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de-050-021

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
AND DECISION THEREON
ON THE BRAD AND GABRIELLE STAVIG 2-LOT SHORT PLAT
(3312 "K" AVENUE – Stavig Family Shire)**



Short Plat No. ANA 05-009

Planning Director's Tentative Approval

FINDINGS OF FACT

1.0 General Background

- 1.1 The City of Anacortes Planning Director has been designated by City Council action of November 17, 1986 as "Administrative Official" for the City Subdivision Ordinance.
- 1.2 Under the City Subdivision Ordinance the Administrative Official has "the authority to approve or disapprove proposed short subdivisions". State law grants the Administrative Official authority to deny a Short Plat of 4 lots or less only if specific City standards are not met, e.g., lot size, dimension, road frontage. Short Plats of 5-9 lots and Short Plats of 2-4 lots with wetlands involve the exercise of more discretion in that a State Environmental Policy Act review is mandated.

City of Anacortes Municipal Code Section 16.08.020

- 1.3 The 2-lot short plat application together with the application fee was submitted to the Administrator on February 13, 2006.

1.4 **Owner of Record:** Bradford Charles and Gabrielle Glim Stavig
3312 "K" Avenue
Anacortes, WA 98221 (360) 293-5371

1.5 **Applicant:** Same

- 1.6 As required by the City Subdivision Ordinance each short plat application contained:
 - (A) An accurately scaled (at one inch equal 100 feet) and dimensioned map legibly drawn in permanent black ink or approved equivalent on 18 inch by 24 inch tracing cloth, stable base mylar polyester film or equivalent approved material showing the following:
 - 1. The name or number of the proposed short plat, and County Assessor's parcel numbers.

2. True north point and scale.
3. Names of applicant(s).
4. An accurate legal description of the land included in the short plat. In the event the boundaries are described by metes and bounds, the accuracy of the description shall be attested to and signed by a registered land surveyor, with basis of bearings stated.
5. Accurate lines to scale showing the parcel to be short platted and the lot lines and showing all existing or established section corners and quarter-section corners pertaining to the establishment of lot corners.
6. Location and dimensions of all existing buildings on the land included in the short plat and description of adjacent uses.
7. Location and dimensions of all existing roads or streets, and existing dedications, deeds or easements for future roads within or contiguous to the land involved in the short plat.
8. Location and dimensions of all roads, streets and easements proposed to serve the plat with a clear designation of their purpose and nature, including whether they will be dedicated city streets or private roads, rights-of-way or easements.
9. A lot numbering system and a house address system as provided by the City Building Department.

(B) At least one (1) copy of the following accompanying documents:

1. Property owners of the land included in the short plat and of all parcels of land within 300' of the land included in the short plat.
2. A plat or title certificate issued by a title company showing all parties having any interest in the land included in the short plat and in the land over which any easements are proposed to serve the short plat.
3. A copy of the deed of record for the land included in the short plat.
4. A sworn statement by the applicant specifying:
 - (a) The applicant's name, address, telephone number and interest in the land included in the short plat;
 - (b) Authority, if any to act on behalf of any other parties having an interest in the land included in the short plat;

- (c) Certification that none of the land included in the short plat has been included within a previous short plat approved or filed within the five years preceding the application.
5. Signed statements by all those parties having an interest in the land who have authorized the applicant to sign the short plat in their behalf.
6. A statement from the Skagit County Health Department relative to final approval of a septic tank design in the event the land included in the short plat is not served by public sewer.
7. A copy of the private restrictions and covenants to be included in the deeds to the lots, if any, referenced on the short plat and recorded with the short plat.
8. Such other information as the Short Plat Administrator deems necessary for an adequate review of the public use and interest to be served by the short plat."

Anacortes Municipal Code Section 16.08.050

2.0 Description of the Project

2.1 The applicant is proposing a 2-lot short plat in the R-3 zone generally at 3312 "K" Avenue. **Exhibit 1**.

2.1.1 The minimum lot size in the R 3 zone is 6,000 square feet. The smallest lot is 6,018 square feet and the largest lot is 11,485 square feet (existing residence). Single-family homes are permitted in this zone.

