

NOTICE OF DECISION

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

Applicant: Associated Investments LLC
c/o Clay Ladum
P. O. Box 30889
Seattle, WA 98103

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

Request/File No: Preliminary Plat of Ladum Estates, PL12-0017

Location: 16818 and 16822 West Big Lake Boulevard, within a portion of
Sec. 25, T34N, R4E, W.M.

Zoning: Rural Reserve -- westerly half
Rural Village Residential -- easterly half

Summary of Proposal: To divide approximately 22 acres into 12 single-family residential
lots and one open space lot, using the Conservation and Reserve
Development (CaRD) land division process.

SEPA Compliance: Mitigated Determination of Non-Significance (MDNS) issued May
3, 2012. No appeals.

Public Hearing: July 25, 2012. One member of the public and the chief of Fire
District #9 testified. Planning and Development Services (PDS)
recommended approval.

Decision: Approval, subject to conditions.

Reconsideration/Appeal: A Request for Reconsideration may be filed with PDS within 10
days of this decision. The decision may be appealed to the Board
of County Commissioners by filing an appeal with PDS within 14
days of the date of decision or decision on reconsideration, if
applicable.

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

FINDINGS OF FACT

1. Associated Investments LLC (Clay Ladum) seeks approval of a Preliminary Plat on a 22-acre site in the Big Lake area.

2. The Preliminary Plat is being sought in conjunction with an application for a Special Use Permit by Skagit County Fire District #9 for a new fire station on approximately four acres of the open space associated with the proposed land division. Approval of the Fire District application (PL12-0036) is given in a separate Hearing Examiner decision.

3. The property is located at 16818 and 16822 West Big Lake Boulevard, within a portion of Sec. 25, T34N, R4E, W. M. (P27834, P67140). The east half of the site is currently used for agriculture and has an existing residence and associated accessory structures. These structures will be removed. The west half of the site is forested

4. The existing fire station property (P67140), immediately adjacent to the south, has been combined with the Ladum property (P27834) and the total is the basis for the density calculation for the subdivision. The subject property lies in two difference zoning districts, divided along the Sewer District #2 service boundary. The westerly half (10.75) acres is designated Rural Reserve (RRv). The easterly half (10.48 acres) is designated Rural Village Residential (RVR)

5. The Conservation and Reserve Development (CaRD) process is being used. Twelve (12) single-family residential lots are proposed, ranging in size from .50 to 1.02 acres. The residential lots comprise approximately 10 acres of clustered development along the westerly portion of the property. The remaining property (about 11.96 acres) will be left as open space (proposed Lot 13) and designated as Open Space Rural Open (OSRO). The Lot 13 open space includes four tracts: A -- public roadway (1.14 acres), B--public tract for use by Big Lake Fire District (4.39 acres), C -- remaining open space on Ladum acreage (4.22 acres), and D—public tract at location of existing fire station (1.44 acres).

5. The density of the development has been calculated by combined acreage on site within the RVR and RRv zones. The RVR acreage of 10.48 acres provides one development right per acre because public water is available. When a CaRD is used, the RRv area allows a density of two homes per 10 acres. In sum, the 12 homes proposed are within the density allowed. The CaRD process allows building lots or envelopes much smaller than typical of the zone.

6. The west half of the property slopes down to the east toward a man-made ditch near the middle of the property. The east half gradually levels out with a slight slope to the west. The man-made ditch conveys runoff to the southeast to the public road conveyance system which discharges to an open ditch after crossing Highway 9.

7. There are two wetlands on the site -- one along the north end of the ditch (17, 234 square feet) and a smaller one at the south end of the ditch (1090 square feet) adjacent to the proposed access road. Access to the site is off of the north side of West Big Lake Boulevard.

8. Critical areas review confirmed the existence of the two wetlands, each with a standard buffer of 40 feet. Conditions are requested for identifying each wetland as a separate tract or easement on the plat map and for including each wetland and associated buffer within a designated Protective Critical Area Easement (PCAE). Signs showing the location of PCAEs will be required to be installed on the ground and shown on the plat map.

9. A drainage report was reviewed by Public Works staff. All lots will be served by stormwater facilities. Stormwater retention and metered outflow will prevent adverse runoff effects. The drainage system in the vicinity will not be negatively affected. Maintenance shall be by the homeowners pursuant to a required maintenance plan.

10. The proposed subdivision will be accessed by a public road off of West Big Lake Boulevard. A 50-foot access easement (Tract A) will be provided for eight of the lots. The roadway is to be built to county road standards. Two separate 30-foot access and utility easements are proposed for lots 9 through 12.

