

City of Sedro-Woolley
Building, Planning & Engineering
325 Metcalf St, Sedro-Woolley, WA 98284
Phone 360-855-0771 Fax 360-855-0707



ZONING VARIANCE APPLICATION

Date Stamp

SEP-9-2020

APPLICATION No. 2020-265

Applicants shall be charged a ~~\$200.00~~^{500.00} non-refundable fee for each zoning variance at the time of application. All zoning variance applications must be accompanied by two (2) copies of a scaled site plan on plans no smaller than 8.5"x11" showing lot lines, existing conditions, and proposed new construction. Additionally, each application must thoroughly and completely address the approval criteria found in SWMC 17.60.050. Failure to address all three criteria will result in the application being rejected.

THIS PAGE TO BE COMPLETED BY CITY STAFF AT THE TIME OF APPLICATION

Received	Required Submittal
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- 1 Completed application signed by applicant
- 2 Two copies (2): Scaled site plan showing lot lines, existing conditions and proposed new construction.
- 3 Legal description of the property and/or properties;
- 4 Three (3) sets of mailing labels and a signed affidavit of correct names and addresses.
- 5 Zoning Variance Fee(s) Paid.

Application Accepted? YES / NO City Official _____ Date: _____

If not accepted, list corrections required for approval:

Correction Description	Correction approved	Date Received

ZONING VARIANCE APPLICATION

SECTION I - APPLICANT INFORMATION

Fill out completely. Attach legal descriptions and supporting documents as necessary. Please be sure to complete sections I - IV. Failure to complete all sections will result in an incomplete application and will not be accepted by City staff.

Applicant:	NEAL PRATHER		
Organization:	SELF		
Primary Contact:	LOUISE REQUA		
Mailing Address:	806 Metcalf St.		
City/State/Zip:	Sedro-Walley, WA, 98284		
Email:	louisresseconsultants.com		
Telephone:	(360) 855-2121	Cell Phone:	(360) 770-1861 Fax: ()
OWNER INFORMATION (If Different from Applicant)			
Owner Name:	Same As Applicant		
Organization:	Self		
Mailing Address:	720 Shoeshel Drive		
City/State/Zip:	S.W. 98284	Email:	N/A
Telephone:	(360) 856-1891	Cell Phone:	(360) 391-3277 Fax: (-) N/A

SECTION II - PROPERTY INFORMATION

Site Address:	720 Shoeshel Drive S.W. 98284		
Parcel Number(s):	P36405		

ZONING DISTRICT (Please Refer to City Zoning Ordinance Title 17 for zoning information.)

Zoning District (circle one) : R-5 R-7 R-15 MC CBD I OS P			
Minimum lot size:	8400sqft	Lot width at building line:	40'
Front Setback:	20	Lot width at public street:	20'
Side Setback:	5 or 8	Maximum building height:	35'
Rear Setback:	10	Maximum lot coverage:	35%

DESCRIBE THE CURRENT USE OF THE PROPERTY:

There is currently an elder care facility located on the property. Also, a home occupied by the applicant + owner, a shop, barn and various smaller buildings. These uses are located on the western portion of the property and also on the west side of a deep creek ravine that bisects the property roughly in the middle. The property east of the creek ravine is wooded.

1 ISSUE - See Attached Narrative

SECTION III - ZONING VARIANCE INFORMATION - COMPLETE ALL SECTIONS

The Hearing Body will use the following criteria for evaluation when making a zoning variance determination on variance request from the lot size requirements, screening provisions, and any of the provisions found in SWMC Chapters 17.36 through 17.48 (SWMC 17.60.010 & 17.060.050). Please fill out all sections completely and thoroughly and attach any documents supporting your request.

DESCRIPTION OF PROPOSED VARIANCE (attach additional sheets as necessary): The applicant is respectively requesting a Type III Variance to vary from the provisions of 16.04.080 A requiring lots to be served by public Sanitary Sewer. 16.12.060 provides limited instances where a Variance from the requirement can be allowed. For Example, where sewer is not reasonably available to the property and where the proposed subdivision is for two or more detached residences on one lot. In this case sewer is not reasonably available to the proposed lots. The Topography would require a pressure system which would have to travel 800-900 feet to city services, plus have to pass underneath a small creek. Also, doing this would not help expand the City's system. Also there is currently a functioning septic system that was allowed by the City

