



200809190102

Skagit County Auditor

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Document Title:

Findings of Fact/Administrative Variance

Reference Number: PL08-0071

Grantor(s):

1. Skagit County Planning & Development Services Director, Gary Christensen, AICP

Grantee(s):

1. Catherine Berglund

Abbreviated legal description:

WEST VIEW TO MONTBORNE, LOT 8, TOGETHER WITH THAT PORTION OF WESTERLY 10 FEET OF THAT PORTION OF THE 100 FOOT WIDE RAILROAD RIGHT-OF-WAY, COMMONLY KNOWN AS THE NORTHERN PACIFIC RAILWAY (AS ORIGINALLY CONVEYED TO THE SEATTLE LAKE SHORE AND EASTERN RAILWAY), ADJOINING THE PLAT OF "WEST VIEW, REPLAT OF BLOCK 40, MONTBORNE, SKAGIT COUNTY, WASHINGTON," AS PER PLAT RECORDED IN VOLUME 6 OF PLATS, PAGE 5, RECORDS OF SKAGIT COUNTY, WASHINGTON," AS PER PLAT RECORDED IN VOLUME 6 OF PLATS, PAGE 5, RECORDS OF SKAGIT COUNTY, WASHINGTON, THAT LIES EASTERLY OF THE CENTERLINE OF SAID RIGHT-OF-WAY AND BETWEEN THE NORTHEASTERLY EXTENSIONS OF BOTH THE NORTHWESTERLY AND SOUTHEASTERLY LINES OF LOT 8 OF SAID PLAT. SURVEY RECORDED AF#200604100177.

Assessor Parcel / Tax ID Number:

P74749/4137-000-008-0000

Please return to:

Skagit County Planning & Development Services

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

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: ADMINISTRATIVE DECISION, PLo8-0071

APPLICANT: CATHERINE BERGLUND

ADDRESS: 9117 47TH DR NE
MARYSVILLE, WA 98270

PROJECT LOCATION: Located at 24008 North West View Road, Mount Vernon, within a portion of Section 06, Township 33 North, Range 05 East W.M., Skagit County, Washington. The property is a platted parcel, bordering Big Lake to the southwest. The parcel consists of two rectangular pieces of land that are divided by North West View Road. There is an existing single family residence on the parcel. The portion of the lot south of North West View Road measures approximately 122/125.7 feet long by 50 feet wide. The portion on the north side of North West View Road is approximately 35.44 long by 50 feet wide. The parcel is bisected by a 45-foot County road easement named North West View Road.

PROJECT DESCRIPTION: The applicant requests an Administrative reduction in setback (Administrative Variance) for the remodel of the existing residential structure. The remodeled residential structure is proposed to be located 12 feet off of the north (front) property line along North West View Road, approximately 57 feet off of the south (rear/lakeside) property line, approximately 8 feet off of the east and west (side) property lines.

Staff Findings ADMV request, PLo8-0071



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The Skagit County Code (SCC) section 14.16.310(5)(a) requires a minimum front setback of 25 feet (for minor access), 8 foot side yard setbacks, and a 25 foot setback off of the rear property line for residential structures.

Skagit County Code (SCC) section 14.16.310(5)(e) indicates a Maximum Lot Coverage of 50%. Over the whole lot, the resulting developed area (including the remodeled residential structure, to replace the existing residential structure) will be 27.68 percent.

ASSESSOR'S ACCOUNT #: 4137-000-008-0000

PARCEL #: P74749

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 October 10, 2007. The application was accepted as complete on July 2, 2008, and is vested under the Comprehensive Plan & Zoning regulations in effect at that time.

SITE DESCRIPTION: The project site is located at 24008 North West View Road located on the shoreline of Big Lake. The subject site is accessed off North West View Road by a proposed concrete driveway leading to a tandem parking garage. The subject site slopes downhill slightly less than 11% from North West View Road to the shoreline of Big Lake. The entire site is landscaped with lawn and native plant species.

