

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

**FINDINGS, CONCLUSIONS AND RECOMMENDATION**

**Applicants:** Victor and Linda Benson  
19357 Kanako Lane  
Mount Vernon, WA 98274

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

**Request/File No:** Modification of Long Plat CaRD, PL11-0099  
(Saratoga View Passage)

**Location:** Off of Benson Ridge Lane and, south of Cascade Ridge Court,  
south and east of the intersection of Stackpole Road and Kanako  
Lane, within a portion of Sec. 9, T33N, R4E, W.M.

**Land Use Designation:** Agricultural Natural Resource Land (Ag-NRL)

**Summary of Proposal:** The applicant seeks to alter a property line associated with the  
open space portion of Lot #26, so as to exclude from the original  
land division approximately 4.5 acres containing an existing  
residence. In addition, the proposal is to allow the site of the  
Public Utility District #1 water storage tank to be defined as a  
tract for liability and maintenance purposes.

**SEPA Compliance:** Mitigated Determination of Non-Significance (MDNS) issued  
on original CaRD application. Addendum to MDNS issued  
June 21, 2011.

**Public Hearing:** July 27, 2011. No public testimony. Planning and Development  
Services (PDS) recommended approval.

**Recommendation:** Approval, subject to conditions.

## **FINDINGS OF FACT**

1. Victor and Linda Benson (applicants) seek the modification of a Long Plat CaRD land division originally approved under PL06-0107 on June 10, 2009. The development is called Saratoga View Passage.

2. The proposal is to reconfigure the northwest property line of Lot # 26 to exclude approximately 4.5 acres that were originally part of the open space portion of the lot. The area excluded contains a residential structure. An additional area containing the Public Utility District #1 water storage tank is requested to be included in a separate tract.

3. The original land division created 26 single-family residential lots, one detention tract and one open space tract from a 590 acre parcel. Lot 26 was largely devoted to Open Space Preservation Area (OSPA), although a one-acre building envelope was set aside for an existing residence. The land division included approximately 3,500 lineal feet of paved roadway and the installation of rural utilities.

4. The original parent parcel contained lands in several zones: Agricultural Natural Resource Lands (Ag-NRL), Rural Reserve (RRv), Secondary Forest Natural Resource Lands (SF-NRL); and Industrial Forest Natural Resource Lands (IF-NRL). The residential lots were clustered together within the SF-NRL designation along the hillside north of Sandy Creek and south of Cascade Ridge Court.

5. After the requested modification, all subdivision and zoning requirements will still be met. The size of the residential lots will remain approximately one acre. The detention tract will be 3.87 acres. The new PUD tract will be .53 acres.

6. It was originally thought that the house on the acreage to be excluded was on a different parcel. This acreage is not needed to meet land division requirements. With the 4.5 acres subtracted, the open space will be reduced to approximately 548 acres.

7. The 4.5 acres will be excluded from the plat by boundary line adjustment. The zoning of this acreage is Ag-NRL

8. The PUD has requested that the water storage tank be placed into a separate tract that they can own outright. At present they hold an easement over the area. The change will address liability concerns.

9. The subject application was determined to be complete on May 24, 2011. Notice was duly given. One public comment was received after the comment period closed. It stated simply, "I object." There was no public testimony at the hearing.

10. A Mitigated Determination of Non-Significance (MDNS) was issued in connection with the original plat approval. No appeals were received. An Addendum to the MDNS was issued for the subject modification request. It described the proposed changes and contained a determination that they do not have a probable significant adverse impact on the environment.

11. The application was circulated to various County departments. The comments received reflect items to be completed before final approval of the modified plat. They are incorporated as proposed conditions of approval.

12. Compliance with the platting statute and regulations was addressed in the original approval. The modification changes none of this. The necessary facilities and infrastructure are provided for. The subdivision will continue to incorporate the amount of land needed for its approval.

13. The Staff Report finds that the proposed modification, with the recommended conditions, meets the minimum preliminary subdivision requirements of the County Code.

