

**NOTICE OF DECISION**

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

**Applicant:** Washington State Parks and Recreation Commission  
Attn: Laura Moxham  
P. O. Box 42650  
Olympia, WA 98504-2650

**Agent:** Le Gro & Associates, LLC  
c/o Denny LeGro, PLS  
1321 South 2<sup>nd</sup> Street  
Mount Vernon, WA 98273

**Request:** Alteration of Short Plat #PL14-0304

**Application No:** PL17-0607

**Location:** Adjacent to the west shore of Lake Campbell at 13827 Donnell Road, Anacortes, within a portion of Sec. 13, T34N, R1E, W.M.

**Zoning:** Rural Reserve (RRv)

**Summary of Proposal:** To alter a two-lot short plat on approximately 26.72 acres. The request is to reduce the area of existing Lot #2 by 6.39 acres and to Boundary Line Adjust these 6.39 acres to the adjacent property owned by Washington State Parks and Recreation. The remaining acreage of Lot #2 will be 10.16 acres in size.

**SEPA Compliance:** Exempt

**Public Hearing:** April 25, 2018. Testimony by Planning and Development Services (PDS) staff and applicant’s consultant. No public testimony.

**Recommendation:** The application should be 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](http://www.skagitcounty.net/hearingexaminer)

## **FINDINGS OF FACT**

1. The Washington State Parks and Recreation Commission (Parks) seeks to alter a previously approved two-lot short plat by 6.39 acres and to boundary line adjust these acres to the adjacent property which is owned by Parks.
2. The location is adjacent to the west shore of Lake Campbell at the end of Donnell Road. The property is within a portion of Section 13, T34N, R1E, W.M.
3. In 2015 a short plat (PL14-0304), involving a total of 26.72 acres, created two lots—one 10.17 acres in size (Lot #1) and the other 16.55 acres in size (Lot #2). The present proposal is to revise this short plat by reducing the area of Lot #2. The reduction would still leave 10.16 acres in that lot.
4. The site is relatively steep in some areas, sloping to the east toward the lake. Parks owns the adjacent property to the south and southwest which connect to the Pass Lake trail system. The subject property contains a portion of this trail system and Parks currently has a trail easement across it. Parks now wishes to purchase 6.39 acres containing this easement and to include the area within adjacent Parks ownership.
5. The subject property is zoned Rural Reserve (RRv). After reduction of the existing lot by 6.39 acres, the remaining acreage of 10.16 acres in the lot will still be above the minimum lot size for the zone.
6. Notice of the application was posted, published and mailed as required by law. No public comments were received.
7. The applications was circulated to various County offices. None had objections. Their comments are reflected in conditions of approval.
8. Critical area review was completed with Short Plat PL14-0304. A Protected Critical Area Easement includes the lot portion to be absorbed by Parks.
9. The Staff reviewed the application for compliance with SCC 14.18.200(8) – Alterations of Final Subdivisions. They determined that as conditioned, the proposed plat alteration will comply with the relevant requirements of the County Code. The Hearing Examiner concurs with this analysis and adopts the same. The Staff Report is by this reference incorporated herein at though fully set forth.
10. 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 PL14-0304, as conditioned, is consistent with the Code requirements for alteration of a final subdivision. SCC 14.18.2000(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 applicant shall ensure that there are the appropriate number of acknowledgment blocks for all parties to the land division and County staff, including the Auditor's Office.
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 number is #PL17-0607. This number should be added to the face of the land division in the appropriate locations.
5. The applicant shall add a plat note, or space on Tract A, referencing the Boundary Line Adjustment (BLA) and a line for the Auditor's File number of the BLA. The BLA shall be recorded before the plat alteration and the BLA number shall be shown on the face of the plat reflecting the new lot configuration.
6. A plat note shall be added which states: *"Any development within 200 feet of Lake Campbell or the associated wetlands must comply with the Skagit County Shoreline Management Master Program."*
7. A plat note shall be added which states: *"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."*

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. The Protected Critical Area Easement (PCAE) includes portions to be adjusted. New map/notes must reference PCAE AF#201501080039.

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

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

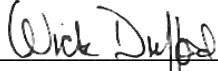
13. All outstanding final plat fees shall be paid prior to final plat approval.

14. The actions needed for this plat alteration to become final shall be taken within three years of the date of the approval by the Skagit County Board of Commissioners.

#### **RECOMMENDATION**

The Hearing Examiner recommends that application PL 17-0607 for the alteration of Short Plat PL14-0304 be approved, subject to the conditions set forth above.

**DONE**, this 7<sup>th</sup> day of May, 2018.

  
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Wick Dufford, Hearing Examiner

Transmitted to County Commissioners, Applicant, County Staff, May 7, 2018