17.60.050 (A) WILL THERE BE A DETRIMENT TO NEIGHBORS OR THE PUBLIC IN GENERAL IF in 2005

THE VARIANCE IS GRANTED? (Describe how the zoning variance will not be a detriment your neighbors or the general public. when a new home was permitted. Attach letters of support from neighbors or other supporting documents if possible. Add additional sheets as necessary)

- A.) No. The homes are currently being served by the existing septic system and would continue to be if the subdivision were to be denied. The City agreed to allow homes to be served by septic systems in 2005. The topography of the lot would require a costly pressure system that would then need to be maintained for only two homes. It was not a feasible alternative in 2005 and still is not today.
- B.) Special Circumstances: There are currently two homes already served by septic systems that were approved in 2005. The topography causes it to be prohibitive to installing a conventional gravity system to access the City services. The City has not been supportive of a pressure system to serve two lots.
- C.) Sufficiently Unique: The two homes are the result of one being an adult care facility and the second one being an accessory use to an allowed use approved through an agreement with the City. This is a unique circumstance not commonly found within the City. Since the topography on the site is unique to the property from the standpoint of a very deep ravine, including a small creek, it therefore separates the home sites from the existing City Sewer. can also be stated as a unique site constraint not common to other sites within the City.

17.60.050 (B) SPECIAL CIRCUMSTANCES EXIST WHICH ARE NOT COMMON TO OTHER

SIMILARLY RESTRICTED PROPERTIES. You must document that the reason for the regulation from which relief is requested is unnecessary because special circumstances exist here which are not common to other similarly restricted properties (these circumstances may include physical features of the subject property, nature of surrounding improvements and uses, or proposed designed elements that will meet the same purpose as the regulation from which relief is requested (Attach additional sheets as necessary)

In 2005 the Prathers and the City entered into an agreement allowing for the placement of a 2nd single family residence on their lot as an accessory dwelling unit to the adult family care facility allowed on the property. As part of construction of the 2nd residence, also in 2005, a septic system was approved to serve the homes. The agreement between the City and Prathers included a provision that the home would either be removed within 90 days of the closure of the group home or the lot would have to be subdivided. The purpose of the subdivision is to satisfy that provision of the agreement with the City. Therefore, the subdivision requires a variance to allow the existing homes to continue to be served by their existing septic systems.

17.60.050 (C) DESCRIBE HOW THE ABOVE SPECIAL CIRCUMSTANCES ARE SUFFICIENTLY UNIQUE THAT THE CUMULATIVE EFFECT OF SUCH VARIANCES WILL NOT UNDERMINE THE PURPOSE AND INTENT OF THIS CITY'S ZONING CODE (Attach additional sheets as necessary).

See previous page.

SECTION IV - SIGNATURE

Complete for this application. Failure to complete will result in an incomplete application

Application is hereby made for a **ZONING VARIANCE** for an exception from the lot size requirements, screening provisions, and any of the provisions found in SWMC Chapters 17.36 through 17.48 and **NOT** for any other City regulation concerning the above stated activity. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the officials of the City of Sedro-Woolley the right to enter the above-described location to inspect the proposed or completed work.

Louis H. Regan as agent

Date: *11/15/18*

Signature of Applicant or Designated Agent (REQUIRED)

SUNGIT SURVEYORS

#2 Issue

SECTION III – ZONING VARIANCE INFORMATION - COMPLETE ALL SECTIONS

The Hearing Body will use the following criteria for evaluation when making a zoning variance determination on variance request from the lot size requirements, screening provisions, and any of the provisions found in SWMC Chapters 17.36 through 17.48 (SWMC 17.60.010 & 17.060.050). Please fill out all sections completely and thoroughly and attach any documents supporting your request.

DESCRIPTION OF PROPOSED VARIANCE (attach additional sheets as necessary):

This #2 Issue is asking for a variance to vary from SWMC 17.040.30, the average net density of not less than four units per acre.
Please see the attached Narrative for more detailed comments.

17.60.050 (A) WILL THERE BE A DETRIMENT TO NEIGHBORS OR THE PUBLIC IN GENERAL IF THE VARIANCE IS GRANTED? (Describe how the zoning variance will not be a detriment your neighbors or the general public. Attach letters of support from neighbors or other supporting documents if possible. Add additional sheets as necessary)

See attachments - Narrative.

17.60.050 (B) SPECIAL CIRCUMSTANCES EXIST WHICH ARE NOT COMMON TO OTHER SIMILARLY RESTRICTED PROPERTIES.

