APPLICATION: Perri Dong and Helen Chen seek preliminary plat approval for the subdivision of three parcels totaling 10.49 acres into twelve (12) residential lots. The subject parcel is zoned Rural Residential (RR) and is located in the Holmes Harbor Rural Area of More Intensive Rural Development (RAID). The proposal will result in a project density of just over one dwelling unit per acre. The size of the proposed lots range from 0.19 acres to 0.45 acres. A Category A wetland exists within the western half of the subject properties. The parcels are also within a critical drainage area. The parcels are located on the western side of Birdsong Place, entirely around Lawrence Lane, and north of Reindeer Road. Each lot within the plat will be served by the Holmes Harbor Sewer District. The Harbor Hills Community Water Company will provide water to all 12 lots.

DECISION: Preliminary long plat approval is granted to the applicants subject to the conditions recommended by staff in the staff report.

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 January 18, 2007.

I.

PRELIMINARY INFORMATION

Applicant: Perri Dong & Helen Chen

Property Location: Located on the western side of Birdsong Place, entirely around Lawrence Lane, and along the north side of Reindeer Road in Freeland, Washington in the NW Part of Section 3, Township 29N., Range 2E., W.M., Assessor’s Parcel Nos. S7165-08-0000E-3, S7165-08-0000E-4, S7165-08-0000E-5.
Applicable Ordinances, Statutes and Regulations: Island County
Comprehensive Plan, Chapter 17.03 ICC, Chapter 16.06 ICC, Chapter 11.05
ICC

SEPA: A Mitigated Determination of Non-Significance was issued by Island
County on November 7, 2006.

Publication: South Whidbey Record – January 3, 2007

Mailing of Notice to Applicant: December 12, 2006

Sign Posted: July 19, 2006

Mailing of Staff Report: January 8, 2007

Date of Application: June 27, 2006

Hearing Date: January 18, 2007

Exhibit Log:

1. Staff Report
2. Hidden View Long Plat-Civil Improvements Plans, Drainage & Tesc Plan,
   Sewer Service Plan, Water Service Plan
3. Pre-application Conference (PRE) Applications dated 2/3/05
4. Ltr dated 2/7/05 from Cindy White, Island County Planning & Community
   Development , to Larry Kwarsick, Agent
5. Request for comment dated 2/8/05
6. Memorandum dated 3/4/05 from Justin Craven, Critical Area Planner, to Mike
   Kershner, Land Use Planner
7. Pre-Application Meeting Sign in sheet dated 3/10/05
8. Quarter Section map
9. Parcel information sheet
10. Parcel Summary Report
11. Account Summary Snapshot
12. Ltr dated 3/10/05 from Bill Poss, Public Works Development Coordinator, to
    Mike Kershner
13. Ltr dated 3/10/05 from Mike Kershner, to Larry Kwarsick
14. Memo dated 3/10/05 from Anathalie Dawkins, Island County Health
    Department, to Dick Gleason & Larry Kwarsick
15. Special Power of Attorney and notice of compliance with APR-12 from Helen
    Chen, to Kathy Nelson, South Island Escrow, dated 4/1/05
16. Plat Map dated 1/24/06
17. Land Development permit application dated 6/27/06
18. Fifteen photos of subject site
19. Drainage Narrative dated as received 6/27/06
20. Environmental Checklist dated 6/27/06
21. Ltr dated as received 6/27/06 from Ken Ecklebarger, Holmes Harbor Sewer District, to Anathalie Dawkins, Island County Health Department, attaching 12 sewer hookups
22. Certificate of Transportation Concurrency dated as received 6/27/06
23. Transportation Impact Study dated as received 6/27/06
24. Email correspondence between Jeff Tate and Larry Kwarsick dated as received 6/27/06
25. Notice of complete application dated 7/7/06
26. Request for comment dated 7/7/06
27. Affidavit of Mailing public notice to contact person dated 7/7/06
28. Affidavit of Mailing public notice to property owners within 300 feet dated 7/14/06
29. Memo dated 7/14/06 from Bill Poss, to Ryan Morrison, Island County Planning & Community Development
30. Affidavit of Posting Public Notice Sign dated 7/19/06
31. Notice of Application with SEPA dated 7/19/06
32. Affidavit of Publication dated 7/19/06
33. Memo dated 7/26/06 from Aneta Hupfauer, Island County Health Department, to Ryan Morrison
34. Memorandum dated 7/26/06 from Justin Craven, to Ryan Morrison
35. Fax dated 8/11/06 from Jennifer & Andrew Perrin, to Island County Planning & Community Development
36. Ltr dated 8/16/06 from Ryan Morrison, to Larry Kwarsick
37. Ltr dated 10/10/06 from Rob Hallbauer, Hallbauer Consulting LLC, to Quin Clements, P.E.
38. Ltr dated 10/26/06 from Quin Clements, Davido Consulting Group, Inc., to Bill Poss, Island County Public Works Development Coordinator
39. Ltr dated 11/3/06 from Bill Poss, to Ryan Morrison
40. Final SEPA Threshold Determination dated 11/7/06
41. Ltr dated 12/12/06 from Pam Dill, to Larry Kwarsick, Sound Planning Services
42. Memorandum dated 1/9/07 from Ryan Morrison, to Michael Bobbink, attaching comments from Jennifer & Andrew Perrin
43. Hidden View Long Plant, Drainage & Utility Plans, C01 – C05

HEARING TESTIMONY

Larry Kwarsick
PO Box 581
Langley WA 98260

Ryan Morrison
Island County Planning & Community Development
PO Box 5000
Coupeville WA 98239
II.

