

**SAN JUAN COUNTY  
HEARING EXAMINER**

**FINDINGS, CONCLUSIONS, AND DECISION**

Applicant(s):	Mike and Sharon Douglas PO Box 147 Deer Harbor, WA 98243	<b>S.J.C. DEPARTMENT OF JUL 08 2015 COMMUNITY DEVELOPMENT</b>
File No.:	PLPALT-15-0002	
Request:	Plat Alteration	
Parcel No:	361351068 and 361351084	
Location:	201 Juniper Lane, Spring Point, Orcas Island	
Summary of Proposal:	Alteration of Lots 68 and 84, Division 2 Spring Point long subdivision, Douglas, eliminating the line between the two lots to consolidate into one.	
Land Use Designation:	Rural Residential 5	
Public Hearing:	June 18, 2015	
Application Policies and Regulations:	18.60 Development Standards 18.70 Land Divisions	
Decision:	Approved subject to conditions	

**BEFORE THE HEARING EXAMINER  
FOR SAN JUAN COUNTY**

In the Matter of the Application of )  
 )  
**Mike and Sharon Douglas** )  
 )  
 )  
 )  
for approval of a Preliminary Plat )  
Alteration affecting Lots 68 and 84 of the )  
Division 2 Spring Point Subdivision, )  
Orcas Island )

NO. PLPALT-15-0002

S.J.C. DEPARTMENT OF  
JUL 08 2015  
COMMUNITY DEVELOPMENT

**SUMMARY OF DECISION**

The request for preliminary plat alteration to authorize removal of the boundary line between Lots 68 and 84 of the Division 2 Spring Point subdivision to merge them into one lot is **APPROVED** subject to conditions.

**SUMMARY OF RECORD**

**Request:**

Mike and Sharon Douglas (Applicants) requested preliminary plat alteration to authorize removal of the boundary line between Lots 68 and 84 of the Division 2 Spring Point subdivision to merge them into one lot. An existing single-family residence on Lot 84 is located at 201 Juniper Lane, Orcas Island.

**Hearing Date:**

The San Juan County Hearing Examiner held an open record public hearing on the request on June 18, 2015. By the agreement of the Applicant representative, the deadline for decision issuance was extended five business days to July 9, 2015.

**Testimony:**

At the open record public hearing, the following individuals presented testimony under oath:

Lee McEnery, Planner, San Juan County Department of Community Development  
Mike Douglas, Applicant

**Exhibits:**

The following exhibits were admitted in the record:

1. Department of Community Development Staff Report, dated June 2, 2015
2. Application cover sheet
3. Proposed alteration map
4. Homeowners Association letter
5. Public Works comment letter

Upon consideration of the testimony and exhibits submitted at the open record public hearing, the Hearing Examiner enters the following findings and conclusions:

### FINDINGS

1. The Applicants requested approval of a plat alteration to authorize removal of the boundary line between Lots 68 and 84 of the Division 2 Spring Point subdivision to merge them into one lot. The existing single-family residence on Lot 84 is located at 201 Juniper Lane, Orcas Island.<sup>1</sup> Lot 68 is undeveloped. *Exhibits 1 and 2.*
2. Lot 68 (1.4 acres) and 84 (0.6 acres) have a Rural Residential 5 land use designation. They are surrounded on all sides by small lot residential development. Both have access via Juniper Lane; neither is on a shoreline. Overall the Division 2 Spring Point subdivision is wooded, rocky, and hilly. *Exhibits 1 and 3.*
3. The residence on Lot 84 is served by existing water and sewage disposal service. The proposal would not change the existing utilities. *Exhibit 2.*
4. The only known critical area associated with the parcels is erosion soils over bedrock. The proposal would not affect the critical area, unless it is to reduce potential impacts by reducing the number of dwelling units that can be developed as acknowledged by the Applicant. *Exhibit 1; Douglas Testimony.*
5. On February 24, 2015, the Spring Point Homeowners Association considered the Applicants' proposal at a meeting of the board and voted to approve the requested plat alteration. *Exhibit 4.*
6. The two affected parcels are owned by the Applicants; no portion of the property subject to the application has been or would be dedicated to the general use of the subdivision. The homeowner association's approval of the request reflects the consent required for plat alteration approval and evidences a lack of conflict with known covenants, conditions, and restrictions. There are no known outstanding assessments against the property. *Exhibits 1 and 4; McEnery Testimony.*
7. Planning Staff noted that the San Juan County Comprehensive Plan does not contain policies or regulations addressing plat alterations and that alterations are exempt from review pursuant to the State Environmental Policy Act. *Exhibit 1.*
8. The application was submitted April 23, 2015. *Exhibit 2.* Notice of application and public hearing was mailed to surrounding property owners on April 29 and posted on-site on the same date. Notice was published on May 6, 2015. The County received no comment on the proposal. *Exhibit 1; McEnery Testimony.*

