

ISLAND COUNTY HEARING EXAMINER

RE: Preliminary Long Plat)	File No. PLP 153/06
Applicant: Bud Welcome/B-Bo,)	FINDINGS OF FACT
LLC)	CONCLUSIONS OF LAW
)	AND DECISION
)	

SUMMARY OF APPLICATION AND DECISION

APPLICATION: B-Bo, LLC seeks preliminary plat approval for the subdivision of a 10.03 acre parcel into 20 residential lots and two road tracts. The subject parcel is zoned Rural Residential (RR) and is located in the Holmes Harbor Residential Area of More Intensive Development (RAID). The proposal will result in a project density of approximately two (2) dwelling units per acre. The size of the proposed lots range from 7,775 square feet in size to 104,539 square feet in size. The subject parcel is located on Evenstar Lane on the west side of Honeymoon Bay Road. The proposed source of sewage disposal is the Holmes Harbor Sewer District for seventeen (17) of the lots and individual drainfields for the remaining three (3) lots. Harbour Hills Water System will provide water to all twenty (20) lots.

DECISION: Preliminary long plat approval is granted to the proposed subdivision 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 June 7, 2007.

I.

PRELIMINARY INFORMATION

Applicant: Bud Welcome

Property Location: West side of Honeymoon Bay Road in the SW ¼ of Sec 34, Twp 30N, R2E

Applicable Ordinances, Statutes and Regulations: Island County
Comprehensive Plan, Chapter 17.03 ICC, Chapter 16.06 ICC, Chapter 11.05
ICC,

SEPA: A Determination of Non-Significance was issued by Island County on
May 9, 2007.

Publication: South Whidbey Record – May 23, 2007

Mailing of Notice to Applicant: May 11, 2007

Sign Posted: April 25, 2006

Mailing of Staff Report: May 29, 2007

Date of Application: April 14, 2006

Hearing Date: June 7, 2007

Exhibit Log:

EXHIBIT LOG

1. Staff Report
2. Six maps, C01- Cover Sheet, C02 - Clearing and Grading Plan , C03 -
Drainage & Tesc Plan, C04 - Sewer Service Plan, C05 - Water Service Plan,
C06 - Civil Improvements Plans
3. Land Development Permit Application PLP 153/06 dated 4/14/06
4. Environmental Checklist dated 4/14/06
5. Evenstar Glen Long Plat map dated 4/14/06
6. Water Line Easement
7. Statutory Warranty Deed
8. Certificate of Transportation Concurrency
9. Water Service Certification of Availability
10. Sewer hookup verification
11. Application for access to county road right of way dated 4/14/06
12. Declaration and Grant of Easement
13. Application for access to county road right of way dated as received 4/14/06
14. Chapter 8.07, Health, Welfare, and Sanitation
15. Agreement authorizing Bret Curtis to sign documents representing B-BO, LLC
16. Lot Sizes
17. Request for Comment dated 4/21/06
18. Quarter Section Map, SW ¼ of Sec. 34, Twp. 30N., R.2E
19. Account Summary Snapshot
20. Account Apr Summary Snapshot
21. Parcel Summary Report
22. Notice of Complete application dated 4/21/06

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23. Affidavit of Posting the Public Notice Sign dated 4/25/06
24. Affidavit of Mailing public notice to property owners within 300 feet dated 4/28/06
25. Affidavit of Mailing public notice to contact person dated 4/28/06
26. Notice of Application with SEPA dated 5/5/06
27. Email dated 5/8/06 from Kirsten Harman, Wetlands/Critical Areas Planner to Andrew Hicks, Land Use Planner
28. Memo dated 5/11/06 from Elaine Graham, Island County Health Department, to Andrew Hicks
29. Memo dated 5/19/06 from John Bertrand, Development Coordinator, to Andrew Hicks
30. Memorandum dated 5/22/06 from Justin Craven, Critical Areas Planner, to Andrew Hicks
31. Ltr dated 5/22/05 from Andrew Hicks, to Reed Thatcher
32. Email dated 6/12/06 from Larry Kwarsick, to John Bertrand
33. Memo dated 6/14/06 from Larry Kwarsick, to John Bertrand
34. Email dated 6/28/06 from Larry Kwarsick, to John Bertrand
35. Email dated 7/7/06 from Larry Kwarsick, to John Bertrand
36. Email dated 7/11/06 from John Bertrand, to Larry Kwarsick
37. Site Registration dated as received 9/5/06
38. Plat Map dated 11/7/06 showing 20 lots
39. Memo dated 11/14/06 from Aneta Hupfauer, Island County Health Department, to Andrew Hicks
40. Memo dated 11/17/06 from John Bertrand, to Andrew Hicks
41. Ltr dated 11/20/06 from Andrew Hicks, to Reed Thatcher
42. Memorandum dated 11/20/06 from Justin Craven, Critical Areas Planner, to Andrew Hicks
43. Ltr dated 12/11/06 from Quin Clements, Davido Consulting Group, to John Bertrand
44. Memo dated 1/10/07 from Aneta Hupfauer, to Andrew Hicks
45. Memorandum dated 1/11/07 from Justin Craven, to Andrew Hicks
46. Ltr dated 1/12/07 from John Bertrand, to Andrew Hicks
47. Ltr dated 1/19/07 from Andrew Hicks, to Reed Thatcher
48. Ltr dated 2/15/07 from John Bertrand, to Andrew Hicks
49. Memo dated 2/23/07 from Aneta Hupfauer, to Andrew Hicks
50. Memo dated 2/25/07 from Quin Clements, to John Bertrand
51. Memo dated 3/5/07 from Aneta Hupfauer, to Andrew Hicks
52. Letter of Transmittal dated 3/8/07
53. Memo dated 3/16/07 from John Bertrand, to Andrew Hicks
54. Email dated 3/23/07 from Aneta Hupfauer, to Andrew Hicks
55. Updated traffic impact analysis from Gibson Traffic Consultants dated 3/28/07
56. Email dated 4/9/07 from Aneta Hupfauer, to Andrew Hicks
57. Letter or Transmittal dated 4/12/07
58. Certificate of Transportation Concurrency dated 4/18/07
59. Memo dated 4/18/07 from John Bertrand, to Andrew Hicks

