

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND RECOMMENDATION

Applicant: Chuck Dralle
24500 Old Day creek Road
Sedro-Woolley, WA 98284

File No: PL03-0925

Request: Preliminary Plat (Trumpeter Heights)

Location: 12696 Wayward Way, Lot 1 of Short Plat #96-055 and the adjoining 20 acres to the south, situated within a portion of the S1/2SE1/4 Sec. 6, T34N, R5E, W.M. and the N1/2NE1/4NE1/4 Sec. 7, T34N, R5E, W.M.

Land Use Designation: Rural Resource – NRL, Rural Reserve

Summary of Proposal: To create a ten lot subdivision through the Conservation and Reserve Development (CaRD) process. The request is to develop approximately 80 acres into nine 1-acre lots and one 71-acre lot. The smaller lots and one acre within the large lot will be designated for residential development. The remaining 70 acres will be placed in one of three categories of open space. A private internal road, on-site sewage, and PUD water will serve the project.

Public Hearing: After reviewing the report of Planning and Development Services, the Hearing Examiner conducted a public hearing On July 13, 2005.

Recommendation: The Preliminary Plat should be approved, subject to conditions.

FINDINGS OF FACT

1. Chuck Dralle (applicant) seeks to develop a plat to be called Trumpeter Heights, using the Conservation and Reserve Development (CaRD) process.
2. The subject property consists of approximately 80 acres at 12696 Wayward Way. The property is Lot 1 of Short Plat 96-055 and the adjoining 20 acres to the south. The location is south of Old Day Creek road, east of Clear Lake. It lies within a portion of S1/2SE1/4 Sec. 6, T34N, R5E, W.M. and N1/2NE1/4NE1/4 Sec. 7, T34N, R5E, W.M.
3. The Comprehensive Plan and zoning designations are Rural Resource – NRL and Rural Reserve. The Natural Resource Lands are on the eastern portion of the property. The site is a combination of wooded land and open pasture, with the majority being pasture.
4. Wayward Way, the internal road, parallels a portion of the north boundary and then turns south. When it does so, it divides the east and west parts of the property. The western portion is flat on top and slopes gently to the south. There is an existing single family residence on the western portion (proposed Lot 2). A steep ravine containing a Type III stream runs diagonally through the eastern portion of the property
5. The adjoining properties are all large acreages. Some are developed with single-family residences and accessory buildings and some are vacant.
6. The proposal is to divide the property into ten separate lots. Nine of these will be 1-acre lots and one will be a 71-acre lot, including one acre designated for development. The remaining 70 acres will be assigned as open space.
7. Eight residential lots (1-acre each) will be located on the western half in the northwest corner of the property. These lots border the north property line and the west side of Wayward Way after it turns south. Two acres on the eastern portion of the property will be designated for residential development. The open space will be tied to one of these (Lot #9). The two eastern residential areas will be accessed by a driveway from Wayward Way. Both of the eastern building areas are on relatively level ground east of the ravine.
8. There will be three kinds of Open Space: Protective Area – 1.63 acres; Recreational/Amenities – 5.55 acres; and Natural Resource – 64.85 acres. The Protective Area will be located in the southwest corner of the property. The Recreational/Amenities space will be located just north of the Protected Area. The Natural Resource open space will take up the majority of the eastern part of the property.
9. Wayward Way was constructed in connection with Short Plat 96-0055. It serves three lots in that short plat plus several lots to the north. The portion of Wayward

Way north of the proposed subdivision is a County maintained road. Within the subdivision, maintenance will have to be provided by the property owners.

10. The residential lots will be served by Public Utility District water and will have on-site sewage disposal systems. The drainfields for Lots 1-4 and 6-8 will be located on each respective lot. The drainfields for lots 5, 9 and 10 will be located within open space surrounding the lots.

11. Fire flow will need to be provided to meet the requirements of the Skagit County Coordinated Water System Plan. The preliminary intention is to provide hydrants for Lots 1-8 and sprinklers for buildings on Lots 9 and 10.

12. A 20-foot landscape buffer of cedar and Douglas fir is proposed along the south side of Wayward Way along proposed Lots 5 and 6. After the road turns south, the buffer on the west side of the road will be the native vegetation, consisting of alder, Douglas fir, cedar, alder berry, salmon berry and fern.

13. There is a bridge across the ravine along the driveway accessing Lots 9 and 10. This will be rebuilt to accommodate the new residential traffic flow to the lots. A geological hazard assessment, prepared to analyze the proposed driveway construction, was ultimately approved

14. A drainage plan was submitted. A detention pond for stormwater from the eight 1-acre lots will be created along the west property line. A second detention pond for Lots 9 & 10 will be located along the northeast boundary. The roadways and driveways will drain into one of the two systems. A maintenance plan for stormwater and drainage facilities will need to be prepared.

