SUMMARY OF APPLICATION AND DECISION

APPLICATION: The applicants are requesting Preliminary Long Plat Approval for the proposed subdivision of a thirty-nine plus acre parcel into six lots for the purpose of single family residential development.

DECISION: The requested Preliminary Long Plat Approval is granted subject to conditions.

FINDINGS OF FACT

INTRODUCTION

The following Findings of Fact and Conclusions of Law are based upon consideration of the exhibits admitted herein and evidence presented at the public hearing on April 3, 2009.

I.

PRELIMINARY INFORMATION

Applicant: Drater Company, LLC

Property Location: The subject parcel is located in Triangle Cove at 285 Barnum Road, Camano Island, WA 98282. It is located within the Southeast 1/4 of Section 6, Township 31 North, Range 3 East, Willamette Meridian. Assessor’s Parcel No. R33106-197-4610.

Applicable Ordinances, Statutes and Regulations: Chapter 17.03, Zoning Ordinance; Chapter 17.02, Critical Areas, Chapter 16.06 Land Divisions; Chapter 16.19, Land Use Review Process; and Chapter 16.14C, County Environmental Policy.
SEPA: A Notice that a SEPA Threshold Determination of Non-Significance would likely be issued on the proposal was issued on May 6, 2008. Island County issued a Determination of Non-Significance on January 7, 2008 under WAC 197-11-340.

Publication: March 18, 2009 Whidbey News Times, March 17, Stanwood/Camano News

Mailing of Notice to Applicant: February 27, 2009

Sign Posted: May 6, 2008

Mailing of Staff Report: March 23, 2009

Date of Application: April 25, 2008

Hearing Date: April 3, 2009

Exhibit Log:

1. Staff Report, dated 3/13/09 with attachments A-F
   a. Preliminary subdivision map
   b. Memorandums from Island County Public Works Department, dated 5/27/08 & 6/24/08
   c. Memorandums from Island County Health Department, dated 5/1/08 & 6/25/08
   d. Memorandum from Island County Critical Areas Planner, dated 6/11/08
   e. Comments from Island County Resource Enhancement, dated 6/19/08 & 1/7/09
   f. Public Comment Correspondence:
      i. Email from Jerry Nielson, received 5/19/08
      ii. Email from Libby Grage, received 5/12/08
      iii. Letter from Tom Eisenberg, received 5/19/08
      iv. Email from Barbara Brock, received 5/20/08
      v. Email from Jerry Nielson, received 1/21/09

2. Application letter from Vince Muscolo to Bobak Talebi, received 4/18/08 with attachments:
   a. Land Development Permit Application
   b. Application for Long Plat
   c. Preliminary Plat Map
   d. Environmental Checklist
   e. Parcel Summary Report
   f. Quarter Section Map
   g. Vicinity Map
   h. Legal Description
   i. Certificate of Transportation Concurrency
   j. Conditional Well Site Approval
   k. Site Registration
1. Island County Health Dept. Site Registration Sheet with As-Built
m. Application for Access to County Road Right of Way
n. Solid Waste Management Plan
o. Bald Eagle Management Plan
p. Email from Matt Kukuk to Andrew Hicks, dated 11/29/06
q. Outline of wetland Preliminary Plat Map delineation
r. Drainage Report prepared by Herrigstad Egineering PS, dated 12/10/07
3. Sno Co. PUD electric system capacity letter, received 5/05/08
4. Request for Comment & Site Data, dated 5/16/08
5. Letter from Herrigstad Engineering, PS to Matt Kukuk, dated 6/12/08
7. Letter from Vince Muscolo to Bobak Talebi, received 6/23/08 with:
   a. Statement regarding Tract A
   b. Revised Plat Map, dated 6/17/08
8. Notice of Complete Application, dated 4/25/08
9. Affidavit of Posting Public Notice Sign, dated 5/1/08
10. Affidavit of Mailing Notification for Type III Application, dated 5/2/08
11. Affidavit of Mailing of Public Notice, dated 5/2/08
12. Island County Notice of Application with SEPA, dated 5/6/08
13. Affidavit of Publication of Notice of Application, dated 5/6/08
14. SEPA Threshold Determination of Non-Significance, dated 1/7/09
15. Letter from Paula Bradshaw, Office of the Island County Hearing Examiner to
    Vince Muscolo, dated 2/25/09
16. Letter from Paula Bradshaw, Office of the Island County Hearing Examiner to
    Vince Muscolo, dated 2/27/09
17. Affidavit of Mailing, dated 2/27/09
18. Affidavit of Publication, dated 3/19/09
19. Letter from Paula Bradshaw, Office of the Island County Hearing Examiner to
    Vince Muscolo, dated 3/23/09
20. Affidavit of Mailing, dated 3/23/09
21. ICPCD Check for Adequacy, dated 3/6/08
22. ICPCD Review for Consistency & for Conformance with ICC Titles 16 & 17
23. Review Comment letter from Bobak Talebi to Vince Muscolo, dated 5/28/08
24. Comments from Department of Archaeology & Historical Preservation, dated
    7/1/08
25. Email from Bobak Talebi to Vince Muscolo, dated 9/4/08 with attached:
   a. Comments from Department of Archaeology & Historical Preservation,
      dated 9/3/08
26. Letter handed forward at the Public Hearing April 3, 2009 by Jerry Nieson
27. Letter from Vin Sherman, Island County Public Health to Bart Klempel, C/o
    Vince Muscolo, dated 1/29/08
28. Letter from Doug Kelly, Hydrogeologist, Island County Public Works to Vin
    Sherman, dated 1/15/08
II.

