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Skagit County Planning and Development Services



200507250012

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

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: ADMINISTRATIVE DECISION PL05-0276

APPLICANT: RONALD E. NORTH

ADDRESS: 832 OLD HIGHWAY 99 NORTH ROAD
BELLINGHAM, WA 98229

PROJECT LOCATION: Located at 832 Old Hwy 99 North Road, Bellingham, within a portion of Section 6, Township 36 North, Range 4 East W.M., situated within Skagit County, Washington.

PROJECT DESCRIPTION: The applicant requests an Administrative reduction in setbacks for the construction of a 960 square foot (32' x 30') garage structure. The structure is proposed to be located approximately 17 feet off of the east (front) property line along Old Highway 99 North Road. The property is confined by critical areas and the septic system. Skagit County Code (SCC) section 14.16.400(5)(a) requires a 35 foot front setback, 15 foot side yard, and a 35 foot setback off of the rear property line.

ASSESSOR'S ACCOUNT NUMBERS: 360406-3-006-0006

PROPERTY NUMBER: P48969

ZONING/ COMPREHENSIVE PLAN: The proposed project is located within a Agricultural-Natural Resource 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 is approximately 2.6 acres in size measuring approximately 470 feet in width along the south property line, approximately 850 feet in depth along the west property line, and approximately 950 feet in depth along the east property line. The subject property is physically located along the west side of Old Highway 99 North.
2. The proposed garage structure will not be able to meet the current front setback requirements due to the lots configuration and critical areas. The garage is proposed to be located 17 feet off of the front property line in order to meet the setback requirements from the existing seasonal stream directly north of the proposed building site. The reduction of the front setback will allow for an increased buffer from the existing stream. The site is also confined by the location of the existing septic system. SCC Section 14.16.400(5)(a) requires a 35 foot front setback; this is an 18 foot reduction request at the closest point.
3. A letter of completeness was issued on May 25, 2005 per SCC Section 14.06.100. A Notice of Development was published and posted on the property on June 2, 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 June 17, 2005. No public comments were received in regard to this proposal.
4. The proposal was reviewed by Skagit County critical areas staff. Staff indicated the following: "Critical areas review of this proposal was initiated with BP05-0173. A fish and wildlife habitat site assessment has been requested and must be completed and approved prior to approval of the building permit application. A letter of recommendation from a qualified professional has been submitted in support of this proposal and CAO staff concurs that this setback reduction is necessary to maintain functions and values of the riparian area on this parcel. Critical areas staff recommends approval of this administrative variance application with the condition that a fish and wildlife habitat site assessment and mitigation plan are completed and approved pursuant to SCC 14.24.520 and 14.24.530. A Protected Critical Area (PCA) site plan will also need to be recorded prior to building permit approval (SCC 14.24.170)."
5. The proposal was reviewed by the Skagit County Public Works Department. Public Works staff indicated the following: "The setback distance from road right of way (property line) should be a minimum of 20 feet."

Reduction in setback request #PL05-0276



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Planning and Development Services notes that the intent of Public Works comment is to prevent parking in the road right of way. In this case the site plan shows the garage doors and parking located along the west (rear) side of the structure.

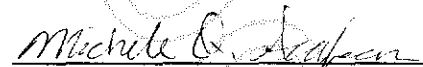
6. Staff finds that the proposed reduction in setback request is reasonable due to the existing lot configuration, and critical areas. The additional critical areas setback, and septic system location along with the required zoning setback would restrict the reasonable development of the property.
7. 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:

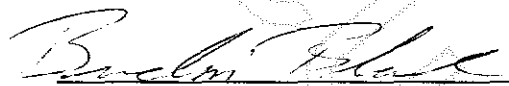
The Director hereby approves the Administrative Decision to allow reasonable use of the property subject to the conditions and modifications listed below:

1. The applicant shall obtain all necessary permits.
2. The building permits for the proposed structure shall be issued in accordance with the approved reduction in setback as requested.
3. A copy of this decision shall be submitted with the building permit at time of application.
4. The applicant shall submit a fish and wildlife habitat site assessment and mitigation plan, along with a recorded Protected Critical Area (PCA) site plan prior to building permit approval.

Prepared By:


Michele Q. Szafran, Assistant Planner

Reviewed By:


Brandon Black, Senior Planner

Date of approval: July 6, 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.

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