



DATE: June 13, 2018

TO: Mayor Boudreau and City Council

FROM: Rebecca Lowell, Senior Planner

SUBJECT: CLOSED RECORD PUBLIC HEARING, NEW EARTH RECOVERY EXPANSION OF A NON-CONFORMING BUILDING/USE – LAND USE NO. PL18-037

RECOMMENDED ACTION:

Staff recommends that Council hold a closed record public hearing and make a motion to authorize the Mayor to sign the accompanying resolution approving New Earth Recovery expansion of a non-conforming building and use.

INTRODUCTION/BACKGROUND:

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.

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.

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.

FINDINGS/CONCLUSIONS:

On May 8, 2018 an open record hearing was held before the Hearing Examiner. The Examiner recommended approval of the application in a decision dated May 22, 2018. No request for reconsideration of the Examiner's recommendation of approval was received by this department during the allotted 10-day period.

The Hearing Examiner's recommendation is submitted together with the attached proposed Resolution, the Staff Report, and all of the Exhibits that the Examiner relied upon in making his recommendation.

RECOMMENDATION:

Staff recommends that Council move to adopt a resolution approving the expansion of a non-conforming building/use.

ATTACHED:

- Proposed Resolution
- Hearing Examiner Recommendation
- Staff Report and its associated exhibits

RESOLUTION NO.

A RESOLUTION OF THE CITY OF MOUNT VERNON, WASHINGTON; APPROVING THE NEW EARTH RECOVERY REQUEST TO EXPAND A NON-CONFORMING BUILDING & USE, FILE NUMBER PL18-037, CONSISTENT WITH MOUNT VERNON MUNICIPAL CODE CHAPTER 17.102

WHEREAS, Mount Vernon Municipal Code (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; and

WHEREAS, New Earth Recovery submitted a request to enclose two existing decks on an existing structure located at 1606 South 3rd Street; and

WHEREAS, the Mount Vernon Hearing Examiner held an open record public hearing on May 8, 2018 and on May 22, 2018 the Examiner recommended approval of the New Earth Recovery's request to expand a non-conforming building/use; and

WHEREAS, City staff have completed the requisite procedural requirements found in Mount Vernon Municipal Code Title 17 and Chapter 14.05; and

WHEREAS, it is further deemed advisable to record the decisions reached by the Council through the adoption of this resolution; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON:

1. The Findings of Fact and Conclusions of Law found in the Hearing Examiner's Recommendation attached labeled as Exhibit A are hereby adopted by reference as if they were fully set forth herein; and,
2. That the City of Mount Vernon approves the expansion of a non-conforming building and use as described and shown within the accompanying Hearing Examiner's recommendation.

ADOPTED by the City Council of the City of Mount Vernon, Washington, and APPROVED by its Mayor, following a public hearing on the 13th day of June, 2018.

SIGNED IN AUTHENTICATION this ____ day of June, 2018.

Doug Volesky, Finance Director

Jill Boudreau, Mayor

Approved as to form:

Kevin Rogerson, City Attorney

EXHIBIT A
HEARING EXAMINER'S RECOMMENDATION



**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

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**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
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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:



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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

1 located within an existing open carport located in the rear yard (east side) accessed
2 via an existing gravel driveway on the south side of the property. The Development
3 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.

4 CONCLUSIONS OF LAW

5 **Procedural:**

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

9 **Substantive:**

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

12 3. Applicability of Special Permit Process. The applicability of the special
13 permission review process is the only questionable part of the application. The
14 process only applies if the building subject to the application qualifies as both a
15 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.

16 The applicability of the special permission process exposes somewhat of an anomaly
17 in the MVMC. Applicants wishing to expand nonconforming buildings are treated
18 more leniently under the MVMC if their building accommodates a nonconforming
19 use as opposed to a conforming use. If the Applicant’s building in this case
20 accommodated a conforming as opposed to nonconforming use, their requested
21 expansion would be prohibited by the MVMC. MVMC 17.102.025 requires “special
22 permission” to expand an existing nonconforming building that is used for a
23 nonconforming use. If the use is conforming instead of nonconforming, then the
24 Applicant’s request would be governed by MVMC 17.102.020, which governs
25 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.

1 Fortunately for the Applicant, they do appear to qualify as a nonconforming as
2 opposed to conforming use. In their application narrative, the Applicant identifies
3 that they operate as a group home. Group homes are expressly permitted in the R-1
4 (single-family) and R-O (residential office) districts but are not listed as permitted or
5 conditional uses in the R-3 district in which the Applicant’s group home is located¹.
6 Although it’s somewhat counter-intuitive that group homes are authorized in single-
7 family zoning districts but not in multi-family zoning districts, that is how the
8 regulations are written. MVMC 17.06.140 defines a “nonconforming building use”
9 as the use of a building that does not conform to the regulations of the district in
10 which the use exists. Under this definition, a group home qualifies as a
11 nonconforming building use in the R-3 district since group homes are not authorized
12 in the R-3 district². Since the building and use of the Applicant’s property qualify as
13 nonconforming, it is concluded that the special permission process governed by
14 MVMC 17.102.25 applies to the requested expansion in building size.

10 4. Review Criteria. “Special permission” criteria are governed by MVMC
11 17.102.070, which are quoted below in italics and applied through corresponding
12 conclusions of law.

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

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

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

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

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

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

22 _____
23 ¹ Of course, “multi-family” residential development is authorized in the R-3 multi-family district, but
24 “multifamily dwelling” is defined by MVMC 17.06.040(D) as a building designed to house three or
25 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.

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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

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 3 rd 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).



