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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 PL07-0140

APPLICANT: Randal Johnson

ADDRESS: 54561 Conrad Road
Rockport, WA 98283

PROJECT LOCATION: The proposed project is located at 52919 State Route 20, Rockport, WA; within a portion of the SE¼ of the SE¼ of Section 26, Township 35 North, Range 09 East, W.M., Skagit County, WA.

PROJECT DESCRIPTION: Administrative Decision Modification pursuant to SCC 14.16.810(4) for the reduction of setbacks to allow for the placement of a single family residence to be located approximately 45-feet from the west side property line instead of the required 100 feet and approximately 77-feet from the east side property line instead of the required 100 feet. The previous request allowed the residence to be located approximately 45-feet from the west side property line and approximately 95-feet from the east side property line instead of the required 100 feet.

ASSESSOR'S ACCOUNT NUMBER: 350926-0-042-0018

PROPERTY ID NUMBER: P#44738

COMPREHENSIVE PLAN/ZONING: Secondary Forest-NRL

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 modification application was submitted on February 23, 2007. The application was deemed complete as of March 1, 2007. A Notice of Development was published and posted on the property on March 8, 2007. All property owners within 300 feet of the property were sent the Notice of Development.
2. The subject property is approximately .69 acres in size and is located on the north side of Highway 20 just north of Rockport and west of the Highway 20/State Route 530 intersection. The lot has a slight irregular shape and runs in a north/south configuration. The property measures approximately 240 feet along the south property line (Highway 20), 260 feet along the east property line, 170 feet along the north property line, and 240 feet on the west property line. The property has a slight slope (3 to 4%) towards the rear of the property. The perimeter of the property as well as the adjoining property is heavily timbered. At the time of the original application there was an existing 3 bedroom home located in the southern half of the property which the applicant planned to convert to storage. According to the application the property is served by PUD water and on site septic. There is an existing driveway that runs north and south in the western half of the property and comes up behind the existing structure. .
3. The subject property is not located in a flood hazard zone per FIRM Map 530151 0305C dated January 3, 1985. The property is located within a designated natural resource zone. The applicant shall comply with the provisions of Skagit County Code 14.16.870, Notification of Development Activities on or Adjacent to Designated Natural Resource Lands.
4. The applicant originally applied for a reduction of setbacks in May 2004 for the placement of a 28 x 60-foot manufactured home. The application was approved to allow the proposed residence to be located approximately 45-feet from the west side property line instead of the required 100 feet and approximately 95-feet from the east side property line instead of the required 100 feet. After receiving approval for the manufactured home, the applicant changed the proposal to a stick framed home with a garage.
5. The applicant is now proposing to build an approximate 32 x 82 foot stick framed residence on the property located approximately 45-feet from the west side property line and approximately 77-feet from the east side property line instead of the required 100 feet. The home will be approximately 100 feet from the north property line and 125 feet from the south property line. The site plan submitted with this application does not show the previously mentioned residence. However, the assessor's records still show a structure. This home will be located northwest of the old structure site. The onsite septic system is located east of the proposed home site.
6. The subject property is designated as Secondary Forest-NRL. Skagit County Code 14.16.420 (5)(a)(i) lists setbacks for the front, side, and rear for a primary structure as 100-feet.



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7. Due to the fact that the basic location of the proposed residence didn't change from the original request, the modification application was not routed to county offices/divisions for review. Comments from the original review still apply and they are as follows. **Public Works:** no comment; **Critical Area:** no critical areas were observed within 200 feet of the proposed building site; **Septic:** Initially the originally proposed residence was encroaching on the approved drainfield site. However with the location change the proposed home is now located west of the drainfield area.
8. Without a reduction in setbacks, the Department finds that the irregular shape and dimensions of the land precludes reasonable development on the property.
9. Staff has determined that the requested setback would not create any problems with regard to the maintenance of public health, safety or welfare.


Decision:


The Director hereby approves the Administrative Decision Modification to allow for the reduction of setbacks to allow for the placement of a single family residence to be located approximately 45 feet from the west property line, 77 feet from the east property line, 100 feet from the north property line and 125 feet from the south property line subject to the following conditions:

1. The applicant shall obtain all necessary permits.
2. The Building Permit shall be issued in accordance with the approved reduction in setback as shown on the approved site plan dated February 9, 2007.
3. Prior to issuance of a building permit for the new residence, the applicant shall provide written documentation as to the plans for the existing residence.
4. Within six (6) months of occupancy of the new residence, the applicant shall provide written documentation that the existing residence has been converted to the approved new use or removed.
5. The applicant shall comply with the provisions of SCC 14.16.870, Notification of Development Activities on or Adjacent to Designated Natural Resource Lands.
6. 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.



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Marge Swint, Senior Planner


Brent Morrow, MS MPA
Senior Planner, Team Supervisor

Date of approval: March 27, 2007

End of Appeal period: April 10, 2007

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 date of decision of this Notice pursuant to SCC 14.06.110.



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