

**STAFF REPORT
OAKWOOD HOMES SUBDIVISION**

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: Preliminary Plat Application of Oakwood Homes, P#07-09
DATE: March 31, 2008

I. GENERAL INFORMATION

Requested Action: The applicant, CMH Homes, Inc., has submitted a major subdivision application for a 17 lot subdivision. Proposed lot sizes range from 1 acre to 2.35 acres in size, with an average lot size of 1.19 acres. The site is designated as Residential Low by the Greater East Wenatchee Area Comprehensive Plan with a maximum identified housing density of 6 dwelling units per acre. The Residential Low, R-L, Zoning District identifies that the minimum lot size is 7,000 square feet, except as provided in EWMC Chapter 17.72 for lot size averaging. In order to facilitate future infill within the urban growth area and the subject property, proposed lots within the preliminary plat in conjunction with plans for road and utility infrastructure systems have been designed to accommodate the future redivision of the plat, at such time sanitary sewer is available.

Location: The subject property includes tax parcel: 22210530004. The proposed plat is located north of 10th St. NE, with 16 of the 17 proposed lots fronting on the county road. The site is located in a portion of the southeast quarter of the southeast quarter of Section 6, and a portion of the southwest quarter of the southwest quarter of Section 5, Township 22 N., Range 21 E., W.M., Douglas County, WA.

II. SITE INFORMATION

Total Project Size:	20.21 acres
No. of proposed lots	17
Domestic Water:	East Wenatchee Water District
Sewage Disposal:	Onsite
Power/Electricity:	Douglas County PUD
Fire Protection:	Douglas County Fire District #2
Telephone Service:	Verizon

Site Characteristics:

The project site has been utilized for a variety of uses over time including gravel extraction and an outdoor riding arena with an accessory barn, stables, corrals, parking lot and outbuildings. Grading and filling of the site to create these facilities exposed cut banks into the steeper part of the parcel. Building pads for proposed lots 10-17 are located within graded benches from these prior uses. A

manufactured home was located adjacent to the north east boundary of the parcel at the time of application submittal. At the time of staff analysis the structures and manufactured home had been removed. Building materials from prior structures, tires and a number of inoperable vehicles remain on the site.

The U.S. Department of Agriculture Natural Resource Conservation Services classifies a portion of the site as containing soils that are very limited, within the steeper northern portion of the site. This soil class is an Alstown-Cheviot Complex, 30-65 percent slopes. The flatter portion of the site contains Cashmere Fine Sandy Loam, 3-8% slopes. Several gullies lead to a single low point on the subject property, with a culvert inlet at the intersection of 10th St. NE and South Nile Avenue.

Surrounding Properties:

North: Steep shrub steppe hillside with dryland agriculture benched above.

South: 10th St. NE and dispersed single family homes and orchard

East: 4 sheds/outbuildings and a single family residence adjacent to proposed lot 16. This adjoining residence has direct access to 10th St. NE. Orchard is approximately 70-90' from the property line, located primarily downslope from proposed lot 17.

West: Steep shrub steppe hillside

Access: In order to limit the number of access points onto 10th St. NE, the County is allowing proposed lots 9-17 to be served by a proposed access easement with two access points located on 10th St. NE; proposed lots 3-8 could be served by an access easement with one access point on 10th St. NE; and lots 1-2 would be allowed to maintain a joint access easement with a single access point on 10th St. NE. An additional connecting loop has been identified as a required access and utility easement on lots 10-16 to accommodate future potential development on the lower tier of the property, at such time sanitary sewer is available. Concurrent with final development approval, half street improvements and dedications have been identified by Douglas County Transportation Services for 10th St. NE, to implement the Douglas County Transportation Plan and County Road Standards.

Zoning and Development Standards: The subject property is located within the Low Residential (R-L) Zoning District, which allows for subdivisions.

The Growth Management Act identifies that urban growth areas are lands intended for annexation by the adjacent city within 20 years. Based on this, Douglas County has adopted city development regulations within their urban growth areas in order to guide growth according to city standards and ease the transition during future annexations. On March 28, 2007, Douglas County adopted Ordinance 07-01H which adopted sections of Title 17 'Zoning' of the East Wenatchee Municipal Code within the unincorporated portions of the East Wenatchee Urban Growth Boundary.