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:	ZIP:
Mount Vernon WA	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:	ZIP:
Mount Vernon WA	98273
TELEPHONE NUMBER and EMAIL ADDRESS: 360-770-1044 alan@nerecovery.org	

PROJECT INFORMATION
Project or development name: Room Addition
Property/project address(es)/location: 1606 S 3rd St Mount Vernon WA 98273 <small>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.</small>
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

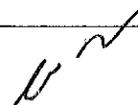
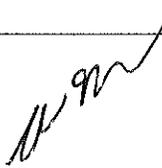
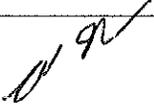
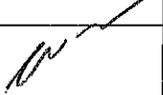
PROJECT CONTACTS

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.

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

Annexation	\$ _____
Binding Site Plan	\$ _____
Boundary Line Adjustment	\$ _____
Comprehensive Plan Amendment	\$ _____
Conditional Use Permit, Administrative	\$ _____
Conditional Use Permit	\$ _____
Critical Area Permit	\$ _____
Design Review	\$ _____
Environmental Review (SEPA)	\$ _____
Environmental Review with critical areas	\$ _____
Fill and Grade Permit	\$ _____
Landscape Modifications	\$ _____
Major Modification	\$ _____
Master Plan	\$ _____
Non-Conforming	\$ _____
Other Permit Write in Below:	
	\$ _____

Plat, Preliminary	\$ _____
Planned Unit Development	\$ _____
Rezoning	\$ _____
Shoreline Permits:	
Conditional Use	\$ _____
Substantial Development	\$ _____
Variance	\$ _____
Short Plat, Preliminary	\$ _____
Site Plan Approval	\$ _____
Special Use Permit	\$ _____
Special Use Permit for ADU	\$ _____
Temporary Use Permit	\$ _____
Transportation Concurrency	\$ _____
Variances, Administrative	\$ _____
Variances	\$ _____
Postage	\$ _____
Land Use Signs:	\$ _____

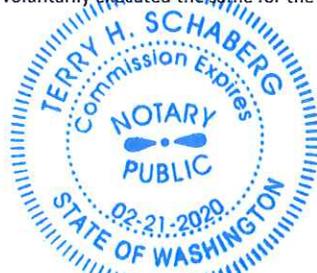
AFFIDAVIT OF OWNERSHIP

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, 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 infoamtion herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Applicant Signature: *Alan P Muia*

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.



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

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 sidewalks, 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.

[Faint, illegible text, possibly a signature or stamp]

**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.

Parcel Map
Parcel P29075



RECEIVED
CITY OF MOUNT VERNON

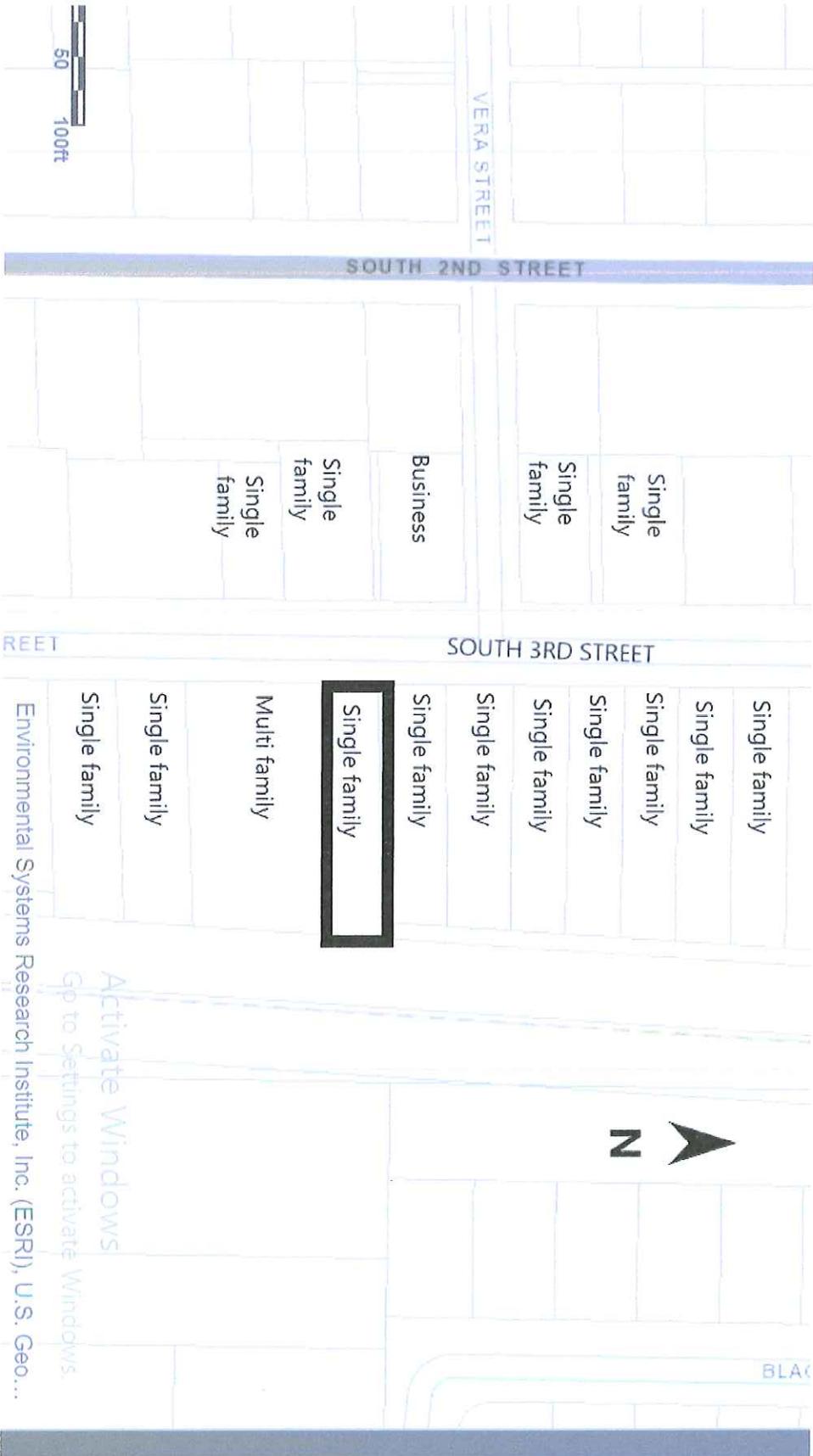
FEB - 5 2017

C.E.D. DEPARTMENT

BY _____

18-037

Neighborhood Map



- Single family
- Multi family
- Single family
- Single family
- Single family

Activate Windows
 Go to Settings to activate Windows.
 Environmental Systems Research Institute, Inc. (ESRI), U.S. Geo...

