located is basically flat. The back one third slopes gently down to a pasture area.
7. The neighborhood consists of a mixture of single family residences, a mobile home park and open farm fields.
8. The applicant wishes to place a 27' x 70' modular home on the property. She and her husband intend to live there in order to take care of her father, Delbert Hopke, who resides in the existing house. The file contains a letter from R. Dean Dietrich, M.D., stating that Mr. Hopke has cardiac heart disease and it would be medically beneficial to have a family members living nearby.
9. Development of land in Skagit County that is located within a UGA is governed by County-adopted provisions of the applicable City Code. Included in the adopted regulations are the provisions of Sedro Woolley Municipal Code, Title 17, Zoning.



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12. Under SWMC 17.04.030(9), a "dependent relative cottage" is a single-family residence which

- (a) Is located on the same lot as another single-family residence;
- (b) Is inhabited only by the relative of the other single-family residence which relative is only able to safely maintain a separate household due to support or supervisory care of family members in close proximity;
- (c) Is designed for ease of removal, dismantling, or conversion to an accessory use after termination of use as a dependent relative cottage;
- (d) Meets the setback requirements for an accessory building.

13. The intent of the quoted section can be met with the dependent relative living in either of the dwellings, so long the caretakers occupy the other dwelling and one of the dwellings is capable of easy removal or conversion when the need for support or supervisory care ends.

14. The modular home will be served by a new septic system. This system has met requirements for approval and awaits only the approval of the Conditional Use Permit to become effective.

15. The modular home will obtain water from the second well on the property. A satisfactory bac-t test was submitted for the well. The applicant will need to get the approval of the Health Department for this water source prior to obtaining a building permit.

16. The temporary use sought is not considered a land division.

17. SWMC 17.56.060 lists the following criteria for approval of a Conditional Use Permit:

- (a) Conform to the comprehensive plan.
- (b) Is compatible with the surrounding area, that is, causes no unreasonable adverse impacts.
- (c) Is well-planned in all respects so as to be asset to the community.

18. The City and County has determined that this proposal meets these criteria. It generally conforms to the Sedro Woolley Comprehensive Plan goals for greater variety, affordability, and housing for special needs population. The proposed modular home will fit in with other development in the surrounding area. No adverse impacts have been identified.



19. The property is at present littered with vehicles and equipment in various states of disrepair. The applicant has indicated an intention to engage in a clean up program on the site.

20. The Examiner concurs in the analysis of the City and County and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

21. There was no public comment on this application.

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 persons and the subject matter of this proceeding.

2. The proposal is exempt from the procedural requirements of the State Environmental Policy Act. WAC 197-11-800(1)(b)(i).

3. The proposal can meet the requirements of a "dependent relative cottage." SWMC 17.04.030(9). The need for the use has been demonstrated.

4. If conditioned as set forth below, the project will meet the criteria for a Conditional Use Permit. SWMC 17.56.060.

5. The following conditions should be imposed:

(1) The proposal shall be carried out as described in the application materials.

(2) The applicant shall obtain all necessary approvals (e.g., building permit, on-site septic system approval, potable water approval).

(3) The requirements of Chapter SCC 12.48 relating to water supply must be met before the issuance of a building permit.

(4) The applicant shall comply with SCC 14.16.870, Notification of Development Activities on or Adjacent to Designated Natural Resource Lands.

(5) The applicant must submit documentation to the Planning and Permit Center (referencing File #PL02-0388) from a medical doctor every three (3) years from the date of this decision regarding the need of Delbert Hopke for support and supervisory care of a family member and the continued need for the temporary home.



(6) At such time as Delbert Hopke no longer requires family support and supervisory care, the temporary home authorized hereby shall be removed, dismantled, or converted to an accessory use as required by SWMC 17.04.030(9).

(7) Any outstanding planning review fees must be paid prior to the issuance of a building permit.

(8) Per SCC 14.16.900(2)(d), this permit shall be void if a completed building permit application has not been submitted within two (2) years of the date of this decision.

(9) Failure to comply with the conditions of this permit may result in its revocation.

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

DECISION

The requested Conditional Use Permit is approved, subject to the conditions set forth in Conclusion 5 above.

