

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS AND RECOMMENDATION

Applicant:	Trevor Moen 15075 Fir Island Road Mount Vernon, WA 98273
Agent:	Peter Carletti Carletti Architects 116 E. Fir Street, Suite A Mount Vernon, WA 98273
Request:	Variance from 200 foot maximum setback from public road.
Location:	15075 Fir Island Road, within SW1/4SW1/4 Sec. 10, T33N, R3E, W.M. Parcel No. P15670.
Land Use Designation:	Agricultural Natural Resource Lands (Ag-NRL)
Summary of Proposal:	To remove existing structures and replace them with a new residence, shop and barn. Approximately 6,240 square feet of impervious surface will be converted to pasture.
SEPA Compliance:	Exempt
Public Hearing:	November 14, 2018. Testimony by Planning and Development Services (PDS) staff and applicant's architect. No public testimony.
Recommendation:	Approval. Process III requires final approval by Board of County Commissioners.
Online Text:	The findings and recommendation in full can be viewed at: www.skagitcounty.net/hearingexaminer

FINDINGS OF FACT

1. Trevor Moen, through architect Peter Carletti, seeks a variance from the maximum setback on Agricultural Natural Resource Land (Ag-NRL).
2. The project is located at 15075 Fir Island Road, identified as Tract A of Short Plat No. 77-76. The parcel is southeast of Best Road and north of Rawlins Road within a portion of SW1/4SW1/4 Sec. 10, T33N, R3E, W.M. The parcel number is P15670.
3. The site is zoned Agricultural Natural Resource Lands (Ag-NRL), subject to a maximum 200-foot residential setback from a public road. SCC 14.16.400(5)(a)(i)).
4. The proposal is to construct a new single-family residence and shop building over 250 feet from Fir Island Road. The request is for a variance from the 200-foot maximum setback limitation.
5. Variances from any requirements of the Ag-NRL zone (with certain exceptions which do not apply here) are processed as Level III applications, subject to a hearing before the Hearing Examiner, but with the final decision by the Board of County Commissioners. SCC 14.10.020.
6. The subject site is a 4.13-acre rectangular parcel divided by Fir Island Road. All but about a half-acre is situated east of the road. The westerly fragment is encumbered by Brown's Slough.
7. East of the slough and of the road, existing development includes a 1,176 square-foot residence, a 1,200 square-foot barn, a 2,304 square-foot barn and a 4,080 square-foot machine shed/barn. The residence is about 85 feet from Fir Island Road. A large circular driveway and a parking area lie south of the residence. The rest of the property is in grass.
8. All existing structures and infrastructure on site were constructed in the 1950's or earlier. The applicant purchased the property in 2016.
9. The subject parcel is surrounded by large agricultural fields to the north, south, east and west. The nearest homes are located about 200 feet to the northwest and 350 feet to the southwest. The Snow Goose Produce stand is about 750 feet southwest along Fir Island Road.
10. The overall plan is to redevelop the property in two phases. Phase One will involve removal of a 1,200 square foot barn and construction of a 2,400 square-foot shop. Phase Two will include removal of the existing residence as well as a 4,940 square-foot machine shed/barn. Also in Phase Two, a new 3,000 square-foot residence will be built in the southeast portion of the parcel about 250 feet from the road.
11. The project will result in removal of impervious surface in the northern part of the property covering approximately 6,240 square feet. This area will be converted to pasture for livestock.

12. The new shop and new residence, placed in the location of a now-existing barn, will not interfere with agricultural production. With the return of the front of the site to pasture, the net effect will be to create a layout more conducive to agriculture.

13. The new residence in the back corner of the parcel will be at a higher point than the prior home decreasing the chances of flooding from the slough. Installation of a new septic system will occur south of the new residence.

14. The current location of structures on the site is a special condition peculiar to this property. The southeastern portion of the property is more suitable for residential development than the present configuration.

15. Under all the circumstances, the placement of residential structures over 200 feet from the road will be a minimal variance in harmony with the purposes of the development code and not injurious to the neighborhood.

16. Notice of the application and of the hearing was given as required by law. The only public comment was a letter from a neighbor in support of the application. There was no public testimony at the hearing. Departmental concerns are reflected in conditions of approval.

17. The Staff Report analyzes the application for conformity with the applicable variance criteria and determines that, as conditioned, the project will be consistent with the criteria. The Hearing Examiner concurs with this analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

18. Any conclusion herein which may be deemed a finding is hereby adopted as such.

CONCLUSIONS OF LAW

1. A variance from requirements of the Ag-NRL zone is a Board of County Commissioners variance, processed as a Level III application. SCC 14.10.020(2). The applicable procedure involves a Hearing Examiner hearing after which the Examiner makes a recommendation. The final decision is made by the Commissioners after a closed record hearing. SCC 14.06.050(c).

2. The application is exempt from the requirements of the State Environmental Policy Act (SEPA). WAC 197-11-800(6)(c).

3. As conditioned, the proposed variance meets the relevant approval criteria. SCC 14.10.040.

4. Any finding herein which may be deemed a conclusion is hereby adopted as such.

CONDITIONS

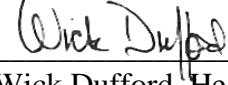
1. The project shall be carried out as described in the application materials, except as the same may be modified by these conditions.

2. The applicant shall comply with Ag-NRL development requirements (SCC 14.16.400).
3. The applicant shall obtain all necessary permits and approvals, including water and septic approvals.
4. Development on site shall comply with Chapter 14.32 SCC (Stormwater Management) and Chapter 14.34 SCC (Flood Damage Prevention).
5. Protection devices shall be installed on the existing water meter per requirements of the Skagit County PUD. Written confirmation of this installation shall be provided prior to a plumbing inspection associated with construction of any new structures with plumbing.
6. Access to the parcel shall be in compliance with the International Fire Code (SCC 15.04.030(2)(f)).
7. The applicant shall include a copy of the final decision of the Board of County Commissioners with the building permit application.
8. The final decision shall not be effective until all application fees, including recording fees, are paid.
9. If the applicant proposes any modifications of this proposal, he shall notify Planning and Development Services prior to the start of construction.
10. Failure to comply with any condition of approval may result in permit revocation.

RECOMMENDATION

The application for an Agricultural Zoning Variance (PL18-0354) should be approved, subject to the conditions set forth above.

SO ORDERED, this 21st, day of November, 2018.



Wick Dufford, Hearing Examiner

Transmitted to applicant, staff, Board of County Commissioners, November 21, 2018.