

**DOUGLAS COUNTY**

**DEPARTMENT OF HEARING EXAMINER**

140 19th Street NW  
East Wenatchee, WA 98802-4109

**BEFORE THE DOUGLAS COUNTY HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>RECOMMENDED FINDINGS</b>
	)	<b>OF FACT, CONCLUSIONS OF</b>
	)	<b>LAW, DECISION AND</b>
PRD 2017-02	)	<b>CONDITIONS OF APPROVAL</b>
Fourth Street Development, LLC	)	

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on May 17<sup>th</sup>, 2018, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

**I. RECOMMENDED FINDINGS OF FACT**

1. The applicant is Fourth Street Development LLC, 630 Valley Mall Parkway #411, East Wenatchee WA.
2. General Description: This is an application for a 66 lot planned unit development/major subdivision. Proposed lot sizes range from 3,500 sq. ft. to 4,823 sq. ft. Lots are proposed to be served by public water and sewer.
3. Location: The subject property is located on the SE corner of 4<sup>th</sup> St. SE and S. Kansas Ave within Section 13, Township 22 N., Range 20 EWM, Douglas County, WA. The Douglas County Assessors Number is 73400010202.
4. Site Information:

Total Project Size:	8.15 acres
No. of lots	66 (65 residential, 1 open space)
Domestic Water:	East Wenatchee Water District
Sewage Disposal:	Douglas County Sewer District
Power/Electricity:	Douglas County PUD
Fire Protection:	Douglas County Fire District #2
Telephone Service:	Frontier
5. Site Characteristics: The site is vacant, formerly in orchard.
6. The subject property is located within the East Wenatchee Urban Growth Area.
7. The Comprehensive Plan Designation is Residential Medium.
8. The subject property is located in the R-M zoning district which allows for subdivisions as permitted uses.
9. On March 28, 2007, Douglas County adopted sections of Title 17 'Zoning' of the East Wenatchee Municipal Code within the unincorporated portions of the East Wenatchee Urban

Growth Boundary. The most recent update occurred on July 28, 2015 where the County adopted Ordinance TLS 15-11-31B.

10. Comments from reviewing agencies have been considered and addressed where appropriate.
11. Douglas County issued a Determination of Nonsignificance on May 3, 2018 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. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
15. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
16. This planned unit development application is for the reduction of the side yard setback to 0 feet, front yard setback to 10 feet and the minimum lot width to 35 feet.
17. The site size is larger than the minimum 2 acres for a residential planned unit development.
18. Adequate public services exist to serve the project.
19. As indicated in the draft structure designs; the garages will have a zero foot setback while the residential portions of the units will be setback the 5 foot minimum. The proposed building design adequately addresses privacy and light and air factors. A reduction of the side yard setback to zero for the garages is appropriate.
20. The proposed building designs have the garages in front with the residential component behind. With this design, privacy is adequately addressed. A 10 foot front yard setback results in 22 feet from the traveled way when taking into account the on street parking area (7 feet) and the side walk (5 feet). This appears to address the visibility concerns between cars exiting a garage and traveling along the street. The size/design of the development with a single entrance/loop street with no connectivity to the greater transportation network reduces the level of pedestrian activity. This lower pedestrian activity greatly reduces the potential for conflicts with cars backing out of garages. A reduction of the front yard setback to 10 feet for the garages is appropriate.
21. Eaves, gutters etc. are authorized to project not more than 2 feet into a setback area per EWMC 17.72.040(I). These same features are not, however, authorized to project into an easement.
22. Where design is such that light, air and privacy can be provided, especially for living spaces and bedrooms, narrower lot width may be permitted. The application is proposing a 35 foot lot width. The proposed building designs adequately provide for light, air and privacy.
23. An open record public hearing after due legal notice was held on May 17, 2018.
24. The entire Planning Staff file was admitted into the record at the public hearing.

25. The Douglas County Department of Land Services recommended approval of this Planned Unit Development, subject to the recommended conditions of approval.
26. Appearing and testifying on behalf of the applicant was John Torrence. Mr. Torrence testified that he was an agent authorized to appear and speak on behalf of the applicant and property owner. Mr. Torrence testified that all of the proposed conditions of approval were acceptable to the applicant and property owner.
27. The following individuals testified from the public:
  - 27.1 Brain Addleman. Mr. Addleman is President of the Summerhill Homeowner's Association which includes 80 residences. Mr. Addleman indicated that his homeowners association was not opposed to the development but wanted all Conditions of Approval being followed.
28. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
29. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
30. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
31. Any conclusion of law that is more correctly a finding of fact is hereby incorporated as such by this reference.

## **II. RECOMMENDED CONCLUSIONS OF LAW**

1. The Hearing Examiner has authority to render this decision.
2. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Greater East Wenatchee Area Comprehensive Plan.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. Public use and interests will be served by approval of this proposal.
5. As conditioned, the proposal is consistent with Title 17 Zoning of the East Wenatchee Municipal Code as adopted by Douglas County.
6. As conditioned, the proposal is consistent with Title 17 "Subdivision", Title 19 "Environment", and Title 20 "Development Standards", of the Douglas County Code.
7. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Douglas County Code and Comprehensive Plan.
8. As conditioned, the proposal does conform to the standards specified in Douglas County Code.
9. As conditioned, the use will comply with all required performance standards as specified in Douglas County Code.
10. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Douglas County Code or the Comprehensive Plan.
11. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

### III. RECOMMENDED DECISION

Based on the above Recommended Findings of Fact and Conclusions of Law, PDR 2017-02, Fourth Street Development LLC, the Hearing Examiner hereby recommends **APPROVAL** subject to the following Recommended Conditions of Approval.

### IV. RECOMMENDED CONDITIONS OF APPROVAL

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. A final development plan meeting the requirements of EWMC 17.68.090 and 17.68.100 shall be submitted to the county within 12 months of approval of the preliminary plan by the Douglas County Board of Commissioners. The following will be Included with the final development plan:
  - 1.1 An updated development schedule when construction of the PUD will be expected to begin and when full build out is completed.
  - 1.2 Site plans/maps showing the location and floor size area of all proposed buildings, structures and other improvements, including maximum heights and types of dwelling units.
  - 1.3 Engineering plans and drawings for the circulation system and utility systems.
  - 1.4 A final landscape plan for the treatment of all open space and landscape strip.
  - 1.5 The proposed treatment of the perimeter including materials for the perimeter fencing.
  - 1.6 Provisions for maintenance of the common open space.
2. The garage components of structures will have a zero foot side setback where they are attached to another garage. The residential components of structures will maintain a minimum 5 foot setback to side property lines.
3. The garage components of structures will have a 10 foot front setback. The residential components of structures will maintain a minimum 15 foot setback to front property lines.
4. If the utility service providers require a larger easement then the normal 5 foot requirement. Then the front yard setback may need to be increased accordingly so that no part of the structure extends into an easement. This situation must be evaluated and resolved, if necessary, prior to final PRD plan approval.
5. Minimum lot width shall be 35 feet.

Dated this 22<sup>nd</sup> day of May, 2018.

DOUGLAS COUNTY HEARING EXAMINER



---

Andrew L. Kottkamp