Wick Dufford

Wick Dufford, Hearing Examiner

Date of Action: November 8, 2002

Copy Transmitted to Applicant: November 8, 2002

Attachment: Staff Report

RECONSIDERATION/APPEAL

As provided in SCC 14.06.180, a request for reconsideration may be filed with the Planning and Permit Center within 10 days after the date of this decision. As provided in SCC 14.06.120(9), the decision may be appealed to the Board of County Commissioners by filing a written Notice of Appeal with the Planning and Permit Center within 14 days after the date of the decision, or decision on reconsideration, if applicable.



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

HEARING AUTHORITY: SKAGIT COUNTY HEARING EXAMINER
HEARING DATE: November 6, 2002
APPLICATION NUMBER: Special Use (Conditional Use) PL02-0388
APPLICANT: Desiree Hopke
ADDRESS: 12319 Highway 9
Mount Vernon, WA 98273

PROJECT LOCATION: The proposed project is located 24620 Hoehn Road, Sedro-Woolley, WA; within a portion of the SW ¼ of the SE ¼ of Section 19, Township 35 North, Range 05 East, W.M., Skagit County, Wa.

PROJECT DESCRIPTION: Request to allow for a Dependent Relative Cottage Conditional Use Permit for the placement of a temporary mobile home on a parcel of property with an existing residence for the close medical care of a family member. The subject property is located within the Urban Growth Area for the City of Sedro-Woolley

ASSESSOR'S ACCOUNT NUMBER: 3899-000-021-0003
PARCEL ID NUMBER: P64984

ZONING: SF-2, single family residence 3-5 units per acre.

COMPREHENSIVE PLAN: City of Sedro-Woolley Urban Growth

RELATED PERMITS: SW02-0295

RECOMMENDATION: The Planning and Permit Center and the City of Sedro-Woolley would recommend **approval** of the requested variance.

EXHIBITS:

- a. Application dated July 15, 2002
- b. Site plan



- c. Assessor map
- d. Wetland Delineation Site Assessment Report dated August 29, 2002 prepared by Cantrell & Associates, Inc.
- e. Letter from R. Dean Dietrich, MD dated August 1, 2002
- f. Letter to Ms. Hopke from Marge Swint dated July 23, 2002.
- g. Letter of Completeness dated September 9, 2002
- h. Notice of Development dated September 17, 2002
- i. Aerial & Staff Photos

STAFF FINDINGS:

1. The subject property is zoned SF-2 (City of Sedro-Woolley) and the Comprehensive Plan designates the area as an Urban Growth Area for the City of Sedro-Woolley.
2. Skagit County Code 14.02.040 states that for all land in unincorporated Growth Management Act (GMA) designated urban growth areas, the provisions of the applicable city code, when adopted by Skagit County ordinance shall be applied.
3. A letter requesting additional information was sent on July 23, 2002. The additional information was submitted on July 31, 2002 and the application was routed for internal review. Per Skagit County Code Section 14.06.100, a letter of completeness was issued on September 9, 2002. As required by Section 14.06.150(2) of Skagit County Code a Notice of Development Application for the application was posted on the subject property, published in a newspaper of general circulation on September 17, 2002 and mailed to property owners within 300 feet. The public hearing has been advertised in accordance with the requirements of Chapter 14.06.150(3) of the Skagit County Code.
4. The application has been reviewed in accordance with the State Environmental Act Guidelines WAC 197-11-800 (6)(b) and has been found to be exempt.
5. The subject property is located in a Zone B (500 year) flood hazard zone per FIRM Map 530151 0255D dated September 29, 1989. No elevation is required. The subject property is within 500 feet of lands designated as natural resource. The applicant will need to comply with SCC 14.16.870 Notification of Development Activities on or Adjacent to Designated Natural Resource Lands.
6. The subject parcel was reviewed with respect to the Skagit County Critical Areas Ordinance during the onsite septic review. Per the site visit the project appears to be within 200 feet of swale/wetland indicators. A wetland site assessment report was requested. Initially the applicant



was going to provide a site plan showing the distance to the swale was greater than 200 feet. However the applicant did submit a Wetland Delineation Site Assessment Report dated August 29, 2002 prepared by Cantrell & Associates, Inc. The report found that no jurisdictional wetlands were found within 200 feet of the project area. Critical areas staff has approved this proposal.

