



# Hearing Examiner

*August 23, 2023 (Continued to August 25, 2023) @ 9:00 AM*

By: Kevin Cricchio, AICP, ISA, Senior Planner

Planning & Development Services Department

PL22-0133:

SUBJECT PROPOSAL:

On March 23, 2022, Skagit County Planning & Development Services received an application for a Special Use Permit to allow an Animal Preserve (Wildlife Education, Conservation, and Sanctuary Center) on the subject property. The subject property lies within the Rural Reserve (RRv) zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps. The subject application was deemed complete on April 15, 2022.

The proposed animal preserve has been in operation for many years at this location. The applicant's narrative indicates that the organization has been a part of the Anacortes and Skagit County community for over 23 years. The applicant has applied for an "After the fact" Special Use Permit to allow for the continued operation onsite.

PL22-0133:

PROJECT LOCATION:

The subject property is addressed as 4709 Welch Lane, Anacortes, Washington, and is located in a portion of the NE ¼ of Section 35; Township 35 North; Range 01 East; Willamette Meridian, situated in unincorporated Skagit County, Washington

SUBJECT PARCEL:

Parcel #: P128398

PL22-0133:

APPLICANT:

Predators of the Heart  
C/O: Ashley Carr, Manager  
6128 Parkside Drive  
Anacortes, Washington 98221

LANDOWNER:

Predators of the Heart  
4709 Welch Lane  
Anacortes, Washington 98221

**Details for Parcel: P128398**



**Jurisdiction:** SKAGIT COUNTY  
**Zoning Designation:** Skagit County - Rural Reserve  
**Recorded Documents:** Documents scanned and recorded by the Auditor's office  
**Excise Affidavits:** Document scans of excise affidavits  
**Septic System:** Septic system information

Parcel Number	XrefID	Quarter	Section	Township	Range
P128398	350135-1-006-0500	NE	35	35	01

Owner Information	Site Address(es)	Map Links
PREDATORS OF THE HEART 6128 PARKSIDE DRIVE ANACORTES, WA 98221	4709 WELCH LANE Skagit County, WA (Jurisdiction, State) <a href="#">Zip Code Lookup</a>   <a href="#">Site Address Information</a>	<a href="#">Open in iMap</a> Assessor's Parcel Map: <a href="#">PDF</a>   <a href="#">DWF</a>   <a href="#">DWG</a>

**Current Legal Description** [Abbreviation Definitions](#)

(10.0000 ac) LOT B OF SKAGIT COUNTY SHORT PLAT NO. PL-06-1121, THE JOHNSON SHORT PLAT, APPROVED MARCH 26, 2009 AND RECORDED MARCH 27, 2009 UNDER AUDITOR'S FILE NO. 200903270122, RECORDS OF SKAGIT COUNTY, WASHINGTON, BEING A PORTION OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 35 NORTH, RANGE 1 EAST, WM. SURVEY [AF#201312230054](#)

**2021 Values for 2022 Taxes\***

2021 Values for 2022 Taxes*		Sale Information	
Building Market Value	\$10,100.00	Deed Type	BARGAIN AND SALE DEED
Land Market Value	+\$274,200.00	Sale Date	2022-03-02
Total Market Value	\$284,300.00	<b>Taxable Selling Price</b>	\$420,000.00
Assessed Value	\$284,300.00	Sale requires NRL disclosure ( <a href="#">more info</a> )	
<b>Taxable Value</b>	\$284,300.00		

**2022 Property Tax Summary**

2022 Taxable Value	\$284,300.00
General Taxes	\$2,658.91
Special Assessments/Fees	+\$118.00
<b>Total Taxes</b>	\$2,776.91

[Pay Property Taxes Online](#)

\* Effective date of value is January 1 of the assessment year (2021)

**Legal Description at time of Assessment**

<b>*Assessment Use Code</b>	(910) UNIMPROVED LAND (Outside city)	WAC 458-53-030	
<b>Neighborhood</b>	(20FIDALGO) FIDALGO RESIDENTIAL		
<b>Levy Code</b>	1485	<b>Fire District</b>	F11
<b>School District</b>	SD103	<b>Exemptions</b>	
<b>Utilities</b>		<b>Acres</b>	10.00

**Improvement 1 Attributes Summary**

<b>Building Style</b>	MISC OUTBUILDINGS		
<b>Year Built</b>	2017	<b>Foundation</b>	