Drater Company, LLC is requesting Preliminary Long Plat Approval for the subdivision of a 38.9 acre parcel into six residential lots, a private road, and a 0.4 acre community tract. The parcel is zoned Rural and the base density in the Rural zone is one unit per five acres.

III.

Island County Planning and Community Development has processed the application and in a staff report dated March 13, 2009, has recommended approval of the plat subject to conditions. Staff has concluded that subject to the conditions requested the proposed subdivision would be consistent with the applicable requirements of the Subdivision...
Ordinance, the Zoning Ordinance, and other applicable Island County Ordinances, as well as the requirements of RCW 58.17.

The applicant indicates that the staff report is factually accurate and that the applicant has no objection to, and will comply with the conditions of approval recommended by staff. Based on the testimony at the hearing and on the documentary evidence in the file the Hearing Examiner finds that the Findings of Fact made by staff in the staff report are supported by the record as a whole. The Hearing Examiner hereby adopts the Findings of Fact set forth in the staff report as Findings of Fact herein through this reference. A copy of the staff report, Exhibit No.1, is attached hereto and incorporated herein.

IV.

There were public concerns about the project both submitted in writing after the notice of application, and in the form of testimony and writings submitted at the public hearing on the matter.

The concerns raised included concerns about ground water management and the potential for salt water intrusion as a result of water withdrawals to support the project, the adequacy of the public road which will serve the project, issues of stormwater runoff and the water quality of runoff which reaches Triangle Cove, and the protection of Critical Areas.

All of the concerns raised by members of the public were discussed and responded to by either Island County staff, including the planner and the head of Public Works, the applicant, and/or the Hearing Examiner.

The Hearing Examiner concludes that staff has adequately addressed the concerns raised by the members of the public through the regular application of Island County Ordinances, including ordinances covering stormwater drainage, critical areas, road construction and development standards regarding density.

V.

As pointed out by members of the public and by staff in the staff report the site of this subdivision is in a high risk area for salt water intrusion. The material submitted by the applicant and other relevant material were reviewed by the Island County Hydrologist who reviewed the proposal and indicated no objection to the proposed subdivision based on seawater intrusion risk. The hydrologist’s opinion is an expert opinion and is entitled to substantial weight as an expert opinion. There is no evidence in the file which would indicate that the hydrologist’s opinion was a mistake, that the proposal was likely to cause salt water intrusion, and therefore should be denied. The raising of concerns by members of the public is not sufficient evidence to overcome an expert opinion regarding technical matters, including the risk of ground water intrusion.
VI.

The proposed long plat is within a Bald Eagle Management Plan area and a Bald Eagle Management Plan has been provided. At the hearing Public Works requested an additional condition requiring the applicant to provide Public Works with a clearing plan consistent with the limitations on tree removal, including leaving all trees over 24 inches in diameter, prior to applying for a Forest Practice Permit. The plan would identify trees in excess of 24 inches in diameter and the number of trees onsite as well as identifying the areas which would be cleared and/or the trees that would be removed. The Bald Eagle Management Plan requires protection of large trees and the leaving of a significant amount of vegetation on the site. It is appropriate that Island County be notified of the areas to be cleared, the trees contained within those areas, and an opportunity to review and to revisit the site prior to the applicant applying for a Forest Practice Permit. Such a condition should be added to the conditions of approval.

