ISLAND COUNTY
PLANNING & COMMUNITY DEVELOPMENT

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STAFF REPORT & RECOMMENDATION
PRELIMINARY LONG PLAT – TYPE III – PLP 135/13
HANSELL MITZEL, LLC

I – PROJECT SUMMARY

The applicant, Hansell Mitzel, LLC, is seeking preliminary plat approval for the subdivision of a 9.78 acre parcel into nineteen (19) single-family residential lots, two (2) mixed-use lots, one private road and a .88 acre community tract. The subject parcel is zoned Rural Village (RV). Minimum lot size requirements in the RV zone are determined by the Island County Health Department and are based on suitable soils.

II – PERMIT & SITE DATA

Permit Type	PLP (Preliminary Long Plat) – Type III
Permit Number	PLP 135/13
Date of Complete Application	5/2/2013
Comment Period	June 4 to June 18, 2013
Comments Received	35 public comments
Decision	Approved with conditions
Applicant/Owner	Hansell Mitzel, LLC
Agent	Pam Leamer, Hansell Mitzel, LLC

Location	Sec 19, TWP 31N, Rng 3E, W.M. Northeasterly of Elger Bay Rd and Southwesterly of East Camano Drive. Camano Island, WA
Parcel Number(s)	R33119-382-2030
Parcel Area(s)	9.78 acres
Zone Designation	Rural Village (RV)
RAID Designation	Rural Village
Minimum Lot Size	15,000 square feet
Critical Areas/Overlays	No known critical areas

III – STAFF CONTACTS

Department	Name	Phone	Email
Planning	Nick Whipple	360-678-7869	n.whipple@co.island.wa.us
Public Health	Aneta Hupfauer	360-678-7995	anetah@co.island.wa.us
Public Works	John Bertrand	360-678-7812	johnb@co.island.wa.us

IV – REGULATORY COMPLIANCE

Regulatory Requirement	Complies (Y/N)	Comments
Land Use Review Process - ICC 16.19	Yes	Project complies, see Findings & Analysis section A
Land Divisions – ICC 16.06 & 58.17 RCW	Yes	Project complies, see Findings & Analysis section B
Rural Village (RV) - ICC 17.03.130	Yes	Project complies, with conditions of approval
Site Coverage & Setbacks – ICC 17.03.180.S	Yes	Project complies, with conditions of approval
Public Works	Yes	Project complies, with conditions of approval
Public Health	Yes	Project complies, with conditions of approval
Critical Areas/Endangered Species	Yes	Project complies, with conditions of approval
State Environmental Policy Act (SEPA)	Yes	Project complies, determination of non-significance

V – FINDINGS & ANALYSIS

Only major issues, errors in the development proposal, and justification for conditions of approval are discussed below. Staff finds that all other aspects of the proposed development are in compliance with applicable laws, rules, codes, and requirements.

A – Review Process (ICC 16.19)

1. Preliminary Long Plat approvals are classified as a Type III, quasi-judicial decision made by the Hearing Examiner following an Open Record pre-decision Hearing.

2. Pursuant to Island County Code, notice of the proposed land division was posted on the site, mailed to owners of record of property within three-hundred (300) feet of the site, and published in the Stanwood Camano News on June 4, 2013. A fourteen (14) day comment period was provided from June 4, 2013 to June 18, 2013. Island County received thirty-five (35) public comments.

3. The public comments received concern development impacts on: local wildlife and habitat, water quality, stormwater runoff, impervious surface requirements, landscaping, lot sizes, the Island County land use review process, road safety, impacts to surrounding roads, traffic, and the use of on-site septic systems.

4. Pursuant to Island County Code, a community meeting is only required for Type III conditional land use proposals. A subdivision in the Rural Village zone of

Island County is not considered a "conditional land use proposal". However, given the scope of the project, and the interest of the neighborhoods, a community meeting was held July 8, 2013 at the Camano Multi-Purpose Center. Meeting notes and a recording of the meeting were provided with the application for Island County's consideration.

B – Land Divisions & Platting Law (ICC 16.06 & 58.17 RCW)

1. Pursuant to Island County Code (ICC 16.06.110) the division of land into five or more lots, where any one of the resulting lots is less than ten acres in size must be authorized through a "Subdivision Process". The applicant is proposing to divide a 9.78 acre parcel into twenty-one lots; therefore, the applicant was required to apply for Subdivision Approval.