15. Along the east bank of the Type III stream on the eastern portion of the site are about 400 feet of Category II forested wetlands. The wetland begins south of the bridge and neither the wetland nor its buffer will be impacted by the replacement bridge construction.

16. However, the existing road and bridge do intrude upon the riparian buffer associated with the stream. This intrusion will be increased when road and bridge are widened. The impact of the new intrusion into the buffer will be mitigated by widening the stream buffer itself along the entire linear length of the stream within the property by three feet. The increased buffer will exceed the area of intrusion.

17. There are Type B wetlands (50 foot buffer) on the western portion of the property. These wetlands have been delineated and the plans call for them to remain undisturbed within the Open Space – Recreational/Amenities area. Buffer averaging will be used to remove a small area of buffer that now extends into Lot 8. The wetlands and the detention pond will be protected by a Protective Critical Area Easement (PCAE).

18. The proposed eight lots located on the western portion of the property are more than 200 feet from any natural resource lands.
19. The entire eastern portion of the property except for the two 1-acre homesites will be permanently protected by a Natural Resource Land Easement.
20. The Preliminary Plat application was deemed complete as of November 8, 2004. Notice of the Application was posted, published and mailed as required. Two comment letters were received. They expressed concerns about past care and use of the property, and problems of trespass and noise. To the extent that these concerns are related to the plat development, they can be addressed in conditions of approval.
21. Environmental review was conducted in conjunction with two Fill and Grade permits for the project (BP04-1189 and BP04-1465). A Mitigated Determination of Non-Significance (MDNS) was issued for each of these permits. The first, issued on September 28, 2004, was only for construction of the bridge. The second, issued on December 13, 2004, referred to construction in relation to the whole 10-lot subdivision. The conditions of these MDNS documents have been incorporated into the conditions of approval for the Preliminary Plat. Neither MDNS was appealed. The County considers that these threshold determinations fulfilled the requirements of SEPA for the subdivision process.
22. Various County departments were consulted and provided comments on the proposed plat. Their comments are reflected in conditions of approval.
23. A charge of \$100 per residential lot will be assessed at the time of application for a building permit as proposed mitigation for impacts on County parks and recreation facilities.
24. The property is within the Sedro-Woolley School District. The District's Capital Facilities Plan includes calculations relating to the impacts of new housing. Skagit County has adopted this plan as part of its Comprehensive Plan. The plat will reflect that lot purchasers may need to contribute school impact fees per the District's CFP at the time of building permit issuance.
25. The Staff Report (pp. 10, 11) identifies the Comprehensive Plan policies applicable to this proposal – in particular policies that encourage use of the CaRD process on lands near designated natural resource lands.
26. The density of the proposed development is within the limits allowed by the CaRD mechanism.
27. Based on the record and considering the conditions of approval, the Hearing Examiner finds that appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets and roads, potable

water, sanitary wastes, and other relevant infrastructure, including schools and parks. The Examiner further finds that the public use and interest will be served by the platting of the proposed subdivision.

28. Any conclusion herein which may be deemed a finding is hereby adopted as such.

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the persons and the subject matter of this proceeding. In the case of preliminary long subdivisions which contain between 9 and 50 lots, the Examiner's role is to make a recommendation for a final decision by the Board of County Commissioners. SCC 14.06.050(1)(c).

2. The requirements of SEPA have been met.

3. The proposed plat, as conditioned, meets the requirements of the State platting statute, RCW 58.17.110.

4. The CaRD method is intended to create single-family land developments with smaller lots than typical for the zone, leaving open space for continuity of ecological functions and preservation of rural character. SCC 14.18.300. The proposed development carries out the CaRD criteria for density, open space, and lot size. SCC 14.18.310. The proposal provides for appropriate clustering of lots and for the screening of the cluster pod. SCC 14.18.330.

5. The proposed plat, as conditioned, will be consistent with the standards of Chapter 14.18 SCC, Land Divisions.

6. The conditions of approval set forth below should be imposed.

7. Any finding herein which may be deemed a conclusion is hereby denominated as such.

CONDITIONS OF APPROVAL

1. The Final Plat shall comply with the provisions of SCC 14.18.200, and Chapter RCW 58.17 RCW prior to final approval.

2. The conditions of the MDNS dated September 28, 2004, and the MDNS dated December 13, 2004, in relation to BP04-1189 and BP04-1465, shall be complied with.

