SUMMARY OF APPLICATION AND DECISION

APPLICATION: The applicant is requesting preliminary approval for an 11 lot Planned Residential Development (PRD) on approximately 30 acres of land zoned Rural. The lots would range in size from 0.69 acres to 1.05 acres. The proposal would include approximately 21 acres of open space (70% of the site) with 3.15 acres of open space (15% of open space) designated as Community Area. The Community Area would include a drainage pond and be used for family recreational uses only. Individual septic systems with drainfields will serve as septic disposal for the lots included in the PRD. Each lot will obtain water from Camano Hills Water District.

DECISION: Planned Residential Development approval is granted subject to conditions.

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 April 19, 2007.

I.

PRELIMINARY INFORMATION

Applicant: TMCK Camano LLC

Property Location: 798 Arrowhead Road, in the NE ¼ of Sec. 30, Twp. 32N., R3E., Assessor’s Parcel #R33230-435-4610

Applicable Ordinances, Statutes and Regulations: Chapter 17.03 ICC, Chapter 16.17 ICC, Chapter 11.05 ICC.
SEPA: A Determination of Non-significance was issued by Island County on February 22, 2007.

Publication: Stanwood/Camano News – April 3, 2007

Mailing of Notice to Applicant: March 20, 2007

Sign Posted: November 28, 2006

Mailing of Staff Report: March 9, 2007

Date of Application: November 16, 2006

Hearing Date: April 19, 2007

Exhibit Log: EXHIBIT LOG

PRD 473/06

1. Staff Report
2. Preliminary 11-Lot PRD Maps, Sheet 1, Cover sheet, Sheet 2, Existing Conditions, Clearing & Tesc Plan, Sheet 3, Tesc Specifications & Details, Sheet 4, Overall Plat Dimension and Layout Plan, Sheet 5, Overall Utility Plan, Sheet 6, Road A Plan and Profile, Sheet 7, Road A Plan and Profile, Sheet 8, Road A Plan and Profile, Sheet 9, Road B Plan and Profile, Sheet 10, Construction Details
3. Pre-Application Conference application dated 6/30/06
4. Site Registration C06-501 dated 6/23/06
5. Ltr dated 6/27/06 from Vince Muscolo, Agent, to Island County Planning & Community Development
6. Site Plan dated 6/30/06
7. Vacant land purchase and sale agreement dated as received 6/30/06
8. List of 19 properties within 300 feet of subject parcel
9. Quarter Section Map
10. Parcel Summary Report
11. Vicinity map
12. Certificate of Transportation Concurrency
13. Request for comment dated 7/7/06
14. Memorandum dated 7/26/06 from Justin Craven, Critical Areas Planner, to Andrew Hicks, Land Use Planner
15. Memorandum dated 7/26/06 from John Bertrand, Development Coordinator, to Andrew Hicks
16. Ltr dated 7/27/06 from Andrew Hicks, to Vince Muscolo – Pre-Application #942/06 staff comments
17. Ltr dated 7/27/06 from Aneta Hupfauer, Island County Health Department, to Vince Muscolo
18. Wetland Biological Site Assessment, by Robin Roundtree, Avian LLC, dated August 2006
19. Email correspondence dated 9/6/06 between John Bertrand and Tammy Zempel, Sound Development Group, LLC
20. Email correspondence dated 10/3/06 between John Bertrand and Tammy Zempel, Sound Development Group, LLC
21. Ltr dated 11/1/06 from Vince Muscolo to Island County Planning & Community Development
22. Ltr dated 11/2/06 from Tammy Zempel, Civil Technician, Sound Development Group, LLC
24. Environmental Checklist dated 11/6/06
25. Letter of Transmittal dated 11/8/06 from Tammy Zempel, Sound Development Group, attaching site plan showing soil long locations
26. Notice of complete application dated 11/17/06
27. Request for comment dated 11/17/06
28. Affidavit of Posting the Public Notice Sign dated 11/28/06
29. Notice of Application with SEPA dated 11/28/06
30. Affidavit of Publication dated 11/28/06
31. Ltr dated 11/30/06 from Vince Muscolo, to Andrew Hicks
32. Memo dated 12/20/06 from Aneta Hupfauer, Island County Health Department, to Andrew Hicks
33. Memo dated 12/21/06 from John Bertrand, Development Coordinator, to Andrew Hicks
34. Ltr dated 12/28/06 from Andrew Hicks, to Vince Muscolo
35. Ltr dated 1/29/07 from Vince Muscolo, to Andrew Hicks
36. Memo dated 2/8/07 from Aneta Hupfauer, Island County Health Department, to Andrew Hicks
37. Email correspondence, dated 2/12/07, between Tammy Zempel, Sound Development Group, LLC and John Bertrand, Development Coordinator
38. Ltr dated 2/13/07 from Vince Muscolo, to John Bertrand
39. Letter of Transmittal dated as received 2/21/07 attaching: a revised Sheet 7 or 10 – Road A Plan & Profile
40. Ltr dated 2/22/07 from John Bertrand, to Andrew Hicks
41. Final SEPA Threshold Determination dated 2/22/07