You must document that the reason for the regulation from which relief is requested is unnecessary because special circumstances exist here which are not common to other similarly restricted properties (these circumstances may include physical features of the subject property, nature of surrounding improvements and uses, or proposed designed elements that will meet the same purpose as the regulation from which relief is requested (Attach additional sheets as necessary)

See attachments - Narrative.

17.60.050 (C) DESCRIBE HOW THE ABOVE SPECIAL CIRCUMSTANCES ARE SUFFICIENTLY UNIQUE THAT THE CUMULATIVE EFFECT OF SUCH VARIANCES WILL NOT UNDERMINE THE PURPOSE AND INTENT OF THIS CITY'S ZONING CODE (Attach additional sheets as necessary).

See attachments - Narrative

Narrative—Variance from SWMC 16.04.080(A) to Allow Lots 2 and 3 to be Served by Septic and Variance from SWMC 17.04.030 Maximum Lot Size

Background

The proposal is for a three-lot short plat. Lot 1 is 1.71 acres. Lot 2 is 1.12 acres, and lot 3 is 1.72 acres. The property is a panhandle lot with approximately 330 feet of 20-wide access from SR 9. It is bisected by a deep ravine with a creek in the bottom. The ravine slopes are roughly 27% on the west side and 11% on the east side.

There is an existing home, a care facility, shop, barn and various outbuildings located on the property. One of the objectives of the short plat is to separate the home from the care facility.

Existing water for the existing homes is currently PUD water. PUD is proposed to serve all three of the short plat lots.

The property is currently served by individual on-site septic systems. The short plat proposes to continue to serve Lots 2 and 3 with individual septic systems. No new development is proposed for those two lots. It would simply be a continuation of using the same systems that are currently in place for the existing buildings. The new Lot 1 that is located on the eastern side of the ravine would connect to City sewer at the time a building permit is applied for and approved (per comments from David Lee in pre-app written comment sheets attached hereto).

Critical areas review has been done and a copy of the report is attached.

A drainage report has been provided as part of the plat application (and a copy attached to this application) addressing the runoff from one additional home site since the existing buildings have been accounted for under previous building permits and since they are on the opposite side of the ravine from the building site for lot 3.

Access to the lots would be from Shoelshel Drive. The existing driveway would continue to provide access to the two lots just as it currently does. In addition the driveway would provide access to the new building site on Lot 1 (located on the eastern side of the ravine).

Variance Criteria for Request #1 to Allow Septic to Serve Lots 2 & 3

A. No detriment will result to neighbors or the public in general;

There is no detriment to the neighbors or the public in general. The homes are currently being served by the existing septic and would continue to be served by that system whether the subdivision was approved or not. The City agreed to allow the homes to be served by septic per agreement in 2005 (copy attached). The topography of the lot is such that serving the existing homes with public sewer would require a costly pressure system that would then need to be maintained for only two homes. It was not a feasible alternative in 2005 and it still is not.

The third lot that has no home on it would be subject to connection to the public sewer at the time of building permit so would be in compliance with the Municipal Code and not require a variance.

- B. The reason the regulation from which relief is requested is unnecessary in this case is that special circumstances exist here which are not common to other similarly restricted properties. (These circumstances may include physical features of the subject property, nature of surrounding improvements and uses, or proposed design elements that will meet the same purpose as the regulation from which relief is requested. The special circumstance(s) shall be specified in the findings); and

The special circumstances that exist on this property include:

- The two homes that would be served by septic are existing and are already served by septic.
- The City approved an agreement to allow the homes to be served by septic in 2005.
- No benefit to the City comes from denial of the request because this is an approved existing condition.
- Topography prohibits installing a conventional gravity sewer and the City is not supportive of installing a pressure system to serve only two homes. There is no feasible alternative to the existing system which is why it was approved in 2005.

- C. The special circumstances are sufficiently unique that the cumulative effect of such variances will not undermine the purpose and intent of this title.

The unique circumstances that preclude undermining the purpose of this title include:

- The two homes exist as a result of the City approving an adult care facility and an accessory dwelling unit to an allowed use through an agreement with the City in 2005. This is a fairly specific fact pattern that is not commonly found in the City and not likely to be repeated enough to result in a cumulative effect that would undermine the intent of the title.
- The topography on the site is unique to the property. The deep ravine that separates the home sites from the existing sanitary sewer is a unique site constraint not common to other areas of the City.
- Variances are intended to allow for consideration of unique circumstances such as those that exist on this property and allowing the variance to be approved is the opposite of undermining the purpose of this title—it is exactly the purpose of this title.

