City of MOUNT VERNON
DEVELOPMENT SERVICES

NOTICE OF APPLICATION

This Notice of Application is being posted and sent to those property owners who are located within 300 feet of the project site described within this notice. City code requires the applicant for this action to obtain a permit that will allow the construction of the improvements described herein. If you have concerns or questions about this project please respond to the staff person listed in this notice within the timeframe provided.

City staff has created a page on the City's website where the materials for this application can be viewed. This webpage can be viewed as follows: navigate to: www.mountvernonwa.gov; once here click on 'Departments' then 'Development Services' then 'News Notices' then near the top of the page on the Application Name/No. listed below.

DATE:	March 5, 2018	**LAND USE NUMBER:**	File No. PL18-037

APPLICATION NAME: New Earth Recovery Addition – Special Permission

PROJECT DESCRIPTION: Proposal seeks to modify a non-conforming single family residence which provides housing for New Earth Recovery. The proposal will remove existing decks on the first and second floor of the building. In their place an approximately 300 square foot addition will be constructed which will provide an additional bedroom upstairs and a mudroom downstairs. The addition will utilize the same footprint as the removed decks. There will be no change in height as the addition will match the existing roofline.

MVMC Chapter 17.102 has a process by which the City Council (upon recommendation by the Hearing Examiner) can grant special permission to enlarge or expand an existing non-conforming structure and/or use so long as certain criteria are met.

APPLICANT: Alan Muia – PO Box 1473 Mount Vernon, WA 98273; (360) 770-1044

PROJECT LOCATION: The proposal property has an address of 1606 S. 3rd St. The parcel number is P29075, and it is located within a portion of the southeast 1/4 of the northeast 1/4 of Section 30, Township 34N, Range 4E, W.M.

Comments on the Notice of Application must be submitted, in writing, no later than **5:00 P.M. ON MARCH 22, 2018.** Comments should be as specific as possible. Any person may comment on the application, receive notice of and request a copy of the decision once it is made. Questions about this proposal, requests for additional notification by mail and/or appeal procedures should be directed to the contact person listed herein. Any person who submits written comments will automatically become a 'party of record' and will be notified of any decision made regarding this proposal.

VICINITY MAP

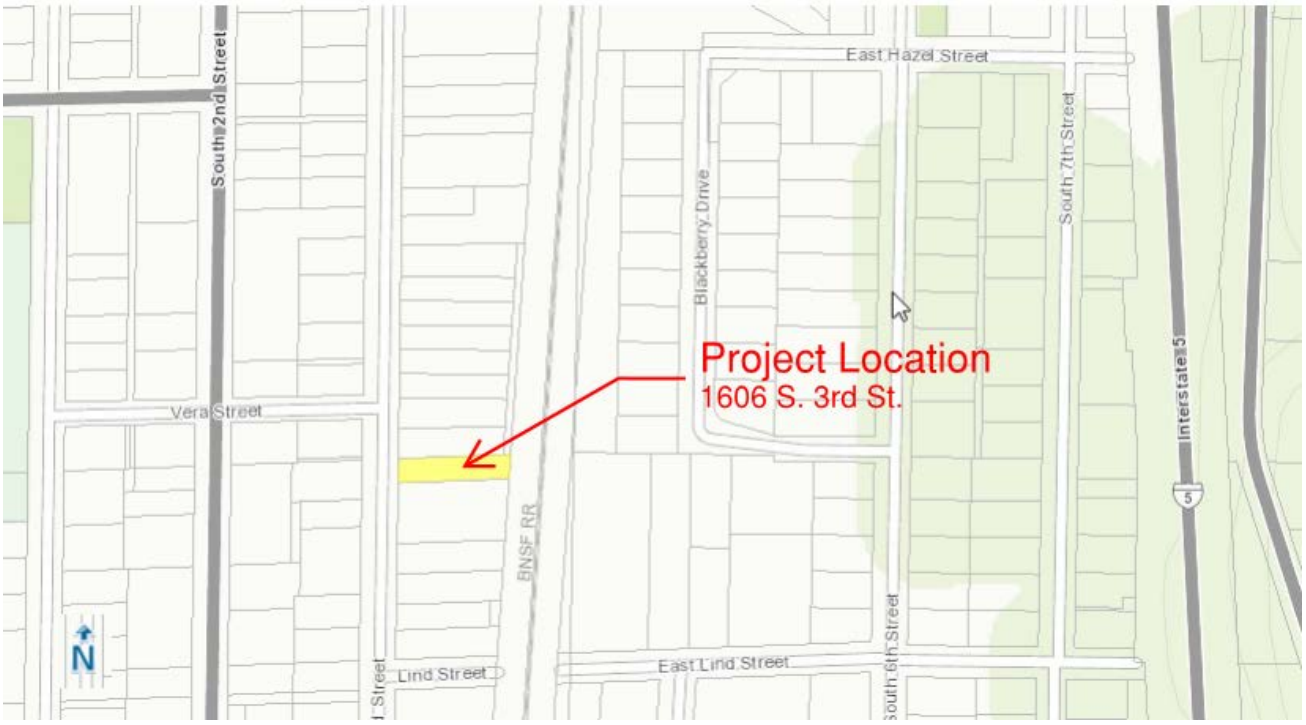


Photo from the Skagit County Assessor, front of the residence from S. 3rd St.

DETAILS:			
Permit Application Date:	February 5, 2018	**Technically Complete:**	February 20, 2017
Permits/Review Requested:	Expansion of a Non-Conforming Building/Use	**Other Permits that may be Required:**	Building Permit

CONSISTENCY OVERVIEW:			
Zoning:	Multifamily Residential with a maximum density of 12 dwelling units per acre (R-3).	**Comprehensive Plan:**	Residential Office/Professional Office (RO/PO)

Environmental Documents that Evaluate the Proposed Project:	None Required, there are no indications of critical areas on or near the project site. This project is categorically exempt from the threshold determination and Environmental Impact Statement Requirements of SEPA per WAC 197-11-800.
Development Regulations Used for Project Mitigation:	The project is subject to the City's Comprehensive Plan, Subdivision and Zoning Code, Drainage, Engineering and Concurrency Requirements and other applicable local, state and federal regulations as appropriate.
To receive additional information regarding this project contact the Department and ask to become a party of record:	Rebecca Lowell, Principal Planner Development Services Department City of Mount Vernon 910 Cleveland Avenue, Mount Vernon WA 98273 Telephone - 360-336-6214; Facsimile - 360-336-6283

PROCESS: The City's Hearing Examiner will make a recommendation to the City Council who will issue a final decision on this application.

The application and supporting documentation are available for review at the Development Services Department located at City Hall. Copies will be provided upon request at the cost of reproduction.

Issued: March 6, 2018
Published: March 9, 2018

SENT TO: Owners within 300 feet of the project site, applicant, property owner, CNG, WDFW, DNR, DIKE AND DRAINAGE DISTRICTS (as applicable), FRONTIER, FRONTIER NW, DAHP, NW CLEAN AIR AGENCY, PORT OF SKAGIT COUNTY, PSE, SAMISH TRIBE, SCOG, SKAGIT COUNTY PDS, PUD #1, SKAGIT RIVER SYSTEM COOPERATIVE, SKAGIT RIVER SYSTEMS, SVC, SKAT, SWINOMISH TRIBE, AND UPPER SKAGIT TRIBE

STAFF REPORT *for* NEW EARTH RECOVERY ADDITION – SPECIAL PERMISSION

STAFF REPORT SUMMARY & CONTENTS

STAFF RECOMMENDATION:	APPROVE the permit for special permission
PROJECT DESCRIPTION:	Proposal seeks to modify a non-conforming single-family residence by enclosing two (2) existing decks on the first and second floor of the subject building and converting these enclosed areas to living space.

ADDRESS:	1606 S. 3rd Street	**PARCEL #:**	P29075	**¼ SEC.**	**SEC.**	**TWP.**	**RGE.**
ACCESS:	Off of South 3rd Street			NE	30	34N	04E

PROPERTY OWNER:	**APPLICANT:**
New Earth Recovery Agent: James Vandermey 14603 Baker Heights Road Mount Vernon, WA 98273	New Earth Recovery Attention: Alan Muia P.O. Box 1473 Mount Vernon, WA 98273

VICINITY MAP:

PROJECT DESCRIPTION & LOCATION

PROJECT DESCRIPTION:	Proposal seeks to modify a non-conforming single family residence for New Earth Recovery. The existing structure is non-conforming due to its side yard setbacks. On the north side of the structure the side yard setbacks are 2 feet 7-inches at the northwest corner and 3 feet 1-inch at the northeast corner. The south side of the structure has a 7-foot 9-inch setback. The required side yard setback is 10 feet for the ground floor and 15 feet for second-stories. The proposal will enclose a ground floor and a second story deck. The existing decks total 280± (140± s.f. each) and the new living areas created will also total 280± (140± s.f. each). The addition will utilize the same footprint as the removed decks. There will be no change in height as the addition will match the existing roofline. MVMC Chapter 17.102 has a process by which the City Council (upon recommendation by the Hearing Examiner) can grant special permission to enlarge or expand an existing non-conforming structure and/or use so long as certain criteria are met.
PROJECT LOCATION:	The proposal property has an address of 1606 S. 3rd St. The parcel number is P29075, and it is located within a portion of the southeast 1/4 of the northeast 1/4 of Section 30, Township 34N, Range 4E, W.M. Photo taken from the Skagit County Assessor's website on April 30, 2018. Photo was taken standing on 3rd street looking east at the front of the subject structure.

Photo taken from Google Maps on April 30, 2018, street view. Photo taken on 3rd street looking NE at the subject structure that staff has identified on this photo.

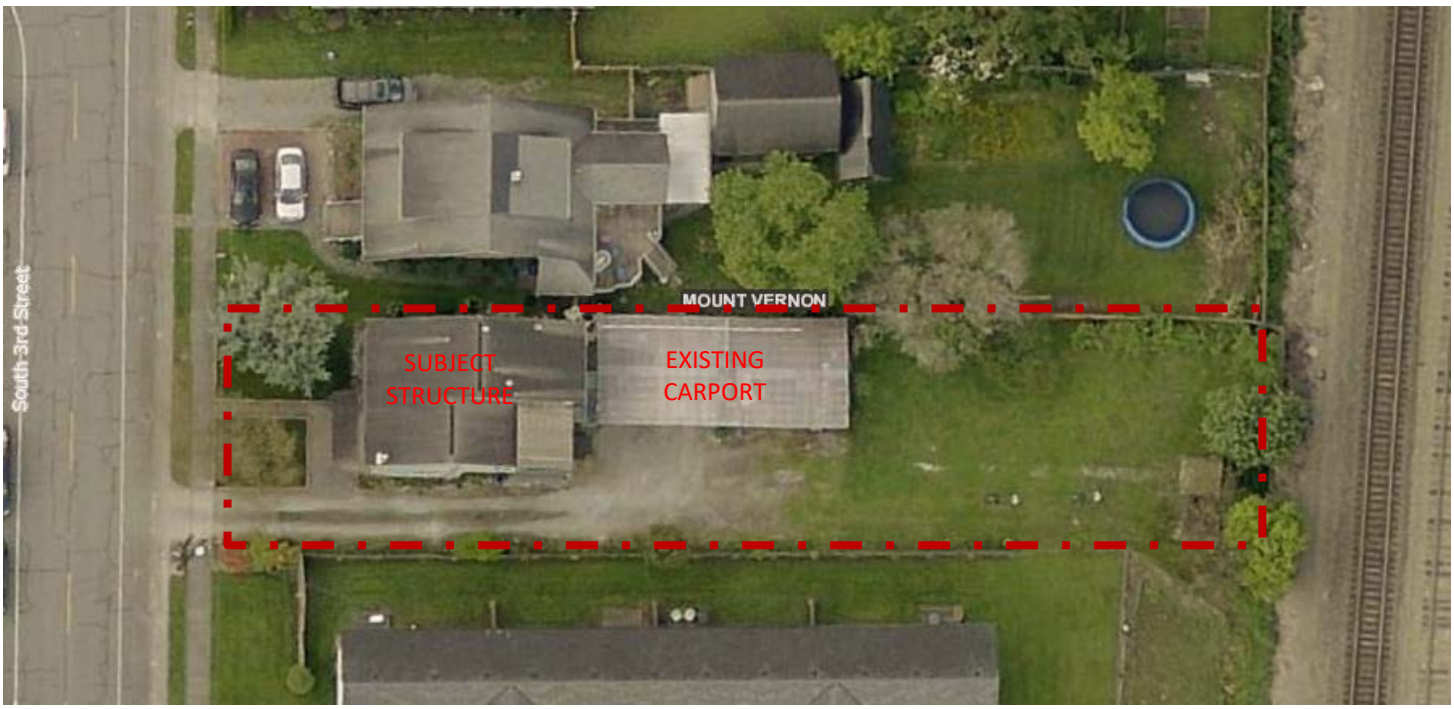


Photo taken from Skagit County GIS aerial map on April 30, 2018. Staff has added labels to identify structures and approximate lot lines

B. EXHIBIT LIST:

Exhibit A: Master Land Use Application

Exhibit B: Project Narrative and Elevations from the Applicant

Exhibit C: City notices and associated information

Exhibit D: 1978 Building Permit and Side-Yard Setback Variance

Exhibit E: Staff Comments:

Steve Riggs, Fire Marshall—email dated March 11, 2018
Alan Danforth, Development Services Engineering Manager—email dated February 14, 2018

C. DEPARTMENT ANALYSIS:

APPLICABLE MVMC:

- Chapter 14.05 Administration of Development Regulations
- Chapter 17.24 Multi-Family Residential
- Chapter 17.102 Nonconforming Buildings or Uses

EXISTING ZONING: Multi-Family Residential (R-3)

EXISTING COMPREHENSIVE PLAN DESIGNATION: Multi-Family Medium-High Density (MF-MH)

PROCEDURAL:

- On **February 5, 2018** the applicant submitted the subject application.
- On **February 20, 2018** staff deemed the materials submitted technically complete for processing.
- On **March 6, 2018** a Notice of Application (NOA) for Approval to Expand a Non-Conforming Building was issued by staff.
- On **March 9, 2018** a Notice of Public Hearing & Public Hearing was mailed to all properties within 300 feet of the project site.
- On **March 8, 2018** the Notice of Application & Public Hearing was published in the Skagit Valley Herald.
- On **March 9, 2018** the subject site was posted with a Land Use sign.
- On **April 19, 2018** the Notice of Public Hearing was mailed to all properties within 300 feet of the project site.
- On **April 19, 2018** the Notice of Public Hearing was published in the Skagit Valley Herald.

PERMIT TRIGGER: The request is for the expansion of a non-conforming structure. The applicant wishes to convert existing decks on the first and second stories of the existing structure and replace them with enclosed living areas.

The existing home has pre-existing non-conforming side-yard setbacks. The proposed new living space will not encroach any further into the non-conforming side yard setbacks. The existing structure is also being used a single-family residence within a multi-family zone.

In 1978 the existing structure was rebuilt and a variance was granted for the side-yard setback along the north property line. Please see the accompanying **Exhibit D.** The zoning code currently in effect makes the south side-yard setback non-compliant.