HEARING TESTIMONY

Andrew Hicks
Island County Planning & Community Development
PO Box 5000
Coupeville WA 98239

Vince Muscolo
1225 E Sunnyshore Drive
II.

A public hearing was held on this matter on April 19, 2007 on Camano Island. Island County Planning & Community Development staff indicated no changes or additions to the staff report with the exception of a name change for the PRD. The agent for the applicant indicated that they had reviewed the staff report and concurred with all of its recommendations.

There was no public comment on the matter. The Hearing Examiner has reviewed the file herein. The Findings of Fact contained within the staff report are supported by the record as a whole and are hereby adopted as Findings of Fact herein, by this reference. A copy of the staff report, Exhibit #1 in the Hearing Examiner file, is attached hereto.

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.

Island County Planning & Community Development has reviewed the proposal and has entered Conclusions in the staff report, a copy of which is attached hereto. The Conclusions of Law reached by staff are hereby adopted by the Hearing Examiner as Conclusions of Law herein.

II.

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

Preliminary Planned Residential Development approval is granted to PRD 473/06, granting preliminary approval to the proposed development of Parcel #R33230-435-4610 into eleven (11) residential lots with 70% of the parcel in open space, subject to the following conditions:

1. Compliance with Island County Public Works requirements as specified in the comments and conditions dated February 22, 2007.
2. Compliance with Island County Health Department requirements as specified in the comments and conditions dated February 8, 2007.

3. 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.

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

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

6. Prior to submittal of the Final PRD application, obtain approval of (1) a Private Road Name Petition (attached) and (2) 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 PRD 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.

7. On the face of the final map, please clearly define the areas dedicated to open space with tract labels (i.e. Tract A: Open Space, Tract B: Community Area, etc.) and include the tract area.

8. The preliminary plat map shows a 50 foot setback from the outer boundary line of the PRD and a 5 foot setback from each interior lot boundary line. However, the final PRD map shall also show a 20 foot setback from the local access road easement which serves lots 1-11.

9. 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 number must appear at the top right corner of each sheet of the final plat as follows:

**PLANNED RESIDENTIAL DEVELOPMENT NO. PRD 473/06.R33230-435-4610.**

B. The name of the Planned Residential Development: **Highland View Estates**

10. The following shall appear under *Restrictions* on the final PRD:

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

11. The following shall appear under *Restrictions* on the final PRD:

“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 1-11, and the area within the designated Community Area.”

12. The following shall appear under *Restrictions* on the final PRD:

“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.”

13. The following shall appear under *Restrictions* on the final PRD:

“The Community Area shall be restricted to family recreational use and a community drainage facility only. No horses or motor vehicles (other than those necessary for maintenance) are permitted within this area.

14. The following shall appear under *Restrictions* on the final PRD:

“Minimum building setbacks shall be as follows: The interior lots 1 through 11 shall have a minimum building setback of twenty (20) feet from the local access road easement that serves these lots and a minimum building setback of five (5) feet from each interior lot boundary. Lots 1 through 11 shall also have a building setback of fifty (50) from the outer boundary line of the PRD as shown on this map. No variances shall be granted to place structures within these setbacks.”

15. 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.
16. All requirements shall be completed and the Final PRD Mylar must be recorded within five (5) years from the date of this approval.

17. 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.

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

19. 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.

20. Upon completion of the above requirements, the applicant shall submit:
   
   i. The original Final PRD application and all required materials, along with three copies.
   
   ii. An original, complete Certificate of Title formatted to meet the Washington State Recording requirements dated no earlier than 30 days prior to submittal.
   
   iii. Four paper copies of the proposed final PRD.
   
   iv. A signed and notarized statement by the owner that all conditions of preliminary approval have been met.
   
   v. Established application fees for a Final PRD application.

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

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

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

   1. Permanent black ink on linen, photo mylar, or paper 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.

   2. 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 26th day of April, 2007, 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;