7. According to a survey recorded in November 2001, the subject property is approximately 7.5 acres in size and is located at the southwest corner of the intersection of Fruitdale Road and Hoehn Road. The property runs in a north/south configuration and is rectangular in shape. Based on the above noted survey the property measures approximately 640 feet along the north and south property lines and approximately 525 feet along the east and west property line. The western portion of the property is developed while the eastern portion is bare land. The existing house is located in the northwest corner of the property and a shop and barn are located in the middle of the property. There is a circular driveway that serves the existing residence and another driveway separating the residence from the accessory buildings. The property is served by onsite septic and private well.
8. The upper two thirds of the property where the residence and accessory buildings are located is basically flat. The back one third of the property gently slopes down to a lower pasture area. At the time of staff's visit to the property, several recreational vehicles that appeared to be lived in along with farm equipment and other vehicles in various stages of disrepair were noted. There is a mixture of single family residences including a mobile home park and open farm fields in the neighborhood.
9. The applicant is requesting a Conditional Use Permit to allow for the placement of a 27' x 70' modular home on property with an existing residence. Delbert Hopke resides in the existing residence. Desiree Hopke and family will residence in the modular home. A letter from Dr. R. Dean Dietrich has been received stating that Mr. Hopke has cardiac heart disease and it would be medically beneficial if he lived near a family member. At such time as Mr. Hopke no longer needs care or to live close by someone, the modular home will need to be removed dismantled, or converted to an accessory use as required by SWMC 17.04.030(9).
10. The proposed home will be located approximately 355 feet from the front property line, approximately 150 feet from the west property line and approximately 400 feet to the east property line. The home will be approximately 240 feet south



of the residence. A new septic system will be located south of the modular. The new home will use the existing well located northwest of the proposed home site.

11. Sedro-Woolley Municipal Code Chapter (SWMC) 17.08.010(B) allows for a dependent relative cottage in an SF2 zone with a conditional use permit. SWMC Chapter 17.04.030(9) defines dependent relative cottage as a single-family residence which
 - a. Is located on the same lot as another single-family residence;
 - b. Is inhabited only by the relative of the other single-family residence which relative is only able to safely maintain a separate household due to support or supervisory care of family members in close proximity;
 - c. Is designed for ease of removal, dismantling, or conversion to an accessory use after termination of use as a dependent relative cottage;
 - d. Meets the setback requirements for an accessory building.
12. The application was routed to the appropriate county offices and the City of Sedro-Woolley for review. The following comments are a result of that review: **Public Works:** no comments; **Septic:** A septic system application has been submitted (SW02-0295) waiting approval of this application. **Water:** the current source of water for the proposed temporary medical special use modular is the second well on the property. A satisfactory bac-t test was submitted for the well. No other material is available on the well in the Planning and Permit records. Future building permits will be required to satisfy SCC 12.48 for water. Temporary medical special use permission is not to be considered as a land division. **City of Sedro-Woolley:** The foundation must be temporary in order to meet the "ease of removal" requirement in the definition of dependent relative cottage.
13. SWMC Section 17.56.060 lists the criteria upon which a conditional use permit is judged:
 - a. Conforms to the comprehensive plan
 - b. Is compatible with the surrounding area, that is, causes no unreasonable adverse impacts.
 - c. Is well-planned in all respects so as to be an asset to the community.

City comment: This proposal generally conforms to Sedro-Woolley Comprehensive Plan goals for greater housing variety, affordability, and housing for special needs population. It would better meet criteria c., above, and Policy LU5.8 "Encourage high



standards of appearance in all residential areas . . ".if there were an additional condition requiring the applicant to remove any derelict or junk vehicles from the property.

Recommendation:

Based on the above findings the Planning and Permit Center in conjunction with the City of Sedro-Woolley Staff would recommend approval of the dependent relative cottage subject to the following conditions:

1. The applicant shall obtain all approvals (i.e. building permit, on-site septic, potable water, etc).
2. The applicant will need to comply with SCC 14.16.870 Notification of Development Activities on or Adjacent to Designated Natural Resource Lands.
3. Future building permits will be required to satisfy SCC 12.48 for water.
4. 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.
5. The applicant must submit documentation from a medical doctor every three- (3) years from the date of this decision regarding the need of Delbert Hopke to retain care of a family member and the continued need for the temporary manufactured home or the status of its removal. This documentation shall be forwarded to the Planning and Permit Center Director and shall reference the original application number PL02-0388.
6. At such time as Delbert Hopke no longer requires care or someone to be nearby, the temporary home shall be removed, dismantled, or converted to an accessory use as required by SWMC 17.04.030(9).
7. Any outstanding planning review fees must be paid prior to issuance of any building permit.



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