SUMMARY OF APPLICATION AND DECISION

APPLICATION: The applicant is requesting Preliminary Approval for a sixteen (16) lot Planned Residential Development (PRD) on approximately 39.61 acres of land zoned Rural. The proposed lots range in size between 21,377 square feet and 43,560 square feet. The proposal includes approximately 26.1 acres of Open Space (71% of the site), with 2.23 acres of the Open Space (8.5% of the Open Space) designated as Community Area. The Community Area would contain stormwater facilities, off-site drainfields, water booster pump, and access easements. Freeland Water District will serve the development, and a combination of on-site and off-site individual drainfields are proposed for septic disposal.

DECISION: Approval subject to the conditions recommended by staff in the Staff Report, Exhibit No. 1.

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 4, 2008.

I.

PRELIMINARY INFORMATION

Applicant: Silver Fin Investments Inc.

Property Location: The subject property is located southeast of Fish Road between the intersections of Fish Road with Scenic Avenue and Woodard Avenue in Freeland on South Whidbey Island, Washington, a portion of the East half of Section 15, Township 29 North, Range 2 East W.M.

Applicable Ordinances, Statutes and Regulations: Island County Comprehensive Plan, Land Divisions and Dedications Chapter 16.06 ICC, Planned Residential Development
SEPA: A Notice that a SEPA Threshold Determination of Non-Significance would likely be issued on the proposal was issued on February 20, 2008. Island County issued a Determination of Non-Significance on October 9, 2008, under WAC 197-11-340. No appeals were filed with this office.

