

**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND DECISION

Applicants: John Campbell
PO Box 250
Orcas, WA 98280
S.J.C. COMMUNITY
JAN 16 2009

File No: HE02-09 (08CU020)
DEVELOPMENT & PLANNING

Request: Conditional Use Permit (CUP) and
Binding Site Plan (BSP)

Parcel No: 271155009

Location: 17 Shady Lane, on the east side of North Beach Road
Orcas Island

Summary of Proposal: An application for a six unit single-family condominium
affordable housing development

Land Use Designation: Eastsound Residential 4/acre

Public Hearing: After reviewing the report of the Community
Development and Planning Department a public hearing
was held on January 7, 2009.

**Applicable Policies
and Regulations:** SJCC 16.55 Eastsound Subarea Plan (ESP)
SJCC 18.60.260 Affordable Housing
SJCC 18.70.090, .170 Binding Site Plan
SJCC 18.80.100 Conditional Use Procedures

Decision: The application is approved subject to conditions.

Findings of Fact

1. This proposal is a request for six units of detached single family affordable housing up to and including the moderate income level. The residential units are to be owned as condominiums. The land is likely to be conveyed from John Campbell to Homes for Islanders, an agency with experience providing affordable housing.
2. The site is one acre and the 6-unit condominium request is consistent with the provisions for bonus density in the ESP and Housing Section B Element 5 of the Comprehensive Plan.
3. Water supply has been found to be adequate and potable. The proposal is consistent with all sanitary setback requirements.
4. A drainage plan is to be submitted and approved prior to application for a building permit.
5. A BSP for condominiums where the lots are not sold is provided in SJCC 18.70.090(D)(1). The criteria for affordable housing found in SJCC 18.60.260 requires the housing to meet income guidelines for affordable housing and requires a perpetual easement. The language for that easement will be reviewed by the prosecuting attorney's office and approved prior to approval of the BSP.
6. The proposal meets the requirements of the Eastsound Urban Growth Area and the standards of the ESP. The site does not lie within an aquifer recharge area. The site is not adjacent to the airport.
7. The proposal provides for community water, sewage disposal and parking facilities. Facility maintenance will be addressed in the condominium documents.
8. A Determination of Non-Significance was issued on December 3, 2008. No comments were received.
9. Notice of application and hearing was published December 3, 2008. Mailing and site posting occurred on December 2, 2008. A public hearing was held on January 7, 2009.
10. 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.
11. 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. The application has complied with the requirements of the State Environmental Policy Act.
3. Proper notice was given in compliance with local and state requirements.
4. Properly conditioned, the proposal meets the requirements for issuance of a CUP and a BSP.
5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

Conditions

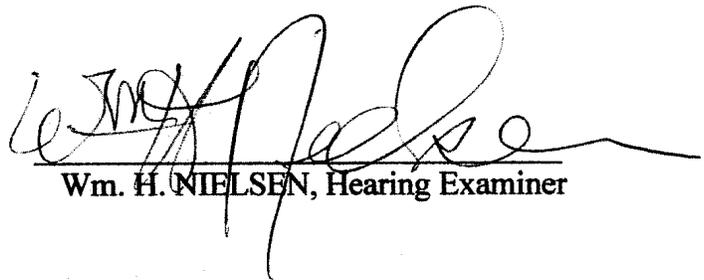
1. This preliminary binding site plan approval and conditional use permit allow construction of 6 affordable homes, owned as condominiums with the land undivided, according to SJCC 16.55.205C. All 6 units shall be affordable housing meeting all the requirements of SJCC 18.60.260 as well as all the requirements for binding site plans (18.70.090 and 18.80.170) and the general development standards of SJCC 16.55.300.
2. Installation, inspection and approval of fire protection (hydrant, water storage facility and pond) are required prior to the issuance of any building permits.
3. A driveway access permit shall be obtained, a road name provided, right-of-way dedicated and all other requirements from the public works department shall be met.
4. The following shall be shown on the face of the binding site plan: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or country having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or

other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein.”

Decision

The conditional use permit and binding site plan are approved subject to the conditions set forth above.

DONE this 16th day of January, 2009.



Wm. H. NIELSEN, Hearing Examiner

Appeal

Any appeal of this decision 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.