2. Island County Code 16.06.110 requires a preliminary plat to meet the requirements of ICC Chapter 16.06 (Land Divisions and Dedications), and Island County Titles 8 (Health, Welfare and Sanitation), 11 (Land Development Standards), 13 (Public Works), and 17 (Zoning) as it pertains to the development proposal. As such, the proposal has been reviewed by Island County Public Health, Public Works, Building, Planning, Snohomish PUD, Stanwood School District and Department of Ecology. Comments from these agencies have been attached and conditions have been applied to ensure compliance with the above mentioned Titles.

3. Washington State Law, 58.17.140 RCW, requires that a final plat be recorded within seven years of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014. Accordingly, a condition has been attached to this decision, requiring the applicant to record a final plat within seven years of the date of this decision.

C – Zoning (ICC 17.03.130) & Comprehensive Plan Consistency

1. The applicant's property is zoned Rural Village (RV). The area in which the applicant's property is located has a maximum allowable density based on soil types present. The subject parcel has mostly Type 3 and Type 4 soils as defined by WAC 246-272A-0220 which would allow a minimum lot size of 15,000 square feet. The subject lot is 9.78 acres in size and the applicant is proposing nineteen (19) residential lots, two (2) mixed-use lots, one private road and a .88 acre community tract. The smallest lot proposed is 18,010 square feet and the average lot size is 18,465 square feet.

2. The parcels resulting from the proposed subdivision will be used for single family residential development and mixed-use development. Single Family Dwelling Units and Mixed-Use with up to eight (8) Dwelling Units per Lot in a Mixed-Use Building are allowed uses in the RV zone.

3. Mixed-Use development is allowed in Island County with the approval of a Type II Site Plan Review. Development on proposed lot 20 and 21 will be reviewed by Island County through a formal site plan review application pursuant to ICC 16.15 and ICC 16.19.

4. In determining whether or not a given use is appropriate in a particular zone it is crucial to consult the Island County Comprehensive Plan for stated goals and policies. The goal of the Rural Village Designation is to:

   "Provide for the retail sale of convenience goods as well as personal and business services needed to support persons residing in the rural area."

   In accordance with the Comprehensive Plan, this goal is achieved through a variety of developments, including mixed-use and single family residential development.

5. The RV designation is intended to foster a communal atmosphere and establish a rural village character. The applicant has submitted a landscape plan to demonstrate consistency with this goal. The plan includes pedestrian access to promote connectivity, benches, trails, commons areas, and landscaping along street frontages.

D - Setbacks & Site Coverage (ICC 17.03.180.S)

1. The applicant is proposing to create lots for residential and mixed-use development in the Rural Village zone. All Uses in the RV zone are subject to site coverage and impervious surface limits. A condition has been attached to ensure consistency with the required Site Coverage Ratios. Below is a table outlining Site Coverage requirements in the RV zone:

Site Coverage	Proposed	Maximum Allowed
Gross Site Area	426,216 sq. ft – 100%	N/A
Buildings	Not yet specified	213,108 sq. ft. - 50%
Impervious Surfaces (Roads, sidewalks, driveways, etc.)	Not yet specified	298,351 sq. ft. - 70%
Open Space	85,250 sq. ft. – 20%	Min. required– 85,243 sq. ft. - 20%

2. Lots in the RV zone are subject to a twenty (20) foot setback from the proposed private road, a twenty (20) foot setback from Crest Pl., a thirty (30) foot setback from Elger Bay Road, and a thirty (30) foot setback from East Camano Drive. Building setbacks from the side yard in the RV zone may be reduced to zero on one side pursuant to ICC 17.03.180.S.

E – Agency Comments

1. Requirements of Chapter 11.01 ICC, Land Development Standards, Chapter 11.02 ICC, Clearing and Grading, Chapter 11.03 ICC, Stormwater and Surface Water Ordinance, Chapter 11.04 ICC, Transportation Concurrency, Chapter 11.01 ICC and 13.03 ICC, Fire Protection Requirements, and Title 12 ICC, Roads and Bridges, have been addressed in the Island County Engineering Division's comments dated December 5, 2013 (see attached Exhibit "E").

2. Requirements of Title 8, Health, Welfare and Sanitation, concerning potable water supplies, minimum land area requirements, and sanitary wastes are addressed in the Island County Health Department's comments dated May 29, 2013 (see attached Exhibit "F").