Publication: November 19, 2008

Mailing of Notice to Applicant: November 7, 2008

Sign Posted: February 18, 2008

Mailing of Staff Report: November 14, 2008

Date of Application: February 8, 2008

Hearing Date: December 4, 2008

Exhibit Log:
1. Staff Report
2. Land Development Permit Application, received 1/29/08
3. Silver Fin Investments, KLLC 16 Lot PRD & BLA Vicinity Map, & Quarter Section Maps received 1/29/08
4. Application for Long Plat Preliminary, received 1/29/08
5. Application for Planned Residential Development, received 1/29/08
6. Certificate of Transportation Concurrency, received 1/29/08
7. Transportation Impact Study dated 6/20/08, received 1/29/08
8. Environmental Checklist, received 1/29/08
9. Limited Liability Company Agreement of Silver Fin Investments, LLC, received 1/29/08
10. Drainage Narrative, received 1/29/08
11. Geologic Evaluation, received 1/29/08
12. Solid Waste Management Plan, received 7/7/08
13. Wetland Mitigation Report, revised 9/3/08, received 9/16/08
14. Review Comments from Ginger Burgess to Quin Clements, dated 4/9/08
15. Letter in response to comment letter from Quin Clements to Ginger Burgess, dated 7/7/08
16. Memorandum from Ginger Burgess to John Bertrand, Aneta Hupfauer, Justin Craven & Mattia Boscolo, dated 7/8/08
17. Review letter from John Bertrand to Ginger Burgess, dated 7/18/08
18. Review letter from Aneta Hupfauer to Ginger Burgess, dated 8/6/08
19. Review Comments from Ginger Burgess to Quin Clements, dated 4/25/08
20. Army Corp of Engineers letter from Jacalen M. Printz to Mr. Clements, received 9/16/08
21. Response to the Review comment letter from Quin Clements, Davido Consulting Group, Inc. to Ginger Burgess, dated 9/16/08
22. Memorandum from Ginger Burgess to John Bertrand, Aneta Hupfauer and Mattia Boscolo, dated 9/17/08
23. Memorandum from Ginger Burgess to Mattia Boscolo, dated 9/18/08
24. Email from Jay Shepard to Ginger Burgess regarding nests, dated 10/2/08
25. Supplemental review letter from John Bertrand to Ginger Burgess, dated 10/29/08
26. Site Data Materials, dated 2/8/08
27. Island County Notice of Application with SEPA, dated 2/20/08
28. Affidavit of Mailing to Silver Fin Investments, dated 2/15/08
29. Affidavit of Mailing to property owners within 300 ft and contact list, dated 2/15/08
30. Affidavit of Posting the Public Notice Sign, dated 2/18/08
31. Affidavit of Publication, dated 2/20/08, received 2/27/08
32. Final SEPA Threshold Determination, dated 10/9/08
33. Affidavit of Mailing to Quin Clements, dated 10/9/08
34. Affidavit of Mailing to parties of record and list, dated 10/9/08
35. Scheduled hearing letter to Quin Clements from Paula Bradshaw, dated 11/7/08
36. Affidavit of Mailing to Quin Clements, dated 11/7/08
37. Public comment letter from J.M. Duffy to Ginger Burgess, dated 2/26/08, received 2/27/08
38. Public comment letter from Heidi & William Cusworth, dated 11/25/08, received 3/4/08
39. Public comment letter from David Jackson, dated 3/1/08, received 3/4/08
40. Email from Susan Miles to Ginger Burgess, dated 3/5/08
41. Email from Marianne Edain to Ginger, John & Jeff, dated 3/5/08
42. Email from Susan Miles to Ginger Burgess, dated 3/17/08
43. Letter from Steve Erickson to Ginger Burgess, dated 4/7/08
44. Alternative Access Investigation with contact lists, maps, easement questionnaire and letters from Quin Clements to property owners, received 1/29/08
45. Silverwood PRD Preliminary PRD maps 1 of 2 and 2 of 2 with attached Silverwood PRD Area Calculations, received 10/20/08
46. Map 1 of 19 Silverwood PRD Grading, Drainage & Utilities Cover, received 7/7/08
47. Map 2 of 19 Silverwood PRD Grading, Drainage & Utilities Notes, received 7/7/08
48. Map 3 of 19 Silverwood PRD Grading, Drainage & Utilities Clearing & Tesc, received 7/7/08
49. Map 4 of 19 Silverwood PRD Grading, Drainage & Utilities Site Section Views, received 7/7/08
50. Map 5 of 19 Silverwood PRD Grading, Drainage, & Utilities Grading Plan, received 7/7/08
51. Map 6 of 19 Silverwood PRD Grading, Drainage & Utilities Grading Plan, received 7/7/08
52. Map 7 of 19 Silverwood PRD Grading, Drainage & Utilities Grading Plan, received 7/7/08
53. Map 8 of 19 Silverwood PRD Grading, Drainage & Utilities Drainage Plan, received 7/7/08
54. Map 9 of 19 Silverwood PRD Grading, Drainage & Utilities Drainage Plan, received 7/7/08
55. Map 10 of 19 Silverwood PRD Grading, Drainage & Utilities Drainage Plan, received 7/7/08
56. Map 11 of 19 Silverwood PRD Grading, Drainage & Utilities Water Extension Plan, received 7/7/08
57. Map 12 of 19 Silverwood PRD Grading, Drainage & Utilities Water Extension Plan, received 7/7/08
58. Map 13 of 19 Silverwood PRD Grading, Drainage & Utilities Water Extension Plan, received 7/7/08
59. Map 14 of 19 Silverwood PRD Grading, Drainage & Utilities Profiles, received 7/7/08
60. Map 15 of 19 Silverwood PRD Grading, Drainage & Utilities Profiles, received 7/7/08
61. Map 16 of 19 Silverwood PRD Grading, Drainage & Utilities Details, received 7/7/08
62. Map 17 of 19 Silverwood PRD Grading, Drainage & Utilities Details, received 7/7/08
63. Map 18 of 19 Silverwood PRD Grading, Drainage & Utilities Details, received 7/7/08
64. Map 19 of 19 Silverwood PRD Grading, Drainage & Utilities Details, received 7/7/08
65. Letter from Paula Bradshaw to Quin Clements, dated 11/19/08
66. Affidavit of mailing Staff Report, dated 11/19/08
67. Affidavit of Publication, dated 11/19/08
68. Aerial Photo, handed forward at the 12/4/08 hearing

HEARING TESTIMONY

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

Quin Clements
Silver Fin Investments, Inc.
P.O. Box 1003
Freeland, WA 98249

J.M. Duffy
8185 Sandy Hook Dr.
Clinton, WA 98236

II.

