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Skagit County Planning and Permit Center



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8/5/2004 Page

1 of

8 2:49PM

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

HEARING AUTHORITY: SKAGIT COUNTY PLANNING AND PERMIT
CENTER ADMINISTRATIVE OFFICIAL

APPLICATION NUMBER: ADMINISTRATIVE SPECIAL USE PERMIT
REQUEST PL04-0365

APPLICANT: HENRY DYKSTRA

ADDRESS: 16872 PETERSON ROAD
BURLINGTON, WA. 98233

PROJECT LOCATION: Located at 13629 Bay View Road, Mount Vernon, within a
portion of Section 32, Township 35 North, Range 3 East W.M., situated within Skagit
County, Washington.

PROJECT DESCRIPTION: Administrative Special Use permit application (#PL04-
0365) for the placement of a manufactured home on a parcel of property for use as a farm
worker dwelling unit. Skagit County Code section 14.16.320(3)(d) lists "Temporary
manufactured home" as a use allowed with an approved administrative special use permit.

ASSESSOR'S ACCOUNT NUMBER: 350332-4-012-0014

PARCEL NUMBER: P35287

ZONING/COMPREHENSIVE PLAN DESIGNATION: The parcel is located within
a Rural Reserve (RRv) zoning/comprehensive plan designated area as identified within
the Skagit County Comprehensive Plan and associated maps as adopted July 24, 2000
and as thereafter amended.

STAFF FINDINGS:

1. The subject property is located within a Rural Reserve (RRv) zoning/comprehensive plan designated area as identified within the Skagit County Comprehensive Plan and associated maps as adopted July 24, 2000, and as thereafter amended. The application was determined to be complete on June 4, 2004 and is vested under the zoning regulations in effect at that time.
2. Per Section 14.06.100 of the Skagit County Code (SCC), a letter of completeness was issued and a Notice of Development Application was posted on the subject property, mailed to all neighboring property owners within 300 feet, and published in a newspaper of general circulation on June 10, 2004 as required by SCC 14.06. The required fifteen (15) day comment period ended on June 25, 2004. No comments were received.
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 the respect to the Skagit County Critical Areas Ordinance 14.24 of the Skagit County Code. Critical Areas staff recommended approval without conditions. Critical Areas review was completed with SW04-0253.
5. The subject property is not located within a designated flood hazard area.
6. The subject parcel is approximately 10.12 acres in size located off of the north side of Bay View Road. The subject property measures approximately 466 feet in width along the south property line fronting Bay View Road, approximately 507 feet in width along the north property line, approximately 872 feet in length along the west property line, and approximately 872 feet in length along the east property line. Access to the site will be via the existing 20 foot easement off of Bay View Road.

The parcel is the site of an existing livestock operation with existing metal accessory structures located along the southwest portion of the property. The proposed manufactured home is to be located along eastern property line adjacent to the access road, approximately 465 feet off of the front (south) property line and approximately 100 feet off of the side (east) property line. The proposed



future residence is to be located along the north east property line, north of the proposed farm worker dwelling unit.

7. The applicant is requesting an Administrative Special Use Permit for the placement of a manufactured home on a parcel of property for use as a farm worker dwelling unit. SCC section 14.16.320(3)(d) lists "Temporary manufactured home" as a use allowed with an approved administrative special use permit. SCC 14.16.900(3)(b) states that a temporary manufactured home accessory to a farm dwelling unit on property meeting the definition of a farm in RCW 84.34.020 to accommodate agricultural workers and their families employed on the premises, as provided: (i) The property must meet the definition of a farm in RCW 84.34.020, (ii) Demonstrate compliance with the temporary worker standards in Washington State Law including Chapters 19.27, 70.114A, 49.17, 43.22, and 43.70 RCW. The applicant is proposing to place the manufactured home on the parcel first to house an employee and family, then construct a single family residence in the near future for the applicant/owners residence. The applicant submitted the following narrative statement in regards to the proposal:

