

**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND DECISION

Applicant(s): Peter Hanson and Doug Norberg
1620 43rd Ave, East #23B
Seattle, WA 98112

File No.: PLPALT-11-0005

Request: Plat Alteration

Parcel No: 151050001, 151050002 &151050003

Location: Blakely Island

Summary of Proposal: Lot combination combining three lots into two.

Land Use Designation: Rural Farm Forest

Hearing Date: February 8, 2012

Application Policies and Regulations: SJCC 18.70.080

Decision: Approved.

1 5. Adverse Impacts of Proposed Use. No adverse impacts are apparent from
2 the record. The proposal will create a net public benefit and is in the public interest
3 under the policies of the Growth Management Act, Chapter 36.70C RCW, by
4 reducing density outside of an urban growth area.

5 **CONCLUSIONS OF LAW**

6 **Procedural:**

7 1. Authority of Hearing Examiner. SJCC18.70.080(A)(3) authorizes the hearing
8 examiner to hold hearings and issue final decisions on proposed plat alterations.

9 **Substantive:**

10 2. Comprehensive Plan and Zoning Designations. The subject property is
11 designated as Rural Farm Forest.

12 3. Permit Review Criteria. The San Juan County Code (“SJCC”) governs the
13 policies and criteria for subdivision alteration. SJCC 18.70.080(A)(4) establishes the
14 criteria for approval.

15 The applicable regulations are quoted in italics and addressed below.

16 **San Juan County Code Regulations**

17 **SJCC 18.70.080(A)(1):** *Alterations of subdivisions shall be processed in accordance
18 with RCW 58.17.060 and 58.17.215 through 58.17.218. Alteration applications shall
19 contain the signatures of the majority of those persons having an ownership interest
20 in lots, tracts, parcels, sites or divisions in the subject subdivision or portion to be
21 altered.*

22 *If the subdivision is subject to restrictive covenants which were filed at the time of the
23 approval of the subdivision, and the application for alteration would result in the
24 violation of a covenant, the application shall contain an agreement signed by all
25 parties subject to the covenants providing that the parties agree to terminate or alter
the relevant covenants to accomplish the purpose of the alteration of the subdivision
or portion thereof (RCW 58.17.215).*

4. The Application was filed by the owners of Lots 1 through 3 and the conditions of
approval require that all persons with an ownership interest in the alteration area sign
a final recorded alteration. There are no covenants evident from the record that
would be affected by the alteration. Accordingly, this requirement is satisfied.

SJCC 18.70.080(A)(5)(a): *The application meets the requirements of this chapter,
and complies with the applicable policies and requirements of RCW 58.17.330, the*

1 *Shoreline Master Program, the State Environmental Policy Act, and the*
2 *Comprehensive Plan*

3 5. Plat alterations are exempt from SEPA and are not expressly addressed in the
4 comprehensive plan. The comprehensive plan does not dictate any minimum densities
5 for the applicable land use designation and no other policies are implicated given the
6 minor nature of the application. A reduction in density is consistent with the policies
7 encouraging protection of environmental and aesthetic resources in the Conservancy
8 shoreline designation that applies to the alteration area. This plat alteration decision
9 is supported by hearing examiner written findings and conclusions as required by
10 RCW 58.17.330. The criterion is satisfied.

11 **SJCC 18.70.080(A)(5)(b):** *The application satisfactorily addresses the comments of*
12 *the reviewing authorities and is in the public interest (RCW 58.17.100, 58.17.110,*
13 *and 58.17.215)*

14 6. The staff report notes that no agency comments were received. As determined in
15 the Findings of Fact, a reduction in density outside an urban growth area is in the
16 public interest as expressed by the state legislature through the policies of the
17 Washington State Growth Management Act.

18 **SJCC 18.70.080(A)(4)(c):** *Any outstanding assessments (if any land within the*
19 *alteration is part of an assessment district) are equitably divided and levied against*
20 *the remaining lots, parcels, or tracts, or are levied equitably on the lots resulting*
21 *from the alteration; and*

22 7. According to the staff report there are no assessments that will be impacted by
23 this alteration.

24 **SJCC 18.70.080(A)(4)(d):** *Any land within the alteration that contains a dedication*
25 *to the general use of persons residing within the subdivision is divided equitably*

8. There is not dedication in the alteration area.

20 **DECISION**

21 The proposed alteration is consistent with all the criteria for plat alteration and is
22 approved subject to the following condition:

23 1. A new plat map showing the altered lot lines shall be recorded as required
24 by SJCC 18.70.080(A)(6).
25

1 Dated this 23rd day of February 2012.

2 

3 Phil Olbrechts
4 County of San Juan Hearing Examiner

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6 **Effective Date, Appeal Right, and Valuation Notices**

7 Hearing examiner decisions become effective when mailed or such later date in
8 accordance with the laws and ordinance requirements governing the matter under
9 consideration. SJCC 2.22.170. Before becoming effective, shoreline permits may be
10 subject to review and approval by the Washington Department of Ecology pursuant to
11 RCW 90.58.140, WAC 173-27-130 and SJCC 18.80.110.

12 This land use decision is final and in accordance with Section 3.70 of the San Juan
13 County Charter, such decisions are not subject to administrative appeal to the San
14 Juan County Council. See also, SJCC 2.22.100

15 Depending on the subject matter, this decision may be appealable to the San Juan
16 County Superior Court or to the Washington State shorelines hearings board. State
17 law provides short deadlines and strict procedures for appeals and failure to timely
18 comply with filing and service requirement may result in dismissal of the appeal. See
19 RCW 36.70C and RCW 90.58. Persons seeking to file an appeal are encouraged to
20 promptly review appeal deadlines and procedural requirements and consult with a
21 private attorney.

22 Affected property owners may request a change in valuation for property tax purposes
23 notwithstanding any program of revaluation.
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