The Hearing Examiner understands the concerns by members of the community in regards to the protection of water quality in Triangle Cove, the adequacy of the roads, the adequacy of the Storm Water Management Plan, the protection of critical areas and salmonoid habitat, and the risks of saltwater intrusion.

The record as a whole shows that all of these issues have been identified and dealt with by state and county employees with expertise in these areas; have been the subject of numerous conditions to ensure that the potential for any significant adverse impacts from the development have been mitigated to an acceptable level; and would point out that there is no evidence in the file to indicate that the review work done by county and state staff as well as the experts that the applicant was required to hire in order to show that the county and state requirements could be met, were inadequate or in error.

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 Conclusions of Law reached by the staff in regards to this application for Preliminary Long Plat Approval, set forth in the staff report Exhibit No.1, are supported by the record as a whole and are hereby adopted by the Hearing Examiner as Conclusions of Law herein.

Subject to the conditions of approval the Hearing Examiner concludes that the proposal is consistent with the requirements of the applicable titles of the Island County Code and with the requirements of RCW 58.17 and preliminary approval should be granted.
Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such. Based on the foregoing Findings of Fact and Conclusions of Law, now is entered the following:

DECISION

Preliminary Long Plat Approval is hereby granted to PLP 126/08, an application from Drater Company, LLC for subdivision approval of the proposed division of a 38.9 acre rural zone parcel into six lots of 5 acres or more on Assessors parcel number R33106-197-4610, located at 285 Barnum Road, Triangle Cove, Camano Island Washington, subject to the following conditions:

1. Compliance with Island County Public Works requirements as specified in the comments and conditions from Bill Poss, dated May 27, 2008 and June 24, 2008.

   In addition to the conditions in these documents the applicant is to comply with Public Works’ request at the public hearing that the applicant create and submit a plan for proposed site clearing which is consistent with the Bald Eagle Management Plan, and that such plan be approved by Island County before application for a Forest Practice Permit for the clearing indicated for the home sites.

2. Compliance with Island County Health Department requirements as specified in the comments and conditions from Aneta Hupfauer, dated May 1, 2008 and June 25, 2008.

3. Compliance with Island County Critical Areas Planner requirements as specified in comments and conditions from Mattia Boscolo, dated June 11, 2008.

4. Compliance with Island County Resource Enhancement Manager requirements as specified in the comments and conditions from Matt Kukuk, dated June 19, 2008 and January 7, 2008.

5. Prior to final plat approval, all site and off-site improvements required as a condition of preliminary approval shall be complete, OR, at the discretion of the Board of Island County Commissioners by recommendation of the Planning Director and County Engineer shall be bonded for.

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

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

8. Prior to submittal of the Final Short Plat application, obtain approval of (1) a Private Road Name Petition (attached) and (2) individual addresses for the
proposed lots. Pursuant to ICC 14.04, RCW 58.17.280, Ordinance #C-32-96, the addresses must appear on the final 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.

9. The following shall appear under Notes on the final 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.”

10. The following language shall appear under Restrictions on the final short plat:

“Tract A is for beach access and family recreation for all homeowners. Anything that interferes with this primary purpose will not be allowed. Also prohibited will be fires, fireworks, motor vehicles, or the removing of any driftwood or vegetation.”

11. The following language has been provided by Dale Herrigstad, Herrigstad Engineering PS, and approved by the County Resource Enhancement Manager Matt Kukuk, and shall appear under Restrictions on the final short plat:

“Stormwater: new development will be required to mitigate runoff generated onsite. Potential options would include drywells, raingardens, or other alternatives. New exterior impervious areas including driveways, parking, patios and sidewalks will sheet stormwater runoff to the surrounding lawns and landscaping to provide water quality treatment as well as disperse drainage and limit concentrated flows.”

12. There are two Category A wetlands and their 100 foot associated buffers on site. The wetlands and their associated buffers must be surveyed onto the face of the final short plat, and the following language shall appear under Restrictions on the final short plat:
“The regulated wetlands and their associated buffers shall be left natural and undisturbed 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.

13. Proposed Lots 5 and 6 within this plat border Triangle Cove, and it is regulated under the Shoreline Management Act and Island County's Shoreline Management Master Program and associated regulations. The following language shall appear under Restrictions on the final short plat.