Rockrose Pkwy

Bryce Dr

Marine Heights Way

Anacortes Community Forest Lands

San Juan Blvd

400 ft

Marin

200 ft

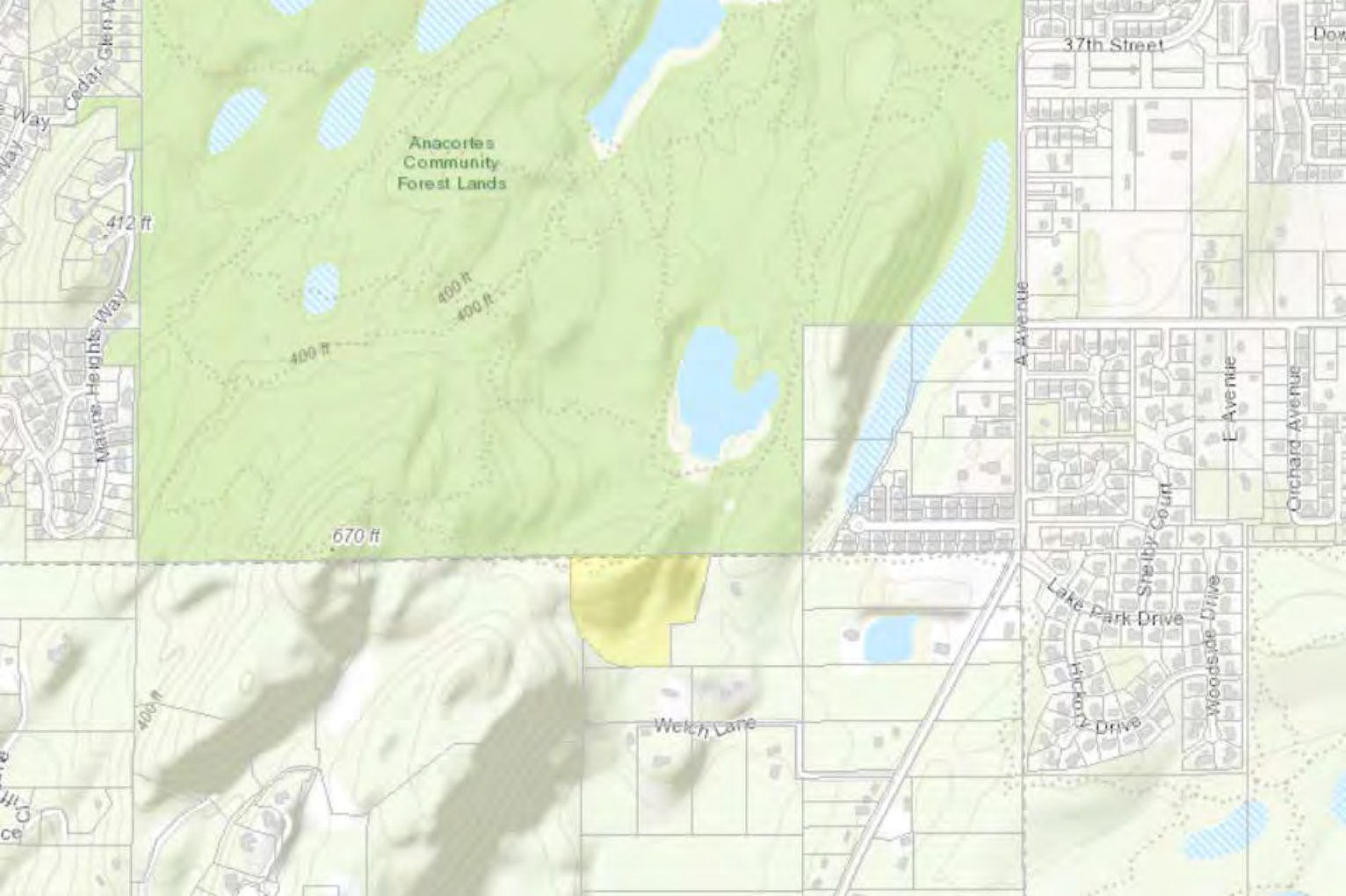
Havekost Rd

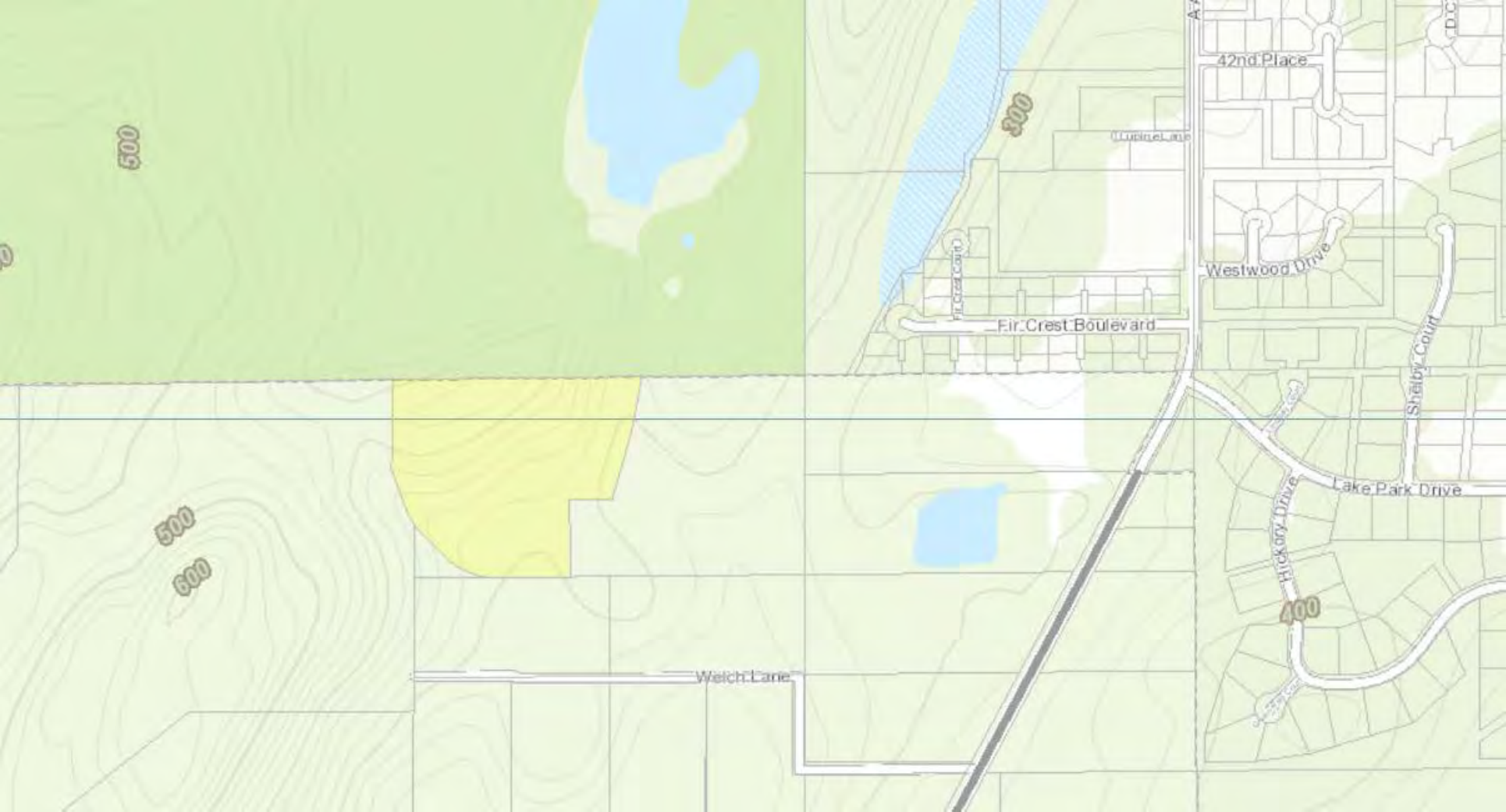
A Ave

H Ave

41st St

Heart Lake





500

300

500

600

400

42nd Place

Fir Crest Court

Fir Crest Boulevard

Westwood Drive

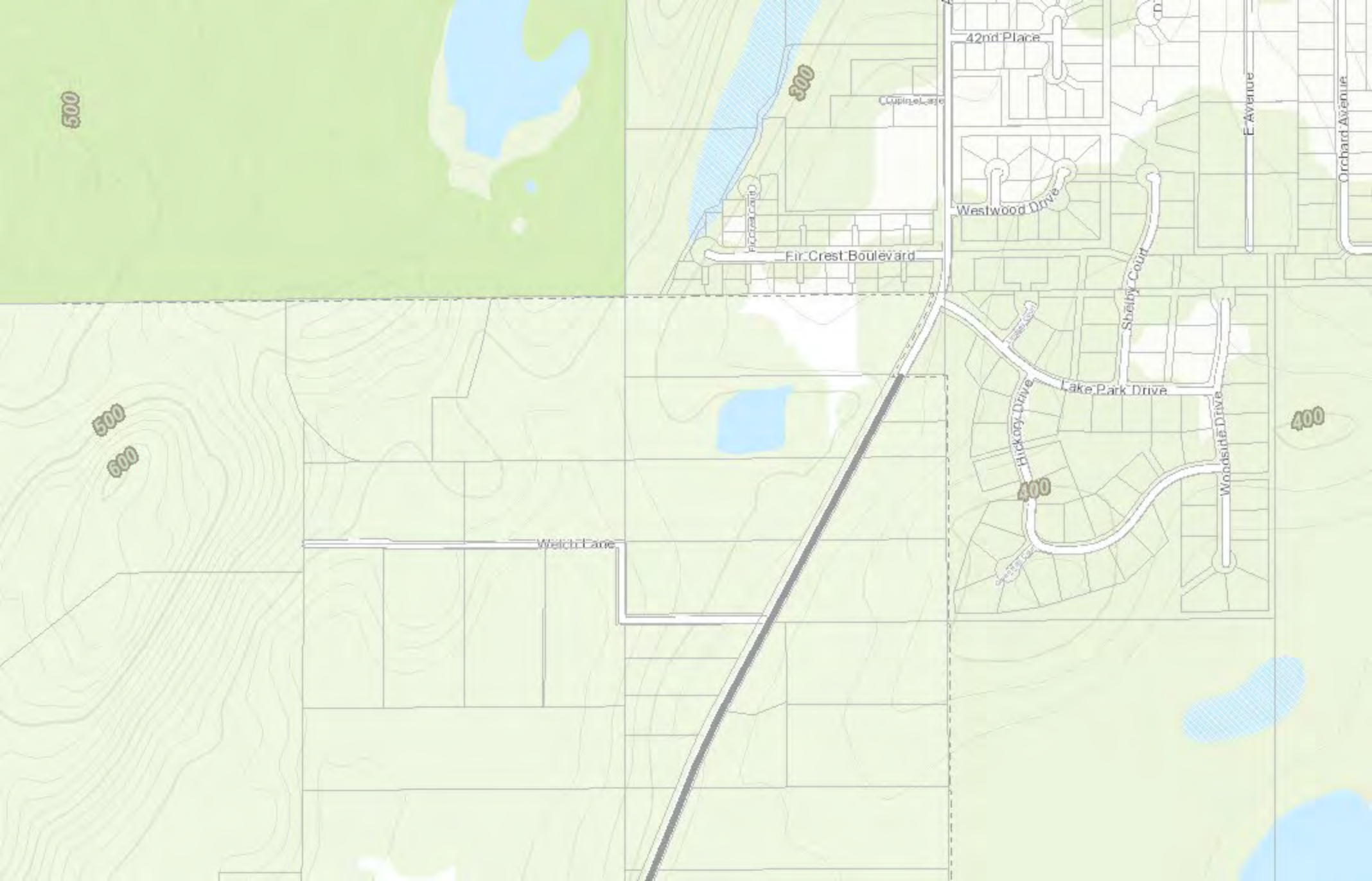
Lake Park Drive

Hickory Drive

Shady Court

Weich Lane





500

500

600

300

400

400

42nd Place

Couplet Lane

Westwood Drive

Fir Crest Boulevard

Pickett Court

Shady Court

Lake Park Drive

Hickory Drive

Windside Drive

E Avenue

Orchard Avenue

Whitch Lane





ANACORTES

41st Street

42nd Place

Lupine Lane

Avenette

Westwood Drive

Fir Crest Court

Fir Crest Boulevard

Shelby Court

Lake Park Drive

Hickory Drive

Woodside Drive

Hazelknot Road

Welch Lane





ANACORTES

41st Street

42nd Place

Lupine Lane

Fir Crest Court

Fir Crest Boulevard

Westwood Drive

E Avenue

Orchard Avenue

Shelby Court

Lake Park Drive

Woodside Drive

Westside Drive

Welch Lane

Harvest Road

San Juan Boulevard

Mathias Lane

Pinemaker Lane

O'Brien Way

Marine Heights Way

Ellisport Terrace

Castillero Way

Cliff Lane

Sarah Lane

HEART LAKE

# The JOHNSON Shortplat

## NE 1/4, SEC 35, T35N, RNG. 1, E.W.M.

### AUDITORS CERTIFICATE

RECORD OF SURVEY AT THE REQUEST OF CLAIR A. CROSSMAN



200903270122  
Skagit County Auditor

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#### LEGAL DISCRPTION

PARCEL A:  
The North Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian, Skagit County Washington

EXCEPT that portion of the North Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian described as follows:

Beginning at the Southwest corner of the said North Half;  
Thence North 0°32'05" East a distance of 174.58 feet along the West line of said North half;  
Thence South 44°08'02" East a distance of 141.68 feet;  
Thence along a curve to the left, concave to the North, having a radius of 238 feet and an arc length of 190.77 feet;  
Thence North 89°38'51" East along the South line of said North Half a distance of 271.57 feet to the true point of beginning.

Situated in Skagit County, Washington.

PARCEL B:

A portion of the Northeast Quarter of the Northwest Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian, described as follows:

Beginning at the North Quarter corner of said Section 25;  
Thence South 89°15'03" West, a distance of 77.88 feet along the North line of said section;  
Thence South 0°32'05" West, a distance of 299.95 feet;  
Thence South 19°48'46" East, a distance of 157.79 feet;  
Thence South 31°06'09" East, a distance of 43.89 feet to the East line of the Northwest Quarter of said Section;  
Thence North 0°32'05" East, a distance of 487.01 feet to the true point of beginning.

Situated in Skagit County, Washington.

PARCEL C:

An easement for ingress, egress and road and utility purposes over the following described parcels:

1. The South 20 feet and the East 30 feet of the North Half of the South Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian;

2. The North 20 feet and the East 40 Feet of the South Half of the South Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian;

Except the East 20 feet thereof;

3. The South 40 feet of the South Half of the Northeast Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian;

EXCEPT any portion thereof lying within the County Road.

Situated in Skagit County, Washington.

PARCEL D:

An easement for road, travel and utility purposes over the following described parcel:

A 30-foot wide strip in the North Half of the South Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian, being 15 feet on each side of the following described centerline:

Beginning at a point 15 feet West of the Northeast corner of said North Half;  
Thence South parallel to the East line of said North Half to a point 15 feet North of the South line of said North Half;  
Thence West parallel to said South line for a distance of 320 feet;  
Thence North parallel to the East line of said North Half to a point on the North line of said North Half.

Situated in Skagit County, Washington.

#### COUNTY APPROVALS

THE WITHIN AND FOREGOING SHORT PLAT IS APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE SKAGIT COUNTY SHORT PLAT ORDINANCE SCC 14.18.

