

NOTICE OF DECISION

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

Applicant: Jeanine Black Dimmick
8657 Turners Bay Place
Anacortes, WA 98221

Agent: Metron and Associates, Inc.
c/o Thomas Berry
307 N. Olympic Ave., #205
Arlington, WA 98223

Request: Alteration of Short Plat #PL07-0190
File No: PL17-0576

Location: 8657 Turners Bay Place, within a portion of Sec. 9, T34N, R2E,
W.M. Parcel Nos: P114780, P128343

Zoning: Rural Reserve (RRv)

Summary of Proposal: To reconfigure the existing lots of a previously approved two-lot short plat on approximately 21 acres. The existing short plat contains a northerly and a southerly lot. The request is to change the configuration to one lot on the east side and one lot on the west side.

SEPA Compliance: Exempt

Public Hearing: April 25, 2018. Testimony by Planning and Development Services (PDS) staff, applicant’s consultant, and two members of the public.

Recommendation: The application is approved, subject to conditions.

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. Jeanine Black Dimmick (applicant) seeks a reconfiguration of a previously approved Short Plat.
2. The property consists of approximately 21 acres at 8657 Turners Bay Place, located on Fidalgo Island, east of Thompson Road at the end of Turners Bay Place. The property is within a portion of Sec. 9, T34N, R2E, W.M. The parcel numbers are P114780 and P128343. The zoning is Rural Reserve. (RRv).
3. The parent parcel was approximately 21.44 acres in size. Short Plat #PL07-0190, approved in 2009, resulted in the creation of two lots: Lot A (11 acres) and Lot B (10.44 acres). Lot A is situated in the southerly portion of the parent parcel and Lot B is situated in the northerly portion. The site slopes to the east, toward Turners Bay, and to the south.
4. The present proposal is to reconfigure the lots so that one lot (Tract A) is located along the easterly portion of the parent parcel and the other lot (Tract B) is located along the westerly portion of the original parcel. Tract A is proposed to be 10.8 acres in size and Tract B is proposed to be 10.6 acres in size.
5. Existing Lot A contains a single family residence and associated accessory structures, a drain field easement for the benefit of Lot 6 of Summit Park (adjacent owner to the south), and an existing driveway. These features will be within the new Tract A.
6. Within the westerly portion of existing Lot A is a Bald Eagle Nest Site with an associated Management Plan. With the reconfiguration, this feature will be within Tract B. Also within Tract B will be a 20-foot-wide walking easement. This easement, which serves neighboring development, will be reconfigured to some degree.
7. Access driveways for both new tracts will lead from the cul-de-sac at the end of Turners Bay Place.
8. The application was posted, published and mailed as required by law. Four letters were received. The major issues raised were the protection of open space and possible interference with the community trail, in particular trail access.
9. At the hearing, these matters were satisfactorily addressed. The trail will be realigned to respond to neighborhood concerns and a new easement will be described. The access driveways will not interfere with trail access and the potential development of Tract B will not interfere with open space preservation. It was pointed out that the plat notes recommended by Staff are standard, relate solely to the applicant's property, and have nothing to do with the larger homeowner's association for Summit Park.
10. The application was circulated to various County departments. Their comments are reflected in conditions of approval.

11. The Staff reviewed the proposal and found that, as conditioned, it will comply with the requirements of the County code for alterations of final subdivisions. The Examiner concurs with this analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

12. Any conclusion herein which may be deemed 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 per SCC 14,18,200(8)(c). Under this procedure, 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 #PL07-0190, as conditioned, is consistent with the Code requirements for alteration of a final subdivision. SCC 14.18.200(8).

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

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

CONDITIONS

1. The applicant shall show compliance with SCC 14,18,200 prior to final approval.

2. All standard plat notes and appropriate departmental signoffs are required. The applicants shall ensure that there are the appropriate numbers of acknowledgement blocks for all parties to the land division and the County Staff.

3. If there are any changes to the existing recorded documents, the applicant shall provide copies for review prior to final approval (i.e., covenants, homeowners association agreements and/or road maintenance agreements, etc.).

4. The short plat numbers is #PL17-0576. This number should be added to the face of the land division in the appropriate locations.

5. The applicant shall include all applicable plat notes from the previous short plat #PL07-0190. In addition, the following shall be added:

- *Maintenance and construction of road shall be the responsibility of the homeowners association with the lot owners as members,*
- *A Lot of Record Certification has been issued for all lots included in this land division. By virtue of recording this land division and issuance*

of the lot certification, all lots therein shall be considered lots of record for conveyance and development purposes unless otherwise restricted AF#__. **NOTE:** provide a line after AF# for the new lot certification number to be written in as was completed with PL07-0190.

- *A Skagit County address range of 8500 to 8659 Turner Bay Place has been applied to the road system in this subdivision. At the time of application for building and/or access, Skagit County GIS will assign individual addresses in accordance with the provisions of Skagit County Code 15.24.*
- *Future development may be subject to the stormwater management rules in effect at the time of development, and may require additional analysis and flow control to comply with stormwater management rules.*

6. Include the total acreage and square footage of the parent parcel in the lot area calculation.
7. Include a plat note listing out the required setbacks for the RRv zone.
8. If any portion of the parent parcel is in an Open Space taxation program with the Skagit County Assessor's Office, contact them at (360) 416-1780 prior to proceeding with the land division.
9. Per SCC 14.18.200(4)(d), the lot corners must be set prior to final approval.
10. All required property taxes shall be paid prior to final approval.
11. Additional review may result in additional conditions or requirements.
12. All outstanding final plat fees shall be paid prior to final plat approval.
13. The Eagle Nest Buffer area shall be indicated as a "PCA" on the face of the plat map.
14. Additional plat notes may be required prior to final approval.
15. Show the PUD#1 meter location in the cul-de-sac on the final plat.
16. The actions needed for this plat alteration to become final shall be taken within three years of the date of the approval of the Skagit County Board of Commissioners.

RECOMMENDATION

The Hearing Examiner recommends that application PL17-0576 for the alteration of Plat PL07-0190 be approved, subject to the conditions set forth above.

DONE, this 7th, day of May, 2018.



Wick Dufford, Hearing Examiner

Transmitted to County Commissioners, Applicant, County Staff and interested parties, May 7, 2018