3. Wayward Way is the approved road name and must be shown on the final plat map.

4. The internal plat road must be constructed in compliance with Skagit County Road Standards, Figure B-1.
5. A Grading permit is required prior to starting any road construction. A preconstruction meeting must be scheduled with the Skagit County Department of Public Works as part of the Grading permit process.
6. If the proposed driveways are longer than 150 feet, they must be constructed to meet the requirements shown in Figure C-18 in the current Skagit County Road Standards.
7. In accordance with Skagit County Road Standards Section 12.00, a Project Engineer will be required for certification of inspection and construction for all roads and drainage. The Project Engineer shall be licensed in the State of Washington.
8. Prior to starting road construction and in accordance with Section 12.09 of the Skagit County Road Standards, the applicant must post one or more signs showing the names and business names of both the applicant and the Project Engineer, as well as contact telephone numbers for each.
9. The road name sign shall be installed on the private road in accordance with Skagit County Road Standards.
10. A sign shall be installed at the end of the public portion of Wayward Way stating "End of County Road."
11. The applicant shall provide a road maintenance agreement that includes all users of the private road. The agreement shall be recorded and noted on the face of the plat.
12. In accordance with SCC 14.32.100(3), the applicant must provide a maintenance plan for all stormwater and drainage conveyance systems. The plan shall identify those responsible for stormwater and drainage maintenance and the plan shall be recorded and noted on the face of the plat.
13. The final plat shall contain a note to the effect that lot owners may be required to pay school impact fees at the time of building permit issuance.
14. Prior to final plat approval, as-built drawings of the road and drainage facilities shall be submitted.
15. Prior to final plat approve, the address range will be shown on the plat map along with the correct plat note.
16. Prior to final plat approval, the lot corners must be set.

17. Prior to final plat approval, the applicant shall submit lot closures that correspond with the lot lines as shown on the face of the plat.
18. Prior to final plat approval, the approved fire flow system must be installed.
19. Prior to final plat approval, Lots 9 & 10 driveways shall be constructed to the lot line of each lot or building envelope.
20. A 200-foot building setback shall be observed from all adjacent NRL designated parcels.
21. All open space designated OS-PA shall be preserved pursuant to SCC 14.24.160 and 14.24.170 until such time as a difference open space designation is requested and Chapter 14.24 SCC is satisfied.
22. A Natural Resource Land Easement shall be approved, recorded and noted on the face of the plat for the Open Space Natural Resource Land area.
23. Prior to final plat approval, if applicable, the applicant shall submit a copy of the CC&R's for review and approval by Planning and Development Services
24. Prior to final plat approval, the screening area landscaping along the south side of the road along Lots 5 & 6 shall be installed or a performance assurance bond as listed in SCC 14.16.830(5)(g) shall be required.
25. The maintenance of the screening areas shall comply with SCC 18.16.830(5)(f), and a note relating to the maintenance of screening areas shown on the plat map shall be added to the face of the plat.
26. A formal mechanism for the collection and distribution of mitigation fees for impacts on Skagit County parks and recreation facilities shall be provided by the applicant. A note shall appear on the plat map stated that \$100 per lot will be assessed at the time of application for a building permit.
27. All standard plat notes and appropriate departmental sign-off shall be required.
28. Per SCC 12.48.240, water service lines shall be installed or bonded to each lot line.
29. Prior to final plat approval, the water line serving Lot 1-5 shall be installed and written confirmation shall be received that the line meets PUD engineer inspection and that the PUD Board has accepted the line.

30. Prior to final plat approval, the site service lines to Lots 9 & 10, metered below the road, shall be inspected and accepted by the land division engineer with written notice sent to Planning and Development Services.

31. The following note shall be added to the plat: *At the time of recording, this plat is within the service of Public Utility District No. 1 of Skagit County. If there is additional subdivision of the property shown on this plat, Public Utility District No.1 of Skagit County may require extension of the water pipeline to serve the additional lots.*

32. The Protective Critical Area Easement required by Critical Areas staff must be reviewed and approved by that staff. The easement shall be recorded with the final plat and noted on the plat map.

33. Prior to final plat approval, permanent buffer edge markers shall be installed onsite and their locations shown on the plat map.

34. Prior to final plat approval, property taxes for the current year along with advance taxes for the next year and any delinquent taxes shall be paid.

35. All outstanding preliminary plat review fees shall be paid prior to submittal of the final plat.


36. During plat development, normal hours of work shall be observed. Construction noise shall not be generated at night.

37. Prior to final plat approval, any imported trash or debris shall be removed from the property.

38. The preliminary plat shall be valid for a period of five (5) years from the date of approval by the County Commissioners.

RECOMMENDATION

The Hearing Examiner recommends that the proposed preliminary plat for Trumpeter Heights be approved, subject to the conditions set forth above.



Wick Dufford, Hearing Examiner

Date of Action: August 4, 2005
Date Transmitted to Applicant: August 4, 2005