

# Douglas County Hearing Examiner

Andrew L. Kottkamp, Hearing Examiner

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<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
P-07-06	)	<b>DECISION AND</b>
Cascade Property Ventures, LLC	)	<b>CONDITIONS OF APPROVAL</b>

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on February 21, 2008, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

## I. FINDINGS OF FACT

1. The applicant is Cascade Property Ventures LLC, 788 Grant Road, East Wenatchee WA.
2. General Description: Cascade Property Ventures LLC has submitted a major subdivision application for a 64 lot major subdivision to be developed in a maximum of 2 phases. Proposed lot sizes range from 8,000 square feet to 15,214 square feet in area, with an average lot size of 9,538 square feet.
3. Location: The subject property is located adjacent to and north of 10<sup>th</sup> St NE, at the intersection of 10<sup>th</sup> PINE and 10<sup>th</sup> St NE. The property is further described as being located within Section 06, Township 22 North, Range 21 East, W.M., in Douglas County, Washington. The Douglas County Assessor Number for the subject property is 22210630001.
4. Site Information:

Total Project Size:	23 acres
No. of lots	64
Domestic Water:	East Wenatchee Water District
Sewage Disposal:	Douglas County Sewer District #1
Power/Electricity:	Douglas County PUD
Fire Protection:	Douglas County Fire District #2
Telephone Service:	Verizon

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5. Site Characteristics: The subject property is characterized as a gentle south facing slope with moderate to steep slopes along the south property line at the road cut for 10<sup>th</sup> St. NE. The site is currently in vacant.
6. Surrounding Property: To the north, Vacant, Regional stormwater detention ponds; to the south, Single Family Homes, Orchard and Vacant Land (P&F Tract 1 – prelim approval), to the east, Large lot single family homes, vacant; to the west, Vacant, EWWD Tank site.
7. The subject property is located within the Greater East Wenatchee Planning Area.
8. The subject property is located within the East Wenatchee Urban Growth Area.
9. The Comprehensive Plan Designation is Low Residential.
10. The subject property is located in the R-L zoning district which allows for subdivisions as permitted uses.
11. On March 28, 2007, Douglas County adopted Ordinance No. 07-01H which adopted portions of Title 17 of the East Wenatchee Municipal Code within the unincorporated portions of the East Wenatchee Urban Growth Area.
12. RCW 58.17.110(2) requires that appropriate and adequate provisions be made for streets or roads, alleys or other public ways.
13. The subdivision will access 10<sup>th</sup> St NE. The property will connect to 10<sup>th</sup> St. NE via a new street labeled “Road B” in the vicinity of the proposed through street for P&F Tract 1. A new local access street is proposed to run east and west the width of the subject property and will curve north to eventually serve the property to the north.
14. A new through street has been proposed for P&F Tract 1 to be located to the east starting at 8<sup>th</sup> St NE and extend via a new 60 foot right-of-way north through the P&F Tract 1 property and intersect with 10<sup>th</sup> St NE.
15. The applicant has requested a Federal Function Class Designation change. The change is requesting that the collector designation be removed from approximately 730 lineal feet of N Lyle Ave. between 8<sup>th</sup> St. NE and 10<sup>th</sup> St NE and the 1520 lineal feet of 10<sup>th</sup> Street NE from the N Lyle Ave. intersection to the proposed intersection with Road B. The collector designation would be applied to Road B. The aforementioned portions of N. Lyle and 10<sup>th</sup> St NE would then be re-designated to local access roads.

16. Section 12.50.150, D.C.C., authorizes the requirement of frontage and off-site improvements to the transportation system that serves the development.
17. In order to facilitate the best possible road and pedestrian network circulation; Section 12.52.030 (A)(2) authorizes the requirement that the layout of roads to provide for the connection to adjacent subdivisions or unplatted property.
18. Section 17.04.040(A), D.C.C., authorizes dedications of right-of-way and improvements to the area directly affected by the development.
19. In order to meet the state requirements for Enhanced 911 service, all lots within this plat will be addressed prior to final plat approval.
20. An agreement exists on the property regarding the adjacent regional stormwater detention ponds. The agreement was recorded under AFN 3026047.
21. Comments from reviewing agencies have been considered and addressed where appropriate.
22. Douglas County issued a Mitigated Determination of Nonsignificance on February 1, 2008 pursuant to WAC 197-11-355. Reviewing agencies were provided a copy of the Mitigation Agreement. Per WAC 197-11-355 there was no further comment period on this DNS.
23. Surrounding property owners were given the opportunity to comment on the proposals, can request a copy of the decision, and can appeal the decision subject to the requirements outlined in DCC Title 14.
24. Public comment on the proposal were received from Mark McCants, 1720 10<sup>th</sup> PI NE. and Kay Sparks, 1801 10<sup>th</sup> PI NE, and Janice Morgan and Robert Butler, 1730 10<sup>th</sup> Place NE, East Wenatchee, WA.
25. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
26. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
27. The Eastmont School District #206 has determined that the District has insufficient capacity in existing facilities to accommodate increased student enrollment associated with increased residential development.

