

**STAFF REPORT  
BAUERS LANDING WATER TANK**

TO: Douglas County Hearing Examiner  
FROM: Douglas County Land Services Staff  
RE: Bauers Landing water tank, CUP-10-01  
DATE: April 5, 2010

**I. GENERAL INFORMATION**

Requested Action: An application for a Conditional Use Permit for the installation of a new 139,000 gallon domestic water system tank.

Location: The property is located on the south side of Weimer Rd. The property is further described as being located within Section 15, Township 26 N., Range 21 East, W.M., in Douglas County, Washington. The Douglas County Assessor Number for the subject property is 45600700000.

**II. SITE INFORMATION**

Site Characteristics: The subject property is 10.94 acres, characterized as having a slight slope to the north towards the Columbia River. The existing water tank and a single family residence are located on the subject property. Chelan County PUD 115 kV transmission lines cross the property.

Access: The project will access Weimer Rd.

Zoning: The subject property is located within the Rural Recreation (R-REC) Zoning District.

Applicable provisions of DCC Chapter 18.80.030 "CUP- Evaluation Criteria"

- A. The proposed use will be harmonious and in accordance with the general and specific objectives of the Comprehensive Plan and all subarea plans;
- B. The proposed use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing and intended character of the general vicinity of the area;
- C. The traffic generated by the proposed use shall be mitigated so as not to burden the traffic circulation in the vicinity;
- D. The proposed use will be serviced adequately by facilities and services such as highways, roads, law enforcement, fire protection, drainage, refuse disposal, water and sanitary sewers, and schools; or that persons or agencies responsible for the establishment of the proposed use shall provide adequate services;
- E. The proposed use will not create excessive additional requirements at public cost for public facilities and services;
- F. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or general welfare by reasons of excessive production of traffic, noise, smoke, fumes, vibration, glare, or odors;
- G. Proposed ingress and egress, driveway widths, parking, and road improvements shall be approved pursuant to DCC Title 20.40 and to the satisfaction of the county engineer;

- H. Adequate buffering devices such as fencing, landscaping, or topographic characteristics shall be in place in order to mitigate and protect adjacent properties from potential adverse affects of the proposed use, including visual or auditory effects.
- I. Conditional use permits shall comply with this DCC and all applicable local, state, or federal regulations.
- J. The hearing examiner is the review authority and may approve, conditionally approve or deny a request for changing the minimum lot size of a conditional use. Any waiver of minimum lot size shall not be construed as an exemption from the requirements of DCC Title 17 or RCW Chapter 58.17.

Applicable provisions of DCC Chapter 18.80.140 "Utilities, communication and transmission facilities"

The following minimum conditions shall apply:

- A. Facilities shall be designed and constructed in accordance with all applicable provisions of the DCC;
- B. The facility and site shall be designed to be compatible with the surrounding neighborhood;
- C. Landscaping shall be in accordance with DCC Chapter 20.40.
- D. The site shall be maintained in a clean and orderly manner free of weeds;
- E. Adequate ingress and egress to the site shall be provided in accordance with Title 12, DCC.
- F. If the use requires parking, said parking plan shall be in accordance with Chapter 20.42, DCC.
- G. The minimum lot size of the district that a utility structure is located in may be waived upon a finding that the waiver will not result in detrimental effects to adjacent properties.
  - 1. When a minimum lot size is waived, a note shall be placed on the face of the plat that the parcel is not a building site other than for the permitted utility use. The requirement for verification of adequate provisions for water and sewage disposal may be waived.
  - 2. When the minimum lot size is waived for utilities exempted from platting by RCW 58.17.040(9), a notice to title shall be recorded with the County Auditor stating that the parcel is not an allowable building site for other than for the permitted utility use. The notice shall be in a form approved by the Land Services Director.

**III. COMPREHENSIVE PLAN:**

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

RURAL LANDS

RURAL DEVELOPMENT

POLICY RD-3: Whenever feasible, rural developments will be encouraged to utilize community systems for domestic water and sewage disposal in order to more efficiently and cost effectively provide these needed services. In addition, these community systems may cause fewer impacts to the environment (aquifer recharge areas, water quality and quantity) than individual, dispersed systems.

## UTILITIES

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.

POLICY 10: Promote the continued use, maintenance, development and revitalization of existing utilities whenever possible.

