APPLICATION: CAC Land Development, LLC is requesting Preliminary Approval for an eight (8)-lot Planned Residential Development (PRD) on approximately 20.52 acres of land zoned Rural. The proposed lots range in size between 9,000 square feet and 11,880 square feet. The proposal includes approximately 16.83 acres of open space (82% of the site), with 2.3 acres of the open space (13.7% of the open space) designated as Community Area. The Community Area contains eight (8) drainfields that will serve the septic systems for the lots included in the PRD. The Harbor Hills Water System will provide water to all eight (8) lots.

DECISION: The Island County Hearing Examiner hereby grants Preliminary Planned Residential Development Approval to the proposed PRD.

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 December 20, 2007.

I.

PRELIMINARY INFORMATION

Applicant: CAC Land Development, LLC is requesting Preliminary Approval for an eight (8)-lot Planned Residential Development (PRD) on approximately 20.52 acres of land zoned Rural. The proposed lots range in size between 9,000 square feet and 11,880 square feet. The proposal includes approximately 16.83 acres of open space (82% of the site), with 2.3 acres of the open space (13.7% of the open space) designated as Community Area. The Community Area contains eight (8) drainfields that will serve the septic systems for the lots included in the PRD. The Harbor Hills Water System will provide water to all eight (8) lots.
Property Location: Situated to the east of the intersection of SR 525 and Mutiny Bay Road, on south Whidbey Island, Island County, Washington. Located in the NE ¼ of Section 4, Township 29 N, Range 2 E, W.M., Assessor’s Parcel No.R22904-508-3330.


SEPA: A Notice that a SEPA Threshold Determination of Non-Significance would likely be issued on the proposal was issued on June 20, 2007. Island County issued a Determination of Non-Significance on November 7, 2007, under WAC 197-11-340. No appeals were filed with this office.

