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Skagit County Planning and Development Services



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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 PL06-1006

APPLICANT: MARK AND LISE RICHARDSON

ADDRESS: 30808 NE 135TH ST.
DUVALL, WA 98019

PROJECT LOCATION: Located at 34673 North Shore Drive, Mount Vernon, within a portion of Section 26, Township 33 North, Range 6 East W.M., situated within Skagit County, Washington.

PROJECT DESCRIPTION: The applicant requests an Administrative reduction in setbacks for the construction of a single family residential structure which will replace the existing single family structure. The structure is proposed to be located approximately 2 feet off of the southwest (front) property line along North Shore Drive, approximately 8 feet off of the southeast (side) property line, approximately 250 feet off of the northeast (rear) property line, and approximately 26 feet off of the northwest (side) property line. Skagit County Code (SCC) section 14.16.310(5) requires a 35 foot front setback, 8 foot side yard setback, and a 25 foot setback off of the rear property line.

ASSESSOR'S ACCOUNT NUMBERS: 3937-003-009-0007

PROPERTY NUMBER: P66406

ZONING/ COMPREHENSIVE PLAN: The proposed project is located within a Rural Village Residential 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.

DEPARTMENTAL 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 60 feet in width along the northeast and southwest property lines, and approximately 290 feet in depth along the southeast and northwest property lines. The subject property is physically located along the northeast side of North Shore Drive, northeast of Lake Cavanaugh.
2. The proposed single family residential structure will not be able to meet the current front setback requirements due to the lots size, configuration, critical areas and topography. SCC Section 14.16.310(5) requires a 35 foot front setback; this is a 33 foot reduction request at the closest point.
3. A letter of completeness was issued on November 30, 2006 per SCC Section 14.06.100. A Notice of Development was published and posted on the property on December 14, 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 December 29, 2006. The following comment letter was received;
 - Brett Linert located at 34683 North Shore Drive, Mount Vernon, letter received on December 28, 2006 in opposition of the proposed reduction of setback.
4. The proposal was reviewed by the Skagit County Shorelines Administrator for shoreline and critical areas compliance. Staff indicated that the average setback is 73 feet from the OHWM as of January 25, 2007, the developed area shall not exceed 30% of the property within 200 feet of the Ordinary High Water Mark (OHWM), and the peak of the roof shall not exceed 30 feet in height above average grade as defined in the Skagit County Shoreline Management Master Program 14.26.3.03. The project requires a Fish and Wildlife site assessment and a Geotechnical analysis report. A Biological site assessment for a Fish and Wildlife assessment was submitted on April 4, 2007 prepared by Earth Works and states that there will be no impacts to critical areas or its buffers. Staff approves the Fish and Wildlife assessment on the condition that there will be no impact to critical areas or its buffers. A Geotechnical report was submitted on April 4, 2007 prepared by Stratum Group indicating that the slope is stable.
5. The proposal was reviewed by the Skagit County Public Works Department. Public Works indicated that they do not recommend approval of this

Reduction in setback request #PL06-1006



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Administrative Decision to reduce the front yard setback to 2 feet from the property line (ROW). Public Works recommends a minimum of 20 feet in front of garage doors to provide on-site parking. A revised site plan was submitted on March 21, 2007, which provides an on-site parking area that is 20-feet in length, and does meet Public Works standards.

The following comments / conditions apply to this proposal:

- An Access Permit is required for the grading work to occur within North Shore Drive right-of-way.
 - Proposed landscape rock shall be placed in a manner that does not create a site distance or other traffic hazard for vehicles on North Shore Drive.
 - If the grading activity occurring on-site includes the removal of more than 100-cubic yards of material a Grading Permit is required.
6. Staff finds that the proposed reduction in setback request is reasonable due to the existing lots size, configuration, critical areas and topography of 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:

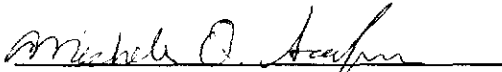
The Director hereby approves the Administrative Decision to allow reasonable use of the property subject to the conditions and modifications listed below:

1. The applicant shall obtain all necessary permits.
2. The building permit 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. Average setback is 73 feet from the OHWM, developed area shall not exceed 30% of the property within 200 feet of the Ordinary High Water Mark (OHWM). The peak of the roof shall not exceed 30 feet in height above average grade. There shall be no impacts to the critical areas or its buffers as indicated in the Biological Site assessment.
5. An Access Permit is required for the grading work to occur within North Shore Drive right-of-way. Proposed landscape rock shall be placed in a manner that does not create a site distance or other traffic hazard for vehicles on North Shore Drive. If the grading activity occurring on-site includes the removal of more than 100-cubic yards of material a Grading Permit is required.




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.***
7. 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: May 9, 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 publication of this Notice pursuant to SCC 14.06.110.