“The shoreline of Triangle Cove is regulated under the Shoreline Management Act and Island County's Shoreline Management Master Program and associated regulations. Development on lots adjacent to the lake is subject to the setbacks and buffers established in the Island County Shoreline Management Master Program, the Zoning Ordinance, and the Critical Area Ordinance.”

14. In accordance with ICC Chapter 11.03, several erosion and sedimentation control (ESC) requirements shall apply to all development activities:
   a. Erosion on-and off-site. During and after construction, all persons engaging in development activities shall minimize erosion and sedimentation on-site and shall protect properties and watercourses downstream from the site from erosion due to increases in the velocity and peak flow rate of stormwater runoff from the site.
   b. Transport of sediment. The applicant shall minimize the transport of sediment onto paved surfaces, and if sediment is transported onto a paved surface, shall clean the paved surface at the end of each day in accordance with erosion and sedimentation control best management practices (BMPs).
   c. Stabilizing exposed soil. The applicant shall stabilize denuded areas and soil stockpiles with temporary erosion and sedimentation control BMPs.
   d. Temporary erosion and sedimentation control measures shall be maintained until final site stabilization.
   e. Sediment retention. The applicant shall route stormwater runoff from the site though a sediment retention BMP.

15. In addition to the standard final map requirements, the following shall also appear on the face of the final plat:
   A. The complete plat number and existing parcel number must appear at the top right corner of each sheet of the final plat as follows:

   LONG PLAT NO. PLP 126/08  R33106-197-4610
B. The name of the subdivision: **Drater Company, LLC**

16. The proposed building envelopes, parking areas, and driveways as shown on the preliminary plat map to be removed from the final plat map.

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

18. 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.

19. The total of all property taxes for the year in which the plat is to receive final approval and any delinquent assessments for which the property may be liable shall be paid in full to the Island County Treasurer prior to the recording of the final plat.

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.
   C. Four paper copies of the proposed final plat.
   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. The Certificate of Title submitted with the final short plat application shall be dated no earlier than 30 days prior to submitting the application.

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

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

   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.
20. This approval of the preliminary subdivision is valid for five years from the date of this decision and shall expire on April 3, 2014. All requirements for final approval must be fulfilled and the final plat approved and recorded within that time. A one time, one-year extension may be approved if the applicant submits a written request with Community Development at least thirty (30) days before the expiration date. An extension may be granted only upon a finding that the applicant has attempted in good faith to complete the short plat within the five-year period.

Entered this 13th day of April, 2009, pursuant to authority granted under the laws of the State of Washington and Island County.

________________________________
MICHAEL BOBBINK
Island County Hearing Examiner

APPEAL PROCESS:

PLP

This decision of the Hearing Examiner shall be a final and conclusive decision unless within fourteen (14) days following the mailing of such decision a written statement of appeal is filed with the Island County Board of Commissioners by the applicant, a Department of the County, or Party of Record, who is also an Aggrieved Person. Said statement shall set forth any alleged errors and/or the basis for appeal and shall be accompanied by a fee pursuant to the fee schedule adopted by the Board; provided that such appeal fee shall not be charged to a department of the County or to other than the first appellant ICC 16.13.100.b; ICC 16.19.190.
ISLAND COUNTY COMMUNITY DEVELOPMENT DIVISION

STAFF REPORT

Preliminary Subdivision
Staff Report and Recommendation

Drater Company, LLC

FILE NUMBER: PLP 126/08

APPLICANT: Drater Company, LLC
ASSESSOR’S PARCEL NUMBER: R33106-197-4610

PROPOSAL

Drater Company, LLC seeks preliminary plat approval for the subdivision of a 38.9 acre parcel into six (6) residential lots, one private road and a 0.4 acre community tract. The subject parcel is zoned Rural (R). The proposal will result in a project density of approximately one (1) dwelling units per five (5) acres. The size of the proposed lots range from 5 acres to 12.2 acres in size. The subject parcel is located at 285 Barum Road, Triangle Cove, Camano Island. The proposed source of sewage disposal is onsite septic. A six-party well will serve all six (6) lots.

STAFF FINDINGS & ANALYSIS

1. Project History and Review Process

The long plat application was submitted on April 18, 2008 and found to be complete on April 25, 2008. The review of the application followed the Type III Decision Process as required by ICC 16.19.

