

NOTICE OF DECISION

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

- Applicant:** Crystal Scheer-Sidelinger
933 N. Marshall Drive
Camano Island, WA 98282
- Request:** Critical Areas Variance, PL20-0340
Zoning Setback Variance, PL20-0530
- Location:** 4868 Blank Road, within Lot 1 of Short Plat 94-007,
located in a portion of S1/2 Sec. 25, T36N, R4E., W.M.
Parcel Nos: P49993, P117318.
- Zoning:** Agricultural-Natural Resource Lands (Ag-NRL)
- Summary of Proposal:** To obtain a Critical Areas Variance and a Zoning Variance to accommodate the construction of a single-family replacement residence with attached garage and a new septic drainfield. The new home will occupy the footprint of an existing mobile home and an area that consists primarily of periodically mowed grass.
- Public Hearing:** November 24, 2021. Testimony by Planning and Development Services (PDS) and by Applicant's representative, Ben Sidelinger.
- Decision/Date:** The application is approved, subject to conditions. December 2, 2021.
- Reconsideration/Appeal:** Reconsideration may be requested by filing with PDS within 10 days of this decision. Appeal is to the Board of County Commissioners by filing with PDS within 14 days of this decision, or decision on reconsideration if applicable.
- Online Text:** The entire decision can be viewed at:
www.skagitcounty.net/hearingexaminer

FINDINGS OF FACT

1. Crystal Scheer-Sidelinger seeks permits to allow the construction of a new single-family residence to replace an existing manufactured home on property encumbered by wetland and stream buffers.

2. The property is located at 4868 Blank Road, within Lot 1 of short Plat 94-007, located in a portion of S1/2 Sec. 25, T36N, R4E. W.M. The parcel numbers are P49993 and P117318. The property is approximately five acres in size

3. The zoning of the site is Agricultural-Natural Resource Land (Ag-NRL) but the property has not been in agricultural use for decades.

4. The property currently contains a 1,456 square foot manufactured home and a 392 square foot detached garage. There are also two storage sheds on site.

5. The proposal is to demolish the existing home and to build a new 2,500 square-foot house with attached garage within the footprint of the existing home plus an area of periodically mowed grass.

6. The replacement home will be located a minimum of 75 feet from a Type F stream, 35 feet from a Category II wetland, and 15 feet from the road right-of-way. The standard setbacks are 100 feet from the stream, 225 feet from the wetland, and 35 feet from the right-of-way. Reduction of the road setback will create a larger buffer between the development and the stream.

7. A new septic drain field will be installed, located approximately 15 feet from the wetland edge. The surface of the drain field will be planted with native shallow rooted species.

8. The site assessment/wetland mitigation plan and the fish and wildlife habitat mitigation plan were professionally prepared using best available science. These plans will be implemented. All direct impacts to the onsite stream, wetland and forested buffer will be avoided.

9. The location of the replacement home and its size were chosen to minimize impacts while allowing reasonable use of the land. The remaining buffer areas will be restored to the extent feasible using native vegetation. All mature vegetation onsite will be retained. The plan is anticipated to result in an improvement over existing conditions.

10. Notice of the development application was published on September 24, 2020, and notice of revised application was published on January 14, 2021. Posting and mailing were accomplished as required by law.

11. Two comment letters were received. Both were concerned with stewardship of the

environment. The applicant responded at length, emphasizing that the project will result in clean-up of the property and that new plantings will be made. She also noted that the footprint of the project will impose no increased impacts. In sum, she argued that site conditions will improve.

12. Concern was also expressed about access. This permit decision will not affect property rights of neighbors.

13. Review of the application by concerned agencies elicited no critical comments. The project area is located outside the flood hazard area. A septic permit has been issued for the site. Water review will be completed prior to submittal of the building permit application. No comments were received from Federal, State or Tribal resource agencies.

14. The Staff reviewed the application in light of the criteria for Critical Areas Variances and for Zoning Setback Variances and determined that, as conditioned, the proposal will comply with applicable approval criteria. The Hearing Examiner concurs with this analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

15. The variances are the minimum that will make possible the reasonable use of the land.

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

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over these proceedings. SCC 14.24.140, SCC 14.10.020.

2. The application is exempt from compliance with the procedural requirements of the State Environmental Policy Act (SEPA).

3. The proposal, as conditioned, meets the criteria for approval of a Critical Areas Variance. SCC 14.24.140(3)

4. The proposal, as conditioned, meets the criteria for approval of a Zoning Variance. SCC 14.10.040.

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

CONDITIONS

1. The project shall be carried out as described by the application materials, except as the same may be modified by these conditions.

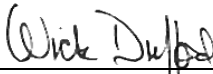
2. The applicant shall obtain all required permits and approvals and abide by the conditions of same.

3. Temporary erosion/sedimentation control measures in accordance with Chapter 14.32 SCC (Stormwater Management) shall be used.
4. The applicant shall comply with all other applicable local and state regulations.
5. The recommendations of the site assessment and mitigation plan by Skagit Wetlands and Critical Area, dated July 2020, shall be considered conditions of approval.
6. The recommendations of the Final Stream Buffer Mitigation Plan by Hamer Environmental, dated March 2021, shall be considered conditions of approval.
7. Additional review of the drilled well on site shall be required prior to submittal of the building permit application.
8. A Protected Critical Area (PCA) site plan shall be recorded with the County Auditor's office prior to submittal of the building permit application.
9. The Critical Areas Variance shall expire if the use or activity for which it is granted is not commenced within three years of final approval. Knowledge of the expiration date is the responsibility of the applicant.
10. Failure to comply with any permit condition may result in permit revocation.

ORDER

The requested Critical Areas Variance (PL20-0340) and Zoning Setback Variance (PL20-0530) are granted, subject to the conditions set forth above.

SO ORDERED, this 2, day of December 2021.



Wick Dufford, Hearing Examiner

Transmitted to Applicant, County Staff and interested persons, December 6th, 2021.