

**STAFF REPORT
BARDIN # 3 SUBDIVISION**

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: Brett & Deanne Telford, P-09-01
DATE: March 11, 2009

I. GENERAL INFORMATION

Requested Action: Brett and Deanne Telford have submitted a major subdivision application for a 2 lot limited land segregation. Proposed lot sizes are 11.74 acres and 2 acres. The subdivision is proposed to be served by domestic water and a septic system.

Background: The subject property was created via short subdivision number SS-05-20, by Ryan Vickery, Steven Skylstad, and Jon Collins, recorded on May 5, 2006. This short subdivision created two lots, one 10 acre lot, and one 13.74 acre lot (the subject property). According to the Notice of Action for SS-05-20, dated October 13, 2005; "for a period of five (5) years after approval of this short plat, no more than four (4) lots may be created on this property through the short subdivision process." (Please see condition number 24 in the Notice of Action and associated plat map enclosed as appendix A.) According to the Revised Code of Washington (RCW) 58.17.060; "...short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries..."

Location: The subject property is located off of South Webb Place and is further described as being located in the S ½ of the NW ¼ of Section 23, Township 22 North, Range 21 East, W.M., in Douglas County, Washington. The Douglas County Assessor Number for the subject property is 22212320026.

II. SITE INFORMATION

Total Project Size: 13.74 acres
No. of lots 2
Domestic Water: East Wenatchee Water District
Sewage Disposal: On-site septic
Power/Electricity: Douglas County PUD
Fire Protection: Douglas County Fire District #2
Telephone Service: Verizon

Site Characteristics: The subject property is characterized as flat to gently sloping; the southeast corner of the property is a seep ravine that encompasses approximately one

acre. The site is currently in orchard use. A barn is located on the southern portion of the property and a single family residence is located on the northern portion of the property with a proposed pool adjacent to the house.

North: Orchards

South: Single Family Residence

East: Ravine- Single Family Residence

West: Orchards, Columbia River Packing, and Single Family Residences

Access: The subdivision will access South Webb Place to 8th St. SE. South Webb Place is designated as an urban local access road. Five foot utility easements are required along all lots or tracts with county road frontage.

Zoning and Development Standards: The subject property is located within the Commercial Agriculture 10 (AC-10) Zoning District, which allows for agricultural support activities including limited land segregations.

Major Subdivisions:

The requirements of Title 17, "Subdivisions", Douglas County Code, apply to the design and review requirements for approval of major subdivisions. This project must follow this major subdivision process because the existing lot was created via a short subdivision within the last five years.

III. COMPREHENSIVE PLAN:

The Douglas County Countywide Comprehensive Plan designates this property as Commercial Agricultural 10 (AC-10). The following goals and policies set forth in the comprehensive plan are relevant to this development:

General Land Use

GOAL: Maintain and improve the quality of life, attitude, and character of Douglas County by encouraging the long-term public commitment to the stewardship of historical/cultural resources, natural resources, critical areas and the full range of land uses desired by the public.

Policy 5: Provide an administrative review process for the division and transfer of land for agricultural purposes, including divisions that help sustain and support the family farm operation. Land divisions may include:

- a) Ag-to-Ag land divisions between farmers solely for the purpose of agricultural activities will be conducted through a minimal, administrative review process to certify that all parcels created will be used only for agricultural purposes, and that no residential building lots will be created.
- b) Family farm support divisions for the purpose of establishing new residential units for employees/owners/operators of a family farm will be conducted through an administrative review process to certify that any parcel created for a new, residential building lot will be used solely by persons working on and/or owning the farm operation.
- c) Farmstead preservation divisions to accommodate existing established dwelling units and/or sites that were once incidental to the farm operation. The farmstead preservation

divisions are intended to promote restoration and/or preservation of home sites in a cost effective manner.

Policy 13: Develop a sliding-scale type of review process whereby less intense (particularly agriculturally related) uses are considered administratively and the higher intensity uses are subject to a public review.

Agriculture

GOAL: Agricultural uses will be preserved, enhanced and maintained to the greatest extent possible feasible outside of Urban Growth Areas (UGA).

Policy 3: Protect agricultural lands and activities from conflicting non-farm uses and influences.

Policy 7: Preserve agricultural tracts that are adequate in size, in relation to the particular activity, to maintain the economic viability of farming operations.

Policy 8: In the event of a conflict between residential uses and the normal agricultural activities of a preexisting agricultural use, County support will be in favor of the agricultural use.

Policy 14: Allow for the clustering of existing lots through the exempt parcel transfer process and establish a limited lot segregation process for use in circumstances where the construction of a residence will not affect neighboring agricultural operations.

Utilities

GOAL: Development in Douglas County will only occur in conjunction with the availability of adequate, cost effective provision of utilities. The installation and expansion of utilities will be coordinated to minimized cost and disruption of normal activities.