"We are applying for a Special Use Permit for 13629 Bayview Road, Mount Vernon, 98273 for the reasons listed below:

1. The above listed location is a 10 acre farm where livestock and farm animals are housed. The second dwelling we are requesting would house an employee and family, who would be employed at the farm as part-time and seasonal labor, as well as, for security on site. This is necessary when cattle are present for herd health, protection from predators, the possibility of cattle breaking through fencing, making sure cattle are safe, monitoring water usage during winter months to assure running water is always available to animals, to stop trespassing on the farm of people and predators, to name a few reasons.
 2. The farm is used as a small brokerage business and cattle are loaded at this location for shipping, which requires extra hired help. We would like to build an employee residence first and within two years build our permanent residence next to the employee residence.
 3. Our present residence is located at 16872 Peterson Road, Burlington which is east of the above referenced property. It is our plan to travel and be semi-retired, which would take us off the farm and out of our permanent residence at times.
 4. All the above items are currently being practiced which is not a change of activity on the farm. There would be no impact to surrounding property since farm practices would **NOT** be changed or enlarged. The fact that we as owners would not be present at all times makes it necessary to have a second residence on site for an employee."
8. The surrounding area is currently rural in character with existing common uses. The surrounding area is mixed with open pastures and stands of wooded areas



with scattered residential parcels located throughout the area. There are other single family residential manufactured homes located throughout the surrounding area. This site contains enough space to place the manufactured home and meet required setbacks without creating a burden on the property or existing surrounding uses. When the manufactured home is no longer needed for the caretaking of the farm operation and/or is no longer being used as a farm worker residence, the manufactured home shall be removed.

9. The application was routed to the Health Unit for review. In reviewing the application as submitted, the Health Unit indicated that a septic design has been submitted and that there are no (septic system related) problems with the proposal.
10. The application was routed to The Public Works Department for comments. Public Works indicated that "Stormwater must be addressed in accordance with SCC 14.32 at the time of building permit application."
11. The application was routed to the Skagit County Fire Marshal for review. The Fire Marshal stated that the "Mobile home must be H.U.D. certified or basic safety modifications must be made per Washington State Labor and Industries permit."
12. The application was routed to the Water Resources Division of the Skagit County Planning and Permit Center for review. Water Resources comments are as follows:
 - Is the well approval for the farm worker housing proposed to be used for a single connection or more? If the well is proposed to be for a two connection system, additional requirements will need to be met. A two connection system allows for ONLY two connections and no additional accessory residential uses. A group B, state health and SC Health Department approved system, would be required for more than two connections. For one use: A complete individual building permit water application, \$75 fee, and file is required before the building permit for the Farm Worker housing can be issued per SCC 12.48.
 - Please provide a complete scaled site plan, showing the well location, distances to septic systems and reserve areas or soil evaluations, distances to proposed homes(s) and barn(s) location(s), and distances from property lines.
 - A \$50 water review fee has been attached to this project.
12. Skagit County Special Use Permit Criteria. SCC 14.16.900 (2) Special Use Permit Requirements 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.

The Skagit County Comprehensive Plan does not specifically provide policies that either support or oppose the proposed project.

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

The subject parcel is designated as Rural Reserve (RRv). The surrounding parcels are rural and residential in character. Per SCC 14.16.320, Temporary manufactured homes for farm worker and family, requires an Administrative Special Use in Rural Zones. The operation shall meet the definition of a farm in RCW 84.34.020 to accommodate agricultural workers and their families employed on the premises.

- 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 standards of SCC 14.16.840.

The proposal will not create undue noise, odor, heat, vibration, air or water impacts on the surrounding area provided the site continues to be maintained in a typical residential manner. The proposed project will generate traffic that is typical of a single-family residence and should have little effect on the surrounding community. The traffic impact may be reduced due to reduced trips to and from the site that would otherwise be generated from residing off site. There will be no parking impacts related to this activity. The parking will be on site as common with residential structures.