Major Subdivisions:

The requirements of Title 17, "Subdivisions", Douglas County Code, apply to the design and review requirements for approval of major subdivisions of 5 or more lots, parcels or tracts.

Applicable provisions and requirements of D.C.C., Chapter 19.18D, "Resource Lands/Critical Areas-Geologically Hazardous Areas", and D.C.C. Chapter 15.48 "Flood Damage Prevention":

Very limited building soils are indicated to be present on a portion of the subject property. When present these soil conditions must be evaluated according to the determination process of Section 19.18D.040 D.C.C., which require a geologic site assessment by a qualified geologist or engineer. The site contains two drainage gullies which merge into a lowpoint on the site with a culvert inlet at the intersection of 10th St. NE and South Nile Avenue. A geologic hazard analysis/flood hazard study was submitted by the applicant's engineer, Robert Culp, P.E., Munson Engineers, dated July 25, 2007 and amended on November 28, 2007, February 1, 2008, and February 20, 2008.

Junk Materials:

Chapter 17.24, the RL District, does not establish the storage of junk materials as a permitted use onsite. Junk materials are defined under Douglas County Code as-

DCC: 14.98.443 Junk.

"Junk" means any storage or accumulation of inoperable motor vehicles or equipment, vehicle or equipment parts, used lumber and building materials, pipe, white goods, appliances, demolition waste, any used material, or any solid waste.

III. COMPREHENSIVE PLAN:

The Greater East Wenatchee Area Comprehensive Plan designates this property as Low Residential. The density permitted in the Low Residential designation is 6 residences per acre. The following goals and policies set forth in the comprehensive plan are relevant to this development:

FREQUENTLY FLOODED AREAS

GOAL 4: Protect the frequently flooded areas of Douglas County that are known to be critical parts of the natural drainage system by limiting and controlling potential alterations and/or obstructions to these areas.

CA-36 Encourage planned development land uses that will not impede the flow of floodwater or cause danger to life or property. This includes, but is not limited

to, filling dumping, storage of materials, structures, buildings, and any other activities that, when acting alone or in combination with other existing or future uses, would cause damaging flood heights and velocities by obstructing flows. CA-39 Prevent the development of structures in areas unfit for human usage due to danger from flooding, unsanitary conditions, or other hazards.

GEOLOGICALLY HAZARDOUS AREAS

GOAL 5: The County will provide appropriate measures to either avoid or mitigate significant risks that are posed by geologic hazard areas to public and private property and to public health and safety.

CA-49: All proposed development projects located within a geologic hazard area, or that have the potential to adversely affect the stability of one of these areas, may be required to provide studies performed by qualified consultants describing the existing nature of the hazard and necessary safety precautions. The subsequent report from the geo-technical engineer and/or geologist should clearly identify the risk of damage from the project, both on-site and off-site, whether the proposal increases the risk of occurrence of the hazard, and whether the proposal has incorporated measures to eliminate or reduce the risk of damage due to the hazard.

CA-50 Any new residential subdivision or short plat that is determined to be in a geologically hazardous area shall have a note placed on the face of the plat and on the title report stating that the hazard is present.

HOUSING

GOAL: To provide for a sufficient number of safe, attractive and affordable residences for people of all income levels.

GOAL: To provide for a variety of housing types and densities to ensure a range of affordable housing options for all segments of the community.

GOAL: To insure that public facilities and infrastructure are available to support development at urban densities in advance of or concurrent with development.

POLICY H-1: Require residential development at urban densities to locate within urban growth areas consistent with the comprehensive plan.

POLICY H-2: Provide flexibility in development regulations to encourage infill development in areas with adequate public services in a manner that ensures compatibility with the character of the existing neighborhood.

POLICY H-6: Require the construction of sound, safe, and sanitary dwelling units.