MVMC 17.102.025 and 17.102.030 provides a process by which a permit can be issued to allow a non-conformity to be enlarged or expanded on a site through a process wherein the City's Hearing Examiner makes a recommendation to the City Council and the City Council makes a final decision to approve or deny such a request.

CODE CRITERIA TO BE MET WITH REQUEST:
The approval criteria that staff needs to address is contained in MVMC 17.102.070. This section of the code contains the following four (4) criteria. The staff response to each of these criteria follows each listed item.

A. The effect of such enlargement, expansion or reconstruction on the appearance and use of the area which might be affected.

The appearance and use of the area will be altered slightly. The existing decks will be enclosed and the resulting appearance will be consistent with a single family dwelling. The decks are located in the rear of the home and are not the dominate view from the street.

The to-be-converted decks are located on the south side of the home where a 5-foot fence and 6-foot high landscaping exist. Those features would not be altered and would act to soften any change in appearance from an unenclosed deck to an enclosed living area.

Enclosing the existing decks will have a negligible effect on the appearance and use of the affected area.

B. The effect of the granting of such permit on traffic patterns in the area.

The proposal would add one additional living area to the house and is not anticipated to have a significant impact on traffic patterns in the area. South 3rd Street is an arterial street intended to have high volumes of traffic.

C. The adequacy of parking facilities afforded or to be afforded.

There are three (3) parking spaces located within an existing open carport located in the rear yard (east side) accessed via an existing gravel driveway on the south side of the property. The Development Services Department has no reports of parking issues on or in the vicinity of the subject property. Should the new living space create the need for new parking areas the applicant will be required to install code compliant parking areas.

D. The effect on adjacent and nearby property or the economic effect of the proposed expansion, alteration or reconstruction on both the applicant and the owners of property in the vicinity.

There should be no negative effects (including economic ones) to adjacent and nearby properties due to the enclosure of the existing decks to create additional living space. The effect to both the applicant and nearby property owners should be positive ones as the applicants are investing in their property.

D. STAFF RECOMMENDATION:

To approve the expansion of this nonconforming use the Hearing Examiner must find "that the proposed alteration, expansion or reconstruction will not have a material adverse effect upon the use and enjoyment of the properties within the area which conform to the existing zoning…" (MVMC 17.102.080).

Based on the analysis above, the staff conclusion is that the enclosing the existing decks will not have a material adverse effect upon the use and enjoyment of the properties within the area which conform to the existing zoning.

As such, staff recommends **APPROVAL** for the expansion of the subject nonconforming building for, **File No. PL18-037**, subject to compliance with the standards of the Mount Vernon Municipal Code.

E. NOTES TO APPLICANT AND PARTIES OF RECORD:

1. The expansion of a nonconforming use sought by the applicant requires that the City's Hearing Examiner make a recommendation, at an open record public hearing that will be forwarded to the City Council, who will make a final decision at a closed record public hearing.

2. The written recommendation for this project will be issued by the Hearing Examiner within 10 days after the date the record closes. The Hearing Examiner shall reconsider his/her recommendation if a written request is properly filed by the applicant or a party of record within 10 days of the date of the initial recommendation. A party wishing to file a request for reconsideration of the Hearing Examiner's recommendation shall follow the process outlined within MVMC 14.05.110(H)(4). A copy of this portion of the MVMC can be obtained by contacting the Development Services Department; or it can be downloaded on the City's web site at: www.mountvernonwa.gov

3. Consistent with MVMC 14.05.140 this permit to enlarge a non-conforming structure shall expire two (2) years following approval from the City Council.

4. Additional off-street parking spaces created on this property shall be required to be paved with a durable, dust-free surface [MVMC 17.84.020(B)].

5. The applicant shall be required to apply for and receive other permits before construction activities commence on this site. These permit include, but are not limited to: Building Permit, Floodplain Development Permit, Electrical Permit (from L&I), Mechanical/Plumbing Permits, Fill & Grade Permit (if > 50 c.y. of material is imported/exported), and Right-of-Way Permit (if work within the City's right-of-way is proposed).

PL18-037

EXHIBIT A

City of MOUNT VERNON

RECEIVED
CITY OF MOUNT VERNON
FEB - 5 2017
C.E.D. DEPARTMENT
BY_____

18-037

MASTER LAND USE APPLICATION FORM

PL18-037

FILE NUMBER: PL17-073

PROPERTY OWNER(S): (If there is more than one legal owner, please attach an additional notarized Master Application for each owner)	
NAME: New Earth Recovery	
ADDRESS: PO Box 1473	
CITY/STATE: Mount Vernon WA	ZIP: 98273
TELEPHONE NUMBER and EMAIL ADDRESS: 360-770-1044 alan@nerecovery.org	
APPLICANT (if other than owner):	
NAME:	
COMPANY: (If applicable)	
ADDRESS:	
CITY/STATE:	ZIP:
TELEPHONE NUMBER and EMAIL ADDRESS:	
CONTACT (If this section is completed, correspondence will only be sent to this individual, if left blank, materials will only be sent to the property owner):	
NAME: Alan Muia	
ADDRESS: PO Box 1473	
CITY/STATE: Mount Vernon WA	ZIP: 98273
TELEPHONE NUMBER and EMAIL ADDRESS: 360-770-1044 alan@nerecovery.org	

PROJECT INFORMATION
Project or development name: Room Addition
Property/project address(s)/location: 1606 S 3rd St Mount Vernon WA 98273 A copy of the site legal description from either: 1) a recent title report; or 2)a description written and/or reviewed by a P.L.S., must be attached.
Skagit County Assessor's parcel number(s): P29075
Existing land use(s): Single Family Dwelling
Proposed land uses:
Existing Comprehensive Plan designation: RO/PO
Proposed Comprehensive Plan designation (if applicable):
Existing Zoning designation: R3 Multifamily
Proposed Zoning designation (if applicable):
Site Area (sq. ft. or acreage): 7303 SF
Project value: approx. $15,000
Is the site located in any type of environmentally sensitive area? No

PROJECT CONTACTS

It is imperative that the members of the City Council, Planning Commission and that the Hearing Examiner know all of the people involved with your application so that they can act without any conflict of interest charges or violations of the appearance of fairness doctrine. Therefore, the following information MUST be complete and MUST be updated when new companies or individuals become involved with your project. **The following persons are associated with this project. Attach additional pages as necessary to ensure complete disclosure:**

Developers:	Address:	Phone and Email Address:
NA		
Architect:	Address:	Phone and Email Address:
Kevin Otteson	10526 Palatine Ave Seattle 98133	206-707-5614 kopuget@gmail.com
Engineer:	Address:	Phone and Email Address:
Jordan Janicki	2210 Riverside Dr Mount Vernon	360-899-1110
Surveyor:	Address:	Phone and Email Address:
NA		
Title Company:	Address:	Phone and Email Address:
NA		
Lender/Loan Officer:	Address:	Phone and Email Address:
NA		
Attorney:	Address:	Phone and Email Address:
C Thomas Moser	1204 Cleveland Ave MV 98273	360-428-2900 tom@tomoser.com
Contractors:	Address:	Phone and Email Address:
Wilson Whole Home	16777 Connelly Rd 98273	360-853-5049 dougvetvick@mac.com
Real Estate Agents:	Address:	Phone and Email Address:
NA		
Investors:	Address:	Phone and Email Address:
NA		
Other parties providing similar, significant services:	Address:	Phone and Email Address:
NA		

ACKNOWLEDGEMENTS

The following statements MUST be read and initialed by the property owner. Land Use applications involve many steps and processes; and most applications are conditioned through the process. The following disclosure statements involve items that the Community & Economic Development Department wishes to bring to your attention at the beginning of a project. The following statements in no way contain all of the conditions that could be applied to your project, but rather, are conditions that could seem out of the ordinary to an applicant who does not regularly work with land use codes.

OWNER'S INITIALS:	LAND USE PERMITTING DISCLOSURE STATEMENTS:
	I understand that land use permits do not authorize earth disturbing activities, the removal of vegetation, or the construction of buildings. I understand that additional permits will be required after my land use permitting process is completed. I understand that no earth disturbing activities (including the removal vegetation) may take place until after my land use process is complete, and only after I have received additional permits such as Fill & Grade, Utility, or Right-of-Way permit(s). Additionally, I understand that structures can not be constructed until after my land use permitting processes are complete and I receive a Building Permit(s).
	I understand that if critical areas (wetlands, streams, steep slopes, et cetera) are found on or near my property I will be required to leave an undisturbed buffer area around the critical area. I also understand that depending upon the size and scope of my project that I may be required to enhance a critical area buffer.
	I understand that depending upon the size and scope of my project, I may be required to provide maintenance and/or performance bonds for items such as landscaping, public roads and/or public utilities that I construct or install.
	I understand that depending on the type of critical areas on or near my property I may be required to provide both monitoring and maintenance bonds for work within a critical area buffer. I also understand that if I choose to utilize the ecosystem alternative within the City's Critical Areas Ordinance I will be required to "buy down" the buffer and to enhance the buffer areas left on my property.
	I understand that I am solely responsible for providing complete and accurate information to the City. I understand that if my application is missing information or if inaccurate materials are submitted, my land use process will be delayed. I understand that depending on how inaccurate and how incomplete my application is or becomes, the Community & Economic Development Department could require an entirely new application to be submitted. I understand that when and if conditions change from that which my application originally represented, I am responsible for letting the planner assigned to my project know.
	I understand that I am applying for permits from the City of Mount Vernon only; and that additional permits from other Federal and State agencies will likely be required. I understand that the City of Mount Vernon can not advise me of permits that are required from other agencies, and that I must contact these agencies to make sure I comply with their requirements. These agencies include (but are in no way limited to): Corps of Engineers, Department of Natural Resources, Department of Ecology, and Northwest Clean Air Agency.
	I understand that I may be required to properly and timely post a pink land use sign on my property during my land use permitting process. I understand that I am responsible for making sure that this sign continues to be posted on my property until my land use process is completed; and I understand that I am responsible for removing and disposing of this sign once my land use process is completed.
	I understand that I will be responsible for paying consultants that the City may deem necessary to review certain aspects of my application. I understand that these consultant reviews could include traffic concurrency, critical area, landscaping, et cetera.

PL18-037

EXHIBIT A

Fee Calculations

Please note that CEDD staff uses this area to calculate the application fees for all submittals.

Annexation	$ _____	Plat, Preliminary	$ _____
Binding Site Plan	$ _____	Planned Unit Development	$ _____
Boundary Line Adjustment	$ _____	Rezones	$ _____
Comprehensive Plan Amendment	$ _____	Shoreline Permits:	
Conditional Use Permit, Administrative	$ _____	Conditional Use	$ _____
Conditional Use Permit	$ _____	Substantial Development	$ _____
Critical Area Permit	$ _____	Variance	$ _____
Design Review	$ _____	Short Plat, Preliminary	$ _____
Environmental Review (SEPA)	$ _____	Site Plan Approval	$ _____
Environmental Review with critical areas	$ _____	Special Use Permit	$ _____
Fill and Grade Permit	$ _____	Special Use Permit for ADU	$ _____
Landscape Modifications	$ _____	Temporary Use Permit	$ _____
Major Modification	$ _____	Transportation Concurrency	$ _____
Master Plan	$ _____	Variances, Administrative	$ _____
Non-Conforming	$ _____	Variances	$ _____
Other Permit Write in Below:		Postage	$ _____
	$ _____	Land Use Signs:	$ _____

AFFIDAVIT OF OWNERSHIP

Only the property owner or an authorized representative may sign this form. If your title report lists a company, partnership or other owners you must submit evidence that you are authorized to sign on behalf of the entity or others that are listed. If you are an authorized representative you must provide a signed and notarized statement from the property owner(s) that you are authorized to sign on their behalf. Please attached additional signature sheets if there are more than one owner.

I, Alan P Muia, declare that I am (please check one) _____ ~~the owner of the property involved in this application~~, X the authorized representative to act for the property owner (proof of authorization must be attached), and that the statements and answers herein contained and the infroamtion herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Applicant Signature: [signature]

On this, the 11th day of January, 2018 before me personally appeared ALAN P MUIA known to me to be the same person whose name is subscribed to the within instrument and acknowledged that he/she voluntarily executed the same for the purpose therein contained.

TERRY H. SCHABERG
Commission Expires
NOTARY PUBLIC
02-21-2020
STATE OF WASHINGTON

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Terry H. Schaberg
Notary Public in and for the State of Washington
Residing at Mount Vernon WA
My Appointment Expires 2/21/2020

PL18-037

EXHIBIT A

Applicant Certification

I, Alan Muia, hereby certify that the above list(s) of
(print name)

property owners and their addresses were obtained from:

- the Skagit County Assessor Records **(no other source is acceptable).**

Signed _____ Date: 1/4/18
(Applicant or Authorized Agent)

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

On this, the 4th day of January, 2018 before me personally appeared Alan Muia known to me to be the same person whose name is subscribed to the within instrument and acknowledged that he/she voluntarily executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

TERRY H. SCHABERG
Commission Expires
NOTARY
PUBLIC
02-21-2020
STATE OF WASHINGTON

Terry H. Schaberg
Notary Public in and for the State of
Washington residing at: Mount Vernon WA
My Appointment Expires: 2/21/2020

Project Narrative

Description and summary of proposed project including:

a. project name, size, and location of site

The property is located at 1606 S 3rd St in Mount Vernon. We're calling the project "room addition". We propose to remove an upper and lower deck and replace them with enclosed rooms. The total square footage added to the house will be approximately 300 square feet.

b. Zoning and comprehensive plan designations of the site and adjacent properties

The property and its adjacent properties are zoned as a multifamily unit. The designation changed after the single-family dwelling was built. Their comprehensive plan designation is RO or PO.

c. Current use of the site and existing improvements

The site is currently used as a group home for up to seven men in recovery from substance use disorders.

d. Special size features—wetlands, water bodies, steep slopes or other critical areas and a description of the buffers that will be required for each feature.

None

e. Statement addressing soil type and drainage conditions

Not relevant to the current project. The project will not impact existing soil conditions.

f. Proposed use of the property and scope of the proposed development (height, square footage, lot coverage, parking access, etc.)

The property use will not change as we're only adding two small rooms to the existing structure. The house will increase by 300 square feet and the footprint of the house will not change since the rooms will be built in place of decks which will be removed. The new rooms will not change the height of the existing house.

g. Proposed offsite improvements (installation of sidewalkks, sewer main, etc.)

None

h. Total estimated construction costs and estimated fair market value of construction project.

We estimate the total costs to be around $19,000 including fees and permits. The market value should be commensurate with these costs.

New Earth Recovery Room Addition Project (File # PL17-073)
Justification for Proposal

We are requesting permission for this project to make more useable living space in our home. By no fault of our own, we find our property to be non-conforming to current city zoning—the designation and setback requirements changed after the house was built.

Furthermore, the proposed addition does not change the house's proximity to the current property lines or setbacks and will not result in any appreciable increase in parking needs, safety concerns, or utility use.