Publication: December 5, 2007

Mailing of Notice to Applicant: November 7, 2007

Sign Posted: June 13, 2007

Mailing of Staff Report: December 7, 2007

Date of Application: June 8, 2007

Hearing Date: December 20, 2007

Exhibit Log:
PRD 242/07 CAC LAND DEVELOPMENT, LLC

1. Staff Report
2. Pre-Application Conference Application, received 3/14/07
3. Land Development Permit Application, received 3/14/07
4. Application for Long Plat, Preliminary, received 3/14/07
5. Island County Environmental Checklist, received 3/14/07
6. Memorandum from Geoff Tappert, X-Sound Engineering to ICP&CD, received 3/14/07
7. Letter from Connie Bowers, Island County Public Works Department to Charles Cook, received 3/14/07
8. Certificate of Transportation Concurrency, received 3/14/07
9. Certificate of Transportation Concurrency, Attachment A, received 3/14/07
10. Letter from Harbor Hills Water System, INC., received 3/14/07
11. Access Connection Permit, received 3/14/07
12. Vicinity Map, sheet 1 of 4, Lauren Acres Project Data, received 3/14/07
13. Proposed Plantings, sheet 2 of 4, Lauren Acres Preliminary Site Plan, received 3/14/07
14. Sheet 3 of 4, Lauren Acres Preliminary Site Plan, Access Road, received 3/14/07
15. Sheet 4 of 4, Lauren Acres Drainage Profile, received 3/14/07
16. Island County Health Department Site Registration, received 3/14/07
17. Account Summary Snapshot
18. Island County Community Development Department Request for Comment, dated 3/23/07
19. Letter from Monica Felici, ICP&CD to Geoff Tapert, dated 3/23/07
20. Pre-Application Meeting Sign In Sheet, dated 4/12/07
21. Pre-Application Staff Comments, dated 4/12/07
22. Letter from Aneta Hupfauer, Island County Public Health, dated 4/12/07
23. Letter from Bill Poss, Island County Public Works Roads Division, dated 4/12/07
24. Land Development Permit Application, received 6/4/07
25. Memorandum from X-Sound Engineering, Geoff Tapert to ICP&CD, received 6/4/07
26. Application For Long Plat Preliminary, received 6/4/07
27. Certificate of Transportation Concurrency, received 6/4/07
28. Certificate of Transportation Concurrency, Attachment A, received 6/4/07
29. Letter from Harbor Hills Water System, INC., received 6/4/07
30. Access Connection Permit, received 6/4/07
31. Memorandum to Terry Otey, Harbor Hills Water System from George Bratton with attached computer network analysis, received 6/4/07
32. Completed Land Activities Questionnaire, received 6/4/07
33. Vicinity Map, received 6/4/07
34. Harbor Hills Water System Network Input Data updated for Lauren Acres Extension, received 6/4/07
35. Environmental Checklist, received 6/4/07
36. Island County Community Development Department Request for Information, dated 6/4/07
37. Island County Notice of Application with SEPA
38. Parcel Summary Report
39. Quarter Section Map
40. Critical Areas Map # 1
41. Critical Areas Map # 2
42. Parcel Data Information
43. Parcel Permit Screen print
44. Notice of Complete Application from Monica Felici, ICP&CD to CAC Land Development, dated 6/8/07
45. Email from Bill Poss, Island County Public Works Roads Division to Ginger Burgess, dated 6/20/07
46. Letter to Aneta Hupfauer, Island County Public Health from Douglas Kelly, Island County Public Health, dated 6/14/07
47. Affidavit of Mailing the Public Notice to Parties of Record and/or Property Owners within 300 feet, dated 6/15/07
48. Affidavit of Mailing the Public Notice to Contact Person: Charles Cook, dated 6/15/07
49. Affidavit of Posting of Sign, received 6/18/07
50. Returned envelope received 6/21/07
51. Affidavit of Publication in Whidbey News Times, dated 6/28/07
52. Memorandum from Marie Piper, Island County Public Health to Aneta Hupfauer, Island County Public Health, dated 6/29/07
53. Letter from Aneta Hupfauer, Island County Public Health to Ginger Burgess, dated 6/29/07
54. Email Public Comment from Kim Kelzer, dated 6/29/07
55. Email Public Comment from E Schumacher, dated 6/30/07
56. Email Public Comment from Jonathan Evelegh, dated 7/1/07
57. Email Public Comment from Kim Buckhalter, dated 7/1/07
58. Email Public Comment from Malcolm Ferrier, dated 7/1/07
59. Email Public Comment from Diane Kendy, dated 7/1/07
60. Email Public Comment from Rhonda Salerno, dated 7/2/07
61. Email Public Comment from Tony Frantz, dated 7/2/07
62. Letter from Bill Poss, Island County Public Works Roads Division to Ginger Burgess, dated 7/2/07
63. Email Public Comment from Theresa M. Gandhi, dated 7/3/07
64. Email Public Comment from Marianne Edain, dated 7/5/07
65. Memorandum from Justin Craven, Critical Areas Planner to Ginger Burgess, dated 7/5/07
66. Review Comments from Ginger Burgess to Charles Cook, CAC Land Development, dated 7/11/07
67. Email from Emily Hirsch to Ginger Burgess with attached Wetland Resources Wetland Determination Report, dated 7/31/07
68. Clearing and Grading / Timber Harvest Applicability and Process, received 8/16/07
69. Memorandum from George Bratton, to Terry Otey, Harbor Hills Water System, dated 8/16/07
70. Water Distribution System Comprehensive Map, received 8/16/07
71. Water Distribution System Computer Schematic with Future Service Area, received 8/16/07
72. Harbor Hills Network Input Data, updated for Feb. 2007 Distribution system Lauren Acres Extension, received 8/16/07
73. X-Sound Engineering, Inc. Drainage Calculations, received 8/16/07
74. Exhibit B, sheet 1 of 4, Island County Right of Way Plan, received 8/16/07
75. Exhibit B, sheet 2 of 4, Road Approach Design Template, received 8/16/07
76. Exhibit B, sheet 3 of 4, Mailbox Support Type 2, sheet 1 of 2, received 8/16/07
77. Exhibit B, sheet 4 of 4, Mailbox Support Type 2, sheet 2 of 2, received 8/16/07
78. Exhibit C, sheet 1 of 4, Access Connection Permit map, received 8/16/07
79. Exhibit C, sheet 2 of 4, Access Connection Permit map, received 8/16/07
80. Exhibit C, sheet 3 of 4, Access Connection Permit map, received 8/16/07
81. Exhibit C, sheet 4 of 4, Preliminary Site Plan map, received 8/16/07
82. Letter from Marv Pulst, Washington State Department of Transportation to Whidbey Enterprise, LLC, with attached Access Connection Permit, received 8/16/07
83. Re-Record to Correct Easement Legal Description, received 8/16/07
84. Preliminary Site Plan & Project Data, C1 of 7, received 8/16/07
85. Lauren Acres Grading & Erosion Control Plan Proposed Plantings, C2 of 7, received 8/16/07
86. Lauren Acres Grading & Erosion Control Plan C3 of 7, received 8/16/07
87. Lauren Acres Drainage & Utility Plan C4 of 7, received 8/16/07
88. Lauren Acres Drainage & Utility Plan C5 of 7, received 8/16/07
89. Lauren Acres Drainage Profiles C6 of 7, received 8/16/07
90. Lauren Acres Drainage Profiles C7 of 7, received 8/16/07
91. Response to Comments from Geoff Tapert, X-Sound Engineering to Ginger Burgess, dated 8/16/07
92. Memorandum from Ginger Burgess ICP&CD to Bill Poss, Public Works, Aneta Hupfauer, Health & Justin Cravin, Planning, dated 8/20/07
93. Letter from Aneta Hupfauer, Island County Public Health to Ginger Burgess, dated 8/22/07
94. Letter from Bill Poss, Island County Public Works Roads Division to Ginger Burgess, dated 8/24/07
95. Email from Justin Craven to Ginger Burgess, dated 9/11/07
96. Easement for Access & Utilities, dated 9/14/07
97. Memorandum from Ginger Burgess to John Bertrand, Public Works, dated 9/18/07
98. Preliminary Site Plan & Project Data, C1 of 7, dated 9/11/07
100. Lauren Acres Grading & Erosion Control Plan C3 of 7, dated 9/11/07
101. Lauren Acres Drainage & Utility Plan C4 of 7, dated 9/11/07
102. Lauren Acres Drainage & Utility Plan C5 of 7, dated 9/11/07
103. Lauren Acres Drainage Profiles C6 of 7, dated 9/11/07
104. Lauren Acres Drainage Profiles C7 of 7, dated 9/11/07
105. Lauren Acres Site Area Map, dated 9/11/07
106. Draft CC&R’s, received 11/2/07
107. Letter from Aneta Hupfauer, Island County Public Health to Ginger Burgess, dated 9/20/07
108. Letter from Bill Poss, Island County Public Works Roads Division to Ginger Burgess, dated 9/24/07
109. Email from Bill Poss to Ginger Burgess, dated 9/26/07
110. Review Comments from Ginger Burgess to Charles Cook, CAC Land Development, dated 9/27/07
111. Email from Ricky Ford to Ginger Burgess with attached PDF Site Area Map, dated 10/11/07
112. Final Lauren Acres Site Area Map, dated 10/11/07, received 11/02/07
113. Email from Bill Poss to Ginger Burgess, dated 11/02/07
114. Email from Ricky Ford with attached PDF Site Area Map, dated 11/02/07
115. Email from Ginger Burgess to Aneta Hupfauer, dated 11/02/07
116. Final SEPA Threshold Determination, issued 11/07/07
117. Affidavit of Mailing SEPA Threshold Determination, dated 11/07/07
118. Email from Ginger Burgess to Tony Frantz, dated 11/07/07
119. Affidavit of Mailing SEPA Threshold Determination to POR, dated 11/07/07
HEARING TESTIMONY

