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200705150130

Skagit County Auditor

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SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES

LOT OF RECORD CERTIFICATION

File Number: PL_05-0038 REVISED

Applicant Name: Janicki Logging & Construction

Property Owner Name: Overlook Crest, LLC

Having reviewed the information provided by the applicant, the Department hereby finds that the parcel(s) bearing Skagit County Parcel Number(s):

P#(s): P# 104162, 30512, 30517; 340530-3-001-0200, 340530-3-001-0002, 340530-3-001-0002, 340530-4-002-0009. All as one parcel per deeds. Lot of Record based on Variance V88-006.ORD, by Skagit County fire Protection District # 4, Clear Lake. Within a Ptn of the NE of the SW ¼ and within a Ptn of the NW ¼ of the SE ¼ within Sec 30, Twp. 34, Rge. 5.

Lot Size: approximately 77.2 acres

1. CONVEYANCE

- IS**, a Lot of Record as defined in Skagit County Code (SCC) 14.04.020 or owned by an innocent purchaser who has met the requirements described in SCC 14.18.000(9) and RCW 58.17.210 and therefore IS eligible for conveyance.
- IS NOT**, a Lot of Record as defined in SCC 14.04.020 or owned by an innocent purchaser who has met the requirements described in SCC 14.18.000(9) and RCW 58.17.210 and therefore IS NOT eligible for conveyance or development.

2. DEVELOPMENT

- IS**, the minimum lot size required for the Agricultural-Natural Resource Land zoning district in which the lot is located. This parcel is NOT eligible for residential development. Non-residential development would be allowed in compliance with SCC 14.16.400.
- IS NOT**, the minimum lot size required for the _____ zoning districts in which the lot is located, but does meet an exemption listed in SCC 14.16.850(4)(c)(viii)(B) and therefore IS eligible to be considered for development permits.

Originally Approved:

Authorized Signature:

Max Roeder

Date: 5/2/2007

See attached map for Lot of Record boundaries.

SKAGIT COUNTY HEARING EXAMINER
STATE OF WASHINGTON

In the matter of:)	
Application No. V88-006)	Findings of Fact
of SKAGIT COUNTY FIRE)	Entry of Order No. V88-006.ORD
PROTECTION DISTRICT #4)	
for a Variance)	

This matter having come before the Skagit County Hearing Examiner under application filed with the Skagit County Department of Planning and Community on behalf of SKAGIT COUNTY FIRE PROTECTION DISTRICT #4, c/o ROCKY MCDONALD P.O. BOX 321, CLEAR LAKE, WA 98235 requesting a Variance to: 1) create a 1.5 acre tract; 2) allow two legal parcels each less than 20 acres in size; 3) to allow the divisions without benefit of short platting.

Located on Gunderson Road in Section 30, Township 34 North, Range 5 East, W.M., Skagit County, Washington, as required by Chapter 14.04 of the Skagit County Code.

The subject property is more completely described as follows:

a portion of the Southwest 1/4 and a portion of the Southeast 1/4 of Section 30, Township 34 North, Range 5 East, W.M. situate in Skagit County, Washington.

And, notice having been given to all property owners within 300 feet of said property and all matters in the file having been considered together with the testimony, evidence, and exhibits in open hearing and made a part of the record in this matter; the Skagit County Hearing Examiner makes the following findings of fact.

FINDINGS OF FACT

1. March 9, 1988 was fixed as the date of the public hearing and the Hearing Examiner held a public hearing on that date on the said application.
2. The public hearing was advertised in accordance with the requirements of Chapter 14.04 of the Skagit County Code. The property was also properly posted in accordance with Chapter 14.04 of the Skagit County Code and all property owners within 300 feet of the location of the subject property were properly notified by mail.



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3. The application was reviewed in accordance with the State Environmental Protection Act guidelines and the Skagit County Ordinance implementing that statute. The Application was found to be exempt from the provisions of that Act.
4. The subject property is not located in a Floodplain.
5. All persons present at the public hearing were given a opportunity to present testimony and all correspondence received was made a part of the record.
6. The Applicant requested a three part variance: 1) To allow the division of a 1.5 acre tract on which to construct a garage to house a fire truck for the Fire District. 2) The applicant is requesting that because of the public benefit to be derived in this situation, that the 19.80 acre and the 18.70 acre tracts continue to be considered legal lots of record as described being south of Gunderson Road. 3) The last part of the Variance Request to allow the two prior requests without benefit of short platting.
7. The property is zoned AGRICULTURAL RESERVE and is classified as AGRICULTURAL on the SOUTH CENTRAL District Comprehensive plan.
8. The Department of Planning and Community Development Staff (Mrs. Grace Roeder) presented the attached report and findings. The Hearing Examiner adopts this report and findings as part of this final order.
9. Section 14.04.223(1)e of the Skagit County Code establishes criteria and standards for consideration of Variances. These criteria and standards are as follows:
- i) That special conditions and circumstances exist which are peculiar to the land, structure, of building involved and which are not applicable to other lands, structures, or buildings in the same district,
 - ii) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter,
 - iii) That the special conditions and circumstances do not result from the actions of the applicant,
 - iv) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.
10. The Guidelines for the Division of Agricultural Land are very specific regarding recognized allowable divisions of Agricultural and Agricultural Reserve Zoned properties.



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11. The applicant is proposing conveyance of approximately a 1.5 acre tract. That parcel is proposed to be in an area that would not interfere with any current farming activities as it is separated from the bulk of the acreage by Gunderson Road.
12. Although, the request for the 1.5 acre tract does not meet any of the recommended guidelines with the policies, "this request is, by its very nature made for the purpose of promoting the public health, safety and general welfare."
13. The applicant has indicated in the application that the conveyance of the proposed parcel is to be a "gift deed". The applicant has indicated that the justification for this request is due to the fact that the 1.5 acre parcel is located north of Gunderson Road and the parent parcels are located south of Gunderson Road. Thus all three parcels may be easily defined.

CONCLUSIONS

The Hearing Examiner, having duly considered the matter, including all the evidence presented and on file, specifically the application, the environmental checklist and other environmental information, information and comments from interested persons, information and comments from other county departments affected and from the Prosecuting Attorney; independent studies of the Planning Department, and the evidence presented at the public hearing; finds that:

1. The reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
2. The granting of the variance will be in harmony with the general purpose and intent of this chapter, will not be injurious to the neighborhood, and will not be detrimental to the public welfare.
3. The project, with the appropriate conditions, modifications, and/or restrictions would be compatible with the environment and would carry out the objectives of the comprehensive plan, the zoning ordinance, and other plans, codes, and ordinances of Skagit County.



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DECISION

The Hearing Examiner APPROVES the application for a Variance for 1) creation of a 1.5 acre tract; 2) allow two legal parcels each less than 20 acres in size; 3) to allow the divisions without benefit of short platting subject to the following condition:

1. Only the construction of a building for use by Skagit County Fire District #4 shall be allowed. If, for some reason, the property is not acquired by the Fire District, the property shall revert and the Variance shall become null and void.
2. The Applicant shall obtain all other necessary permits from Skagit County and any other governmental unit with jurisdiction prior to the initiation of any site work.

This decision shall become final fourteen (14) days from the date of this decision or on March 31, 1988, unless appealed in accordance with Chapter 14.04.240 (16) of the Skagit County Code.

Robert C. Schofield

 Robert C. Schofield
 Skagit County Hearing Examiner

Date of Action: March 17, 1988

Copies transmitted to Applicant: March 17, 1988

Attachment: Staff Report and Findings

CC: Applicant
 Applicant File
 County Commissioners
 Hearing Examiner



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