POLICY H-13: New residential development in the urban growth area must be concurrently served by a full range of urban governmental services. On-site sewage disposal systems are a temporary option in the urban growth area and

may not be appropriate in some circumstances due to soil conditions, proximity to ground and surface water resources and the availability to public sewer. "Dry Lines" for centralized public collection should be installed at the time of development to facilitate eventual connection at a lower cost.

UTILITIES

GOAL 1: Facilitate the development of all utilities at the appropriate levels of service to accommodate growth that is anticipated to occur in the Area, in a fair and timely manner.

POLICY UT 2: A full range of urban services shall be provided within the entire urban growth area by promoting utility extensions to those areas needing urban services.

POLICY UT 4: Insure that development take into account the timely provision of adequate and efficient utility systems.

POLICY UT 5: The cost of on-site utility improvements or site preparation for developments, such as surface drainage, utilities, and water and sewer systems should be the responsibility of private enterprise.

POLICY UT 7: Facilitate the provision of urban services to all areas in the urban growth area by sizing and locating new services that will efficiently accommodate future service extensions.

POLICY UT 10: Require the under-grounding of utility wires, where feasible.

GOAL 5: Provide an efficient surface and stormwater management system that serves community residences and business in a manner that makes efficient use of limited resources and minimizes damage to public and private property from flooding events.

POLICY UT 25: Require new developments locate required stormwater management facilities on-site unless a regional facility benefiting a drainage has been constructed with sufficient excess capacity to serve the development

TRANSPORTATION

GOAL: Provide a balanced transportation system that meets the needs of the community by accommodating the movement of people, goods, and services at an optimum level of safety, economy and efficiency.

GOAL: Ensure adequate and safe access to property via a system of public and private roads.

POLICY T-5: As development occurs, require the extension of dead-end streets which improve access and circulation.

POLICY T-6: As public and private development occurs, ensure that transportation system improvements have adequate streets, sidewalks and walkways; and are consistent with the transportation and adopted system design.

POLICY T-16: Design transportation facilities within the Greater East Wenatchee Area that minimize adverse environmental impacts resulting from both their construction and use.

POLICY T-18: Allow land use changes only when proposals are consistent with the adopted transportation level of service standards of the comprehensive plan.

POLICY T-24: All road construction projected shall meet or exceed the minimum requirements for stormwater runoff.

IV. ENVIRONMENTAL REVIEW

Douglas County issued a Mitigated Determination of Nonsignificance on March 11, 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.

VI. AGENCY AND PUBLIC COMMENTS:

Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included as Attachment A. At the time of staff analysis, no public comments had been submitted for the application.

VII. PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

Comprehensive plan consistency:

The proposal is consistent with the goals and policies of the Greater East Wenatchee Area Comprehensive Plan. Provisions have been incorporated into project design to not impact critical areas onsite or offsite. The engineer of record has indicated that as proposed that the proposed lots are suitable for the placement of single family residences. The proposed lot sizes meet the density standards for residential lots. Provisions have been incorporated into project design which would accommodate the redivision of the lots; encouraging the efficient use of urban land and infill opportunities consistent with the comprehensive plan.

Policy H-13 requires that urban development within the urban growth area be served concurrently with urban services. The development would be served by a full range of urban services, with the exception of public sewer which is not yet available. Provisions have been included in project design for "dry sewer"

hookups when public sewer is available. The first goal of the transportation chapter strives to provide a balanced transportation system that meets the needs of the community by accommodating the movement of people, goods, and services at an optimum level of safety, economy and efficiency. As conditioned the access improvements will implement the transportation goals and policies of the comprehensive plan.

Consistency with the provisions of Title 17, "Subdivision", D.C.C.:

As conditioned, the proposed subdivision is consistent with the provision of this title.

Consistency with the provisions of the R-L Zoning District, Chapter 17.24, E.W.M.C. as adopted by Douglas County:

The proposed residential lots exceed the 70 foot minimum lot width and 90 foot minimum lot depth. All lots are proposed to be larger than the 7,000 square foot minimum. As conditioned under the terms of the mitigation agreement, all lots appear to have an adequate building envelope outside of required setbacks.

