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Skagit County Planning and Development Services



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

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: ADMINISTRATIVE DECISION PL05-0213

APPLICANT: KIRBY JOHNSON

ADDRESS: 18488 BEST ROAD
MOUNT VERNON, WA 98273

PROJECT LOCATION: Located at lot 6, 9, and 10 of the plat of Kwonesum, Sahalie Drive, La Conner, within a portion of Section 24, Township 34 North, Range 2 East W.M., situated within Skagit County, Washington.

PROJECT DESCRIPTION: The applicant is requesting an Administrative Reduction in setbacks for the construction of a single family residential structure on lots 6, 9, and 10 within the plat of Kwonesum, due to the lots topography, size, and configuration. The applicants request is to reduce the front setback requirement to ten (10) feet off of the front property line for all three lots. Skagit County Code (SCC) section 14.16.320(5)(a)(i) requires a 25 foot front setback off of a minor access or dead-end street, 8 foot side yard setbacks on interior lots, and a 25 foot setback off of the rear property line. The applicant has supplied an agreement with the Swinomish Tribe dated May 26, 1995 as part of the application which acknowledges a 10 foot setback from Sahalie Drive for construction within lots 6, 9, and 10. Lots 6, 9, and 10 contain a steep slope along the northern property lines which reduces the buildable area to accommodate reasonable size homes.

ASSESSOR'S ACCOUNT NUMBERS: 4388-000-006-0008
4388-000-009-0005
4388-000-010-0002

PROPERTY NUMBER:

P81097

P81100

P81101

ZONING/ COMPREHENSIVE PLAN: The proposed project is located within a Rural Reserve 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 properties are lots 6, 9, and 10 of the plat of Kwonesum Lot 6 measures approximately 147 feet in width along the north property line, approximately 72 feet in width along the south property line, approximately 120 feet in depth along the west property line, and approximately 146 feet in depth along the east property line. Lot 9 contains an irregular shape measuring approximately 150 feet in width along the north property line, approximately 212 feet in width along the south property line, approximately 90 feet in depth along the west property line, and approximately 93 feet in depth along the east property line. Lot 10 measures approximately 170 feet in width along the north property line, approximately 130 feet in width along the south property line, approximately 93 feet in depth along the west property line, and approximately 130 feet in depth along the east property line. The subject properties are physically located on a minor access road, along the north side of Sahalie Drive, west of the Swinomish Channel.
2. The proposed structures will not be able to meet the current front setback requirements due to the lots topography, size, and configuration. SCC Section 14.16.320(5)(a)(i) requires a 25 foot front setback on minor access and dead-end streets; this is a 15 foot reduction request at the closest point.
3. A letter of completeness was issued on April 18, 2005 per SCC Section 14.06.100. A Notice of Development was published and posted on the property on April 21, 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 May 6, 2005. Three comment letters were received.
 - Brian and Brenda Lease located at 11171 Sahalie Road sent a letter dated May 5, 2005 (P81093); stating that they built their home 18 years ago based on the

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required 35 foot setback. They have expressed their concern with regards to the view they have enjoyed over the years and do not want to see it destroyed by allowing the requested setback for these lots. They feel that this will set a standard for the lot to the east of them allowing them to have the same setback reduction, which will completely diminish the view they currently enjoy.

- Curt and Suzanne Marble located at 11278 Sahalie Road sent a letter dated May 4, 2005 (P81103), stated that they strongly oppose the reduction for lot 10. They positioned their home to be built where they would have a view out over the front corner of lot 10, with the assumption that lot 10 was going to have to meet the 35 foot front setback. When the perspective buyer positions their home on the front corner of their lot, with the 10 foot setback reduction, the view they hoped for will be gone.
- Harry and Mary App located at 11195 Sahalie Road sent a letter dated April 26, 2005 (P81095); stated that they object the front setback reduction on lot 6 from 35 feet to 10 feet because it will obstruct their view of the valley considerably. They built their home in 1993 and adhered to the setback that was in place at that time, and also accommodated Kirby Johnson, and set it back another two feet so lot 3 would have a better view. They believe that lots 6, 9, and 10 should remain with current setback requirements.

The department notes that in response to the comment letters SCC 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." In the case of these lots the setback reduction has been requested due to the topography, lot size, lot configuration, and the tribal agreement. **Sahalie Drive is a dead end street and per SCC 14.16.320(5)(a)(i), the required front setback is 25 feet.** This request is in compliance with the tribal agreement put in place on May 26, 1995, which stated that these lots be granted a 10 foot front yard reduction.

4. The proposal was reviewed by Skagit County critical areas staff. Staff indicated that a site visit was conducted on April 22, 2005 and staff approved lots 9 and 10; however lot 6 requires a geologic hazard site assessment to investigate the potential geologic hazard on the north side of the lot to be completed by a qualified professional. Critical areas staff received the geologic hazard site assessment dated on January 23, 2006 and indicated that the report is incomplete. A letter has been sent to the consultant who provided the report requesting additional information. Building permits may be issued on lots 9 and 10; however lot 6 will need a complete and approved site assessment prior to building permit submittal demonstrating that compliance with the Skagit County Critical Area ordinance can be met.



5. The proposal was reviewed by the Skagit County Public Works Department. Public Works indicated that "Sahalie Drive is a private road, however if there are going to be garage entrances facing the roadway then a 20 foot minimum setback would be recommend." A 20 foot driveway onsite eliminates on street parking and the possibility of a vehicle obstructing the roadway.
6. The proposal was routed to Swinomish Tribal Community Planning and Community Development for their review. There were no comments or concerns received.
7. Staff finds that the proposed reduction in setback request is reasonable due to the existing topography, existing lot size, and configuration, and with merit given to the agreement with Swinomish Tribal Community dated May 26, 1995.
8. 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 structures 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 permits at time of application.
4. Per the recommendations of Public Works staff the applicant should provide a 20 foot driveway onsite to eliminate on street parking.
5. Lot 6 will need a complete and approved Geologic Hazard site assessment prior to building permit submittal demonstrating that compliance with the Skagit County Critical Area ordinance can be met.

Prepared By:


Michele Q. Szafran, Assfstant Planner

Reviewed By:


Brandon Black, Senior Planner

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Date of approval: March 24, 2006

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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