2.1.2 The project site is surrounded on three sides by the R 3 zone.

3.0 Consideration of Alternatives

3.1 The applicant has considered and rejected alternative designs.

3.1.1 The City's Design Review Group (DRG) met on March 21, 2006 to review this proposal; finding a complete application the DRG recommended 4 conditions regarding fire flow, sidewalks, and storm drainage. **(Exhibit 2)** On July 26, 2006 the applicants appealed the proposed shore plat requirements. **(Exhibit 3)** On August 14, 2006 the DRG responded to the Stavig's July 26th letter; additionally, the DRG offered an alternative to Recommendation # 4 regarding sidewalks. **(Exhibit 4)** In a May 29, 2007 letter, Mrs. Stavig accepted the proposed condition with a proviso regarding bonding. **(Exhibit 5)** On June 5, 2007 the DRG discussed the May 29th proposal and recommended moving forward with the project with revised condition # 3: "In lieu of sidewalks on "K" Avenue abutting the project site the sidewalk on 34th Street shall be extended from "K" Avenue on 34th Street to connect to the existing sidewalk to the west. All required improvements shall be completed at the time of building permit issuance for either lot." **(Exhibit 6)**

4.0 State Environmental Policy Act

- 4.1 Short plats are exempt from SEPA requirements unless they involve lands covered by water, lands previously short-platted and exempted from SEPA, or lands to be divided into five or more lots. WAC 197-11-800(6)a and Anacortes Municipal Code Section 16.08.010.
- 4.2 There are no wetlands present on the property as regulated by City of Anacortes Zoning Ordinance, Chapter 17.65 that are affected by this action.
- 4.3 The subject property has not been short-platted within the last five years.
- 4.4 The subject property is not to be divided into five or more lots, and accordingly, no SEPA Checklist was prepared.

5.0 Notice

- 5.1 For a short subdivision adjacent to the right-of-way of a state highway, written notice, including a legal description of the proposed subdivision and a location map shall be sent to the Secretary of Transportation of the State of Washington. The Secretary shall respond within fifteen (15) days of said notice as to the affect that the proposed subdivision will have on the adjacent state highway.

Anacortes Municipal Code Section 16.08.031

- 5.1.1 This short-plat is not adjacent to a state right-of-way.
- 5.2 For all short subdivisions, the application shall be accompanied by a list of all property owners, with their mailing addresses, who own land within 300 feet of the boundaries of the property being proposed to be subdivided.

5.2.1 On March 8, 2006 the Planning Department sent notice to all persons on the list informing them of the proposed short subdivision and inviting comments to be made in writing within fifteen (15) calendar days of the date that the notice was mailed.

5.2.2 No letters of comment were received in response to this Notice.

6.0 Short-Plat Requirements

- 6.1 "If the Administrator finds that the proposed short plat is consistent with the comprehensive plan, SEPA requirements, and zoning requirements for the district, and that there is adequate provision for drainage, sewage disposal, water supply and access for each lot, that [the short-plat improvement] requirements of this ordinance are met, and the short plat would not landlock other parcels, he/she shall approve the application."

Anacortes Municipal Code Section 16.08.030

- 6.2 The proposed short plat is consistent with the Comprehensive Plan.
- 6.3 The proposed short-plat is consistent with the R 3 zoning district within which it is located.
- 6.4 Subject to conditions there is adequate provision for drainage: surface water management controls shall be implemented to the City Engineer's specifications/Ordinance #2441.
- 6.5 Subject to conditions there is adequate provision for water supply: connection to city water.
- 6.6 Subject to conditions there is adequate provision for sewer service: connection to city sewer.
- 6.7 Access is available for this development from 34th Street.
- 6.8 The short-plat will not landlock other parcels.
- 6.9 All required improvements from findings 6.4 to 6.7 above "shall be constructed or installed according to applicable subdivision regulations, and, if required, a commitment of non-opposition to any Local Improvement District shall be submitted to the Short Plat Administrator prior to short plat approval. In addition, bonds or other security may be required by the Administrator securing to the City the successful operation of the improvements for up to one (1) year after short plat approval".

Anacortes Municipal Code Section 16.08.060

- 6.9 Subject to the conditions detailed above, all requirements have been satisfied.

