

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

**FINDINGS, CONCLUSIONS AND RECOMMENDATION**

**Applicants:** Richard and Kay Grimstead  
9642 Windy Ridge Lane  
Bow, WA 98232

**Agent:** Marianne Manville-Ailes  
Skagit Surveyors and Engineers  
806 Metcalf Street  
Sedro-Woolley, WA 98284

**File No:** PL06-0364

**Request:** Short Plat (CaRD)

**Location:** 9642 Windy Ridge Lane, Bow, within a portion of Sec.21,  
T35N, R3E, W.M.

**Land Use Designation:** Rural Reserve (RRv)

**Summary of Proposal:** Application for the division of 10 acres, creating a one-acre lot and a nine-acre lot with a one-acre buildable area. The balance of the larger lot (approximately eight acres) will be dedicated to open space. About 2.62 acres this open space will be included in a Protected Critical Area (PCA) surrounding a Category 3 Wetland. Both lots will be accessed from Windy Ridge Lane.

**Public Hearing:** After reviewing the report of Planning and Development Services, the Hearing Examiner conducted a public hearing on January 24, 2007.

**Recommendation:** The application should be approved, subject to conditions.

## **FINDINGS OF FACT**

1. Richard and Kay Grimstead (applicants) seek a Short Plat, to divide 10-acres into two parcels using the CaRD process. The zoning is Rural Reserve under which two dwelling units are allowed per 10-acres with a CaRD approval.

2. The property is located at 9642 Windy Ridge Lane, Bow, within a portion of Sec. 21, T35N, R3E, W.M. It includes four parcel numbers: P99592, P34604, P34605 and P34607. The area is east of Farm to Market Road and south of Allen West Road. As a whole the property is relatively level. Except for an existing farmhouse, barn and shop complex, the land is pastureland.

3. The surrounding land uses are residential and rural with scattered residential structures located on lots typically between 5 and 10 acres in size.

4. The subject property is L-shaped with the long dimension running north-south along the west side of Windy Ridge Lane. Existing outbuildings and a residence lie near the street on the north end of the parcel. Lot 2 (one acre), the new development lot, will be located west of the existing house, accessed from the street by a driveway of about 387 feet.

5. Lot 1 will encompass roughly nine-acres, including one acre around the existing residence that is designated as a buildable area. The remaining eight acres will be retained in open space with 5.44 acres in OS-RO (Open Space Rural Open) and 2.62 acres in OS-PA (Open Space Preservation Area). The latter area encompasses a Category 3 wetland and its buffer within the southeastern leg of the property. That area is to be designated as a Protected Critical Area (PCA).

6. The wetland area to be protected was professionally delineated in a Wetland Assessment by Skagit Wetlands and Critical Areas, dated March 6, 2006.

7. Where a Short CaRD is located adjacent to an existing public road, lots are to be located immediately adjacent to the road. SCC 14.18.320(1). As an alternative, lots may be located elsewhere within the CaRD as long as the lots with new construction are clustered. SCC 14.18.320(2). Both of these locational requirements may be waived if the Short CaRD is processed subject to a Level III-HE process and the Hearing Examiner determines that underlying CaRD purposes can be met (SCC 14.18.300).

8. Windy Ridge Lane is, in fact, a private road. The apparent reason for placing the new development lot west of the existing residence is a homeowner's association restriction on access from Windy Ridge Lane for any house located to the south of the existing residence. The access restriction applies to the lower five acres of the subject property along the road

9. In addition to the interior location of Lot 2, the proposed arrangement does not cluster that lot with the buildable area for the existing residence. There is a separation of about 181 feet. However, technically the requirement for the clustering of lots with new construction does not apply here because only one new construction lot is being created.

10. Nevertheless, the application is has been processed under a Level III-HE process in order to allow consideration of a waiver of SCC 14,18.320(1) and (2). This means that the Hearing Examiner makes a recommendation for final approval by the Board of County Commissioners. SCC 14.06.050(1)(c).

11. CaRD's have several purposes. Among them are to help retain rural landscape, character and lifestyle; to protect critical areas; to create development patterns that provide greater efficiency and flexibility for current and future land use; to ensure the continued existence of open space as an element of Skagit County's rural character. See SCC 14.18.300(1). The proposed Short CaRD is consistent with these purposes.

12. Accordingly, the Examiner finds that if the requirement for lots to be adjacent to public roads and the requirement for lots with new construction to be clustered were applicable, this case would provide a sufficient basis for waiving them. Although the underlying CaRD aim is to lump construction sites together, in the context of this neighborhood the modest separation of such sites does not conflict with the achievement of the overall CaRD purpose of preserving the rural landscape.

13. The application was reviewed by various County Departments and in concept approved, subject to the achievement of certain requirements. These requirements are included here as conditions of preliminary plat approval.

14. Three comment letters were received from members of the public. In general, they concerned issues of road suitability which are addressed in conditions of approval.

15. The public hearing was held pursuant to proper notice. There was no public testimony.

16. A CaRD is an overlay which must be accompanied by a land division permit, in this case a Preliminary Short Plat Approval. See SCC 14.18.300(2)(a).