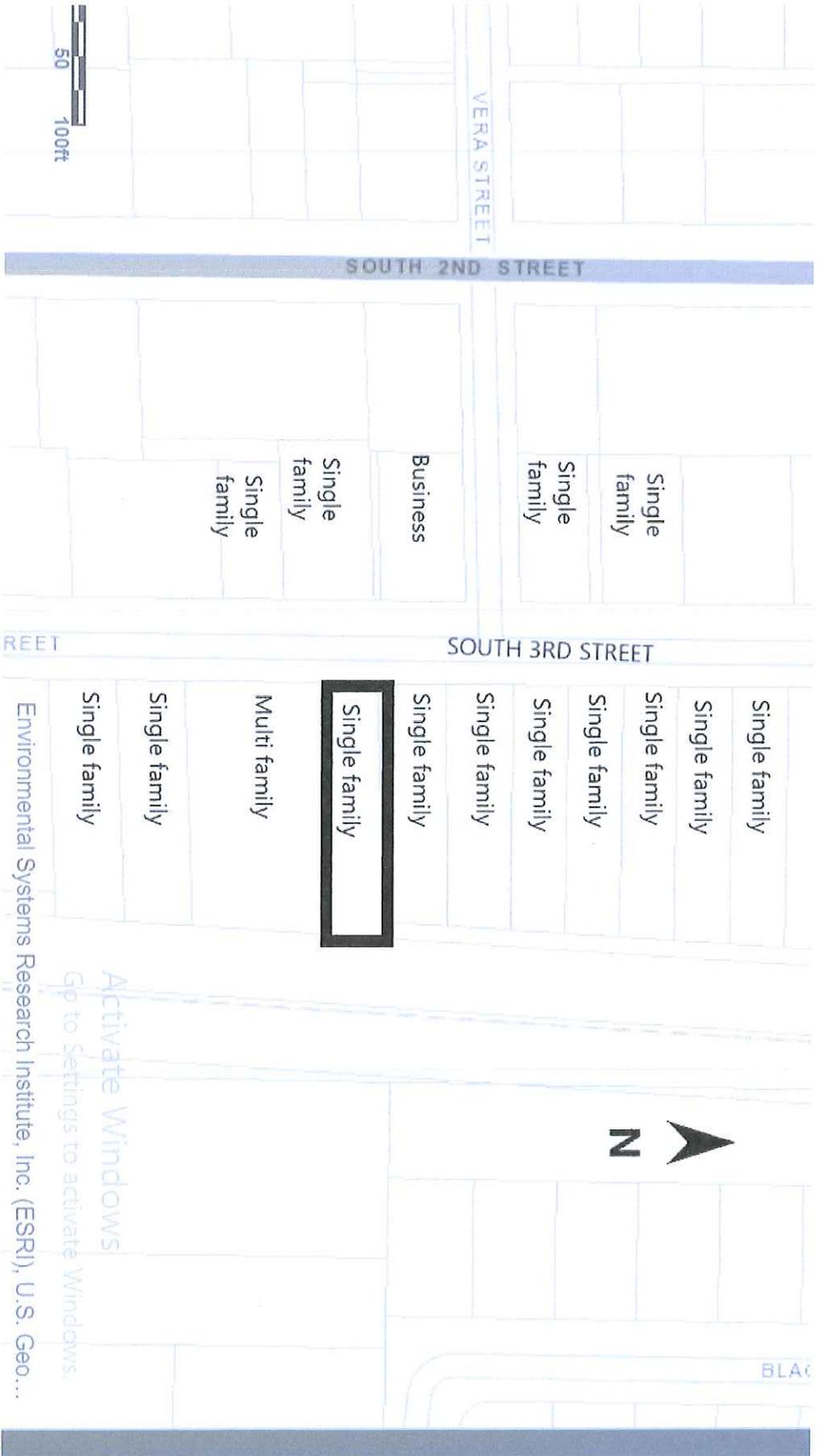
RECEIVED
 CITY OF MOUNT VERNON

FEB - 5 2017

C.E.D. DEPARTMENT
 BY _____

18-037

Nonconformity Relationship and Compatibility

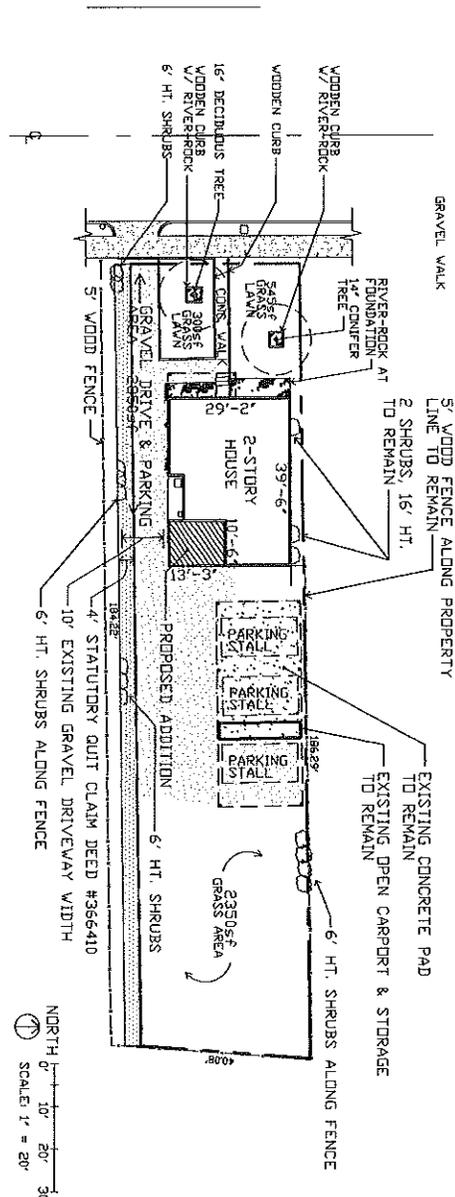


This property, like most of the surrounding properties is a single family dwelling. We intend to continue using it as such. The project we propose would add interior space but would not change the size or shape of the existing structure, would not be visible from the road, and would not further infringe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