- 60. Memo dated 5/3/07 from Aneta Hupfauer, to Andrew Hicks
- 61. Final SEPA Determination dated 5/9/07
- 62. Ltr dated 6/6/07 from Justin Craven to Andrew Hicks

HEARING TESTIMONY

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

Reed Thatcher
Thatcher & Morrison
PO Box 1011
Freeland WA 98249

II.

The applicants are seeking approval for the subdivision of a 10.03 acre parcel into 20 residential lots and two road tracts. The subject parcel is zoned Rural Residential (RR) and is located in the Holmes Harbor Residential Area of More Intensive Development (RAID). Island County Planning & Community Development has recommended approval of the proposed subdivision in a staff report and recommendation admitted into the Hearing Examiner's file as Exhibit #1.

There was no testimony from members of the public at the hearing. Planning staff submitted 2 additional conditions at the hearing in a memo dated 6/6/07, Exhibit #62. The applicant's representative indicated that both he and the applicant had reviewed the staff report, that they found no factual inaccuracies in the staff report and that they had no objection to any of the conditions of approval recommended by staff.

The Hearing Examiner hereby adopts the Findings of Fact and Conclusions of Law set forth in the staff report by this reference. A copy of the staff report is attached hereto. The Hearing Examiner has reviewed the file and concludes that the facts set forth in the staff report are accurate and that the applicant is entitled to preliminary long plat approval.

III.

Any Conclusion of Law which is deemed a Finding of Fact is hereby adopted as such. Based on the foregoing Findings of Fact, now are entered the following:

CONCLUSIONS OF LAW

I.

Preliminary long subdivision approval is a Type III decision which requires a public hearing before the Hearing Examiner. This application was processed in a proper manner and went to hearing before the Hearing Examiner on June 7, 2007. Proper public notices have been given.

II.

Island County Planning & Community Development has recommended approval of the proposed subdivision subject to conditions. Island County Planning & Community Development has concluded that the proposed subdivision, if developed in accordance with the recommended conditions contained in the staff report, the conditions contained in Exhibit 62, and the conditions of Island County Health and Engineering, the proposed subdivision will be consistent with the applicable provisions of the Island County Code, and with the requirements of RCW 58.17. The Hearing Examiner should grant preliminary long plat approval subject to the conditions recommended by Island County Planning & Community Development.

III.

Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such. Based on the foregoing Findings of Fact and Conclusions of Law, now is entered the following:

DECISION

Based on the forgoing Findings of Fact and Conclusions of Law the Island County Hearing Examiner hereby grants preliminary long plat approval to PLP 153/06, proposing subdivision of a 10.03 acre parcel into 20 residential lots and two road tracts, subject to the following conditions:

1. Compliance with Island County Public Works requirements as specified in attached comments and conditions dated April 18, 2007.
2. Compliance with Island County Health Department requirements as specified in the attached comments and conditions dated May 3, 2007.
3. 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.

4. All utilities installed on-site shall be underground.
5. All proposed development shall comply with the state noise ordinance, air pollution control regulations, water quality standards, and all other pertinent codes and ordinances.
6. Prior to submittal of the Final Short Plat application, obtain approval of twenty (20) 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 short 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.

7. The following shall appear under "Restrictions" on the final plat map:

"Lot size averaging was used in accordance with Chapter 17.03.070 to create lots that are smaller than the required minimum lot size. No lots in this subdivision may be further divided."

8. All of the lots created by this long plat will be less than the minimum lot size as established by ICC 17.03.075. Therefore, the following shall appear under "Restrictions" on the final plat map:

"No variances shall be granted to reduce the setbacks for any lots within this subdivision."

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

LONG PLAT NO. PLP 153/06 R23034-017-0670

B. The name of the subdivision: **Evenstar Glenn**

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

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

12. 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.

13. 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.

14. 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.

15. 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 for 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.

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

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

- A. Permanent black ink on 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, linen with an image produced by a dry electrostatic process, Mylars with an image produced by a dry electrostatic process, or taped down edges.

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.

18. Conveyance of stormwater shall not result in channels within the wetland buffer.

19. Stormwater shall enter the buffer at a predevelopment rate.

Entered this 9th day of July, 2007, 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.