



200806230166

Skagit County Auditor

6/23/2008 Page

1 of

5 1:35PM

Return Name & Address:

SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES

PLAT LOT OF RECORD CERTIFICATIONFile Number: PL07-0877

Re-record AF 200711190176

Applicant Name: Patrick Hayden, Attorney

To correct determination

Based on Resolution Number
R20080290Property Owner Name: William A. Stiles, Jr

The Department hereby finds that Tract C, Reserve Area of Plat of Avery Lane, recorded in Volume 17, Pg 62-64, May 11, 1999, AF 9905110004.

Parcel Number: P114992; 4731-000-017-0000; within a Ptn of the NW ¼ of the NW ¼ of Sec. 14, Twp 35, Rge 4. Approximately 10 acres.

1. CONVEYANCE

☒ **IS a** lot of Record as defined in Skagit County Code (SCC) 14.04.020 and therefore **IS** eligible for conveyance.

☐ **IS NOT**, a Lot of Record as defined in SCC 14.04.020 or owned by an innocent purchaser who has met the requirements described in SCC 14.18.000(9) and RCW 58.17.210 and therefore **IS NOT** eligible for conveyance or development.

2. DEVELOPMENT

☒ **IS** the minimum lot size required for the Rural Reserve zoning district in which the lot is located and therefore **IS** eligible to be considered for residential development permits.

☐ **IS/ARE NOT**, the minimum lot size required for the _____ zoning district in which the lot(s) is/are located, but does meet an exemption listed in SCC 14.16.850(4)(c) _____ and therefore **IS/ARE** eligible to be considered for development permits.

Does not meet an exemption listed in SCC 14.16.850(4)(c) and therefore **IS NOT** eligible to be considered for development permits.

Authorized Signature: _____

See Attached MapDate: 6/23/2008

RESOLUTION # _____

**A Resolution Pertaining to the Closed Record Appeal
In Appeal Numbers PL08-0101, Regarding Appeal PL07-0912,
of the Hearing Examiner's Decision of Lot of Record Certification PL07-0877**

WHEREAS William Stiles applied for a Lot of Record Certification for Tract C of the Plat of Avery Lane; and

WHEREAS the county issued Lot of Record Certification, PL07-0877, which certified Tract C as a "lot of record" for conveyance purposes without being eligible for certain (residential) development; and

WHEREAS William Stiles, Jr. filed Appeal PL07-0912 to the Skagit County Hearing Examiner requesting reversal of the decision that Tract C was not eligible for certain (residential) development; and

WHEREAS, on January 23, 2008, the Hearing Examiner presided over the presentation of testimony and evidence at a public hearing, and on February 21, 2008, issued his Findings of Fact, Conclusions of Law, and Decision (Decision), a copy of which is attached hereto as Exhibit B; and

WHEREAS the Hearing Examiner reversed the denial of eligibility for certain (residential) development of Lot of Record Certification and ordered the Skagit County Planning and Development Services Department (Department) to issue a Lot of Record Certification that indicated Tract C of the Plat of Avery Lane is eligible for conveyance and development; and

WHEREAS William Stiles, Jr. filed Appeal PL08-0101 to the Skagit County Board of Commissioners of the Hearing Examiner's Decision in which he sought alternative remedies: (1) additional findings that directed the Department to issue a residential development permit upon application or (2) to strike Findings of Fact 13 and 14 and Conclusions of Law 7 through 10 as dicta; and

WHEREAS, in this matter, the sole issue before the Hearing Examiner was whether the Department's denial of a lot certification for development purposes was error; and

WHEREAS a remedy directing the Department to issue a residential development permit is premature and not available because William Stiles, Jr. has not submitted an application for a development permit; and

WHEREAS the decision to reverse or revise the Hearing Examiner's Decision must be based on a determination that the Decision was clearly erroneous, meaning that the commissioners must be "left with the firm and definite conviction that a mistake has been made;" and



200806230166
Skagit County Auditor

6/23/2008 Page

3 of

5 1:35PM

WHEREAS William Stiles, Jr. is correct that the Hearing Examiner was not required to make findings and conclusions about the review of any future application to develop Tract C; however, in the context of the arguments presented to him – whether and how William Stiles, Jr. may develop the property – they were made in direct response to arguments that Mr. Stiles presented to the Hearing Examiner and the Hearing Examiner found it necessary to address issues other than the appeal of the Department's decision on the lot certification; and

WHEREAS the findings of fact and conclusions of law related to the review of any future development permit only become material should William Stiles, Jr. apply for a development permit; and

WHEREAS because the findings and conclusions about the review of future applications for development of Tract C have the potential to be accepted as controlling during the review of any future application and may affect any such review, an additional conclusion of law is required to clarify that any such application will be considered under the development regulations in effect on the date a complete application is submitted to the Department.

NOW, THEREFORE, BE IT RESOLVED, that the Skagit County Board of Commissioners hereby finds that the following additional conclusion of law is necessary:

Additional Conclusion of Law 13:

Because no application for development had been submitted or appealed, any finding of fact or conclusion of law about future development or the review of and law applicable to any future application for development of Tract C of the Plat of

SKAGIT COUNTY
Resolution # R20080290

Page 2 of 3



200806230166
Skagit County Auditor

6/23/2008 Page 4 of 5 1:35PM

Avery Lane is not controlling and any such application will be considered under the applicable development regulations, as set forth in Title 14 Skagit County Code, and law in effect on the date a complete application is submitted to the Department.

WITNESS OUR HANDS AND THE OFFICIAL SEAL OF OUR OFFICE this
16th day of June, 2008.

Board of County Commissioners
Skagit County, Washington

Don Munks
Don Munks, Chairman

Kenneth A. Dahlstedt
Kenneth A Dahlstedt, Commissioner

Sharon D. Dillon
Sharon D. Dillon, Commissioner

ATTEST:

JoAnne Giesbrecht
JoAnne Giesbrecht, Clerk of the Board

APPROVED AS TO FORM:

A. O. Denny
A. O. Denny, Civil Deputy
Skagit County Prosecutor's Office

APPROVED AS TO CONTENT:

Gary R. Christensen
Gary R. Christensen, AICP, Director
Planning and Development services

SKAGIT COUNTY
Resolution # R20080290

Page 3 of 3



200806230166
Skagit County Auditor

6/23/2008 Page 5 of 5 1:35PM