ON THIS 26th DAY OF March, 2009

[Signature] 3/26/09  
Planning and Development Services Date

[Signature] Mar 4, 2009  
County Engineer Date

THE WITHIN AND FOREGOING SHORT PLAT IS APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE SKAGIT COUNTY TITLE 12.05 (ON-SITE SEWAGE)

& 12.48 (WATER) ON THIS 5th DAY OF March, 2009

[Signature] 5 March 09  
County Health Officer Date

#### NOTES

1. 'The short plat number and date of approval shall be included in all deeds and contracts.'

2. A LOT OF RECORD CERTIFICATION HAS BEEN ISSUED FOR ALL LOTS INCLUDED IN THIS LAND DIVISION BY VIRTUE OF RECORDING THIS LAND DIVISION AND ISSUANCE OF THE LOT CERTIFICATION, ALL LOTS HEREIN SHALL BE CONSIDERED LOTS OF RECORD FOR CONVEYANCE AND DEVELOPMENT PURPOSES UNLESS OTHERWISE RESTRICTED. SEE AF. # 200903270122.

3. 'No building permit shall be issued for any residential and/or commercial structures which are not at the time application, determined to be within an official designated boundary of Skagit County Fire District.'

4. 'Change in location of access, may necessitate change of address, contact Skagit County Planning & Development Services.'

5. Water will be supplied by the City of Anacortes to both lots.

6. Zoning and Comprehensive Plan - Rural Reserve.

7. Area Calculations:  
The total acreage for the entire parcel (20.08 acres)  
Lot 1 10.08 acres  
Lot 2 10.00 acres

8. All private roads, easements, community utilities and properties shall be owned and maintained by separate corporate entity or the owners of property served by the facility and kept in good repair. The private 30' access and utility easement along the south property line of lot A serving lot B will be the sole maintenance responsibility of lot B. For any common road easements adequate provisions shall be made for appropriate pro-rata contributions for such maintenance by any future land divisions that will also use the same private road.

9. Sewage disposal will be on-site septic systems.

10. All runoff from impervious surfaces and roof drains shall be directed so as not to adversely affect adjacent properties.

11. A Skagit County address range will begin at 4502 and end at 4863 on Welch Lane for Lot B. Lot A will remain 4665 Welch Lane. At the time of application for building and/or access, Skagit County GIS will assign the address in accordance with the provisions of Skagit County Code 15.24.

12. This parcel lies within an area or within 500 feet of area designated as a natural resource lands (agricultural, forest and mineral resource lands of long-term commercial significance) in Skagit County. A variety of natural resource land commercial activities occur or may occur in the area that may not be compatible with non-resource uses and may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals or from spraying, pruning, harvesting, or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, and odor. Skagit County has established natural resource management operations as a priority use on designated natural resource lands, and area residents should be prepared to accept such incompatibilities, inconveniences, or discomfort from normal, necessary natural resource land operations when performed in compliance with best management practices and local, State, and Federal law. In the case of mineral lands, application might be made for mining-related activities including extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals. In addition, greater setbacks than typical may be required from the resource area, consistent with SCC 14.16.810. Contact Skagit County Planning and Development Services for details.

#### TREASURERS CERTIFICATE

This is to certify that all taxes heretofore levied and which have become a lien upon the lands herein described have been fully paid and discharged according to the records of my office, up to and including the year of 2009.

This 23rd day of March, 2009

[Signature]  
Skagit County Treasurer



#### CONSENT

KNOW ALL PERSONS BY THESE PRESENT THAT THE UNDERSIGNED SUBDIVIDERS HEREBY CERTIFY THAT THIS SHORT PLAT IS MADE AS THEIR FREE AND VOLUNTARY ACT AND DEED.

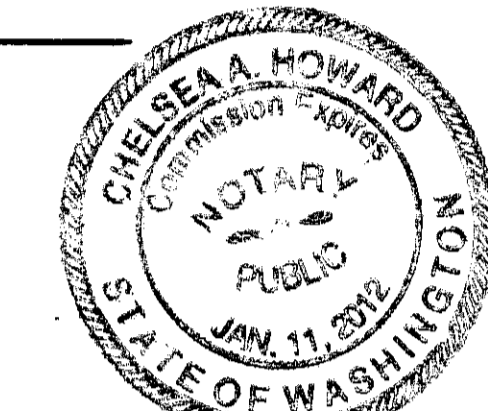
[Signature] [Signature]  
RICHARD K. JOHNSON DIANE M. JOHNSON

Beneficiary Consent: DIANA WELLS FARGO BANK N.A.

BY: [Signature]  
Edward A. DeBus, V.P.

#### ACKNOWLEDGEMENT

STATE OF WASHINGTON  
COUNTY OF SKAGIT



ON THIS 14th DAY OF Edman, 2009 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED RICHARD K. JOHNSON AND DIANE M. JOHNSON, HUSBAND AND WIFE, TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT THEY SIGNED AND SEALED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED, FOR THE PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED THE DAY AND YEAR WRIT'EN.

[Signature]  
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING AT 1701 N 14th St Seattle WA 98103

Chelsea A Howard MY COMMISSION EXPIRES 01/11/2012

STATE OF WASHINGTON Maryland  
COUNTY OF SKAGIT Frederick

ON THIS 18 DAY OF February, 2009 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED Edward A. DeBus, Vice President TO ME KNOWN TO BE THE MANAGER OF WELLS FARGO BANK N.A., A CORPORATION, AND ACKNOWLEDGED THAT HE/SHE EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION, FOR THE PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT HE/SHE IS AUTHORIZED TO EXECUTE SAID INSTRUMENT AND THAT THE SEAL AFFIXED IS THE CORPORATE SEAL OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED THE DAY AND YEAR WRITTEN.

[Signature] Maryland  
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING AT 8480 Stagecoach Circle, Frederick, MD 21701

Maryland MY COMMISSION EXPIRES 02/29/2010



**SURVEYOR**  
Crossman & Associates  
16146 McLean Road  
Mt. Vernon, WA 98273

11-25-08  
SHORT PLAT NO. PL06-1121

SHEET 1 OF 2

<b>SHORT PLAT</b> FOR: Richard & Diana Johnson 4665 Welch Lane Anacortes, WA 98221	DWG.: J520
	DWN BY: DKH
A PORTION OF THE NW 1/4 OF THE NE 1/4 OF SEC. 35, TWN 35N., RNG. 1 EAST, W.M. FOR RICHARD AND DIANA JOHNSON	CHECK BY: CAC
	DATE: May, 2008
<b>HERRIGSTAD ENGINEERING PS</b> 4320 WHISTLE LAKE ROAD, ANACORTES, WA 98221 360-299-8804	SCALE: 1"=200'
	JOB NO.: 520

# The JOHNSON Shortplat

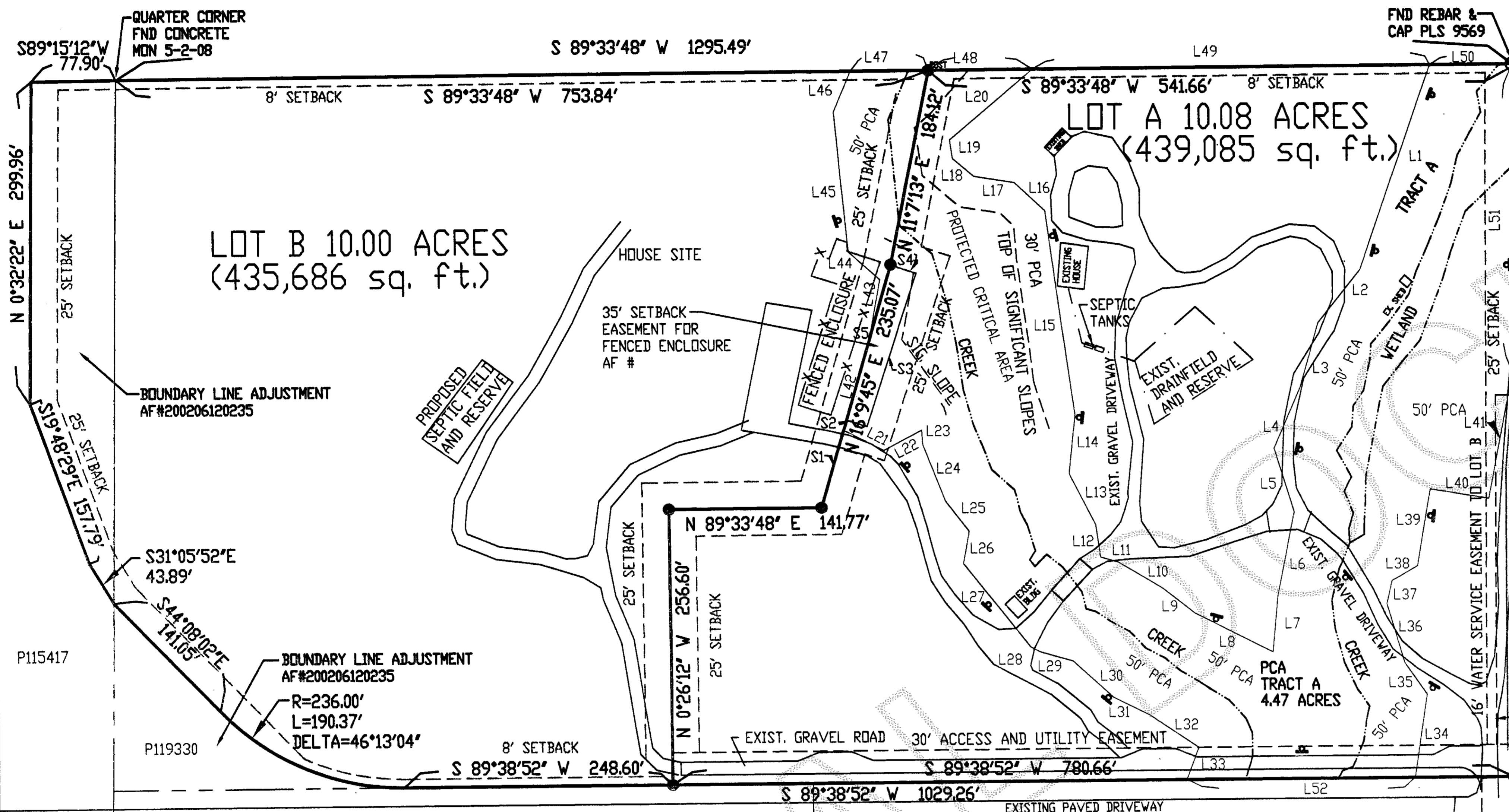
## NE 1/4, SEC 35, T35N, RNG. 1, E.W.M.