Policy 4: Require that development take into account the timely and concurrent provision of adequate and efficient utility systems.

Policy 5: Provide utilities at service levels that are appropriate for the specific land uses and areas, thereby avoiding excess capacities that may encourage growth beyond the desired densities of an area.

Policy 9: The cost of on-site utility improvements or site preparation for developments will be the responsibility of the development benefiting from the improvement.

Transportation

GOAL: Provide efficient use of existing and future transportation facilities through a systematic approach of monitoring and maintaining the road system, integrating all types of transportation systems and facilities, by coordinating transportation facilities planning with other elements of the comprehensive plan, and coordination with other federal, state and local agencies.

Policy 4: Provide appropriate standards for private roads that assure adequate access not only the residents utilizing the road, but also for emergency and other needed public services.

Policy 18: As development occurs it shall comply with the applicable road standards, and off-site improvements to existing County roads may be required where those existing roads do not currently meet the adopted road standards.

IV. ENVIRONMENTAL REVIEW

Douglas County issued a Determination of Non-significance on March 11, 2009 in accordance with WAC 197-11-355 (Optional DNS).

VI. AGENCY AND PUBLIC COMMENTS:

Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included as Appendix B. No public comments were submitted on this proposal at the time of staff review.

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.

The subject property was created via short subdivision number SS-05-20, by Ryan Vickery, Steven Skylstad, and Jon Collins, recorded on May 5, 2006. This short subdivision created two lots, one 10 acre lot, and one 13.74 acre lot (the subject property). According to the Notice of Action for SS-05-20, dated October 13, 2005; "for a period of five (5) years after approval of this short plat, no more than four (4) lots may be created on this property through the short subdivision process." (Please see condition number 24 in the Notice of Action and associated plat map enclosed as appendix A.) According to the Revised Code of Washington (RCW) 58.17.060; "...short subdivisions may not be further divided in any manner within a period of five years without the filing of a **final plat**, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the **owner** who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries..."

Since the subject property has been created via a short subdivision within the last five years, the only means to further divide the lot before May 5, 2011, is to go through the subdivision (plat) process.

The tool the applicant is using to create the new lot on the subject property is the limited land segregation provision (DCC 18.16.220.E). The code recently changed to allow this land division provision via a major subdivision/quasi-judicial process (limited land segregations were previously solely permitted via the short subdivision/full administrative review process). Please see ordinance no. TLS 08-13-62 enclosed as appendix C. A petition for review has been filed with the Eastern Washington Growth

Management Hearings Board that seeks, among other things, to invalidate the action of the Douglas County Board of Commissioners adopting ordinance no. TLS 08-13-62.

Comprehensive plan consistency:

The proposal is consistent with the goals and policies of the Douglas County Countywide Comprehensive Plan. The development will be served domestic water and on-site septic.

With this development agricultural tracts that are adequate in size are preserved to maintain the economic viability of farming operations. The limited lot segregation process is for use in circumstances where the construction of a residence will not affect neighboring agricultural operations.

As conditioned, the proposed subdivision is consistent with the goals and policies of the Douglas County Countywide Comprehensive Plan.

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

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

Consistency with the provisions of the AC-10 Zoning District, Chapter 18.36, D.C.C.:

The proposed residential lots exceed the 70 foot minimum lot width and meet lot size standards. Upon review, 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 Chapter 18.16.220, "Agricultural Support", DCC.:

DCC 18.16.220.E.2 states: "The lot size for the new lot... shall be the minimum required by the Chelan-Douglas Health District to address provisions for domestic water and sewage disposal unless adjusted to follow physical features that act as obstacles to resource management to a maximum of two acres..." In rural areas the lot size must be greater than one acre for exemption from fire flow standards. One acre is the largest size permitted unless land is un-farmable, such as the approximate one acre ravine located on the subject property.

The code recently changed to allow limited land segregations via a major subdivision/quazi-judicial process (limited land segregations previously were solely permitted via the short subdivision/full administrative review process). Please see ordinance no. TLS 08-13-62 enclosed as appendix C.

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

Agency comments:

Agency comments from the Douglas County Transportation Services, Douglas County Land Services – Building, Douglas County – GIS, Douglas County Assessors Office, Washington State Department of Ecology, the Chelan-Douglas Health District, the, Douglas County Fire District #2, Douglas County PUD, East Wenatchee Water District,

Greater Wenatchee Irrigation District has identified mitigation or project design required for the subdivision, Eastmont School District has identified mitigation or project design required for the subdivision. These comments have been included as conditions of approval to address these agency concerns.

