

**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 OF</b>
	)	<b>FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
PRD-2017-02	)	<b>DECISION AND</b>
Fourth Street Development, LLC	)	<b>CONDITIONS OF APPROVAL</b>

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on December 21, 2018, the Hearing Examiner having taken evidence hereby submits the following Recommended 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: 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	65
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. Douglas County issued a Determination of Nonsignificance on May 3, 2018 pursuant to WAC 197-11-355 (Optional DNS).
11. On June 26, 2018 the Board of Commissioners granted preliminary approval to PRD-2017-02 (Ord. TLS-18-08-30B).
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. A final development plan was submitted within 12 months of preliminary plan approval. This development plan meets the requirements of EWMC 17.68.090 and .100.
15. The final development plan substantially meets the conditions of approval for Ordinance No. TLS 18-08-30B.
16. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
17. The entire Planning Staff file was admitted into the record at the public hearing.
18. The Douglas County Department of Land Services recommended approval of this preliminary plat, subject to the recommended conditions of approval.
19. An open record public hearing after due legal notice was held on December 21, 2018.
20. Appearing and testifying on behalf of the applicant was Hank Lewis. Mr. Lewis testified that he is an agent for the property owner and is authorized to appear and speak for them at this hearing. He stated that he agreed with all representations of staff and that PD/PRD 2017-02 is, in all respects, compliant with the conditions set forth within the preliminary approval decision. The applicant had no objection to the two proposed Conditions of Approval.
21. 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.
22. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
23. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
24. 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 Douglas County Board of Commissioners has the authority to render this decision.

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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. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
12. 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, is hereby recommended to be **APPROVED** subject to the following Recommended Conditions of Approval.

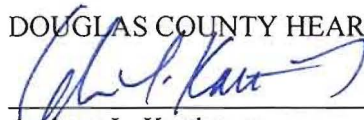
### **IV. RECOMMENDED CONDITIONS OF APPROVAL**

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

1. The 'Sutton Place CC&R's' shall be recorded upon recording of the final plat (P-2017-3).
2. All improvements and structures shall be consistent with the final development plan

Dated this 28<sup>th</sup> day of December, 2018.

DOUGLAS COUNTY HEARING EXAMINER



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Andrew L. Kottkamp