Island County Planning & Community Development has recommended approval of PRD 030/08 subject to conditions. The Findings of Fact, Analysis and Conclusions of staff are set forth in the Staff Report, Exhibit No. 1 in the Hearing Examiner file. The Findings of Fact set forth in the Staff Report are consistent with the record as a whole and are hereby adopted by the Hearing Examiner, as Findings of Fact herein, by this reference. A copy of the Staff Report is attached hereto and incorporated herein.

III.

There were public comments made during the public comment period. The applicant indicated that the factual findings in the Staff Report are accurate. The applicant stated that there were no objections on behalf of the applicants to any of the conditions requested by staff or other County agencies. All County agencies have recommended
approval subject to conditions. Staff Report appropriately addressed all written public
comments in the Staff Report and concerns of the public are either met by conditions of
approval or amount to requests beyond what can be required under the Island County
Ordinance.

Mr. J. M. Duffy submitted written comments and appeared at the public hearing. Mr.
Duffy’s father owns two parcels to the northwest of the subject property. The access road
to the sixteen lot PRD will be very near the boundary of the Duffy parcels. Mr. Duffy
objected to the location of the access road because of the increase in traffic past the two
parcels.

Staff pointed out that the right of way is fifteen feet from the property line and forty feet
wide. The applicant indicated that he had requested other access alternatives from other
property owners but these requests were denied.

The proposed access is the only access available to the applicants from a public road. The
access proposed appears to be the only reasonable available alternative. The access
approved by the applicants should be approved.

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 applicant has met the requirements for density and open space for a Planned
Residential Development under the current Island County Code. Subject to the conditions
recommended by staff the proposed Planned Residential Development will be consistent
with the requirements of the Zoning Ordinance ICC 17.03.

There are no significant environmental impacts identified in the record that cannot be
mitigated by the reasonable mitigation measures required by the conditions of approval.
The proposal is consistent with the requirements of ICC 16.17, ICC 11.05, and ICC
11.04.

II.

Proper notices were given. The public hearing was held on the proposal. The Island
County Health & Engineering Department and Planning & Community Development
have recommended approval subject to conditions.
III.

Subject to the conditions of approval recommended by staff this proposed Planned Residential Development subdivision will be consistent with the public interest, health and welfare and consistent with the applicable requirements of RCW 58.17.

IV,

Preliminary Planned Residential Development approval should be granted to this proposal subject to the conditions recommended by staff.

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 approves PRD 030/08 subject to the following conditions:

1. Compliance with Island County Public Works requirements as specified in the attached comments and conditions dated July 18, 2008, and October 29, 2008.
2. Compliance with Island County Public Health requirements as specified in the attached comments and conditions dated August 6, 2008.
3. Compliance with Critical Areas requirements as specified in the attached comments and conditions dated August 1, 2008, and September 18, 2008.
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 a Private Road Name Petition. Pursuant to ICC 14.04, RCW 58.17.280, and 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. 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:
   

B. The name of the subdivision: Silverwood

C. (Approved Private Road Name) ________ (Private)

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

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

ii. “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, the land designated as the Road tract, and the land within the designated Community Area.”

iii. “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.”

iv. “During all installation, maintenance, or repair of drainage and drainfield facilities in the Open Space, the only clearing, cutting, or removal of vegetation shall be within an area which is the minimum needed. All other vegetation must remain and meet the Open Space restrictions as noted herein. No clearing, cutting, or removal of vegetation outside the drainage and drainfield areas shall be allowed.”

v. “Minimum building setbacks shall be as follows: The interior lots 1 through 16 shall have a minimum building setback of twenty (20) feet from the private road 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.”

10. The site contains wetlands, streams, and their associated buffers. These features and associated buffers must be surveyed onto the face of the final plat, and the following language shall appear under Restrictions on the final plat:

“The regulated critical areas and their associated buffers as shown hereon shall be maintained in their natural, undisturbed state unless otherwise authorized by Island County. Any alteration to regulated 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. 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 and do not shine into the night sky.

