SUMMARY OF APPLICATION AND DECISION

APPLICATION: Create a thirteen (13)-lot Planned Residential Development (PRD) on approximately 37.8 acres of land zoned Rural. The proposed lots range in size between 26,155 square feet and 48,532 square feet. The proposal includes approximately 26.86 acres of open space (71% of the site), with 2.18 acres of the open space (8.12% of the open space) designated as Community Area. The Community Area is proposed to contain drainfields, stormwater facilities, and a community well site. The Koontz Ranch Water System is proposed to provide water to all thirteen (13) lots.

DECISION: Preliminary Planned Residential Development Approval is granted subject to the conditions attached hereto.

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 August 21, 2008.

I.

PRELIMINARY INFORMATION

Applicant: Koontz Ranch, LLC

Property Location: The property is located at 340 Koontz Road, east of the intersection of Koontz and Troxell Roads on North Whidbey Island, Washington. It is in the NE ¼ of Section 6, Township 33N, Range 2 E, W.M., Assessor’s Parcel No. R23306-460-4620.

Applicable Ordinances, Statutes and Regulations: Island County Comprehensive Plan, Land Divisions and Dedications Chapter 16.06 ICC, Planned Residential Development Chapter 16.17 ICC, Land Use Review Process Chapter 16.19 ICC, Island County
Environmental Policy Chapter 16.14 ICC, Zoning Ordinance Chapter 17.03 ICC, Critical Areas Ordinance 17.02 ICC

SEPA: A Notice that a SEPA Threshold Determination of Non-Significance would likely be issued on the proposal was issued on July 25, 2007. Island County issued a Determination of Non-Significance on May 23, 2008, under WAC 197-11-340. No appeals were filed with this office.

Publication: August 6, 2008
Mailing of Notice to Applicant: June 25, 2008
Sign Posted: July 17, 2007
Mailing of Staff Report: August 11, 2008
Date of Application: July 10, 2007
Hearing Date: August 21, 2008
Exhibit Log:
1. Staff Report
2. As-Built fax from Island County Heath Department, to Glenn Gronetz dated 8/8/2006
5. Letter to Koontz Estate from Island County Public Health, dated 11/20/2006
10. Invoice from Bob’s Pumps to King’s Men Construction, dated 2/27/2007
11. Pre App Conference Application, received 3/12/2007
13. NE ¼ section maps, received 3/12/2007
14. Survey sketch of a portion of the NE ¼ of the NE ¼, received 3/12/2007
18. Letter from Monica Felici to Geoff Tapert scheduling Pre-app conference, dated 3/16/07
21. Comments from John Bertrand, Development Coordinator, to Ginger Burgess
22. Comments from Aneta Hupfauer, Land Use Coordinator to Geoff Tapert, dated
4/12/2007
23. Request for Comment for Pre-App 909/07
25. Pre-Application Staff comments to Geoff Tapert, dated 4/12/2007
27. Request for Comment, dated 7/10/07
28. Packet of parcel data information: Parcel Summary Report, quarter section map,
critical areas map, zoning map, aerial map, parcel data sheet, permit screenprint,
Account Land Snapshot, Account Structure Snapshot, Permits Snapshot,
29. PRD 302/07 Land Development Permit Application, received 7/10/2007
31. Memorandum from Geoff Tapert-Written Description of Proposal to Island
32. Memorandum from Geoff Tapert-Written Statement to Island County Comm.
33. Certificate of Transportation Concurrency, received 7/10/2007
34. Letter from Department of Ecology to Claud Linn, received 7/10/2007
35. Notice of Application to Appropriate Public Waters, received 7/10/2007
37. Access to County Right of Way, received 7/10/2007
38. Zoning NE¼ Section map, received 7/10/2007
39. List of names and addresses, received 7/10/2007
40. Google map of 340 Koontz Road, received 7/10/2007
41. Pictures of site, received 7/10/2007
42. Koontz Ranch PRD Drainage Narrative, received 7/10/2007
43. Bio-Swale Calculations from X-Sound Engineering, dated 6/20/2007, received
7/10/2007
44. Letter to Connie Bowers from Gibson Traffic Consultants-Traffic Impact
Analysis, dated 1/23/2007, received 7/10/2007
45. Clearing & Grading Application, received 7/10/2007
46. Island County Environmental Checklist, received 7/10/2007
48. Affidavit of Posting the Public Notice Sign, received 7/18/2007
49. Affidavit of mailing for Koontz Ranch LLC, dated 7/20/08
50. Email from Jennifer Meyer to Ginger Burgess, dated 7/23/2007
51. Placement of the Sign, dated 7/25/08
52. Notice of Application w/SEPA, dated 7/25/07
55. Email from Ginger Burgess to Marianne Edain, dated 7/31/2007
56. Memorandum from Justin Craven, Critical Areas Planner, to Ginger, dated
8/6/2007
58. Email from Marianne Edain to Ginger Burgess, dated 8/8/2007
60. Email from Ginger to Kingsmen Construction, dated 10/4/2007
69. Email from Allison at X-Sound Engineering to Ginger, dated 12/4/2007
70. Email from Katie Hicks to Ginger & Aneta Hupfauer, dated 12/10/2007
72. Letter to Geoff Tapert from Ginger, dated 12/28/07
73. Letter from Keith Higman to Ginger, received 1/4/2008
74. Letter from Justin Craven to Ginger, dated 2/5/2008
75. Review comments to Geoff Tapert from Ginger Burgess, dated 2/12/2008
76. Memorandum to John Bertrand, Aneta Hupfauer, Justin Craven from Ginger, dated 3/14/2008
77. Response to Island County Comments from Ricky J Ford with X-Sound Engineering, dated 3/13/2008, received 3/14/2008
78. Letter from Aneta Hupfauer to Ginger Burgess, dated 3/17/2008
79. Email from Mattia Boscolo to Ginger Burgess, dated 3/28/2008
80. Letter from John Bertrand to Ginger Burgess, dated 3/28/2008
81. Letter from Geoff Tapert to Mattia Boscolo, dated 4/1/2008
82. Email from Allison with X-Sound Engineering to Ginger Burgess, dated 4/2/2008
86. Letter from Earthworks Environmental to Justin Craven and Geoff Tapert dated 4/14/2008, received 4/23/2008
87. Map of wetlands on parcel R23306-460-4620, received 4/23/2008
88. Koontz Ranch C-1 Preliminary Site Plan, received 4/23/2008
89. Koontz Ranch C-2 Grading & Erosion Control Plan, received 4/23/2008
90. Koontz Ranch C-3 Grading & Erosion Control Plan, received 4/23/2008
91. Koontz Ranch C-4 Drainage & Utilities Plan, received 4/23/2008
92. Koontz Ranch C-5 Drainage Profile, received 4/23/2008
93. Koontz Ranch C-6 Drainage Profile, received 4/23/2008
94. Koontz Ranch C-7 Drainage Profile, received 4/23/2008
Koontz Ranch, LLC has requested Preliminary Planned Residential Development Approval for an approved thirteen lot PRD on approximately 37.8 acres of land zoned Rural. Island County Planning & Community Development staff has reviewed the
Island County Hearing Examiner

