



# ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

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## STAFF REPORT & RECOMMENDATION PRELIMINARY LONG PLAT – TYPE III – PLP 105/19 NORTHWEST BUIDINGS 12 LOT SUBDIVISION

### I – PROJECT SUMMARY

Cascade Surveying and Engineering representing the property owner, NW Builders requests a 12-lot subdivision (page 1 of Exhibit 6.j). The site is zoned Rural Residential Zoning District and within the Camano RAID (Rural Area of Intense Development). The parcel is 6.2 acres. The applicant proposes to connect to S West Camano Drive through a private road between S6230-00-00013-1 and S6230-00-000011-1; part of the Cama Glen plat map which was recorded in 1933.

The County issued a SEPA determination of a non-significance for the project on January 22, 2020 (Exhibit 25). Preliminary subdivisions are Type III permits subject to a public hearing and a staff recommendation to the Hearing Examiner per Island County Code (ICC) 16.06.050.D.

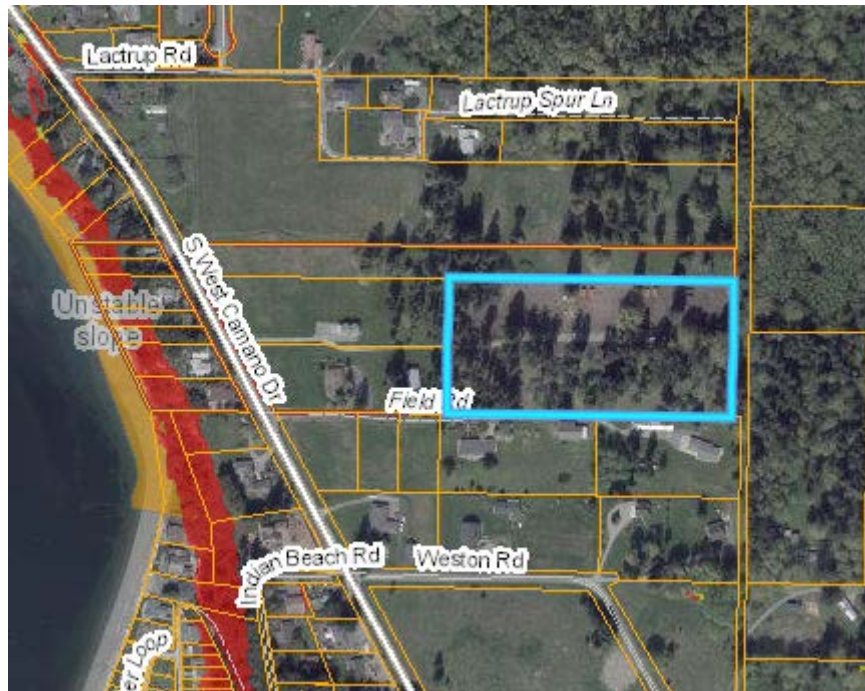
### II – PERMIT & SITE DATA

<b>Permit Type</b>	PLP (Preliminary Long Plat) – Type III
<b>Permit Number</b>	PLP 105/19
<b>Date of Complete Application</b>	April 23, 2019
<b>Comment Period</b>	May 7, 2019 to May 21, 2019
<b>Comments Received</b>	2 public comments
<b>Decision</b>	Recommendation of approval with conditions
<b>Applicant/Owner</b>	NW Builders
<b>Agent</b>	Cascade Surveying and Engineering

<b>Location</b>	North of Field Road, East of S. West Camano Drive
<b>Property Number</b>	S6230-00-00012-1
<b>Parcel Area(s)</b>	6.2 Acres
<b>Zone Designation</b>	Rural Residential (RR)
<b>RAID Designation</b>	Camano
<b>Minimum Lot Size</b>	½ Acre
<b>Critical Areas/Overlays</b>	Critical drainage area

Area	Land use Designation	Zoning	Existing Uses
Project Site	Residential RAID	Rural Residential	Accessory structures
North	Residential RAID	Rural Residential	Vacant
South	Residential RAID	Rural Residential	Single family residences
East	Rural Lands	Rural Forest Rural	Vacant Single family Residence
West	Residential RAID	Rural Residential	Single family residences

**Vicinity Map**



**III – STAFF CONTACTS**

Department	Name	Phone	Email
<b>Planning</b>	Michelle Pezley	360-678-7817	m.pezley@islandcountywa.gov
<b>Building</b>	Tamra Patterson	360-678-7806	t.patterson@islandcountywa.gov
<b>Public Health</b>	Clea Barenburg	360-678-7267	c.barenburg@islandcountywa.gov
<b>Public Works</b>	Bill Poss	360-678-7812	b.poss@islandcountywa.gov