The subject application was delayed by the review of Cultural Resources. The Washington State Department of Archaeology & Historic Preservation (DAHP) required a professional archaeological survey be conducted on the parcel prior to preliminary approval, which was submitted August 16, 2008. A memorandum dated September 3, 2008, from DAHP stated that
the survey effort was inadequate to identify the presence of cultural resources within the project area. A new survey was completed and submitted December 16, 2008 and approved by Matt Kukuk, Island County Shoreline Planner.

2. Parties of Record
The public comment period for the proposal was 14 days long and ended on May 20, 2008. There were four written public comments received during the comment period. The four comments are in concern of the development impacts on seawater intrusion, local wildlife and habitat, water quality and run-off into the sensitive critical areas on site and Triangle Cove (Exhibit F).

3. Site Description & Consistency Review
   a. Location: The subject parcel is located in Triangle Cove at 285 Barnum Road, Camano Island, WA 98282. It is located within the Southeast 1/4 of Section 6, Township 31 North, Range 3 East, Willamette Meridian. Assessor’s Parcel No. R33106-197-4610.
   b. Site Condition and Size: The subject property consists of one parcel 38.9 acres in size which is approximately 1,316 feet from north to south and 1,317 feet from east to west. The site slopes from the north property line down to the south property line and contains two (2) Category A wetlands with a connecting stream on the northeast portion of the parcel. The proposed area of development is primarily forested with Madrona, Alder and Douglas Fir with an understory composed of Salal, Snowberry and Oregon Grape. The parcel also contains an open area with a majority of pasture grasses.
   c. Zoning/Type of Land Use Permitted: The parcel is zoned Rural (R), which has a minimum lot size of 5 acres and a base density of one (1) dwelling unit per five (5) acres. The proposed lot sizes and base density conform to the requirements. Single-family residences are a Permitted Use in the Rural zone.
   d. Access: The proposed lots will access to Barnum Road from a private access that will bisect the subject parcel.
   e. Surrounding Zoning and Development: All surrounding parcels are zoned Rural (R).
   f. Density of Development: The parcel is zoned Rural (R), which has a minimum lot size of 5 acres and a base density of one (1) dwelling unit per five (5) acres. The proposed lot sizes and base density conform to the requirements.
   g. Natural Features and Critical Areas: The subject parcel is within a Flood Hazard Area, Geologically Hazardous Area, and Bald Eagle habitat. There are no known endangered species on the subject site. According to the USDA Soil Survey for Island County - 1958, the predominant soil type found on this property is Alderwood gravelly sandy loam (Ae) with 5 to 15 percent slopes, Alderwood gravelly sandy loam (Af) with 15 to 30 percent slopes, Bow loam (Bc) with 5 to 15 percent slopes, and Bellingham silt loam (Ba) with 0 to 5 percent slopes. The FEMA flood zone designation is Zone A and X. There are two Category A wetlands and their associated buffers on site, with a stream that connects the two, as shown in the approved preliminary short plat map (Exhibit A).
h. **Shoreline**: The project is within Shoreline Rural Jurisdiction and a Marine FWHCA.

i. **Bald Eagle Habitat**: The site is located within a Bald Eagle Habitat, and a Management Plan has been submitted and approved.

j. **Cultural Resources**: The site may be located within the vicinity of Cultural Resources.

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

a. **Accident Potential or Noise Zone**: The site is not located within an AICUZ Accident Potential or Noise Zone.

4. **Land Use Controls**

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

1. **Rural Lands (R).**
   
   Goal: 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 lot size of 5 acres and a base density of one (1) dwelling unit per five (5) acres.
   
   ii. Lot size averaging was not used in this subdivision.
   
   iii. This is not a Planned Residential Development (PRD).
   
   iv. The residential development is not located near designated Commercial Agriculture lands and does not prevent unnecessary conversion of farm land.
   
   v. The proposed land use for the 6 lots for single family homes is consistent with the Permitted Uses of Rural lands.
   
   vi. The development will not be accessing directly onto a State highway.

2. **Residential Development.**

   The proposal is consistent with the Goals and Policies for residential development. 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.

   **Chapter 17.03 Island County Code.** The density, lot sizes, and widths are within the standards for lots in the Rural zone.

   1. **Rural Zone 17.03.060 ICC.** The parcel is zoned Rural (R), which has a minimum lot size of 5 acres and a base density of one (1) dwelling unit per five (5) acres. The proposed lot sizes and base density conform to the requirements.
Chapter 16.06 Island County Code.