PRD 302/07
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proposal and has recommended approval in a Staff Report, entered into the Hearing Examiner file as Exhibit No. 1. The Findings of Fact set forth in the Staff Report are supported by the record as a whole and are hereby adopted by the Hearing Examiner as Findings of Fact herein. A copy of the Staff Report is attached hereto and incorporated herein by this reference.

There was public testimony and public comments in writing in regards to this proposal. The main concerns raised at the hearing were concerns about water recharge and the adequacy of water for the proposed development.

The Washington State Department of Ecology has determined that adequate water exists for the proposal and has issued a water right. The Island County Health Department Hydrologist, Doug Kelly, testified that The Department of Ecology has approved the water withdrawal to serve this development, that stormwater from the development will be retained on site and will recharge the water table. He indicated that he does not have concerns about saltwater intrusion or the concentration of chlorides and that the Island County Health Department is recommending approval subject to conditions.

III.

Concerns were raised about the density of the proposal. The proposal provides for 71% of the space to be in Open Space and meets all of the requirements for the thirteen lot development proposed by the applicant on this site. The proposal meets the density requirements of the Island County Code. The Hearing Examiner does not determine density. The allowable density is determined by County ordinances passed by The Island County Board of Commissioners.

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.

All County agencies have recommended approval of the project. The Washington State Department of Ecology has granted a water rights withdrawal from the water necessary to serve the development. The development meets all of the applicable requirements of the Island County Code subject to the conditions of approval recommended by staff. Also the proposed subdivision will be consistent with the requirements of RCW 58.17 and provides adequately for the public-welfare.

The Hearing Examiner should grant approval to the proposed subdivision subject to the requirements set forth in the Staff Report with the exception of condition No. 22, which
should be modified to reflect the language proposed by Island County Planning & Community Development in the Memorandum dated August 25, 2008.