## IV – REGULATORY COMPLIANCE

<b>Regulatory Requirement</b>	<b>Complies (Y/N)</b>	<b>Comments</b>
<b>Land Use Review Process - ICC 16.19</b>	Yes	Project complies, with conditions of approval
<b>Land Divisions – ICC 16.06 &amp; 58.17 RCW</b>	Yes	Project complies, see Findings & Analysis section B
<b>Rural Residential (RR) - ICC 17.03.060</b>	Yes	Project complies. Findings & Analysis section C
<b>Site Coverage &amp; Setbacks – ICC 17.03.180.S</b>	Yes	Project complies, with conditions of approval
<b>Public Works</b>	Yes	Project complies, with conditions of approval (exhibit 22)
<b>Public Health</b>	Yes	Project complies, with conditions of approval (exhibit 14 and 18)
<b>State Environmental Policy Act (SEPA)</b>	Yes	Project complies, Determination of Non-Significance issued on January 22, 2020.

## V. PUBLIC COMMENTS

The County received two public comments during the public comment period (Exhibit 23 and 24). The public was concerned by the width of the road, the drainage, eagles, and dust and noise of construction.

Public Works reviewed the proposal to make sure that the proposal meets the County standards for road width and Drainage (Exhibit 22). The applicant reviewed the comments and provided an email from Fish and Wildlife in Exhibit 6n.

## VI – FINDINGS & ANALYSIS

Only major issues, errors in the development proposal, and justification for the recommendation is 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)**

- a. A pre-application conference was held on September 24, 2018 with Jeff Swenson and Nikki Swenson of NW Builders.
- b. Jennifer Jelden of Cascade Surveying and Engineering, representing NW Builders submitted a Type III application for preliminary subdivision approval on March 27, 2019. Revisions received April 23, 2019.

- c. A completeness letter was issued on April 29, 2019, which deemed the materials to be complete on April 23, 2019 by Janet Wright, Senior Planner.
- d. Pursuant to Island County Code, notice of the proposed land division and Notice of Optional DNS 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 May 7, 2019. A fourteen (14) day comment period was provided from May 7, 2019 to May 21, 2019. Island County received two public comments.
- e. The applicant posted a Notice of Application sign on the property.
- f. Janet Wright sent a review letter May 23, 2019 and June 12, 2019.
- g. New information was given to the County on July 16, 2019 and August 15, 2019.
- h. Janet Wright sent a review letter on September 25, 2019.
- i. New information was given to the County on October 25, 2019 and November 15, 2019.
- j. On November 27, 2019, the County verbally told the property owner that everything is ready for a public hearing.
- k. On January 22, 2020, a DNS was issued.
- l. Notice of Public Hearing was published on February 12, 2020 in the Stanwood/Camano News.

**Conclusion: Staff has met the notice requirements, SEPA review; and procedural requirements for a Type III applications established in Title 16.19.**

#### **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 6.2 acre parcel into 12 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 they pertain to the

development proposal. As such, the proposal has been reviewed by Island County Public Health, Public Works, and Planning.

3. RCW 58.17.110 requires written findings that the subdivision and dedication shall provide written findings that appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.

Public Health and Public Works reviewed the application for public health, safety in regards to drainage ways, streets and roads, transit stops, potable water supplies, sanitary wastes, and parks and recreation. The departments added proposed conditions of approval (see Exhibits 17 and 22) to meet the County requirements for the health, safety and general welfare. The proposal will be served by the Stanwood/Camano School District #401, Island County Fire District #1, and Snohomish County Public Utility District #1. The agencies were sent notice of the application and the County received a response from Stanwood/Camano School District #401. ICC does not require open space or additional parks and recreational additions to the preliminary long plat. The site is not within walking distance of any schools. No sidewalks are required for this plat.

The Stanwood/Camano School District #401 responded by asking for a path or sidewalk to a bus stop with a safe off-road waiting area for student loading and unloading near the entrance of the subdivision. The applicants were not able to obtain the additional right-of-way associated with the off- street loading area, however, parties agreed to have an off-road waiting area for the students.

As shown in Exhibit 6j, the applicants provided a sidewalk/path to the S West Camano Drive and a waiting area in front of the entrance to the road.