New Earth Recovery Room Addition Project (File PL17-073)
Traffic / Parking Impacts

We have identified five parking stalls in the rear of the property at 1606 S 3rd St (see site diagram). During the two years we have operated a recovery group home at this residence, the most vehicles that residents have ever parked at the house was four and that only lasted for less than a month. Most of our residents come to us without vehicles or driver's licenses. Most of them eventually earn their licenses by the time they graduate and move on, but this generally takes place toward the end of their residency.

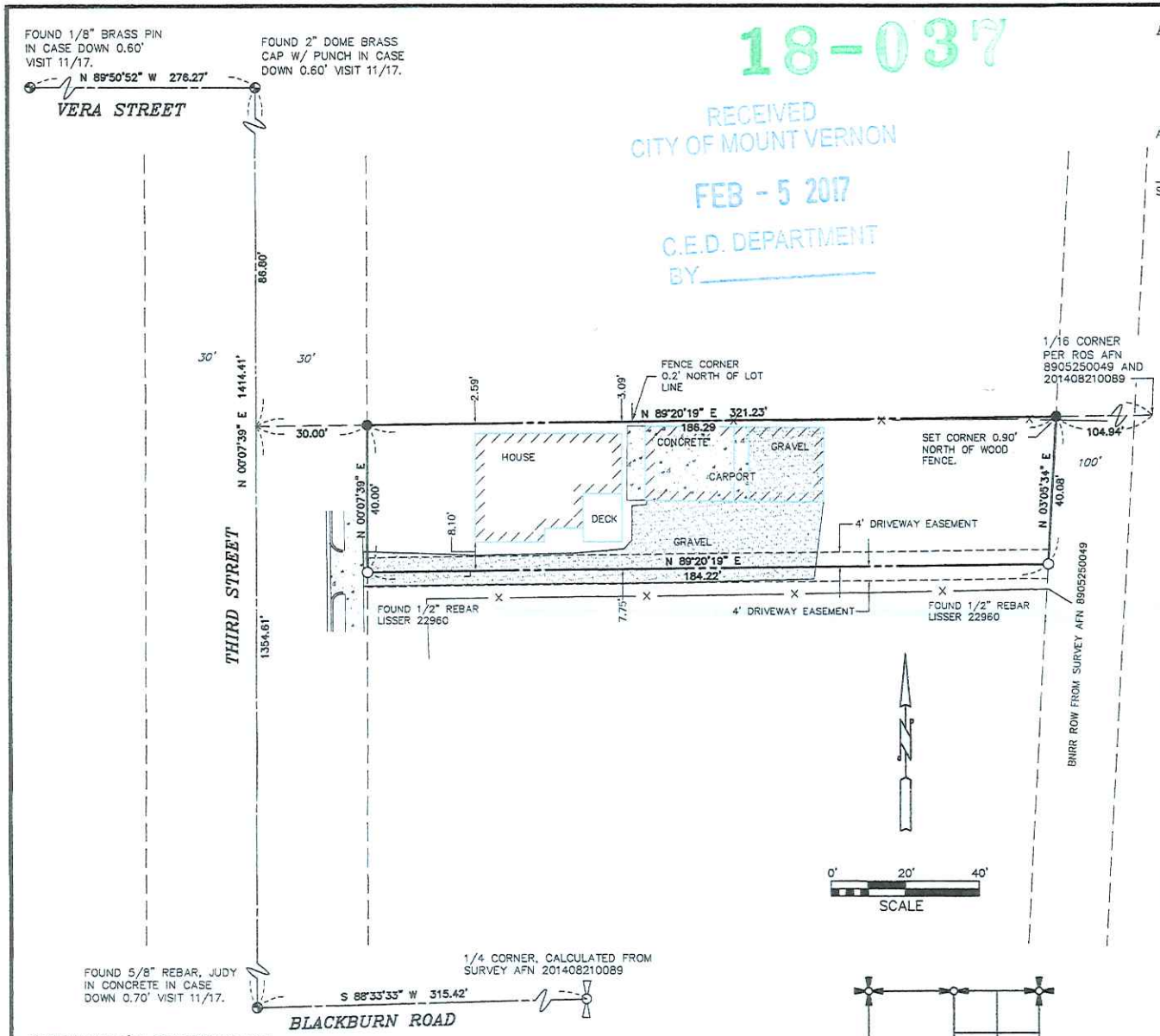
Our proposed project will only add one more living space to the house so we don't anticipate a significant change to our parking needs or traffic on the street.

EXHIBIT B

PL18-037

18-037

RECEIVED
CITY OF MOUNT VERNON
FEB - 5 2017
C.E.D. DEPARTMENT
BY_____



AUDITOR'S CERTIFICATE

201801180073
Skagit County Auditor $158.00
1/18/2018 Page 1 of 1 3:03PM

AT THE REQUEST OF SEMRAU ENGINEERING & SURVEYING P.L.L.C..

SKAGIT COUNTY AUDITOR _____ DEPUTY _____

DESCRIPTION

THAT PORTION OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF 3RD STREET AS ESTABLISHED IN THE CITY OF MOUNT VERNON WITH THE NORTH LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE SOUTH ALONG THE EAST LINE OF 3RD STREET 40 FEET; THENCE EAST TO THE WEST LINE OF THE GREAT NORTHERN RAILWAY COMPANY RIGHT OF WAY; THENCE NORTHERLY ALONG THE SAID WEST LINE OF THE RIGHT OF WAY TO THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 ; THENCE WEST TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR DRIVEWAY PURPOSES OVER AND ACROSS THE NORTH 4 FEET OF THE PROPERTY ADJOINING SAID TRACT ON THE SOUTH TO BE USED JOINTLY WITH OWNER OF SAID ADJOINING PROPERTY IN CONNECTION WITH A LIKE EASEMENT OVER THE SOUTH 4 FEET OF SAID TRACT.

SITUATE IN THE CITY OF MOUNT VERNON, COUNTY OF SKAGIT, STATE OF WASHINGTON.

NOTES

1. ● – INDICATES IRON REBAR SET WITH YELLOW CAP – SEMRAU 28626
   ○ – INDICATES EXISTING REBAR AS DESCRIBED
   ⊕ – MONUMENT FOUND.
2. THE DESCRIPTION FOR THIS SURVEY IS FROM STATUTORY WARRANTY DEED RECORDED UNDER AUDITOR'S FILE NO. 2017002150038, RECORDS OF SKAGIT COUNTY, WASHINGTON.
3. BASIS OF BEARING: MONUMENTS LOCATED AS SHOWN ON THE CENTERLINE OF THIRD STREET PER ROS AFN 8905250049.
   BEARING = NORTH 00°07'39" EAST
4. ALL DISTANCES ARE SHOWN IN FEET.
5. INSTRUMENTATION: LEICA MS50 THEODOLITE DISTANCE METER.
6. SURVEY PROCEDURE: STANDARD FIELD TRAVERSE.
7. THIS SURVEY WAS REQUESTED BY ALAN MUIA OF NEW EARTH RECOVERY.
8. THIS SURVEY MAY SHOW OCCUPATIONAL INDICATORS AS PER W.A.C. CHAPTER 332.130. LINES OF OCCUPATION MAY INDICATE AREAS FOR POTENTIAL CLAIMS OF UNWRITTEN OWNERSHIP. THIS BOUNDARY SURVEY HAS ONLY SHOWN THE RELATIONSHIP OF LINES OF OCCUPATION TO THE DEEDED LINES OF RECORD. NO RESOLUTION OF OWNERSHIP BASED ON UNWRITTEN RIGHTS HAS SEEN MADE OR IMPLIED BY THIS SURVEY.
9. EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS SURVEY MAP, THIS SURVEY DOES NOT PURPORT TO REFLECT ALL OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, BUILDING SETBACKS LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND-USE REGULATIONS AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

DRAWING FILE: 5526.DWG 12/06/17

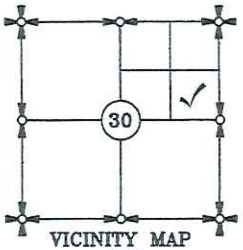
SURVEYOR'S CERTIFICATE

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 ALAN MUIA, NEW EARTH RECOVERY, IN NOVEMBER, 2017.

JOHN B. SEMRAU, P.E., P.L.S., CERTIFICATE NO. 28626
SEMRAU ENGINEERING & SURVEYING, P.L.L.C.
2118 RIVERSIDE DRIVE SUITE 208
MOUNT VERNON, WA 98273
PHONE 360-424-9566

DATE: 12-22-17

12-22-17
JOHN B. SEMRAU
STATE OF WASHINGTON
28626
REGISTERED
PROFESSIONAL LAND SURVEYOR



VICINITY MAP
N.T.S.

SHEET 1 OF 1

SURVEY OF
PORTION OF THE SE 1/4 OF THE NE 1/4 OF
SECTION 30, T. 34 N., R. 4 E., W.M.
CITY OF MOUNT VERNON
FOR: NEW EARTH RECOVERY

FB. 300 PG. 54	SEMRAU ENGINEERING & SURVEYING SURVEYING • ENGINEERING • PLANNING MOUNT VERNON, WA 98273 360-424-9566	SCALE: 1"= 20'
MERIDIAN: ASSUMED		JOB NO. 5726

PL18-037

EXHIBIT B

Parcel Map
Parcel P29075

RECEIVED
CITY OF MOUNT VERNON
FEB - 5 2017
C.E.D. DEPARTMENT
BY_____

18-037

EXHIBIT B

Neighborhood Map

Activate Windows
Go to Settings to activate Windows.

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FEB - 5 2017
C.E.D. DEPARTMENT
BY_____

18-037

PL18-037

EXHIBIT B

Nonconformity Relationship and Compatibility

This property, like most of the surrounding properties is a single family dwelling. We intend to continue using it as such. The project we propose would add interior space but would not change the size or shape of the existing structure, would not be visible from the road, and would not further infringe on property lines or setbacks.

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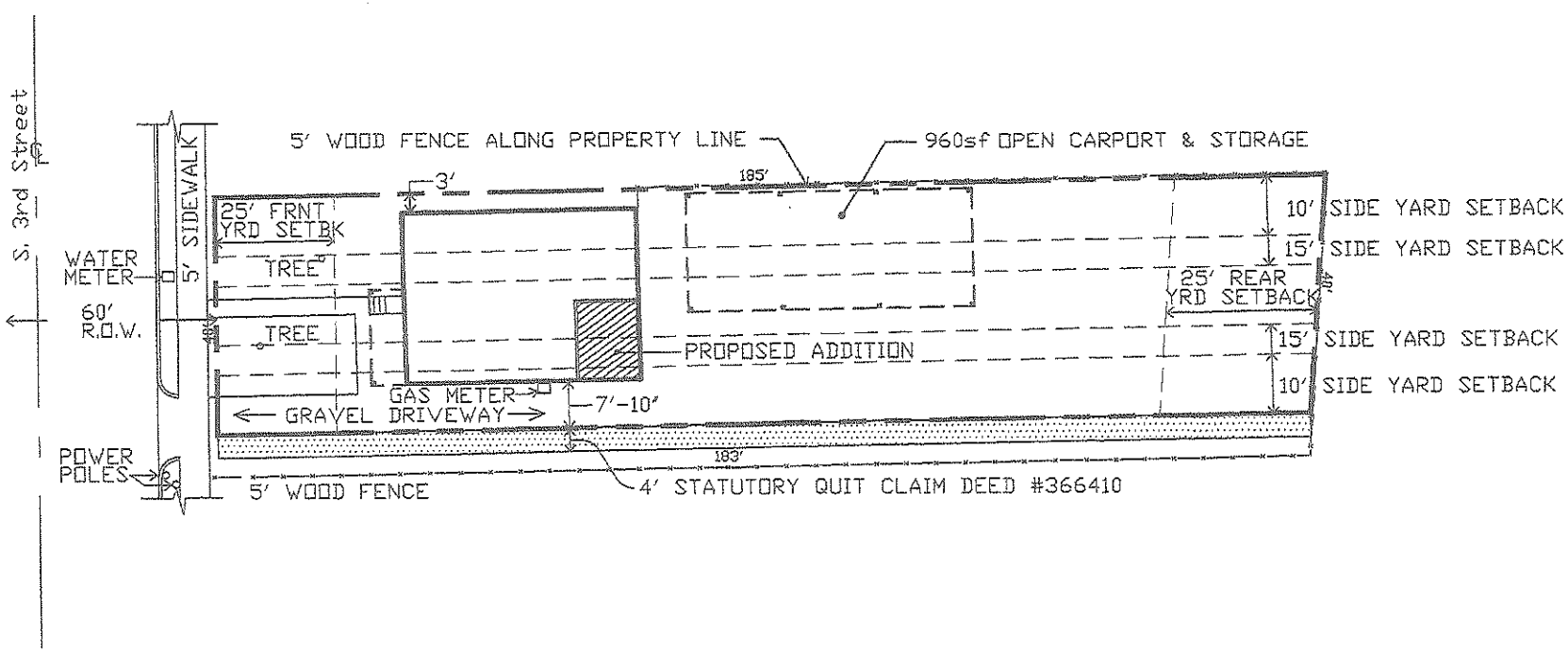
FEB - 5 2017
C.E.D. DEPARTMENT
BY_____

18-037

PL18-037

EXHIBIT B



PARCEL NUMBER: P29075

ADDRESS:

1606 S. 3rd St. MOUNT VERNON, WA

LEGAL DESCRIPTION:

THAT PORTION OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EAST LINE OF 3RD STREET AS ESTABLISHED IN THE CITY OF MOUNT VERNON WITH THE NORTH LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE SOUTH ALONG THE EAST LINE OF 3RD STREET 40 FEET; THENCE EAST TO THE WEST LINE OF THE GREAT NORTHERN RAILWAY COMPANY RIGHT OF WAY; THENCE NORTHERLY ALONG THE SAID WEST LINE OF THE RIGHT OF WAY TO THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE WEST TO THE POINT OF BEGINNING.

