

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND RECOMMENDATION

Applicant: Summit Engineers and Surveyors
c/o Young-Soo Kim
2218 Old Highway 99 South
Mount Vernon, WA 98273

File No: PL05-0361

Request: Alteration of Final Plat

Location: Lot #9, Red Tail Flats CaRD Land Division, located at the end of Emily Lane, within a portion of Sec. 27, T35N, R3E, W.M.

Land Use Designation: Rural Reserve

Summary of Proposal: To rotate and move the building envelope of Lot #9 of Red Tail Flats, altering the plat as approved per PL03-0016.

Public Hearing: After reviewing the report of Planning and Development Services, the Hearing Examiner conducted a public hearing on October 20, 2005.

Recommendation: The application should be approved, subject to conditions.

FINDINGS OF FACT

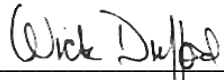
1. The final plat of Red Tail Flats was filed with the County Auditor on August 9, 2004. The approved plat is roughly 45.05 acres in size and consists of nine residential lots. Eight of these are one-acre lots. The remaining lot (32.49 acres) is left in an open space designation except for a building envelope.
2. The open space lot is Lot #9. The designation is Open Space Recreational (OS-RA). The location is the end of Emily Lane, within a portion of Sec. 27, T35N, R3E, W.M. The zoning is Rural Reserve.
3. Summit Engineers and Surveyors (applicant), on behalf of the owner Red Tail Flats LLC, has applied to change the location of the building envelope of Lot #9. The change does not require a change in lot lines.
4. Under the proposal, the building envelope is rotated, increased to one acre in size, and moved slightly to the north. The effect is an improvement in terms of wetland protection. The resulting envelope is to the northwest of Lot #8.
5. The application was received on June 21, 2005, and deemed completed on July 20, 2005. A Notice of Application was published on July 28, 2005, posted on site and mailed to all adjacent property owners within 300 feet of the site. No public comments were received in response.
6. A State Environmental Policy Act (SEPA) addendum was issued on September 16, 2005, concluding that the alteration proposal will not have a probable significant adverse impact on the environment.
7. The hearing on the application was properly noticed. No public testimony was offered at the hearing. No lot owner objects to the proposal.
8. Agency reviews identified no problems with the application. Critical areas review indicated that the proposed relocation does not appear to impact any regulated wetlands or buffers.
9. The proposed change to the plat will not violate any provisions of the Skagit County Code (SCC). The change will not result in the violation of any restrictive covenant.
10. The Staff recommendation is for approval of the application.
11. 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 persons and the subject matter of this proceeding. SCC 14.06.050(c).
2. The requirements of SEPA have been met.
3. Under SCC 14.18.200(8)(c), the alteration of a plat is processed as a Level III-HE permit. This means that Hearing Examiner makes a recommendation for decision to the Board of County Commissioners.
4. The Examiner concludes that the proposal is consistent with SCC 14.18.200(8) and with all other provisions of the Skagit County Code.
5. The application should be approved subject to the following conditions:
 - (1) The applicant shall produce a revised drawing of the approved alteration of the final subdivision, to be processed in the same manner as set forth for final subdivisions under Chapter 14.18 SCC.
 - (2) All requirements of SCC 14.18.200 (final subdivisions) shall be met.
 - (3) Planning and Development Services shall be advised in writing when the Public Utility District #1 water line is installed to the Lot #9 boundary.
6. Any finding herein which may be deemed a conclusion is hereby adopted as such.

RECOMMENDATION

The Hearing Examiner recommends that the application be approved, subject to the conditions set forth in Conclusion 5 above.



Wick Dufford, Hearing Examiner

Date of Action: November 29, 2005

Date Transmitted to Applicant: November 29, 2005