

**NOTICE OF DECISION**

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

**Applicants:** Dan and Carolyn DeGroot  
c/o Henry Dykstra  
4701 Scoon Road  
Sunnyside, WA 98944

**Contact:** Bruce Lisser  
P.O. Box 1109  
Mount Vernon, WA 98273

**Request:** Alteration of Re-plat of Skyridge Division No. IV (Short Plat No. 7-081)

**File No:** PL17-0415

**Location:** 17577 South Skyridge Drive, south of Skyridge Road, east of Red Hawk Court, north of East Hickox Road; within a portion of NW1/4SW1/4 Sec. 34, T36N, R4E, W.M. Parcel No: Lot 5-B/P83520

**Land Use Designation:** Urban Reserve Residential (URR) within City of Mount Vernon Growth Area (UGA).

**Summary of Proposal:** To alter Short Plat No. 7-081 recorded under AF#8811210077 by removing a building setback line in order to accommodate additional development area.

**Public Hearing:** November 8, 2017. Testimony by Planning and Development Services (PDS), Applicants' representative and Applicants' Consultant. No public testimony.

**Recommendation/Date:** The Hearing Examiner recommends that the application be approved, subject to conditions. November 20, 2017.

**Procedure:** This is a Level III procedure involving a recommendation by the Hearing Examiner to the Board of County Commissioners. The Board will make the final decision on the matter.

**Online Text:** The entire recommended decision can be viewed at:  
[www.skagitcounty.net/hearingexaminer](http://www.skagitcounty.net/hearingexaminer)

## **FINDINGS OF FACT**

1. Dan and Carolyn DeGroot seek approval of the alteration of Short Plat No 7-081.
2. The location is at 17477 South Skydridge Drive, within a portion of the NW1/4SW1/4 Sec. 34, T36N, R4E. The site and surrounding areas to the east, west and south are designated Urban Reserve Residential (URR) and are within the City of Mount Vernon Urban Growth Area.
3. The majority of surrounding parcels are small (.5 acre) and contain single-family residences. Directly to the east is a 36-acre parcel, also within the URR designation.
4. The subject short plat contains only two lots. Lot 5-B and Lot 5-C. At present there is a building setback line across Lot 5-B. The proposal is to eliminate this line.
6. The building setback line, placed in 1981, divides Lot 5-B in a manner that prevents the owner from placing any structures on the east half of the parcel. Removal of the line will allow additional area and design flexibility for future development. Modern septic design possibilities should allow the parcel to accommodate development without dedicating such a large area for the septic system.
7. With signatures for the applicant/owners of Lot 5-B, the new altered plat map will be deemed by Planning and Development Services (PDS) to contain signatures of a majority of those persons having an ownership interest in the original subdivision. The owners of the other lot, Lot 5-C, are Glenda and James Hobbs. The record contains no objections to the proposed plat alteration.
8. The proposed plat alteration will not violate any covenants in the original plat. Except for removal of the building setback line, the revised plat map will contain all features contained in the original subdivision (Short Plat No. 7-81).
9. Critical areas review of the property took place with BP05-1348 following placement of fill onsite. A geologic hazard site assessment was completed with that permit, requiring an engineered retaining wall along the cut slope. It does not appear that wall was ever constructed. Therefore, Critical Areas staff asked that a current geologic hazard site assessment be submitted prior to future development permits.
10. Stormwater review resulted in a comment that a “Skagit Instream groundwater plat note must be added.”
11. The application was posted, published and mailed as required by law. No public comments were received. Comments by consulted departments are reflected in conditions of approval
12. The Staff Report analyzes the application against the relevant approval criteria (SCC 14.18.200(8)) and determines that, as conditioned, the proposal meets the criteria. The Hearing

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

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

### **CONCLUSIONS OF LAW**

1. The Hearing Examiner has jurisdiction of the hearing in this matter. The proposal is a Level III application (SCC 14.18.200(8)), involving a recommendation by the Examiner. The final decision is for the Board of County Commissioners.

2. The proposal as conditioned, meets the relevant approval criteria. SCC 14.18.200(8).

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

### **CONDITIONS**

1. A Skagit Instream groundwater plat note shall be added.

2. A plat note shall be added stating: "Pursuant to SCC 14.24, a current geologic hazard site assessment must be submitted prior to future development permits."

3. After approval of the alteration, 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 in Chapter 14.18 SCC.


4. All property taxes for the year the plat was recorded must be paid prior to final plat approval.

5. With the submittal of any building permit, a water bill or written confirmation that water is provided from Skagit PUD to the subject property shall be submitted.

### **RECOMMENDATION**

The Hearing Examiner recommends that PL17-0415 for the alteration of the Re-plat of Skyridge Division No. IV (Short Plat No: 7-081) be approved.

**DONE**, this 20<sup>th</sup> day of November, 2017

  
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Wick Dufford, Hearing Examiner

Transmitted to Applicant November 20, 2017