200903270122  
Skagit County Auditor

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### SETBACK EASEMENT BOUNDARY

NO.	BEARING	DISTANCE
S1	N 16°09'45" E	84.85'
S2	S 71°55'33" E	20.00'
S3	N 18°04'27" E	149.80'
S4	N 71°55'33" W	25.00'
S5	S 16°09'45" W	149.89'



### PCA BOUNDARY

NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S 18°56'5" W	201.34'	L27	N 38°21'37" W	99.61'
L2	S 38°9'57" W	62.58'	L28	N 64°34'12" W	10.46'
L3	S 15°45'44" W	62.21'	L29	N 74°8'14" W	30.88'
L4	S 23°34'40" W	62.19'	L30	N 47°37'16" W	50.04'
L5	S 17°32'45" E	61.79'	L31	N 63°24'23" W	37.24'
L6	S 11°24'42" W	81.6'	L32	N 56°6'7" W	54.70'
L7	S 5°11'54" W	50.80'	L33	S 20°6'17" W	31.79'
L8	N 63°13'42" W	81.67'	L34	S 8°14'50" W	78.33'
L9	N 51°44'22" W	37.14'	L35	S 34°44'35" E	36.36'
L10	N 59°4'5" W	47.37'	L36	N 16°26'8" W	56.42'
L11	N 74°8'14" W	17.50'	L37	N 12°50'58" E	22.21'
L12	N 7°51'52" W	30.50'	L38	N 59°57'45" E	27.40'
L13	N 27°4'7" W	53.54'	L39	N 9°35'7" E	72.64'
L14	S 5°50'40" W	54.97'	L40	S 80°40'6" E	55.51'
L15	N 8°6'27" W	192.07'	L41	N 10°56'41" E	169.96'
L16	N 46°49'27" W	192.07'	L42	S 16°9'45" W	87.45'
L17	N 81°1'47" W	37.98'	L43	S 10°10'17" W	56.75'
L18	N 49°34'47" W	25.80'	L44	N 48°32'52" E	39.08'
L19	N 9°11'11" W	17.65'	L45	N 5°41'46" W	130.51'
L20	N 49°34'23" E	100.86'	L46	N 22°2'57" E	41.18'
L21	S 62°53'28" E	41.92'	L47	N 89°33'48" W	72.46'
L22	N 61°57'5" E	39.73'	L48	N 89°33'48" E	96.33'
L23	N 4°5'33" W	12.87'	L49	N 89°33'48" W	368.48'
L24	N 21°32'18" W	57.08'	L50	N 89°33'48" W	76.85'
L25	N 37°32'31" W	35.53'	L51	S 0°9'3" W	286.85'
L26	N 10°1'24" E	30.83'	L52	S 89°38'0" W	211.89'

### NOTES.-

1. SET RE-BAR AND YELLOW CAP P.L.S. #9669.
2. FOUND REBAR & CAP. PLS #992
3. FOUND MONUMENT CASE AND COVER.
4. BASIS OF BEARINGS: USED THE BEARING OF S89°33'48"W ALONG NORTH LINE OF SECTION 35, TOWNSHIP 35 NORTH, RANGE 1 EAST, W.M. PER SHORT PLAT NO. 93-081, AF # 941010067.
5. EQUIPMENT USED: PENTAX R-323N TOTAL STATION.
6. ERROR OF CLOSURE MEETS WASHINGTON STATE SURVEY STANDARDS.
7. SURVEY METHOD: STANDARD FIELD TRAVERSE.
8. ZONING: RURAL RESERVE

### GENERAL INFORMATION

1. Assessor's Account No. 350135-1-006-0108, P32553.
2. Description and exception information is from Chicago Title Company, Order No: ICC41101, dated December 11, 2006.
3. This property is SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants and other instruments of record including but not limited to those instruments referred to in Chicago Title Company Report referenced under Note 2 above. Said report lists documents recorded under Auditors File Numbers 860600, 8202230027, 630694, 200206120236, 200405100214, 200406240055, 200406300061, 200408110046, 200408110047 and 200408180096. Deeds of trust are recorded under Auditors File Number 200408130204, 200504080053 and 200504080054.
4. A Variance has been granted to this property for a 40' ingress, egress & utility easement on Welch Lane and for a 30' ingress, egress & utility easement on parcel P32554.

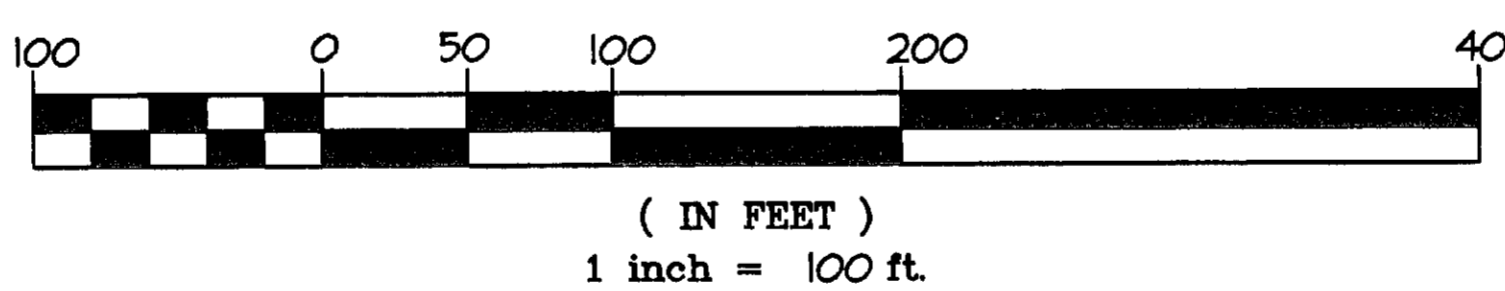
SHORT PLAT NO. PL 06-1121 SHEET 2 OF 2

<b>SHORT PLAT</b>	FOR: Richard & Diana Johnson 4665 Welch Lane Anacortes, WA 98221	DWG.: J520
A PORTION OF THE NW 1/4 OF THE NE 1/4 OF SEC. 35, TWN 35N., RNG. 1 EAST, W.M. FOR RICHARD AND DIANA JOHNSON		DWN BY: DKH
HERRIGSTAD ENGINEERING PS 4320 WHISTLE LAKE ROAD, ANACORTES, WA 98221 360-299-8804		CHECK BY: CAC
		DATE: Oct. 2008
		SCALE: Noted
		JOB NO.: 520