12. 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.

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

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

15. 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.

16. 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 maps.
   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.

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

18. The Island County Auditor will only accept the following for recording:
   A. Permanent ink on mylar or paper, when the ink is coated with a suitable substance to assume permanent legibility. For more information, contact the Island County Auditor’s Office.
   B. Sheet sizes must be 24 x 18 inches. Borders must be 2 inches on the left edge and 1/2 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 10th day of December, 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

Silverwood

FILE NUMBER: PRD 030/08

APPLICANT: Silver Fin Investments, LLC


PROPOSAL

The applicant is requesting Preliminary Approval for a sixteen (16) lot Planned Residential Development (PRD) on approximately 39.61 acres of land zoned Rural. The proposed lots range in size between 21,377 square feet and 43,560 square feet. The proposal includes approximately 26.1 acres of Open Space (71% of the site), with 2.23 acres of the Open Space (8.5% of the Open Space) designated as Community Area. The Community Area would contain stormwater facilities, off-site drainfields, water booster pump, and access easements. Freeland Water District will serve the development, and a combination of on-site and off-site individual drainfields are proposed for septic disposal.

STAFF FINDINGS & ANALYSIS

1. Project History and Review Process

Open Space application OPS 251/05, to place parcels R22915-242-4200 and R22915-194-4660 into the Open Timber tax classification, was approved by the Board of County Commissioners on October 17, 2005, and recorded under Auditor’s File Number (AFN) 4152404 on October 27, 2005. The property was removed from the Open Timber program on August 18, 2006 as documented by AFNs 4179253 and 4179254.

Pre-Application Conference PRE 913/07 was held on April 26, 2007, for a PRD on the subject property. The conclusion of the Pre-Application Conference was that the applicant needed to submit a PRD application and a Preliminary Long Plat (PLP) application. The Pre-Application Conference was renewed on November 14, 2007. On January 29, 2008, the applicants submitted a PRD application and a PLP application with a SEPA environmental
checklist. The application was accepted as complete on February 8, 2008, and the public comment period ran from February 20 through March 5, 2008. Review letters were sent to the applicants on April 9, 2008, and August 25, 2008, which included comments from Public Health and Public Works, informing them that additional information was needed in order to reach a decision.

2. Site Description & Consistency Review

a. Location: The subject property is located southeast of Fish Road between the intersections of Fish Road with Scenic Avenue and Woodard Avenue in Freeland on South Whidbey Island, Washington, a portion of the East half of Section 15, Township 29 North, Range 2 East W.M.

b. Site Condition and Size: The subject property totals approximately 39.61 acres in size. The site has gentle slopes in the northern portion, with a rolling topography and some steep slopes in the remainder. It has been logged in the past, and is currently undeveloped and forested with fir, alder, and cedar with an understory of nootka rose, salmonberry, snowberry, ocean spray, Himalayan and trailing blackberry, sword fern, and bracken fern. Three Category A wetlands and two Type 5 streams are located on the property, as detailed below in 2g.

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 certain amount of Open Space. The three smaller parcels (R22915-242-4070, R22915-242-4200, R22915-275-4040), are each currently approximately one acre in size, and are located in the northwest corner of the subject site, where the access road will be placed. These lots will remain at one acre, and are to be moved to within the PRD development, as in a boundary line adjustment. The remaining parcel, R22915-194-4660, is 36.69 acres in size, and is the parcel that all PRD calculations are being based from (Open Space, Community Area, bonus density). With 71% Open Space, development of a total of thirteen (13) parcels is allowed on this parcel. Overall, the subject subdivision will create sixteen (16) lots.

d. Access: A new private road will provide access to Fish Road (access permit APW 07-0210) through parcels R22915-275-4040 and R22915-242-4070, and will cross through a Category A wetland and its buffer. Six (6) lots will gain access of said private road, and the remainder from a second private road that adjoins the first. The applicants attempted unsuccessfully to gain an access easement through neighboring parcels, which would have eliminated the need to impact the wetland.