Ginger Burgess
Island County Planning & Community Development
P.O. Box 5000
Coupeville, WA 98239

Geoff Tapert
X-Sound Engineering
P.O. Box 1265
Freeland, WA 98249

II.

There were public comments on the proposed PRD during the comment period. These comments evidenced a misunderstanding of the Planned Residential Development process in that they thought there was a zoning change involved. In fact the PRD process allows an increased density where lots are clustered. This is a clustered subdivision which is allowed under the Island County Code.
The concerns raised by members of the public have been dealt with by staff. There were no members of the public that testified at the hearing or expressed concern after the comment period ended.

III.

Island County Planning & Community Development has recommended approval of the PRD subject to conditions. The applicant has indicated that there are no objections to any of the conditions of approval with the exception of section A of condition number 25. Staff agreed that condition number 25 should be modified to leave out paragraph A.

The applicant also indicated concern about their ability to have county agencies modify their conditions. The Hearing Examiner indicated that the conditions of approval requiring compliance with county agency requirements should be changed to allow the agency to modify their conditions between preliminary and final approval should the agency determine that is appropriate.

IV.

The Findings of Fact set forth in the Staff Report are supported by the record as a whole. None of the Findings of Fact were contested. The Hearing Examiner hereby adopts the Findings Fact set forth in the Staff Report, a copy of which is attached hereto and incorporated herein by this reference, as the Hearing Examiner’s Findings of Fact herein.

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.

Island County Planning & Community Development has concluded that, subject to their recommended conditions of approval, that the proposed planned unit development is consistent with all of the requirements of the Island County Zoning Ordinance, ICC 17.03; with the requirements of the Type III decision process set forth in ICC 16.19, and with the requirements of all of the other applicable Island County Ordinances, including Health and Public Works. Staff has also concluded that the proposal is consistent with the requirements of RCW 58.17 and that preliminary approval should be granted.

The Island County Hearing Examiner concurs with the Conclusions of Law reached by staff in the attached Staff Report and hereby adopts them as Conclusions of Law herein, by this reference. The Hearing Examiner should grant preliminary approval to the PRD subject to the conditions recommended by staff in the Staff Report, with minor modifications as discussed in the Findings of Fact.

Island County Hearing Examiner
PRD 242/07 CAC Land Development, LLC.
Page 7 of 22
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 preliminary Planned Residential Approval to PRD 242/07, an application for an eight lot clustered Planned Residential Development on approximately 2.52 acres of land zoned Rural. Preliminary PRD approval is granted subject to the following conditions:

1. Compliance with Island County Public Works requirements as specified in the attached comments and conditions dated September 24, 2007, and amended December 3, 2007, unless modified by the Island County Public Works or appealed to the agency with jurisdiction between preliminary and final PRD approval.

2. Compliance with Island County Public Health requirements as specified in the attached comments and conditions dated June 29, 2007, unless modified by the Island County Public Health or appealed to the agency with jurisdiction between preliminary and final PRD approval.

3. Compliance with Island County Critical Areas requirements as specified in the attached comments and conditions dated September 11, 2007, unless modified by Island County Planning & Community Development or appealed to the agency with jurisdiction between preliminary and final PRD approval.

4. Prior to final PRD approval, all site and off-site improvements required as a condition of preliminary approval shall be complete, OR, at the discretion of the Board of Island County Commissioners by recommendation of the Planning Director and County Engineer, shall be bonded for.

5. All utilities installed on-site shall be underground.

6. All proposed development shall comply with the state noise ordinance, air pollution control regulations, water quality standards, and all other pertinent codes and ordinances.

7. Prior to submittal of the Final PRD application, obtain approval of Private Road Name Petitions for the easements involved, and prior to final PRD approval obtain individual addresses for the proposed lots. Pursuant to ICC 14.04, RCW 58.17.280, Ordinance #C-32-96, the addresses must appear on the final plat map and the following standards for posting the address must be followed:

   The property owner shall post the address in a manner that it can be read from the public or private road accessing the addressed property and provide adequate identification of the addressed property in accordance with the following. Addresses shall be posted on the addressed building, with one-half inch (1/2") channel numerals at least five inches (5") in height, in colors contrasting with the background in such manner and location as to be clearly visible from the road. In instances where the main building's posted address is not clearly visible from the road, house numbers shall be visibly posted at one location at a height between four feet (4') and eight feet (8') from road level and anywhere within an arc of 30 feet from the point of intersection of the driveway with the access road, with numerals at least
three inches (3”) high on a contrasting background and visible when traveling in either direction.

