

Please return to:

Skagit County Planning and Development Service



200506160152

Skagit County Auditor

6/16/2005 Page

1 of 5 1:59PM

**SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES
FINDINGS OF FACT**

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: ADMINISTRATIVE DECISION PL05-0211

APPLICANT: KRISTIN HUNT-CHENEY

ADDRESS: 31653 36TH AVE. S.W.
FEDERAL WAY, WA 98023

PROJECT LOCATION: Located at 5072 Guemes Island Road, Anacortes, within a portion of Section 36, Township 36 North, Range 1 East W.M., situated within Skagit County, Washington.

PROJECT DESCRIPTION: The applicant requests an Administrative reduction in setbacks for the construction of a two car garage structure. The structure is proposed to be located approximately 25 feet off of the north (front) property line along Guemes Island Road, approximately 45 feet off of the south (rear) property line, approximately 45 feet off of the east (side) property line, and approximately 20 feet off of the west (side) property line. Skagit County Code (SCC) section 14.16.300(5)(a)(iv) requires a 35 foot front setback, 8 foot side yard setbacks and a 25 foot setback off of the rear property line.

ASSESSOR'S ACCOUNT NUMBERS: 3855-000-018-0000
3855-000-011-0007

PROPERTY NUMBER: P61724
P61716

ZONING/ COMPREHENSIVE PLAN: The proposed project is located within a Rural Intermediate 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: Pursuant to 14.16.810(4), the Administrative Official may reduce the required front, side or rear setbacks where topography or critical areas or the lot's size and configuration impact the reasonable development of the property. To reduce the front or rear setback, the Administrative Official must determine that the public health, safety and welfare will be maintained. Consultation with the Public Works Department concerning traffic safety may be solicited during this analysis.

1. The subject property measures approximately 100 feet in width along the north and south property line, and approximately 100 feet in depth along the east and west property line. The property includes, lot numbers 18 and 19 and are associated with lot number 11. Lots 18 and 19 are located on the opposite side of the street (Guemes Island Road) from lot 11. The existing house is located on lot 11 and the proposed garage is going to be located on lots 18 and 19. The proposed garage is going to replace the existing nonconforming garage located on lot 11. The subject property is physically located on a minor access road, along the south side of Guemes Island Road, south of Bellingham Bay.
2. The proposed accessory structure will not be able to meet the current front setback requirements due to the lots configuration with the two well protection zones overlapping on the property. The two well protection zones severely restrict the buildable area of the property. The setback reduction will allow the structure to be built outside of the Guemes Water Association well buffer, which serves nine other households, and will allow the structure to be a safe distance outside of the Stapp well buffer area. SCC Section 14.16.300(5)(a)(iv) requires a 35 foot front setback; this is a 10 foot reduction request at the closest point.
3. A letter of completeness was issued on April 28, 2005 per SCC Section 14.06.100. A Notice of Development was published and posted on the property on May 5, 2005 per SCC Section 14.06.150. All property owners within 300 feet of the property were sent the Notice of Development. There was a fifteen-(15) day public comment period associated with the Notice which ended on April 22, 2005. One letter was received on May 12, 2005 from Sharon Dillon Bender stating that the proposed setback should not be granted because it will set a precedence for future building and remodeling in the area and would not be justifiable to the existing homes. However, the project site contains an existing garage that sits at approximately 0 feet off of the front property line and the proposed garage will be set 25 feet off of the front property line. There are several structures in this area that do not currently meet the required setbacks. Per SCC 14.16.810(4) the Administrative Official may reduce the front, side, or rear setbacks when there is no reasonable development of the property. This project is impacted due to the two overlapping well buffer zones located on the site. The setback reduction allows the garage to be a safe distance outside of the well protection zones and also helps alleviate the street parking issues.



4. The proposal was reviewed by Skagit County critical areas staff. Staff indicated that fish and wildlife requirements have been approved with BP04-1391. Hydro-geo, with regards to well setbacks, will be reviewed by and handled through the Health Department. Critical areas staff approved the proposal without conditions.

5. The proposal was reviewed by the Skagit County Health Department. Staff comments are as follows "We have no objections to the setback requests as long as the applicant is aware that they will need to comply with WAC's 173-160 and 246-290, SCC 12.05 and SCC 12.48 at time of building permits. Whether building permits are applied for, are in the process of being reviewed, or have been issued the following conditions shall apply:

Garage:

1. Lots #18 & 19 show two (2) community well radii with only 100' for well protection zones. There shall be no possible sources of contamination or building construction occurring within this 100' WPZ per WAC 246-290, WAC 173-160 and SCC 12.48. **There shall be no water connections for the garage lots- this includes inside plumbing and outside hose bibs.** No parking on a driveway that is within a public well's WPZ.

House:

2. The house lot, lot #11 shows expansion that covers most of the lot. The house building permit shall require a permitted and approved septic drainfield and 100% reserve-replacement drainfield area that are out of the 100' WPZ area per SCC 12.05, SCC 12.48 and WAC 246-290. The house building permit shall comply with SCC 12.48.120(2) and SCC 12.48.230(1) by providing Skagit County Health Department approval on the attached public water application packet."

The department notes that the issues pertaining to the house were addressed with a previous review conducted in conjunction with BP04-1391.

6. The proposal was reviewed by Skagit County shorelines staff. Staff indicated that the site does not fall within Shoreline jurisdiction.

7. The proposal was routed to the Water Resources Division of the Skagit County Planning and Development Services department. Staff comments were as follows; "All vehicles are to be parked on concrete surfaces only due to overlapping group B well protection zones."

8. The proposal was reviewed by the Skagit County Public Works Department. Public Works had no comments.

9. Staff finds that the proposed reduction in setback request is reasonable due to the existing lot configuration with the two well protection zones overlapping on the site. The reduction of the front setback will allow the garage to be built a safe distance from the two well protection zones while maintaining a safer distance off of the ROW from the previously allowed garage structure.



10. Staff finds that the requested setbacks would not create any problems with regard to the maintenance of public health, safety or welfare. Additionally, no traffic safety concerns were identified with the proposal.

Decision:

The Director hereby approves the Administrative Decision to allow reasonable use of the property subject to the conditions and modifications listed below:

1. The applicant shall obtain all necessary permits.
2. The applicant shall obtain a Demo permit for the removal off the existing garage.
3. The building permit for the proposed structure shall be issued in accordance with the approved reduction in setback as requested.
4. A copy of this decision shall be submitted with the building permit at time of application.
5. The applicant shall comply with all staff comments, and conditions.
6. The applicant must comply with the health departments following conditions, whether building permits are applied for, are in the process of being reviewed, or have been issued:
 - There shall be no possible sources of contamination or building construction occurring within this 100' WPZ per WAC 246-290, WAC 173-160 and SCC 12.48.
 - There shall be no water connections for the garage lots- this includes inside plumbing and outside hose bibs.
 - No parking on a driveway that is within a public well's WPZ.
 - The house building permit shall require a permitted and approved septic drainfield and 100% reserve-replacement drainfield area that are out of the 100' WPZ area per SCC 12.05, SCC 12.48 and WAC 246-290.
 - The house building permit shall comply with SCC 12.48.120(2) and SCC 12.48.230(1).



Prepared By:

Michele Q. Szafran
Michele Q. Szafran, Assistant Planner

Reviewed By:

Brandon Black
Brandon Black, Senior Planner

Date of approval: May 31, 2005

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 Development Services within 14 calendar days of the publication of this Notice pursuant to SCC 14.06.110.

Reduction in setback request #PL05-0211



200506160152
Skagit County Auditor