NORTH 0' 10' 20' 30'
SCALE: 1' = 20'

KODB

DRAWINGS PREPARED BY:
K. OTTESON
10526 PALATINE AVE. N.
SEATTLE, WA 98133
206.707.5614
kopuget@gmail.com

1606 S. 3RD ST.
MOUNT VERNON, WA

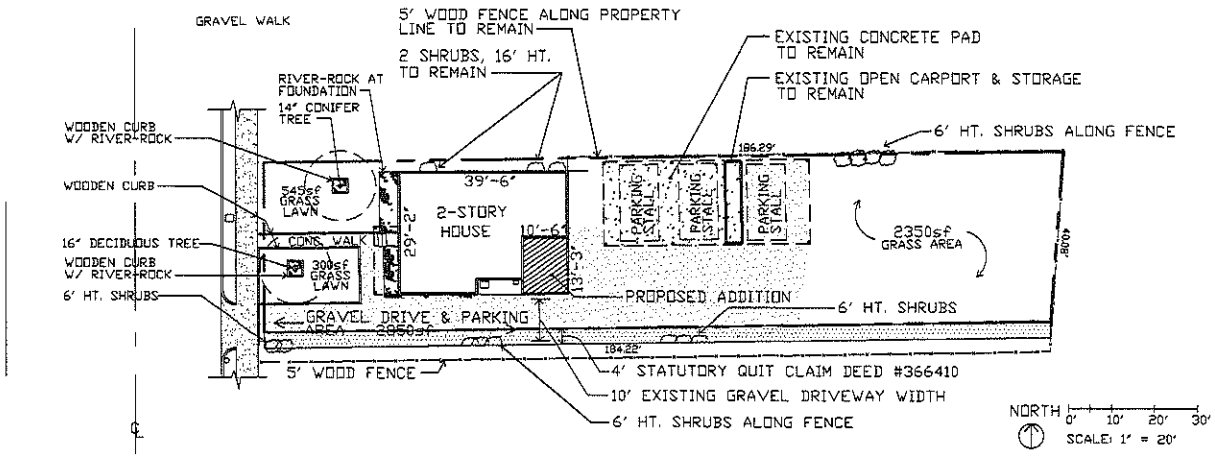
SITE PLAN

DATE:	ISSUED FOR:

SHEET

PL18-037

EXHIBIT B



NOTE: SITE GRADE IS FLAT W/ LESS THAN 2' VARIATION ACROSS SITE

NOTE: ALL DEPICTED TREES, SHRUBBERY AND GRASS AREAS ARE EXISTING AND ARE TO REMAIN.

ZONED: R3

COMPREHENSIVE PLAN: RO/PO

BUILDING CODE:

2015 IBC WITH STATE AND LOCAL AMENDEMENTS, WAC 50-51, INCLUDING APPENDICES E, ANSI/ICC117.1-2009, & G (FLOOD RESISTANT CONST.)

PROPOSED USE:

OCCUPANCY GROUP: RESIDENTIAL GROUP "R"

PROJECT NAME: TRUST HOUSE

PROJECT OWNER: NEW HORIZONS
PROJECT CONTACT: ALAN MUIA
ADDRESS.....
PHONE.....

PROJECT ADDRESS: 1606 S. 3rd St. MOUNT VERNON, WA

PARCEL NUMBER: P29075

LOT SIZE: 7379sf 0.17 ACRES

EXISTING LOT COVERAGE:

EXISTING HOUSE: 1153sf
EXISTING CARPORT: 1040sf
EXISTING COVERAGE:
1153sf + 1040sf= 2193sf = 29.7% LOT COVERAGE

LANDSCAPING sf ON-SITE: EXISTING TO REMAIN, APPROX. 1000SF

PROPOSED LOT COVERAGE:

NO INCREASE ON LOT COVERAGE. NEW CONSTRUCTION REMOVES 139sf OF DECKING ON TWO FLOOR LEVELS AND REPLACES WITH 139sf OF NEW BUILDING INTERIOR ON TWO FLOORS.

PARKING: 3 COVERED STALLS ON SITE 9'X18' MINIMUM.

KODB

DRAWINGS PREPARED BY:
K. OTTESON
10526 PALATINE AVE. N.
SEATLE, WA 98133
206.707.5614
kopuget@gmail.com

TRUST HOUSE - NEW HORIZONS MINISTRY
1606 S. 3RD ST.
MOUNT VERNON, WA

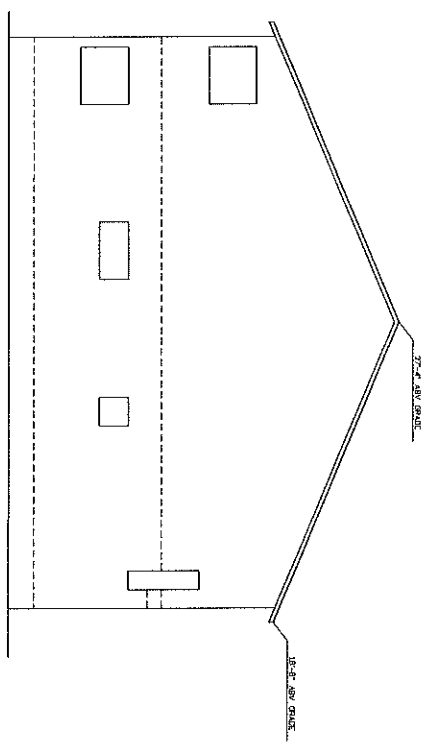
CONCEPTUAL LANDSCAPE PLAN

DATE:	ISSUED FOR:

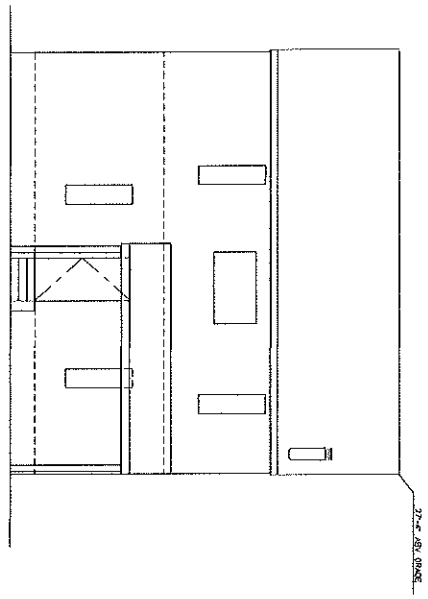
SHEET

1

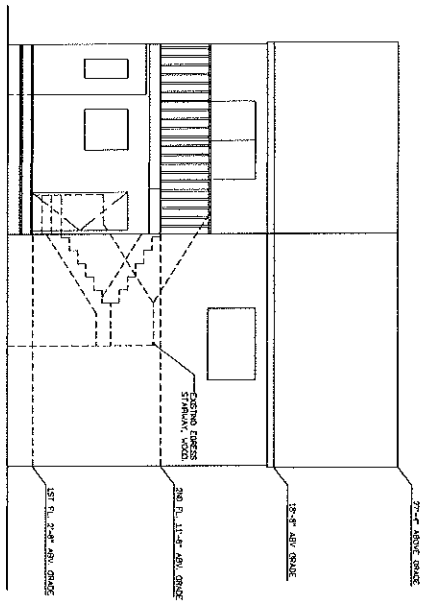
PL18-037



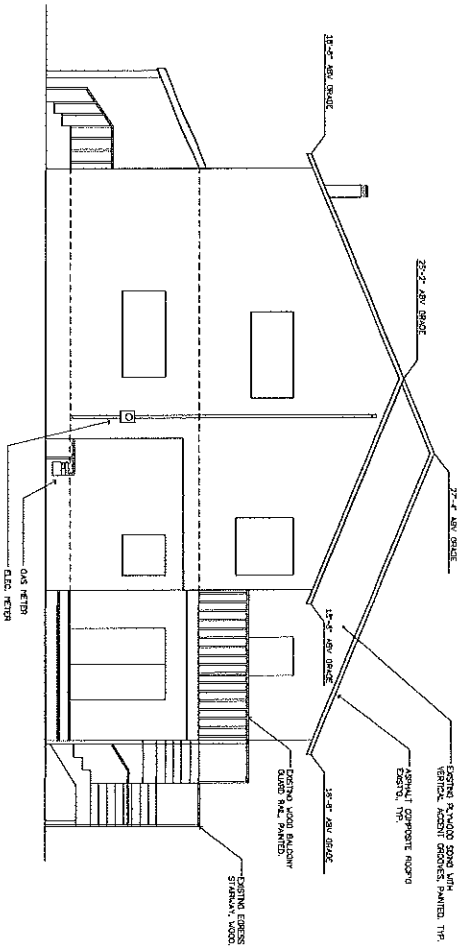
NORTH ELEVATION - EXISTING TO REMAIN
SCALE 1/4" = 1'-0"



WEST ELEVATION- EXISTING TO REMAIN
SCALE 1/4" = 1'-0"



EAST ELEVATION - EXISTING
SCALE 1/4" = 1'-0"



SOUTH ELEVATION - EXISTING
SCALE 1/4" = 1'-0"

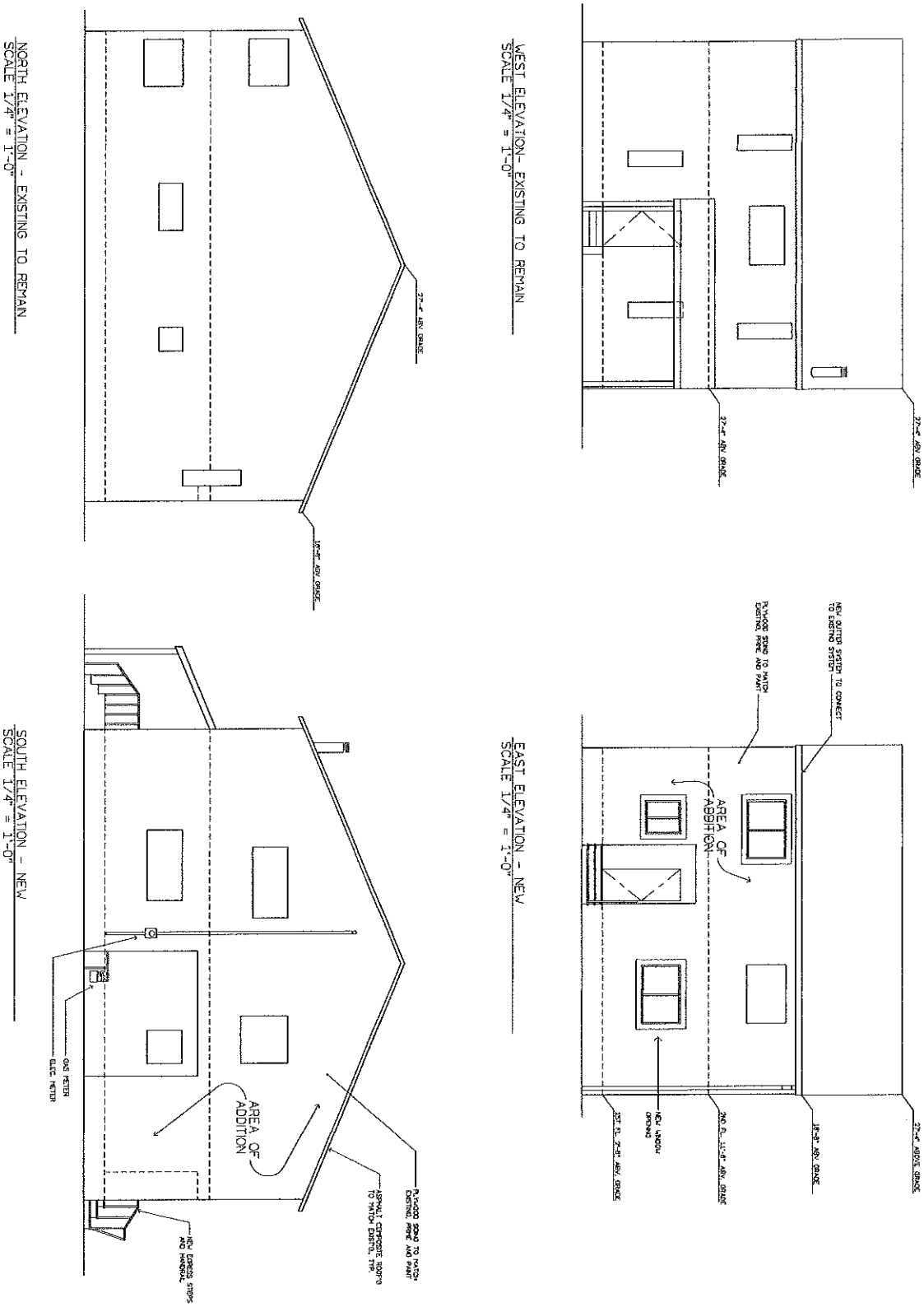
SHEET	A-3.0
DATE:	-
ISSUED FOR:	-

TRUST HOUSE ADDITION
1606 S. 3RD ST.
MOUNT VERNON, WA

EXTERIOR ELEVATIONS
-EXISTING-

KODB

DRAWINGS PREPARED BY:
K. OTTESON
10526 PALATINE AVE. N.
SEATTLE, WA 98133
206.707.5614
kopuget@gmail.com



SHEET	DATE:	ISSUED FOR:
A-3.1	-	-

TRUST HOUSE ADDITION
1606 S. 3RD ST.
MOUNT VERNON, WA

EXTERIOR ELEVATIONS WITH NEW ADDITION

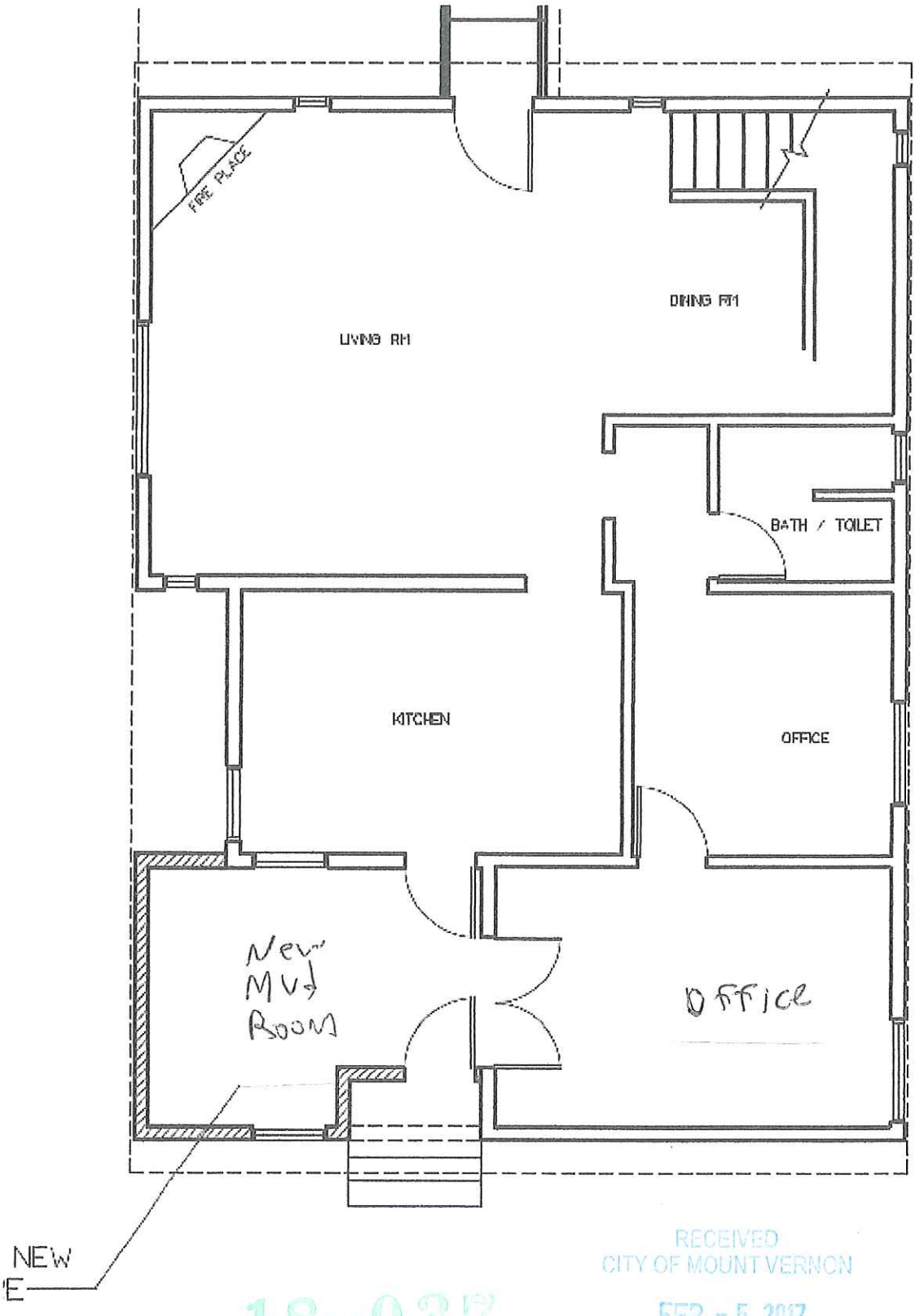
KODB

DRAWINGS PREPARED BY:
K. OTTESON
10526 PALATINE AVE. N.
SEATTLE, WA 98133
206.707.5614
kopuget@gmail.com