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<sup>1</sup> The lots are known as Tax Parcels 361351068 and 361351084. *Exhibit 1.*

9. Notice of the proposal was sent to review agencies. No agency submitted concerns or objections and the Public Works Department recommended approval. *Exhibits 1 and 5; McEnery Testimony.*
10. Upon review of the complete application materials, Planning Staff determined that the proposal can comply with all applicable criteria and recommended conditional approval. *McEnery Testimony; Exhibit 1.* The Applicant waived objection to the recommended conditions. *Douglas Testimony.*

## CONCLUSIONS

### **Jurisdiction**

The Hearing Examiner is granted jurisdiction to hear and decide applications for plat alterations pursuant to Chapter 36.70.970 of the Revised Code of Washington and Chapters 2.22 and 18.80.100 of the San Juan County Code.

### **Criteria for Review**

Pursuant to SJCC 18.80.100.D(4), requests for subdivision alteration shall be granted only if the following criteria are met:

- a. The application meets the requirements of this chapter, and complies with the applicable policies and requirements of RCW 58.17.330, the Shoreline Master Program, the State Environmental Policy Act, and the Comprehensive Plan;<sup>2</sup>
- b. The application satisfactorily addresses the comments of the reviewing authorities and is in the public interest (RCW 58.17.100, 58.17.110, and 58.17.215);
- c. Any outstanding assessments (if any land within the alteration is part of an assessment district) are equitably divided and levied against the remaining lots, parcels, or tracts, or are levied equitably on the lots resulting from the alteration; and
- d. Any land within the alteration that contains a dedication to the general use of persons residing within the subdivision is divided equitably.

### **Conclusion Based on Findings**

1. The record contains no evidence showing the proposed combination of two lots would render the approved plat out of compliance with the County's subdivision ordinance, state statutes governing plat approval, SEPA, the County's Comprehensive Plan, or the Shoreline Master Program. No reviewing agency expressed any concern, and in fact Public Works recommended approval. There are no outstanding assessments. The merging of the two lots would have no impact on common open space within the plat or any area dedicated to common use. With conditions, all criteria for approval can be satisfied. *Findings 1, 2, 3, 4, 5, 6, 7, 9, and 10.*

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<sup>2</sup> RCW 58.17.330 authorizes the use of a duly adopted hearing examiner system to make decisions regarding plat approval.

## DECISION

Based on the preceding findings and conclusions, the request for preliminary plat alteration to authorize removal of the boundary line between Lots 68 and 84 of the Division 2 Spring Point subdivision to merge them into one lot is **APPROVED** subject to the following conditions:

1. This subdivision alteration approval allows elimination of the lot line between Lots 68 and 84 of Spring Point long subdivision according to the approved attached map. This approval shall expire if the subdivision alteration is not recorded within 60 months of the approval date. The final alteration application shall be submitted to the Department of Community Development at least 60 days in advance of the expiration date.
2. All survey standards and requirements shall be complied with pursuant to SJCC 18.70.070.F.2.

**The following conditions shall be shown as restrictions on the face of the plat, in addition to those restrictions and dedications required by SJCC 18.70.100:**

3. This subdivision alteration has been approved by the responsible county officials on the premise that each lot will be occupied by no more than one single family dwelling and lawfully related outbuildings. No lot shall be otherwise occupied unless the owner can first demonstrate to the county's satisfaction that the provisions for water supply, sewage disposal, circulation, lot size and related planning considerations are adequate to serve the proposed use. Compliance with this provision shall be effected by written application to the Subdivision Administrator who shall be responsible for coordinating the review of such requests and for making the required determination.
4. There may be additional private conditions, covenants, or restrictions in addition to those shown on the face of this plat. Such private conditions may not be shown on plats. Any private deed restrictions are supplemental to the requirements of this Code. The County shall not be party to any private restrictions.
5. If during future excavation or development of the site an area of potential archaeological significance is uncovered, all activity in the immediate vicinity of the find must be halted immediately, and the Administrator must be notified at once.

Decided July 7, 2015.

By:



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Sharon A. Rice  
San Juan County Hearing Examiner