14. 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. The modification sought is a Level III-HE permit requiring an open record public hearing. The Hearing Examiner's action is a recommendation to the County Commissioners. SCC 14.18.200(8)(c), SCC 14.06.050(1)(c).

2. The requirements of SEPA have been met.

3. The changes sought do not alter any of the factors which led to the initial approval of the CaRD. The modified subdivision will continue to comply with RCW 58.17.110.

4. As conditioned, the modified plat will comply with Chapter 14.18. SCC.

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

### **PROPOSED CONDITIONS**

The following conditions shall be placed on the preliminary plat approval and shall be completed prior to final plat approval.

1. The applicant shall show compliance with SCC 14.18.200.

2. All standard plat notes and appropriate departmental signoffs are required. The documents shall contain the appropriate number of acknowledgment blocks for all parties to the land division and County staff, including the appropriate signature line for the Auditor's Office.

3. If there are any changes to the existing recorded documents, copies shall be provided to PDS for review (i.e., covenants, homeowners association agreements, road maintenance agreements, etc.)

4. Final plat fees of \$200 per lot will be assessed at the time of final plat approval.

5. A set of stamped envelopes addressed to all neighboring property owners and occupants within 300 feet of the subject property (with appropriate postage) shall be required for the final plat submittal. A list of the individuals addressed shall also be submitted.

6. All utility easements shall be shown and labeled on the face of the plat map.

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

8. All lot corners shall be set. SCC 14.18.200(4)(d).

9. The Boundary Line Adjustment shall be completed and identified in the plat notes on the face of the final plat (i.e., BLA# and Auditor's recording number).

10. All required property taxes shall be paid.

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

12. The "*Project Area Information*" on Sheet 1 shall reflect the correct acreage and area information for the entire parcel.

13. The date for the "*Dedication*" shall be revised to reflect 2011.

14. All outstanding final plat fees shall be paid.

15. All existing structures on the entire parent parcel site shall be shown.

16. The applicant shall complete or address the items on the "punch list" in the PUD file communication dated June 6, 2011 as follows:

a) The reservoir gauge needs to read accurately or resolve any issues associated with the level discrepancy.

b) The "flapper" gate needs to be installed on the drain/overflow pipe.

c) The tank site is not being maintained. Tank has graffiti and litter debris.

d) The tank requires a locking ladder guard installation and acceptable site fencing as called out by PUD requirements.

e) The project area needs completion of valve casings, fire hydrants, flushing assembly boxes, service stubs and other project required items to complete the water installation per SCC 12.48.

f) The booster pump station is littered with construction debris and the pump building is incomplete per construction requirements.

17. Outstanding PUD requirements shall be completed and accepted by the PUD engineer and board before the project final. Submit to PDS written confirmation of acceptance of the project work completion from the PUD's board.

18. The approximate location of all water service lines shall be shown (-W-).

19. Plat note #29 and #30 shall refer to the Auditor's File number that references the legal documents on these two tracts for PUD use.

a) Plat note #29: AF# 200906100089

b) Plat note #30: AF# 201104070069

20. Appropriate property taxes shall be paid.

21. The Treasurer's Certificate shall be revised to read as follows:

*"This is certify that all taxes heretofore levied and which have become a lien on the land herein described as Lot 26 of Saratoga Passage View C.A.R.D. #PL06-0107 and proposed to be modified to Lot 26 of Saratoga Passage View C.A.R.D. #PL11-0099 have been fully paid and discharged according to the records of my office up to and including the year 2011 and anticipated taxes for 2012."*

22. The heading over the Legal Description shall be modified to read:

*"Legal description for parcel to be modified"*

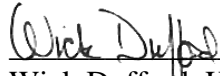
23. Additional plat notes may be required prior to final approval.

24. The preliminary plat shall be valid for a period of five (5) years from the date of preliminary approval.

## RECOMMENDATION

The Hearing Examiner recommends that the subdivision modification request be approved, subject to the conditions set forth above.

**DONE**, this 15th day of August, 2011.



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Wick Dufford, Hearing Examiner

Transmitted to: Applicants, PDS, Board of County Commissioners on August 15, 2011.