PL18-037

1st Floor

EXHIBIT B



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CITY OF MOUNT VERNON
FEB - 5 2017
C.E.D. DEPARTMENT
BY

18-037

PL18-037

EXHIBIT B

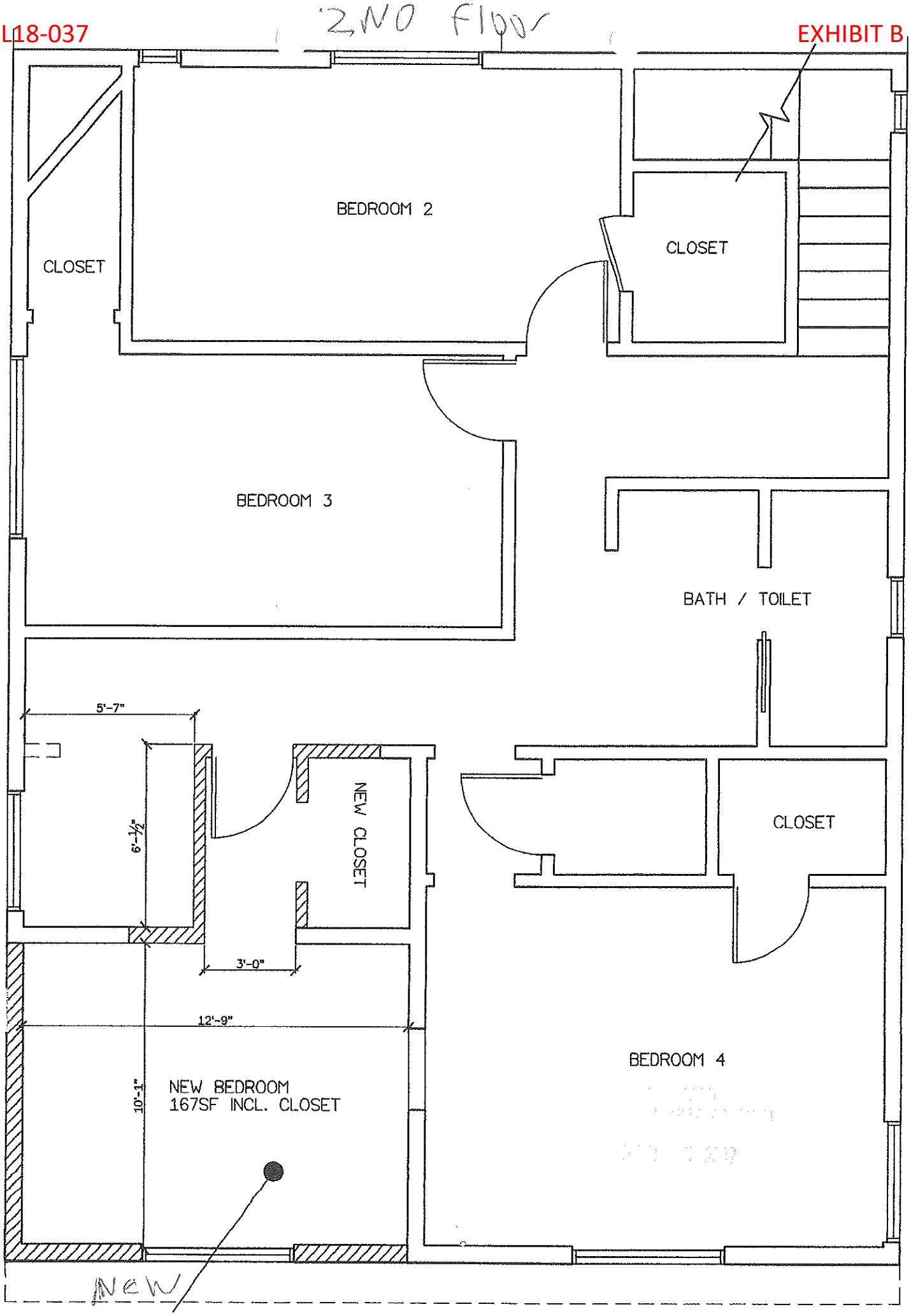

EXHIBIT B

Floor Plan

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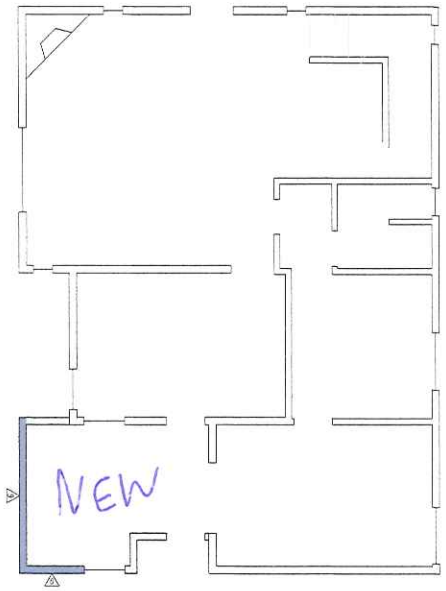
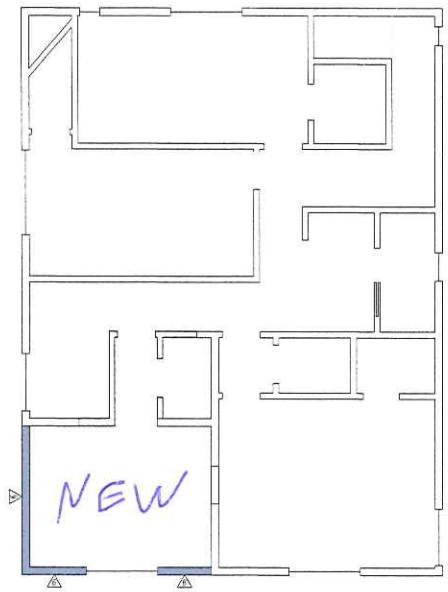
FEB - 5 2017
C.E.D. DEPARTMENT
BY_____

18-037



1 S4 1ST FLOOR SHEARWALL PLAN
SCALE 1/4" = 1'-0"



2 S4 2ND FLOOR SHEARWALL PLAN
SCALE 1/4" = 1'-0"

SHEARWALL NOTES:

1. INDICATES SHEARWALL ON SPECIFIED FLOOR. REFER TO SCHEDULE ON THIS SHEET FOR REQUIREMENTS.

SHEARWALL SCHEDULE

MARK	WOOD STRUCTURAL PANELS	PANEL EDGE NAILING	PANEL EDGE STUDS	PLATE CONNECTION: LUMBER/SILL PLATE CONNECTION	PLATE CONNECTION: TOP PLATE	PLATE CONNECTION: WOOD FLOOR BTM SILL PLATE
6	7/16" SHEATHING ONE SIDE	8d AT 6" O.C.	2x	48" O.C. IN 2x PLATE	LTP4 AT 16" O.C.*	16d AT 8" O.C.

*LTP4 AT 24" O.C. AT ROOF

No.	DATE	REVISION

ANY INFORMATION OR DATA ON THIS DRAWING IS NOT PROVEN TO BE SUITABLE FOR REUSE BY ANY PERSON, FIRM, CORPORATION, OR ANY OTHER ON EXTENSIONS OF THIS PROJECT OR FOR ANY USE ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY THE ORIGINAL ARCHITECT OR ENGINEER SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE ENGINEER.

DCG civil structural
2210 Riverside Drive
Suite 110
Mount Vernon, WA 98273
P: 360.899.1110
F: 360.336.9331
www.dcgcivil.com

ANDAN M. JANCZI
STATE OF WASHINGTON
44135
REGISTERED PROFESSIONAL ENGINEER

SHEARWALL PLANS
MOUNT VERNON TRUSS HOUSE
1606 S. 3RD STREET
MOUNT VERNON, WA 98273

CLIENT: OTTESON
DESIGNED BY: RT
DRAWN BY: JH
CHECKED BY: JJ
DATE: MAY 22, 2017
SHEET NUMBER: S4

PL18-037

PL18-037

EXHIBIT C

City of MOUNT VERNON

AFFIDAVIT OF MAILING

I, **Linda Beacham**, hereby declare as follows:

1. I am an employee of the City of Mount Vernon, Mount Vernon, Washington, a United States citizen, over the age of eighteen years, and am competent to testify to the matters set forth herein.
2. On **April 19, 2018** I mailed via the United States mail, to the following parties the **PL18-037 New Earth Recovery Special Permission NOH Hearing Examiner** See attached lists

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed in Mount Vernon this **19th** day of **April, 2018.**

Linda Beacham

Linda Beacham

PL18-037

EXHIBIT C

City of MOUNT VERNON
DEVELOPMENT SERVICES

NOTICE OF PUBLIC HEARING

APPLICANT & APPLICATION NAME/NUMBER: New Earth Recovery, New Earth Recovery Addition – Special Permission, PL18-037

APPLICANT CONTACT INFORMATION: New Earth Recovery, Contact: Alan Muia – PO Box 1473 Mount Vernon, WA 98273; (360) 770-1044

CITY CONTACT PERSON: Development Services Department, Contact: Rebecca Lowell, 910 Cleveland Ave., Mount Vernon, WA 98273, (360) 336-6214, rebeccab@mountvernonwa.gov

PUBLIC HEARINGS: An open record public hearing before the City's Hearing Examiner has been set for **May 8, 2018 at 5 P.M.** This hearing will be held at City Hall, 910 Cleveland Ave, Mount Vernon.

Once the Hearing Examiner renders his recommendation on this application his recommendation will be forwarded to the City Council who will hold a closed record public hearing on the application and will make a final decision.

PROJECT DESCRIPTION: Project proposal seeks to modify a non-conforming single family residence that provides housing for New Earth Recovery. The proposal will remove existing decks on the first and second floor of the building. In their place an approximate 300 square foot addition will be constructed that will provide an additional bedroom upstairs and a mudroom downstairs. The addition will utilize the same footprint as the removed decks. There will be no change in height as the addition will match the existing roofline.

MVMC Chapter 17.102 has a process by which the City Council (upon recommendation by the Hearing Examiner) can grant special permission to enlarge or expand an existing non-conforming structure and/or use so long as certain criteria are met.

PROJECT LOCATION: The proposal property has an address of 1606 S. 3rd St. The parcel number is P29075, and it is located within a portion of the southeast ¼ of the northeast ¼ of Section 30, Township 34N, Range 4E, W.M.

The application and supporting documentation are available for review at the Development Services Department located at City Hall. Copies will be provided upon request at the cost of reproduction.

City staff has created a page on the City's website where this application can be viewed. This webpage can be viewed as follows: navigate to: www.mountvernonwa.gov; once here click on 'Departments' then 'Development Services Department' then 'News Notices' then scroll down this page until you see the above-listed project name/number.

PL18-037

EXHIBIT C

City of MOUNT VERNON

AFFIDAVIT FOR LAND USE SIGN POSTING

Property located at: 1606 S 3rd St

Project Name/File No: PL17-073 P#: P 29075

I, Alan Muia hereby certify that I have posted the subject property as described below.

Date Notice posted: 3/9/18

Attached hereto is a copy of the notice that was posted.

Applicant Signature: [signature] Date: 3/9/18

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

On this, the 9th day of March, 2018 before me personally appeared Alan Muia known to me to be the same person whose name is subscribed to the within instrument and acknowledged that he/she voluntarily executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

TERRY H. SCHABERG NOTARY PUBLIC Commission Expires 02-21-2020 STATE OF WASHINGTON

Terry H. Schaberg
Notary Public in and for the State of Washington residing at Mount Vernon, WA
My Appointment Expires 2/21/2020

SIGN POSTING INFORMATION AND INSTRUCTIONS:

The proponent shall be responsible for posting one sign in a conspicuous location on each street frontage bordering the subject property. Each sign shall be visible and accessible for inspection by members of the public. This means that signs need to be posted such that a person does not have to walk very far onto a property to read the posted notice.

In cases of unusual property location, configuration, size, etc., the Community & Economic Development Department shall determine the placement and number of signs required.

The sign(s) shall be posted by the proponent as required on the subject property at the direction of the CEDD staff. The proponent shall be responsible for removing the sign(s) within seven (7) calendar days after completion of the public hearing process.

Place a copy of the Notice in the plastic bag, tape or staple the bag to each sign in the appropriate place, and post the sign(s) on the property as required. Remember to remove each sign after the public hearing process.

- Signs shall be located in such a manner that they are easily accessible to the general public for their review of the public notice and hearing information.
- The sign shall be mounted on backing material (plywood, particleboard, or equivalent) and supported by at least two posts.
- Signs shall not be located where they may cause a traffic or pedestrian hazard.

PL18-037

EXHIBIT C

City of MOUNT VERNON

AFFIDAVIT OF MAILING

I, **Linda Beacham**, hereby declare as follows:

1. I am an employee of the City of Mount Vernon, Mount Vernon, Washington, a United States citizen, over the age of eighteen years, and am competent to testify to the matters set forth herein.
2. On **March 7, 2018** I mailed via the United States mail to the following parties the **PL18-037 Notice of Application New Earth Recovery Expansion of Non-Conforming Building:**

   See attached lists

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed in Mount Vernon this **7th** day of **March, 2018.**

Linda Beacham

Linda Beacham

City of MOUNT VERNON
DEVELOPMENT SERVICES

NOTICE OF APPLICATION

This Notice of Application is being posted and sent to those property owners who are located within 300 feet of the project site described within this notice. City code requires the applicant for this action to obtain a permit that will allow the construction of the improvements described herein. If you have concerns or questions about this project please respond to the staff person listed in this notice within the timeframe provided.

City staff has created a page on the City's website where the materials for this application can be viewed. This webpage can be viewed as follows: navigate to: www.mountvernonwa.gov; once here click on 'Departments' then 'Development Services' then 'News Notices' then near the top of the page on the Application Name/No. listed below.