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 Preliminary Planned Residential Development Approval is hereby granted to PRD 302/07 allowing the development of a 13 lot Planned Residential Development on an approximately 37.8 acre parcel of land zoned Rural, Assessors parcel number R23306-460-4620, subject to the following conditions:

1. Compliance with Island County Public Works requirements as specified in the attached comments and conditions dated December 13, 2007, and March 28, 2008.
2. Compliance with Island County Public Health requirements as specified in the attached comments and conditions dated March 17, 2008.
3. Compliance with Island County Planning & Community Development requirements as specified in the attached comments and conditions dated May 6, 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 for the new proposed road, and addresses will be assigned prior to final approval. 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. On the face of the final map, ensure that all tracts (road, Open Space, etc.) are clearly labeled.

10. 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.”

11. 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 302/07.R23306-460-4620
   B. The name of the subdivision: Koontz Ranch
   C. (Approved Private Road Name) _________ (Private)

12. The following shall appear under “Restrictions” on the final map:
   a. “The PRD herein shown shall be limited to the number of lots proposed; no further subdivision within the PRD shall be allowed.”
   b. “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.”

c. “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.”

d. “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.”

e. “Minimum building setbacks shall be as follows: The interior lots 1 through 13 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.”

13. The site contains wetlands, a stream, 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.”

14. Any solid waste (tires, boats, etc.) shall be removed from the site prior to final PRD approval, in accordance with Island County Public Health standards. For more information, contact Erica Martell at (360) 679-7350 or 321-5111, extension 7350.

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 and do not shine into the night sky.

16. 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.

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

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:
   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

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

22. 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 Island County Auditor’s Office.
   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 2nd, day of September, 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
Koontz Ranch

FILE NUMBER: PRD 302/07

APPLICANT: Koontz Ranch, LLC
ASSESSOR’S PARCEL NUMBERS: R23306-460-4620

PROPOSAL
Koontz Ranch, LLC is requesting Preliminary Approval for a thirteen (13)-lot Planned Residential Development (PRD) on approximately 37.8 acres of land zoned Rural. The proposed lots range in size between 26,155 square feet and 48,352 square feet. The proposal includes approximately 26.86 acres of open space (71% of the site), with 2.18 acres of the open space (8.12% of the open space) designated as Community Area. The Community Area contains drainfields, stormwater facilities, and the community well. The development will be served by a community well (Koontz Ranch Water System), and individual drainfields will provide septic disposal for each lot.

STAFF FINDINGS & ANALYSIS

1. Project History and Review Process
On April 12, 2007, a Pre-Application conference (909/07 PRE) was held for a PRD on Assessors Parcels R23306-460-4620. 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 July 10, 2007, the applicant submitted a PRD application and PLP application with a SEPA checklist. The applications were accepted as complete on July 13, 2007, and had a public comment period of July 25, 2007, to August 8, 2007. Two public comments were received, one of which contained fourteen signatures. Two review letters, dated October 17, 2007, and February 12, 2008, were sent to the agent, informing him that additional information was needed to reach a decision. These letters included comments from the Critical Areas planners, Public Works, and Public Health. New information was received from the applicant on December 4, 2007, March 14, 2008, April 2, 2008, April 14, 2008, April 23, 2008, and May 6, 2008.

2. Site Description & Consistency Review
a. Location: The property is located at 340 Koontz Road, east of the intersection of Koontz and Troxell Roads on North Whidbey Island, Washington. It is in the NE
¼ of Section 6, Township 33N, Range 2 E, W.M., Assessors Parcel No.R23306-460-4620.

b. **Site Condition and Size:** The subject parcel is approximately 37.8 acres, measuring approximately 1250 feet from north to south and 1330 feet from east to west, with a rolling topography. A 5.83-acre Category A wetland occupies the northeast portion of the parcel, and a 0.53-acre portion of a Category A wetland is located in the southwest corner. Two Category B wetlands, 0.09 and 0.04 acres in size, are located in the northwest corner, and are connected by a Type 5 stream. The parcel is mostly forested except for an open lawn area containing a single-family residence and accessory structures, and two other open fields in the central and western portions of the property. It is forested with a mix of alder, fir, hemlock, and spruce, with an understory of elderberry, salmonberry, blackberry, and sword fern, as well as species such as hardhack, skunk cabbage, slough sedge, and soft rush in the wetland areas. Within the open areas and along the main track leading into the center of the parcel, items such as tires, small boats, and others were found.

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.

d. **Access:** The new private road will provide access to all thirteen (13) lots, and will be contained within a 40-foot road tract that will gain access onto Koontz Road, a local access road (Access Permit APW 06-0464).

e. **Surrounding Zoning and Development:** The subject parcel is bordered to the north by property zoned Rural Forest (RF), and on all other sides by Rural (R) zoned property. The surrounding area contains a mixture of low-density 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 37.8-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 26,155 square feet and 48,352 square feet.

g. **Natural Features and Critical Areas:** Per Island County resources and submitted application materials, the site contains two (2) Category A wetlands, two (2) Category B wetlands, and a Type 5 stream that connects the Category B wetlands. 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, with Tanwax peat (Tb) with 0 to 2 percent slopes, Whidbey gravelly sandy loam (Wa) with 0 to 5 percent slopes, and Norma loam
(Na) with 0 to 3 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 located within a Historic District.

k. **Accident Potential and/or Noise Zone:** The subject parcel is located within AICUZ Noise Zone 2.

