

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**  
**FINDINGS, CONCLUSIONS AND RECOMMENDATION**

**Applicant/Agent:** Jeffrey Ingman  
GMT Properties, LLC  
1016 S. Third Street  
Mount Vernon, WA 98273

**Agent:** Young Soo Kim  
Summit Engineers & Surveyors  
2218 Old Highway 99 South  
Mount Vernon, WA 98273

**Request:** Short Plat Modification (PL09--0040)

**File No:** PL 10-0184

**Location/Parcels:** 19837 Aloha Lane; Lot 4 of Short CaRD PL09-0040; within a portion of N1/2SE1/4 Sec. 8, T36N, R4E, W.M. Parcel Nos. 129818, P49191

**Land Use Designation:** Rural Reserve (RRv)

**Summary of Proposal:** To subtract .69 acres (55' x 550') along the north property line, thus removing portions of an adjoining driveway and building from the subject property.

**SEPA Compliance:** Exempt

**Public Hearing:** September 22, 2010. No public testimony. Planning and Development Services (PDS) recommended approval.

**Recommendation:** Approval, subject conditions.

## **FINDINGS OF FACT**

1. Short CaRD PL09-0040 was given preliminary approval on April 23, 2009 and was recorded on September 29, 2009. The approved plat involved approximately 23.7 acres of land and included three one-acre lots and one 20.71-acre lot. The latter contained a single acre designated for development and 19.7 acres designated as Open Space - Rural Open.

2. The platted property is located on the east side of Butler Creek Road, with the address of 19837 Aloha Lane, Sedro Woolley. It is within a portion of N1/2 SE1/4, Sec. 8, T36N, R4E, W.M.

3. The three one-acre lots are located along the north property line starting approximately 28 feet east of Butler Creek Road. The building area for Lot 4 is located approximately 180 feet east of Lot 3. The internal plat road (Aloha Lane) has been constructed.

4. The subject plat modification request relates to Lot 4 of the short plat. After the short CaRD was recorded it was discovered that a portion of a driveway and of a building on the property adjacent to the north encroach on a portion of the Lot 4 open space.

5. The purpose of this request is to obtain land use approval for the conveyance of a large enough portion of the Lot 4 open space to eliminate the encroachments and give them adequate setbacks while maintaining the necessary acreage for a four-lot CaRD.

6. The modification will reduce the Short CaRD by .69 acres, changing the acreage from approximately 23.7 acres to approximately 23.02 acres. The area removed measures 55' x 550' with the length along an old recognized line. The change in property description will be achieved by boundary line adjustment.

7. The application was deemed complete as of July 29, 2010. Notice of Development was published and posted on August 5, 2010. No comments were received. The public hearing was held on due notice. No public testimony was given.

8. The application was reviewed by various County departments. No concerns or requirements were noted.

9. Because the area of concern is part of the open space for the land division and there is no infrastructure for the land division in this area, PDS recommended approval of the requested plat modification.

10. The revision will not reduce the amount of land in the CaRD below that needed for the subject land division.

11. The application appears to contain the signatures of the majority of those persons having an ownership interest in the property to be altered.

12. Any conclusion herein which may be deemed a finding is hereby adopted as such.

## **CONCLUSIONS OF LAW**

1. The Hearing Examiner has jurisdiction over the subject matter of this proceeding. SCC 14.18.200(8)(c) requires that an application for alteration of an approved final plat be processed as a Level III-HE permit. This means that after a public hearing, the Examiner makes a recommendation for decision to the Board of County Commissioners. See SCC 14.06.050(1)(c).
2. The application meets the plat alteration requirements of RCW 58.17.215.
3. The application is exempt from the procedural requirements of the State Environmental Policy Act (SEPA). WAC 197-11-800(6)(a).
4. Subject to the conditions set forth below, the proposal is consistent with the County requirements for alteration of a final subdivision. SCC 14.18.200(8).
5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

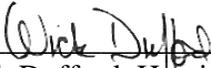
## **CONDITIONS**

1. Prior to the approval of the revised plat map, the applicant shall obtain an approved recorded boundary line adjustment.
2. After the alteration is approved, the applicant shall produce a revised drawing of the approved alteration of the final subdivision to be processed in the same manner as required for final subdivisions.
3. The final plat shall contain all the required signature blocks and all other requirements as noted in SCC 14.18.200.
4. Prior to recording of the revised final plat map, all outstanding planning review fees shall be paid.

**RECOMMENDATION**

The Hearing Examiner recommends that the Board of County Commissioners approve the proposed Modification of Short CaRD PL09-0040, subject to the conditions set forth above.

DONE this 5<sup>th</sup> day of October, 2010.

  
\_\_\_\_\_  
Wick Dufford, Hearing Examiner

Transmitted to Applicant on October 5, 2010