

NOTICE OF DECISION

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

- Applicant:** Annie L. Holmgren
11034 Peter Anderson Road
Burlington, WA 98233
- Request:** Administrative Zoning Variance, PL18-0546
Shoreline Variance, PL18-0547
Critical Areas Variance, PL18-0548
- Location:** 18942 Sulfer Springs Road, within SE1/4 Sec. 6, T33N, R5E,
W.M. Parcel #s P69853 and P69840. The entire site is within 200
feet of Big Lake and is bisected by Sulfer Springs Road.
- Land Use Designations:** Zoning: Rural Village Residential
Shoreline: Rural Residential
- Summary of Proposal:** To remove an existing cabin and deck located 14 feet from the
ordinary high water mark (OHWM) of Big Lake and replace them
a two-story residence 17 feet from the OHWM. In addition
construction of a two-story garage/accessory structure landward of
Sulfer Springs Road on an adjacent separate parcel is proposed.
- Public Hearing:** May 8, 2019. Testimony by Planning and Development Services
(PDS) staff and applicant. A neighbor to the north stated he has no
objection.
- Decision/ Date:** The application is approved, subject to conditions. May 20, 2019.
- Reconsideration/Appeal:** Zoning: Reconsideration may be requested by filing with PDS
within 10 days of this decision. Appeal is to Board of County
Commissioners by filing with PDS within 14 days of this decision,
or decision on reconsideration if applicable.
Shoreline: Reconsideration may be requested by filing with PDS
within 5 days of this decision. Appeal is to Board of County
Commissioners by filing with PDS within 5 days of this decision,
or decision on reconsideration if applicable.
- Online Text:** The entire decision can be viewed at:
www.skagitcounty.net/hearingexaminer

FINDINGS OF FACT

1. Annie L Holmgren seeks permission to replace an existing cabin and deck with a new residence on the southeastern shore of Big Lake.

2. The site is at 18942 Sulfer Springs Road and is bisected by the road. The parcel numbers are P69853 and P69840. The parcels are located within SE1/4 Sec. 6, T33N, R5E, W.M.

3. The subject property is zoned Rural Village Residential and designated Rural Residential by the local Shoreline Master Program. The property is served by public water and public sewer. The proposed structures appear to be located out of the floodplain.

4. The setting is an established neighborhood of lakeside houses, generally larger but of similar design to the proposed new dwelling. The proposed residence will be three feet further back from the Ordinary High Water Mark (OHWM) than the average of existing houses within 300 feet of the side property lines.

5. The project is to remove an existing 634 square foot cabin and a 564 square foot deck located 14 feet from the ordinary high water mark (OHWM), and to replace these structures with a two-story residence located 17 feet from the OHWM. The new home will have a footprint of 952 square feet. The project also includes a two-story 720 square foot garage/accessory landward of Sulfur Springs Road.

6. The entire site is within 200 feet of Big Lake. The parcel on the west side of Sulfer Springs Road is approximately 40 feet wide and 60 feet deep, and slopes down from the road to the lake. A concrete landscape wall is located between the deck and the shore. Stairs to an existing dock are built into the landscape wall.

7. Vegetation on the lakeside lot consists of mowed lawn and two mature trees. One of these trees will be removed to accommodate the new home. The existing deck is built around this tree. A mitigation plan, calling for planting native shrubs, ferns and emergent species in buffer areas adjacent to the water's edge, is to be carried out

8. The upland portion of the property slopes from the road to the east. It is currently used for parking and has approximately 1100 square feet of gravel. Vegetation east of the gravel is lawn with a few mature conifers.

9. The new home will involve only minor changes from the existing structural footprint. The cabin's setback from the Sulfer Springs Road right-of-way is 5'8" and about 15 feet from the road's driving surface. It is 4'10" from the southern property line, and 7'3" from the northern property line. The new home will be 4' from the right-of-way (front) and about 14'7" from the road's driving surface. It will be 5' from the southern property line and 7' from the north program line.

