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Skagit County Planning and Development Services



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**SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES
FINDINGS OF FACT**

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: ADMINISTRATIVE VARIANCE PL07-0922

APPLICANT: DAVID PORTNOW

ADDRESS: P.O. BOX 13536
DES MOINES, WA 98198

PROJECT LOCATION: Located south of the town of Hamilton along the south side of the Skagit River, and west and adjacent to 35837 Fox Creek Lane, Sedro-Woolley, within a portion of Section 13 & 24, Township 35 North, Range 6 East W.M., situated within Skagit County, Washington.

PROJECT DESCRIPTION: The applicant requests an Administrative Variance for a reduction of the setback off of the 60 foot wide access road easement located within the central area of the property from 100 feet to 20 feet (Fox Creek Lane and Bear Trail Lane) to provide for a 11,530 square feet building envelope and to allow for a single family residence. SCC 14.16.420(5) requires a minimum front setback of 100 feet for structures.

ASSESSOR'S ACCOUNT NUMBERS: 350624-1-001-0103
350613-4-007-0100

PROPERTY NUMBER: P100077
P100087

ZONING/ COMPREHENSIVE PLAN: The proposed project is located within a Secondary Forest Natural Resource Lands (SF-NRL) zoning/Comprehensive Plan designated area as identified within the Skagit County Comprehensive Plan and associated maps as adopted July 24, 2000 and as thereafter amended.

DEPARTMENTAL FINDINGS: Pursuant to 14.16.810(4), the Administrative Official may reduce the required front, side or rear setbacks where topography or critical areas or the lot's size and configuration impact the reasonable development of the property. To reduce the front or rear setback, the Administrative Official must determine that the public health, safety and welfare will be maintained. Consultation with the Public Works Department concerning traffic safety may be solicited during this analysis.

1. The subject property is approximately 20 acres in size and measures approximately 805 feet in width along the north property line, approximately 803 feet in width along the south property line, approximately 615 feet in depth along the west property line, and approximately 1327 feet in depth along the east property line. The subject property encompasses Fox Creek Lane (a minor access road), South Skagit Highway, and lies south of the Skagit River.
2. The proposed future building site will not be able to meet the current front setback requirements due to critical areas, topography, and lot configuration. SCC Section 14.16.420(5) requires a minimum front setback of 100 feet for structures; this is an 80 foot reduction request at the closest point.
3. A letter of completeness was issued per SCC Section 14.06.100. A Notice of Development was published and posted on the property on January 31, 2008 per SCC Section 14.06.150. All property owners within 300 feet of the property were sent the Notice of Development. There was a fifteen-(15) day public comment period associated with the Notice which ended on February 15, 2008. No public comments were received in regard to this proposal.
4. The proposal was reviewed by Skagit County critical areas staff. Staff indicated that Critical areas have been approved with the requirement that the recommendations included in the Fish and Wildlife and Geohazard report prepared by Edison Engineering dated January 14, 2007 are included as conditions of permit approval.
5. The proposal was reviewed by the Skagit County Shorelines Administrator. The Shorelines Administrator indicated that P100087 is in a Shoreline Conservancy designation. Shoreline residential development requirements must be met.

The property includes two parcel numbers P100077 and P100087. The proposed building site will be located within P100077.

6. The proposal was reviewed by the Skagit County Public Works Department. Public Works indicated that they have no objection or comments to the project as proposed.



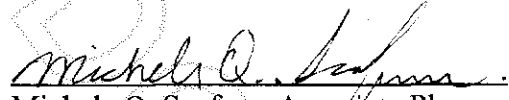
7. Staff finds that the proposed reduction in setback request is reasonable due to the existing topography, existing lot configuration, and the existing critical areas.
8. Staff finds that the requested setbacks would not create any problems with regard to the maintenance of public health, safety or welfare. Additionally, no traffic safety concerns were identified with the proposal.

Decision:

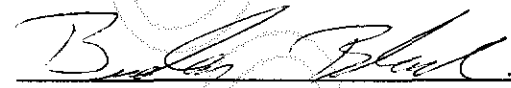
The Director hereby approves the Administrative Decision to allow reasonable use of the property subject to the conditions and modifications listed below:

1. The applicant shall obtain all necessary permits.
2. The building permits for the proposed structure shall be issued in accordance with the approved reduction in setback as requested.
3. A copy of this decision shall be submitted with the building permit at time of application.
4. The applicant shall comply with the recommendations included in the Fish and Wildlife and Geohazard report prepared by Edison Engineering dated January 14, 2007.
5. ***Please be advised that this approval for reduction of setback is based on a limited review specific to the criteria for this application (14.16.810 (4) SCC). Other County requirements may alter your proposal and require revision to your plan to comply with all jurisdictional requirements for development.***

Prepared By:


Michele Q. Szafran, Associate Planner

Reviewed By:


Brandon Black, Senior Planner – Team Supervisor

Date of approval: June 11, 2008

The applicant and/or a party of record may appeal the decision of the Administrative Official to the Skagit County Hearing Examiner pursuant to the provisions of Section 14.06.110(7). Parties with standing to appeal must submit the appeal form and appeal fees to the Planning and Development Services within 14 calendar days of the publication of this Notice pursuant to SCC 14.06.110.

Reduction in setback request #PL07-0922



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