

**STAFF REPORT
HIGHLANDER RECREATION OVERLAY EXPANSION**

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: Highlander Rec Overlay Expansion, RO-01-01A
DATE: February 8, 2010

I. GENERAL INFORMATION

Requested Action: An application submitted by Prime Properties LLC for an amendment to recreational overlay permit RO-01-01 (Highlander Golf Course). The application proposes to expand the area of the permit by 4.56 acres in order to facilitate the relocation of a portion of Hole #17.

Location: The property is located in the North Half of Section 20, Township 22 North, Range 21 East, W.M., Douglas County. The Douglas County Tax Parcel Number for the subject property is 22212020001.

II. SITE INFORMATION

Site Characteristics: The site was a residential lot. A single family residence exists on the northern portion of the property the southern portion of the property consists of steep slopes that drop down towards Rock Island Road.

Access: The property accesses 8th St SE through the Highlander Golf Course.

Zoning District Standards: The subject property is located within the Rural Resource 5 acres (RR-5) zoning district.

Applicable provisions and requirements of D.C.C., Chapter 18.46, "Recreational Overlay District"

The purpose of the R-O recreational overlay district is to provide for the continuance of public and private parks and other outdoor recreational facilities in order to encourage the development of additional active recreational facilities in Douglas County, and to maintain adequate buffers between recreational development and surrounding land uses.

Applicable provisions and requirements of D.C.C., Chapter 19.18D, "Geologically Hazardous Areas":

Steep and severe building soils are indicated to be present on portions of the site. Additionally, the proposed trail would cross three intermittent drainages found on site. Steep and severe building soils are 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.

III. COMPREHENSIVE PLAN:

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

RURAL DEVELOPMENT

RD-5: Rural developments will no impact existing public facilities/services to the extent that the level of service for that facility is reduced below the adopted threshold and/or an acceptable operation capacity. If the impacts can be mitigated by the developer in a way that preserves the existing level of service and/or operation capacity, the development may be approved.

RD-6: The costs associated with implementing an rural development and providing the necessary utilities, facilities and/or serviced will be borne by the developer.

CRITICAL AREAS – GEOLOGICALLY HAZARDOUS AREAS

GOAL: 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-42: Potential impacts and alternative mitigation measures to eliminate or minimize the impacts in identified geologic hazard areas shall be documented during the review of development applications.

CA-43: Development proposals should be evaluated to determine 1) whether the proposal is located in a geologic hazard area, 2) the project's potential impact on geologic hazard areas, and 3) the potential impact of geologic hazards on the proposed project.

CA-48: Applications for development within or in close proximity of a geologically hazardous area shall include preliminary information to assist the County in determining the need for any specialized reports from a geologist or geo-technical engineer. Review criteria will be established to assist county staff in making said determination.

IV. ENVIRONMENTAL REVIEW

Douglas County issued a Determination of Non-significance on February 8, 2010 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 A.

Public comment from one individual was submitted on this proposal at the time of staff review those comments have been included as Appendix B.

Jeff Kinzel

Mr. Kinzel has submitted comment concerning 1) the need to clean up a demolition & inert waste landfill on the golf course property; 2) stormwater drainage problems that

created slope failures down onto his property; 3) concerns about golf balls, garbage etc. being thrown over the ridge down onto his property.

VII. PROJECT ANALYSIS

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

Comprehensive plan consistency:

The rural element of the comprehensive plan, as related to this proposal, focuses on not impacting existing level of service and rural character. Since the proposal is not to add any golf holes, just to relocate portions of an existing one. There will be no additional impact to any existing level of service. The subject property is surrounded on three sides by the existing recreational overlay. The fourth side is very steep slope down to Rock Island Road. The inclusion of this property into the recreational overlay will not negatively impact rural character of the area.

The proposed project appears consistent with the Douglas County Countywide Comprehensive Plan.

Consistency with Chapter 18.46, "Recreational Overlay District" D.C.C.:

Applications for the expansion of a R-O district shall be processed in accordance with the provisions for quasi-judicial review (DCC 14.10.040) and the conditional use permit process (DCC 18.80). A R-O permit was approved on the surrounding adjacent land on May 11, 2001. A golf course is a permitted recreational overlay use. The existing recreational overlay is greater than 5 acres in size. The application is proposing to increase the size of the recreational overlay.