DATE:	March 5, 2018	**LAND USE NUMBER:**	File No. PL18-037

APPLICATION NAME: New Earth Recovery Addition – Special Permission

PROJECT DESCRIPTION: Proposal seeks to modify a non-conforming single family residence which provides housing for New Earth Recovery. The proposal will remove existing decks on the first and second floor of the building. In their place an approximately 300 square foot addition will be constructed which will provide an additional bedroom upstairs and a mudroom downstairs. The addition will utilize the same footprint as the removed decks. There will be no change in height as the addition will match the existing roofline.

MVMC Chapter 17.102 has a process by which the City Council (upon recommendation by the Hearing Examiner) can grant special permission to enlarge or expand an existing non-conforming structure and/or use so long as certain criteria are met.

APPLICANT: Alan Muia – PO Box 1473 Mount Vernon, WA 98273; (360) 770-1044

PROJECT LOCATION: The proposal property has an address of 1606 S. 3rd St. The parcel number is P29075, and it is located within a portion of the southeast 1/4 of the northeast 1/4 of Section 30, Township 34N, Range 4E, W.M.

Comments on the Notice of Application must be submitted, in writing, no later than **5:00 P.M. ON MARCH 22, 2018.** Comments should be as specific as possible. Any person may comment on the application, receive notice of and request a copy of the decision once it is made. Questions about this proposal, requests for additional notification by mail and/or appeal procedures should be directed to the contact person listed herein. Any person who submits written comments will automatically become a 'party of record' and will be notified of any decision made regarding this proposal.

VICINITY MAP

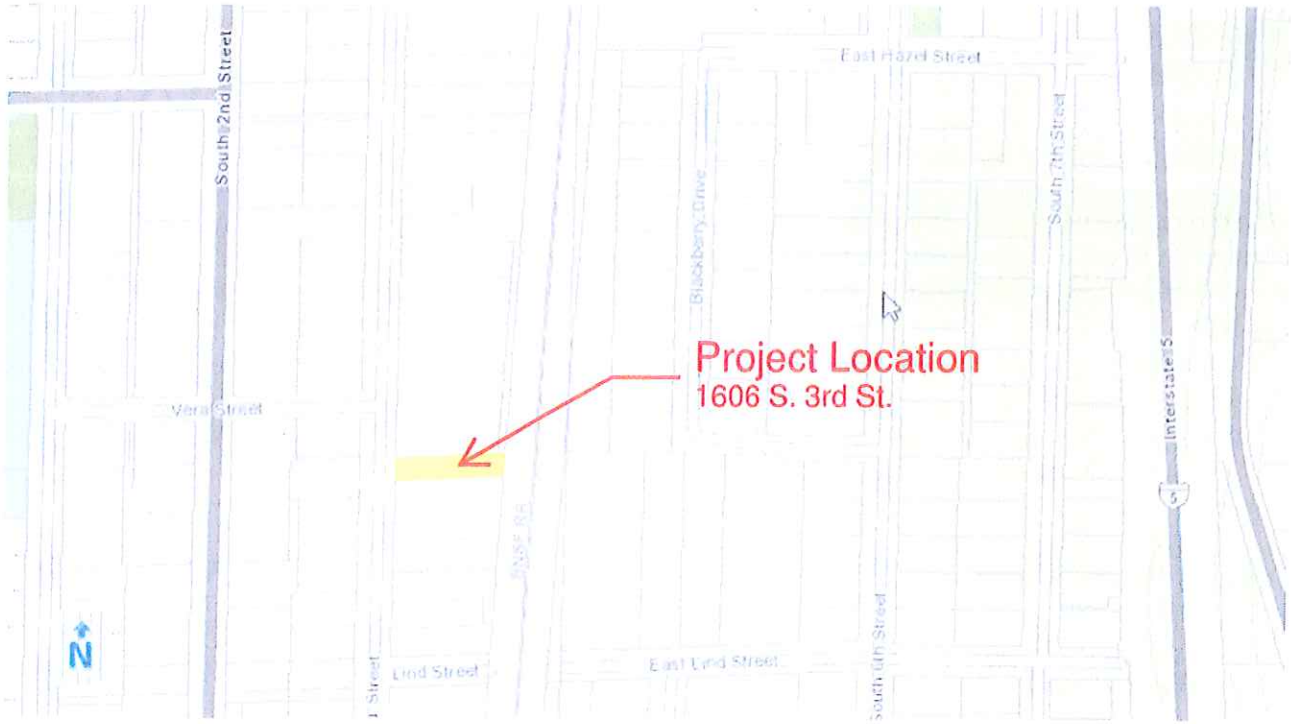


Photo from the Skagit County Assessor, front of the residence from S. 3rd St.

DETAILS:

Permit Application Date:	February 5, 2018	**Technically Complete:**	February 20, 2017
Permits/Review Requested:	Expansion of a Non-Conforming Building/Use	**Other Permits that may be Required:**	Building Permit

CONSISTENCY OVERVIEW:

Zoning:	Multifamily Residential with a maximum density of 12 dwelling units per acre (R-3).	**Comprehensive Plan:**	Residential Office/Professional Office (RO/PO)

Environmental Documents that Evaluate the Proposed Project:	None Required, there are no indications of critical areas on or near the project site. This project is categorically exempt from the threshold determination and Environmental Impact Statement Requirements of SEPA per WAC 197-11-800.
Development Regulations Used for Project Mitigation:	The project is subject to the City's Comprehensive Plan, Subdivision and Zoning Code, Drainage, Engineering and Concurrency Requirements and other applicable local, state and federal regulations as appropriate.
To receive additional information regarding this project contact the Department and ask to become a party of record:	Rebecca Lowell, Principal Planner Development Services Department City of Mount Vernon 910 Cleveland Avenue, Mount Vernon WA 98273 Telephone - 360-336-6214; Facsimile - 360-336-6283

PROCESS: The City's Hearing Examiner will make a recommendation to the City Council who will issue a final decision on this application.

The application and supporting documentation are available for review at the Development Services Department located at City Hall. Copies will be provided upon request at the cost of reproduction.

Issued: March 6, 2018
Published: March 9, 2018

SENT TO: Owners within 300 feet of the project site, applicant, property owner, CNG, WDFW, DNR, DIKE AND DRAINAGE DISTRICTS (as applicable), FRONTIER, FRONTIER NW, DAHP, NW CLEAN AIR AGENCY, PORT OF SKAGIT COUNTY, PSE, SAMISH TRIBE, SCOG, SKAGIT COUNTY PDS, PUD #1, SKAGIT RIVER SYSTEM COOPERATIVE, SKAGIT RIVER SYSTEMS, SVC, SKAT, SWINOMISH TRIBE, AND UPPER SKAGIT TRIBE

3/21/78

FORM "A"

PL18-037

EXHIBIT D

VARIANCE
APPLICATION

I hereby request to be placed on the agenda of the Mount Vernon Board of Adjustment to apply for a VARIANCE from the Zoning Ordinance. I understand that I must notify all property owners of record within two hundred (200) feet of the boundaries of the property, which is being applied for, at least thirteen (13) days before the public hearing. I will present an affidavit of notification to the City Clerk-Treasurer's Office seven (7) days before the public hearing. A twenty-five dollar ($25.00) non-refundable fee accompanies this application.

PROPONENT: Name: Billee J Kollmar

Address: 1606 S. Third St Mount Vernon

Phone: 336-3715

LEGAL DESCRIPTION OF THE PROPERTY: (Use additional paper if necessary)

That portion of SE ¼ of the NE ¼ of Section 30, TWP 34 N, Range 4 E of the Willamette Meridian, described as follows: Beginning at the intersection of the E line of 3rd St as established in the City of Mount Vernon with the N line of SE ¼ of NE ¼, then S along the E line of 3rd St 40 ft. then E to the W line of G.N.R.Co right of way, then N along the right of way to N line of SE¼ of NE ¼ then W to starting point with easement for driveway across N 4 ft of ajoining tract on S to be used jointly, situate in Skagit Co. Washington

BRIEF DESCRIPTION OF THE VARIANCE REQUESTED: (Attach narrative if necessary)

Request permission to build addition to dwelling three feet from property line

CURRENT ZONING CLASSIFICATION OF THE PROPERTY: R-3 SITE PLAN ATTACHED [xx]

LANDSCAPE PLAN ATTACHED [ ] ARCHITECTURAL DRAWINGS ATTACHED [xx]

SUBMITTED BY: Billee J. Kollmar

— OFFICIAL USE ONLY —

****

DATE APPLICATION SUBMITTED 3-21-78 $25 FEE RECEIVED [X] FILE NUMBER V-1-78

****

Received by the Secretary of the Board of Adjustment this 21 day of March, 1978.

Richard M. White

LEGAL DESCRIPTION, PROPERTY OWNERSHIP, AND APPLICATION REVIEWED BY THE BUILDING DEPT. [OK] 3/22/78 Don Bolter

PUBLIC HEARING DATE SET FOR April 11, 1978

AFFIDAVIT OF NOTICE OF MAILING RECEIVED BY THE CLERK'S OFFICE [OK] 3-24-78 MSB

BOARD OF ADJUSTMENT ACTION approve deny

DATE _____

PL18-037

EXHIBIT D

BOARD OF ADJUSTMENT

Regular Meeting - April 11, 1978

Present: Chairman Earl Eddy, members Bob Stein and John Slifer.

Also present: City Building Official Don Bottles and Deputy Clerk-Treasurer Gertrude Hammons.

Minutes of the February 15, 1978 meeting were read and approved.

BILLEE J. KOLLMAR VARIANCE REQUEST (V-1-78): Ms. Billee J. Kollmar of 1606 South 3rd Street requested a variance to construct a second story on her residence within three feet of her north property line. She has discussed this proposed addition with her immediate neighbors and they did not express any objections to it. Building Official Don Bottles reported that the Building Code permits construction this close to a property line and that the Fire Chief did not object to the proposal. After a short discussion, John Slifer moved to grant the variance from the Zoning Ordinance. Seconded by Mr. Stein. Carried.

There being no further business, the meeting was adjourned.

Donald G. Bottles

Donald G. Bottles, Secretary Pro-Tem

DATE	RECEIPT NO.	RECEIVED FROM	BY	PERMIT NO.	AMOUNT
3-21-78	2895	Variance	SD		25 00

PL18-037

EXHIBIT D

City of MOUNT VERNON Washington

RECEIPT 2895

OFFICE OF CITY CLERK-TREASURER

3/21/78

FORM "D"

CITY OF MOUNT VERNON

BOARD OF ADJUSTMENT

PL18-037

EXHIBIT D

Application No. V-1-78 Receipt No. 2895 Date 3/21/78

Name of Applicant Billee J. Kollmar Phone 336-3715

Address 1606 South Third Street

Location of proposed Variance

In Zone R-1-6.0

A. This variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property included in this application is located.

In the opinion of the Board This variance does not constitute a grant of special privilege

B. That the variance is necessary, because of special circumstances relating to the size, shape, topography, location or surrounding of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which this property is located.

In the opinion of the Board The variance is necessary to prevent increased structural instability and cost if the applicant was held to strict conformance with zoning requirements.

Other Considerations

FINDINGS OF BOARD

Variance Granted yes Variance Denied

Date of Finding April 11, 1978

Special Provisions none

Earl R. Eddy

Chairman

PL18-037

EXHIBIT D

VARIANCE APPLICATION

AFFIDAVIT OF NOTICE OF MAILING BY CERTIFIED MAIL

I hereby certify that on the 24 day of March, 1978, I sent notice by certified mail addressed to the property owners at the addresses listed on the County Assessor's Tax Rolls. Attached to this Affidavit is a copy of the notice which was sent.

The names and addresses of the property owners notified are as follows:

Mrs Frank Penn
1514 S 3rd
Mount Vernon Wa

Harold Jensen
1674 Old Hwy 99
Mount Vernon Wa

Maxine Sawyer
1523 S 3rd
Mount Vernon Wa

Jos Wolf MD
1603 S 3rd St
Mount Vernon Wa

Henry Leander
1518 S Third
Mount Vernon Wa

Burl. Northern RR
725 E College Way
Mount Vernon Wa

Elbert F Ayers
1614 S 3rd
Mount Vernon Wa

Leonard Bridge
1515 S 3rd
Mount Vernon Wa

Johnson and Hanson
1754 Beaver Marsh Rd
Mount Vernon Wa

J. Doesberg
1522 S 3rd
Mount Vernon Wa

Donald Webster
1628 S 3rd
Mount Vernon Wa

Wasyl Solima
1609 S 3rd
Mount Vernon Wa

Mildred Rapelje
2245 Wicker Rd
Sedro Woolley Wa

James H Cox
1526 S 3rd
Mount Vernon Wa

L P Voag
1619 S 3rd
Mount Vernon Wa

Warren Gilbert
Matheson Building
Mount Vernon Wa

Duffy, Edward
P O Box 639
Mount Vernon Wa

Bellee J. Tollmar
Proponent

Date 3/24/78

File Number V-1-78

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

On this the 24th day of March, 1978, before me a Notary Public in and for the County and State personally appeared known to me to be the same person(s) whose name(s) are subscribed to the within instrument and acknowledged that they voluntarily executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Gertrude Simmons

My Commission Expires 11/1/81

PL18-037

EXHIBIT D

EXHIBIT "A"

That portion of the Southeast Quarter of the Northeast Quarter of Section Thirty, Township thirty-four North, Range Four East of the Willamette Meridian, described as follows:

Beginning at the intersection of the East line of 3rd Street as established in the City of Mount Vernon with the North line of said Southeast Quarter of the Northeast Quarter; thence South along the East line of 3rd Street 40 feet; thence East to the West line of the Great Northern Railway Company right of way; thence Northerly along the said West line of the right of way to the North line of said Southeast Quarter of the Northeast Quarter; thence West to the point of beginning together with an easement for driveway purposes over and across the North 4 feet of the property adjoining said tract on the South to be used jointly with the owner of said adjoining property in connection with the like easement over the South 4 feet of said tract, situate in Skagit County, Washington.

JAMES HAMILTON CHAPMAN
NOTARY PUBLIC
COMMISSION EXPIRES SEPT 28 1973
STATE OF WASHINGTON

Received for record at June 15 1970 4:13 P M
at request of Land Title Co.
A. H. JOHNSON, Auditor Skagit Co., Washington

Official Records
VOL 47 PAGE 624

3/21/78 FORM "D"

CITY OF MOUNT VERNON BOARD OF ADJUSTMENT

PL18-037 EXHIBIT D

Application No. V-1-78 Receipt No. 2895 Date 3/21/78

Name of Applicant Billee J. Kollmar Phone 336-3715

Address 1606 South Third Street

Location of proposed Variance

In Zone R-1-6.0

A. This variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property included in this application is located.

In the opinion of the Board This variance does not constitute a grant of special privilege

B. That the variance is necessary, because of special circumstances relating to the size, shape, topography, location or surrounding of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which this property is located.

In the opinion of the Board The variance is necessary to prevent increased structural instability and cost if the applicant was held to strict conformance with zoning requirements.