11. Domestic water will be supplied by Public Utility District #1. The PUD has supplied a letter of water availability.

12. The easterly four lots (1 through 4) are located within the service boundary of Sewer District #2 and will be connected to the public sewer. The remaining eight lots will use individual on-site septic systems. A note on the face of the plat will indicate that there shall be no extension of sewer service outside of the District service boundaries. Soil site evaluations have been performed showing approved conditions for lots not able to connect to the public sewer.

13. A voluntary mitigation agreement will be entered into with Skagit County Parks providing for a payment of \$100 per lot for impacts on County parks. This impact fee shall be paid by lot owners prior to the issuance of building permits. The obligation shall be spelled out in the notes on the face of the plat and addressed within the CC&Rs for the development.

14. School impact fees shall be paid according to the Sedro-Woolley School District Capital Facilities Plan. Lot owners shall be required to pay these fees at the time of issuance of building permits.

15. Big Lake Elementary School is located to the southeast within 1/4 mile of the development. The applicant will be required to provide a safe walkway between the subdivision and the school property. In addition, the new fire station within the CaRD open space will provide overflow parking for school events. Safe walking conditions from this parking to the school will also need to be provided.

16. Notice of the development was given as required by law. No comments were received during the notice period.

17. The application was reviewed under the State Environmental Policy Act (SEPA) and a Mitigated Determination of Non-Significance (MDNS) was issued on May 3, 2012. Two comment letters were received during the SEPA comment period. The MDNS was not appealed. The MDNS contained the following conditions:

- a. Temporary erosion/sedimentation control measures, as approved by the Skagit County Department of Public Works, shall be in place prior to the placement of any fill material. The applicant shall maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County Drainage Ordinance. Said measures shall remain in place until completion of the project.
- b. The applicant shall comply with Northwest Clean Air Agency requirements.
- c. The applicant shall comply with the provisions of Chapter 14.32 of the Skagit County Code, the Skagit County Drainage, Water, Sedimentation Control Ordinance, as it relates to increased runoff resulting from additional impervious surfaces.
- d. The applicant shall comply with Fire Code Standards.
- e. An engineered soils compaction report shall be required for all structures placed on fill material.
- f. The applicant shall comply with all relevant provisions of 14.24 of the Skagit County Code (Skagit County Critical Areas Ordinance).
- g. The proposal shall comply with **all** applicable requirements of SCC 14.16 and SCC 14.18. Most notably, SCC 14.16.830 Landscaping, SCC 14.16.840 Performance standards, and SCC 14.16.850 General provisions.
- h. This project may be subject to one of Ecology's National Pollutant Discharge Elimination System (NPDES) permits. A Construction Stormwater General or Industrial Permit may be required by the Department of Ecology (WSDOE) for this project. Contact the WSDOE Bellingham Field Office at (360) 715-5200 to determine if an NPDES permit is required.
- i. Should any human remains, archaeological, historic or cultural materials be discovered during construction, work in the affected area shall cease immediately and the area shall be secured. Within 24 hours of the discovery, or as soon thereafter as possible, the developer shall notify the Skagit County Sheriff's office, Skagit County Planning and Development Services, the Washington State Department of Archaeology and Historic Preservation and affected tribes. If, following consultation with the above parties, it is determined that an archaeological and cultural resource assessment is required, the project developer shall retain the services of a professional archaeologist to prepare such an

assessment. Project work in the affected area shall only continue when in conformance with applicable state and federal laws.

18. The application was circulated to various County Departments. Their comments are reflected as conditions of approval

19. The proposal is not contrary to the public use or interest of the area. Adequate public services are available to serve the proposed development. It is within the boundaries of a Fire Protection District. Water and sewer services will be provided. Electricity is available. The road system is adequate to accommodate the development.

20. The proposed plat represents the culmination of a process of cooperation between the developer and the Fire District, allowing for both residential development and relocation/expansion of the fire station. At the hearing, the Fire District testified that cooperation with the land developer is the only viable option for obtaining a much needed new station. The old station will be turned over to some sort of community use.

21. There was discussion of providing time to move livestock now kept on the site of the proposed new fire station to a new location. Apparently the owner of the animals is keeping them there at the sufferance of the land owner. This issue is a matter for private negotiation.

22. The Staff review of the proposal concludes that the subdivision, as conditioned, is consistent with the statutory requirements for preliminary plat approval and with the preliminary subdivision provisions of the Skagit County Code. 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.