28. Section 17.24.150 of the Douglas County Code requires that every subdivision shall be served by a water supply system approved and installed to meet the requirements and standards of the Chelan Douglas Health District.
29. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval.
30. The entire Planning Staff file was admitted into the record at the public hearing.
31. Public hearing after due legal notice was held on February 21, 2008. Appearing and testifying on behalf of the applicant was Hank Lewis. Mr. Lewis testified that the applicant agreed with the representations contained in the staff report and that the applicant did not have any objection to any of the proposed conditions of approval. In addition, the applicant confirmed that there were sufficiently sized building envelopes on each proposed lot so that a variance for a single family residence and accessory structures would not be needed.
32. Testifying in opposition to the project was Jan Davis Morgan, 1730 10<sup>th</sup> Place NE, of East Wenatchee. She raised concerns relating to the stormwater retention ponds located in the vicinity of the project, as well as concerns of runoff of erosion and water from the development. She also raised concerns about flight patterns from Pangborn Airport as the airport engages in expansion.
33. Also testifying in opposition to the project was Kay Sparks of East Wenatchee. Ms. Sparks raised concerns regarding the traffic flow and the timeline for road connections for the project.
34. Carolyn Meenach also testified in opposition to the project. Ms. Meenach had concerns relating to drainage issues related to the topography of the land where the project is to be located. Her concerns related to stormwater leaving the property and its potential to enter into their orchard property.
35. Finally, Doug Bromily of East Wenatchee raised concerns regarding drainage of stormwater.
36. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
37. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
38. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.

39. This proposal, subject to the conditions of approval, does not include uses or activities that would result in the siting of an incompatible use adjacent to an airport or airfield (RCW 36.70).
40. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

## **II. CONCLUSIONS OF LAW**

1. The Hearing Examiner has authority to render this decision.
2. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
3. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Greater East Wenatchee Area Comprehensive Plan.
4. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
5. Public use and interests will be served by approval of this proposal.
6. As conditioned, the proposal is consistent with Title 17 Zoning of the East Wenatchee Municipal Code as adopted by Ordinance # 01-01H.
7. As conditioned, the proposal is consistent with Title 17 "Subdivision", Title 19 "Environment", and Title 20 "Development Standards", of the Douglas County Code.
8. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Douglas County Code and Comprehensive Plan.
9. As conditioned, the proposal does conform to the standards specified in Douglas County Code.
10. As conditioned, the use will comply with all required performance standards as specified in Douglas County Code.
11. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Douglas County Code or the Comprehensive Plan.

12. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
13. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

### **III. DECISION**

Based on the above Findings of Fact and Conclusions of Law, Application P-07-06, P&F Tract 2, is hereby **APPROVED** subject to the following Conditions of Approval.

### **IV. CONDITIONS OF APPROVAL**

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.
2. The project shall proceed in substantial conformance with the plans and application materials of file dated February 23, 2007 and January 3, 2008 except as amended by the conditions herein.
3. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
4. A plat certificate showing parties of interest from a title company must be submitted with the blue-line drawings.
5. The final plat map shall be submitted by a land surveyor licensed in the State of Washington, and shall comply with the standards set forth in Title 17 of the Douglas County Code.
6. All parties having an ownership interest in the subject property shall acknowledge the plat.
7. It is the responsibility of the applicant to contact the Douglas County Assessor's and Treasurer's offices to confirm all taxes are current prior to final plat approval.
8. Prior to final plat approval for each phase, Douglas County Land Services must find that the conditions of approval contained within the Mitigated Determination of Non-Significance, issued on February 1, 2008 for the P&F Tract 2 Subdivision, have been met.

9. Prior to final plat approval, fire apparatus access roads shall be provided, unless otherwise exempted in accordance with Appendix D of the International Fire Code and Douglas County Code 15.08.040.
10. All improvements shall be in place prior to plat finalization or a subdivision agreement must be entered into between the applicant and the County. The subdivision agreement shall specify surety, time frames, etc. If the developer elects to enter into a subdivision improvement agreement, an appropriate financial security such as a surety bond or irrevocable standby letter of credit shall accompany said agreement in conformance with D.C.C. 14.90.
11. Preliminary approval of Phase 1 shall expire 5 years from the date of Notice of Action by the Douglas County Hearing Examiner. Preliminary approval of each subsequent phase shall expire 5 years from the date of final approval of the previous phase. Final plat approval after the expiration will require the submittal of a new preliminary application and approval based on applicable documents and codes in effect at the time of re-application.

Dated this 4 day of March, 2008.

DOUGLAS COUNTY HEARING EXAMINER



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Andrew L. Kottkamp

**Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Douglas County Superior Court, as provided for under the Judicial Review of Land Use Decisions, RCW 36.70C.040(3). The date of issuance is defined by RCW 36.70C.040 (4)(a) as “(t)hree days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available” or if this section does not apply, then pursuant to RCW 36.70C.040(3) (c) “...the date the decision is entered into the public record.” Anyone considering an appeal of this decision should seek legal advice.**