



200304220007

Skagit County Auditor

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AFTER RECORDING RETURN TO:
SKAGIT COUNTY HEARING EXAMINER
302 SOUTH FIRST STREET
MOUNT VERNON, WA 98273

DOCUMENT TITLE: ORDER ON SHORELINE VARIANCE PERMIT SL020708

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: JOANNA SISSONS

ASSESSOR PARCEL NO: P61772, P61703

LEGAL DESCRIPTION: The proposed project is located at 33058 Deer Park Lane, Mount Vernon, WA; on the shoreline of Lake Cavanaugh, within a portion of Section 22, Township 33 North, Range 6 East, W.M., Skagit County, Washington.

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND DECISION

Applicant: Joanna M. Sissons
7600 76th Place NE
Marysville, WA 98270

File No: PL02-0708

Request: Shoreline Variance

Location: 33058 Deer Park Lane, on the shore of Lake Cavanaugh,
within a portion of Sec. 22, T33N, R6E, WM.

Summary of Proposal: To replace an existing cabin with a new residence, set back
32.5 feet from the Ordinary High Water Mark (OWHM) of
the lake, and having 45.8 percent lot coverage.

Shoreline Designation: Rural Residential

Public Hearing: After considering the Report of the Planning and Permit
Center, the Hearing Examiner conducted a public hearing
on March 12, 2003.

Decision: The application is approved, subject to conditions.



FINDINGS OF FACT

1. Joanna Sissons (applicant) seeks approval for the replacement of an existing cabin at 33058 Deer Park Lane on the shore of Lake Cavanaugh.
2. The subject property is lot 93 of Lake Cavanaugh Subdivision 3, Block 1, located within a portion of Sec. 22, T33N, R6E, WM. The shoreline is designated Rural Residential. The zoning district is Rural Village Residential.
3. The County Shoreline Master Program (SMP) requires a 50-foot shore setback in the Rural Residential designation. The site coverage limit for residential development is 30%.
4. The replacement residence proposed would have a shore setback of 32.5 feet and a total lot coverage of 45.8 percent. Variances are sought to allow these deviations from the standard dimensional requirements.
5. There is an existing cabin on the site with a footprint of about 531 square feet. A previous proposal for replacing it was approved by the Hearing Examiner in July of 2001. (PL01-0191) The plan then called for a 30-foot setback from the shore and 44% lot coverage. The Department of Ecology approved these variances as allowed by the Examiner. A Protected Critical Area, covering the setback, was recorded on the property on September 12, 2001
6. The present proposal lot is for a building footprint of 1,853 feet. The total square footage would be 2,450 square feet in a two-story, four level structure. The height would not exceed 30 feet above grade.
7. The existing cabin has a shore setback of 30 feet. The site coverage is 37.2 percent. These numbers are reflective of the general pattern of development along this part of the lake where the slope behind the shore is steep and the lakefront lots were made quite narrow. The subject lot is about 60 feet in width along Deer Park Lane, angling to approximately 70 feet wide along the lake. The lot depth is approximately 225 feet.
8. The existing site coverage of 37.2 percent includes structures, driveway, access easements for neighboring lots, and parking area. The increased size of the new house would occupy space in back of the existing cabin away from the shore. The design this time is for a two-story, rather than a three-story structure. This design is slightly shorter than the previous one, but would encompass 350 additional square feet.
9. The impacts of this proposal are virtually identical to those of the prior one. An Addendum to the Fish and Wildlife Site/Geohazard Report found no differences and recommended the same conditions as before. Those are:
 - a) Silt fences should be erected on the east, south and west sides of the work



- at a distance of five feet away from the edges of the proposed development.
- b) If construction is done during the wet season, another line of silt fencing should be erected just landward of the OHWM.
 - c) All waste construction material should be removed from the riparian buffer at the end of the working day, and no construction materials, including soil should be stored within the riparian buffer.
 - d) Disturbed areas of the site, including the buffer, should be reseeded immediately upon completion of construction and silt fencing should be removed once site vegetation is re-established.
 - e) Drainage from roof downspouts should be distributed at each corner of the completed residence to minimize water accumulation and reduce the erosion potential.
 - f) Concrete footings and slabs and all outdoor brickwork should be covered with polyethylene sheeting if rain is likely to occur within 72 hours of pouring concrete.
 - g) All loose and soft soil should be removed and replaced with more stable structural fill.

10. The Hearing Examiner's prior decision (PL01-0191) provides additional useful site information (particularly with regard to the steep topography) and is by this reference incorporated herein.

11. SMP 10.03(1) sets forth the criteria for granting shoreline variances for developments landward of the ordinary high water mark. The criteria are:

- a. That the strict application of the bulk dimensional or performance standards set forth in this Master Program precludes or significantly interferes with a reasonable use of the property not otherwise prohibited by this Master Program.
- b. That the hardship described above is specifically related to the property and is the result of unique conditions such as irregular lot shape, size or natural features and the application of this Master Program and not, for example, from deed restrictions or the applicant's own actions.
- c. That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.
- d. That the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the same area and will be the minimum necessary to afford relief.
- e. That the public interest will suffer no substantial detrimental effect.



12. The Staff Report analyzes the application in light of these criteria and determines that, as conditioned, the project will be consistent with them. The Examiner concurs in this analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

13. There was no public testimony on this proposal. The file contained two favorable comment letters. These were from neighbors adjacent to the east and west.

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

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the persons and the subject matter of this proceeding.

2. The application is exempt from the procedural requirements of the State Environmental Policy Act (SEPA). WAC 197-11-800(6)(b). No change in land use or density is proposed.

3. The proposed development does not conflict with the policies of either the Shoreline Management Act or the local Master Program. As conditioned, the proposal meets the variance requirements of SMP 10.03(1).

4. The following conditions should be imposed:

(1) The applicant shall obtain a Skagit County Building Permit and all other necessary approvals.

(2) The applicant shall strictly adhere to the project information (site diagram) submitted for this proposal, If the applicant proposes any modifications, she shall request a permit revision from the Planning and Permit Center prior to the start of construction.

(3) The applicant shall comply with all recommendations of the Fish and Wildlife/ Geohazard Report, as set forth in Finding 9 above.

(4) The project must be started within two (2) years of the date of the Department of Ecology's approval and finished within five (5) years thereof, or the variances shall become void.

(5) Failure to comply with all conditions of this decision may result in revocation of the approval.



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

DECISION

The requested Shoreline Variances (shore setback and shoreline area coverage) are approved, subject to the conditions of approval set forth in Conclusion 4 above.

Wick Dufford

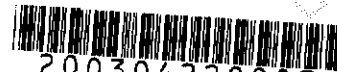
Wick Dufford, Hearing Examiner

Date of Action: April 7, 2003

Copies Transmitted to Applicant: April 7, 2003

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.



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