Other Considerations

FINDINGS OF BOARD

Variance Granted yes Variance Denied

Date of Finding April 11, 1978

Special Provisions none

Earl R. Eddy
Chairman

FOR INSPECTIONS CALL:
PL18-037
336-6585

24 Hrs. Notice Requested

CITY OF MOUNT VERNON
BUILDING DEPARTMENT
PERMIT APPLICATION

PERMIT
EXHIBIT D
№ 1828

Address 1606 South 3rd Street

OWNER
NAME (OR NAME OF BUSINESS): Billie Kollmar
MAILING ADDRESS: 1606 South 3rd Street
CITY: Mount Vernon
TELEPHONE NUMBER: 336-3715

ARCHITECT
NAME:
ADDRESS:
CITY:
TELEPHONE NUMBER:

CONTRACTOR
NAME: Skagit Contractors
ADDRESS: Post Office Box 249
CITY: Mount Vernon
TELEPHONE NUMBER: 424-1485
STATE LICENSE NUMBER: SK AG IC 227KE

[X] Residential [ ] Non-Residential
[ ] Demolish [X] Building
[ ] Culvert [ ] Sidewalk [ ] Street Excavation [ ] Sign
[X] New [ ] Alter [ ] Add [ ] Repair
[X] Plumbing [ ] Mechanical

Legal Description
Legal Description of Property (Show Below or Attach Copy)
Lot ..... Block ..... of .....
ATTACHED

Nature of Work to be done: Rebuild existing house

Proposed Use: Single Family Residence

NOTICE

This permit becomes null and void if work or construction authorized is not commenced within 60 days, or if construction or work is suspended or abandoned for a period of 120 days at any time after work is commenced.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

C. Willard
Signature of Owner or Authorized Agent (Date)

NOTE: Permit Limit One Year (Except DEMOLITIONS which shall be completed in ninety days; *MOVED-IN BUILDINGS* shall be completed in six months.

Side Yard Setback	Street Setback	Rear Yard Setback
XXXXX VARIANCE	20'	20'
Use Zone: R-1 6.0	Lot Area: SAT	Vacant Site: [ ] Yes [X] No
Type of Const.: Vn	Occupancy Group: R-3	No. of Dwelling Units: 1
Size of Bldg. (Total) Sq. Ft.: 2,036	No. of Stories: 2	Max. Occ. Load: 6
Fire Zone: 3		Fire Sprinklers Required: [ ] Yes [X] No
Off-Street Parking Spaces: 1		
Application Accepted By: DGB	Plans Checked By: DGB	Approved for Issurance By:

APPLICANT COMPLETE THIS FORM WITHIN HEAVY LINES FOR WORK WHICH THIS PERMIT WILL BE APPLICABLE.

PLUMBING

No.	TYPE OF FIXTURE OR ITEM	FEE
2	Water Closet (Toilet)	$ 4.00
	Bathtub	2.00
2	Lavatory (Wash Basin)	4.00
1	Shower	2.00
	Kitchen Sink & Disp.	2.00
1	Dishwasher	2.00
	Laundry Tray	
1	Clothes Washer	2.00
1	Water Heater	2.00
	Urinal	
	Drinking Fountain	
	Floor — Sink or Drain	
	Slop Sink	
	Water Piping & Treating Equip.	
	Waste Interceptor	
	Vacuum Breakers (1 to 5) (over 5)	
	Lawn Sprinkler System	
	PERMIT	$ 3.00
	TOTAL FEE	$ 23.00

MECHANICAL [ ] NAT. GAS [ ] OIL [ ] LPG

No.	TYPE OF EQUIPMENT	FEE
	Air Cond. Units — H.P. Ea.	$
	Refrigeration Units — H.P. Ea.	
	Boilers — H.P. Ea.	
	Gas Fired A.C. Units — Tonnage Ea.	
	Forced Air Systems — B.T.U. M Ea.	
	Gravity Systems — B.T.U. M Ea.	
	Floor Furnaces — B.T.U. M	
	Wall Heaters — B.T.U. M	
	Unit Heaters — B.T.U. M	
	Evaporative Coolers	
	Clothes Dryers	
	Ventilation Fan	
	Range Hood	
	Air Handling Unit — C.F.M.	
	Incinerator	
	Gas Piping	
	Tanks	
1	Freestanding Fireplace	3.00
	PERMIT	$ 3.00
	TOTAL FEE	$ 6.00

TOTAL FEES	VALUATION	FEE
Building	30,200	130.00
Plan Check		
Plumbing		23.00
Mechanical		6.00
Culvert		
Street Excavation		
Sign		
Sidewalk		
Demolition		
Other		
TOTAL AMOUNT DUE		159.00

ADDRESS: 1606 South 3rd Street

WHEN SIGNED AND DATED BELOW THIS IS YOUR PERMIT AND RECEIPT.
Permission is hereby given to do the above described work, according to the conditions hereon and according to the approved plans and specifications pertaining thereto, subject to compliance with the ordinances of the CITY OF MOUNT VERNON.

№ 1828

Permit Issued 9/21/78 19 By C. Hakkner
BUILDING OFFICIAL

FOR INSPECTIONS CALL:
PL18-037
336-6585

24 Hrs. Notice Requested

CITY OF MOUNT VERNON
BUILDING DEPARTMENT
PERMIT APPLICATION

PERMIT
EXHIBIT D

Address 1606 South 3rd Street

OWNER
NAME (OR NAME OF BUSINESS) BILLIE KOLLMAR
MAILING ADDRESS 1606 S. 3rd
CITY MT. VERNON | TELEPHONE NUMBER 336-3315

ARCHITECT
NAME
ADDRESS
CITY | TELEPHONE NUMBER

CONTRACTOR
NAME SKAGIT CONT.
ADDRESS P.O. BX. 249
CITY MT. VERNON | TELEPHONE NUMBER 424-1485
STATE LICENSE NUMBER 223-01 SKAGIC-*22KE

☒ Residential ☐ Non-Residential
☐ Demolish ☒ Building
☐ Culvert ☐ Sidewalk ☐ Street Excavation ☐ Sign ☐
☒ New ☐ Alter ☐ Add ☐ Repair ☐ Plumbing ☐ Mechanical

Legal Description
Legal Description of Property (Show Below or Attach Copy)
Lot ..... Block ..... of .....
ATTACHED

Nature of Work to be done SINGLE FAMILY RES.

Proposed Use

NOTICE
This permit becomes null and void if work or construction authorized is not commenced within 60 days, or if construction or work is suspended or abandoned for a period of 120 days at any time after work is commenced.
I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Signature of Owner or Authorized Agent — 9-11-78 (Date)

NOTE: Permit Limit One Year (Except DEMOLITIONS which shall be completed in ninety days; MOVED-IN BUILDINGS shall be completed in six months.

Side Yard Setback: VARIANCE	Street Setback: 20'	Rear Yard Setback: 20'
Use Zone: R-1, 6.0	Lot Area: Satisfactory	Vacant Site ☐ Yes ☐ No
Type of Const.: Vn	Occupancy Group: R-3	No. of Dwelling Units: 1
Size of Bldg. (Total) Sq. Ft.: 2036	No. of Stories: 2	Max. Occ. Load: 6
Fire Zone: 3		Fire Sprinklers Required ☐ Yes ☒ No
Off-Street Parking Spaces: 1		
Application Accepted By:	Plans Checked By:	Approved for Issuance By:

APPLICANT COMPLETE THIS FORM WITHIN HEAVY LINES FOR WORK WHICH THIS PERMIT WILL BE APPLICABLE.

PLUMBING

No.	TYPE OF FIXTURE OR ITEM	FEE
2	Water Closet (Toilet) $	4 00
1	Bathtub	2 00
2	Lavatory (Wash Basin)	4 00
1	Shower	2 00
1	Kitchen Sink & Disp.	2 00
1	Dishwasher	2 00
	Laundry Tray	
1	Clothes Washer	2 00
1	Water Heater	2 00
	Urinal	
	Drinking Fountain	
	Floor — Sink or Drain	
	Slop Sink	
	Water Piping & Treating Equip.	
	Waste Interceptor	
	Vacuum Breakers (1 to 5) (over 5)	
	Lawn Sprinkler System	
10	PERMIT $	3 00
	TOTAL FEE $	23 00

MECHANICAL ☐ NAT. GAS ☐ OIL ☐ LPG

No.	TYPE OF EQUIPMENT	FEE
	Air Cond. Units — H.P. Ea. $	
	Refrigeration Units — H.P. Ea.	
	Boilers — H.P. Ea.	
	Gas Fired A.C. Units — Tonnage Ea.	
	Forced Air Systems — B.T.U. M Ea.	
	Gravity Systems — B.T.U. M Ea.	
	Floor Furnaces — B.T.U. M	
	Wall Heaters — B.T.U. M	
	Unit Heaters — B.T.U. M	
	Evaporative Coolers	
	Clothes Dryers	
	Ventilation Fan	
	Range Hood	
	Air Handling Unit — C.F.M.	
	Incinerator	
	Gas Piping	
	Tanks	
1	Free standing fire place	3 00
	PERMIT $	3 00
	TOTAL FEE $	6 00

ELECTRIC BASEBOARD

TOTAL FEES	VALUATION	FEE
Building	30,200	130 00
Plan Check		
Plumbing		23 00
Mechanical		6 00
Culvert		
Street Excavation		
Sign		
Sidewalk		
Demolition		
Other		
TOTAL AMOUNT DUE		159 00

ADDRESS: 1606 South 3rd Street

WHEN SIGNED AND DATED BELOW THIS IS YOUR PERMIT AND RECEIPT.
Permission is hereby given to do the above described work, according to the conditions hereon and according to the approved plans and specifications pertaining thereto, subject to compliance with the ordinances of the CITY OF MOUNT VERNON.

Permit Issued 19 By
BUILDING OFFICIAL

30,000

POST THIS CARD AT OR NEAR FRONT OF BUILDING

PL18-037

EXHIBIT D

CITY OF MOUNT VERNON
BUILDING DEPARTMENT

Phone 336-6585

INSPECTION RECORD

Job Address 1606 South 3rd Street
Nature of Work Rebuild Residence
Use of Building Single Family Res.
Owner Billie Kollmar
Contractor Skagit Contractors

Type	Occupancy	Fire Zone
Vn	R-3	3

Building Permit No.	1828	Date Issued	9-21-78
Plumbing Permit No.	1828	Date Issued	9-21-78
Mechanical Permit No.	1828	Date Issued	9-21-78
Sewer Connection Permit No.		Date Issued	
Sign Permit No.		Date Issued	
Sidewalk Permit No.		Date Issued	
Other		Date Issued	

SETBACKS

Front 20'
Side VARIANC E
Rear 20'

LOT

Inspector must sign all spaces pertaining to this job

BUILDING

INSPECTION	DATE	INSPECTOR
Foundations: Setback	10-4-78	FG
Trench	10-4-78	FG
Reinforcing	10-4-78	FG
Foundation Wall and Weather Proofing	10-11-78	FG
Pour no concrete until above has been signed		
Concrete Slab Floor Plumbing (Groundwork)		
Gas Piping (Groundwork)		
Do not pour floor until above has been signed		
Rough Plumbing	12-12-78	FG
Rough Gas Piping	1-10-79	FG
Rough Heating and Ventilation		
(Above must be signed prior to framing inspection) Framing	1-10-79	FG
Cover no work until above has been signed		
Lath and Plaster (Interior) Lath		
Scratch Coat		
Brown Coat		
Finish Coat		
Wallboard	1-10-79	FG
Lath and Plaster (Exterior) Lath		
Scratch Coat		
Brown Coat		
Finish Coat		
Miscellaneous Roofing		
Sewer		
Refrigeration		
Final Plumbing Fixtures		
Gas Piping		
Heating and Ventilation		
Job Completed SEE NOTE (1)	21MAR79	RCM

OTHER

INSPECTION	DATE	INSPECTOR
Sewer Excavation and Backfill		
Test		
Restoration		
Street Excavation Backfill and Compaction		
Excavation		
Restoration		
Sign Setback		
Foundation		
Materials		
Restoration		
Other		

Comments and Corrections:

(1) INSTALL L WATER HEATER RELIEF LINE
~~INSTALL FIRE PLACE CHIMNEY~~
~~VENT EIGHTH PAPER TO OUTSIDE AIR.~~
~~KITCHEN RANGE VENT TO OUTSIDE AIR.~~
~~FIRE BLOCK STAIR WAY.~~
~~INSTALL BATH VENTS TO OUTSIDE AIR.~~
~~OR TO COVER EXCEPT FIREPLACE AND CHIMNEY 12-10-78 FG~~
INSTALL 4" L END OF PIPE TO POINT DOWN. 3

PL18-037 EXHIBIT E

Hawney, Kirsten

From:	Danforth, Alan
Sent:	Wednesday, February 14, 2018 8:40 AM
To:	Hawney, Kirsten; Chesterfield, Blaine; Prosser, Rick; Riggs, Steve; Duranceau, Gary; Hanson, Andy; Demers@skagitpud.org; Dodd, Jerry
Cc:	Lowell, Rebecca; Phillips, Chris
Subject:	RE: 1606 S. 3rd St. PL18-037

- A fill and grade permit would be required if 50 cubic yards of material, or more will be disturbed.
- All engineering requirements per current City of Mount Vernon engineering standards
- If any work is proposed in the City Right of Way (ROW) a ROW permit will be required.

Thanks Kirsten!

Alan Danforth
Development Services Engineering Manager
City of Mount Vernon
Phone: (360)336-6214
For Inspections Call (360)336-6243
Web Site: http://www.mountvernonwa.gov

From: Hawney, Kirsten
Sent: Monday, February 12, 2018 3:54 PM
To: Hawney, Kirsten; Danforth, Alan; Chesterfield, Blaine; Prosser, Rick; Riggs, Steve; Duranceau, Gary; Hanson, Andy; Demers@skagitpud.org; Dodd, Jerry
Cc: Lowell, Rebecca; Phillips, Chris
Subject: 1606 S. 3rd St. PL18-037

02/12/2018

Dear Reviewers,

An activity has been assigned to you for Permit Number PL18-037.

This is required to be completed by February 26th, 2018

Comments: Special permission to expand non-conforming building/use.

Thanks

PL18-037 EXHIBIT E

Hawney, Kirsten

From: Riggs, Steve
Sent: Sunday, March 11, 2018 12:10 PM
To: Hawney, Kirsten
Subject: New Earth Recovery PL18-037

No comments for the land use portion of the project. I will have comments for the building portion.

Thanks

Steven V. Riggs
Fire Marshal
City of Mount Vernon
(360) 336-6277

City of MOUNT VERNON
DEVELOPMENT SERVICES

NOTICE OF PUBLIC HEARING

APPLICANT & APPLICATION NAME/NUMBER: New Earth Recovery, New Earth Recovery Addition – Special Permission, PL18-037

APPLICANT CONTACT INFORMATION: New Earth Recovery, Contact: Alan Muia – PO Box 1473 Mount Vernon, WA 98273; (360) 770-1044

CITY CONTACT PERSON: Development Services Department, Contact: Rebecca Lowell, 910 Cleveland Ave., Mount Vernon, WA 98273, (360) 336-6214, rebeccab@mountvernonwa.gov

PUBLIC HEARINGS: An open record public hearing before the City's Hearing Examiner has been set for **May 8, 2018 at 5 P.M.** This hearing will be held at City Hall, 910 Cleveland Ave, Mount Vernon.