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, 18, 19 and 20 of the Douglas County Code, and the Douglas County Countywide Comprehensive Plan. Staff recommends approval of P#09-01, subject to the following findings of fact and conditions:

Suggested Findings of Fact

1. The applicants are Brett and Deanne Telford, 1199 Webb Place South, East Wenatchee, WA 98802.
2. General Description: Brett and Deanne Telford have submitted a major subdivision application for a 2 lot limited land segregation. Proposed lot sizes are 11.74 acres and 2 acres. The subdivision is proposed to be served by domestic water and a septic system.
3. Location: The subject property is located off of South Webb Place and is further described as being located in the S ½ of the NW ¼ of Section 23, Township 22 North, Range 21 East, W.M., in Douglas County, Washington. The Douglas County Assessor Number for the subject property is 22212320026.
4. Site Information:

Total Project Size:	13.74 acres
No. of lots	2
Domestic Water:	East Wenatchee Water District
Sewage Disposal:	On-site septic
Power/Electricity:	Douglas County PUD
Fire Protection:	Douglas County Fire District #2
Telephone Service:	Verizon
5. Site Characteristics: The subject property is characterized as flat to gently sloping; the southeast corner of the property is a seep ravine that encompasses approximately one acre. The site is currently in orchard use. A barn is located on the southern portion of the property and a single family residence is located on the northern portion of the property with a proposed pool adjacent to the house
6. Surrounding Property: To the north, Orchards; to the south, Single Family Residence; to the east, Ravine- Single Family Residence; to the west, Orchards, Columbia River Packing, and Single Family Residences.

7. The subject property is designated as Commercial Agriculture 10 by the Douglas County Countywide Comprehensive Plan.
8. The subject property is within the Commercial Agriculture 10 (AC-10), zoning district, which allows for the division of property.
9. The subject property meets the minimum development standards of the Commercial Agriculture 10 (AC-10) zoning district.
10. The proposal does not exceed the maximum density identified in the comprehensive plan as being appropriate for lands designated as Commercial Agriculture 10 acres.
11. The proposal meets the limited land segregation criteria in Chapter 18.16.220, D.C.C.
12. Comments from reviewing agencies have been considered and addressed where appropriate.
13. Water, on site septic systems and power can adequately serve the subdivision.
14. Soil mapping from the USDA Natural Resource & Conservation Service indicate the presence of potentially geologically hazardous soils on the eastern portion of the subject property.
15. A Geologic Hazard Assessment by J.B Hamilton Consulting dated September 18, 2007 was submitted, containing recommendations.
16. In order to meet the state requirements for Enhanced 911 Service, all lots within this plat will be addressed prior to final plat approval.
17. 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.
18. Section 17.04.040(A) authorizes dedications of right-of-way and improvements to the area directly affected by the development.
19. Section 12.50.150, D.C.C., authorizes the requirement of frontage and off-site improvements to the transportation system that serves the development.
20. RCW 58.17.110(2) requires that appropriate and adequate provisions be made for streets or roads, alleys or other public ways.
21. Douglas County issued a Determination of Non-significance on March 11, 2009 in accordance with WAC 197-11-355 (Optional DNS).
22. Means of access to the subject property is off of South Webb Pl., a county road.

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. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
25. As conditioned, this development meets the goals, policies and implementation recommendations as set forth in the Douglas County Countywide Comprehensive Plan.
26. As conditioned, the proposal is consistent with Title 17 "Subdivisions", Title 18 "Zoning", and Title 19 "Environment" of the Douglas County Code.
27. 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.
28. The Chelan Douglas Health District has determined that lot sizes are adequate for on-site septic systems.
29. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.

Suggested Conclusions

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Douglas County Countywide Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interests will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Title 17 "Subdivision", Title 18 "Zoning", Title 19 "Environment", and Title 20 "Development Standards", of the Douglas County Code.

Suggested Conditions of Approval

1. The project shall proceed in substantial conformance with the plans dated as received on January 16, 2009 and on file with the Department of Transportation & Land Services, except as modified below.
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. It is the responsibility of the applicant to contact the Douglas County Assessor's and Treasurer's offices to confirm all taxes and assessments are current prior to final plat approval.
4. Prior to final plat approval an agreement must be entered into with Eastmont School District #206 that either provides a proportionate dedication of land for schools and school grounds or that the developer enter into a voluntary agreement for payment in lieu of dedication in accordance with RCW 82.02.020.
5. A plat certificate showing parties of interest from a title company must accompany the final plat in accordance with RCW 58.17.165. All parties having ownership interest in the subject property shall acknowledge the short plat.
6. The developer shall coordinate with the following agencies and written documentation from these agencies must be submitted to Douglas County Land Services prior to final plat approval verifying that all conditions and improvements have been completed to the satisfaction of the agencies:
 - Douglas County Public Utility District
 - East Wenatchee Water District
 - Chelan-Douglas Health District
 - Greater Wenatchee Irrigation District
7. All improvements associated with this development must be in place or a subdivision agreement executed (specifying timeframes and improvements) and financial assurances posted prior to final plat approval.
8. The following items shall be shown on the final plat:
 - The location of all utilities and utility easements.
 - Adjacent platted subdivisions or property owners where adjoining property has not been platted.
 - Property addresses for the each lot (contact Todd Wilson, Douglas County GIS coordinator, at 884-7173).
 - All existing structures.
9. The following language must appear with the Chelan-Douglas Health District's signature line:
 - The Health District has not reviewed the legal availability of water to this development.
10. The following notes shall be placed on the final plat:
 - Future development must conform to the conclusions and recommendations of the Geologic Hazard Area Risk Assessment completed by Jonathan B. Hamilton dated September 18, 2007, as recorded under AFN number_____.
 - The subject property is located within or near designated agricultural lands, forest lands or mineral resource lands on which a variety of activities may occur that are not compatible with residential or other type of development for certain periods of limited duration. Such activities may include but are not limited to