### LEGEND

- PCA SIGNAGE LOCATIONS
- 30' INGRESS, EGRESS & UTILITY EASEMENT

### GRAPHIC SCALE

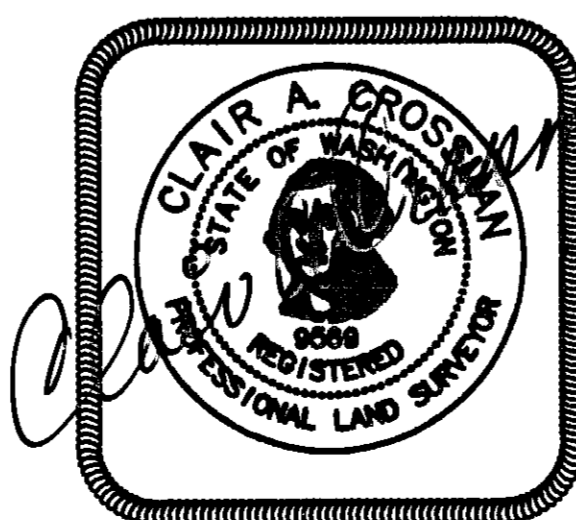


PCAE - PROTECTED CRITICAL AREA EASEMENT AF #200903270124

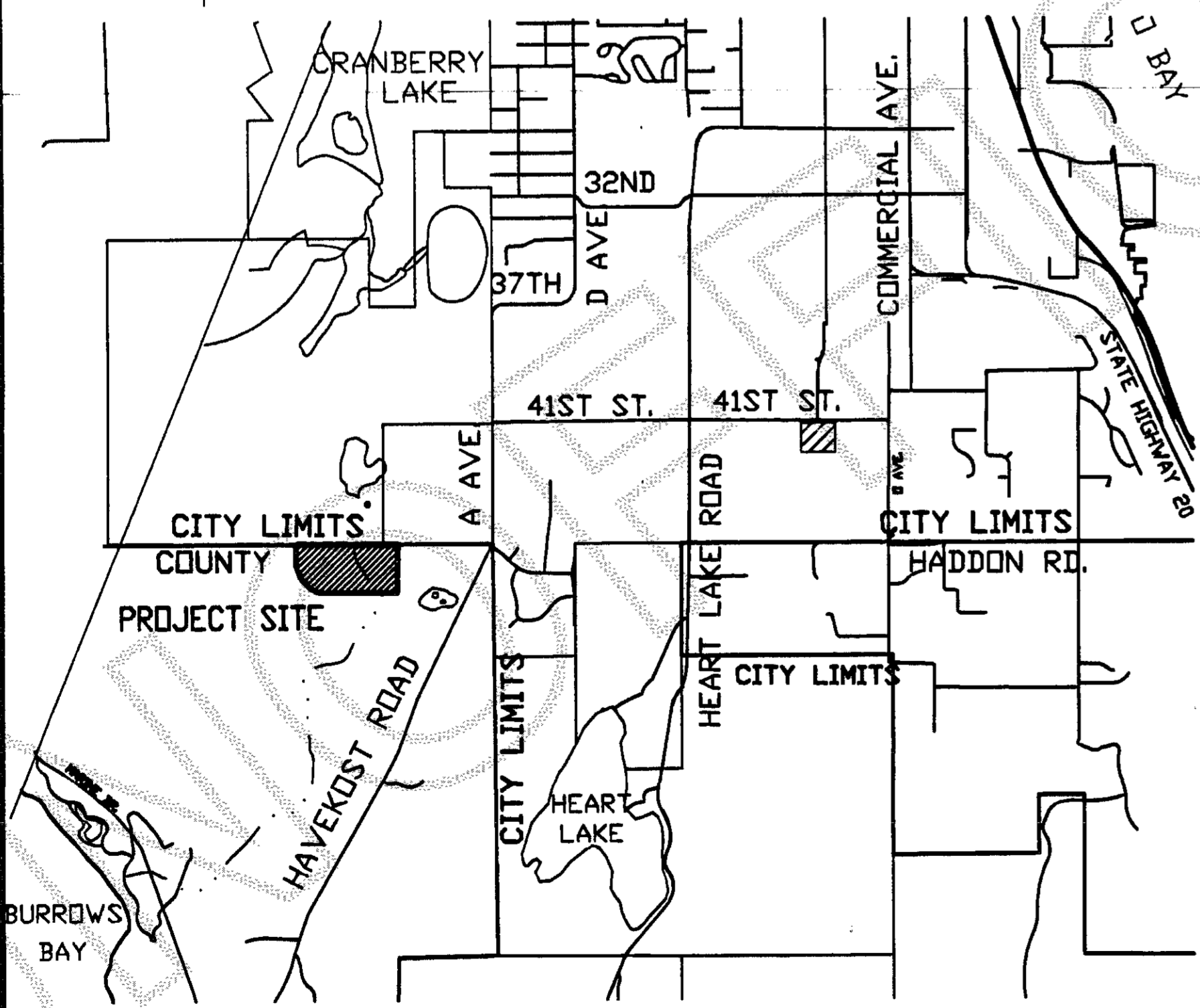
### SURVEYORS CERTIFICATE

I hereby certify that the short subdivision is based on an actual survey, which is retracable and based on a true subdivision of the section, that the distances, courses, and angles are shown thereon correctly, and that monuments have been set and lot corners staked on the ground as shown on the short plat in accordance with the provisions contained in Chapter 332-120 WAC.

CLAIR A. CROSSMAN, P.L.S. *Clair A. Crossman*  
Certificate No. 9669  
Date 11-25-08



**SURVEYOR**  
Crossman & Associates  
16146 McLean Road  
Mt. Vernon, WA 98273



### VICINITY MAP

SCALE: 2"=1 MILE  
SURVEY IN SECTION 35, T.35N., R1E., W.M.



200406300061

Skagit County Auditor

6/30/2004 Page

1 of

2 10:09AM

Return to:

Richard & Diana Johnson  
41665 Welch Lane  
Anacortes, WA 98221

**PROTECTED CRITICAL AREA SITE PLAN**

Page 1 of 2

Grantor/Owner: Richard & Diana Johnson

Grantee: PUBLIC

Site Address: 41665 Welch Lane

Property ID #: P 32553 Assessors Tax Account #: 550135.1.006.018

Legal Description: Sec. 35 Twp. 35 Rng. 1 / Plat Name \_\_\_\_\_ Lot \_\_\_\_\_

Permit/Activity #: BP04-0634

The PROTECTED CRITICAL AREA (PCA) is to be left undisturbed in its natural state. "With the exception of activities identified as Allowed without Standard review under SCC 14.24.100, any land-use activity that can impair the functions and values of critical areas or their buffers through a development activity or by disturbance of the soil or water, and/or by removal of, or damage to, existing vegetation shall require critical areas review and written authorization pursuant to SCC 14.24." SCC 14.24.060 No clearing, grading, filling, logging or removal of woody material, building, construction or road construction of any kind, planting of non-native vegetation or grazing of livestock is allowed within the PCA areas except as specifically permitted by Skagit County on a case-by-case basis consistent with SCC 14.24.

Representations on this site plan may be approximations only and should not be used for purposes other than for determining general locations of critical areas. Development activities beyond the scope of this plan may require additional studies and approvals.

The above references to "Grantor" and "Grantee" shall not be construed as a transfer of property ownership and are used solely for filing with the County Auditor.

Owner: Diana M Johnson

Date: 6-30-04

On this day personally appeared before me Diana M Johnson known to be the individual described herein and acknowledged to me that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

residing at Anacortes, WA 98221

Date: 6-30-04

CATHY J. BAY-SCHMITH  
STATE OF WASHINGTON  
NOTARY -- PUBLIC  
MY COMMISSION EXPIRES 11-28-07

# CRITICAL AREA SITE PLAN

PROP. LINE 1,400'

50-FOOT STREAM BUFFER  
(PROTECTED CRITICAL AREA)

*This area not investigated  
for critical areas.*

TYPE 4  
STREAM

COMBINED STREAM  
& SLOPE BUFFER  
(PROTECTED  
CRITICAL AREA)

30'  
SLOPE  
BUFFER

PROPOSED  
GARAGE  
11' SETBACK  
FROM PROP. LINE

PROPOSED  
WOOD SHED

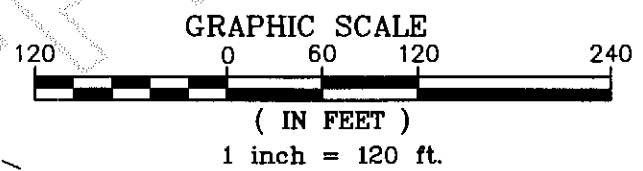
PROPOSED HOUSE  
(1,000 SF)

DRIVEWAY

STREAM &  
SLOPE BUFFER

SLOPE  
CREST

PROP. LINE 663'

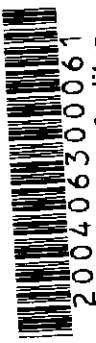


Owners: Rich & Diana Johnson  
Address: 4665 Welch Lane  
Parcel: P32553  
Permit: BP04-0634  
Preparer: Edison Engineering  
Date: June, 2004

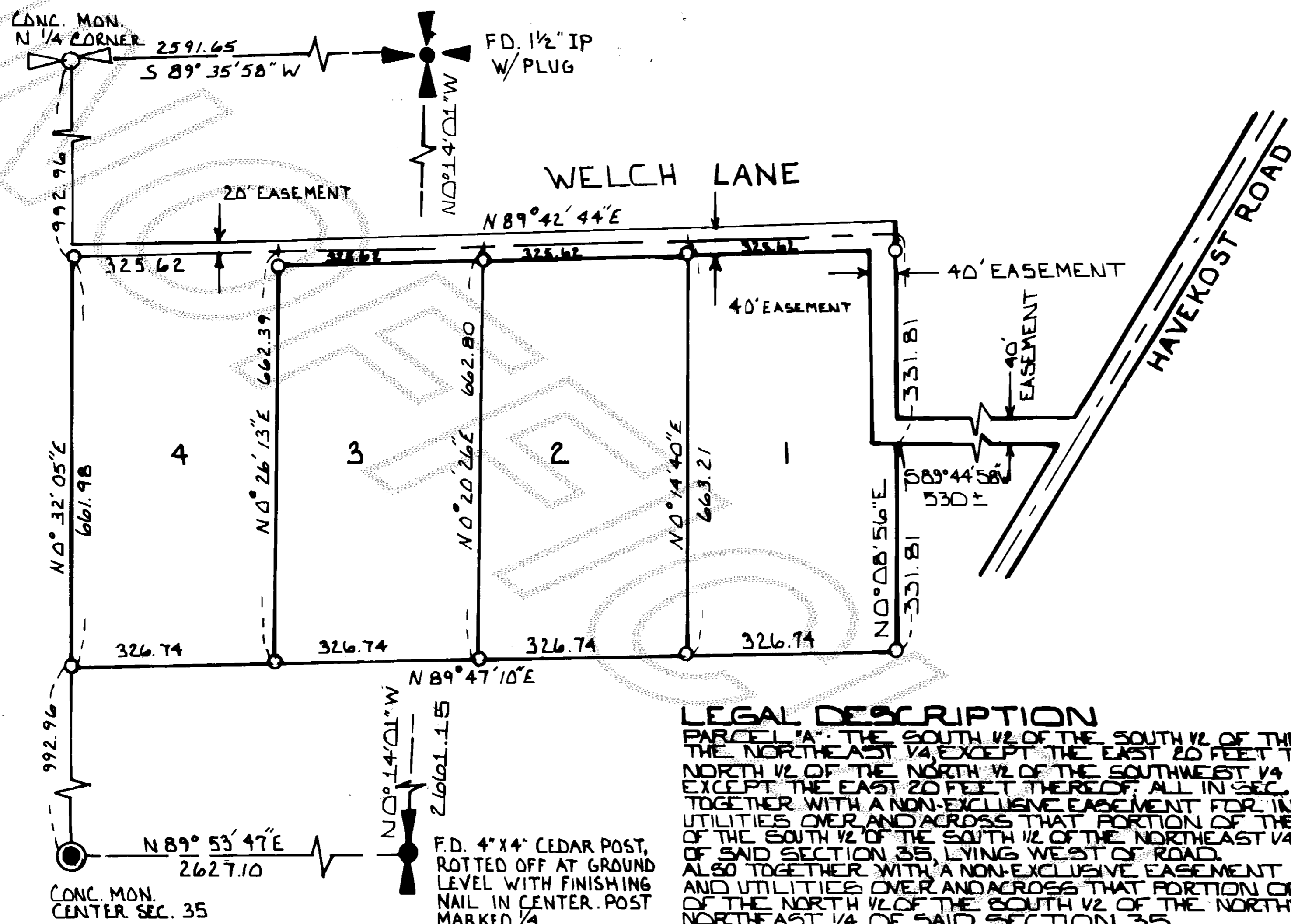
This drawing was created with  
a compass, tape measure,  
and clinometer and is  
approximate.  
**NOT A SURVEY**

PROP. LINE 1,028'

*CAO Approved 6/25/04 Leah Forbes*







NOTARY PUBLIC  
 JULIA HENRY  
 1979 FEB 1 PM 3:56  
 COUNTY OF SKAGIT  
 STATE OF WASHINGTON

ACKNOWLEDGEMENTS

STATE OF CALIFORNIA } S.S.  
 COUNTY OF CONTRA COSTA }  
 ON THIS DAY PERSONALLY APPEARED JOHN HOLMBERG AND ALVAE HOLMBERG,  
 TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED  
 THE WITHIN AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME  
 THAT THEY SIGNED AND SEALED THE SAME AS THEIR FREE AND VOLUNTARY ACT  
 AND DEED FOR THE USES AND PURPOSES THEREIN MENTIONED.