Once the Hearing Examiner renders his recommendation on this application his recommendation will be forwarded to the City Council who will hold a closed record public hearing on the application and will make a final decision.

PROJECT DESCRIPTION: Project proposal seeks to modify a non-conforming single family residence that provides housing for New Earth Recovery. The proposal will remove existing decks on the first and second floor of the building. In their place an approximate 300 square foot addition will be constructed that will provide an additional bedroom upstairs and a mudroom downstairs. The addition will utilize the same footprint as the removed decks. There will be no change in height as the addition will match the existing roofline.

MVMC Chapter 17.102 has a process by which the City Council (upon recommendation by the Hearing Examiner) can grant special permission to enlarge or expand an existing non-conforming structure and/or use so long as certain criteria are met.

PROJECT LOCATION: The proposal property has an address of 1606 S. 3rd St. The parcel number is P29075, and it is located within a portion of the southeast ¼ of the northeast ¼ of Section 30, Township 34N, Range 4E, W.M.

The application and supporting documentation are available for review at the Development Services Department located at City Hall. Copies will be provided upon request at the cost of reproduction.

City staff has created a page on the City's website where this application can be viewed. This webpage can be viewed as follows: navigate to: www.mountvernonwa.gov; once here click on 'Departments' then 'Development Services Department' then 'News Notices' then scroll down this page until you see the above-listed project name/number.

NOTICE OF HEARING EXAMINER'S RECOMMENDATION &
NOTICE OF PUBLIC HEARING

DATE: May 22, 2018 **LAND USE NUMBER:** PL18-037

APPLICATION NAME: New Earth Recovery Special Permission

PROJECT DESCRIPTION: the subject proposal seeks to modify a non-conforming single family residence for New Earth Recovery. The existing structure is non-conforming due to its side yard setbacks. On the north side of the structure the side yard setbacks are 2 feet 7-inches at the northwest corner and 3 feet 1-inch at the northeast corner. The south side of the structure has a 7-foot 9-inch setback. The required side yard setback is 10 feet for the ground floor and 15 feet for second-stories. The proposal will enclose a ground floor and a second story deck. The existing decks total 280± (140± s.f. each) and the new living areas created will also total 280± (140± s.f. each). The addition will utilize the same footprint as the removed decks. There will be no change in height as the addition will match the existing roofline.

RECOMMENDATION: The City's Hearing Examiner held an open record public hearing on May 8, 2018. Following this hearing the Examiner has recommended **APPROVAL** of the subject application.

RECONSIDERATION: An applicant or party of record feeling that the recommendation of the examiner is based on an erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence, which could not be reasonably available at the public hearing, may make a written application to have the Hearing Examiner's Recommendation reconsidered on/before **JUNE 1, 2018**. Procedural details with regard to submitting a request for reconsideration of the Hearing Examiner's recommendation can be read within the Mount Vernon Municipal Code (MVMC) 14.05.110(H)(4). A link to the City's MVMC can be found on the City's website at: www.mountvernonwa.gov

CITY COUNCIL PUBLIC HEARING: a closed record public hearing will be held before the Mount Vernon City Council on **Wednesday, June 13, 2018 at 7PM** at the City's Police and Court Campus located at 1805 Continental Place in Mount Vernon.

APPLICANT: New Earth Recovery, Attention: Alan Muia, P.O. Box 1473, Mount Vernon, WA 98273

PROJECT LOCATION: The proposal property has an address of 1606 S. 3rd St. The parcel number is P29075, and it is located within a portion of the southeast 1/4 of the northeast 1/4 of Section 30, Township 34N, Range 4E, W.M.

To receive additional information regarding this project contact the DS Department and ask to become a party of record:

Rebecca Lowell, Principal Planner
Development Services Department
City of Mount Vernon
910 Cleveland Avenue, Mount Vernon WA 98273
Telephone - 360-336-6214; Facsimile - 360-336-6283

City staff has created a page on the City's website where the materials for this application (including the Hearing Examiner's recommendation) can be viewed. This webpage can be viewed as follows: navigate to: www.mountvernonwa.gov; once here click on 'Departments' then 'Development Services' then 'News & Notices' then scroll down this page until you find the Application Name/No. listed within this notice.

ISSUED: May 22, 2018
PUBLISHED: May 25, 2018

BEFORE THE HEARING EXAMINER FOR THE CITY OF MOUNT VERNON

Phil Olbrechts, Hearing Examiner

RE: New Earth Recovery Special Permission PL18-037	**FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION**

INTRODUCTION

The Applicant requests approval of a "special permission" request to expand a nonconforming single-family residence located at 1606 S. 3rd Street by 280 square feet. The expansion will replace currently existing deck space and will not increase the home's degree of nonconformity, which is created by side yard setback encroachments. It is recommended that the City Council approve the requested special permission permit.

ORAL TESTIMONY

Rebecca Lowell, City of Mount Vernon Principal Planner, summarized the proposal. In response to examiner questions, Ms. Lowell noted that the expansion will not encroach further into any setbacks or increase the degree of nonconformity. Ms. Lowell also clarified that currently the code requires no additional parking for the expansion, but if the Applicant wishes to add parking, the parking would not need to pave the parking.

Alan Muia, Applicant, in response to examiner questions, noted that the two decks that will be replaced are on top of each other. He also noted that the current size of the home is 2,100 square feet. Mr. Muia also responded that the expansion would accommodate one more person for the home.

EXHIBITS

The staff report along with its attachments A-E Exhibits were admitted into the record during the May 8, 2018 public hearing.

FINDINGS OF FACT

Procedural:

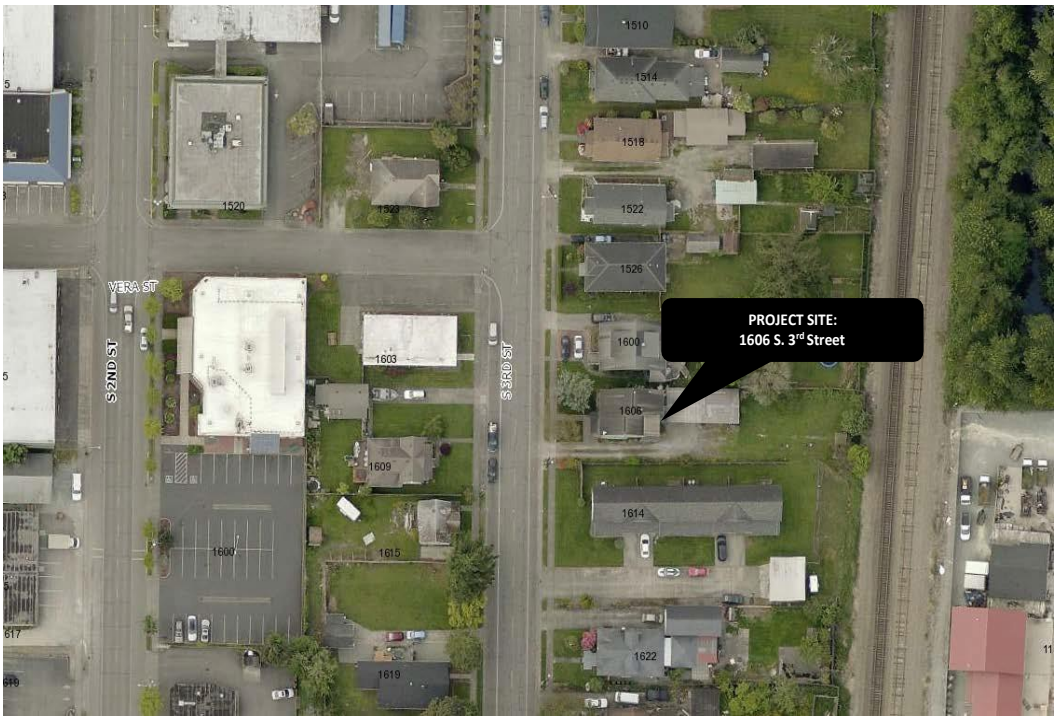
1. Applicant. New Earth Recovery; Attention: Alan Muia, P.O. Box 1473 Mount Vernon, WA 98273.

2. Hearing. A hearing for the master plan application was held on May 8, 2018.

Substantive:

3. Site/Proposal Description. The Applicant requests approval of a "special permission" request to expand a nonconforming single-family residence located at 1606 S. 3rd Street by 280 square feet. The expansion will replace currently existing deck space and will not increase the home's degree of nonconformity. The residence is non-conforming due to its side yard setbacks. On the north side of the structure the side yard setbacks are 2 feet 7-inches at the northwest corner and 3 feet 1-inch at the northeast corner. The south side of the structure has a 7-foot 9-inch setback. The required side yard setback is 10 feet for the ground floor and 15 feet for second-stories.

The proposal will enclose a ground floor and a second story deck. The existing decks total 280± (140± s.f. each) and the new living areas created will also total 280± (140± s.f. each). The addition will utilize the same footprint as the removed decks, which are not located within any setback. There will be no change in height as the addition will match the existing roofline. The expansion will be located at the southeast corner of the deck as depicted in the photo copied from the staff report below, looking north. An aerial photograph of the project site is also copied below:



The residence is currently used for a group home. The Applicant testified that the proposed expansion will enable the accommodation of one additional resident.

4. Characteristics of the Area. From the aerial photograph above, it appears that surrounding uses are primarily comprised of single and multi-family development with railroad tracks adjoining the project site to the east. Properties to the north and south are zoned R-3, multi-family, and properties to the west across S 3rd St. are zoned R-1, 7.0, single-family detached.

5. Adverse Impacts. There are no significant adverse impacts associated with the proposal. The requested expansion of 280 square feet will only increase the size of the home from 2,100 square feet to 2,380 square feet, which is consistent with the size of surrounding single-family homes as depicted in the aerial photograph of the staff report. The increase in home size will hardly be noticeable to surrounding properties, as the expansion area will be to a footprint already occupied by a first and second story deck. The expansion area will also be placed at the rear of the existing home, opposite its street frontage and will be obscured from view from the property to the south by an existing fence and six-foot landscaping.

Traffic and parking impacts are minimal and not significant. Planning staff concluded that the addition of one resident to the group home is not anticipated to have a significant impact on traffic patterns in the area. South 3rd Street is an arterial street intended to have high volumes of traffic. There are three (3) parking spaces

located within an existing open carport located in the rear yard (east side) accessed via an existing gravel driveway on the south side of the property. The Development Services Department has had no reports of parking issues on or in the vicinity of the subject property. Should the new living space create the need for new parking areas the applicant will be required to install code compliant parking areas.

CONCLUSIONS OF LAW

Procedural:

1. Authority of Hearing Examiner. The hearing examiner has authority to hold hearings and make recommendations to the City Council on requests for "special permission" to expand nonconforming buildings and uses. See MVMC 17.102.030.

Substantive:

2. Zoning Designation. The project site is zoned Multi-Family Residential (R-3).

3. Applicability of Special Permit Process. The applicability of the special permission review process is the only questionable part of the application. The process only applies if the building subject to the application qualifies as both a nonconforming building and a nonconforming use. Although the record is somewhat incomplete on the nonconforming use status, it is concluded that the building is currently used for a nonconforming use and, therefore, the special permission process applies to the requested expansion.

The applicability of the special permission process exposes somewhat of an anomaly in the MVMC. Applicants wishing to expand nonconforming buildings are treated more leniently under the MVMC if their building accommodates a nonconforming use as opposed to a conforming use. If the Applicant's building in this case accommodated a conforming as opposed to nonconforming use, their requested expansion would be prohibited by the MVMC. MVMC 17.102.025 requires "special permission" to expand an existing nonconforming building that is used for a nonconforming use. If the use is conforming instead of nonconforming, then the Applicant's request would be governed by MVMC 17.102.020, which governs expansions of nonconforming buildings that accommodate conforming uses. The Applicant would not qualify for approval under MVMC 17.102.020, because under those criteria the Applicant would have to make the entire building conforming in order to expand it. MVMC 17.102.020(B), which applies to "*expansion, alteration or reconstruction of nonconforming buildings utilized for conforming uses*" requires that once a proposed expansion is completed, the building "*will no longer be a nonconforming building or structure*." Consequently, if the Applicant's current use were conforming as opposed to nonconforming, MVMC 17.102.020(B) would require the Applicant to eliminate the existing setback encroachments in order to expand the size of the building as proposed.

Fortunately for the Applicant, they do appear to qualify as a nonconforming as opposed to conforming use. In their application narrative, the Applicant identifies that they operate as a group home. Group homes are expressly permitted in the R-1 (single-family) and R-O (residential office) districts but are not listed as permitted or conditional uses in the R-3 district in which the Applicant's group home is located[1]. Although it's somewhat counter-intuitive that group homes are authorized in single-family zoning districts but not in multi-family zoning districts, that is how the regulations are written. MVMC 17.06.140 defines a "nonconforming building use" as the use of a building that does not conform to the regulations of the district in which the use exists. Under this definition, a group home qualifies as a nonconforming building use in the R-3 district since group homes are not authorized in the R-3 district[2]. Since the building and use of the Applicant's property qualify as nonconforming, it is concluded that the special permission process governed by MVMC 17.102.25 applies to the requested expansion in building size.

4. Review Criteria. "Special permission" criteria are governed by MVMC 17.102.070, which are quoted below in italics and applied through corresponding conclusions of law.

MVMC 17.102.070(A): *The effect of such enlargement, expansion or reconstruction on the appearance and use of the area that might be affected;*

5. The proposed use is fully compatible with the use and appearance of surrounding uses for the reasons identified in Finding of Fact No. 5.

MVMC 17.102.070(B): *The effect of the granting of such permit on traffic patterns in the area;*

6. As determined in Finding of Fact No. 5, the proposal will not create any significant impacts to traffic since the Applicant only proposes the addition of one resident.

MVMC 17.102.070(C): *The adequacy of parking facilities provided or to be provided;*

7. Parking facilities are adequate for the reasons identified in Finding of Fact No. 5.

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[1] Of course, "multi-family" residential development is authorized in the R-3 multi-family district, but "multifamily dwelling" is defined by MVMC 17.06.040(D) as a building designed to house three or more families living independently of each other. Group homes typically share kitchen facilities and other common areas and so are not considered independent living arrangements.

[2] The conclusion that the use qualifies as a nonconforming building use is separate from whether the use qualifies as a "lawful" nonconforming use that is allowed to continue. That issue, which can become significantly complicated by Fair Housing Act and American with Disability Act requirements, is governed by MVMC 17.102.010 and is beyond the scope of this recommendation.

MVMC 17.102.070(D): *The effect on adjacent and nearby property or the economic effect of the proposed expansion, alteration or reconstruction on both the applicant and the owners of property in the vicinity.*

8. No adverse economic impacts are apparent or reasonably suggested by the record. No other adverse impacts to the property owner or other owners in the vicinity are anticipated as determined in Finding of Fact No. 5.

Recommendation

The proposal complies with all "special permission" criteria and requirements for the reasons identified in the Conclusions of Law above. For these reasons it is recommended that the City Council approve the special permission request.

Dated this 22nd day of May 2018.

Phil A. Olbrechts

City of Mount Vernon Hearing Examiner