23. 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 of this proceeding. SCC 14.06.050(1)(b)(vi).

2. The requirements of SEPA have been met.

3. The proposal, as conditioned, is consistent with the applicable provisions for CaRD approval within Rural Reserve and Rural Village Residential zones. SCC 14.18.310.

4. The proposal, as conditioned, is consistent with general County requirements for preliminary plat approval. SCC 14.18.000, 100.

5. The proposal, as conditioned, meets the requirements of the State platting statute by making "adequate provisions" for infrastructure and facilities. RCW 58.110(2)(a). The public use and interest will be served by the platting of the subdivision.

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

CONDITIONS

1. The activities conducted pursuant to this preliminary plat approval shall be consistent with the application materials, except as the same may be altered by these conditions.

2. The address range(s) shall be forwarded to Skagit County GIS for review and assignment after preliminary approval has been granted and a road name has been selected. The address range(s) shall be shown on the face of the plat map before final approval.

3. The existing residential structure located within the proposed open space shall be removed prior to final plat approval.

4. All lot corners must be set prior to final plan approval.

5. Compliance with SCC 14.18.330 "Screening of Cluster Pods" shall be met prior to final plat approval.

6. The applicant shall demonstrate compliance with SCC 14.18.200 prior to final approval.

7. If any portion of the parent parcel is in an Open Space taxation program, the Skagit County Assessor's Office shall be contacted at (360) 336-9370 prior to proceeding with the land division.

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

9. Copies of any proposed covenants, homeowners' association agreements, or road maintenance agreements shall be provided to PDS for review prior to final plat approval.

10. Final plat fees shall be assessed at the time of final plat approval.

11. The applicant shall provide a set of envelopes addressed to all neighboring property owners and occupants within 300 feet of the subject property (with appropriate postage) at the time of final plat submittal. A list of the addressees and their addresses shall also be provided.

12. The final plat map shall show and label all utility easements.

13. All required property taxes shall be paid prior to final plat approval.

14. All outstanding final plat fees shall be paid prior to final plat approval.
15. Any outstanding preliminary plat fees shall be paid within 30 days of preliminary plat approval.
16. The road right-of-way in its entirety to the connection at West Big Lake Boulevard shall be designated on the face of the plat.
17. The new plat road shall incorporate curb and gutter sections. Open ditches shall be eliminated.
18. The right-of-way for the new County road shall be dedicated on the face of the plat.
19. All paved long plat roads, whether public or private, require centerline monumentation.
20. Maintenance and restoration surety is required for public plat roads. See Section 14.02, Road Standards Manual.
21. Electronic version as-built plans are required for public plat roads.
22. Driveways within access easements shall be constructed prior to final plat approval.
23. Per Skagit County Road Standards 3.08.3, the maximum grade for a gravel driving surface is 12%, or up to 14% if paved.
24. Proposed driveways longer than 150 feet must be constructed to meet the requirements shown in Figure C-18 in the current Skagit County Road Standards.
25. An access permit is required for connection to the County road.
26. Sight distance from proposed and existing access points shall comply with Skagit County Road Standards 7.02.G.2.
27. A grading permit is required for the construction of roadway and drainage facilities. The application shall include engineered plans consisting of title sheet, plan and profile, erosion control plan, stormwater drainage plan, specifications & details. A preconstruction meeting shall be scheduled with Skagit County Public Works prior to the start of road construction.
28. Prior to starting road construction, and in accordance with Section 12.09 of the Skagit County Road Standards, the applicant must post one or more signs showing the names and business names of both the applicant and the project engineer, as well as contact telephone numbers for each.

29. Approval of the roadway and detention facilities for the plat will require certification by the project engineer that all items have been built in accordance with the approved construction plans. (See Section 12, Skagit County Road Standards.)

30. The applicant shall provide a road maintenance agreement that includes all users of the driveway serving lots 9 thru 11.

31. Construction activities within the development may have a significant impact on existing drainage courses. The treatment of defined drainage courses that will be affected by the project shall be addressed in a revised drainage report submitted prior to final plat approval.

32. The runoff route to the Highway 9 ditch is unclear. Should revised stormwater analysis determine that there is a defined drainage course through neighboring property that the proposed development will alter or increase to the point of requiring improvements, a drainage easement shall be obtained.

33. The applicant shall provide estimated stormwater runoff directed to the LID feature.

34. The revised final drainage report shall include reduced-size construction plans for the detention facilities and include an operations and maintenance manual.

35. In accordance with SCC 14.32.100(3), the applicant shall provide a maintenance plan for all stormwater and drainage conveyance systems.