**Conclusion: 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.**

### **C – Zoning (ICC 17.03.060) & Comprehensive Plan Consistency**

1. The applicant's property is zoned Rural Residential (RR) and the Camano RAID. The applicant proposes 12 lots between 21,804.2 square feet and 21,808.7 square feet in size. The minimum lot size is 21,780 square feet. The applicant meets the lot size in Camano RAID and RR zone.

The density required for the subdivision is two dwelling units/ acre. To meet the base

density requirement for eight lots, the site needs to be six acres. The site is 6.2 acres. The applicant meets this requirement.

2. 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 Residential Designation is to:

*“Provide for the infill, development or redevelopment of existing residential areas which have been identified as residential areas for more intensive rural development pursuant to RCW 36.70A.070(5)(d).”*

In accordance with the Comprehensive Plan, this goal is achieved through the density requirements as outlined in Island County Code.

**Conclusion: The applicant meets the standards of ICC 17.03 and the Comprehensive Plan.**

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

1. The applicant is proposing to create lots for residential development in the Rural Residential Zone. There are no site coverage requirements for Rural Residential development.
2. Lots in the RR zone are subject to a twenty (20) foot setback from the local road. Building setbacks from the side yard in the RR zone are 5 feet from the side and rear properties.

#### **E – Agency Comments**

1. 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 7, 2019 and September 5, 2019 (see Exhibit 14 and 18).
2. 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 November 25, 2019 (see Exhibit 22).

#### **F – State Environmental Policy Act (SEPA)**

1. A Notice that a SEPA Threshold Determination of Non-Significance was be issued on the proposal and was mailed on May 7, 2019. Subsequently, Island

County issued a Determination of Non-Significance on January 22, 2020 under WAC 197-11-340 (see Exhibit 25).

## **VII – 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. 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.

## **VIII – DECISION**

Based upon the above Findings & Analysis, and Conclusions, Island County concludes the proposed 12-lot subdivision is consistent with all applicable land-use, environmental, and platting regulations. Island County respectfully ***recommends approval*** of Preliminary Long Plat PLP 105/19, subject to the following conditions of approval:

## **IX – 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 within five years of the approval date.
3. This Preliminary Subdivision approval shall expire if all requirements for final approval have not been fulfilled and the Subdivision recorded within five (5) 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.
4. The final plat application shall include a summary on how the conditions are being met.
5. The final plat must conform to the approved preliminary plat (Exhibit 6j) except as specifically authorized by this decision.
6. The requirements and conditions noted in the attached memo from Island County Public Works dated November 25, 2019 must be addressed. (Exhibit 22)
7. The requirements and conditions noted in the attached memo from Island County Public Health dated September 5, 2019 must be addressed (see attached Exhibit 14 and 18).
8. Prior to final plat approval, all site and off-site improvements required as a condition of preliminary approval shall be complete.
9. All utilities installed on-site shall be underground.
10. All proposed development shall comply with the state noise ordinance, air pollution control regulations, water quality standards, and all other pertinent codes and ordinances.
11. Prior to final plat approval applicant shall note on the face of the plat that all structures shall apply to setbacks and site coverage set in ICC 17.03.180.S for new lots and will be reviewed with all future building permits.
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. The applicant or property owner shall comply with Public Works requirements for a clearing and grading permit prior to any ground disturbance per requirements outlined in ICC 11.02 and DNR as outlined in Memo from Bill Poss dated February 2, 2016.



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 through a sediment retention BMP.
  
15. The entirety of the attached document (Exhibit 26), Inadvertent Archaeological and Historic Resources Discovery Plan for Island County is hereby adopted into this decision by reference. All terms of this adopted document constitute Conditions of Approval for this decision. 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 the terms of this adopted attached document, Inadvertent Archaeological and Historic Resources Discovery Plan for Island County, could constitute a misdemeanor and possible civil penalties and/or constitute a Class C Felony.
  
16. 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 \_\_\_\_\_ S6230-00-00012-1*
  
17. The name of the subdivision and new road shall be approved by island County prior to submittal of the final plat.
  
18. The following shall appear under Notes on the final plat:

- a. *“Address will be assigned by Island County according to ICC 14.04A, established by Ord. C-32-96 and hereafter amended.”+*
19. The following shall appear under Restrictions on the final plat:
- a. *“Minimum building setbacks are pursuant to ICC 17.03.180.S Setbacks for the Rural Residential zone.”*
20. The proposed building envelopes, driveways, waterlines, and contours as shown on the preliminary plat map shall be removed from the final plat map.
21. 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.

SIGNED THIS \_\_\_\_\_ DAY OF FEBRUARY 2020

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Michelle Pezley, Senior Planner