No outdoor lighting is proposed with this application. The proposal is to relocate an existing use and therefore will not generate additional parking demand. The golf course currently accesses off of 8th St SE, a minor collector. The proposal will not generate any additional traffic demand. The proposal does not warrant a change in the refuse disposal operation currently used by the golf course. The Douglas County Fire Marshall stated that there will be no fire protection related comments for this application. The proposal is for an existing use and therefore a new emergency services analysis is not warranted. Adequate provisions for utilities is already in place for the existing use. Irrigation service to support the new T areas will have to be extended. No sound-amplifying device is proposed in this application.

The subject property does not adjoin any commercial agriculture district, therefore the 100 foot buffer requirement is not applicable. The subject property does include potentially geologically hazardous areas. See analysis in Consistency with Geologically Hazardous Areas section. The end use of the proposal is a golf hole which will not generate air contaminants. The potential does exist for fugitive dust to be generated during grading. Dust control is under the authority of the WA Dept of Ecology, Air Quality Division. The proposed end use of the subject property will not generate noise levels that exceed the maximum levels authorized by DCC 8.04.

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

Consistency with the provisions and requirements of D.C.C., Chapter 19.80.030
“Conditional Use Permit – Evaluation Criteria”:

The project proposal is for the relocation of components of an existing golf hole to property not currently in the recreational overlay.

As conditioned, the proposal appears to be consistent with the provision of this chapter.

Consistency with the provisions and requirements of D.C.C., Chapter 18.80.315,
“Conditional Use Permit – Recreational Facilities”:

The existing recreational overlay is greater than 5 acres and this proposal is to expand that size. No outdoor lighting is proposed with this application. The proposal is to relocate an existing use and therefore will not generate additional parking demand. The golf course currently accesses off of 8th St SE, a minor collector. The proposal will not generate any additional traffic demand. The proposal does not warrant a change in the refuse disposal operation currently used by the golf course. No additional signage is proposed by the application. The Douglas County Fire Marshall stated that there will be no fire protection related comments for this application. The proposal is for an existing use and therefore a new emergency services analysis is not warranted. Adequate provisions for utilities is already in place for the existing use. Irrigation service to support the new T areas will have to be extended. No sound-amplifying device is proposed in this application. The proposed end use of the subject property will not generate noise levels that exceed the maximum levels authorized by DCC 8.04. The subject property does not adjoin any commercial agriculture district, therefore the 100 foot buffer requirement is not applicable. The subject property does include potentially geologically hazardous areas. See analysis in Consistency with Geologically Hazardous Areas section. The proposal does not include any new structures that would subject to setbacks. The end use of the proposal is a golf hole which will not generate air contaminants. The potential does exist for fugitive dust to be generated during grading. Dust control is under the authority of the WA Dept of Ecology, Air Quality Division.

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

Consistency with the provisions and requirements of D.C.C., Chapter 19.18D,
“Geologically Hazardous Areas”:

A geologic hazard assessment, dated April 10, 2008 was submitted for the proposal. The report meets the requirements of Chapter 19.18D and provides an analysis of the geologic hazards and geotechnical opinions and recommendations regarding proposed site development. The assessment identifies that specific mitigation measures that would be required for relocation of the portions of Hold #17. As conditioned, the proposal appears consistent with the requirements of this chapter.

Consistency with the provisions and requirements of D.C.C., Chapter 20.34,
“Stormwater Drainage”:

The engineer of record submitted a drainage report and design memorandum dated October 19, 2009. This memorandum analyzed site conditions and proposed grading and development activity for the proposal. Douglas County Transportation and

Engineering staff have reviewed the engineering documents and have provided conditions that are included in the recommended conditions of approval.

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

Agency/Public comments:

Agency comments from the Douglas County Transportation Services Department, Douglas County Land Services – Building, East Wenatchee Water District, Douglas County Fire District #2, Douglas County PUD have identified mitigation or project design required for the project. These comments have been included as conditions of approval to address these agency concerns.

Mr. Jeff Kinzel

The landfill referred to in Mr. Kinzel's comments is a permitted landfill. This landfill was in operation prior to the approval of the original permit. Land Use Condition #3 of the MDNS issued for the original permit states: "The landfill may continue to be utilized as long as it is operated in conformance with Chelan/Douglas Health District requirements. Additionally the landfill is located at the far western edge of the golf course property. That area is not on the subject property. Douglas County Engineering has reviewed Mr. Kinzel's comments regarding stormwater problems. Engineering staff has reviewed the stormwater documents provided by the applicant's engineer and have suggested conditions of approval for an amended stormwater plan for all new development activity. Mr. Kinzel has expressed concern regarding balls being hit and trash being thrown over the edge of the hill down onto his property. The applicant has responded that the golf course has placed signs along the edge warning golfers not to hit over the edge of the hill. Additionally, the golf course provides trash cans at the T off areas and regularly sends crews out along the edge of the course to clean up trash.

