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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 PL06-0187

APPLICANT: PUBLIC UTILITY DISTRICT #1

ADDRESS: P.O. BOX 1436
MOUNT VERNON, WA 98273

PROJECT LOCATION: Located at 25227 South Skagit Highway, Sedro-Woolley, within a portion of Section 29, Township 35 North, Range 5 East W.M., situated within Skagit County, Washington.

PROJECT DESCRIPTION: The applicant requests an Administrative reduction in setbacks for the construction of a 35.8 mgd pump station on the south bank of the Skagit River to divert water from the river to the District's Judy Reservoir. The structure is proposed to be located approximately 12 feet off of the edge of pavement and within the easement for the South Skagit Highway. Skagit County Code (SCC) section 14.16.320(5) requires a 35 foot setback off of the front property line or any roadway easement.

ASSESSOR'S ACCOUNT NUMBERS: 350529-0-013-0006

PROPERTY NUMBER: P40344

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 proposed location is along the north side of the South Skagit Highway, between the roadway pavement and the Skagit River. The site is narrow in width due to its location between the Skagit River and South Skagit Highway and the structure will encroach into the roadway right-of-way by approximately 21 feet. The proposed use at this location (River mile 24.2) is for the construction of a structure to house the proposed utility (pump station with five vertical turbine pumps) which will supply water to Judy Reservoir.
2. The proposed structure will not be able to meet the current front setback requirements due to the lots critical areas, and configuration. The structure is to be located between the highway and the river which presents constraints for meeting the setback. The building location is determined by the need for proximity to the Skagit River. SCC Section 14.16.320(5) requires a 35 foot front setback; this is a 23 foot reduction request at the closest point off of the edge of pavement.
3. A letter of completeness was issued on March 15, 2006 per SCC Section 14.06.100. A Notice of Development was published and posted on the property on March 23, 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 April 7, 2006. No public comments were received in regard to this proposal.
4. The proposal was reviewed by Skagit County critical areas staff. Staff indicated that the shoreline permit #PL01-0681 requires a delineated wetlands and shoreline river buffer enhancement plan be recorded with the County Auditor.
5. The proposal was reviewed by Skagit County shorelines staff. Staff indicated that the project must meet all the conditions of the Shoreline permit (PL01-0681) and Special Use permit (PL01-0730) issued previously.
6. The proposal was reviewed by the Skagit County Public Works Department. Public Works indicated that the applicant must have the agreement with the County before the building permit is issued.
7. Staff finds that the proposed reduction in setback request is reasonable due to the existing critical areas and configuration.

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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 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. Shoreline permit #PL01-0681 requires a delineated wetlands and shoreline river buffer enhancement plan be recorded with the County Auditor.
5. The project must meet all the conditions of the Shoreline permit (PL01-0681) and Special Use permit (PL01-0730) issued previously.
6. Applicant must have signed and recorded agreement with the County before the building permit is issued.
7. 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.
8. All fees must be paid prior to final approval.

Prepared By:


Michele Q. Szafran, Assistant Planner

Reviewed By:


Brandon Black, Senior Planner

Date of approval: April 14, 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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