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Skagit County Planning and Development Services



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Skagit County Auditor

5/7/2010 Page 1 of 4 1:27PM

**SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES
BEFORE THE ADMINISTRATIVE OFFICIAL**

ADMINISTRATIVE DECISION

Findings, Conclusion and Decision

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: ADMINISTRATIVE VARIANCE #PL10-0032

APPLICANT/ OWNER: LESLIE & ROXANN CLARK
25661 LAKE CAVANAUGH RD.
MOUNT VERNON, WA 98274

PROJECT LOCATION: Located at 25661 Lake Cavanaugh Road, Mount Vernon, within a portion of Section 17, Township 33N, Range 5 E W.M., situated within Skagit County, Washington. (Parcel # P18097 & P123293).

PROJECT DESCRIPTION: The applicant requests an Administrative Reduction in Setback (#PL10-0032) for a reduction of the front (west) setback along Lake Cavanaugh Road from 100 feet to 30 feet for a proposed garage structure. SCC 14.16.420(5) requires a minimum front setback of 100 feet for structures.

ASSESSOR'S ACCOUNT NUMBERS: 330517-1-001-0020 & 330517-1-001-0200
PROPERTY NUMBER: P18097 & P123293

ZONING/ COMPREHENSIVE PLAN: The proposed project is mostly located within a Secondary Forest-Natural Resource Lands (SF-NRL) and a portion along the northeast of the property is within a Industrial Forest-Natural Resource Lands (IF-NRL) zoning/Comprehensive Plan designated area as identified within the Skagit County Comprehensive Plan and associated maps as adopted October 10, 2007 and as thereafter amended.

JURISDICTION

The Director of Planning and Development Services or his/her designee has jurisdiction to make a decision on this application without a public hearing. Skagit County Code (SCC) 14.06.050(1)(a)(xii) or SCC 14.06.050(1)(a)(xiii).

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 measures approximately 655 feet in width along the west property line, approximately 455 feet in width along the east property line, approximately 1,810 feet in depth along the north property line, and approximately 1,710 feet in depth along the south property line. The subject property is physically located along the east side of Lake Cavanaugh Road. The subject site slopes on the east side of the property and the site is heavily treed. A 2,138 square foot residence is currently present on the subject site. The residence is located approximately 40 feet from the front (west) property line at the closest point, and the proposed structure is to be approximately 30 feet from the front (west) property line.
2. The applicant is proposing to construct a proposed 24 foot by 32 foot garage structure. The request is to allow the garage structure to be placed 53 feet off of the front (west) property line/easement along Lake Cavanaugh Road. The request for a 30 foot setback would also allow for future expansion of the garage to include a motorhome bay on the west side of the proposed garage structure. The proposed structure will not be able to meet the current front setback requirements due to the lots topography and critical areas. SCC Section 14.16.420(5)(a) requires a 100 foot front setback; this is a 70 foot reduction request at the closest point.
3. A letter of completeness was not issued but the application was determined complete on March 2, 2010 per SCC Section 14.06.100. A Notice of Development was published and posted on the property on March 11, 2010 per SCC Section 14.06.150. All property owners within 300 feet of the property were sent the Notice of Development. There was a thirty-(30) day public comment period associated with the Notice which ended on March 26, 2010. No public comment letters were received.



201005070048

Skagit County Auditor

5/7/2010 Page 2 of 4 1:27PM

4. The proposal was reviewed by Skagit County critical areas staff. Staff indicated the following:
 - “Standard critical areas review of this project location was completed with BP00-1139. A geologic hazard site assessment was completed for that permit. The conditions of that approval apply to this proposal.”
 - “The Geotechnical Evaluation report by JB Scott and Associates, dated Sept 21, 2000 shall be implemented. Conditions include, but are not limited to a minimum 30 foot set back from slopes exceeding 40% and the placement of curtain drains to collect surface water runoff. Future development proposals may require additional critical areas review.”
5. The proposal was reviewed by the Skagit County Public Works Department. Public Works indicated that they have no objection to the above mentioned variance request.
6. Staff finds that the proposed “land use” reduction in setback request is reasonable due to the topography and critical areas located within the property which impacts the reasonable development of the property.
7. 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

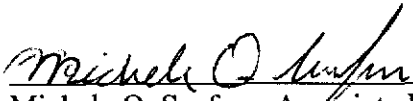
The Director hereby approves the Administrative Variance to allow reasonable use of the property and allow for a 70 foot reduction from the front property line for the proposed garage structure subject to the conditions and modifications listed below:

CONDITIONS

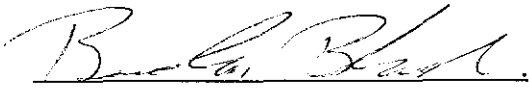
1. The applicant shall obtain all necessary permits.
2. The building permit for the proposed structure shall be issued in accordance with the approved reduction in setback as requested.
3. A copy of this decision shall be submitted with the building permit at time of application.
4. The Geotechnical Evaluation report by JB Scott and Associates, dated Sept 21, 2000 shall be implemented. Conditions include, but are not limited to a minimum 30 foot set back from slopes exceeding 40% and the placement of curtain drains to collect surface water runoff. Future development proposals may require additional critical areas review.
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.
6. All fees, including recording fees, shall be paid prior to final approval.



Prepared By:


Michele Q. Szafran, Associate Planner

Reviewed By:


Brandon Black, Senior Planner – Team Supervisor

Date of approval: April 21, 2010

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.



201005070048

Skagit County Auditor

5/7/2010 Page

4 of

4

1:27PM