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

This project appears to have a minimal chance of intrusion of privacy onto adjacent properties. The parcel is approximately 10 acres in size with the majority of the surrounding area rural and residential in character. The proposed placement of the manufactured home will be along the north east portion of the parcel located adjacent to the existing access road where there is minimal chance of intrusion of privacy on adjacent properties.

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

There will be no potential negative effects regarding the general public health, safety, and general welfare. The structure to be used as farm worker housing is a



manufactured home that will be brought in and set up on site. There are other similar structures located in the surrounding area. There will be no effects on the neighborhood because the uses in the surrounding areas are similar. The character of the surrounding area is such that a manufactured home will not have an impact.

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.

Not applicable.

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

There shall be no potential effects on the region. The proposed use is common to the surrounding area and the design of the structure complies with the surrounding neighborhood uses. There will be no negative effects on the neighborhood, region, general public health, safety, or welfare as a result of this project provided the site is maintained in a typical residential manner. The proposal is to use a newer manufactured home as a temporary dwelling unit to house a farm worker and family.

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.

The proposed use will be supported by adequate facilities and services with no adverse affect on the surrounding area.

DECISION

The Director hereby **approves** the application for an Administrative Special Use Permit subject to the conditions listed below:

1. The applicant shall obtain all necessary land use approvals from the appropriate jurisdiction.
2. At such time that the use is no longer needed for use by a farm worker employed by the farm operation on the premises, the manufactured home shall be removed within six (6) months of the vacation of the use.




3. The permit shall be void if not started within two years of the date of this order.
4. The applicant shall submit a letter to the Planning and Permit Center in three years from the date of approval, indicating that the use is still needed. Please refer to the Special Use permit number (PL04-0365) when submitting the letter.
5. Stormwater must be addressed in accordance with SCC 14.32 at the time of building permit application
6. The manufactured home must be H.U.D. certified or basic safety modifications must be made per Washington State Labor and Industries permit.
7. If the well is proposed to be for a two connection system, additional requirements will need to be met. A two connection system allows for ONLY two connections and no additional accessory residential uses. A group B, state health and SC Health Department approved system, will be required for more than two connections. For one use: A complete individual building permit water application, \$75 fee, and file is required before the building permit for the Farm Worker housing can be issued per SCC 12.48.
8. With the building permit and/or well permit, please provide a complete scaled site plan, showing the well location, distances to septic systems and reserve areas or soil evaluations, distances to proposed homes(s) and barn(s) location(s), and distances from property lines.
9. This permit shall be void if the outstanding balance (water review fee) is not paid prior to the issuance of the building permit for the manufactured home. Refer to permit #PL04-0365.
10. Prior to the issuance of building permits, the operation shall meet the definition of a farm in RCW 84.34.020 to accommodate agricultural workers and their families employed on the premises and the owner shall comply with all Washington State Laws regarding temporary worker standards including RCW 19.27, 70.114a, 49.17, 43.22, and 43.70.
11. The manufactured home shall meet all setback requirements.

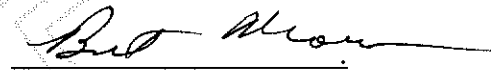


12. Nothing in this approval shall be construed as satisfying other applicable federal, state, or local statutes, ordinance and regulations.
13. The County Planning and Permit Center shall be notified by mail referring to file number PL04-0365 within 30 days after any change in ownership of the parcel.

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 14.06 of the Skagit County Code. Every appeal to the Hearing Examiner shall be filed with the Planning and Permit Center within fourteen (14) calendar days after the date of the decision.


Brandon Black, Associate Planner

Approved By:


Brent Morrow, MS, MPA, Senior Planner
On Behalf of Gary Christensen
Administrative Official and Assistant Director

Date of Preliminary Approval: 7-21-04
Date of Final Approval: 8-4-04
Prepared By: BB

