

ISLAND COUNTY HEARING EXAMINER

RE: Clearing & Grading Permit)	File No. CGP 313/09
Applicant: Gregory & Anne)	FINDINGS OF FACT
Abrahamse)	CONCLUSIONS OF LAW
)	AND DECISION
)	

SUMMARY OF APPLICATION AND DECISION

APPLICATION: The Applicants, Gregory and Anne Abrahamse, are requesting the removal of a 6-Year Forest Practices Development Moratorium prior to the expiration date in order to allow them to process a short plat application and convert the 10-acre parcel into two lots for residential uses.

The Applicants are also requesting additional grading of up to 500-cubic yards of material as part of this application in order to create the addition single-family residential home site and associated driveway access on the northerly five-acre parcel of the proposed short plat application.

DECISION: The Island County Hearing Examiner hereby grants approval to Gregory and Anne Abrahamse for the Removal of a 6-Year Forest Practices Development Moratorium. The Hearing Examiner further approves the request for additional grading of up to 500-cubic yards of material as part of this application.

FINDINGS OF FACT

INTRODUCTION

The following Findings of Fact and Conclusions of Law are based upon consideration of the exhibits admitted herein and evidence presented at the public hearing on June 25, 2010.

I.

PRELIMINARY INFORMATION

Applicant: Gregory & Anne Abrahamse

Property Location: 1969 Zlystra Road, Oak Harbor, WA 98277

Applicable Ordinances, Statutes and Regulations: Chapter 11.02 Clearing and Grading Ordinance, Chapter 11.03 Stormwater and Surface Water Ordinance Chapter 17.03, Zoning Ordinance; Chapter 17.02, Critical Areas, Chapter 16.19, Land Use Review Process, and Chapter 16.14C, County Environmental Policy.

SEPA: A Threshold Determination of Non-Significance was issued by the Planning Director on May 27, 2010.

Publication: June 12, 2010

Mailing of Notice to Applicant: June 7, 2010

Sign Posted: February 16, 2010

Mailing of Staff Report: June 14, 2010

Date of Application: December 17, 2009

Hearing Date: June 25, 2010

Exhibit Log:

1. Staff Report
2. Final SEPA Threshold Determination; dated 5/27/10
3. Cover letter for Clearing and Grading submittal from Cascade Pacific Engineering and Land Surveying, William Rowlands to Bobak Talebi and John Bertrand; date received 12/17/09
4. Master Land development Permit Application # 313/09; date received 12/17/09
5. Applicant Authorization Form; date received 12/17/09
6. Application Checklist; date received 12/17/09
7. Form N Application for Clearing and Grading / Timber Harvest; date received 12/17/09
8. Environmental Checklist; date received 12/17/09
9. Drainage Narrative—Erosion and Sedimentation Control Letter from William Rowlands; date received 12/17/09
10. Notice of Moratorium on Non-Forestry Use of Land; date received 12/17/09
11. 18x24 Oversize map depicting Clearing & Grading Plan for 1963 Zylstra Rd *SEE STAFF FOLDER for map; date received 12/17/09
12. 8.5x11 Color Google aerial view of Greg Abrahamse Short Plat; date received 12/17/09
13. Quarter section map depicting directions to 1963 & 1969 Zylstra Rd; date received 12/17/09
14. Request for comment with site data information for parcel number R13208-232-1630: account summary, permits, zoning, quarter section map, ArcExplorer 2.0 critical areas map; date received 12/17/09
15. Driving directions to parcels labeled A-L; date received 1/20/10

