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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 PL06-0116

OWNER: KIM CANTRELL

ADDRESS: P.O. BOX 4164
BELLINGHAM, WA 98227

APPLICANT: DAN CANTRELL

ADDRESS: 3610 MERIDIAN STREET
BELLINGHAM, WA 98225

PROJECT LOCATION: Located at Tract 3 of Chuckanut Ridge off of Chuckanut Ridge Drive, Bow, within a portion of Section 5, Township 36 North, Range 3 East W.M., situated within Skagit County, Washington.

PROJECT DESCRIPTION: The applicant requests an Administrative reduction in setbacks off of the northwest property line and road easement from 100 feet to 25 feet at the closest point to allow for a sizable building site for a single family residential structure. Skagit County Code SCC14.16.810(4) states the following; "The Administrative Official may reduce the required front, side or rear setbacks where topography, critical areas or the lot's size and configuration impact the reasonable development of the property." The applicant has indicated that the proposed location was originally intended as the building area when the lot was created due to the surrounding steep slopes and vegetation located on the property. SCC14.16.420(5)(a) requires a minimum setback of 100 feet for the front, side and rear setbacks for primary and accessory structures.

ASSESSOR'S ACCOUNT NUMBERS: 360305-4-004-0008

PROPERTY NUMBER:

P47649

ZONING/ COMPREHENSIVE PLAN: The proposed project is located within a Secondary Forest-Natural Resource Lands 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 20 acres in size and measures approximately 1,030 feet along the southerly property line, approximately 660 feet along the easterly property line, approximately 1,613 feet along the westerly property line, and approximately 702 feet along the northerly property line. The subject property is physically located on the south side of Sievers Lane Easement.
2. The request is to reduce the required setback from 100 feet to 25 feet from the property line and existing 14 foot paved roadway, and 32 feet from the easement for Sievers Lane. This request will allow the building site to be located on a flat bench on the property, allowing the building site to conform best to the existing topography and minimize the removal of existing vegetation. A geotechnical study by Edison Engineers has been completed with a conclusion and recommendation that reads: "We conclude, based on our geotechnical engineering investigation, the historic and recommended building site is the only reasonable area on the property to build. We recommend the 100-foot regulatory building setback be reduced to approximately 30 feet to allow construction of the residence in the recommended building area where bedrock is encountered. It is our opinion that there is no other building site on the property that could be developed without impacting critical areas or their buffers to gain access or develop a building site. Additionally, most other locations have steep slopes above the building site that would endanger the site potential for falling or rolling rock." SCC Section 14.16.420(5)(a) requires a minimum of a 100 foot setback off of all property lines or easements. This is a 75 foot reduction request at the closest point.
3. A letter of completeness was issued on February 28, 2006 per SCC Section 14.06.100. A Notice of Development was published and posted on the property on March 9, 2006 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

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March 24, 2006. The following comment letters were received in opposition of the proposed building location;

- John L. Barthold and Carol A. Fleming located at 888 Chuckanut Ridge Drive, Bow, letter received on March 24, 2006.
- Rauch & Associates located at 1159 Chuckanut Ridge Drive, Bow, letter received on March 24, 2006.
- Charles & Alice Gustafson located P.O. Box 2127, Bothell, letter received on March 24, 2006.
- John and Julie Hubner located at 1525 Chuckanut Ridge Drive, Bow, letter received on March 24, 2006.
- Sharon Williams and Tara Allen located 889 Chuckanut Ridge Drive, Bow, letter received on March 21, 2006.

4. The proposal was reviewed by Skagit County critical areas staff. Staff indicated the following; "A partial review was completed with PL04-0666. A Geohazard report was approved with the requirement that the recommendations included in the Geotechnical Investigation by Edison Engineering, dated February 14, 2006, are included as conditions of permit approval. Conditions include, but are not limited to, the following:
 1. Structural development of the subject site is limited to the "Recommended Building Area" indicated in the "Building Area Detail" of the Geotechnical Investigation report.
 2. Structural foundations shall be located on and pinned to bedrock as indicated in the geotechnical report.
 3. Drainage from impermeable surfaces shall be mitigated according to the Geotechnical investigation report.
 4. Following construction, slopes shall be revegetated with native vegetation according to the Geotechnical report.
5. The proposal was reviewed by the Skagit County Public Works Department. Public Works had no comments.
6. Staff finds that the proposed reduction in setback request is reasonable due to the steep slopes and vegetation located on 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.

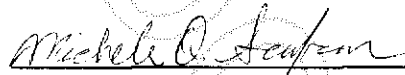


Decision:

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. All fees must be paid prior to final approval.
5. Please be advised that this approval for reduction of setback is based on a limited review specific to the criteria for this application (14.16.810 (4) SCC). Other County requirements may alter your proposal and require revision to your plan to comply with all jurisdictional requirements for development
6. Prior to building permit approval the following conditions outlined in the Geotechnical Investigation by Edison Engineering, dated February 14, 2006, must be approved:
 1. Structural development of the subject site is limited to the "Recommended Building Area" indicated in the "Building Area Detail" of the Geotechnical Investigation report.
 2. Structural foundations shall be located on and pinned to bedrock as indicated in the geotechnical report.
 3. Drainage from impermeable surfaces shall be mitigated according to the Geotechnical investigation report.
 4. Following construction, slopes shall be revegetated with native vegetation according to the Geotechnical report.

Prepared By:


Michele Q. Szafran, Assistant Planner

Reviewed By:


Brandon Black, Senior Planner

Date of approval: April 10, 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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