FEB - 5 2017

C.E.D. DEPARTMENT
BY

18-037



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 IRC WITH STATE AND LOCAL AMENDMENTS, WAC 50-51,
 INCLUDING APPENDICES E, ANS/CC17.1-2009, & G (FLOOD RESISTANT CONST.)
 PROPOSED USE:
 OCCUPANCY GROUP: RESIDENTIAL GROUP 1R

PROJECT NAME: TRUST HOUSE
 PROJECT OWNER: NEW HORIZONS
 PROJECT CONTACT: ALAN MOJA
 ADDRESS:
 PHONE:
 PROJECT ADDRESS: 1606 S. 3rd St. MOUNT VERNON, WA
 PARCEL NUMBER: P29075
 LOT SIZE: 7379sqft 0.17 ACRES

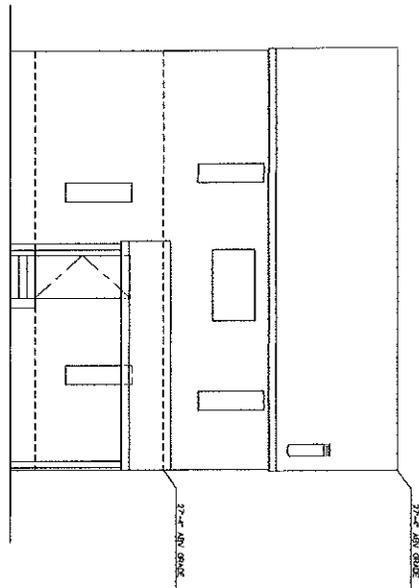
EXISTING LOT COVERAGE:
 EXISTING HOUSE: 1153sqft
 EXISTING CARPORT: 1040sqft
 EXISTING COVERAGE:
 1153sqft + 1040sqft = 2193sqft = 29.7% LOT COVERAGE
 LANDSCAPING sqft ON-SITE: EXISTING TO REMAIN, APPROX. 1000sqft
 PROPOSED LOT COVERAGE:
 NO INCREASE ON LOT COVERAGE. NEW CONSTRUCTION REMOVES
 139sqft OF DECKING ON TWO FLOOR LEVELS AND REPLACES WITH
 139sqft 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.
 SEATTLE, WA 98133
 206.707.5614
 kopuget@gmail.com

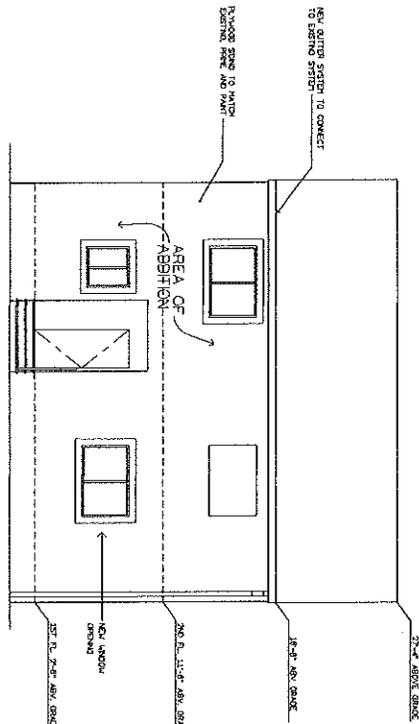
TRUST HOUSE - NEW HORIZONS MINISTRY
 1606 S. 3RD ST.
 MOUNT VERNON, WA
**CONCEPTUAL
 LANDSCAPE PLAN**

DATE:	ISSUED FOR:

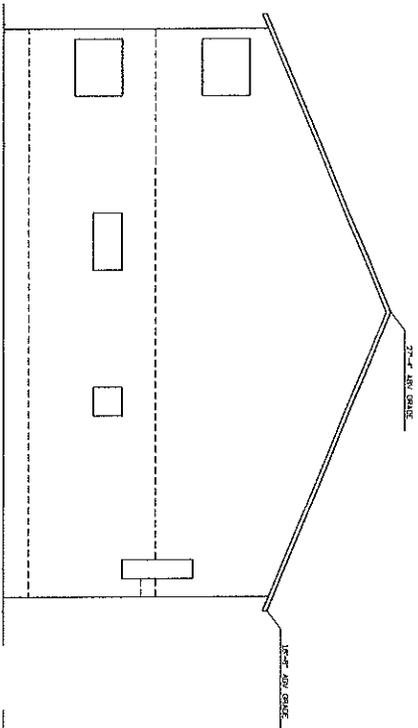
SHEET
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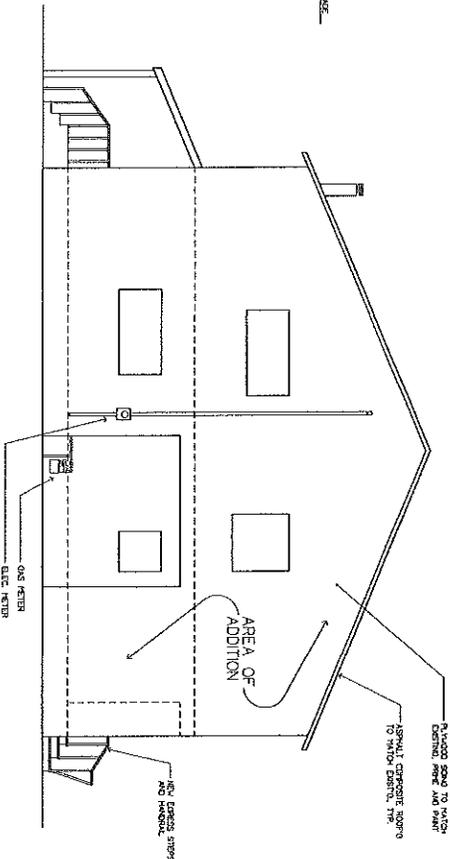
WEST ELEVATION - EXISTING TO REMAIN
SCALE 1/4" = 1'-0"