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

Suggested Findings of Fact

1. The applicant is Prime Properties LLC, PO Box 119, Wenatchee WA.
2. General Description: An application submitted by Prime Properties LLC for an amendment to recreational overlay permit RO-01-01 (Highlander Golf Course). The application proposes to expand the area of the permit by 4.56 acres in order to facilitate the relocation of a portion of Hole #17.
3. The property is located in the North Half of Section 20, Township 22 North, Range 21 East, W.M., Douglas County. The Douglas County Tax Parcel Number for the subject property is 22212020001.
4. The Comprehensive Plan Designation is Rural Resource 5 acres.
5. The subject property is located in the Rural Resource 5 acres (RR-5) zoning district.

6. A recreational overlay was approved on the surrounding property (Highlander Golf Course) by the Douglas County Hearing Examiner on May 11, 2001.
7. DCC 18.46.020 and .030 authorize the expansion of an existing recreational overlay subject to the provisions of the quasi-judicial review and conditional use permit processes.
8. The project is consistent with the provisions of DCC Chapter 18.46 Recreational Overlay.
9. The project is consistent with DCC 18.80.030 Evaluation Criteria and DCC 18.80.315 Recreational Facilities.
10. Comments from reviewing agencies have been considered and addressed where appropriate.
11. Douglas County issued a Determination of Nonsignificance on February 8, 2010 pursuant to WAC 197-11-355 (Optional DNS).
12. Public notice of application for this proposal and notice of the public hearing was provided in conformance with Title 14 Douglas County Code.
13. Surrounding property owners were given the opportunity to comment on the proposal, can request a copy of the decision, and can appeal the decision subject to the requirements outlined in DCC Title 14.
14. Soil mapping from the USDA Natural Resource & Conservation Service indicate the presence of steep and severe building soils on a portion of the subject property. A Geotechnical Report, from J.B. Hamilton Consulting LLC, dated April 10, 2008 was submitted by the applicant.
15. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.

Suggested Conclusions:

1. As conditioned, the project meets the goals and policies as set forth in the Douglas County Countywide Comprehensive Plan.
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. Public use and interests will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with 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 and application materials of file dated May 13, 2009 and October 26, 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. The construction shall proceed in conformance with the Geologic Hazard Assessment from J.B. Hamilton Consulting LLC, dated April 10, 2008.
4. All proposed grading and excavation shall conform to the recently adopted "Grading and Excavation Code, Ordinance No TLS 09-01-04B."

5. 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.
6. Upon further development or redevelopment of the site, a stormwater drainage plan designed by a professional engineer licensed in the State of Washington shall be submitted to and approved by Douglas County prior to construction. If the existing stormwater system is proposed to be modified, a full report accounting for the entire area served by the existing system, plus any new development, shall be submitted.
7. The entire site shall be designed to retain all runoff from a 2-inch storm event in a 90-minute period utilizing a Type II SCS rainfall distribution in accordance with DCC 20.34 *Stormwater Drainage*, together with applicable local, state and federal regulations at the time of drainage plan submittal. The plan shall take proposed site grading into consideration and its effect on adjacent properties and shall accommodate off-site runoff. Measures to address stormwater infiltration during frozen soil conditions shall be included. The stormwater plan must have supporting calculations and final "as built" drawings to be delivered to Douglas County upon completion. Any modifications to the system during construction shall be analyzed by the engineer and the results provided to the County to demonstrate the constructed stormwater facilities meet the conditions of approval.
8. Design and construction of the stormwater facilities for the site and adjacent roadways shall conform to the requirements contained in the Douglas County Road Standards including, but not limited to, Section 12.52.050 *Stormwater Management* and the Stormwater Management Manual for Eastern Washington (SWMMEW).
9. Upon further development or redevelopment of the site, an operation and maintenance agreement must be recorded regarding the private stormwater facilities. Douglas County shall have the right to periodically inspect these facilities to verify design capacity and operation. A perpetual access easement shall be granted to the County and/or other governmental agencies having jurisdiction regarding stormwater facilities. The agreement shall specify the golf course management as having responsibility for the long-term maintenance of the private stormwater drainage system within the development. The operation and maintenance document shall be prepared in accordance with recommendation contained in any applicable geotechnical studies for the site.
10. The SPD permit shall remain valid after five years after the notice of action was issued, provided that physical improvements consistent with the permit have been commenced within three years of the date of the notice of action.

Respectfully Submitted,

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

Attachments