3. The subject site is located within the boundaries of the Stanwood/ Camano School District. As such, a 10' x 48' Bus Pullout with a 5' asphalt path has been proposed on the south side of the property along Crest Pl. The pullout will provide adequate space for off-road waiting and student loading and unloading.

F – State Environmental Policy Act (SEPA)

1. A Notice that a SEPA Threshold Determination of Non-Significance would likely be issued on the proposal was issued on June 4, 2013. Subsequently, Island County issued a Determination of Non-Significance on December 30, 2013 under WAC 197-11-340.

VI – 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 proposal for compliance with Titles 8, 11, 12, 13, and 17 and with Chapters 16.06, 16.14C and 16.19 of the Island County Code. Other county and/or agencies were consulted as appropriate.

3. 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.

4. 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, potable water supplies, sanitary waste disposal, schools, streets and transit stops.

Therefore, staff finds the applicant has satisfied the requirements of 58.17.110 RCW.

5. Applicant has not provided specific impervious surface limits for individual lots. Pursuant to ICC 17.03.180.S Site coverage limits shall not exceed fifty (50) percent of the site area for building coverage (approximately 213,108 square feet) and shall not exceed seventy (70) percent of the site area for impervious surfaces (approximately 298,351 square feet). Impervious surfaces include, but are not limited to roads, sidewalks, driveways, structures, and stormwater ponds. A condition has been attached to ensure compliance with this standard is met.

6. Upon conformance with the conditions of approval, the proposed subdivision will conform to the requirements of Chapter 16.06 ICC and Chapter 58.17 RCW.

VII – DECISION

Based upon the above Findings & Analysis, and Conclusions, Island County concludes the proposed 21-lot subdivision consisting of nineteen (19) single-family residential lots, two (2) mixed-use lots, one private road and a .88 acre community tract is consistent with all applicable land-use, environmental, and platting regulations. Island County respectfully ***recommends approval*** of Preliminary Long Plat PLP 135/13, subject to the following conditions of approval:

VIII – CONDITIONS OF APPROVAL

1. The final plat must be consistent with the requirements identified in ICC 16.06.120.

2. This decision is a preliminary approval only. A final plat application must be submitted to Island County for review and approval.

3. The final plat must conform to the approved preliminary plat except as specifically authorized by this decision.

4. The requirements and conditions noted in the attached memo from Island County Public Works dated December 5, 2013 must be addressed (see attached exhibit "E").

5. The requirements and conditions noted in the attached memo from Island County Public Health dated May 29, 2013 must be addressed (see attached exhibit "F").

6. Prior to final plat approval, all site and off-site improvements required as a condition of preliminary approval shall be complete.

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

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

9. Applicant must assign ownership and responsibility for maintenance and operation of the stormwater pond and rain garden through an operations and maintenance covenant; this covenant shall be recorded with the Island County Auditor's office prior to final plat approval.

10. Prior to final plat approval applicant shall provide maximum impervious surface limits and maximum building coverage allowed for individual lots. The maximum impervious surface allowed for the total subdivision is seventy (70) percent of the site, or 298,351 square feet; the maximum building coverage allowed for the total subdivision is fifty (50) percent, or 213,108 square feet. Once verified by staff as compliant with ICC 17.03.180.S, these limits shall be noted on the face of the plat and reviewed with all future building permits.

11. This Preliminary Subdivision approval shall expire if all requirements for final approval have not been fulfilled and the Subdivision recorded within seven (7) years of the date of the preliminary approval. Provided that any judicial appeal filed and accepted for review after preliminary approval shall automatically stay the time periods referenced above until a final decision on the appeal is rendered.

12. This decision shall not be construed to authorize work, development, construction, or other site modifications in excess of the work, development, construction, and modifications specifically authorized by this decision.

13. 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 through a sediment retention BMP.

14. Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) be observed during project activities, all work in the immediate vicinity must stop and the State Department of Archaeology and Historic Preservation (360-586-3065), the County Planning Department (360-679-7339), and the affected Tribe(s) shall be contacted immediately. If any human remains are observed, all work shall cease and the immediate area secured. Local law enforcement, the county medical examiner (360-679-7358), State Physical Anthropologist, Department of Archaeology and Historic Preservation (360-586-3534), the County Planning Department (360-679-7339), and the affected Tribe(s) must be contacted immediately. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) and human remains (RCW 68.50) is required. Failure to comply with this requirement could constitute a Class C Felony.