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



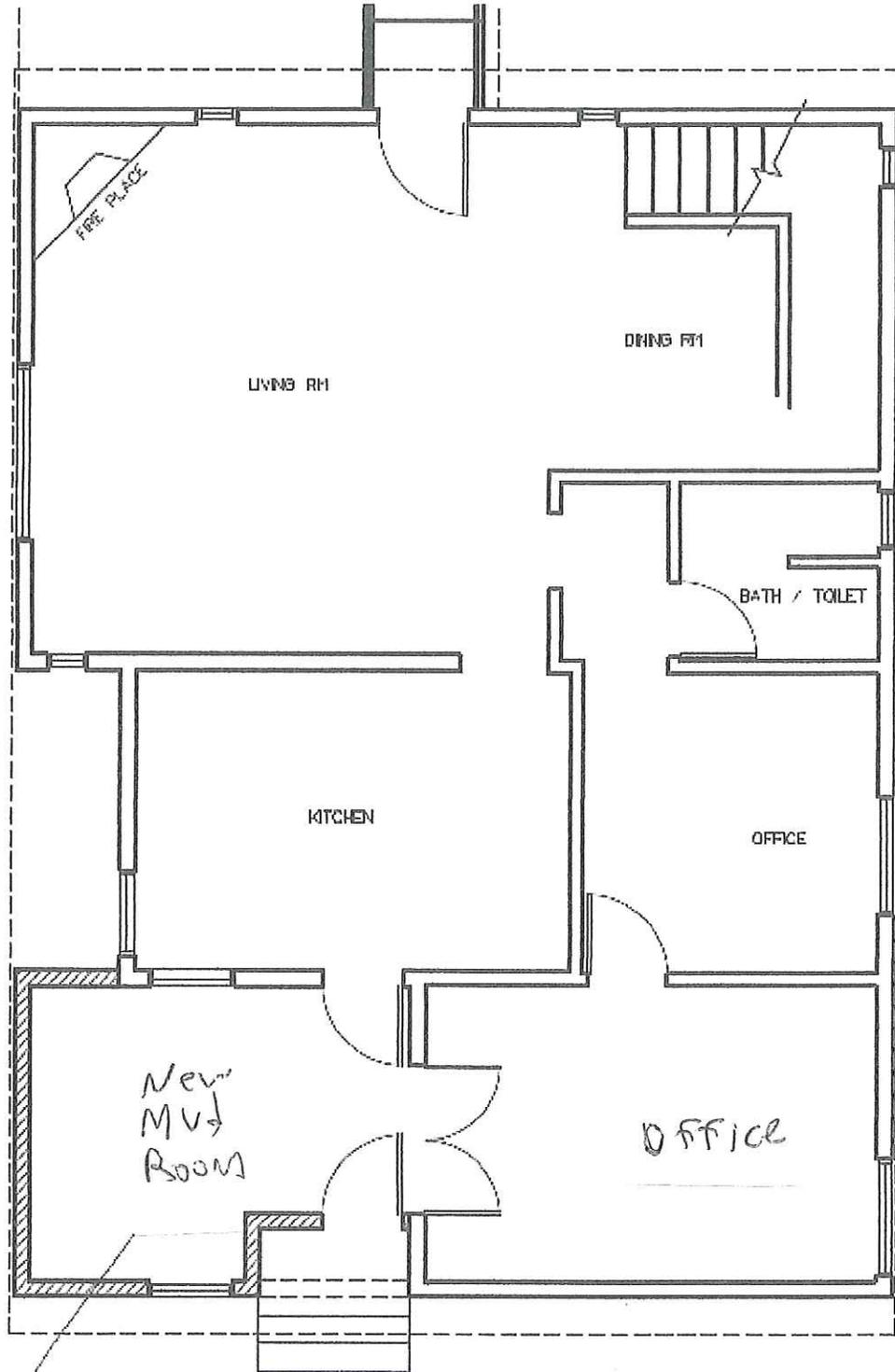
NORTH ELEVATION - EXISTING TO REMAIN
SCALE 1/4" = 1'-0"



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

18-037-0301

SHEET	DATE: _____	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
	ISSUED FOR: _____		
A-3.1			