As conditioned, the proposal is consistent with the provisions of this chapter.

Consistency with the provisions of D.C.C., Chapter 20.34, "Stormwater Drainage"

The applicant has submitted a preliminary stormwater plan developed by a professional engineer licensed in the State of Washington. As conditioned, the proposal is consistent with the provisions of this chapter.

Consistency with the provisions of D.C.C., Title 12 "Road Standards"

Consistent with the terms of the mitigation agreement for the project, adequate provisions for transportation facilities would be addressed for the proposed 17 lot major subdivision concurrent with final plat approval. Lots 1-16 of the development front on 10th St. NE. Residential subdivisions would be designed to accommodate fire apparatus and emergency vehicles as well as facilitating the movement of pedestrians, bicyclists and vehicles to and from the development.

In order to limit the number of access points onto 10th St. NE, the County would allow proposed lots 9-17 to be served by a proposed access easement with two access points located on 10th St. NE; proposed lots 3-8 would be served by an access easement with one access point on 10th St. NE; and lots 1-2 would be allowed to maintain a joint access easement with a single access point on 10th St. NE. Minimum improvements for the private access easements have been identified by Douglas County Transportation Services, necessary to provide sufficient access, circulation and fire safety within the proposed development. An additional connecting loop has been identified as a required access and utility easement on lots 10-16 to accommodate future potential development on the lower tier of the property, at such time sanitary sewer is available.

In order to ensure that adequate transportation facilities can be provided, concurrent with final development approval, half street improvements and dedications have been identified by Douglas County Transportation Services for 10th St. NE, to implement the Douglas County Transportation Plan and County Road Standards. These improvements shall facilitate the extension and linkage of urban transportation facilities within the East Wenatchee Urban Growth Area to accommodate pedestrians, bicyclists, and vehicles.

As conditioned, the proposal is consistent with the provisions of this title.

Applicable provisions and requirements of D.C.C., Chapter 19.18D, "Resource Lands/Critical Areas-Geologically Hazardous Areas", and D.C.C. Chapter 15.48 "Flood Damage Prevention":

The geologically hazardous area/flood hazard analysis prepared for the site submitted by the applicant's engineer, Robert Culp, P.E., Munson Engineers, dated July 25, 2007 and amended on November 28, 2007, February 1, 2008, and February 20, 2008; concluded that: "However, with suitable remediation identified below, the depicted building pads are feasible for each lot, and access road locations as shown are feasible for the site." Pursuant to the mitigation agreement entered into by the applicant and Douglas County, the requirements of these chapters have been met in that offsite impacts have been avoided and onsite mitigation measures determined to be sufficient by the engineer of record for the safe development of the project.

Junk Materials:

Structures have been demolished on the subject property. Many of the materials from the demolition remain onsite. Additionally, inoperable vehicles and tires are located on proposed lot 17. These materials meet the county definition of junk. Site preparation most likely will involve the removal of these materials. To maintain compliance with county code, staff recommends that a condition be included requiring the materials to be removed to an approved location prior to final plat approval.

Agency comments:

Agency comments from the Douglas County Transportation Services, Douglas County Land Services – Building, Douglas County – GIS, Douglas County Assessors Office, the Chelan – Douglas Health District, the Washington State Department of Ecology, Douglas County Fire District #2, Douglas County PUD, Douglas County Sewer District No. 1, East Wenatchee Water District, Eastmont School District, and Greater Wenatchee Irrigation District have identified mitigation or project design required for the subdivision. Where appropriate, issues identified by these commenting agencies have been addressed with conditions of approval; either as recommended conditions within the staff report

or the mitigation agreement entered into between the applicant and Douglas County.