8. The following shall appear under Notes on the final plat map:

“Addresses assigned pursuant to RCW 58.17.280 are only approximate. Before, or at, the time of building permit application submittal, an application for address shall be applied for with a plot plan showing the location of the driveway. Only then will a determination be made if the addresses assigned to meet the requirements of RCW 58.17.280 are accurate or if they will need to be changed.”

9. An existing 30-foot easement is shown across the northwest corner of the subject parcel, and is proposed by the applicant to be abandoned. This must be done prior to final PRD approval.

10. On the face of the final map, clearly define the areas dedicated to Open Space.

11. There is a Rural Forest zoned parcel located to the north, within 500 feet of the subject parcel; therefore, compliance with the provisions of ICC 16.25.040 is required. The following declaration must appear on the face of the final plat map:

“Applicant and Applicant’s heirs, legal representatives, assigns, and lessees, hereby acknowledge and agree to accept by the placement of this notice, and the acceptance and recording of this instrument, that 1) The property herein described is situated within five hundred (500) feet of agricultural, forest land, or a surface mining operation, or lands designated mineral lands of long term commercial significance; 2) A variety of commercial activities may occur on these lands that are not compatible with residential development for certain periods of limited duration, and therefore the property may be subject to noise, dust, smoke and odors resulting from harvest, planting, fertilization, waste disposal and pest control associated with permitted agricultural, surface mining or forest practices; 3) For mineral lands these activities may include mining, extraction, screening, washing, crushing, stockpiling, blasting, transporting and recycling of minerals; and 4) These practices, when performed in accordance with County, State and Federal law, shall not be subject to legal action as a public nuisance unless the activity has a substantial adverse effect on the public health and safety. By the recording of this notice, the County does not intend to affect or impair any right to sue for damages under new RCW 7.48.305.

12. In addition to the standard final map requirements, the following shall also appear on the face of the final plat:

A. The complete PRD number and existing parcel number must appear at the top right corner of each sheet of the final plat as follows:

   PLANNED RESIDENTIAL DEVELOPMENT NO. PRD 242/07.R22904-508-3330

B. The name of the subdivision: Lauren Acres

C. (Approved Private Road Name) ________
13. The following shall appear under “Restrictions” on the final map:
   “This PRD herein shown shall be limited to the number of lots proposed; no further subdivision within the PRD shall be allowed.”

14. The following shall appear under “Restrictions” on the final map:
   “The Open Space is to be left in its undisturbed natural state, except for those portions designated for the Community Area and the removal of dead or dying trees that are an immediate threat to fall on power lines, a building or other improvement. The only clearing onsite shall consist of the clearing of the interior lots, lots 1-8, the area designated as the Road tract, and the area within the designated Community Area.”

15. The following shall appear under “Restrictions” on the final map:
   “Any future trails constructed within the designated Open Space areas are restricted to pedestrian use only; no motorized vehicles allowed, except for maintenance purposes only. Maximum width of trails shall be 5 feet.”

16. The following shall appear under “Restrictions” on the final map:
   “During all installation, maintenance, or repair of drainfields in the Open Space, the only clearing, cutting, or removal of vegetation shall be within an area which is the minimum needed to meet Island County Public Health requirements. All other vegetation must remain and meet the Open Space restrictions as noted herein. No clearing, cutting, or removal of vegetation outside the drainfield area shall be allowed.”

17. The following shall appear under “Restrictions” on the final map:
   “Minimum building setbacks shall be as follows: The interior lots 1 through 8 shall have a minimum building setback of twenty (20) feet from the local access road easement that serves those lots and a minimum building setback of five (5) feet from each interior lot boundary. No variances shall be granted to place structures within these setbacks.”

18. Lighting fixtures shall be shielded, hooded and oriented towards the ground so that direct rays of light from the lighting sources are not visible past the property boundaries.

19. All requirements shall be completed and the final plat map must be recorded within five (5) years from the date of this approval.

20. All requirements for Final PRD approval required in ICC 16.06.120 & 130 shall be met. The final PRD shall be consistent with the approved preliminary PRD as modified by conditions of preliminary approval listed in this section.

21. The above requirements are subject to change if proposed lot sizes or any other information provided by the applicant or their authorized representatives proves inaccurate.

22. The total of all property taxes for the year in which the PRD is to receive final approval and any delinquent assessments for which the property may be liable
shall be paid in full to the Island County Treasurer prior to the recording of the final PRD.

23. Upon completion of the above requirements, the applicant shall submit:

   A. The original Final Long Plat application and all required materials, along with three copies.
   B. An original, complete Certificate of Title, formatted to meet the Washington State Recording requirements dated no earlier than 30 days prior to submittal, along with three copies.
   C. Four paper copies of the proposed final PRD.
   D. A signed and notarized statement by the owner that all conditions of preliminary approval have been met.
   E. Established application fees for a Final Plat application.

   Note: The information shall be collated into four, separate, identical packages each to include the above listed items

24. On the final plat map, ALL certification stamps and signatures must be in permanent black ink.

25. The Island County Auditor will only accept the following for recording:

   Sheet size must be 24 x 18 inches. Borders must be 2 inches on the left edge and ½ inch on the top, bottom, and right edges. If any part of a signature, seal, drawing, or any other mark is located in the required borders, the Auditor’s Office will not accept the plat for recording.

