

NOTICE OF DECISION
BEFORE THE SKAGIT COUNTY HEARING EXAMINER

Applicants: Ron and Joyce Curry
24136 North Westview Road
Mount Vernon, WA 98274

Consultant: Graham-Bunting Associates
Oscar Graham
3643 Legg Road
Bow, WA 98232

Request: Shoreline Variance PL16-0483

Location: East shore of Big Lake; 24136 North Westview Road within
NW1/4 Sec. 6, T33N, R5E, W.M. Parcel # P74666

Shoreline Designation: Rural Residential

Summary of Proposal: To construct a 1,088 square-foot garage with a second story
accessory dwelling unit (ADU). Lot coverage will be 34%.

SEPA Compliance: Exempt (WAC 197-11-800(6)(b))

Public Hearing: April 12, 2017. Testimony by Planning and Development Services
(PDS) Staff, by Applicant Ron Curry and by consultant Oscar
Graham. No public testimony.

Decision/Date: The application is approved, subject to conditions. May 3, 2017.

Reconsideration/Appeal: Reconsideration may be requested by filing with PDS within 5
days of this decision. Appeal is to 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. Ron and Joyce Curry seek to build a garage and accessory dwelling unit (ADU) on property on the east shore of Big Lake.
2. The site is parcel #P74666 located at 24136 North Westview Road within the NW ¼ Sec. 6, T33N, R5E, W.M.
3. The existing 1,814 square-foot home on the lot was built in 1992. Attached is a two-car garage. A paved, looped driveway accesses the site from North Westview Road. There are a few large trees with the remainder of the property being mowed lawn and residential landscaping. There is a small existing storage shed behind the house.
4. The surrounding parcels are developed with single family residences. Many have detached accessory structures located landward of the house.
5. The proposal is to erect a detached 1,088 square-foot garage with a second story ADU on the subject property. At the same time the existing shed and 1,725 square feet of impervious gravel parking will be eliminated.
6. This will reduce the impervious coverage of the lot from 38% to 34%, but the result will still exceed the 30% lot coverage standard. A variance is sought to authorize this exceedance. Other dimensional standards will be met.
7. The applicants purchased the subject site with the existing 38% lot coverage.
8. The proposed garage and ADU will be located landward of the existing residence at about 115 feet from the Ordinary High Water Mark. The project will be served by public water and sewer.
8. Based on review of aerial photographs it appears that adjacent properties may also exceed the lot coverage standard. The proposed development will be compatible with other permitted activities in the area. Strict application of the lot coverage standard here would significantly interfere with a reasonable use of the property.
9. A buffer enhancement plan will be implemented with this project. The public interest will suffer no detrimental effect.
10. Notice of the application and of the hearing in this matter was properly given. No public comment was received.
11. The applicant was circulated to various County departments. No concerns were expressed.

12. The Staff reviewed the proposal for consistency with the variance criteria of the local Shoreline Master Program (SMP) and determined that, as conditioned, it meets 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.

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

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over this proceeding. SMP 8.07.

2. The proposal is exempt from the procedural requirements of the State Environmental Policy Act (SEPA).

3. The applicable criteria for granting a variance from the provisions of the shoreline master program are satisfied. SMP 10.03(1).

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

CONDITIONS

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

2. The applicants shall obtain all other required permits and abide by the conditions of same.

3. The recommendations of the Graham-Bunting Associates Fish & Wildlife Site Assessment, dated July 15, 2016, and the subsequent Addendum, dated October 17, 2016, shall be conditions of approval unless modified by the conditions below.

4. The mitigation must be completed prior to final inspection of the building permit.

5. The applicants shall submit an as-built site plan of the mitigation plantings and shall submit photographs of the installed plants. These submissions shall be made within 30 days of plant installation.

6. 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 the survival rate, a qualified professional shall assess the site and determine the best method to improve the rate of survival for additional native plants.

7. A Protected Critical Area (PCA) site plan shall be recorded with the County Auditor's office prior to submittal of the building permit application.

8. The applicants shall comply with all applicable State and County regulations, including but not limited to: Chapters 173-201A WAC and 173-200 WAC (surface and ground water quality), Chapter 173-60 WAC (noise), Chapter 14.32 SCC (stormwater management).

9. The applicants shall submit a copy of this decision with the building permit application.

10. The project shall be commenced within two years of the final approval of this shoreline variance and shall be completed within five years thereof.

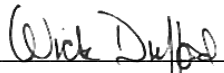
11. If the applicants propose any modification of the subject proposal, they shall notify Planning and Development Services (PDS) prior to the start of construction.

12. Failure to comply with any conditions of approval may result in permit revocation.

DECISION

The Shoreline Variance application (PL16-0483) is approved, subject to the conditions set forth above.

SO ORDERED, this 3rd day of May, 2017.



Wick Dufford, Hearing Examiner

Transmitted to Applicants: May 3, 2017

See Notice of Decision, page 1, for appeal information.