

NOTICE OF DECISION

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

- Applicant:** Washington State Department of Fish and Wildlife
600 Capitol Way North
Olympia, WA 98501
- Contact:** Bridgette.glass@dfw.wa.gov
- Request:** Shoreline Variance, PL20-0499
Critical Areas Variance, PL20-0500
Zoning Variance, PL20-0501
- Locations:** 21957 Wylie Road, within NW1/4 Sec. 25, T33N, R3E, W.M.
- Land Use Designations:** Shorelines: Rural
Zoning: Public Open Space of Regional/Statewide Importance
- Summary of Proposal:** To remove an existing 10' x 36' mobile office trailer and replace it with a 12' x 56' mobile office trailer. Requires reducing Shoreline side setback from 50' to 15', increasing Shoreline height limit from 15 feet to 18 feet to meet flood elevation requirements, reducing critical areas wetland buffer from 110 feet to 50 feet, and reducing 35-foot zoning side setback to 15 feet
- Public Hearing:** April 14, 2021 via electronic means. Testimony by Planning and Development Services (PDS) staff and Applicant's representative. No public testimony.
- Decision/Date:** The application is approved, subject to conditions. April 28, 2021
- Reconsideration/Appeal:** Shorelines: Reconsideration may be requested by filing with PDS within 5 days of this decision. Appeal is to the Board of County Commissioners by filing with PDS within 5 days of this decision, or decision on reconsideration if applicable.
Zoning: 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. The Washington State Department of Fish and Wildlife (WDFW) seeks variances to replace an existing mobile office trailer with a larger mobile office trailer. The new trailer will be part of the WDFW Skagit Wildlife Area headquarters unit.

2. The location is at 21957 Wylie Road on Fir Island on the northern border of the South Fork Skagit River delta. The parcel is within NW1/4 Sec. 25, T33N, R3E, W.M. The Parcel Number is P16111.

3. The old office will be removed and the new office will be placed on the same site on an enlarged gravel surface. The existing office is 10' x 36' in size. The replacement trailer will be 12' x 56'. The new office will be 18 feet high, exceeding the 15-foot height limit due to flood elevation requirements. It will include an ADA compliant ramp.

4. The project will require three setback variances: a) shoreline—reduced from 50 feet to 15 feet, b) wetlands—reduced from 110 feet to 15 feet, c) zoning—side setback reduced from 35 feet to 15 feet.

5. The property contains three connecting dikes and a boat ramp. A tide gate is located at the intersection of one of the dikes and Wylie Slough. The property is used by the public for bird watching, waterfowl hunting and light recreational activities. Adjacent land is agricultural. A nearby area was recently the subject of estuary habitat restoration.

6. In the immediate area near the proposed replacement building are a large gravel parking area, a picnic shelter, a visitor information stall and pit bathrooms. A Manager's residence and equipment shop/storage building are nearby.

7. The subject development is within an A7 designated flood hazard area and will require a floodplain development permit.

8. The proposal was circulated to County departments. No concerns were expressed.

9. A Notice of Development Application was published in a newspaper of general circulation on December 7, 2020 and December 24, 2020. Notice was provided by mail to nearby owners and occupants as required by law. No public comments were received.

10. The Staff evaluated the application in light of the relevant variance criteria and determined that, as conditioned, the proposal meets the standards for approval. 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.

11. 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. SMP 10.2(3), SCC 14.24.140(1)(b), SCC14.06.060.

2. The proposal is exempt from the procedural requirements of the State Environmental Policy Act. WAC 197-11-800(6)(e).

3. The proposal is consistent with the local Shoreline Master Program criteria for granting a variance. SMP 10.03.

4. The proposal is consistent with the criteria for granting a Critical Areas variance. SCC 144.24.140(3).

5. The proposal is consistent with the criteria for granting a Zoning variance. SCC 14.10.040.

6. 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 abide by the conditions of same.

3. The project shall be subject to the stormwater and flood requirements of Chapters 14.32 and 14.34 SCC. Temporary erosion/sedimentation control measures shall be used.

4. The applicant shall comply with all other relevant County and State regulations.

5. A copy of this decision shall be submitted with the building permit application.

6. The project shall commence within two years of Shoreline permit approval and completed within five years thereof.

7. The Critical Areas variance shall expire if the use of activity for which it is granted is not commenced within three years of final approval.

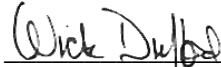
8. If the applicant proposes any modification of this proposal, as approved, it shall notify PDS prior to the start of construction.

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

ORDER

The requested Shoreline Variances (PL20-0499), Critical Areas Variance (PL-20-0500), and Zoning Variance (PL20-0501) are approved, subject to the conditions set forth above.

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



Wick Dufford, Hearing Examiner

Transmitted to Applicant and County Staff, April 28, 2021.