7.0 **Appeal**

- 7.1 Under the City Subdivision Ordinance the Administrative Official has "the authority to approve or disapprove proposed short subdivisions". State law grants the Administrative Official authority to deny a Short Plat of 4 lots or less only if specific City standards are not met, e.g., lot size, dimension, road frontage. Short Plats of 5-9 lots and Short Plats of 2-4 lots with wetlands involve the exercise of more discretion in that a State Environmental Policy Act review is mandated.

7.12 On June 29, 2007 the Subdivision Administrator approved the Stavig 2-lot short plat.

- 7.2 Any party aggrieved by the decision of the Administrator may appeal to the City Council by filing a notice of appeal with the City Clerk within fifteen (15) days of the tentative approval or disapproval by the Administrator. The appeal shall state the reason for the appeal and be signed by the party filing the appeal. The appeal shall be scheduled on the next available council agenda and notices shall be sent to the applicant and the party filing the appeal.

7.2.3 _____ appeals were filed.

8.0 State Subdivision Law

8.1 State subdivision law requires that a city:

"(1)...shall adopt regulations and procedures, and appoint administrative personnel for the summary approval of short plats and short subdivisions or alteration or vacation thereof. When an alteration or vacation involves a public dedication, the alteration or vacation shall be processed as provided in RCW 58.17.212 or 58.17.215. Such regulations shall be adopted by ordinance and shall provide that a short plat and short subdivision may be approved only if written findings that are appropriate, as provided in RCW 58.17.110, are made by the administrative personnel, and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions and may require surveys and monumentations and shall require filing of a short plat, or alteration or vacation thereof, for record in the office of the county auditor: PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries.

(2)...shall...consider provisions for considering sidewalks and other planning features that assure safe walking conditions for students who walk to and from school."

Growth Management Act Section 51

CONCLUSIONS OF LAW

- 1.1 The requirements of SEPA have been complied with.
- 2.1 The notice requirements of Subdivision Ordinance Section 16.08.031 have been satisfied.
- 3.1 The conditions set forth in Subdivision Ordinance Section 16.08 have been satisfied by this application.
- 4.1 The applicable goals and policies of the Comprehensive Plan have been met by this application.



CITY OF ANACORTES

DECISION TO APPROVE A SHORT PLAT FOR THE STAVIG 2-LOT

SHORT PLAT NUMBER ANA 05-009

Based on the foregoing Findings of Fact and Conclusions of Law the Anacortes Planning Director hereby issues short-plat approval for the Stavig 2-lot Short Plat subject to the following conditions:

- (1) Short Plat Approval authorizes the applicant to proceed with application for necessary permits to construct required improvements and to prepare construction drawings in accordance with the determinations made and conditions imposed by the Administrator. The scope of this permit is not to exceed that as set-out in Exhibit 1.
- (2) This project is subject to applicable water, sewer, and stormwater general facility and hookup fees and transportation, fire, school, and park impact fees. These fees are payable at levels in effect at the time of building permit issuance and may differ from those fee levels currently in effect; sewer and water latecomer charges may be payable.
- (3) The Skagit County Treasurer's Office requires that the following statements shall appear on all long plats, replats, altered plats or binding site plans:
 - a. Treasurer's Certificate. All short subdivisions when approved and prior to recording shall contain the following:

Treasurer's Certificate: I certify that all taxes heretofore levied and which have become a lien upon the lands described above have been fully paid and discharged according to the records of my office up to and including the year of [] (current year).

Certified this ____ day of _____, 200__.
 - b. "I _____ do hereby certify that a deposit has been made to cover anticipated taxes for the year _____."
- (4) The applicant shall acquire all necessary federal, state, and local permits.

