



200612180204

Skagit County Auditor

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

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: ADMINISTRATIVE DECISION PL06-0960

APPLICANT: Mario Brown

ADDRESS: 18920 SR 9
Mount Vernon, WA 98274

PROJECT LOCATION: The proposed project is located at 23932 N. Westview Road, Mount Vernon, WA; Lot 19 of the Plat of West view to Montborne; within a portion of the NE¼ of Section 01, Township 33 North, Range 04 East, W.M., Skagit County, WA.

PROJECT DESCRIPTION: Reduction of setbacks to allow for a replacement single family residence to be located 20 feet from the front property (N. Westview Road) line instead of the required 25 feet.

ASSESSOR'S ACCOUNT NUMBER: 4137-000-019-0007

PROPERTY ID NUMBER: P74758

ZONING/COMPREHENSIVE PLAN: Rural Village Residential/Rural Village

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 designated as Rural Village Residential. Per Skagit County Code 14.16.310 (5)(a) (i) sets the front setback for a residential structure at 35 feet, 25 feet on minor access and dead end street. North Westview Road is classified as a minor access road.
2. North Westview Road was not constructed within the center of the deeded county right-of-way. According to Public Works records, the deeded right-of-way width is 40 feet with an existing driving surface of 15 feet. The actual driving surface of the road is located in the eastern portion of the right of way. There is approximately 30 feet between the edge of the driving surface and the edge of the deeded right of way.
3. The subject property, approximately .2 of an acre in size, is located on the east side of Big Lake. North Westview Road divides the property with a majority of the lot lying west of the road towards the lake. There is an existing residence built in the earlier 60's located approximately 60 feet from the west edge of the right-of-way and within the shoreline buffer. This home is slated to be demolished and a new residence will be built that will be located outside the shoreline buffer. The property is served by public water and sewer.
4. The subject property is located within the shoreline jurisdiction of Big Lake. The subject property is not located within a flood hazard zone per FIRM Map 530151 450 and is not adjacent to a designated resource land.
5. The applicant is proposing to build a replacement residence with an attached garage. The new residence is proposed to be located beyond the 50 foot setback from the Ordinary High Water Mark of Big Lake, 8 feet from the sides and if the reduction is approved, 20 feet from the edge of the right-of-way.
6. A letter of completeness was issued on November 6, 2006. A Notice of Development was published and posted on the property on November 9, 2006. Property owners within 300 feet of the property were sent the Notice of Development. No correspondence was received.
7. The application was routed to the appropriate County offices for review. **Public Works**—no concerns. **Critical Areas**—A fish and wildlife habitat site assessment was prepared and approved for the proposed bulkhead and replacement residence location. Prior to approval, the Protected Critical Area (PCA) site plan must be completed, approved by staff and recorded. Staff Notes this was recorded on 12/12/06. The proposal must meet all dimensional criteria of SCC 14.24, the Shoreline Master Program including but not limited to height and lot coverage.
8. The Department finds that due to the fact that the physical location of the road serving this property is not entirely within the designated county right-of-way, a large undeveloped area exists between the actual driving surface and the west




right-of-way line. This large area would allow the setback from the required county right-of-way to be reduced and allow for reasonable development of the property. If in the future the actual driving surface was realigned to be in the middle of the deeded right-of-way, the approved reduced setback would still provide an adequate area for on-site parking for the residence.

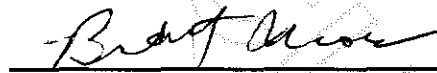
9. Staff has determined that the requested setback would not create any problems with regard to the maintenance of public health, safety or welfare. Additionally, no traffic safety concerns were identified with the proposal.

Decision:

The Director hereby approves the Administrative Decision to allow for a reduction in the front setback subject to the conditions and modifications listed below:

1. The applicant shall obtain all necessary permits.
2. The building permit shall be issued in accordance with the approved reduction in setback as requested and the approved site plan dated December 14, 2006.
3. This approval shall be included in the building permit application.
4. The proposal must meet all dimensional criteria of SCC 14.24, the Shoreline Master Program including but not limited to height and lot coverage.
5. Prior to issuance of the building permit all outstanding fees related to this project must be paid.


Marge Swint,
Senior Planner


Brent Morrow, MS, MPA
Senior Planner, Team Supervisor

Date of approval: December 14, 2006

End of Appeal period: December 28, 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 Planning and Development Services within 14 calendar days of the date of decision of this Notice pursuant to SCC 14.06.110.


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