TERESA L. BOON  
 NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA  
 RESIDING AT Walnut Creek

STATE OF WASHINGTON } S.S.  
 COUNTY OF SKAGIT }  
 ON THIS DAY PERSONALLY APPEARED LEONARD KRUGER AND ELSIE KRUGER  
 TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED  
 THE WITHIN AND FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME  
 THAT THEY SIGNED THE SAME AS THEIR FREE AND VOLUNTARY ACT  
 AND DEED FOR THE USES AND PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON  
 RESIDING AT

STATE OF WASHINGTON } S.S.  
 COUNTY OF SKAGIT }  
 ON THIS DAY PERSONALLY APPEARED AINSWORTH KRUGER AND CARRIE KRUGER  
 TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED  
 THE WITHIN AND FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME  
 THAT THEY SIGNED THE SAME AS THEIR FREE AND VOLUNTARY ACT  
 AND DEED FOR THE USES AND PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON  
 RESIDING AT

**LEGAL DESCRIPTION**

PARCEL "A": THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 EXCEPT THE EAST 20 FEET THEREOF, ALSO THE NORTH 1/2 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 EXCEPT THE EAST 20 FEET THEREOF, ALL IN SEC. 35, TWP. 33N, R. 1E, W.M., TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER AND ACROSS THAT PORTION OF THE SOUTH 40 FEET OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 35 LYING WEST OF ROAD, ALSO TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER AND ACROSS THAT PORTION OF THE SOUTH 20 FEET OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 35.

PARCEL "B": THE EAST 20 FEET OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 AND THE EAST 20 FEET OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, ALL IN SECTION 35, TOWNSHIP 33 NORTH, RANGE 1E, W.M., SITUATE IN COUNTY OF SKAGIT, STATE OF WASHINGTON.

**NOTES**

REBAR SET W/PLASTIC CAP MARKED 9569

BASIS OF BEARINGS-RECORD OF SURVEY RECORDED IN BOOK 1, PAGE 159, RECORDS OF SKAGIT COUNTY

DISTANCES SHOWN ARE TO CENTERLINE OF ROAD.

AREAS SHOWN INCLUDE ROAD EASEMENTS.

ZONING- RESIDENTIAL

WATER- INDIVIDUAL WELL

SEWER- SEPTIC TANKS

"WATER OF SUFFICIENT QUANTITY AND/OR QUALITY FOR NORMAL DOMESTIC PURPOSES IS NOT PROVIDED AT THE TIME OF FILING THE PLAT, THE BUYER SHOULD INQUIRE AND INVESTIGATE AS TO AVAILABILITY OF SAID WATER."

ALL MAINTENANCE AND CONSTRUCTION OF ROADS ARE THE RESPONSIBILITY OF THE LOT OWNERS AND THE RESPONSIBILITY SHALL BE IN DIRECT RELATIONSHIP TO USAGE OF THE ROAD.

**CONSENT**

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED SUBDIVIDER HEREBY CERTIFIES THAT THIS SHORT PLAT IS MADE AS THEIR FREE AND VOLUNTARY ACT AND DEED.

James H. Kruger  
 Leonard Kruger  
 Elsie Kruger  
 Ainsworth Kruger  
 Carrie Kruger  
 Wallace M. Martin

STATE OF WASHINGTON } S.S.  
 COUNTY OF SKAGIT }  
 ON THIS DAY PERSONALLY APPEARED Wallace M. Martin  
 TO ME KNOWN TO BE THE INDIVIDUAL DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY SIGNED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN MENTIONED.

Notary Public in and for the State of Washington  
 Residing at Mount Vernon

**APPROVALS**

THE WITHIN AND FOREGOING SHORT PLAT IS APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE SKAGIT COUNTY SHORT PLAT ORDINANCE.

THIS 29th DAY OF JANUARY 1979  
 Robert C. Sheffield  
 SHORT PLAT COMMISSIONER

Wally S. Selby  
 COUNTY ENGINEER

**AUDITOR'S CERTIFICATE**

FILED FOR RECORD THIS 1 DAY OF FEB 1979 AT 3:56 P.M. IN BOOK 3 OF SHORT PLATS ON PAGE 67 AT THE REQUEST OF CLAIR CROSSMAN RECORDS OF SKAGIT COUNTY, WASHINGTON.

Julia Henry  
 COUNTY AUDITOR

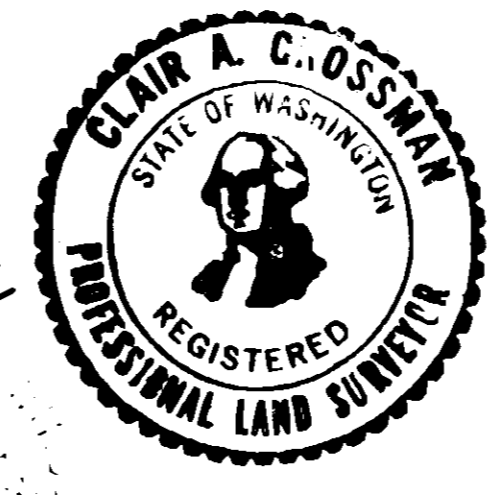
Robert Blackburn  
 DEPUTY

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE BOUNDARIES OF THIS PLAT AND THE ROADS WITHIN HAVE BEEN SURVEYED AND MONUMENTED AS SHOWN AND THAT ALL DISTANCES AND BEARINGS ARE ACCURATE.

Aug 15, 1977  
 DATE

CLAIR A. CROSSMAN  
 CERTIFICATE NO. 9569



<p><b>AUDITOR'S CERTIFICATE</b></p> <p>Filed for record this _____ day of _____ 19____ at _____ M in book _____ of _____ at page _____ at the request of _____</p> <p>County Auditor</p>	<p><b>SURVEYOR'S CERTIFICATE</b></p> <p>This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of WALLACE MARTIN in AUG. 1977.</p> <p>Clair A. Crossman        Certificate No. 9569</p>	<p><b>CLAIR CROSSMAN</b>  <b>LAND SURVEYOR 9569</b>        1414 A MCLEAN RD. MOUNT VERNON, WN.        PHONE 424-7359</p>	<table border="1"> <tr> <td>10/25/78</td> <td>REVISED LEGAL DESCRIPTION</td> <td>KMC</td> </tr> <tr> <td>DATE</td> <td>REVISION</td> <td>BY</td> </tr> <tr> <td colspan="3" style="text-align: center;"><b>SHORT PLAT WALLACE MARTIN</b></td> </tr> <tr> <td>DWN BY KMC</td> <td>DATE 8-15-77</td> <td>JOB NO. 8-76</td> </tr> <tr> <td>CHND BY JLA.</td> <td>SCALE 1" = 200'</td> <td>SHEET 1 OF 1</td> </tr> </table>	10/25/78	REVISED LEGAL DESCRIPTION	KMC	DATE	REVISION	BY	<b>SHORT PLAT WALLACE MARTIN</b>			DWN BY KMC	DATE 8-15-77	JOB NO. 8-76	CHND BY JLA.	SCALE 1" = 200'	SHEET 1 OF 1
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DWN BY KMC	DATE 8-15-77	JOB NO. 8-76																
CHND BY JLA.	SCALE 1" = 200'	SHEET 1 OF 1																

Return to  
Hearing Exam

VAR 94 009.ORD

**SKAGIT COUNTY HEARING EXAMINER  
STATE OF WASHINGTON**

**9406200058**

In the matter of:

Application No. VAR 94 009.ORD )  
of David Poor )  
for a Variance to allow to utilize an existing road )  
with improvements )  
Location: Welch Lane, Anacortes )

Findings of Fact )  
Entry of Order )  
No. VAR 94 009.ORD )

RECORDED... FILED...  
REQUEST OF

94 JUN 20 10:12

JERRY MCINTURFF  
SKAGIT COUNTY AUDITOR

**I INTRODUCTION**

This matter, having come regularly before the Skagit County Hearing Examiner for a Public Hearing under an application filed with the Skagit County Department of Planning and Community Development on behalf of David Poor, 920 35th Street, Anacortes, WA 98221, requesting a Variance to allow him to utilize an existing road with improvements, located 257 Welch Lane, Anacortes, near Anacortes, WA

Said application being required by Chapter 14.04 of the Skagit County Code.

The subject property is more completely described as follows:

257 WELCH LANE, ANACORTES

WITHIN A PORTION OF THE NORTH ONE HALF OF THE SOUTH ONE HALF OF THE NORTHWEST ONE QUARTER OF THE NORTHEAST ONE QUARTER OF SECTION 35, TOWNSHIP 35, RANGE 1 EAST, W.M., SITUATE IN SKAGIT COUNTY, WASHINGTON.

ASSESSORS ACCOUNT NUMBER: 350135-1-006-0207

And, notice having been given to all property owners within 300 feet of said property and all matters in the file having been considered together with the testimony, evidence, and exhibits in open hearing and made a part of the record in this matter, the Hearing Examiner makes the following findings of fact.

**II. BACKGROUND AND HISTORY**

1. The Applicant is proposing to Short Plat a ten acre parcel of property into two lots of approximately five acres each. During the Short Plat process, it was determined that the road did not comply with the requirements for an existing road to serve additional parcels.
2. The westerly portion of the existing road, Welch Lane, has an existing Right-of-Way of 50 feet for about 1300 feet. The remainder of the road has a 49 foot Right-of-Way. Approximately 600 feet of Welch Lane has a grade of up to eighteen (18) percent.