## **IV. ENVIRONMENTAL REVIEW**

Douglas County issued a Determination of Non-significance on March 10, 2010 in accordance with WAC 197-11-355.

## **V. AGENCY AND PUBLIC COMMENTS:**

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

## **VI. 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. The proposal is to install a new domestic water system storage tank. The project supports the existing Bauers Landing Development with one community system instead of multiple individual wells.

### Consistency with the provisions of DCC Chapter 18.80.030 "CUP- Evaluation Criteria"

As discussed above the project is consistent with the comprehensive plan. The project is designed to be harmonious with the surrounding area. After construction, the nature of the use is such that the only traffic that is generated is a periodic maintenance vehicle. A water system tank does not generate a service demand for public facilities and will support the improved provision of water service. The proposed use will not generate excessive traffic, noise, smoke, fumes, vibration glare or odors. As conditioned, adequate ingress and egress will be provided to the site.

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

### Consistency with DCC Chapter 18.80.140 "Utilities, communication and transmission facilities"

As conditioned the proposal appears consistent with the requirements of this section.

Agency comments:

Agency comments from the Douglas County Transportation, Washington State Department of Ecology, and Douglas County Fire District #2 have identified mitigation or project design required for the project. These comments have been included as conditions of approval to address these agency concerns.

## **VII. 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 Titles 18, 19 and 20 of the Douglas County Code and the Douglas County Countywide Comprehensive Plan. Staff recommends approval of CUP#10-01, subject to the following findings of fact and conditions:

### Suggested Findings of Fact

1. The applicant is Bauers Landing Lodge Association, 5728 140<sup>th</sup> St SW, Edmonds WA.
2. General Description: An application for a Conditional Use Permit for the installation of a new 139,000 gallon domestic water system tank.
3. The property is located on the south side of Weimer Rd. The property is further described as being located within Section 15, Township 26 N., Range 21 East, W.M., in Douglas County, Washington. The Douglas County Assessor Number for the subject property is 45600700000.
4. The Comprehensive Plan Designation is Rural Recreation.
5. The subject property is located in the R-REC zoning district.
6. Comments from reviewing agencies have been considered and addressed where appropriate.
7. Douglas County Transportation and Land Services issued a Determination of Non-significance on March 10, 2010 in accordance with WAC 197-11-355.
8. 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.
9. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
10. Chelan PUD has indicated that a 115 kV Transmission line is located on the property and may be impacted by the construction of the new tank.
11. 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” and Title 19 “Environment” 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 February 1, 2010 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. Prior to issuance of the building permit for the tank, a landscaping plan meeting the requirements of DCC 20.40 must be approved by the County.
4. A site weed control plan shall be submitted with the building permit application.
5. Concurrent with the building permit application submittal, the applicant will submit documentation from the Chelan County PUD that the tank location, elevation and construction meets the National Electrical Safety Code requirements in relation to the PUD’s 115kV Transmission line.
6. All grading and excavation shall conform to the recently adopted “Grading and Excavation code, Ordinance TLS 09-01-04B”.
7. All new or revised driveways or 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*.
8. 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.
9. Erosion control measures shall be designed in accordance with the Stormwater Management Manual for Eastern Washington (SWMMEW). Best Management Practices shall be employed to prevent runoff from flowing over the site slopes. Disturbed areas shall be re-vegetated and maintained throughout construction. Final grading shall incorporate permanent erosion control measures which routes stormwater runoff away from site slopes and directs the collected water to appropriate discharge locations.
10. Individual/common plan of development for this proposal exceeds 1 acre of disturbed ground. This meets 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 shall be obtained prior to beginning ground-breaking activities.
11. Appropriate measures to prevent sediment from leaving the site shall be maintained until such time as all on-site soils are stabilized. Prior to any on-site grading taking place, a temporary erosion/sedimentation control plan (SWPPP – Stormwater Pollution Prevention Plan), showing the location and control measures intended to minimize the effects of erosion and siltation due to construction operations shall be submitted and accepted by the County. This plan shall be maintained on-site at all times and modified as necessary to address erosion issues as they arise. Additional erosion controls shall be implemented as necessary to prevent sediment from leaving the site.
12. One access point for construction activities shall be approved. A Stormwater Pollution Prevention Plan (SWPPP) shall be submitted and accepted prior to on-

site grading taking place. A stabilized construction access for the site shall be shown on the Stormwater Pollution Prevention Plan (SWPPP).

Respectfully Submitted,

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

Attachments