ISLAND COUNTY HEARING EXAMINER

RE: Site Plan Review ) File No. SPR 435/06
Applicant: Holmes Harbor ) FINDINGS OF FACT
Sewer District ) CONCLUSIONS OF LAW

SUMMARY OF APPLICATION AND DECISION

APPLICATION: The Holmes Harbor Sewer District is requesting site plan approval for the proposed construction of a two (2) million gallon water storage pond on a five (5) acre site zoned Rural.

DECISION: Site Plan 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 March 1, 2007.

I.

PRELIMINARY INFORMATION

Applicant: Holmes Harbor Sewer District

Property Location: Located along the west side of Tyler Lane, approx 1,900 feet east of the intersection of Wild Coyote Run and SR 525, in the NE ¼ of Sec. 4, Twp. 29N., R2E., W.M. Assessor’s Parcel #R22904-284-4300.

Applicable Ordinances, Statutes and Regulations: Chapter 17.03, Zoning Ordinance; Chapter 17.02, Critical Areas, Chapter 16.15, Site Plan Review Ordinance; Chapter 16.19, Land Use Review Process, and Chapter 16.14C, County Environmental Policy.

SEPA: A Determination of Non-Significance was issued on May 15, 2006 by Holmes Harbor Sewer District.

Publication: February 21, 2007 South Whidbey Record/Whidbey News Times
Mailing of Notice to Applicant: February 6, 2007

Sign Posted: November 3, 2006

Mailing of Staff Report: February 20, 2007

Date of Application: October 27, 2006

Hearing Date: March 1, 2007

Exhibit Log:

1. Staff report
2. Ltr dated 6/8/06 from Rodney Langer, P.E., CHS Engineers, LLC
3. Pre-Application Conference Application, PRE# 922/06, dated as received 6/9/06
4. Wetland Stream Reconnaissance, from Bill Cantrell, Cantrell & Associates, Inc. dated as received 6/9/06
5. Geotechnical and Geologic Consultation from GeoEngineers, dated as received 6/9/06
6. Community Meeting Summary dated as received 6/9/06
7. Request for Comment dated 6/23/06
8. Parcel Information
9. Quarter Section Map
10. Memo dated 7/12/06 from Aneta Hupfauer, Island County Health Department, to Rodney Langer, CHS Engineers, LLC
11. Memo dated 7/13/06 from Bill Poss, Public Works Development Coordinator, to Andrew Hicks, Island County Planning & Community Development
12. Pre-Application #922/06 Staff Comments dated 7/13/06
13. Ltr dated 9/6/06 from Rodney Langer, to Andrew Hicks
14. Email correspondence between Andrew Hicks and Rodney Langer dated 9/7/06
15. Email correspondence between Andrew Hicks and Rodney Langer dated 9/19/06
16. Ltr dated 10/11/06 attaching the Land Development and Site plan review application, with attachments
17. Ltr dated 10/11/06 attaching Environmental Checklist and SEPA DNS.
18. Notice of complete application dated 10/27/06
19. Request for Comment dated 10/27/06
20. Memo dated 11/2/06 from Aneta Hupfauer, Island County Health Department, to Andrew Hicks
21. Affidavit of Posting the Public Notice Sign dated 11/3/06
22. Affidavit of Publication dated 11/8/06
23. Notice of Application with SEPA
24. Fax dated 11/16/06 transmitting access easement between the end of Antelope Drive and the District property and the geotechnical report
The Holmes Harbor Sewer District is requesting site plan approval for the construction of a two (2) million gallon lined pond to be used for the temporary storage of partially treated or Class A reclaimed water. The pond will be connected to existing waste water treatment facilities.

Island County Planning & Community Development has recommended site plan approval subject to seven (7) conditions. The factual findings and conclusions of staff are set forth in the staff report, Exhibit #1 in the Hearing Examiner file, a copy of which is attached hereto.
The applicant has indicated that the factual findings in the staff report are accurate and that the applicant has no objection to any of the recommended conditions of approval.

There was no public comment at the public hearing on this matter. The Hearing Examiner has reviewed the file herein and concludes that the Findings of Fact reached by staff are supported by the record as a whole and these findings are hereby adopted by the Hearing Examiner, by this reference.

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.

The requested water storage pond to be utilized for waste water treatment can be approved in the Rural zone if it is consistent with the site plan review criteria of ICC 16.15. The Hearing Examiner concludes that the proposed application, subject to the conditions recommended by staff in Exhibit 1, will be consistent with the site plan review criteria and that site plan approval should be granted.

II.

All County agencies with jurisdiction have recommended approval subject to conditions. Approval of the site plan review subject to staff’s recommended conditions will make the proposal consistent with applicable portions of the Island County Code, including the Zoning Ordinance, Critical Areas Ordinance, Land Use Review Process, and County Environmental Policy.

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

Site Plan approval is hereby granted to the Holmes Harbor Sewer District approving the proposed construction of a lined two (2) million gallon water storage pond, to be used for waste water treatment, on Assessor’s Parcel #R22904-248-4300, subject to the following conditions:
1. The uses on the site shall be limited to a 2 million gallon storage pond with associated maintenance road, drainage controls, and security fence, as shown on the site plan.

2. All development shall be in conformance with the approved Site Plan Review and conditions of approval unless they are amended in conformance with Section 16.15.130 ICC. Any changes or expansions to the use of the site shall require the review of a site plan amendment that will include but not be limited to a new traffic analysis and parking plan.

3. Compliance with all conditions of the Island County Engineering Division as specified in the memorandum dated January 2, 2007 from Bill Poss.

4. Compliance with all conditions of the Island County Health Department as specified in the memorandum dated January 8, 2007 from Aneta Hupfauer. (Omitted on the recommendation of staff.)

5. A Building Permit is required prior to construction of fences over six feet in height and signs.

6. Prior to any timber harvest or removal, the applicant shall obtain any required Forest Practices permit from Washington Department of Natural Resources.

7. Future installation and extension of power to the site shall be underground.

8. Prior to installation of any signs, a detailed Sign Plan and building permit application for the sign shall be submitted for review. Colors should be made to match colors in the proposed building.

Entered this 7th day of March, 2007, pursuant to authority granted under the laws of the State of Washington and Island County.

________________________________
MICHAEL BOBBINK
Island County Hearing Examiner
APPEAL PROCESS:

SPR

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.