

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND DECISION

Applicant: CARGILL
ATTN: BOB HILL, PLANT MANAGER
16939 SR 20
BURLINGTON, WA 98233

Agent: LEONARD, BOUDINOT AND SKODGE, INC.
ATTN: STEVE GRICHEL
P.O. BOX 1228
MOUNT VERNON, WA 98273

File No: PL06-0102

Request: Variance and Administrative Reduction of Setbacks

Location: Located at 16939 State Route 20, Burlington, within a portion of Sections 1 and 2, Township 34 North, Range 3 East, W.M., situated within Skagit County, Washington

Land Use Designation: Natural Resource Industrial (NRI)

Summary of Proposal: Variance request from SCC 14.16.160 (6)(c) which requires a maximum gross floor area of 10% for the total lot area. The applicant is requesting a gross floor area of 25% of the total lot area. The proposed expansion includes a 983 square foot addition onto the existing main warehouse and facilities building along with the placement of a new 1,140 square foot office building in the northeast corner of the property. Additionally, the applicant is requesting a reduction of the setbacks to allow a 0 foot setback off of the rear property line for the two proposed structures and a 10 foot setback off of the west property line. The required setback per SCC 14.16.160(6)(a) is 50 feet.

Public Hearing: After reviewing the report of the Planning and Permit Center, the Hearing Examiner conducted a public hearing on August 23, 2006.

Decision: The application is approved, subject to conditions.

EXHIBITS

1. Staff report with staff findings 1-14
2. Application packet dated May 31, 2006
3. Vicinity map
4. Site plans
5. Assessors Section Map
6. WSDOT Correspondence
7. Letter of Completeness dated June 16, 2006
8. Notice of Development published June 22, 2006
9. Notice of Public Hearing Published August 3, 2006
10. Letter from Port of Skagit County

TESTIMONY

Michelle Szafran of Skagit County Planning and Development Services was duly sworn and testified. No others persons gave testimony.

FINDINGS OF FACT

1. The applicant is requesting a variance from SCC 14.16.160(6)(c) which requires a maximum gross floor area of 10% for the total lot area. The applicant is proposing a gross floor area of 25% of the total lot area. The expansion includes a 983 square foot addition onto the existing main warehouse and facilities building and the placement of a new 1,140 square foot office building in the northeast corner of the property. With the proposed expansions, the building area will exceed the total maximum size limit of the lot area by 15%.
2. The attached departmental findings as set forth in the staff report of August 16, 2006 and admitted as Exhibit No. 1 are hereby adopted in full.

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the persons and the subject matter of this proceeding.
2. Any finding herein which may be deemed a conclusion is hereby adopted as such.

CONDITIONS

1. The applicant shall obtain all permits and approvals from the appropriate jurisdiction.
2. Compliance with the Flood Damage Prevention Ordinance shall be required at the Development Permit Review stage.
3. Sewage disposal shall be addressed for the new office with Building Permit.
4. A PUD public water letter is required stating any requirements by PUD for the proposed expansion in order to meet SCC 12.48. Any requirements PUD has will need to be met for final approval of the building permit.
5. The applicant shall comply with WAC 173-60 and SCC 14.16.840 for noise, vibration and light conditions.
6. The Applicant shall comply with Water Quality WAC's for surface and ground water quality, WAC's 173-201A and 173-200."

DECISION

The requested variance from the maximum size limits of SCC 14.16.160 (6)(c) is approved and the associated reduction of setback request pursuant to SCC 14.16.810 (4) is approved, subject to the conditions set forth above.

Bradford E. Furlong
Hearing Examiner *pro tem*

Date of Action: September _____, 2006

Date Transmitted to Applicant: September _____, 2006

RECONSIDERATION/APPEAL

As provided in SCC 14.06.180, a request for reconsideration may be filed with the Planning and Permit Center within 10 days after the date of this decision. As provided in SCC 14.06.120(9), the decision may be appealed to the Board of County Commissioners by filing a written Notice of Appeal with the Planning and Permit Center within 14 days after the date of the decision, or decision on reconsideration, if applicable.