- (5) The project shall comply with the City of Anacortes construction standards as required by the Director of Public Works for water, sewer, and street access, and storm drainage. All work performed within public rights-of-way shall comply with City construction standards and all utilities shall be constructed to City standards.
- (6) Any and all easements shall be surveyed and shown on drawings.
- (7) Fire hydrants shall be provided as required by the City of Anacortes Fire Chief.
- (8) Fire flow shall be addressed in a manner acceptable to the City of Anacortes Fire Chief.
- (9) In lieu of sidewalks on "K" Avenue abutting the project site the sidewalk on 34th Street shall be extended from "K" Avenue on 34th Street to connect to the existing sidewalk to the west. All required improvements shall be completed at the time of building permit issuance for either lot.
- (10) Street addresses are: LOT A - 1510 34th Street; LOT B - 3312 "K" Avenue.
- (11) This approval will expire three years from the date of approval if the short plat is not signed and recorded.
- (12) Pages 7-8 of these Findings shall be recorded with the Short Plat Drawing.



Ian Munce, Short Plat Administrator

6/29/07

Date

AUDITORS CERTIFICATE FILED FOR RECORD AT THE REQUEST OF SCHEMMER ENGINEERING INC.

REET MONUMENT
 D CAP BY JOHN VADAH
 CAP "PEM LS 25971"

SKAGIT COUNTY AUDITOR _____ DEPUTY _____

CONSENT:

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED SUBDIVIDERS OF THE LAND HEREBY SHORT PLATTED DO HEREBY DECLARE THE STAVIG SHORT PLAT IS MADE AS HIS FREE AND VOLUNTARY ACT AND DEED.
 IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL.

BRADFORD STAVIG _____

STATE OF WASHINGTON GABRIELLE STAVIG _____
 COUNTY OF SKAGIT

THIS IS TO CERTIFY THAT ON THE ____ DAY OF _____, 2003, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY APPEARED _____, TO ME KNOWN TO BE THE INDIVIDUAL WHO EXECUTED THE WITHIN DEDICATION AND ACKNOWLEDGED TO ME THAT HE(SHE) SIGNED AND SEALED THE SAME AS THEIR VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN MENTIONED AND TO OATH STATED THAT HE WAS AUTHORIZED TO EXECUTE SAID INSTRUMENT.
 WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

 NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
 RESIDING AT _____

STATE OF WASHINGTON
 COUNTY OF SKAGIT

THIS IS TO CERTIFY THAT ON THE ____ DAY OF _____, 2003, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY APPEARED _____, TO ME KNOWN TO BE THE INDIVIDUAL WHO EXECUTED THE WITHIN DEDICATION AND ACKNOWLEDGED TO ME THAT HE(SHE) SIGNED AND SEALED THE SAME AS THEIR VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN MENTIONED AND TO OATH STATED THAT HE WAS AUTHORIZED TO EXECUTE SAID INSTRUMENT.
 WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

 NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
 RESIDING AT _____

TREASURER'S CERTIFICATE:

I HEREBY CERTIFY THAT ALL TAXES HERETOFORE LEVIED AND WHICH HAVE BECOME A LIEN UPON THE LANDS DESCRIBED ABOVE, HAVE BEEN FULLY PAID AND DISCHARGED ACCORDING TO THE RECORDS OF MY OFFICE, UP TO AND INCLUDING THE YEAR 200__.

S 89°58'20" E

SKAGIT COUNTY TREASURER _____ DATE _____

APPROVALS:

I HEREBY CERTIFY THAT ALL TAXES HERETOFORE LEVIED AND WHICH HAVE BECOME A LIEN UPON THE LANDS DESCRIBED ABOVE, HAVE BEEN FULLY PAID AND DISCHARGED ACCORDING TO THE RECORDS OF MY OFFICE, UP TO AND INCLUDING THE YEAR 200__.

ANACORTES CITY TREASURER _____ DATE _____

THE WITHIN AND FOREGOING PLAT IS APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE CITY OF ANACORTES SHORT PLAT ORDINANCE THIS ____ DAY OF _____, 20__.

SHORT PLAT ADMINISTRATOR _____

CITY ENGINEER _____

"K" AVENUE

Exhibit 1



SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE SURVEY RECORDING ACT.

PAUL E. MONOHON CERT#25971
 DATE _____

| | | | |
|---|-----|-----|-----------|
| DRAWN | PEM | | |
| CHECKED | JTS | | |
| | BY | | |
| DATE | BY | APP | REVISIONS |
| | | | |
| CAD FILE: 05-230 STAVIG I D I AT DATE: 12/15/05 | | | |