Variance Criteria for Request #2 Maximum Lot Size

This request is to vary from SWMC 17.040.30, the average net density of not less than four units per acre.

Using the net density calculation included in SWMC 17.040.30 results in the following:

Those items to subtract from the land area to determine net density include; public right of way, private access easements, driveways, utility corridors, stormwater facilities, and critical areas and

their associated buffers. When these items are subtracted the remaining property is considered buildable area. The number of dwelling units allowed/required is determined based on the buildable area. The calculation that follows shows how buildable area is determined for this project.

		Square Feet	Acres
A.	Total Property Area:	192,535	4.4
B.	Critical areas and buffers	60,411	1.4
C.	Private access easement	14,116	0.3
D.	Utility easement not in roadways	12,077	0.3
E.	Driveway not in easement	8,641	0.2
	Buildable Area (Subtract B-E from A)	95,290	2.2

Over 50 percent of the property is unbuildable. At four units per acre the short plat would be required to include 8 units. The variance request would reduce the density to allow for the creation of only three lots.

Per the general provisions of SWMC 16.04.060 (b)(c) and (d), a variance from the lot size requirements can be granted to accommodate site constraints that make development at the required minimum density impractical or inconsistent with the purposes of SWMC 16.04.060. There are a number of unique site constraints that apply to this short plat that would make development at the required density impractical and would warrant a density reduction.

SWMC 16.04.060 (C)(1) a list of factors that could warrant a density reduction. It is important to note that the section specifically indicates that the factors listed include but are not limited to the types of things that could be considered to warrant a density reduction. One of the factors included in the list is the percentage of critical areas on the site. If that percentage is in excess of 20 percent, then it warrants consideration for a density reduction. Critical areas associated with this property are in excess of 50 percent—more than double the percentage that would warrant a density reduction. We have attached a copy of the Critical Areas report prepared for the proposal that identifies the type and extent of the critical areas and their associated buffers.

Other factors unique to the property that would support the granting of a variance for reduced density include:

1. The property is made up of a long panhandle that extends west from SR 9 roughly 360 feet to the bulk of the property. The panhandle is only 20 feet wide. This is not wide enough to allow for the installation of a roadway that would be adequate to serve more than the three lots being proposed.
2. The existing access roadway is in places located partly on the neighbor's property. An easement for the use of the roadway was created in 2015 between the Prather's and their neighbors that are also served by the access roadway. The neighbors have indicated that they are not willing to grant additional rights to use the driveway or to grant additional right of way to create a roadway that would serve more lots than are being proposed.

3. The property is divided by a deep ravine and stream running through it. Even ignoring the critical area implications, crossing the ravine with infrastructure improvements for the few lots that would result even if the property were fully developable would be impractical. The City has agreed that a sewer crossing of the ravine is not feasible.
4. The property to the north (within the City Limits) is currently designated as Farm & Agriculture for taxation purposes and appears to be actively engaged in agriculture production. Redesignation would be difficult and unlikely. Even if the property were to be redesignated the critical areas that encumber the Prather property also encumber the property to the north (the critical areas to the north are possibly even more extreme).
5. The property to the northwest of Prather's property is within Skagit County and is owned by Skagit County. The lots are already substandard to the minimum lot size for their zoning designation so are unlikely to be developed. It is also unlikely that they will be redesignated as UGA given the difficulties that Sedro-Woolley has faced with having additional property designated as UGA in the recent past. This is only exacerbated by the fact that Skagit County actually owns the parcels.
6. To the west of the Prather property roughly 250 to 300 feet is another deep ravine and year-round creek. This feature makes development of that property difficult and would limit the ability for access to the west side of Prather's property to ever come from that direction. This would limit the ability for the most western portion of the property to be developed.
7. The existing configuration of buildings on the western portion of the Prather property limits the ability to access the western most portion of the property. Even if the access was of sufficient width to gain access across the ravine, there is no pathway between the existing buildings to allow an access to be constructed.
8. In 2005 the City granted approval for the operation of a group care home with an accessory unit for the owners to live in. One of the provisions of that approval was that the property would need to be subdivided at the time group home ceased operation. The purpose of the requested subdivision is to comply with this provision of the approval now before circumstances force the closure of the business and the subdivision as a result.

All these factors, when considered together, provide the rationale to allow for a reduction of the density for the property.