

**STAFF REPORT
RIESLING PLAT AMENDMENT**

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: Plat Amendment – Riesling Plat, PA-09-01
DATE: June 8, 2009

I. GENERAL INFORMATION

Requested Action: A plat amendment to a cluster subdivision (Plat of Riesling). The applicants propose to change to joint use dock configuration. The changes include shifting lots so that combined Lot 1 & 2 share a dock with Lot 3, modifying the dock access easements, eliminating the shared driveway easement on combined Lot 1&2 and modifying the notes to reflect the new share dock usage.

Location: The subject property is described at the Plat of Riesling. The property is further described as being located within Sections 7 & 8, Township 26N, Range 22 E., W.M. in Douglas County WA. The Douglas County Assessors Parcel Numbers are 82600000100, 82600000300, 82600000400, and 82600000500.

Background: The Plat of Riesling was approved for joint use docks where Lots 1 and 2 would share and Lots 3, 4, and 5 would share. A shoreline substantial development permit (SP-06-14) for a joint use dock was granted. On March 14, 2008, the property owner recorded a lot consolidation, legally combining Lots 1 & 2. On July 31, 2008, the Douglas County Hearing Examiner issued a decision partially rescinding SP-06-14 and eliminating the approval for a joint use dock. See Attachment A. The Hearing Examiner's decision was then timely appealed to the Shoreline Hearings Board. The SHB has remanded the issue back to the parties to try to resolve the issue.

Since this time the property owners have agreed to adjust the shared dock configuration where Lot 3 will join with combined Lots 1&2. The property owners have submitted applications for shoreline revisions to revise SP-06-14 and SP-08-02 to change Lot 3 over to joint with Lot 1/2.

II. SITE INFORMATION

Site Characteristics: The subject properties are located within a residential subdivision. The site slopes gently down to the OHWM of the Columbia River.

Access: The subdivision accesses Vineyard Dr. The application proposes to eliminate a joint driveway easement due to there no longer being two lots to share a driveway.

Zoning and Development Standards: The subject property is located within the Rural Resource 5 acres (RR-5) Zoning District, which allows for subdivisions.

Major Subdivisions:

The requirements of Title 17, "Subdivisions", Douglas County Code, apply to plat amendments.

III. COMPREHENSIVE PLAN:

The Douglas County Countywide Comprehensive Plan designates this property as Rural Resource 5 acres. The following goals and policies set forth in the comprehensive plan are relevant to this development:

RURAL

POLICY RD-4: Development and recreational opportunities in rural shoreline and other rural areas shall minimize potential adverse impacts to water quality, slope stability, vegetation, wildlife and aquatic life.

POLICY RD-7: Rural developments should consider and comply with the spirit, intent and requirements of all the chapters and section of this comprehensive plan, including but not limited to, the Resource Lands Element and resource and Critical Areas Conservation Element.

IV. SHORELINE MASTER PROGRAM

SECTION XX1 PIERS AND DOCKS

POLICY B: Priority should be given to the use of community piers and docks. In general, encouragement should be given to the cooperative use of piers and docks.

V. ENVIRONMENTAL REVIEW

Douglas County issued a Determination of Non-significance on January 27, 2005 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 Attachment B.

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 Douglas County Countywide Comprehensive Plan.

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

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

Consistency with the provisions of the RR-5 Zoning District, Chapter 18.30, DCC:

The proposal is consistent with the provisions of this chapter. Docks are an accessory use to the residential use permitted by the district.

Agency comments:

Agency comments from the Douglas County Transportation Services, Douglas County Assessors Office, have identified mitigation or project design required for the subdivision. These comments have been included as conditions of approval to address these agency concerns.

SP-06-14 rescission of dock approval

The decision to rescind the dock component of SP-06-14 was timely filed before the shoreline hearings board. The SHB held a prehearing conference on October 13, 2008. The result of that conference was that the SHB directed the County and the property owners to work to resolve the issue.

After the SHB prehearing conference, the property owners submitted this plat amendment and applications for shoreline revisions to revise SP-06-14 and SP-08-02 to change Lot 3 over to joint with Lot 1/2. These revision applications are identified as SR-09-03 and SR-09-04. See Attachments C and D. With the successful completion of these three applications (PA-09-01, SR-09-03 and SR-09-04) the conditions that led to the rescission of the dock portion of SP-06-14 will have been corrected.

Staff is also requesting that the hearing examiner consider that upon successful completion of the plat amendment and both shoreline revisions that the rescission of the dock component of SP-06-14 be repealed.

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, and 19 of the Douglas County Code and the Douglas County Countywide Comprehensive Plan. Staff recommends approval of PA#09-01 subject to the findings of fact and conditions in this staff report. Staff also recommends that the Hearing Examiner establish conditions by which the rescission of the dock approval in SP-06-14 can be repealed.

Suggested Findings of Fact

1. The applicants are Steve Smith 22849 172nd Ave SE, Kent WA; Chris Miller, 7203 180th St SE, Snohomish WA; Michael & Therese Mcauliffe, 18807 109th Ave SE, Snohomish WA; and Laurie Berge, 18616 71st Ave W, Lynnwood WA.
2. General Description: A plat amendment to a cluster subdivision (Plat of Riesling). The applicants propose to change to joint use dock configuration. The changes include shifting lots so that combined Lot 1 & 2 share a dock with Lot 3, modifying the dock access easements, eliminating the shared driveway easement on combined Lot 1&2 and modifying the notes to reflect the new share dock usage.
3. Location: The subject property is described at the Plat of Riesling. The property is further described as being located within Sections 7 & 8, Township 26N, Range 22 E., W.M. in Douglas County WA. The Douglas County Assessors

Parcel Numbers are 82600000100, 82600000300, 82600000400, and 82600000500.

4. Site Characteristics: The subject properties are located within a residential subdivision. The site slopes gently down to the OHWM of the Columbia River.
5. The Comprehensive Plan Designation is Rural Resource 5 acres.
6. The subject property is located in the RR-5 zoning district which allows for subdivisions as permitted uses.
7. On March 14, 2008, the property owner recorded a lot consolidation, legally combining Lots 1 & 2 of the Riesling Plat.
8. On July 31, 2008, the Douglas County Hearing Examiner issued a decision partially rescinding SP-06-14 and eliminating the approval for a joint use dock.
9. On September 9, 2008, the property owner filed an appeal of the hearing examiners decision to partially repeal SP-06-14 with the Shoreline Hearings Board.
10. Comments from reviewing agencies have been considered and addressed where appropriate.
11. Douglas County issued a Determination of Nonsignificance on January 27, 2005 pursuant to WAC 197-11-355 (Optional DNS).
12. 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.
13. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
14. The recording of the plat amendment, PA-09-01 and the approval of SR-09-03 and SR-09-04 corrects the condition which led to the rescission of the dock approval in SP-06-14.
15. 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 18 "Zoning", Title 17 "Subdivision", 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 and application materials of file dated April 23, 2009 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 blueline 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. The final plat shall show the location of all easements serving or encumbering the subject property.
8. The location of existing utilities (i.e. power, sewer, water and irrigation lines, etc.) and utility and private access road easements shall be depicted on the face of the final plat.
9. The following language must appear with the Health District signature line:
 - "The Health District makes no representation as to the legal availability of water to this plat."
10. All new or revised driveways and access 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*. A revised access permit shall be obtained by the applicant prior to plat amendment approval.
11. 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,

Curtis Lillquist, A.I.C.P.
Senior Planner

Attachments