16. Parcel summary report for 2081 Zylstra Rd (A) R13208-242-2310; date received 1/20/10
17. Parcel summary report for 2049 Zylstra Rd (B) R13208-209-2310; date received 1/20/10
18. Parcel summary report for 2035 Zylstra Rd (C) R13208-175-2300; date received 1/20/10
19. Parcel summary report for 1963 Zylstra Rd (D) R13208-165-1820; date received 1/20/10
20. Parcel summary report for 1911 Zylstra Rd (E) R13208-165-1490; date received 1/20/10
21. Parcel summary report for 1722 Brideck Ln (F) R13208-166-1070; date received 1/20/10
22. Parcel summary report for 1743 Brideck Ln (G) R13208-185-1100; date received 1/20/10
23. Parcel summary report for 1761 Brideck Ln (H) R13208-210-1100; date received 1/20/10
24. Parcel summary report for 1777 Brideck Ln (I) R13208-230-1100; date received 1/20/10
25. Parcel summary report for no address given (K) R13208-299-0700 (K); date received 1/20/10
26. Parcel summary report for 2155 Zylstra Rd (L) R13208-298-1980; date received 1/20/10
27. Parcel summary report for 1969 Zylstra Rd.(no letter given) R13208-232-1630; date received 1/20/10
28. Public Comment letter from Nick Bibich to Island County Community Development; date received 3/5/10
29. Public Comment email from Marianne Edain, WEAN to John Bertrand; date sent 3/10/10
30. Notice of Incomplete Application from Andreana Richardson for John Bertrand to William Rowlands; date received 1/20/10
31. 12 Labels of addresses from Bill Rowlands to Andreana; date receive 2/4/10
32. Notice of Complete Application from Andreana Richardson for John Bertrand to William Rowlands; dated 2/12/10
33. Affidavit of Posting the Public Notice Sign; date received 2/18/10
34. Notice of Application with SEPA; no date
35. Return to Sender, copy of envelope containing Land Use Notice from Island County Planning & Community Development to Richard J. Switzer; date received 2/24/10
36. Affidavit of Publication In the Matter of Application 313/09 CGP; date received 3/10/10
37. Scheduling of Hearing letter from Paula Bradshaw to William Rolands; dated 6/7/10
38. Affidavit of Mailing the notification of the Hearing date; dated 6/7/10
39. Email from Bill Rowlands to John Bertrand, RE: requested list of adjacent owners WITHIN 300FT for CGP #313/09; date sent 1/21/10

40. Letter of Mailing the Staff Report from Paula Bradshaw to William Rowlands; dated 6/14/10
41. Affidavit of Mailing the Staff Report Letter; dated 6/14/10
42. Letter of Mailing the Complete Staff Report from Paula Bradshaw to William Rowlands; dated 6/15/10
43. Affidavit of Publication, dated 6/18/10
44. Google map of property submitted at the 6/25/10 hearing

HEARING TESTIMONY

John Bertrand
Island County Public Works
POB 5000
Coupeville, WA 98239

Bill Rolands
POB 588
Clinton, WA 98236

II.

Island County Public Works, Roads Division has recommended approval of the Request to Remove the Six-year Development Moratorium from an approximately 10-acre site located in the Rural zone of Island County, Washington. The Findings of Fact and Conclusions of Law of the Division are set forth in a Staff Report, Exhibit #1 of the Hearing Examiner's file, a copy of which is attached hereto and incorporated herein by this reference.

The Applicant indicated there were no factual inaccuracies in the Staff Report. There are no Conditions of Approval requested by Staff for this recommended approval. There was no public comment on this matter at the public hearing. Two letters opposing the Applicants' request for a Clearing and Grading Permit Application were discussed in the Staff Report and the Hearing Examiner concurs with Staff's analysis of these comments.

Any Conclusion of Law which is deemed a Finding of Fact is hereby adopted as such. Based on the foregoing Findings of Fact, now are entered the following:

CONCLUSIONS OF LAW

I.

The proposed Removal of a Six-year Development Moratorium is a Type II Decision process and can be approved if it is consistent with Titles 11 and 17, and with

Chapters 16.15, 16.14C, and 16.19 of the Island County Code, and with the approval criteria for lifting a moratorium as listed in ICC 17.02 (Critical Areas) and ICC 17.03.270 (Zoning). The Removal of the Six-year Development Moratorium is consistent with these requirements and should be approved by the Hearing Examiner.

Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such. Based on the foregoing Findings of Fact and Conclusions of Law, now is entered the following:

DECISION

The Island County Hearing Examiner hereby grants approval to Gregory and Anne Abrahamse for the Removal of a 6-Year Forest Practices Development Moratorium from property located at 1969 Zylstra Road, Oak Harbor, Washington. The Hearing Examiner further approves the request for grading of up to 500-cubic yards of material as part of this application to allow for the construction of one additional single-family residence to be located on the northerly 5-acre parcel of the proposed two-lot short plat application.

Entered this 8th day of July, 2010, pursuant to authority granted under the laws of the State of Washington and Island County.

MICHAEL BOBBINK
Island County Hearing Examiner

APPEAL PROCESS:

This decision of the Hearing Examiner shall be a final and conclusive decision unless within fourteen (14) days following the mailing of such decision a written statement of appeal is filed with the Island County Board of Commissioners by the applicant, a Department of the County, or Party of Record, who is also an Aggrieved Person. Said statement shall set forth any alleged errors and/or the basis for appeal and shall be accompanied by a fee pursuant to the fee schedule adopted by the Board; provided that such appeal fee shall not be charged to a department of the County or to other than the first appellant ICC 16.13.100.b; ICC 16.19.190.

