

DOUGLAS COUNTY

DEPARTMENT OF HEARING EXAMINER

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

BEFORE THE DOUGLAS COUNTY HEARING EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
PA-2020-01)	DECISION AND
Beach at Corral Creek Lot No. 9 Plat)	CONDITIONS OF APPROVAL
Amendment		

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on June 18, 2020, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. The applicants are Justin and Deedee Stobb, 20026 105th Ave SE, Snohomish, WA 98209.
2. The agent is Grette & Associates, 151 S Worthen St., Ste. 101, Wenatchee, WA 98801.
3. The application is for a Plat Amendment to remove a wetland buffer which is no longer applicable to Lot 9 of Beach at Corral Creek Plat # P-04-07. The amendment only affects lot 9. The subject property is approximately 1.23 acres in size.
4. Location: The property is located at 13 Fredrick Court, Orondo, WA, within the Rural Recreation 5 (RR-5) zoning district under Douglas County Code and Shoreline designation of Rural Conservancy. The project is further described as being located within Section 10, Township 27 N, Range 23 E.W.M. The Assessor's Parcel Number is 45800000900.
5. Site Characteristics: The subject properties are located within a cluster subdivision.
6. Access: The subdivision accesses via Fredrick Court.
7. The Comprehensive Plan designation is Rural Resource 5.
8. The subject property is located in the RR-5 zoning district which allows for subdivisions as permitted uses.

9. The shoreline environment designation is Rural Conservancy.
10. The Beach at Corral Creek was recorded on December 21, 2010. Beach at Corral Creek includes Critical Areas (Wetlands and Streams) and associated buffers.
11. The applicant is requesting that the wetland buffer be removed.
12. The modification of plat elements must be approved via a plat amendment process.
13. Pursuant to DCC 17.42.030 Alteration of final plat, or final short plat or final binding site plan, Alteration of a final plat, final short plat or final binding site plan or any portion thereof shall meet all requirements of this chapter, as applicable, Chapter 58.09 RCW, RCW 58.17.035, 58.17.060, 58.17.215 through 58.17.218 and WAC 332-130-050(3), as applicable, except that alterations subject to the provisions of DCC Chapter 17.34, Boundary Line Adjustments, are exempt from the requirements of this section.
14. Pursuant to RCW 64.04.175 Easements established by dedication—Extinguishing or altering, Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement.
15. The applicant submitted a Wetland and Stream Assessment prepared by Jay Dirkse, Biologist with Grette Associates dated May 13, 2019 regarding the Stobb property, parcel no. 45800000900.
 - 15.1 Based on observations from several site visits, Corral Creek has changed since the initial plat. Corral Creek was mapped as a stream with associated wetlands. However, in July 2016, Corral Creek was washed out by a flash flood. This report discusses the current status of the wetlands and stream as it pertains to the Stobb property.
 - 15.2 Based on these observations, Corral Creek plat can be amended to remove the wetland and wetland buffer that is indicated, since Corral Creek no longer flows regularly in this area and thus no longer supports wetlands. Further, this portion of Corral Creek, being ephemeral, requires no buffer. The next step would be to engage Douglas County about this change of conditions and begin the plat amendment process.
16. Douglas County issued a Determination of Nonsignificance on June 3, 2020 pursuant to WAC 197-11-355 (Optional DNS).
17. 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.
18. The District (Chelan County PUD) has reviewed the referenced application for a plat amendment to remove a wetland buffer and provided comments.

19. The Washington State Department of Ecology has reviewed the referenced application for a plat amendment to remove a wetland buffer and provided comments. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
20. Consistency with the provisions of the RR-5 Zoning District, Chapter 18.30, DCC: The proposal is consistent with the provisions of this chapter. Residential use of the property is permitted by the district.
21. Consistency with the provisions of DCC Chapter 20.34, Stormwater Drainage: No alteration of the stormwater system nor drainages are being proposed. As conditioned, the proposal is consistent with the provisions of this chapter.
22. Consistency with the provisions of DCC Title 12 Road Standards: No alteration of the existing infrastructure is being proposed.
23. Agency comments:

Agency Notified	Response Received	Agency Notified	Response Received
Chelan County PUD	04/06/2020	Washington State Dept. of Ecology	04/07/2020
US Corps of Engineers	NR	Douglas County Land Services	04/06/2020
Washington State Dept. of Fish & Wildlife	NR	Dept. of Arch. & Historical Preservation	NR

24. The date of application was March 23, 2020.
25. The Letter of Completeness was issued on March 25, 2020.
26. The Notice of Application was issued on March 25, 2020.
27. The comment period was from March 27, 2020 to April 9, 2020.
28. No public comments were received.
29. After due legal notice and open record public hearing was held on June 18, 2020.
30. The entire Planning Staff file was admitted into the record at the public hearing.
31. Appearing and testifying on behalf of the applicant was Jay Dirkse of Grette & Associates. Mr. Dirkse is the applicant's agent. Mr. Dirkse indicated that the applicants had no objection to any of the proposed Conditions of Approval. He further testified that in his professional opinion, this wetland will not reappear or reform in the future.

32. No member of the public testified at the hearing.
33. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
34. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this decision.
2. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Douglas County Countywide Comprehensive Plan.
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", and Title 19 "Environment", of the Douglas County Code.
5. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
6. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, review of all applicable files, including the Planning Department staff file, and after an open record public hearing, the Hearing Examiner has determined that PA-2020-01 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

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

1. The project shall proceed in substantial conformance with the plans and application materials of file dated 03/23/2020 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 blue-line 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. Pursuant to WAC 332-130-050 (3)(c)(iii) A prominent note itemizing the changes to the original document needs to be included on the mylar.
8. Any and all plat notes that conflict with the removal of the wetland buffer shall be revised to accurately reflect the removal, as applicable.
9. The District (Chelan County PUD) has the right to flood and damage, and restrict development and recontouring below the Districts project boundary which is at an elevation of 725.5 above sea level on the subject property. The majority of the area within the wetland buffer proposed to be removed is within the Districts project boundary. Therefore, removal of the wetland buffer within the project boundary will not provide the applicant with additional area for improvements below the project boundary. This may or may not be of consequence to the applicant's future plans, however the District felt it important for the applicant to be made aware of this at this time.

Dated this 19th day of June, 2020.

DOUGLAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

Any aggrieved party or agency of record may request a reconsideration of this Hearing Examiner's decision. Motions for reconsideration must be filed with the Department within ten (10) days from the date of issuance as defined by RCW 36.70C.040(4)(a). Unless otherwise provided, the filing of a motion for reconsideration shall not stop or alter the running of the period provided to appeal the Hearing Examiners decision to Superior Court. Motions for reconsideration are governed by Douglas County Code 2.13.150.

Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Douglas County Superior Court, as provided for under the Judicial Review of Land Use Decisions, RCW 36.70C.040(3). The date of issuance is defined by RCW 36.70C.040 (4)(a) as "(t)hree days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available" or if this section does not apply, then pursuant to RCW 36.70C.040(3) (c) "...the date the decision is entered into the public record." Anyone considering an appeal of this decision should seek legal advice.