

**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:	191,664 192,535	4.4
B.	Critical areas and buffers	70,132 60,411	1.6 1.4
C.	Private access easement	18,116 14,116	0.4 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)	112,891 95,290	2.6 2.2

Over <sup>40</sup>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 <sup>40</sup>50 percent ~~more than double the amount that would warrant a density reduction.~~ *This large amount would*

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.