15. The following shall also appear on the face of the final plat:

a. The existing parcel number and final plat number must appear at the top right corner of each sheet. The final plat number will be assigned to the plat at the time of submittal. Please show the following on the top right corner of each sheet:
PLP _____ R33119-382-2030

b. The name of the subdivision:
Camano Sunrise View Estates Div. 2

16. The following shall appear under Notes on the final plat:

a. *"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."*

b. *"Island County accepts no responsibility for the maintenance and operation of the drainage facilities on-site. Further, Island County assumes no liability for the safety and performance of said drainage facilities."*

17. The following shall appear under Restrictions on the final plat:

a. *"Minimum building setbacks shall be as follows: Lots 1 through 9 shall have a minimum building setback of twenty (20) feet from the local access*

road southwest that serves these lots and a minimum building setback of thirty (30) feet from East Camano Drive to the northeast. Lots 10 through 21 shall be setback thirty (30) feet from Elger Bay Rd and twenty (20) feet from the local access road northwest and from Crest Pl. to the south. Building setbacks for the side yard may be reduced to zero on one side pursuant to ICC 17.03.180.S Setbacks for the Rural Village zone."

b. *"Tract A shall be restricted to recreation use and a community drainage facility only. No other development shall be permitted within said tract."*

c. *"Future development of lots twenty (20) and twenty-one (21) shall be subject to the requirements ~~of ICC 16.15 Site Plan Review,~~ ICC 17.03 Island County Zoning Code, and Island County design guidelines."*

d. *"The open space is to be left in its undisturbed natural state, except for those portions needed for stormwater facilities designated in Tract A and the removal of dead or dying trees that are an immediate threat to utility lines, a building, or other improvements. The only clearing onsite shall consist of the most minimum clearing necessary to development a building site."*

e. *"During all installation, maintenance, or repair of drainfields and drainage facilities in the Open Space, the only clearing, cutting, or removal of vegetation shall be within an area which is the minimum needed to meet Island County Health Department requirements. All other vegetation must remain and meet the Open Space restrictions as noted herein. No clearing, cutting, or removal of vegetation outside the drainfield area shall be allowed unless reviewed and approved by Island County. Minor tree thinning shall be reviewed and considered by Island County for purposes of view enhancement."*

f. *"Prior to issuance of building permits for Lots one (1) through nineteen (19), a landscape plan in substantial conformance with the sheets dated September 19, 2013, Job No. 1327, L-1 (Planting Plan) and L-2 (Typical Lot Plan, Note and Details) must be submitted to Island County Planning and Community Development and shall be fully implemented on each lot prior to final occupancy of that home. Said landscape plan shall show the location of any proposed drywells and shall include the amount of impervious surface proposed."*

18. The proposed building envelopes, driveways, waterlines, drywells, storm drains, and landscaping as shown on the preliminary plat map shall be removed from the final plat map.

19. The above requirements are subject to change if proposed lot sizes or any other information provided by the applicant or their authorized representative proves inaccurate.

IX – APPEALS

Decisions of the Examiner on Type III applications shall be final and conclusive unless within fourteen (14) days following mailing of such decision a written statement of appeal is filed with the board 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. The appeal of a Type III decision shall be a Closed Record Appeal.

SIGNED THIS 24th DAY OF JANUARY 2014

Nick Whipple, Assistant Planner

Attachments:

Exhibit "A" – Vicinity Map
Exhibit "B" – Preliminary Plat revised 11/5/2013 and received 11/21/2013
Exhibit "C" – Approved maximum clearing limits
Exhibit "D" – Approved landscape plan created 9/19/2013 and received 9/23/2013
Exhibit "E" – Public Works memorandum from John Bertrand dated 12/5/2013
Exhibit "F" – Public Health memorandum from Aneta Hupfauer dated 5/29/2013
Exhibit "G" – Planning Technician memorandum from Cindy White dated 5/24/2013
Exhibit "H" – Snohomish PUD memorandum dated 06/10/2013
Exhibit "I" – Stanwood/Camano School District 401 memorandum dated 7/9/2013

Cc:

Parties of record
Pam Leamer, agent
Michael Bobbink, Hearing Examiner
Aneta Hupfauer, Island County Health
John Bertrand, Island County Health