



**ISLAND COUNTY
PLANNING & COMMUNITY DEVELOPMENT**

PHONE: 360.679.7339 ■ Camano: 360.629.4522, Ext.7339 ■ S. Whidbey 360.321.5111, Ext. 7339 FAX:
360.679.7306 ■ 1 NE 6th Street, P. O. Box 5000, Coupeville, WA 98239-5000

Internet Home Page: <http://www.islandcountywa.gov/planning>

**STAFF REPORT & DECISION
PRELIMINARY PLAT ALTERATION OF PRD 004/92
PLA-PRD 335/20 – FINISTERRE HEIGHTS - TYPE III**

I – PROJECT SUMMARY

Thomas Perham, on behalf of the Finisterre Heights Homeowners' Association, requests a Preliminary Plat Alteration of PRD 004/92, Finisterre Heights, an approved Planned Residential Development, in order to change the vegetation management language to allow tree trimming for view maintenance. After a thorough review, Island County has determined that the applicant's proposal is consistent with applicable land-use, environmental, and platting regulations.

II – PERMIT & SITE DATA

Permit Type	Preliminary Plat Alteration – Type III
Permit Number	335/20 PLA-PRD
Date of Complete Application	December 30, 2020
Decision & Date	May 21, 2021- Recommendation of Approval
Applicant/Owner	Finisterre Heights HOA
Agent	Thomas Perham

Location	Finisterre Heights PRD, Camano
Parcel Number(s)	S6627-00-0000A-0; S6627-00-0000B-0
Parcel Area(s)	Tract A ~24.18 acres; Tract B ~24.8 acres
Zone Designation	Rural Residential (RR)
RAID	Utsalady
Allowable Density	2 DU/1 Acre
Critical Areas/Overlays	Steep Slopes, Wetland

III – STAFF CONTACTS

Department	Name	Phone	Email
Planning	Kathryn Bird	360-678-7800	k.bird@islandcountywa.gov
Critical Areas	Shawn Morris	360-678-7817	s.morris@islandcountywa.gov
Public Works	Will Hallberg	360-678-7813	Wi.hallberg@islandcountywa.gov

IV – REGULATORY COMPLIANCE

Regulatory Requirement	Complies (Y/N)	Comments
Rural Residential Zone (RR) - ICC 17.03.070	Yes	Complies with ICC regulations. Vegetation maintenance is a permitted use in the Rural Residential Zone.
Land Divisions – ICC 16.06	Yes	Complies with ICC platting regulations
Public Works	Yes	Approved with conditions
Critical Areas	Yes	Approved.
State Environmental Policy Act (SEPA)	N/A	N/A

V – FINDINGS

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 Plat Alterations undergo the same review process as the original subdivision, therefore, this plat alteration is a Type III, quasi-judicial land-use review.
2. Notice of Application of the proposed plat alteration was posted per ICC 16.19.140.B. The public comment period for this proposal was January 19 – February 2, 2021. No public comments were received.
3. The applicant sought one alteration to the recorded planned residential development 004/92 PRD, which was recorded on January 25th, 1993:
Change the last paragraph under the dedication to read:
“Tracts A and B are to be designated as Native Growth Protection areas and left in their undisturbed natural state, except those portions designated as recreational areas, utility facilities and utility easements. There shall be no removal or cutting

of vegetation in the Native Growth Protection Areas except when trees and other vegetation need to be managed for fire hazard abatement, to enhance forest health, maintain views and/or avoid invasion of noxious weeds and then only in accordance with the applicable provisions of the Island County Code. *Those portions of the Native Growth Protection Areas designated as wetlands and wetlands buffers by Island County must remain in an undisturbed natural state. No vegetation clearing or management may occur within the 125 foot buffer of the wetlands apart from maintenance of legally existing yard and garden structures.* Also, Tracts A and B are reserved and permanently committed as OPEN SPACE and shall be conveyed to the owners of the lots in the P.R.D. as described within the Restrictive and Protective Covenants referenced herein.”