10. The new garage structure will have a second-story accessory dwelling unit and is proposed to be 25 feet from the road right-of way. The applicable zoning requires a 35-foot setback.

11. The shore setback in this location is 50 feet. The critical areas setback is 100 feet. The proposal will reduce these buffers to 17 feet.

12. The regulatory front setback on the lakeside lot is 25 feet. That setback on the upland property is 35 feet. The proposal will reduce these setbacks to 4 feet and 25 feet respectively. The applicable side setback on both lots is 8 feet. The proposal will reduce the side setbacks on the lakeside lot to 5' (south) and 7' (north). The proposed garage will meet the required side setback.

13. The applicant is proposing to build the new garage/accessory this year. The replacement home will be built afterwards. Except for temporary construction-related activities, no increase in traffic is anticipated. Adequate space for staging and parking is available on the upland parcel.

14. The application was circulated to interested departments and agencies. Their comments are reflected in conditions of approval.

15. The application was deemed complete on December 4, 2018. Notice of the application was published, mailed and posted as required by law. No comments were received. Due notice of the public hearing was given.

16. At the hearing the Staff described the project, the applicant had no criticisms of the Staff Report, and one neighbor spoke in favor of the proposal.

17. The Staff analyzed the project for compliance with the Development Code and the local Shoreline Master Program (SMP) and determined that the project as conditioned is consistent with the applicable variance criteria. The Hearing Examiner concurs with these findings 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.

CONCLUSION OF LAW

1. The Hearing Examiner has jurisdiction over this proceeding. SCC 14.10.020(3), SCC 14.24.140(1)(b), SMP 10.02(3).

2. The proposal is exempt from the procedural requirements of the State Environmental Policy Act (SEPA). WAC 197-11-800(1)

3. As conditioned, the requested project meets the relevant variance criteria. SCC 14.24.140(3), SCC 14.10.140(1), SMP 10.03.

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

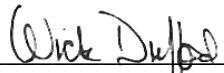
CONDITIONS

1. The project shall be carried out as described in the application materials, except as the same may be modified by these conditions.
2. All required permits shall be obtained and their conditions adhered to.
3. The recommendations of the Habitat Conservation Site Assessment and Buffer Variance Proposal with Mitigation Plan prepared by Bachman Environmental and dated June 29, 2018, shall be deemed conditions of approval.
4. Within 30 days of plant installation, the applicant shall submit an as-built site plan of the mitigation plantings and shall provide photographs of the installed plants.
5. All mitigation plants shall maintain a survival rate of 100% following the first year and 80% following years three and five. If the plants do not meet these survival rates, a qualified professional must assess the site and determine the best method to improve the rate of survival for additional native plants.
6. A Protected Critical Area (PCA) site plan shall be recorded with the County Auditor's office prior to submittal of the first building permit application.
7. Temporary erosion/sedimentation control measures shall be used in accordance with Chapter 14.32 SCC. A drainage plan, including Low Impact Development techniques, shall be submitted with the building permit applications.
8. The project shall comply with all relevant County and State regulations, including but not limited Chapters 173-201A and 173-200 WAC (surface and ground water quality), Chapter 173-60 WAC (noise), Chapter 14.16 SCC (zoning).
9. The applicant shall submit a copy of this decision with the building permit applications.
10. The critical areas variance shall expire if the use or activity for which it is granted is not commenced within three years of final approval.
11. The project shall be commenced within two years of the final approval of the shoreline variance and completed within five years thereof.
12. If the applicant proposes any modification of the subject proposal, she shall notify Planning and Development Services prior to the start of construction.
13. Failure to comply with any condition of approval may result in permit revocation.

DECISION

The applications for variances (PL18-0546, PL18-0547 and PL18-0548) are approved, subject to the conditions set forth above.

SO ORDERED, this 20, day of May 2019.



Wick Dufford, Hearing Examiner

Transmitted to applicant and staff, May 20, 2019.