Entered this 2nd day of January, 2008, pursuant to authority granted under the laws of the State of Washington and Island County.

________________________________
MICHAEL BOBBINK
Island County Hearing Examiner
APPEAL PROCESS:

PRD

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.
Preliminary Planned Residential Development
Staff Report and Recommendation

Lauren Acres

FILE NUMBER: PRD 242/07

APPLICANT: CAC Land Development, LLC
ASSESSOR’S PARCEL NUMBER: R22904-508-3330

PROPOSAL

CAC Land Development, LLC is requesting Preliminary Approval for an eight (8)-lot Planned Residential Development (PRD) on approximately 20.52 acres of land zoned Rural. The proposed lots range in size between 9,000 square feet and 11,880 square feet. The proposal includes approximately 16.83 acres of open space (82% of the site), with 2.3 acres of the open space (13.7% of the open space) designated as Community Area. The Community Area contains eight (8) drainfields that will serve the septic systems for the lots included in the PRD. The Harbor Hills Water System will provide water to all eight (8) lots.

STAFF FINDINGS & ANALYSIS

1. Project History and Review Process

Prior to the Pre-Application conference for the proposed PRD, there were no permit applications on file with the Department of Planning and Community Development (ICPCD) for the subject parcel. On April 12, 2007, a Pre-Application conference (910/07 PRE) was held for a PRD on Assessors Parcel R22904-508-3330. The conclusion of the Pre-Application conference was that the applicant needed to submit a PRD application and a Preliminary Long Plat (PLP) application. On June 4, 2007, the applicant submitted a PRD application and PLP application with a SEPA. The applications were accepted as complete on June 8, 2007, and had a public comment period of June 20, 2007, to July 5, 2007. Ten public comments were received. Two review letters, dated July 11, 2007, and September 27, 2007, were sent to the
applicant, informing him that additional information was needed to reach a decision. These letters included comments from the Public Works and Public Health Departments. New information was received from the applicant on August 16, 2007, September 14, 2007, and November 2, 2007.

2. Site Description & Consistency Review

a. Location: The parcel is located east of the intersection of SR 525 and Mutiny Bay Road on Whidbey Island, Washington. It is in the NE ¼ of Section 4, Township 29N, Range 2 E, W.M., Assessor’s Parcel No.R22904-508-3330.

b. Site Condition and Size: The parcel is approximately 20.52 acres in size. The site is relatively flat, and is forested with a mix of alders and evergreens with an understory of evergreen huckleberry, sword fern, and salal.

c. Zoning/Type of Land Use Permitted: The subject parcel is zoned Rural (R). Permitted Uses in the Rural zone include single-family residences and accessory uses. Chapter 17.03.060 ICC sets forth a minimum lot size requirement of five (5) acres, with a base density of one (1) dwelling unit per five (5) acres. PRDs are allowed in this zone for parcels 20 acres or larger. PRDs allow for the increase of the allowed base density with a given amount of Open Space.

d. Access: All eight (8) lots will access onto a new road, contained within a 40-foot easement, which will connect to Evergreen Lane, and thence to SR 525. The new road will be private.

e. Surrounding Zoning and Development: The subject parcel is bordered to the north by parcels zoned Rural Forest (RF), and on all other sides by Rural (R) zoned parcels. The surrounding parcels are undeveloped; however, the parcel to the south has recently been short platted into 4 lots.

f. Density of Development: As listed in ICC 17.03.060, the established base density for the Rural zone is one (1) dwelling unit per five (5) acres. According to Chapter 17.03.180.E ICC, the base density can be increased by up to 100% for parcels between 20 and 40 acres in size in the Rural zone, provided that a minimum of 65% of said parcel is dedicated to Open Space. The applicants are proposing the PRD on a 20.52-acre parcel, and dedicating 82% of the parcel as Open Space. For a parcel of this size, the applicants have the opportunity to create up to eight (8) residential lots. The proposed lot sizes are between 9,000 and 11,880 square feet.

g. Natural Features and Critical Areas: Per Island County resources, staff site visits, and documentation submitted by the applicant, the site does not contain any critical areas or endangered species habitat. According to the Soil Conservation Service Soil Survey for Island County, the predominant soil type found on the site is Whidbey gravelly sandy loam (Wb) with 5 to 15 percent slopes. The FEMA flood zone designation for the site is X.

h. Shoreline: The project does not lie within shoreline jurisdiction.
i. **Archaeological Sites**: According to maps provided by the State Office of Archaeology and Historic Preservation, the project is not located on or near an archaeological site.

j. **Historic Districts**: The site is not located within a Historic District.

k. **Accident Potential and/or Noise Zone**: The site is not located within an AICUZ Accident Potential or Noise Zone.

3. **Land Use Controls**

   **Island County Comprehensive Plan, Section IV, Goals and Policies**:

   1. **Rural Lands**. In the Island County Comprehensive Plan, the subject site was located within the Rural Land Use Designation. The established goal of Rural lands is to “Maintain low residential densities to preserve rural character and to provide buffers between urban activities and agricultural and forestry uses.”

