

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

**FINDINGS, CONCLUSIONS AND RECOMMENDATION**

**Applicants:** Mack & Juanita Judd  
33624 Hamilton Cemetery Road  
Sedro-Woolley, WA 98284

**Agent:** Bruce Lisser  
Lisser & Associates, PLLC  
P. O. Box 1109  
Mount Vernon, WA 98273

**Request/File No:** Modification of Short CaRD, PL11-0021

**Location/Parcels:** 33501 Hamilton Cemetery Road, Lots 3 & 4 of Short CaRD PL08-0035;  
within a portion of W1/2NW1/4SE1/4 Sec. 10, T35N, R6E, W.M. Parcel  
Nos: P127929, P127930

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

**Summary of Proposal:** To change the dedicated open space shown on the recorded plat map (AF# 200808130042) from Lot 4 to Lot 3. The plat includes 3 one-acre lots and one 15.92 acres lot with one acre designated for development and the remaining 14.9 acres designated as Open-Space-Rural Open.

**SEPA Compliance:** Exempt

**Public Hearing:** May 25, 2011. No public testimony. Planning and Development Services (PDS) recommended approval.

**Recommendation:** Approval, subject to conditions.

## **FINDINGS OF FACT**

1. Mack and Juanita Judd seek to modify a recorded Short Plat (PL008-0035) so that the dedicated open space will be attached to Lot 3 rather than Lot 4.
2. The plat, recorded in August 2008, was approved through the CaRD process for the division of nearly 20 acres into four lots. Three of the lots were one-acre in size. The remaining lot had one-acre designated for development with 14.9 acres designated as Open-Space-Rural Open. Onsite sewage systems and individual domestic wells were approved to serve the property.
3. The property is located at 33501 Hamilton Cemetery Road within a portion of the W1/2W1/4WSE1/4 Sec. 10, T35N, R6E, W.M. The parcel numbers are P127929 and P127930. The property is designated Rural Reserve (RRv).
4. In the initial land division, Lot 1 contained the existing residence and four out-buildings. An additional shed was located on Lot 2. Lots 3 and 4 were vacant.
5. The previous Short CaRD attached the open Space to Lot 4. The building area of Lot 4 now has a home constructed on it with an approved water service and septic system. Lot 3 remains undeveloped.
6. The requested modification simply attaches the open space to Lot 3. There is no change in the overall building-area/open-space allocation. The previous Lot 3 will now be shown as Lot 3 Building Area.
7. Notice of Development was posted and published as required by law. No comments were received in the comment period. Due notice was given for the public hearing. There was no public testimony at the hearing.
8. The modification request was routed to appropriate County departments for comment. Some minor adjustments need to be made on the plat map to satisfy Health Department/Water requirements.
9. The proposed revision will not reduce the land required to create this land division initially. No changes are made in the area of open space or to any of the infrastructure in the open space.
10. PDS recommended approval of the request.

## **CONCLUSIONS OF LAW**

1. The Hearing Examiner has jurisdiction over the subject matter of this proceeding.

2. Under SCC 14.18.200(8)(c) applications for alteration of an approved final subdivision are processed as Level III- HE permit. Such Level III applications require an open-record hearing before the Hearing Examiner who then makes a recommendation. The Board of County Commissioners makes the final decision. SCC 14.06.050(c).

3. The change sought does not alter any of the factors which led to the initial approval of the Short CaRD. Accordingly, the Examiner concludes that the requested modification should be approved.

### **PROPOSED CONDITIONS**

1. The final plat map will show the changes required by Skagit County Health Drinking Water Division.

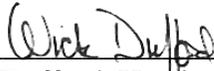
2. The final plat shall contain all of the required signature blocks and all other requirements of SCC 14.18.200.

3. Prior to recording of the revised final plat map, all outstanding planning review fees will be paid.

### **RECOMMENDATION**

The Hearing Examiner recommends that the plat alteration requested be approved, subject to the conditions set forth above.

**DONE** this 8<sup>th</sup> day of June, 2011.

  
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Wick Dufford, Hearing Examiner

Transmitted to: Applicants, PDS, Board of County Commissioners on June 8, 2011.