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 (P74749) consists of two rectangular pieces of land that are divided by North West View Road. The portion of the lot south of North West View Road measures approximately 122/125.7 feet long by 50 feet wide and approximately 35.44 long by 50 feet wide on the north side of North West View Road and occupies approximately 0.18 acre. The subject property is physically located on a minor access road, along the north and south side of North West View Road. The topography of the lot slopes down slightly less than 11% to the west-southwest from the road to the lake;



2. The lot's development is constrained by the existing lot size and configuration;
3. The proposed residential structure will not be able to meet the current front setback requirements due to lot size and critical area regulations. The critical area buffer of the shoreline of Big Lake consists of a 57 foot buffer from the Ordinary High water mark. SCC Section 14.16.310(5)(a)(i) a 25 foot front setback for the residential structure, this is a 13 foot reduction request for the residential structure;
4. A letter of completeness was not issued; however, the application was deemed complete July 2, 2008 per SCC Section 14.06.100. A Notice of Development was published and posted on the property on July 17, 2008 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 August 1, 2008. One public comment letter in favor of the proposal was received;
5. The proposal was reviewed by Skagit County critical areas staff and by the Skagit County Shorelines Administrator. The critical areas review was conducted via PL07-0736. A fish & wildlife habitat site assessment was prepared for the application. The findings of the report indicate this proposal will likely have a net positive effect on the function and values of this shoreline area. Prior to approval of the building permit for this proposal, a Protected Critical Area (PCA) site plan will need to be created, approved by staff and then recorded at the County Auditor's office (SCC 14.24.160(1)(e)(ii)). All conditions of approval shall, by this reference, be incorporated herein as though fully set forth;
6. The proposal was reviewed by the Skagit County Public Works Department. Public Works indicated that they will support the reduction of the front setback provided that the upper lot will need to remain open for parking; and that the hard stand gravel area between the retaining wall and the road will have the gravel stripped and be replaced with grass so as not to encourage parking with the County right-of-way; the removal of the above referenced gravel will be a condition of the access permit and a condition of the building permit;
7. Staff finds that the proposed reduction in setback request is reasonable due to the existing lot size and configuration, and the size of the existing lots in the immediate vicinity;
8. Staff finds that the requested setbacks would not create any problems with regard to the maintenance of public health, safety or welfare. The variance



is the minimum that will make possible the reasonable use of the property. Additionally, no traffic safety concerns were identified with the proposal and it will not injure the neighborhood or otherwise be detrimental to the public welfare.

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(s) 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(s) at time of application;
4. Prior to building permit approval the applicant shall demonstrate the site coverage percentages for the building(s) and access areas on site. Please itemize those percentages (structure vs. access);
5. Two (2) off-street parking spots shall be provided in addition to the existing residential parking prior to issuance of a certificate of occupancy. These parking locations shall be clearly identified (drawn out) on the site plan. The two locations are in addition to the proposed replacement garage. The garage does not fulfill the requirement of SCC 14.16.800. ***Additionally, per SCC 14.16.850(5) in no zoning district shall any portion of articles or vehicles be permitted to be stored in public rights-of-way.*** All vehicles placed in setbacks shall be currently licensed and registered;
6. Shall comply with SCC 14.16.800 Performance standards in relation to vibration, heat, glare & steam, electrical disturbance and noise;
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;
9. Per the Shoreline Administrator's comments; "A PCA must be recorded at the time of Building Permit application";
10. The proposed remodel shall be located no closer than 12 feet from the front property line/public right-of-way of North West View Road;
11. The upper lot will need to remain open for parking; and the hard stand gravel area between the retaining wall and the road will have the gravel stripped and be replaced with grass so as not to encourage parking with the County right-of-way; the removal of the above referenced gravel will be a condition of the access permit and a condition of the building permit;
12. Silt fences should be erected within ten feet of the regulatory setback from the lake. The silt fence will set clearing limits and minimize transport of sediments and chemicals toward the lake. The silt fence should be constructed with the skirt on the uphill side of the support poles and the skirt should be embedded into the slit cut into the ground and covered with a small berm of pea gravel atop scalped soil;
13. No soil or demolition materials should be stored within the shoreline buffer or waterward of the silt fence;
14. Drainage from roof downspouts should be distributed at each of the lower corners of the residence or piped through the buffer and distributed non-erosively at the OHWM;
15. All construction at the site shall be conducted during the dry season (between the end of May and the end of September) to minimize erosion and sedimentation transport brought on by seasonal rains. If construction commences during the wet season, all soil stockpiles should be covered with polyethylene sheeting to minimize erosion and sedimentation and any drainage trenches within the buffer should be hand dug;
16. Following construction at the site, all disturbed areas should be seeded with an erosion control mixture of native grass seed. Silt fence should be removed following establishment of site vegetation;

17. The proposed residence shall not exceed 30 feet above the average grade as defined in SCC 14.26.3.0. within 100 feet of the Ordinary High Water Mark (OHWM);

Prepared By:

Lori J. Wight
Lori J. Wight, Associate Planner

Reviewed By:

Brandon Black
Brandon Black, Senior Planner

Date of approval: August 6, 2008

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.