   Consistency of the proposal with policy statements for the Rural Lands is achieved as follows:

   i. Minimum parcel size is five (5) acres. The base density is one (1) dwelling unit per five (5) acres. The subject parcel meets the minimum lot size. As for the new lots being created through this proposal, they will be smaller than five (5) acres. The next point below will describe how this is possible.

   ii. Preference shall be given to PRD cluster development consisting of either attached or detached housing in the event subdivision of land occurs. A density bonus should be granted proportional to the size of the PRD and the Open Space Ratio and there are no adverse impacts to critical areas or natural resource conservation areas. The applicants are proposing an eight (8) lot PRD. The lots and roads total 3.69 acres, while the open space totals 16.83 acres, or 82% of the total parcel.

   iii. The proposed land use for the eight (8) lots through the PRD process for single-family homes and 82% Open Space is consistent with the Permitted Uses of Rural lands.

   iv. The development is not near designated Commercial Agriculture lands, so there should be no potential for conflict with and/or conversion of farmland.

   2. **Residential Development**. The established goal of residential development is to “encourage clustered residential development where appropriate. All residential development should preserve the community feel of an area and further the protection of rural character in Island County.”

   Consistency of the proposal with policy statements for Residential Development is achieved as follows:

   i. This proposal reduces the inappropriate conversion of undeveloped land into sprawling, low-density development. Because this PRD is required
to have a certain amount of Open Space and is clustered, the development is not sprawling.

ii. Standards for subdivision and planned residential developments shall encourage clustering and avoid or minimize the adverse impacts to the visual or physical environment while still fostering rural lifestyles and rural character. Said proposal is following a “cluster-type” development plan, and the residences and 82% of the parcel dedicated to Open Space will maintain rural lifestyles and character.

iii. Each lot will utilize individual septic systems and drainfields that will be located within the designated Community Area. Water will be provided to each lot by the Harbor Hills Water System.

Chapter 17.03 Island County Code. The density, lot sizes, and widths are within the standards for lots in the Rural zone.

1. As listed in ICC 17.03.060, the established base density for the Rural zone is one (1) dwelling unit per five (5) acres. For lots, tracts, or parcels twenty acres or larger in size the base density may be increased as specified in ICC 17.03.180.E through the approval of a PRD pursuant to Chapter 16.17 ICC.

2. According to ICC 17.03.180.E ICC, the Density Bonus System is designed to provide incentives for cluster development in order to reserve opportunities for future urban development, provide permanent preservation of open space, critical areas, wildlife habitat and natural lands, and protect agricultural and forest resource lands. For parcels between 20 and 40 acres in size, a density bonus of up to 100% can be obtained when at least 65% of the land is dedicated as open space.

Chapter 16.17 Island County Code.

1. This proposed PRD will not result in a significant adverse environmental impact that cannot be mitigated by reasonable mitigation measures. The proposal will not create adverse environmental impacts.

2. The subject site is physically suitable for the type, density, and intensity of the use being proposed. All departments/agencies have no objection to the proposal; therefore, it has been found that the site is physically suitable for the proposal.

3. The proposal places the eight (8) lots into two (2) separate clusters of four (4) lots each. Clusters are required to be separated from each other by at least 200 feet of open space, and no more than 6 dwelling units can be in a single cluster.

4. The Community Area is proposed to be a cleared area for drainfields for the eight (8) lots only. This area will not exceed 15% of the required amount of open space.

Chapter 11.05 Island County Code. The Check for Adequacy as described in ICC 11.05.030 is performed to ensure the public facilities necessary to support development activities are available and adequate to serve the proposed development. This check is done to ensure appropriate provisions have been made prior to
preliminary approval. The check for adequacy was performed on the public facilities listed in Section 11.05.030.A ICC as follows:

1. Requirements of Chapter 11.03 ICC, the Stormwater and Surface Water Ordinance are addressed in the Island County Engineering Division’s comments dated December 3, 2007.

2. According to a memorandum from Larry Kwarsick dated March 1, 1999, community parks owned and operated by the County are expected to operate within the adopted level of service standards through the year 2020. Therefore, the community parks are assumed to be adequate to serve the proposed development.

3. Requirements of Title 8 – Health, Welfare and Sanitation, concerning potable water supplies and sanitary wastes, are addressed in Island County Public Health comments dated June 29, 2007.

4. The subject site is located within the boundaries of the South Whidbey School District, which has yet to adopt a comprehensive plan which fulfills the requirements of Section 11.05.040.3.C ICC. Therefore, school and school ground facilities are presumed to be adequate to serve the proposal subject to the provisions contained in Section 11.05.040.D.2 ICC.

5. Pursuant to Chapter 11.04 ICC, a Certificate of Transportation Concurrency has been issued for the proposal, confirming that the level of service standards used in the Transportation Concurrency Management Program have been satisfied and that sufficient road capacity exists for the proposal (10902006 CC).

6. Island Transit has yet to adopt a comprehensive plan which fulfills the requirements of Section 11.05.040.03.C ICC. Therefore, transit stops are presumed to be adequate to serve the subject proposal to the provisions contained in Section 11.05.040.D.2 ICC.

Agriculture and Forestry Protection, ICC 16.25. The subject site is situated within 500 feet of property that is zoned Rural Forest, Rural Agriculture or Commercial Agriculture or lands designated as mineral resource lands. The requirements of Chapter 16.25.040 ICC therefore apply to the proposal.

SEPA Review. A Notice that a SEPA Threshold Determination of Non-Significance would likely be issued on the proposal was issued on June 20, 2007. Island County issued a Determination of Non-Significance on November 7, 2007 under WAC 197-11-340. No appeals were filed with this office.