16. On review of the record and the proposed conditions, the Examiner finds that the subdivision application makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, potable water supplies, sanitary wastes, parks and recreation, schools and all other relevant facts. The applicable items of infrastructure are addressed by this application.

17. Moreover, the Examiner finds that the public use and interest will be served by the platting of the proposed short subdivision and the dedications made therein.

18. 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 matter and the persons of this proceeding. SCC 14.06.050(1)(c),

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

3. The proposed Short CaRD is consistent with the purposes for CaRD's and is entitled to a waiver of the requirements of SCC 14.18.320(1) and (2), provided that the easement area for access to Lot 2 shall be taken out of the allowable area for the building lot. SCC 14.18.320(3).

4. The proposed Short CaRD does not exceed the density requirements for Rural Reserve development. SCC 18.18.310(2). The one acre building lot is consistent with CaRD limitations, and the remaining acreage is appropriately designated open space per SCC 18.18.310(5).

5. As set forth in Findings 16 and 17, the proposed Short Plat, as conditioned, meets the statutory subdivision requirements of RCW 58.17.060 and RCW 58.17.110.

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

### **CONDITIONS**

1. The platting process shall proceed as proposed in the application, except as the same may be modified by these conditions.

2. The applicants shall obtain all other necessary permits and approvals.

3. Per SCC 14.18.320(3), the required right-of-way or easement area for any access roads to serve the building lot/envelope shall be taken out of the allowable area for the building lot/envelope.

4. The land division shall comply with Chapter 14.18 SCC prior to final approval.

5. Approved on-site sewage system areas shall be shown on the plat map for both lots.

6. Plat note #9 shall be amended to include the State ID number #75645 for the Samish Farms Water System.

7. Public well use requires a public water approval sign off from the Skagit County Health Department. Any requirements for the Group A Samish Farms approval shall be completed before final plat approval. Written confirmation of the completion of such requirements shall be received from the water company's board.

8. Install the side service line to Lot 2 from Windy Ridge Road or from the location of the existing main Samish Farms Water line. Provide written approval of the installation from the land division engineer.

9. Per SCC 14.24.340(3)(c), provide a hydrogeo report. If no wells are within 1000 feet of the senior parcel, provide a written memo to Planning and Development Services so stating. If wells are located with the 100-foot Well Protection Zone (WPZ) overlapping onto the property, show the overlapping WPZ's or note the existence of such WPZ's in a plat note.

10. Windy Ridge Lane shall be upgraded to meet current Skagit County Road Standards for a private road. These standards include a minimum roadway width of 20 feet. (The existing Windy Ridge Lane is a paved 11-foot side road with 2 to 3 foot gravel shoulders for a total width of 17 feet).

11. Vegetation shall be trimmed as necessary to meet the minimum 16.5 foot vertical clearance requirement.

12. The driveway serving Lot 2 must be constructed prior to final plat approval and shall comply with SCC 14.18.200(4)(h).

13. As the proposed driveway is longer than 150 feet, it must be designed and constructed to meet the requirements shown in Figure C-18 in the current Skagit County Road Standards.

14. A Grading permit shall be obtained for the construction of roadway, driveway and drainage facilities.

15. The drainage report must be revised to include the development on Lot 1.

16. Lot corners must be set in accordance with SCC 14.18.200(4)(d).

17. The applicants shall submit a Protective Critical Area Easement (PCAЕ) agreement to Planning and Development Services for review and approval.

18. All required property taxes shall be paid before final plat approval.

19. The address range has been assigned along Windy Ridge Lane, with the Beginning Range of 9500 and the Ending Range of 9875. Lot 1 currently has an

assigned address of 9642 Windy Ridge Lane. If access remains the same, this address will not change. The existing address and address range shall be shown on the face of the short plat map before final approval.

20. All outstanding planning review fees must be paid prior to final plat approval.

21. The Short Plat number shall be shown on the plat map as PL-06-0364.

22. The Lot 2 building envelope must maintain a 25-foot setback of off the rear property line. The plat map shall be corrected to show this distance.

23. Per SCC 14.18.100(1)(a)(xii), the building front, rear and side setback lines, with distance from the property line indicated, shall be identified for each lot. This may be shown by a typical insert. (CaRD land division lots themselves do not have specific setbacks from each other, other than listed within SCC 14.18.310(8), however setbacks from the parent parcel property lines need to be maintained as outlined for the underlying Rural Reserve (RRv) designation.).

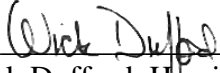
24. The applicants shall supply any additional information determined to be necessary to demonstrate compliance with other portions of the Skagit County Code. SCC 14.18.100(1)(b)(xiii).

25. The project shall comply with surface and groundwater quality standards, per Chapters 173-201A and 173-200 WAC. Best management practices shall be used to prevent degradation of water quality or conditions that could lead to such degradation.

26. Per SCC 14.18.100(6)(a), this preliminary short plat approval shall be valid for 36 months from the date of approval thereof by the Board of County Commissioners.

### **RECOMMENDATION**

Preliminary Short Plat (CaRD) No. PL06-0364 should be approved, subject to the conditions set forth above.

  
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Wick Dufford, Hearing Examiner

Date of Action: February 20, 2007

Date Transmitted to Applicants: February 20, 2007