### 3. Land Use Controls

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

1. **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 are no adverse impacts to critical areas or natural resource conservation areas. The applicants are proposing a thirteen (13) lot PRD. The lots and roads total 11 acres, while the open space totals 26.86 acres, or 71% of the total area.

   iii. The proposed land use for the thirteen (13) lots through the PRD process 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 70% 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. Water will be provided to each lot by the Koontz Ranch 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 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 the thirteen (13) lots into three (3) separate clusters of five (5), five (5), and three (3) 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 2.18 acres, is proposed to be a cleared area for drainfields, stormwater facilities, and well site. This area is 8.12% 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 December 13, 2007.
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 Title 8 – Health, Welfare and Sanitation, concerning potable water supplies and sanitary wastes, are addressed in Island County Public Health comments dated March 17, 2008.

4. The subject site is located within the boundaries of the Oak Harbor 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 (10262007 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 (emphasis added), 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 July 25, 2007. Island County issued a Determination of Non-Significance on May 23, 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 December 13, 2007, and March 28, 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 memorandums from Aneta Hupfauer, dated March 17, 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 memorandum from Mattia Boscolo dated May 6, 2008.
   d. Naval Air Station Whidbey Island has no objection to the preliminary approval of this subdivision. Comments and conditions of approval are provided in the attached electronic correspondence from Jennifer Meyer dated July 23, 2007.
5. Public Comments
Two public comments were received for this application, one of which contained fourteen signatures. Some of the concerns raised pertain to water availability with the addition of a new well, and the impact of thirteen new septic systems on water quality. These issues were addressed by the Health Department during review of the application. Other concerns were related to the protection of the critical areas present on-site. Island County Critical Areas staff worked closely with the applicant/agent and their biological consultant (Earthworks Environmental) to ensure that the critical areas are protected, considering aspects including hydrology, planting of native species, and monitoring.

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 memorandums from dated March 17, 2008. Public Works comments and requirements are described in the attached memorandums dated December 13, 2007, and March 28, 2008. Planning & Community Development comments and requirements are described in the attached memorandum dated May 6, 2008. Other Planning and Community Development comments and requirements are described in this Staff Report. Comments and requirements from NASWI are contained in the attached electronic correspondence dated July 23, 2007.
   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.
   C. 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.
   D. 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 302/07, submitted by Koontz Ranch, LLC, proposing to develop a
37.8-acre parcel (R23306-460-4620) into thirteen (13) residential lots, and 71% of the property into Open Space, subject to the following conditions:

1. Compliance with Island County Public Works requirements as specified in the attached comments and conditions dated December 13, 2007, and March 28, 2008.

2. Compliance with Island County Public Health requirements as specified in the attached comments and conditions dated March 17, 2008.

3. Compliance with Island County Planning & Community Development requirements as specified in the attached comments and conditions dated May 6, 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 for the new proposed road, and addresses will be assigned prior to final approval. 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. On the face of the final map, ensure that all tracts (road, Open Space, etc.) are clearly labeled.
10. 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.”

11. 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 302/07.R23306-460-4620

E. The name of the subdivision: Koontz Ranch

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

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

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

b. “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.”

c. “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.”

d. “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.”

e. “Minimum building setbacks shall be as follows: The interior lots 1 through 13 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.”

13. The site contains wetlands, a stream, 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.”

14. Any solid waste (tires, boats, etc.) shall be removed from the site prior to final PRD approval, in accordance with Island County Public Health standards. For more information, contact Erica Martell at (360) 679-7350 or 321-5111, extension 7350.

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 and do not shine into the night sky.

16. 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.

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

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:

   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.

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

22. The Island County Auditor will only accept the following for recording:
   C. 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 or taped down edges.
   D. 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 August 8, 2008

Attachments:
Memorandum from Island County Public Works, dated December 13, 2007
Memorandum from Island County Public Works, dated March 28, 2008
Memorandum from Island County Public Health, dated March 17, 2008
Memorandum from Island County Planning & Community Development, dated May 6, 2008
Electronic correspondence from NASWI dated July 23, 2007
Final Long Plat Application

cc: Michael Bobbink, Hearing Examiner
Claud Linn/Koontz Ranch LLC, applicant
Geoff Tapert, agent
Parties of Record
Aneta Hupfauer, Island County Public Health
John Bertrand, Island County Public Works
File PRD 302/07