4. Agency Comments

a. Island County Public Works has no objection to the preliminary approval of this subdivision. Comments and conditions for approval are provided in the attached memorandum from Bill Poss dated September 24, 2007, and amended December 3, 2007.
b. Island County Public Health has no objection to the preliminary approval of this subdivision. Comments and Conditions of approval are provided in the attached memorandum from Aneta Hupfauer, dated June 29, 2007.

c. Island County Critical Areas Planner has no objection to the preliminary approval of the subdivision. Comments and conditions of approval are provided in the attached memorandum from Justin Craven dated September 11, 2007.

5. Public Comments

Ten written public comments were received during the comment period that ran from June 20, 2007, to July 5, 2007. The reasons for opposition ranged from the impact of the higher-density development on a rural setting to drainage and environmental issues. These concerns are addressed by standards and requirements that the various County departments set forth. Several comments referenced previous wetland violations, in which the subject parcel was not involved. Another concern and cause for confusion was over changing of the zoning and the base density of the parcel. The proposal is not to rezone the subject parcel, nor to change the base density, but to make use of a density bonus in exchange for using clustered development and setting aside Open Space.

CONCLUSIONS

1. The application was accepted and reviewed as a Type III Decision according to the timeframes and process established in ICC 16.19.

2. The staff of Island County Public Health, Engineering, and Planning and Community Development evaluated the proposed project for compliance with Titles 8, 11, 13, and 17 and with Chapters 16.06, 16.14C and 16.19 of the Island County Code. Other county and/or state agencies were consulted as appropriate. Public Health comments and requirements are described in the attached memorandum from Aneta Hupfauer, dated June 29, 2007. Public Works comments and requirements are described in the attached memorandum from Bill Poss, dated September 24, 2007, and amended December 3, 2007. Comments and requirements from Island County’s Critical Areas Planner are contained in the attached memorandum from Justin Craven dated September 11, 2007. Other Planning and Community Development comments and requirements are described in this Staff Report.

   B. A Determination of Consistency was performed according to ICC 16.19.100. Upon conformance with the conditions of approval, the proposed subdivision will be consistent with the adopted Island County standards for lot size, density, land use, roads, drainage facilities, proposed method of waste disposal and system of water supply as required.

   B. A Check for Adequacy was performed according to ICC 11.05. Appropriate provisions have been made for specified public facilities and the proposal complies with the adopted level of service standards for drainage ways, community parks, potable water supplies, sanitary waste disposal, schools, streets and transit stops.
C. Upon conformance with the conditions of approval, the proposed subdivision will conform to the requirements of Chapters 16.04, 16.06, and 16.17 ICC and Chapter 58.17 RCW.

RECOMMENDATION

Based on the foregoing Findings, Analysis and Conclusions, the Department of Planning and Community Development recommends approval of the Planned Residential Development, PRD 242/07, submitted by CAC Land Development, LLC, proposing to develop one (1) parcel (R22904-508-3330) totaling 20.52 acres into eight (8) residential lots, and 83% of the parcel into Open Space, subject to the following conditions:

2. Compliance with Island County Public Health requirements as specified in the attached comments and conditions dated June 29, 2007.
3. Compliance with Island County Critical Areas requirements as specified in the attached comments and conditions dated September 11, 2007.
4. Prior to final PRD approval, all site and off-site improvements required as a condition of preliminary approval shall be complete, OR, at the discretion of the Board of Island County Commissioners by recommendation of the Planning Director and County Engineer, shall be bonded for.
5. All utilities installed on-site shall be underground.
6. All proposed development shall comply with the state noise ordinance, air pollution control regulations, water quality standards, and all other pertinent codes and ordinances.
7. Prior to submittal of the Final PRD application, obtain approval of Private Road Name Petitions for the easements involved, and prior to final PRD approval obtain individual addresses for the proposed lots. Pursuant to ICC 14.04, RCW 58.17.280, Ordinance #C-32-96, the addresses must appear on the final plat map and the following standards for posting the address must be followed:

   The property owner shall post the address in a manner that it can be read from the public or private road accessing the addressed property and provide adequate identification of the addressed property in accordance with the following. Addresses shall be posted on the addressed building, with one-half inch (1/2”) channel numerals at least five inches (5”) in height, in colors contrasting with the background in such manner and location as to be clearly visible from the road. In instances where the main building's posted address is not clearly visible from the road, house numbers shall be visibly posted at one location at a height between four feet (4’) and eight feet (8’) from road level and anywhere within an arc of 30 feet from the point of intersection of the driveway with the access road, with numerals at least three inches (3”) high on a contrasting background and visible when traveling in either direction.

8. The following shall appear under Notes on the final plat map:

   “Addresses assigned pursuant to RCW 58.17.280 are only approximate. Before, or at, the time of building permit application submittal, an application
for address shall be applied for with a plot plan showing the location of the
driveway. Only then will a determination be made if the addresses assigned to
meet the requirements of RCW 58.17.280 are accurate or if they will need to
be changed.”

9. An existing 30-foot easement is shown across the northwest corner of the subject
parcel, and is proposed by the applicant to be abandoned. This must be done prior
to final PRD approval.