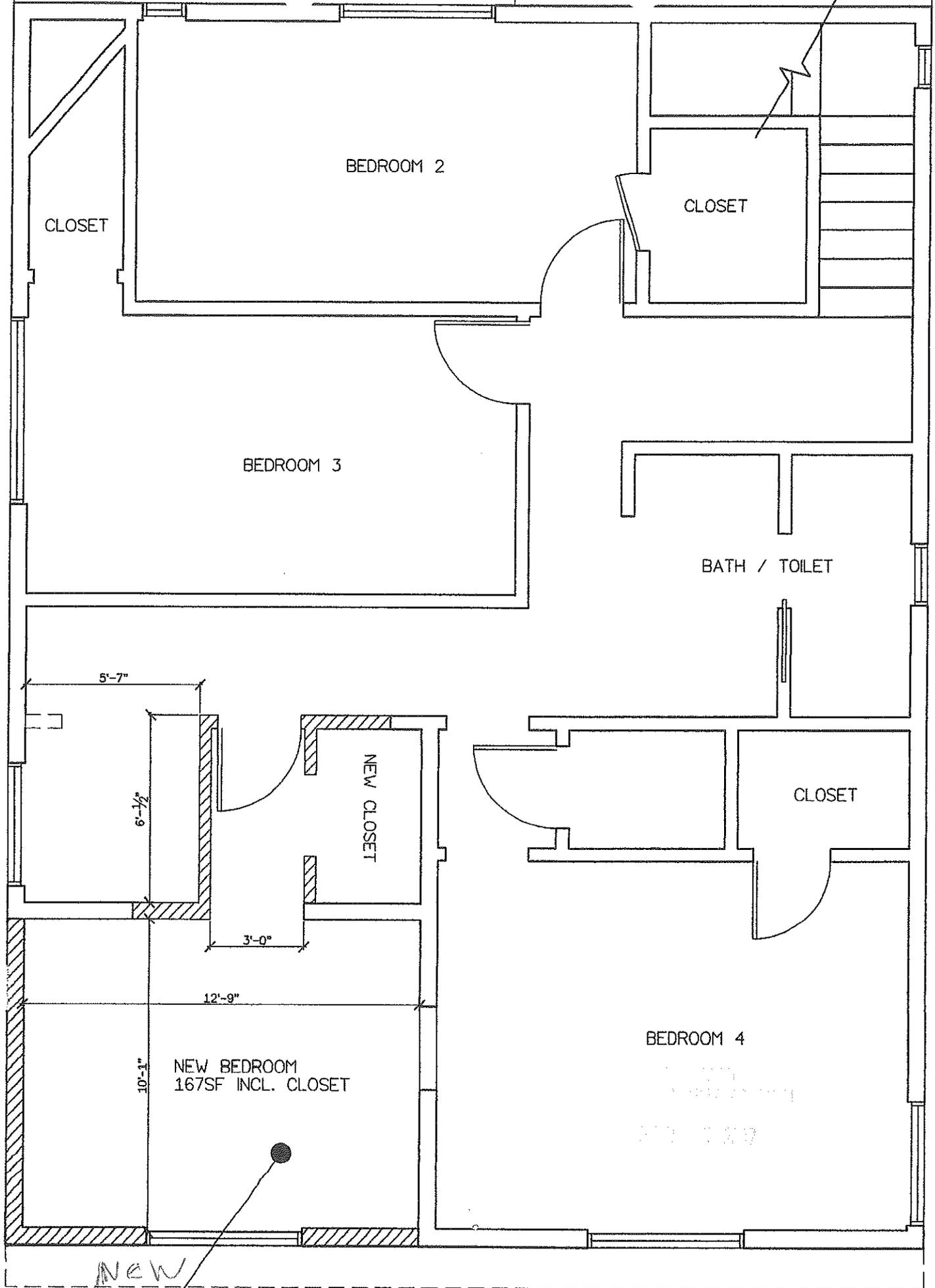
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18-037

RECEIVED
CITY OF MOUNT VERNON

FEB - 5 2017

C.E.D. DEPARTMENT
BY _____



**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.**

A handwritten signature in blue ink that reads "Linda Beacham".

Linda Beacham



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.



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

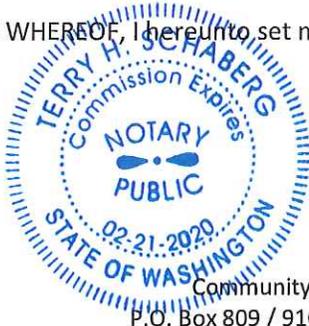
Attached hereto is a copy of the notice that was posted.

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

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

On this, the 9th day of March, 20 18 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 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.

**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**.

A handwritten signature in blue ink that reads "Linda Beacham" with a stylized flourish at the end.

Linda Beacham



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 NUMBER:	USE	File No. PL18-037
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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