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

1. Pursuant to Island County Code (ICC 16.06.110) the division of land into five (5) or more lots, and the approving authority shall have the authority to place on any subdivision granted preliminary approval, appropriate conditions to ensure that the development is consistent with RCW 58.17.110, applicable ordinances of the county, and to carry out the recommendations of the reviewing departments as applicable.
2. Island County Code (ICC 16.06.110.F.1) requires that a final plat be recorded within five years of a preliminary short plat approval, including plat alterations. Accordingly, a condition has been attached to this decision, requiring the applicant to record a final plat within five years of the date of this decision.

C – Zoning (ICC 17.03.070)

1. The applicant’s property is zoned Rural Residential (RR). Eighty-four parcels were approved and recorded under PRD 004/92. No changes to density, lot size, or number of lots are proposed.
2. This plat alteration is not proposing any change to the lot sizes of the eighty-four parcels recorded under 004/92 PRD.

D – Parking, Access, and Circulation (ICC 17.03.180Q)

1. No changes are proposed.

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

1. The applicant is not proposing to create any new lots through this application.

F. Critical Areas (ICC 17.02B)

1. A wetland is mapped on Tract B. Proposal is conditioned such that proposed impacts will remain outside the 125-foot wetland buffer, as determined by Island County staff. (See attached memo from Shawn Morris, Critical Areas Planner, dated March 25, 2021).

VI – PUBLIC COMMENT

No public comments were received for this application.

VII – RECOMMENDATION

Based upon the above review, Island County staff concludes that the proposed Preliminary Plat Alteration of a Planned Residential Development is consistent with all applicable land-use, environmental, shoreline, and platting regulations; and hereby makes the recommendation to approve Preliminary Plat Alteration application PLA-PRD 335/20 subject to the following conditions of approval:

VIII – CONDITIONS OF APPROVAL

A – General Conditions


1. This is a recommendation for approval of a preliminary plat alteration approval only. Approval is subject to the Hearing Examiner's decision and approval of a final subdivision application which must be submitted to Island County for review and approval.
2. The final plat must conform to the approved preliminary plat alteration except as specifically authorized by this decision.
3. All conditions of the attached memo from Will Hallberg, Island County Public Works Development Coordinator, dated May 5th, 2021, must be adhered to:
 - a. Approval of this application does not grant approval to perform any work on a steep or unstable slope or within 100 feet of the top or toe of such slopes without prior review and approval from Public Works. Review may involve submittal of a Clearing and Grading permit and geotechnical report, and any other permits or documentation deemed necessary for review in compliance with Island County Code (ICC) including but not limited to Chapter 11.02.

- b. Restriction number 1 on the face of the plat shall remain unchanged.
4. This Preliminary Plat Alteration of a Subdivision shall expire within five (5) years of the date of this approval. All requirements for final approval must be fulfilled and the final plat alteration must be approved and recorded by **May 21, 2026**. 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.
 5. 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.
 6. Erosion and Sedimentation Control Best Management Practices shall be employed for any proposed development.
 7. This permit is conditioned upon strict observance of all applicable federal laws, including the Bald and Golden Eagle Protection Act. The owner is responsible for determining if regulated Bald Eagle habitat is present within the development vicinity, and adhering to the U.S. Fish and Wildlife Service National Bald Eagle Management Guidelines (2007) and/or your U.S. Fish and Wildlife Service permit. To view the National Bald Eagle Management guidelines visit the website at www.fws.gov/pacific/eagle/
 8. No ground disturbance shall occur within 250 feet south of W North Camano Drive without prior consultation with Island County Planning and WA Department of Archaeology & Cultural Resources (DAHP). Please call Island County Planning 360.679.7339.

B – Final Plat Requirements

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

SIGNED THIS 21st DAY OF MAY 2021



Kathryn Bird, Associate Planner

Attachments:

- Memo from Shawn Morris, Island County Critical Areas Planner, dated April 23, 2021.
- Memo from Will Hallberg, Island County Public Works Development Coordinator, dated May 5, 2021.
- Inadvertent Discovery Plan