The applicants are seeking to divide three adjacent parcels into twelve (12) residential lots. The subject parcel is zoned Rural Residential and is located in the Holmes Harbor Rural Area of More Intensive Development (RAID). Island County Planning & Community Development has reviewed the proposal and has submitted their Findings of Fact and a Recommendation that the Hearing Examiner grant approval to the proposed subdivision. The staff's findings and recommendation are contained in the staff report, Exhibit #1 in the Hearing Examiner file.

There was no testimony from members of the public at the hearing. Staff indicated no changes in the staff report. The applicant's representative indicated that both he and the applicant had reviewed the staff report, that they found no factual inaccuracies in the staff report and that they had no objection to any of the conditions of approval recommended by staff.

The Hearing Examiner hereby adopts the Findings of Fact and Conclusions of Law set forth in the staff report by this reference. A copy of the staff report is attached hereto. The Hearing Examiner has reviewed the file and concludes that the facts set forth in the staff report are accurate and that the applicant is entitled to preliminary long plat approval.

III.

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.

Preliminary long subdivision approval is a Type III decision which requires a public hearing before the Hearing Examiner. This application was processed in a proper manner and went to hearing before the Hearing Examiner on January 18, 2007. Proper public notices have been given.

II.

Island County Planning & Community Development has recommended approval of the proposed subdivision subject to conditions. Island County Planning & Community Development has concluded that the proposed subdivision, if developed in accordance with the recommended conditions contained in the staff report, including the conditions of Island County Health and Engineering, the proposed subdivision will be consistent with the applicable provisions of the Island County Code, and with requirements of RCW 58.17.
Examiner concludes that subject to the conditions of approval recommended by staff in the staff report the proposed subdivision will be in the public interest, will meet all of the requirements of RCW Chapter 58.17 and will meet the requirements of the Island County Code, including Titles 11, 8, 13, and with Chapter 16.06, 16.14C, and 16.19. The Hearing Examiner should grant preliminary long plat approval subject to the conditions recommended by Island County Planning & Community Development.

III.

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

Based on the forgoing Findings of Fact and Conclusions of Law the Island County Hearing Examiner hereby grants preliminary long plat approval to PLP 272/06, proposing subdivision of three (3) parcels into twelve (12) residential lots, subject to the following conditions:

1. Compliance with Island County Public Works requirements as specified in the comments and conditions dated November 3, 2006.

2. Compliance with Island County Health Department requirements as specified in the comments and conditions dated July 26, 2006.

3. Compliance with Island County Critical Areas Planning requirements as specified in the comments and conditions dated July 26, 2006.

4. Prior to final plat 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. Pursuant to ICC 14.04, RCW 58.17.280, Ordinance #C-32-96, the following addresses were issued for the proposed lots and must appear on the final long plat map as follows:

   Lot 1: 4814 Birdsong Place       Lot 7: 4813 Lawrence Lane
<table>
<thead>
<tr>
<th>Lot 2: 4826 Birdsong Place</th>
<th>Lot 8: 4809 Lawrence Lane</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 3: 4829 Lawrence Lane</td>
<td>Lot 9: 4805 Lawrence Lane</td>
</tr>
<tr>
<td>Lot 4: 4825 Lawrence Lane</td>
<td>Lot 10: 4812 Lawrence Lane</td>
</tr>
<tr>
<td>Lot 5: 4821 Lawrence Lane</td>
<td>Lot 11: 4808 Lawrence Lane</td>
</tr>
<tr>
<td>Lot 6: 4817 Lawrence Lane</td>
<td>Lot 12: 4848 Reindeer Road</td>
</tr>
</tbody>
</table>

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

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

```plaintext
LONG PLAT NO. PLP 272/06.S7165-08-0000E-3
            S7165-08-0000E-4
            S7165-08-0000E-5
```

B. The name of the subdivision: **Plat of Hidden View**

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

“Lot size averaging was used in accordance with Chapter 17.03.070 ICC to create lots that are smaller than the required minimum lot size. No lots in this subdivision may be further divided.”

10. The category A wetland and its associated 100-foot buffer must be surveyed onto the face of the final plat. The following language shall appear under “Restrictions” on the final plat.
“The regulated category A wetland and its associated 100 foot buffer as shown hereon shall be maintained in its natural, undisturbed state unless otherwise authorized by Island County. Any alteration to wetlands, streams or their buffers is prohibited, including removal of trees, brush or other vegetation; construction of accesses, bridges or trails; installation of utilities, including wells and septic systems and their lines; and any excavation, clearing, or fill.”

11. All requirements shall be completed and the Final Plat mylar must be recorded within five (5) years from the date of this approval.

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

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

14. The total of all property taxes for the year in which the plat 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 plat.

15. 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.
   C. Four paper copies of the proposed final plat.
   D. Four paper copies of the proposed final plat alteration.
   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.

16. On the final mylar, ALL certification stamps and signatures must be in permanent black ink.

17. `The Island County Auditor will only accept the following for recording:
A. Permanent black ink on 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.

Entered this 24th day of January, 2007, pursuant to authority granted under the laws of the State of Washington and Island County.

______________________________
MICHAEL BOBBINK
Island County Hearing Examiner

APPEAL PROCESS:

PLP

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.