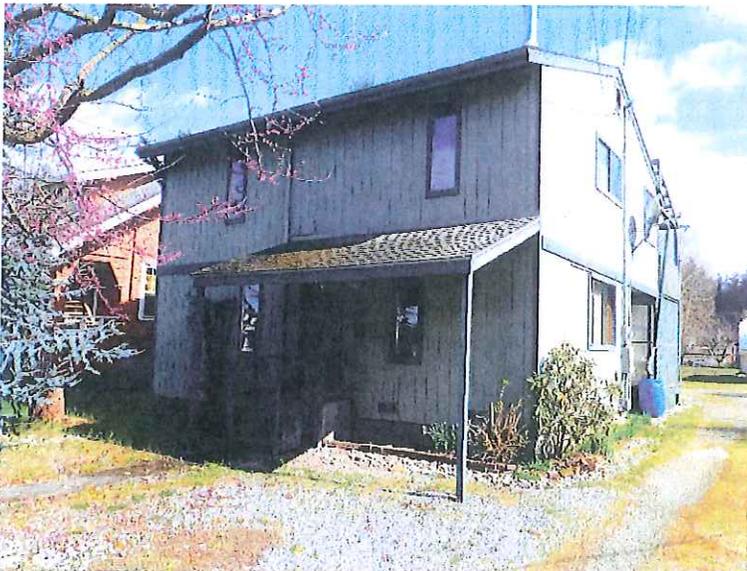
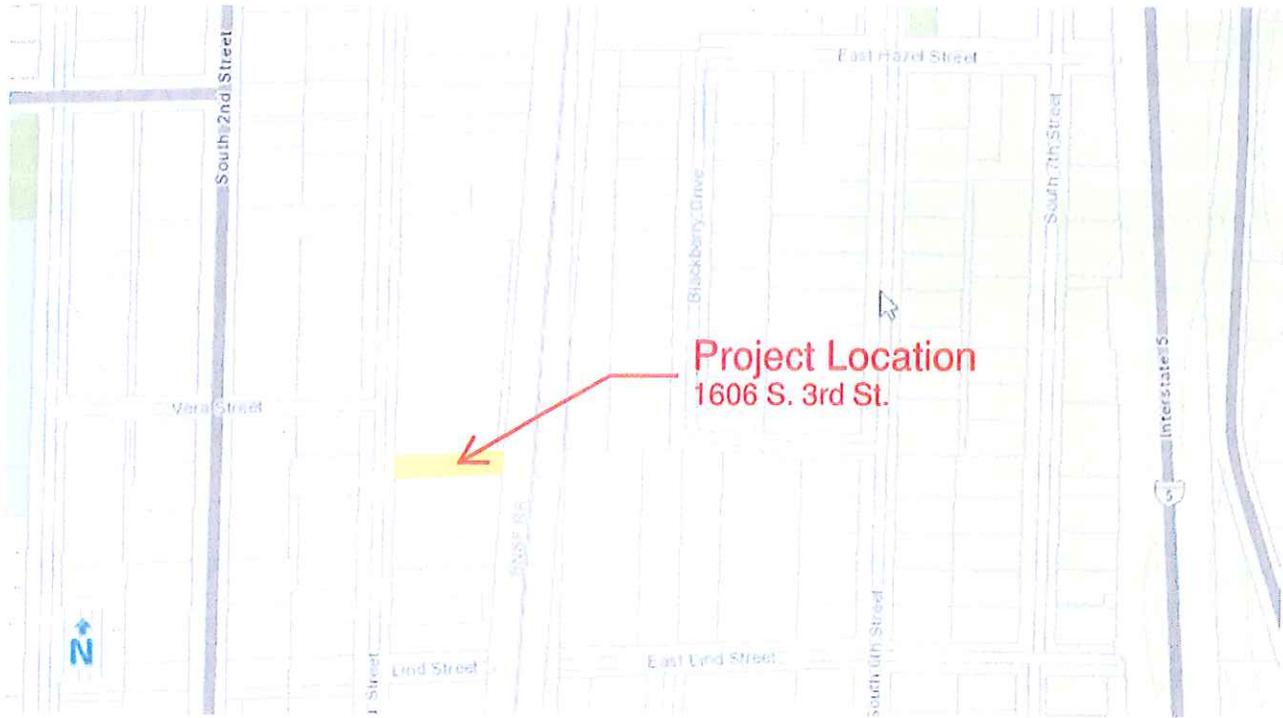


Photo from the Skagit County Assessor, front of the residence from S. 3rd St.

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 1/4 of the NE 1/4 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 1/4 of NE 1/4, 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 SE 1/4 of NE 1/4 then W to starting point with easement for driveway across N 4 ft of adjoining 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

LANDSCAPE PLAN ATTACHED ARCHITECTURAL DRAWINGS ATTACHED

SUBMITTED BY: Billee J. Kollmar

— OFFICIAL USE ONLY —

DATE APPLICATION SUBMITTED 3-21-78 \$25 FEE RECEIVED 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. 3/22/78 Don Boller

PUBLIC HEARING DATE SET FOR April 11, 1978 AFFIDAVIT OF NOTICE OF MAILING RECEIVED BY THE CLERK'S OFFICE 3-24-78 MSB

BOARD OF ADJUSTMENT ACTION approve deny

DATE _____

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, Secretary Pro-Tem

3-21-78	2895	Variance	Sb.	2500
DATE	RECEIPT NO.	RECEIVED FROM	BY	PERMIT NO.
				AMOUNT

PL18-037

CITY OF

EXHIBIT D

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

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 Harold Jensen
1514 S 3rd 1674 Old Hwy 99
Mount Vernon Wa 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 | Wasył Solima
1609 S 3rd
Mount Vernon Wa | Mildred Rapelje
2245 Wicker Rd
Sedro Woolley Wa | James H Cox
1526 S 3rd
Mount Vernon Wa |
| Warren Gilbert
Matheson Building
Mount Vernon Wa | Duffy, Edward
P O Box 639
Mount Vernon Wa | L. P Voag
1619 S 3rd
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 Linnman
My Commission Expires 11/1/81



SE Y4

That portion of the Southeast Quarter of the Northeast Quarter of Section Thirty, Township thirty-four North, Range Four East of the ^{E.W.M.} 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.



Received for record at June 15 1910 4:30 P.M.
at request of Grand Title Co.
A. H. JOHNSON, Auditor Skagit Co., Washington

Official Records
VOL 47 PAGE 624

CITY OF MOUNT VERNON
PL18-037

BOARD OF ADJUSTMENT
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Other Considerations _____