VIII. RECOMMENDATION

As conditioned below, this application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 17 of the East Wenatchee Municipal Code as adopted in Ordinance # 07-01H, Title 17, 19 and 20 of the Douglas County Code and the Greater East Wenatchee Area Comprehensive Plan. Staff recommends approval of P#07-09 subject to the following findings of fact and conditions:

This recommendation is based on the following findings of fact:

1. The subject property is located in the R-L Zoning District which allows the division of property into residential lots.
2. The subject property is located within the East Wenatchee Urban Growth Boundary.
3. The Greater East Wenatchee Area Comprehensive Plan designates this area as appropriate for low residential development.
4. The proposal does not exceed the maximum density identified in the comprehensive plan as being appropriate for lands designated as Low Residential.
5. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
6. 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.
7. In order to meet the state requirements for Enhanced 911 service, all lots within this plat will be addressed prior to final plat approval.
8. Internal access would be provided by access easements connecting to 10th St. NE at 4 locations.
9. The U.S. Department of Agriculture Natural Resource Conservation Services classifies a portion of the site as containing soils that are very limited, within the steeper northern portion of the site. This soil class is an Alstown-Cheviot Complex, 30-65 percent slopes. The flatter portion of the site contains Cashmere Fine Sandy Loam, 3-8% slopes. Several gullies lead to a single low point on the subject property, with a culvert inlet at the intersection of 10th St. NE and South Nile Avenue.

10. Douglas County issued a Mitigated Determination of Non-Significance for this proposal in accordance with WAC 197-11-355 and WAC 197-11-350, the State Environmental Policy Act (SEPA), on March 11, 2008.
11. The applicant has amended the subject application via the mitigation agreement process, MDNS, to address county code requirements and agency comments.
12. A geologically hazardous area/flood hazard analysis was submitted by the applicant's engineer, Robert Culp, P.E., Munson Engineers, dated July 25, 2007 and amended on November 28, 2007, February 1, 2008, and February 20, 2008.
13. The geologically hazardous area/flood hazard analysis prepared for the site submitted by the applicant's engineer, Robert Culp, P.E., Munson Engineers, dated July 25, 2007 and amended on November 28, 2007, February 1, 2008, and February 20, 2008; concluded that: "However, with suitable remediation identified below, the depicted building pads are feasible for each lot, and access road locations as shown are feasible for the site."
14. 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.
15. RCW 58.17.110(2) requires that appropriate and adequate provisions be made for streets or roads, alleys or other public ways.
16. Section 17.04.040(A), D.C.C., authorizes dedications of right-of-way and improvements to the area directly affected by the development.
17. 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.
18. 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.
19. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.

20. 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.
21. The outdoor storage of junk materials is not listed as a permitted use in the RL Zoning District.
22. Douglas County Code defines junk as: DCC: 14.98.443 Junk. "Junk" means any storage or accumulation of inoperable motor vehicles or equipment, vehicle or equipment parts, used lumber and building materials, pipe, white goods, appliances, demolition waste, any used material, or any solid waste."

This recommendation is based upon the following suggested conclusions:

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Greater East Wenatchee Area Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. As conditioned, the proposal is consistent with Title 17 Zoning of the East Wenatchee Municipal Code as adopted by Ordinance # 01-01H.
4. As conditioned, the proposal is consistent with Chapter 15.48 "Flood Damage Prevention", Title 17, "Subdivisions"; Title 19, "Environment"; and Title 20, "Development Standards", of Douglas County Code.
5. Comments from reviewing agencies have been considered and addressed where appropriate.
6. As conditioned, the subdivision can adequately be served by public water and onsite septic systems and power.
7. As conditioned, the development will not adversely affect the general public health, safety and general welfare.
8. Public use and interests will be served by approval of this proposal.

This recommendation is based upon the following suggested conditions of approval:

1. The project shall proceed in substantial conformance with the plans and application materials on file except as amended by the conditions herein.

2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. A plat certificate showing parties of interest from a title company must be submitted with the blue-line drawings.
4. 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.
5. All parties having an ownership interest in the subject property shall acknowledge the plat.
6. 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.
7. Prior to final plat approval, Douglas County Land Services must find that the mitigation conditions contained within the Mitigated Determination of Non-Significance, issued on March 11, 2008 for P#07-09, have been met.
8. 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.
9. Prior to final plat approval, materials meeting the definition of junk under Douglas County Code must be removed to approved locations.

Respectfully Submitted,

Glen A. DeVries, A.I.C.P.
Planning Manager

Attachments