e. Surrounding Zoning and Development: The subject property is adjacent to Rural Residential zoned property to the southwest, and is bordered by Rural zoned parcels on all other sides. The surrounding area contains a mixture of residential development and forested, undeveloped parcels.
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 may 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 36.69-acre parcel and dedicating 71% of the property as Open Space. For a parcel of this size, the applicants have the opportunity to create up to thirteen (13) residential lots. The proposed lot sizes are between 21,377 square feet and 43,560 square feet.

g. **Natural Features and Critical Areas**: Per Island County resources and submitted application materials, the site contains three (3) Category A wetlands and two (2) Type 5 streams. The two larger wetlands are located across the northern portion of the property; they are connected by one of the streams, and the second stream flows east out of the easternmost wetland onto the adjacent parcel. The third wetland is located in the southern central portion of the property. The wetlands each have 100-foot buffers and the streams have 50-foot buffers. In addition to use of best management practices during construction, the following mitigation is proposed for the impacts of the road development: 2,200 square feet of wetland creation, 35,450 square feet of wetland enhancement, and 9,920 square feet of buffer enhancement, including removal of invasive species. The property is also impacted by the buffers of an off-site wetland and stream located to the east.

According to the Soil Conservation Service Soil Survey for Island County, the predominant soil types found on the site are Keystone loamy sand (Kc) with 5 to 15 percent slopes, with Norma silt loam (Ne) with 0 to 2 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 within the vicinity of cultural resources.

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

   i. **Rural Lands**: In the Island County Comprehensive Plan, the subject parcel 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. As for the new lots being created through this proposal, they will be smaller than five (5) acres. The next item 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 should be no adverse impacts to critical areas or natural resource conservation areas. The applicants are proposing a thirteen (13) lot PRD, and a total subdivision creating sixteen (16) lots. The private roads and PRD lots total 10.5 acres, while the Open Space totals 26.1 acres, or 71% of the parcel area.

iii. The proposed land use for the thirteen (13) lots through the PRD process (sixteen (16) total through subdivision) for single-family homes and 71% 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 in the Comprehensive Plan 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 71% of the property dedicated to Open Space will maintain rural lifestyles and character.

iii. Each lot will utilize individual septic systems and drainfields that will be located on each individual lot or in off-site easements. Water will be provided to each lot by the Freeland Water district.

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
habitats 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 parcel 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 sixteen (16) lots into three (3) separate clusters of six (6), four (4), and six (6) lots. Clusters are required to be separated from each other by at least 200 feet of open space, and no more than six (6) dwelling units can be in a single cluster.

4. The Community Area, proposed to total 2.23 acres, is proposed to be a cleared area for drainfields, stormwater facilities, access easements, and water booster pump station. This area is 8.54% of the Open Space, and thus 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 July 18, 2008.

2. According to a memorandum from the Public Works Director, 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 Titles 8, Health, Welfare and Sanitation, concerning potable water supplies and sanitary wastes are addressed in the Island County Public Health comments dated August 6, 2008.

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 has been satisfied and that sufficient road capacity exists for the proposal (10702007 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 not situated within 500 feet of any property that is zoned Rural Forest, Rural Agriculture or Commercial Agriculture or lands designated as mineral resource lands; therefore, the requirements of Chapter 16.25.040 ICC do not 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 February 20, 2008. Island County issued a Determination of Non-Significance on October 9, 2008 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 memorandums from John Bertrand, dated July 18, 2008, and October 29, 2008.
   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 August 6, 2008.
   c. Island County Planning & Community Development (Critical Areas) has no objection to the preliminary approval of this subdivision. Comments and conditions for approval are provided in the attached memorandums from Mattia Boscolo dated August 1, 2008, and September 18, 2008.