FINDINGS OF BOARD

Variance Granted yes Variance Denied _____

Date of Finding April 11, 1978

Special Provisions none

Earl R. Eddy
Chairman

24 Hrs. Notice Requested

PERMIT APPLICATION

Address 1606 South 3rd Street

OWNER	NAME (OR NAME OF BUSINESS) Billie Kollmar		APPLICANT COMPLETE THIS FORM WITHIN HEAVY LINES FOR WORK WHICH THIS PERMIT WILL BE APPLICABLE.																																																													
	MAILING ADDRESS 1606 South 3rd Street																																																															
ARCHITECT	CITY Mount Vernon	TELEPHONE NUMBER 336-3715	PLUMBING <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>No.</th> <th>TYPE OF FIXTURE OR ITEM</th> <th>FEE</th> </tr> </thead> <tbody> <tr><td>2</td><td>Water Closet (Toilet)</td><td style="text-align:right">\$ 4.00</td></tr> <tr><td></td><td>Bathtub</td><td style="text-align:right">2.00</td></tr> <tr><td>1</td><td>Lavatory (Wash Basin)</td><td style="text-align:right">4.00</td></tr> <tr><td>1</td><td>Shower</td><td style="text-align:right">2.00</td></tr> <tr><td></td><td>Kitchen Sink & Disp.</td><td style="text-align:right">2.00</td></tr> <tr><td>1</td><td>Dishwasher</td><td style="text-align:right">2.00</td></tr> <tr><td></td><td>Laundry Tray</td><td></td></tr> <tr><td>1</td><td>Clothes Washer</td><td style="text-align:right">2.00</td></tr> <tr><td>1</td><td>Water Heater</td><td style="text-align:right">2.00</td></tr> <tr><td></td><td>Urinal</td><td></td></tr> <tr><td></td><td>Drinking Fountain</td><td></td></tr> <tr><td></td><td>Floor - Sink or Drain</td><td></td></tr> <tr><td></td><td>Slop Sink</td><td></td></tr> <tr><td></td><td>Water Piping & Treating Equip.</td><td></td></tr> <tr><td></td><td>Waste Interceptor</td><td></td></tr> <tr><td></td><td>Vacuum Breakers (1 to 5) (over 5)</td><td></td></tr> <tr><td></td><td>Lawn Sprinkler System</td><td></td></tr> <tr><td></td><td>PERMIT</td><td style="text-align:right">\$ 3.00</td></tr> <tr><td></td><td>TOTAL FEE</td><td style="text-align:right;">\$ 23.00</td></tr> </tbody> </table>		No.	TYPE OF FIXTURE OR ITEM	FEE	2	Water Closet (Toilet)	\$ 4.00		Bathtub	2.00	1	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
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NAME Skagit Contractors		ADDRESS Post Office Box 249																																																														
CITY Mount Vernon	TELEPHONE NUMBER 424-1485	STATE LICENSE NUMBER SK AG IC 227KE																																																														
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Demolish <input type="checkbox"/> Culvert <input type="checkbox"/> Non-Residential <input checked="" type="checkbox"/> Building <input type="checkbox"/> Sidewalk <input type="checkbox"/> Street Excavation																																																																
<input checked="" type="checkbox"/> New <input type="checkbox"/> Alter <input checked="" type="checkbox"/> Plumbing <input type="checkbox"/> Sign <input type="checkbox"/> Add <input type="checkbox"/> Repair <input type="checkbox"/> Mechanical <input type="checkbox"/>																																																																
Legal Description	Legal Description of Property (Show Below or Attach Copy)																																																															
	Lot Block of																																																															
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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.																																																																
Signature of Owner or Authorized Agent <i>Billie Kollmar</i>			(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 XXXXX VARIANCE	Street Setback 20'	Rear Yard Setback 20'																																																														
Use Zone R-1 6.0	Lot Area SAT	Vacant Site <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																																															
Off-Street Parking Spaces: 1																																																																
Application Accepted By: DGB	Plans Checked By: DGB	Approved for Insurance By:																																																														
TOTAL FEES		VALUATION	FEE																																																													
Building		30,200	130.00																																																													
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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 9/21/78 19 By C. Hoffman
 BUILDING OFFICIAL

336-6585

PERMIT APPLICATION

24 Hrs. Notice Requested

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 CBNT.
ADDRESS P.O. BX. 249
CITY MT. VERNON TELEPHONE NUMBER 424-1485
STATE LICENSE NUMBER 223-01 SKAGIC-A227KE

Residential Demolish Culvert
 Non-Residential Building Sidewalk
 Add Repair Mechanical Street Excavation

New Alter Plumbing Sign
 Add Repair Mechanical

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] 9-11-78
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
<u>VARIANCE</u>	<u>20'</u>	<u>20'</u>
Use Zone	Lot Area	Vacant Site
<u>R-1, 6.0</u>	<u>Satisfactory</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Type of Const.	Occupancy Group	No. of Dwelling Units
<u>Vn</u>	<u>R-3</u>	<u>1</u>
Size of Bldg. (Total) Sq. Ft.	No. of Stories	Max. Occ. Load
<u>2036</u>	<u>2</u>	<u>6</u>
Fire Zone	Fire Sprinklers Required	
<u>3</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Off-Street Parking Spaces: <u>1</u>		
Application Accepted By:	Plans Checked By:	Approved for Insurance 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 - <u>ELECTRICAL BASEBOARD</u> C.F.M.	
	Incinerator	
	Gas Piping	
	Tanks	
1	Free standing fire place	3 00
	PERMIT	3 00
	TOTAL FEE	6 00

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

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.

PL18-037

CITY OF MOUNT VERNON
BUILDING DEPARTMENT

EXHIBIT D

Phone 336-6585

INSPECTION RECORD

SETBACKS

Job Address	1606 South 3rd Street		Type	Occupancy	Fire Zone
Nature of Work	Rebuild Residence		Vn	R-3	3
Use of Building	Single Family Res.				
Owner	Billie Kollmar				
Contractor	Skagit Contractors				
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			

Front	20'
Side	VARIANC E
Rear	20'

LOT _____

Inspector must sign all spaces pertaining to this job

BUILDING

OTHER

INSPECTION	DATE	INSPECTOR
Foundations:		
Setback	10-4-78	TC
Trench	10-4-78	TC
Reinforcing	10-4-78	TC
Foundation Wall and Weather Proofing	10-11-78	TC

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	TC
Rough Gas Piping	1-10-79	TC
Rough Heating and Ventilation		
(Above must be signed prior to framing inspection)		
Framing	1-10-79	TC

Cover no work until above has been signed

Lath and Plaster (Interior)		
Lath		
Scratch Coat		
Brown Coat		
Finish Coat		
Wallboard	1-10-79	TC

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	S&E NOTE ①	AIMAR 79 RCM

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~~
~~VENTILATED DRYER TO OS AIR,~~
~~KITCHEN RANGE VENT TO OS AIR,~~
~~FIRE BLOCK STAIR WALK~~
~~INSTALL BATH VENTS TO OS AIR,~~
~~OR TO COVER EXCEPT FIREPLACE AND~~
~~CHIMNEY 12-10-78 TC~~
 INSTALL L^{1/2} END OF PIPE TO
 POINT DOWN. 3

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

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