Assessor's Parcel Number R13326.350.0850 as shown on the attached Exhibit A.

Section 2. The Island County Planning Department is hereby directed to amend such maps and other pertinent County records to show and depict the said rezoning as approved.

APPROVED AND ADOPTED THIS 11TH DAY OF MAY, 1987.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Dwain Colby, Chairman
Gordon H. Koetje, Commissioner
C. R. Caldwell, Commissioner

ATTEST: Harry H. Ferrier
Clerk of the Board

The Non-Residential Floating Zone Agreement was corrected to reflect the corrections outlined in the Board's motion, signed and copy placed on file.

USE APPROVAL APPLICATION NO. UA 03/87 BY DANIEL BEARDSLEE/ JACK BODE' - PLANNED RESIDENTIAL DEVELOPMENT

Anna Marie Nelson, Associate Planner, Island County Planning Department, presented the next scheduled item to come before the Board, Use Approval (PRD) 03/87 "Smuggler's Bight" by Daniel Beardslee and Jack Bode'. Presented for consideration today is conceptual approval for up to eight residential units on fives acres of land located westerly off Smuggler's Cove Road; property is zoned Residential.

There are no duplexes or triplexes proposed for the project. Optimal land use pattern is Rural. The property is accessed by Smuggler's Cove Road, is currently vacant, has level topography halfway through the lot, with steep bluff and rotational slump on portions. Proposal includes designated open space, trail access to the beach and a gazebo on a bench of land on the bluff area. On-site septics are proposed for each house. Use approval is only for the concept of a planned residential development, reviewed now in terms of whether or not the project meets criteria for granting use approval.

Issues and questions which arose before the Planning Commission consisted of drainage, road width, proper septic sites, etc. -- all of which can be addressed at preliminary PRD stage. The Planning Commission recommended approval for the Use Approval concept on the basis there is a preliminary PRD approval which will provide specific attention to the drainage, access and health issues.

The recommendation of the Planning Commission is that of approval, subject to the following conditions:

i. Use approval shall expire and not be extended unless a complete application for a Planned Residential Development is submitted, and accepted within 18 months of approval. The PRD application shall meet all the requirements of Chapters 8.07B ICC, 11.01 ICC, 13.01 ICC, 16.16 ICC, and 17.02 ICC and other County and State laws and ordinances pertaining to such development.

ii. The project shall be developed in substantial compliance with the submitted application, except as otherwise amended by conditions set forth herein or as modified at Preliminary Planned Residential Development approval.

iii. The applicant shall obtain a Shoreline Substantial Development Permit, pursuant to 16.21A ICC for any development within 200 feet of the shoreline.

Commissioner Caldwell moved that the Board approve the Findings of

Fact, Conclusions and Recommendation of the Planning Commission on Use Approval 03/87, Beardslee/Bode'. Motion was seconded by Commissioner Koetje.

DISCUSSION

Dan Beardslee, applicant, recalled that during the Planning Commission hearing on the matter, he spent appreciable time showing slides and presentation, requesting that not only Use Approval be granted but also that road width standard be waived or modified to those which Applicant presented. Mr. Beardslee emphasized that the request is an integral part of the project and the Planning Commission in fact had unanimously agreed it was a good idea. He confirmed that he had no problems with any of the other conditions.

Mr. Beardslee did ask that it be made clear that when they go to the site plan approval they will not be caught in a "double jeopardy" situation with respect to the road width standard.

The Chair confirmed to Applicant that if the Board passes the motion adopting the Planning Commission Findings of Fact, the Board would be "buying" off on the Planning Commissions' recommendation that: "minimum County road width standards be waived to allow for preservation of old growth trees and to minimize erosion potential and drainage problems". (See Findings of Fact: III-Order 3.2)

Oscar Granger, Planning Director, called attention to the fact that the Planning Commission made two separate recommendations, therefore, the appropriate method of handling the situation may be for the Board to make two separate motions. Chairman Colby confirmed the motion before the Board at this time is for the approval of the Findings of Fact, Conclusion of Law and Entry of Order, which includes III-Order (recommendations: 3.1; 3.2; and 3.3).

Mr. Granger pointed out that during the hearing the Planning Commission heard much testimony with regard to various size road widths, and the purpose of the motion was not to provide for waiver of the standards in accordance with request by Mr. Beardslee (to go to 12' roads) rather, to leave that option open to the County so that Mr. Beardslee could work with the Engineer and Fire Marshal to come up with an acceptable road plan.

Dave Bonvouloir agreed that while a solution had been arrived at, there would be a serious problem with an open-ended waiver as worded; as proposed, the road widths cannot be accepted.

Mr. Beardslee disagreed with the understanding of the matter expressed by both Mr. Bonvouloir and Mr. Granger, believing in fact that the Planning Commission was "buying off" on his proposal. The design is basically complete at this point, and objects to this subject coming up at this time.

In discussing the road, specifically in terms of being able to provide for fire protection, Mr. Beardslee confirmed that it is about 150' off the road to the first house-- using the map posted, Mr. Beardslee showed where a fire truck could turn around (would have to back up to do it); he confirmed it is not a pinnacle of public safety access because they are trying to achieve a rural PRD and a narrow road section is crucial to that design.

Mr. Granger pointed out that the Planning Commission made two very distinct motions: one motion to approve the Use Approval for the concept; and secondly, on the basis of Dan Beardslee's presentation, agreed with him there should be some relief from the road standards, ". . . recommended that the Board of County Commissioners consider waiving the minimum road standards..." -- which consideration would be given at site plan review. If the Board adopts the Planning Commission Findings of Fact, that then becomes a charge for staff to work with the applicant developing the site plan and come back to the Board of Commissioners for the Site Plan with whatever road