

NOTICE OF DECISION

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

Applicants: Forrest and Cheryl Foss
6742 Big Cedar Lane
Anacortes, WA 98221

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

Location: 6675 AND 6742 Big Cedar Lane, within a portion of Sec. 21,
T35N, R31E, W.M. Parcel Nos: P33438 and P128564

Request: Final short plat alteration, PL17-0350

Zoning: Rural Intermediate (RI)

Summary of Proposal: Alteration of a four-lot short plat (PL06-1147) to eliminate existing Lots 1 and 2 and create new Tracts A and B containing acreages of 6.0 and 8.9 acres respectively. Building envelopes for Lots 3 and 4 will not be changed. Associated open space will be sufficient for the remaining development rights of those CaRD lots.

SEPA Compliance: Exempt

Public Hearing: January 10, 2018. Testimony by Planning and Development Services (PDS) and applicant’s agent. No public testimony.

Recommendation/Date: The plat alteration should be approved, subject to conditions. February 5, 2018.

Final Decision: This is a Level III application for which the final decision is to be made by the Board of County Commissioners.

Online Text: The entire decision can be viewed at:
www.skagitcounty.net/hearingexaminer

FINDINGS OF FACT

1. Forrest and Cheryl Foss seek a plat alteration to reconfigure Short Plat #PL06-1147 while retaining sufficient open space.
2. The property is located at 6675 and 6742 Big Cedar Lane, within a portion of Sec. 21, T35N, R3E, W.M. The parcel numbers are P33438 and P128564. The total acreage involved is 19.93 acres.
3. The property is zoned Rural Intermediate with a required lot size of 2.5 acres, allowing four lots within the 19.93 acre parent parcel. In 2009, use of the CaRD method created a short subdivision with three lots containing an acre or less and one lot containing the remaining area.
4. Via Short Plat PL06-1147, Lots 2, 3 and 4 were created at 1 acre, .98 acres, and .90 acres in size respectively. Lot 1, the large lot, consisted of 16.1 acres of open space and a .96 acre residential envelope. The open space was comprised of 13.42 acres of Open Space Recreational Amenities (OS-RA) and 2.08 acres of Open Space Protection Area (OS-PA).
5. Fewer lots than potentially possible were created because the reasonable building locations on the property are limited due to multiple easements and topographical constraints.
6. Now, the Applicants are seeking to combine existing lots 1 and 2 into a single 14.89 acre parcel and to re-divide this parcel into two lots – one 6.0 acres in size (Tracts A) and the other 8.89 acres in size (Tract B). This will leave lots 3 and 4 as is, along with enough open space (5.04 acres) to ensure compliance with requirements.
7. The application was determined to be complete on September 25, 2017. A Notice of Development application was posted on the property, mailed to adjacent property owners and published in a newspaper of general circulation. One public comment was received from a citizen asking to be made a party of record.
8. Prior critical areas review of this property took place in 1997. The previous plat map shows that no development on proposed Tract A is located within the Native Growth Protection Area (NGPA) or Protected Critical Area (PCA). However, the previous land division indicated that the access through the PCA would be abandoned and the current map shows it being retained. Also the Assessor's records indicate a carport was constructed in 2003, but there are no permit records for that structure. A condition of approval requires that these matters be appropriately addressed.
9. The application was circulated to various County departments and relevant utilities. Their comments are reflected in conditions of approval.
10. The staff reviewed the proposal and found that, as conditioned, it will comply with the requirements of the County code for the alteration of final subdivisions. The Hearing

Examiner concurs in this analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

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

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over this proceeding. The matter is being processed as a Level III application. SCC 14.18.200(8)(c). This means the Hearing Examiner makes a recommendation after an open record hearing. The final decision is for the Board of County Commissioners. SCC 14.06.050(c).

2. The proposed alteration of short plat PL16-1147, as conditioned, is consistent with the Code requirements for alteration of a final subdivision. SCC 14.18.200(8).

3. This application is exempt from the procedural requirements of the State Environmental Policy Act. WAC 197-11-800((6)).

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

CONDITIONS

1. All features that are relied upon contained within the original subdivision shall be incorporated into the new plat alteration map.

2. All standard plat notes and appropriate departmental signoffs are required. The applicants shall ensure that there are the appropriate number of acknowledgement blocks for all parties to the land division and the County staff, including the appropriate signature line for the Auditor's Office.

3. Final approval shall be contingent upon the applicants providing copies for review of any changes to existing recorded documents (e.g., covenants, homeowners association agreements, road maintenance agreements).

4. The short plat (as altered) is #PL17-0350. This number shall be added to the face of the plat in appropriate locations.

5. Notes #23 and #24 appear to be the same. Note #24 can be removed.

6. Note #14, the address range, shall be filled in. The address range for Big Cedar Lane has been assigned, beginning at 6672 and ending at 6805.

7. If any portion of the parent parcel is in an Open Space taxation program, the Skagit County Assessor's office shall be contacted prior to proceeding with the land division.

8. In accordance with SCC 14.18.200(4)(d), the lot corners must set before approval shall become final.

9. Approval shall not become final prior to payment of all property taxes and final plat fees.

10. Additional review may result in additional conditions or requirements. Additional plat notes may be required.

11. The information shown on the previous plat map indicates that none of the development on Lot 1 (Tract A) has been located within the NGPA or PCA. The current map shows a deck extending from the house into the NGPA and a garage within the PCA. The previous land division indicated that the access through the PCA would be abandoned. The current map shows it being retained. The Assessor records indicate a carport constructed in 2003. There are no permit records for that structure. Final approval of this plat alteration is contingent upon the above items being addressed and compliance with Chapter 14.24 SCC being shown.

12. Permanent buffer edge markers shall be installed around the PCA, pursuant to SCC 14.24.090.

13. If modifications to the previously approved and recorded NGPA or PCA are required, a new PCAE document will be required.

14. No additional fire code requirements are added for this plat alteration. Future building permits will be evaluated for compliance with County road standards and sprinkler requirements.

15. Prior to any future ground disturbance, there shall be consultation with Cascade Natural Gas.

16. Per SCC 14.18.200(8)(a), the owner of either Lot 3 or Lot 4 must be a signatory to the plat alteration.

17. The actions needed for this plat alteration to become final shall be taken within three years of the date of this decision.

RECOMMENDATION

The Hearing Examiner recommends that application PL 17-0350 for the alteration of Plat 06-1147 be approved, subject to the conditions set forth above.

DONE, this 5th day of February, 2018.



Wick Dufford, Hearing Examiner

Transmitted to Applicant, County Staff and County Commissioners, February 5, 2018.