

**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND DECISION

Applicants: Lopez Living LLC
12054 Lake City Way NE
Seattle, WA 98125

Agent: Bob Querry
PO Box 2573
Friday Harbor, WA 98250 S.J.C. COMMUNITY

File No: HE50-08 (08LP004) NOV 19 2008

Request: Treasurewood Subdivision DEVELOPMENT & PLANNING

Location: Weeks Road, Lopez Village
Lopez Island

Property No: 251541003

Summary of Proposal: A request for a subdivision to create 20 lots on seven acres.

Land Use Designation: Lopez Village Urban Growth Area (UGA)

Public Hearing: After reviewing the report of the Community Development and Planning Department (CDPD) a public hearing was held on November 5, 2008.

Applicable Policies and Regulations: RCW 58.17 Subdivisions
SJCC 13.08 Fire Code
SJCC 18.06 Wells and Water Systems
SJCC 18.16 Sewer Systems
SJCC 18.30 Environmentally Sensitive Areas
SJCC 18.60 Development Standards
SJCC 18.70 Land Divisions

Decision: The preliminary plat is approved with conditions.

Findings of Fact

1. The seven-acre site lies within the middle of the Lopez Village UGA and is accessible from two separate county roads. Lot 20 holds most of the wetland buffer and stream. The precise boundary of the wetland is set forth in the May 29, 2008 wetlands report.
2. The surrounding neighborhood is a mixture of single and multi-family residential and commercial areas. Two other housing developments are under construction on nearby parcels. There is no minimum lot size in the district so the other 19 lots are consistent with UGA density requirements. Lot 20 may have approximately 2.25 acres for density purposes if future division is requested.
3. Potable water is to be supplied by Fisherman Bay Water Association. Sewage disposal for each proposed lot is to be provided by Fisherman Bay Sewer District.
4. As noted in Ex 1, building setback and road width variances were requested from the Department of Public Works and approved at the time of the November 5, 2008 hearing. The conditions indicated in Ex 1 are conditions that must be satisfied prior to final approval.
5. The stormwater drainage site plan has been the subject of a great deal of correspondence and on-site interplay. The November 5, 2008 memorandum from Nick Tiffany set forth the requirements that are a condition of approval of the preliminary and/or final plat. All requirements of the November 5, 2008 Ex 2 memorandum are to be complete prior to any ground disturbing activity.
6. The applicant has agreed to work with Mr. Berg, adjoining property owner, to reasonably satisfy his concerns regarding drainage and his 4" pipe outlet.
7. Preliminary water approval was issued on April 15, 2008 and confirmed by letter dated August 26, 2008.
8. Fire protection requirements of SJCC 13.08 will be met. Concurrency requirements are met.
9. Subdivision design and development standards have been met because water supplies are adequate, the subdivision conforms to natural features and each lot provides a useable area for construction of a dwelling unit with approved sewage and water supplies available. The lots are not divided by roads and density, dimension and open space standards are met. The proposed subdivision is consistent with RCW 58.17.
10. The notice of public hearing was published August 27, 2008, mailed August 28, 2008 and the site was posted August 29, 2008.

11. A Determination of Non-significance (DNS) was issued August 27, 2008. No comments were received regarding the DNS.
12. The staff report is incorporated herein by reference as though fully set forth. The analysis and factual statements contained in the staff report are adopted as a finding herein.
13. 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 subject matter of this proceeding.
2. Proper notice was given in compliance with local and state requirements.
3. The proposal complies with the requirements of the State Environmental Policy Act.
4. Properly conditioned the proposal meets the requirements of RCW 58.17 and SJCC.
5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

Conditions

1. This preliminary long subdivision approval allows the division of 7 acres into 20 lots according to the approved attached preliminary subdivision map. This preliminary long subdivision approval shall expire if the subdivision is not recorded within 60 months of the approval date. The final long subdivision application shall be submitted to the Community Development and Planning Department at least 90 days in advance of the expiration date.
2. Subdivision roads shall be built as specified in SJCC 18.60.100, unless variances are obtained.
3. Maintenance of the roads shall be through provision of a maintenance agreement submitted to and approved by the Community Development and Planning Department, then recorded with the final subdivision approval. All subdivision property owners shall participate in the agreement.