1. This proposal would create a total of 6 lots for the purpose of development, lease, sale, or gift and 1 tract for community area, therefore would meet the definition of subdivision under ICC 16.06.040. The criteria for preliminary approval of a subdivision are listed in ICC 16.06.110.C. Requirements of ICC Titles 8, 11, and 13 are addressed by Island County Health and Engineering in separate correspondence. Conformance with ICC Title 17 requirements is described above and under the review for Consistency, ICC 16.19.100.

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 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 June 24, 2008 and May 27, 2008, and in the comments from the Island County Resource Enhancement Manager dated June 19, 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 adopted level of service standards through the year 2020.

3. Requirements of Titles 8, Health, Welfare and Sanitation, concerning potable water supplies and sanitary wastes are addressed in the Island County Health Department’s comments dated June 25, 2008 and May 1, 2008.

4. The subject site is located within the boundaries of the Stanwood/ Camano 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 (20842006 CC), 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.

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. The requirements of Chapter 16.25.040 ICC do not, 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 May 6, 2008. Island County issued a Determination of Non-Significance on January 7, 2008 under WAC 197-11-340. No appeals were filed with this office.

4. Agency Comments

a. The Island County Public Works Department has no objection to the preliminary approval of this subdivision. Comments and conditions for approval are provided in the attached memorandum from Bill Poss dated, May 27, 2008 and June 24, 2008 (Exhibit B).

b. Island County Health Department 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 May 1, 2008 and June 25, 2008 (Exhibit C).

c. Island County Critical Areas Planner has no objection to the preliminary approval of the subdivision. Comments and conditions of approval are provided in the attached memorandum from Mattia Boscolo dated June 11, 2008 (Exhibit D).

d. Island County Resource Enhancement Manager has no objections to the preliminary approval of the subdivision. Comments and conditions of approval are provided in the attached memorandum from Matt Kukuk dated June 19, 2008 and January 7, 2008 (Exhibit E).

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. Health Department comments and requirements are described in the attached memorandum from Aneta Hupfauer, dated May 1, 2008. Public Works comments and requirements are described in the attached memorandum from Bill Poss, dated May 27, 2008. Comments and requirements from Island County’s Critical Areas Planner are contained in the attached memorandum from Mattia Boscolo, dated June 11, 2008. Shoreline and Cultural Resource review comments are described in the attached memorandum from
Matt Kukuk, dated June 19, 2008 and January 7, 2008. Other Planning and Community Development comments and requirements are described in this Staff Report.

A. A Determination of Consistency was performed according to ICC 16.19.100. Upon conformance with the condition 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, the Planning and Community Development recommends approval of the Preliminary Long Plat, PLP 126/08, submitted on behalf of Drater Company, LLC, proposing to subdivide a parcel (R33106-197-4610) totaling 38.9 acres into 6 residential lots and 1 community tract, with a proposed project density of one dwelling units per five (5) acres subject to the following conditions:

24. Compliance with Island County Public Works requirements as specified in the attached comments and conditions dated May 27, 2008 and June 24, 2008.

25. Compliance with Island County Health Department requirements as specified in the attached comments and conditions dated May 1, 2008 and June 25, 2008.

26. Compliance with Island County Critical Areas Planner requirements as specified in the attached comments and conditions from Mattia Boscolo dated June 11, 2008.

27. Compliance with Island County Resource Enhancement Manager requirements as specified in the attached comments and conditions from Matt Kukuk dated June 19, 2008 and January 7, 2008.

28. Prior to final plat approval, all site and off-site improvements required as a condition of preliminary approval shall be complete, OR, at the discretion of the Board of Island County Commissioners by recommendation of the Planning Director and County Engineer shall be bonded for.

29. All utilities installed on-site shall be underground.
30. All proposed development shall comply with the state noise ordinance, air pollution control regulations, water quality standards, and all other pertinent codes and ordinances.

31. Prior to submittal of the Final Short Plat application, obtain approval of (1) a Private Road Name Petition (attached) and (2) individual addresses for the proposed lots. Pursuant to ICC 14.04, RCW 58.17.280, Ordinance #C-32-96, the addresses must appear on the final 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.

32. The following shall appear under Notes on the final 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.”

33. The following language shall appear under Restrictions on the final short plat:

   “Tract A is for beach access and family recreation for all homeowners. Anything that interferes with this primary purpose will not be allowed. Also prohibited will be fires, fireworks, motor vehicles, or the removing of any driftwood or vegetation.”

