

NOTICE OF DECISION

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

Applicant: Glenn Tuttle
17523 36th Ave. West
Lynnwood, WA 98037

Request: Administrative Zoning Setback Variance, PL20-0292
Critical Areas Variance, PL20-0293

Location: 19273 West Big Lake Boulevard, comprising Lots 117, 118, 119
and 120, First Addition to Big Lake Water Front Tracts. The
property is within SE1/4NW1/4 Sec. 7, T33N, R5E, W.M.

Land Use Designation: Zoning: Rural Village Residential (RVR) and Rural Reserve (RRv)

Summary of Proposal: Reduce shoreline buffer from 100 feet to 50 feet; reduce wetland
buffer from 150 feet to 50 feet; reduce front yard setback from 35
feet to 10 feet – all to accommodate construction of a single-family
residence with attached garage and, possibly, septic system.

Public Hearing: April 14, 2021 by electronic means. Testimony by Planning and
Development Services (PDS) staff and Applicant. No public
testimony.

Decision/Date: The application is approved, subject to conditions. April 28, 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. Glenn Tuttle seeks permission to build a single-family residence on the shore of Big Lake with the reduction of various setbacks.
2. The site is at 19273 Big Lake Boulevard. It is within the SE14/NW1/4 Sec. 7, T33N. R5E/ W.M. The Parcel No. is P62140.
3. The subject parcel is 2.96 acres in size and square in shape. West Big Lake Boulevard divides the property with .6 acres west of the road and 2.36 acres east of the road. The building site is on the east side and is zoned Rural Village Residential (RVR).
4. The site is currently heavily vegetated. There are steep slopes on both the east and west sides of the road. The small size and severity of slope on the west side makes the east side more feasible for development.
5. The proposal is for using on 5,201 square foot cleared area east of the road to accommodate a 1,606 square foot residence with attached garage. This area is located on a 160' x 65' bedrock plateau, 51 feet above the lake and 18 feet above the road.
6. The property contains a portion of a 4.1 acre Category II lake fringe wetland which encompasses the entire shoreline of the parcel. The wetland consists mainly of the aquatic bed with some emergent and shrub-scrub vegetation. The parcel is also within a Fish and Wildlife Conservation Area and within the Shoreline jurisdiction. The east side contains slopes classified as a Geohazard.
7. Per Geologically Hazardous and Fish and Wildlife Assessments and Wetland Delineation, performed by Edison Engineering, the site selected is a safe building area. The building envelope will meet a 15-foot setback from the edge of the bluff above the lake and a 10-foot setback from the edge of the bluff above the road as recommended by Edison.
8. Due to the presence of wetlands and geohazards, the proposed house location is the only adequate site for development on the parcel. But, use of the building site will require reducing the critical areas shoreline buffer from 100 feet to 50 feet; reducing the Category II wetland buffer from 150 feet to 50 feet; and reducing the front yard zoning setback from 35 feet to 10 feet. (The proposal meets the relevant setback under the Shoreline Master Program.)
9. Outside the proposed house, the area disturbed during construction will be replanted and the remaining buffer areas will be enhanced with native vegetation. Further the buffer areas will be identified as a Protected Critical Area, ensuring long-term protection of wetland and shoreline functions and values.
10. Many lakeshore homes have already been built around Big Lake. The proposed site is in an area of relatively fewer homes, but nonetheless a residential area, as indicated by the Rural Village Residential zoning. The subject parcel consists of three platted lots created by the recording of a 1912 plat. The property will be served by public water and sewage disposal will be by either public sewer or a septic system.
11. The proposed house will be similar in nature to others along the Big Lake shoreline. The Examiner finds that the buffer/setback reductions sought are the minimum necessary to provide for reasonable use of the property.

12. The proposed home will be in harmony with the neighborhood but, because of unique site conditions resulting from presence of wetlands, lakeshore and geohazards, cannot be built without the variances requested.

13. Notice of Development application was posted and published on August 27, 2020. Notice by mail was made as required by law. No adverse comments were received. One comment letter in support was received. Notice of the public hearing was properly made. There was no public comment at the hearing.

14. The Staff reviewed the application in light of the Critical Areas Variance approval criteria and the zoning variance approval criteria and determined that, as conditioned, the proposal meets the relevant 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. 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(1)(b), SCC 14.06.060.

2. The application is exempt from the procedural requirements of SEPA.

3. The proposal, as conditioned, is consistent with the criteria for granting a Critical Areas Variance SCC 14.24.140(3).

4. The proposal, as conditioned, is consistent with the criteria for granting 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 in the application materials, except as the same may be modified by these conditions.

2. The applicant shall obtain all other required permits and shall abide by the conditions of same. Approval of the selected sewage disposal system shall occur at the building permit stage.

3. The recommendations of the Edison Engineering Report, dated April 23, 2020, shall be considered conditions of approval unless modified by the conditions below. These recommendations include specific foundation requirements and a 15-foot setback from the edge of the bluff above the lake and a 10-foot setback from the edge of the bluff above the road, as depicted on the critical area site plan.

4. Prior to final inspection of the new residence, all mitigation measures recommended in the Edison Engineering Report must be completed.

5. The applicant shall submit an as-built site plan of the mitigation plantings as well as provide photographs of the installed plants. This must be submitted and approved by Planning

and Development Services (PDS) within 30 days of plant installation.

6. All mitigation plants shall maintain a survival rate of 100% following the first year and 85% following years three and five.

7. The site shall be maintained to exclude English Ivy, Himalayan Blackberry, Japanese Knotweed, and Scotch Broom within the mitigation area.

8. Removal of any hazard trees within the Protected Critical Area buffers will require additional review by a licensed geologist to determine the potential impact to slope stability. All trees that are removed must be replaced consistent with SCC 14.24.130.

9. Temporary erosion and sedimentation control measures shall be utilized in accordance with Chapter 14.32 Skagit County Code (Stormwater Management).

10. A Protected Critical Area (PCA) site plan shall be recorded with the County Auditor's Office prior to submittal of the building permit application.

11. All development shall comply with the Skagit County Shoreline Management Master Program.

12. All development shall comply with development standards for the applicable land use zone (SCC 14.16.310, SCC 14.16.320).

13. The critical areas variance shall expire if the use 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.

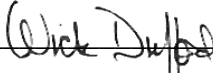
14. If the applicant proposes any modification of the subject proposal, as approved, it shall notify PDS prior to the start of construction.

15. Failure to comply with any permit condition may result in permit revocation.

ORDER

The requested Administrative Zoning Setback variance (PL20-0292) and Critical Areas Variance (PL20-0293) are approved, subject to the conditions set forth above.

SO ORDERED, this 28th, day of April, 2021.



Wick Dufford, Hearing Examiner

Transmitted to Applicant, Staff and interested parties, April 28, 2021