10. On the face of the final map, clearly define the areas dedicated to Open Space.
11. There is a Rural Forest zoned parcel located to the north, within 500 feet of the
subject parcel; therefore, compliance with the provisions of ICC 16.25.040 is
required. The following declaration must appear on the face of the final plat map:

“The Applicant and Applicant’s heirs, legal representatives, assigns, and lessees,
hereby acknowledge and agree to accept by the placement of this notice, and
the acceptance and recording of this instrument, that 1) The property herein
described is situated within five hundred (500) feet of agricultural, forest land,
or a surface mining operation, or lands designated mineral lands of long term
commercial significance; 2) A variety of commercial activities may occur on
these lands that are not compatible with residential development for certain
periods of limited duration, and therefore the property may be subject to noise,
dust, smoke and odors resulting from harvest, planting, fertilization, waste
disposal and pest control associated with permitted agricultural, surface
mining or forest practices; 3) For mineral lands these activities may include
mining, extraction, screening, washing, crushing, stockpiling, blasting,
transporting and recycling of minerals; and 4) These practices, when
performed in accordance with County, State and Federal law, shall not be
subject to legal action as a public nuisance unless the activity has a substantial
adverse effect on the public health and safety. By the recording of this notice,
the County does not intend to affect or impair any right to sue for damages
under new RCW 7.48.305.

12. In addition to the standard final map requirements, the following shall also appear
on the face of the final plat:

D. The complete PRD number and existing parcel number must appear at the
top right corner of each sheet of the final plat as follows:

PLANNED RESIDENTIAL DEVELOPMENT NO. PRD
242/07.R22904-508-3330

E. The name of the subdivision: Lauren Acres
F. (Approved Private Road Name) ________

13. The following shall appear under “Restrictions” on the final map:

“This PRD herein shown shall be limited to the number of lots proposed; no
further subdivision within the PRD shall be allowed.”

14. The following shall appear under “Restrictions” on the final map:
“The Open Space is to be left in its undisturbed natural state, except for those portions designated for the Community Area and the removal of dead or dying trees that are an immediate threat to fall on power lines, a building or other improvement. The only clearing onsite shall consist of the clearing of the interior lots, lots 1-8, the area designated as the Road tract, and the area within the designated Community Area.”

15. The following shall appear under “Restrictions” on the final map:
   “Any future trails constructed within the designated Open Space areas are restricted to pedestrian use only; no motorized vehicles allowed, except for maintenance purposes only. Maximum width of trails shall be 5 feet.”

16. The following shall appear under “Restrictions” on the final map:
   “During all installation, maintenance, or repair of drainfields in the Open Space, the only clearing, cutting, or removal of vegetation shall be within an area which is the minimum needed to meet Island County Public Health requirements. All other vegetation must remain and meet the Open Space restrictions as noted herein. No clearing, cutting, or removal of vegetation outside the drainfield area shall be allowed.”

17. The following shall appear under “Restrictions” on the final map:
   “Minimum building setbacks shall be as follows: The interior lots 1 through 8 shall have a minimum building setback of twenty (20) feet from the local access road easement that serves those lots and a minimum building setback of five (5) feet from each interior lot boundary. No variances shall be granted to place structures within these setbacks.”

18. Lighting fixtures shall be shielded, hooded and oriented towards the ground so that direct rays of light from the lighting sources are not visible past the property boundaries.

19. All requirements shall be completed and the final plat map must be recorded within five (5) years from the date of this approval.

20. All requirements for Final PRD approval required in ICC 16.06.120 & 130 shall be met. The final PRD shall be consistent with the approved preliminary PRD as modified by conditions of preliminary approval listed in this section.

21. The above requirements are subject to change if proposed lot sizes or any other information provided by the applicant or their authorized representatives proves inaccurate.

22. The total of all property taxes for the year in which the PRD is to receive final approval and any delinquent assessments for which the property may be liable shall be paid in full to the Island County Treasurer prior to the recording of the final PRD.

23. Upon completion of the above requirements, the applicant shall submit:
   A. The original Final Long Plat application and all required materials, along with three copies.
B. An original, complete Certificate of Title, formatted to meet the Washington State Recording requirements dated no earlier than 30 days prior to submittal, along with three copies.

C. Four paper copies of the proposed final PRD.

D. A signed and notarized statement by the owner that all conditions of preliminary approval have been met.

E. Established application fees for a Final Plat application.

Note: The information shall be collated into four, separate, identical packages each to include the above listed items

24. On the final plat map, ALL certification stamps and signatures must be in permanent black ink.

25. The Island County Auditor will only accept the following for recording:

   A. Permanent black ink on paper or linen, photo mylar with a fixed silver halide base and permanent black ink on mylar when the ink is coated with a suitable substance to assume permanent legibility. They will not accept under any circumstance: Diazo mylar, linen with an image produced by a dry electrostatic process, mylars with an image produced by a dry electrostatic process, or taped down edges.

   B. Sheet size must be 24 x 18 inches. Borders must be 2 inches on the left edge and ½ inch on the top, bottom, and right edges. If any part of a signature, seal, drawing, or any other mark is located in the required borders, the Auditor’s Office will not accept the plat for recording.

This Staff Report and Recommendation was prepared by:

______________________________________________

Ginger Burgess, Assistant Planner December 18, 2007

Attachments:

Memorandum from Island County Public Works, dated September 24, 2007, amended December 3, 2007
Memorandum from Island County Public Health, dated June 29, 2007
Memorandum from Island County Planning and Community Development Critical Areas Planner, dated September 11, 2007
Final Long Plat Application

cc: CAC Land Development, LLC
Aneta Hupfauer, Island County Public Health
Bill Poss, Island County Public Works
Parties of Record
Michael Bobbink, Hearing Examiner
File PRD 242/07