**9406200058**

BK 1343 PG 0464

3. Welch Lane currently serves five parcels of property.
4. The Applicant is requesting a Variance for the following:
  - A. To utilize the existing 40 foot Right-of-Way.
  - B. To improve the existing gravel road, where necessary, to Short Plat standards.
  - C. To only pave the steep 600 feet of road that has grades of up to 18 %.
  - D. To modify the 1978 Variance provision that requires full County Road Standards for any further subdivision of property on this road.

### III. FINDINGS OF FACT

1. June 15, 1994 was fixed as the date of the public hearing and the Hearing Examiner held a public hearing on that date.
2. The Hearing Examiner makes the findings of the Department of Planning and Community Development as presented in the attached Report and Findings of that Department, a part of the Record in this matter. The Hearing Examiner also adopts the Staff Findings one (1) through fourteen (14) except as modified by the Testimony and Evidence received during the Public Hearing.
3. The subject property is zoned Residential and is classified as Rural Open Space on the Island District Comprehensive Plan Map.
4. The Skagit County Department of Planning and Community Development, acting as Lead Agency, found the proposal to be exempt. .
5. The property is not located in a Flood Hazard Zone or a Floodplain.
6. The proposed site is not located in an area under the jurisdiction of Skagit County Shoreline Management Master Program.
7. A number of Exhibits were entered into the record by the Skagit County Department of Planning and Community Development Staff and by others present at the Public Hearing.
8. From the above and including the record of the hearing, the Hearing Examiner makes the following:

### IV. CONCLUSIONS

1. The Examiner has jurisdiction in this matter in accordance with Chapter 14.04.240 of the Skagit County Code.
2. The public hearing was advertised in accordance with the requirements of Chapter 14.04 of the Skagit County Code. The property was also properly posted in accordance with Chapter 14.04 of the Skagit County Code and all property owners within 300 feet of the location of the subject property were properly notified by mail.

3. The Public Hearing was attended by the Applicant.
4. All persons present at the Public Hearing were given an opportunity to present evidence and testimony, and all correspondence received was read and made part of the record.
5. The application was reviewed in accordance with the State Environmental Policy Act guidelines and the Skagit County Ordinance implementing that statute and was found to be exempt.
6. The granting of this Variance depends upon the presentation of evidence that the Variance is necessary to alleviate an unnecessary hardship or a practical difficulty arising from the size, shape, topography, or other physical characteristic of the land itself.
7. The standards and criteria pertaining to the review and approval of Variances (Chapter 14.04.223(1)(e), Skagit County Code) are as follows:
  - (i) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
  - (ii) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.
  - (iii) That the special conditions and circumstances do not result from the actions of the applicant.
  - (iv) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.
8. The Hearing Examiner makes the following findings pertaining to the above standards and criteria:

- (i) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

The existing gravel road is very steep at its eastern end and would require approximately 10 to 12 feet of fill to bring the slope to 12%, requiring more than 60 feet of Right-of-Way to contain the additional fill.

- (ii) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

Literal interpretation of the zoning ordinance would prevent the Applicant from completing a previously started Short Plat.

- (iii) That the special conditions and circumstances do not result from the actions of the applicant.

This Application does not result from any action by the Applicant. The Applicant is trying to complete a previously started Short Plat.

SKAGIT COUNTY HEARING EXAMINER DECISION AND ORDER NO. VAR 94 009.ORD - PAGE NO. 4

- (iv) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

The granting of this Variance would not confer a Special Privilege on the Applicant. The number of parcels served by this road already exceeds the maximum number allowed by the ordinance.

9. The Skagit County Department of Planning and Community Development recommends approval of this Application (with conditions).
10. The Skagit County Department of Public Works recommends approval of this Application (with conditions).
11. The Hearing Examiner makes the following findings as required by Chapter 14.04.223 (3) of the Skagit County Code:
  - a. The reasons and information submitted in the application and in the testimony and evidence submitted during the hearing and for the record justifies the granting of the Variance, and that the Variance is necessary to make possible the reasonable use of the land.
  - b. The granting of the Variance be in harmony with the general purpose and intent of the Skagit County Zoning Code and will not be detrimental to the public welfare.
  - c. This use is permitted in the Zoning District under the terms of this Chapter in the district involved.
13. Any Finding of Fact which is deemed a Conclusion of Law is hereby adopted as such. From the foregoing, the Examiner issues this:

**V. DECISION**

The Hearing Examiner APPROVES the application for a Variance of David Poor for a Variance to utilize an existing road with improvements as described above, to be located at 257 Welch Lane, Anacortes, and in accordance with the following conditions:

1. The Applicant shall obtain a Fill and Grade Permit prior to the start of construction.
2. The Applicant, his Engineer, and his Road Contractor shall meet with the Skagit County Department of Public Works prior to the start of construction.
3. Complete construction drawings shall be submitted to the Skagit County Department of Public Works at least two weeks prior to the pre-construction meeting.
4. As built drawings shall be submitted to the Skagit County Department of Public Works within 30 days of the completion of the road construction.

This decision shall become final fourteen (14) days from the date of this decision unless appealed in accordance with Chapter 14.04.240 (16) of the Skagit County Code.

  
Robert C. Schofield  
Skagit County Hearing Examiner

Date of Action: June 20, 1994

Copies Transmitted to Applicant: 6/20/94

Attachment: Staff Report and Findings

CC (with attachment): Applicant, Applicant File, Board of County Commissioners, Prosecuting Attorney (John Moffat), Hearing Examiner, Distribution List.

SKAGIT COUNTY PLANNING AND COMMUNITY DEVELOPMENT  
FINDINGS OF FACT

HEARING AUTHORITY: SKAGIT COUNTY HEARING EXAMINER

HEARING DATE: JUNE 15, 1994

APPLICATION NUMBER: VARIANCE # VAR-94-009

APPLICANT: DAVID POOR

ADDRESS: 920 35TH ST.  
ANACORTES, WA 98221

PROJECT LOCATION: The road is Welch Lane, the proposed property to be short platted is located at 257 Welch Lane, Anacortes; a portion of the North 1/2 of the South 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 35, Township 35 North, Range 1 East, W.M., Skagit County, Washington.

PROJECT DESCRIPTION: Variance Request to allow the use of an existing road with 40 ft. right-of-way and constructed to short plat standards within the existing right-of-way, to serve a proposed two lot short plat.

ASSESSOR'S ACCOUNT NUMBER: 350135-1-006-0207

STAFF FINDINGS:

1. The subject property is zoned Residential and the Island District Comprehensive Plan designates the area as Rural Open Space.
2. The public hearing has been advertised in accordance with the requirement of Chapter 14.04 of the Skagit County Code.
3. The application has been reviewed in accordance with the State Environmental Policy Act guidelines (WAC 197-11 and RCW 43.12C) and has been found to be exempt.
4. The subject property is located out of any designated flood hazard areas.
5. The subject property is a total of approximately 10 acres. The applicant is proposing to divide the property approximately in half, through the short plat process, creating two approximate 5 acre tracts.

It was during the investigation for the short plat that the applicant discovered that the road could not comply with the requirements for an existing road to serve additional parcels. The most westerly portion of Welch Lane, for approximately

1,300 ft., has a total of 50 ft. of right-of-way. The balance of the road has a Variance to allow 40 ft. of right-of-way. The driving width is one car wide, it also has a section of road, approximately 600 ft. in length that has an 18 per cent grade and the road currently serves approximately five parcels.

The applicant is requesting a Variance to be allowed to do the following:

- a. Utilize the existing 40 ft. right-of-way
  - b. Improve the existing road, as necessary, to short plat standards (gravel)
  - c. Pave only approximately 600 ft. of road that has an 18 per cent grade
  - d. Modify the 1978 Variance that requires full county road standards for any further subdivision that proposed to utilize Welch Lane as access.
6. Section 14.08.090(3)a, b, c and d Short Plat Road, Bridge and Drainage Standards, of the Skagit County Short Subdivision Ordinance details the required construction standards for roads intended to serve a proposed short plat. A copy of these standards is attached for reference.

It should be noted that in the case of an existing road intended to serve a proposed short plat the following section applies:

Section 14.08.090(3)d:

Construction Requirements - Five or More Lots: The maximum number of lots that may be served by a private road shall be four except when the private road has been constructed to Skagit County Road standards. In all other cases, access to any lot shall be an opened, constructed and maintained county road. (Ord. 14275 (part), 1992).

If the Variance were approved and the short plat of the subject property approved, there would be six parcels served by the gravel road.

In Section 14.08.090(3)d, the reference to "an opened, constructed and maintained county road" applies to a road constructed to full county road standards, which includes, but is not limited to:

60 ft. of right of way  
20 ft. of driving surface



12 per cent maximum grade (may be steeper for short distances under certain circumstances)  
ditching to the required standard (in relation to terrain, etc.)  
surfacing required (not just ballast)

These are the standards to which the existing road must be constructed (or bonded) prior to approval of the short plat.

7. Prior to addressing the Variance criteria, several items need to be noted:

In researching this Variance Request, it was found that in 1976, 1977, and 1978, another applicant had requested similar Variances for the same access road, at that time to serve four parcels that were located on the south side of the access road (Welch Lane).

The other Variances were approved to allow as follows:

- a. A 40 ft. right-of-way (approved 1976)
- b. Road width to be 20 ft. where possible. In areas where the bedrock or trees cause problems, the roadway can be narrower if turnouts are provided at a safe distance as to be visible from each other.
- c. Ditching shall be done to the satisfaction of the County Engineer.
- d. Further division beyond the proposed four lots shall meet full county standards.

(Conditions b, c, and d were approved in 1977)

In 1978 the same previous applicant also requested a Variance to not asphalt the road. The request to not asphalt was denied in 1978.