4. All roads serving three or more lots shall comply with the road design and construction standards specified in SJCC 18.60.100 of this Code as modified by the variance approval of Ex 1.
5. Grass or other appropriate vegetation shall be established in the roadside ditches prior to application for final subdivision approval, to provide bio-filtration of stormwater runoff.
6. Drainage from roads shall be controlled using best management practices provided in SJCC18.60.080 and 100 and in the Western Washington Stormwater Management Manual. Compliance with the conditions of the drainage plan approval November 5, 2008 is required prior to any ground disturbing activity.
7. All lots shall be served by the Fisherman Bay water system, which shall be installed, tested and approved by the appropriate authority prior to application for final subdivision approval. Service shall be extended to the boundary of each lot prior to final subdivision approval and necessary easements provided prior to final subdivision approval. An easement for utilities shall be drawn on the final plat.
8. The proposal must meet the fire protection improvement standards contained in SJCC 13.08.
9. Building setbacks from the wetland edges shall meet the standards of SJCC 18.30.150 and shall be shown on the plat.
10. All survey standards and requirements shall be complied with pursuant to SJCC 18.70.070F2.
11. Building setbacks shall be as specified in SJCC 18.60 Table 6.1. If zero lot line construction is proposed, maintenance easements on adjacent lots shall be shown on the final map and the conditions of Ex 1 shall be satisfied.
12. Prior to application for final approval, the applicant shall obtain satisfy the Department of Ecology requirements regarding wetland impacts.
13. If at a later date it is determined that Lot 20 is further divisible, its acreage that counts for density purposes would be 2.25 acres

The following conditions shall be shown as restrictions on the face of the plat, in addition to those restrictions and dedications required by SJCC 18.70.100:

14. The approved water source for the lots within this subdivision shall be the Fisherman Bay water system. If in the future another source of water is desired for any or all of the lots within the subdivision, the source shall be approved by Health and Community Services for quality and quantity.

15. Best management practices for controlling erosion and sedimentation shall be used during construction of all roads and structures.

16. All utilities shall be placed underground.

17. All disturbed areas shall be restored to pre-project configurations, replanted with local vegetation, and the vegetation maintained until it is firmly established.

18. This subdivision has been approved by the responsible county officials on the premise that each lot will be occupied by no more than one single family dwelling and lawfully related outbuildings. No lot shall be otherwise occupied unless the owner can first demonstrate to the county's satisfaction that the provisions for water supply, sewage disposal, circulation, lot size and related planning considerations are adequate to serve the proposed use. Compliance with this provision shall be effected by written application to the Subdivision Administrator who shall be responsible for coordinating the review of such requests and for making the required determination.

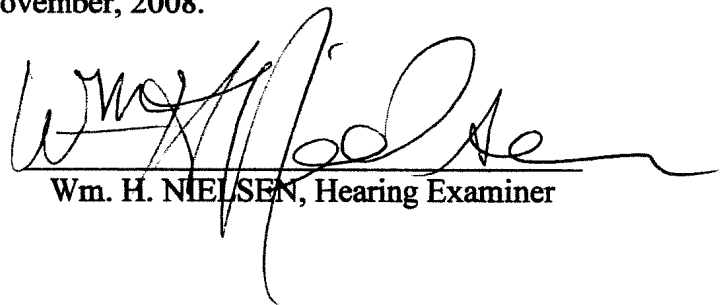
19. Maintenance of the road, the well or other water source, and the water distribution system serving the lots in this subdivision is shared equally by the lot owners.

20. There may be additional private conditions, covenants or restriction in addition to those shown on the face of this plat. Such private conditions may not be shown on plats. Any private deed restrictions are supplemental to the requirements of this Code. The County shall not be party to any private restrictions.

Decision

The proposed Treasurewood subdivision is approved subject to the conditions set forth above and expressed in Exhibits 1 and 2 from the November 5, 2008 hearing.

DATED this 19th day of November, 2008.


Wm. H. NIELSEN, Hearing Examiner

Appeal

Any appeal shall be to Superior Court pursuant to the Land Use Petition Act, Chapter 36.70 RCW, within 21 days of the issuance of the decision. See Home Rule Charter, Section 3.70.