36. The applicant shall work with Skagit County Public Works Traffic Division to ensure that safe walkways are provided from the property to the school for both proposed uses (fire station and subdivision). The safe walkway(s) shall meet the Skagit County Road Standards and State and Federal walkway design standards.

37. A buffer of 40 feet shall be maintained from both of the Category 4 wetlands on the site. Each wetland (including wetland "B" on the plat map) shall be labeled as a separate tract or easement. The tract or easement shall be identified by a letter designation (e.g., Tract A), and shall show square footage or acreage of the critical area and associated buffer. Critical areas and associated buffers shall be designated as Protected Critical Areas (PCAs).

38. The applicant shall submit a PCAE agreement to PDS for review and approval.

39. The plat map shall indicate the location of PCAE signs. Typically signs should be located every 200 feet or line of sight, whichever is closer.

40. Prior to final plat approval, stub-outs shall be provided for lots requiring sewer hookup.

41. Site soil evaluations have been approved for the lots to be served by individual on-site septic systems. The plat notes for the final plat shall identify which lots are served by public sewer and which by on-site septic.

42. The PUD letter of 2/9/12 states that no water line fronts the proposed fire hall building or the proposed lots. A water line per PUD requirements is required to be installed and accepted by the PUD before final plat approval. The applicant shall supply the County with written confirmation from the PUD of water line installation acceptance and compliance with PUD requirements. (The applicant is responsible for supplying PUD staff with current copies of plat change proposals and with supplying PDS with PUD communications addressing such changes.)

43. The final plat map shall show the water line location within all easements. Water lines shall maintain setbacks as required per Chapters 12.05 and 12.48 SCC from easements, sewer lines and septic drainfields and reserve areas.

44. The applicant shall provide a hydro-geo report as required by SCC 14.24.440(2)((a). Depending on locations of nearby and on-property wells, additional information may be requested by the Skagit County hydro-geologist. Because this project is in a low flow SWSL area as identified by Ecology, mitigation for exceeding the impervious surface 5% threshold is required per SCC 14.24.340(3)(b). Plat notes shall address the impervious surface threshold and the mitigation provided.

45. The applicant shall comply with all relevant State and County regulations, including but not limited to: a) Chapter 173-60 WAC (noise) and SCC 14.16.840 (noise, vibration, light); and (b) Chapters 173-200 and 173-201A (surface and ground water quality).

46. Based on the Skagit County Coordinated Water System Plan and the International Fire Code, the applicant shall meet Skagit County Fire Marshal's Office requirements for fire flow. Fire flow shall be provided by one of the following methods:

(a) A public water system that can provide 500 gpm for 30 minutes, over and above that required by health and other regulations, with fire hydrants spaced not to exceed 900 feet apart. The fire hydrant spacing has been determined to mean that each 1 acre building lot be within 450 feet of a fire hydrant. No fire hydrants are required to protect open space or other non-buildable areas.

(b) An approved water storage system that hold the equivalent of 500 gpm for 30 minutes or 15,000 gallons and has approved fire department connections spaced per the hydrant spacing stated above. This does not necessarily have to be a potable or pressurized system.

(c) A Fire Marshal approved fire prevention water system that provides adequate pressure and flow to support NFPA 13D sprinkler systems. A water system and water lines capable of supplying NFPA 13D systems must be installed to the lot line of each of the buildable lots prior to final plat approval. (Note that NFPA 13D sprinkler system designs usually require less than 500 gallons of water. It is assumed in the design that only one sprinkler system would be involved at a time.) If this system is used, a condition shall be placed on the face of the plat

that states: *At the time of application for a building permit, the applicant shall be required to install NFP 13D fire sprinklers in each dwelling.*

47. Preliminary plat approval shall not become effective until plans for the proposed fire flow or alternate system are submitted and approved. Installation of the fire flow or alternate system shall occur and be tested and approved prior to final plat approval.

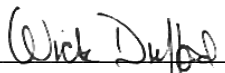
48. Additional review may result in additional conditions or requirements.

49. Per SCC 14.18.100(6)(b), this preliminary plat approval shall be valid for a period of five years from the date of this decision, or if an extension is allowed, for seven years.

DECISION

The Preliminary Plat of Ladum Estates (PL12-0017) is approved, subject to the conditions set forth above.

DONE, this 14th day of August, 2012.



Wick Dufford, Hearing Examiner

Transmitted to Applicant on August 14, 2012.

See Notice of Decision, Page 1, for Reconsideration and Appeal information.