In 1981 a Mr. Charles Posthumus applied for a Variance to utilize Welch Lane to serve a two lot short plat on the north side of Welch Lane. That Variance was approved with the following conditions (keeping in mind that there have already been three Variances, also with conditions, considered for this road):

1. The applicant shall provide an additional 10 ft. of right of way along the south property line [approximately 1,300 ft.].
2. That right-of-way shall be maintained as indicated in the two previous variances.

3. The road shall be brought up to short plat standards. Cul-de-sac rights-of-way shall also be provided.
4. A road name sign (Welch Lane) shall be installed at the intersection with Havekost Road.
5. There shall be no further subdivision of any of the properties served by this access road without bringing the road up to full county road standards.
6. Items 1,3, and 4 shall either be accomplished or bonded prior to approval of the proposed short plat.
7. The Variance number and date of approval shall be stated on the short plat.

Mr. Posthumus never completed the short plat for which the 1981 Variance was approved. Mr. David Poor and Mr. Ed Borelin are now attempting to complete the short plat.

Condition "d" of the Variances approved in the 1970's require the entire road to be paved. Over the years, County road standards have changed and Fire Marshal requirements for access have been adopted.

The situation at this time, is that Mr. Poor and Mr. Borelin have completed as much as possible of the 1981 Variance Conditions, but are not able to cut the grade down nor pave the entire road as required.

8. In reviewing the above information, it appears that the 1977 Variance conditions are still in effect and require the road to be constructed to full county road standards within the 40 ft. right-of-way. Full county road standards include asphaltting.
9. As justification for the Variance Request, the applicant has submitted the following:

"The short distance of the entrance (600 ft.) would not allow correction of the 18 per cent grade to 12 per cent. Improving the road by paving should remedy the problem. Owners of properties north and south of Welch Lane are not willing to sell any property to expand the easement to 60 ft. There is an 80 ft. easement on the north side of said property designed to, in the future, be access for the backside of The Point area to Havekost Road. This could be used for access of the subdivision of the 10 acre parcel."
10. The easement as referenced in the applicant's statement was originally proposed by the developers of The Point, San Juan Fidalgo, Inc. The easement, if developed, would have allowed an exit route to Havekost Road.

In regard to that easement on the north side of the subject property, it should be noted that at this time, there are no

development plans submitted by San Juan Fidalgo for further development that would require construction of the noted easement. It should also be noted that, if that easement were to serve five or more parcels, it would also have to be constructed to full county road standards (which is what the applicant is dealing with at this time).

10. The following items should also be noted:

The road is approximately 1900 ft. long and there is no emergency access.

The 18 per cent grade, even for 600 ft., violates Uniform Fire Code standards. If the Variance is approved, new residential construction may be required to have sprinklers installed as part of the construction.

At this time, there is not a cul-de-sac constructed to short plat standards. If the Variance were approved, it would be necessary to construct a cul-de-sac to short plat standards.

12. Section 14.04.223(1)e Variances of the Skagit County Code states that certain items will be reviewed when approving or denying Variances. Those items are as follows:

- a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- b. That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.
- c. That the special conditions and circumstances do not result from the actions of the applicant.
- d. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

13. Staff comments as they relate to the Variance criteria are as follows:

Special Conditions and Circumstances:

The existing gravel road currently has right-of-way beginning at 40 ft. and ending with 50 ft., is one car wide, and at one point has an unpaved 18 per cent grade.

As indicated, the applicant is requesting a Variance to be allowed to do the following:

- a. Utilize only the previously approved 40 ft. right-of-way in which to construct the road.
- b. Improve the existing road, as necessary, to short plat standards (gravel), including a cul-de-sac.
- c. Pave only approximately 600 ft. of road that has 18 per cent grade.

Special conditions and circumstances generally apply to topographic hardships, i.e., a large ditch or creek or other physical feature peculiar to a particular parcel of property, that has a detrimental effect on a proposed project.

The road is very steep at the entrance, but after that, is relatively flat. The physical feature in this instance is the excessive grade. If the applicant were required to comply with the maximum of 12 per cent road grade, approximately 10 to 12 ft. of fill would be required. It would take more than 60 ft. of right-of-way to accomplish this task. The applicant is requesting to be allowed to utilize only 40 ft. of right-of-way for construction.

In regard to the 18 per cent grade: the distance for that portion of road is relatively short, approximately 600 ft., making it very difficult to either cut the grade down to the required 12 per cent or fill or some combination.

Literal Interpretation:

The literal interpretation of the zoning ordinance would deprive the applicant of the ability to complete a previously started short plat.

There have been a total of four (this Variance make ~~five~~) Variances considered for the use of this road. Some of the Variances overlapped, making for a great deal of confusion in regard to what is required.

If the Variance is approved, it appears that although, all of the properties accessed by Welch Lane may not all be developed, once the short plat associated with this parcel is approved, there can be no further subdivisions utilizing Welch Lane. The reason for this is the current Interim Controls, as well as other regulations.

Result of Actions by the Applicant:

The Variance Request is not the result of actions by the applicant. The situation is that over several years, several parcels have been created, all utilizing an existing gravel road.

The number of parcels now utilizing that road in its present condition, exceeds the maximum number allowed by ordinance.

Special Privilege:

Given the situation of there being Variances in effect, special privilege may not be a factor in this application. However, if the Variance is granted, it will not be conferring a special privilege to the applicant.

14. The Department of Public Works has reviewed this Variance Request and had the following comments:

"Public Works will recommend approval of this variance request with the following conditions:

1. Pave the first portion of roadway from entrance to bottom of first hill (600 ft.) to 20 ft. wide minimum.
2. Widen any portion of roadway not 20 ft. in width as currently existing. Gravel the surface to short plat standards."

RECOMMENDATION:

Based on the above findings the Skagit County Planning Department would recommend approval of Variance # VAR-94-009 as requested with the following conditions:

1. The applicant shall obtain a Fill and Grade Permit prior to start of construction.
2. The applicant, his engineer and road contractor shall meet with the Department Public works prior to start of construction.
3. Complete construction drawings shall be submitted to Department of Public works a minimum of two weeks prior to pre-construction meeting.
4. As-built drawings shall be submitted to the Department of Public Works within 30 days of completion of road construction.

Prepared by: G.R.  
Approved by:





POTH PICTURES, TAKEN 8/16/2023



Havekost Road. Looking approximately south to southwest.  
Welch Lane is on the right side.





Havekost Road. Looking approximately north to northeast.  
Welch Lane is on the left side (out of view).



Welch Lane (a Private Road)



Welch Lane



Welch Lane progressing toward the subject property,  
Predators of the Heart



Welch Lane progressing toward the subject property, Predators of the Heart. Entrance to the driveway is on the left side in the distance.



Neighboring property just before POTH driveway



Driveway to Predators of the Heart



POTH signage on driveway







Entrance to POTH Animal Preserve

## **TYPOGRAPHICAL ERROR:**

**Condition of Approval # 8** which reads: “The applicant/landowner shall grant Skagit County’s Planning & Development Services Department, Code Enforcement, Sheriff’s Office, Animal Control Officer, and the Fire Marshall the Right of Entry to the subject property when requested for the purpose of inspections, code compliance, and compliance with the subject special use permit’s conditions of approval. Should right of entry be denied, Skagit County may rescind the approval for the proposed limited kennel special use permit.”

This mistakenly makes reference to a limited dog kennel. This needs to be changed to “Animal Preserve” instead.

## **POTH SUP, PL22-0133**

### **CLARIFICATIONS:**

1. Currently, the Public Works Department is not requiring a Traffic Impact Analysis as it was determined to be under the threshold ( 25 or more PM peak hour trips) for such . If however the business model changes and/or an expansion to the Animal Preserve is proposed at a future date, a Traffic Impact Analysis (TIA) in accordance with county standards will likely be required.
2. Any future expansion to Predators of the Heart facility will require a new Hearing Examiner approved Special Use Permit.
3. There has been several concerns expressed in public comments regarding noise coming from animals (from wolves, wolf hybrids, macaws, etc.) at POTH. I want to clarify that Skagit County has provisions about noise . The applicant is required to comply with noise performance standards (SCC 14.16.840(5)) which is enforced by Skagit County Sheriff's Office.
4. Once the new primary and secondary perimeter fence has been installed (and inspected by Skagit County PDS) onsite, the existing fencing located onsite today that serves as similar fencing can be removed.
5. SEPA MDNS Mitigation Measure #13 in part states that, *“All animal enclosures must be located inside of the secondary perimeter fence. Wolves, wolf hybrids, bobcats, cougars, and similar animals that are a threat to humans must at all times be housed in 6-sided fenced enclosures. All enclosures must contain a shelter from the elements and must provide adequate drainage to*

*allow animals to find dry ground in wet conditions. Enclosures must contain enough vegetation and ground cover to provide the animal with shade, hiding places and grass to eat. However, no trees or bushes shall be located too close to the fence.”*

For clarity purposes, “Wolves, wolf hybrids, bobcats, cougars, and similar animals that are a threat to humans must at all times be housed in 6-sided fenced enclosures **ONLY** during nighttime/afterhours once the facility closes to the public for the day, weekend, or holiday and does not include the time they spend in animal runs throughout the day when the facility is open and animals are supervised.

6. The issued SEPA MDNS requires both primary and secondary fencing to be around the entire subject property.

However, the intent was that fencing is not required on parts of the subject property that is not being used as part of the Animal Preserve.

7. There has been some mention of the applicant’s use of Airbnb. It is my understanding that the applicant uses Airbnb to advertise for experiences and not accommodations onsite. For clarification purposes, the subject Special Use Permit is for an Animal Preserve only. Accordingly, patrons that either visit or tour the facility are not permitted to stay overnight, enter cages or runs of any of the animals, stand next to them, &/or pet them. For the safety of the visitors of the facility, no direct contact with any of the animals is permitted.
8. For clarification, no breeding &/or selling of any “Potentially dangerous wild animals” as defined by SCC 7.04.010 is permitted on the subject property.

9. There have been several comments received from the public expressing concerns about rodents onsite. If the hearing examiner is so inclined, an additional condition may be added concerning the need for rat/rodent abatement performed throughout the year.