noise, dust, smoke, odors and hours of operation resulting from harvesting, planting, fertilizing, pest control and other resource-related activities associated with usual and normal resource management practices which, when performed in accordance with county, state and/or federal law, shall not be subject to legal action as public nuisances.

- Based on historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides. The Washington State Department of Ecology recommends that the soils be sampled and analyzed for lead and arsenic and for organochlorine pesticides. If these contaminants are found at concentrations above the MTCA cleanup levels, the Washington State Department of Ecology recommends that potential buyers be notified of their occurrence. This note shall not be required to be placed on the final plat, if the soils are sampled by a professional with adequate credentials to verify that the site does not contain lead and arsenic and organochlorine pesticides at concentrations above the MTCA cleanup levels.
 - Future development of Lot 1 may require the submittal of a geologic risk assessment consistent with Douglas County Code Chapter 19.18D, as amended. "Lot owners are responsible for preventing runoff onto adjacent sites, in accordance with DCC 20.34 Stormwater Drainage."
 - At the time of building permit submittal, an engineered stormwater plan to retain all design storm runoff from on-site improvements, including but not limited to buildings and other impervious surfaces, shall be submitted in accordance with Douglas County Code. Prior to occupancy, certification shall be provided from the Engineer of Record that the stormwater system was installed in accordance with the plans submitted.
11. All improvements shall be in place prior to final plat approval, 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 accordance with DCC 14.90, Performance Assurance and Guarantee. Bonding of improvements in lieu of construction shall be at the discretion of Douglas County.
 12. Prior to final plat approval the Geologic Hazard Area Risk Assessment submitted by Jonathan B. Hamilton dated September 18, 2007 shall be recorded and referenced on the final plat mylar.
 13. The final plat shall show a building envelope for lot 2 meeting the setback requirements of 18.16.080 A-C, & F. The building envelope shall take International Building Code Section 18.05.3.2 footing setback from descending slope surface into account.
 14. It shall be verified by a licensed surveyor that the portion of lot two (2) above the ravine is no greater than one acre.

15. All new or revised driveways and accesses onto a County Road (including temporary or construction accesses) require an approved access permit as per the procedures in DCC 12.24, Approaches to County Roads.
16. Utility installation/replacement/upgrade within the Douglas County right-of-way, including but not limited to South Webb Place shall be approved by Douglas County. Damage to existing roads, both public and private, (including but not limited to South Webb Place) resulting from construction activities (including utility extensions required to provide necessary services to the proposed development) shall be repaired to the satisfaction of Douglas County, by the applicant. The extent of repair and/or replacement will be determined during construction plan review and during field inspection of the proposed work within the right-of-way. Repairs shall be completed prior to final plat approval. Repair of existing road surfaces may include overlays of the existing road surface, full or half width, depending upon the extent of impact to the existing road surface due to the construction activities. Existing moratoriums on public roads may limit utility work to boring or pushing. DCC 12.20.060, Specific requirements - Underground utilities
17. Five foot utility easements are required along all lots or tracts with county road frontage in accordance with the Douglas County Road Standards.
18. The applicant shall be responsible for preventing mud, dirt and debris from leaving the site, including stormwater runoff from being tracked or otherwise discharging onto the public right-of-way or adjacent properties.
19. Individual/common plan of development for this proposal may exceed 1 acre of disturbed ground. This would meet the threshold used by the Washington State Department of Ecology in administering their General Permit to Discharge Storm Water Associated with Construction Activity. If required, the permit must be obtained prior to beginning ground-breaking activities. The Department of Ecology contacts for this area are Bryan Neet, (509) 575-2808, bneet461@ecy.wa.gov, and Cory Hixon, (509) 454-4103, chix461@ecy.wa.gov.
20. Preliminary approval shall expire 5 years from the date of Notice of Action by the Douglas County Hearing Examiner. 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.

Respectfully Submitted,

Marla Olson
Senior Planner

Attachments