34. The following language has been provided by Dale Herrigstad, Herrigstad Engineering PS, and approved by the County Resource Enhancement Manager Matt Kukuk, and shall appear under Restrictions on the final short plat:

   “Stormwater: new development will be required to mitigate runoff generated onsite. Potential options would include drywells, raingardens, or other alternatives. New exterior impervious areas including driveways, parking, patios and sidewalks will sheet stormwater runoff to the surrounding lawns and landscaping to provide water quality treatment as well as disperse drainage and limit concentrated flows.”

35. There are two Category A wetlands and their 100 foot associated buffers on site. The wetlands and their associated buffers must be surveyed onto the face of the final short plat, and the following language shall appear under Restrictions on the final short plat:
“The regulated wetlands and their associated buffers shall be left natural and undisturbed 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.

36. Proposed Lots 5 and 6 within this plat border Triangle Cove, and it is regulated under the Shoreline Management Act and Island County's Shoreline Management Master Program and associated regulations. The following language shall appear under Restrictions on the final short plat.

“The shoreline of Triangle Cove is regulated under the Shoreline Management Act and Island County's Shoreline Management Master Program and associated regulations. Development on lots adjacent to the lake is subject to the setbacks and buffers established in the Island County Shoreline Management Master Program, the Zoning Ordinance, and the Critical Area Ordinance.”

37. In accordance with ICC Chapter 11.03, several erosion and sedimentation control (ESC) requirements shall apply to all development activities:

a. Erosion on-and off-site. During and after construction, all persons engaging in development activities shall minimize erosion and sedimentation on-site and shall protect properties and watercourses downstream from the site from erosion due to increases in the velocity and peak flow rate of stormwater runoff from the site.

b. Transport of sediment. The applicant shall minimize the transport of sediment onto paved surfaces, and if sediment is transported onto a paved surface, shall clean the paved surface at the end of each day in accordance with erosion and sedimentation control best management practices (BMPs).

c. Stabilizing exposed soil. The applicant shall stabilize denuded areas and soil stockpiles with temporary erosion and sedimentation control BMPs.

d. Temporary erosion and sedimentation control measures shall be maintained until final site stabilization.

e. Sediment retention. The applicant shall route stormwater runoff from the site though a sediment retention BMP.

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

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

LONG PLAT NO. PLP 126/08 R33106-197-4610

D. The name of the subdivision: Drater Company, LLC
39. The proposed building envelopes, parking areas, and driveways as shown on the preliminary plat map to be removed from the final plat map.

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

41. 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.

42. The total of all property taxes for the year in which the plat is to receive final approval and any delinquent assessments for which the property may be liable shall be paid in full to the Island County Treasurer prior to the recording of the final plat.

43. Upon completion of the above requirements, the applicant shall submit:
   
   A. The original Final Long Plat application and all required materials, along with three copies.
   B. An original, complete Certificate of Title, formatted to meet the Washington State Recording requirements dated no earlier than 30 days prior to submittal.
   C. Four paper copies of the proposed final plat.
   D. 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.

44. The Certificate of Title submitted with the final short plat application shall be dated no earlier than 30 days prior to submitting the application.

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

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

   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.

20. This approval of the preliminary subdivision is valid for five years from the date of this decision and shall expire on April 3, 2014. All requirements for final approval must be fulfilled and the final plat approved and recorded within that time. A one time, one-year extension may be approved if the applicant submits a written request with Community Development at least thirty (30) days before the expiration date. An extension may be
granted only upon a finding that the applicant has attempted in good faith to complete the short plat within the five-year period.

This Staff Report and Recommendation was prepared by:

______________________________________________
Bobak Talebi, Planner March 13, 2009

Enclosures:
Preliminary subdivision map
Memorandum from Island County Public Works Department, May 27, 2008 and June 24, 2008
Memorandum from Island County Health Department, dated May 1, 2008 and June 25, 2008
Memorandum from Island County Critical Areas Planner, dated June 11, 2008
Comments from Island County Resource Enhancement Manager, dated June 19, 2008 and January 7, 2008
Parties of Record
Final Long Plat Application

cc: Drater Company, LLC
Vince Muscolo; Agent
Aneta Hupfauer, Island County Health Department
John Bertrand, Island County Public Works Department
Michael Bobbink, Hearing Examiner
File PLP 126/08