5. Public Comments
   Five written public comments were received during the comment period that ran from February 20 to March 5, 2008. One letter provided information regarding additional wetlands in the vicinity. The main concerns raised in the public comments include the impact to wetlands and critical areas, discontinuity and fragmentation of Open Space and wildlife habitat, the density of development and proximity of new homes to existing property lines, stormwater run-off, access to the site, and increased traffic on Fish Road. Drainage and traffic issues were reviewed by Island County Public Works and addressed by their comments. In regards to critical areas, Island County Critical Areas staff worked closely with the applicant and their biological consultant (Earthworks Environmental) to ensure that the impacts to critical areas were minimized and mitigated appropriately. The site layout has been revised since the original submittal to provide a more continuous Open Space tract and better clustering.

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 Health, Engineering, and Planning and Community Development evaluated the proposed project for compliance with Titles 11, 8, 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 August 6, 2008. Public Works comments and requirements are described in the attached memorandums from John Bertrand, dated July 18, 2008, and October 29, 2008. Comments and requirements from the Island County Critical Areas planners are described in the attached memorandums from Mattia Boscolo dated August 1, 2008, and September 18, 2008. 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 16.06 and 16.04 ICC and Chapter 58.17 RCW.

**RECOMMENDATION**

Based on the foregoing Findings, Analysis, and Conclusions, Planning and Community Development recommends approval of the Planned Residential Development, PRD 030/08, submitted by Silver Fin Investments, LLC, proposing to subdivide four (4) parcels (R22915-194-4660, R22915-242-4070, R22915-242-4200, R22915-275-4040) totaling 36.91 acres into sixteen (16) residential lots, subject to the following conditions:

1. Compliance with Island County Public Works requirements as specified in the attached comments and conditions dated July 18, 2008, and October 29, 2008.
2. Compliance with Island County Public Health requirements as specified in the attached comments and conditions dated August 6, 2008.
3. Compliance with Critical Areas requirements as specified in the attached comments and conditions dated August 1, 2008, and September 18, 2008.
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 a Private Road Name Petition. Pursuant to ICC 14.04, RCW 58.17.280, and 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. 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:


E. The name of the subdivision: Silverwood

F. (Approved Private Road Name) ________ (Private)

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

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

ii. “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, the land designated as the Road tract, and the land within the designated Community Area.”

iii. “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.”

iv. “During all installation, maintenance, or repair of drainage and drainfield facilities in the Open Space, the only clearing, cutting, or removal of vegetation shall be within an area which is the minimum needed. All other vegetation must remain and meet the Open Space restrictions as noted herein. No clearing, cutting, or removal of vegetation outside the drainage and drainfield areas shall be allowed.”

v. “Minimum building setbacks shall be as follows: The interior lots 1 through 16 shall have a minimum building setback of twenty (20) feet from the private road 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.”

10. The site contains wetlands, streams, and their associated buffers. These features and associated buffers must be surveyed onto the face of the final plat, and the following language shall appear under Restrictions on the final plat:

“The regulated critical areas and their associated buffers as shown hereon shall be maintained in their natural, undisturbed state unless otherwise authorized by Island County. Any alteration to regulated 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. 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 and do not shine into the night sky.

12. 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.

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

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

15. 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.

16. 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 maps.
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.

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

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

C. Permanent ink on mylar or paper, when the ink is coated with a suitable substance to assume permanent legibility. For more information, contact the Island County Auditor’s Office.
D. Sheet sizes must be 24 x 18 inches. Borders must be 2 inches on the left edge and 1/2 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 November 19, 2008

Attachments:
Memorandum from Island County Public Works Department, dated July 18, 2008
Memorandum from Island County Public Works Department, dated October 29, 2008
Memorandum from Island County Health Department, dated August 6, 2008
Memorandum from Island County Planning & Community Development Critical Areas Planner, dated September 18, 2008
Memorandum from Island County Planning & Community Development Critical Areas Planner, dated August 1, 2008
Final Long Plat Application

cc: Michael Bobbink, Hearing Examiner
Applicant – Quin Clements/Silver Fin Investments, LLC
Parties of Record
Aneta Hupfauer, Island County Public Health
John Bertrand, Island County Public Works
File PRD 030/08