

**STAFF REPORT
THE LEGACY PLAT AMENDMENT**

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: Plat Amendment – The Legacy Subdivision, PA-13-01
DATE: June 3, 2013

I. GENERAL INFORMATION

Requested Action: A plat amendment application proposing to utilize lot size averaging for Lots 1-20, 23, 25-32, and 34-41 of The Legacy Subdivision. The proposal includes lots in two different statuses. Lots 11, 19, 20, 23, 25, 26, and 34-39 have already been platted in phases 1 and 2. Lots 1-10, 12-18, 27-32 and 40-41 have received preliminary plat approval but have not received final plat approval.

Four lots (21, 22, 24 and 33) have received preliminary plat approval but are not part of this application.

Location: The subject property is located at the intersection of S Lyle and 8th St SE in the SE Quarter of the SW Quarter of Section 18, Township 22 N., Range 21 E.W.M., Douglas County, WA. The Douglas County Assessors Parcel Numbers are 90100000004, 90100000005, 90100001100, 90100000010, 90100000019, 90100002200, 90100002300, 90100002500, 90100002600, 90100000008, 901000034, 90100003500, 90100003600, 90100003800, 90100003900, and 90100000011.

Background: Preliminary approval for The Legacy Subdivision (a 41 lot major subdivision) was granted on January 28, 2008. Phase 1 (Titled The Legacy Div. 1) was recorded on May 31, 2001. Phase 1 finalized residential lots 20 – 24, 33, 35, 36 and Tract A (stormwater tract). Phase 2 (Titled The Legacy Div. 1 Phase 2) was recorded on December 11, 2012. Phase 2 finalized residential lots 11, 19, 25, 26, 34, 37 – 39.

II. SITE INFORMATION

Site Characteristics: The subject properties are located within a residential subdivision.

Access: The subdivision accesses S. Lyle Ave., a county road.

Zoning and Development Standards: The subject property is located within the Low Residential (R-L) Zoning District, which allows for subdivisions.

The Growth Management Act identifies that urban growth areas are lands intended for annexation by the adjacent city within 20 years. Based on this, Douglas County has adopted city development regulations within their urban growth areas in order to guide growth according to city standards and ease the transition during future annexations. On March 28, 2007, Douglas County adopted Ordinance 07-01H which adopted sections of Title 17 'Zoning' of the East Wenatchee Municipal Code within the unincorporated portions of the East Wenatchee Urban Growth Boundary. This adoption was most recently amended by adopting Ord 13-03-11B on March 5, 2013.

Major Subdivisions:

The requirements of Title 17, "Subdivisions", Douglas County Code, apply to plat amendments.

III. COMPREHENSIVE PLAN:

The Greater East Wenatchee Area Comprehensive Plan designates this property as Low Residential. The density permitted in the Low Residential designation is 6 residences per acre. The following goals and policies set forth in the comprehensive plan are relevant to this development:

HOUSING

GOAL: To provide for a sufficient number of safe, attractive and affordable residences for people of all income levels.

GOAL: To provide for a variety of housing types and densities to ensure a range of affordable housing options for all segments of the community.

POLICY H-1: Require residential development at urban densities to locate within urban growth areas consistent with the comprehensive plan.

IV. ENVIRONMENTAL REVIEW

Douglas County issued a Determination of Non-significance on December 27, 2007 in accordance with WAC 197-11-340.

VI. AGENCY AND PUBLIC COMMENTS:

Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included as Attachment A.

VII. 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 Greater East Wenatchee Area Comprehensive Plan.

Consistency with the provisions of Title 17, "Subdivision", D.C.C.:

Generally, phasing of subdivisions are reviewed and approved at the preliminary plat stage. This is done in order to ensure that development is accomplished in a logical manner and that infrastructure is constructed to serve the proposed development. The applicant requested a phased final approval after preliminary plat approval had been granted. Land Services determined that phasing approval after preliminary plat approval was less of an issue in this circumstance because all of the infrastructure was already constructed.

For this review, a phasing plan will be necessary prior to final plat approval of the next phase. While phasing is not important in regards to providing adequate infrastructure, it must be reviewed for consistency with the lot size averaging provisions. Each division must meet the lot size averaging section of the EWMC. This review can easily be accomplished during blueline review of the next phase.

The proposal is consistent with the provisions of this title.

Consistency with the provisions of Lot Size Averaging, Chapter 17.72.045, EWMC:

The applicant has provided a narrative detailing how the project meets the standards. As conditioned, the proposal appears consistent with the provision of this chapter.

Consistency with the provisions of the R-L Zoning District, Chapter 17.24, EWMC:

The proposal is consistent with the provisions of this chapter.

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 17 of the East Wenatchee Municipal Code as adopted by Douglas County, Title 17, 19 and 20 of the Douglas County Code and the Greater East Wenatchee Area Comprehensive Plan. Staff recommends approval of PA-13-01 subject to the following findings of fact and conditions:

Suggested Findings of Fact

1. The applicant is Highland Ridge Development, 2014 Legacy PI SE, East Wenatchee WA.
2. General Description: A plat amendment application proposing to permit lot size averaging for Lots 1-20, 23, 25-32, and 34-41 of the Legacy Subdivision.
3. Location: The subject property is located at the intersection of S Lyle and 8th St SE in the SE Quarter of the SW Quarter of Section 18, Township 22 N., Range 21 E.W.M., Douglas County, WA. The Douglas County Assessors Parcel Numbers are 90100000004, 90100000005, 90100001100, 90100000010, 90100000019, 90100002200, 90100002300, 90100002500, 90100002600, 90100000008, 901000034, 90100003500, 90100003600, 90100003800, 90100003900, and 90100000011.
4. Site Characteristics: The subject properties are located within a residential subdivision.
5. The subject property is located within the East Wenatchee Urban Growth Area.
6. The Comprehensive Plan Designation is Residential Low Density.
7. The subject property is located in the R-L zoning district which allows for subdivisions as permitted uses.
8. On March 28, 2007, Douglas County adopted Ordinance No. 07-01H which adopted portions of Title 17 of the East Wenatchee Municipal Code within the unincorporated portions of the East Wenatchee Urban Growth Area. This adoption was most recently amended by adopting Ord 13-03-11B on March 5, 2013.
9. Preliminary approval for The Legacy Subdivision (a 41 lot major subdivision) was granted on January 28, 2008.

10. Phase 1 (Titled The Legacy Div. 1) was recorded on May 31, 2001. Phase 1 finalized residential lots 20 – 24, 33, 35, 36 and Tract A (stormwater tract).
11. Phase 2 (Titled The Legacy Div. 1 Phase 2) was recorded on December 11, 2012. Phase 2 finalized residential lots 11, 19, 25, 26, 34, 37 – 39.
12. Douglas County issued a Determination of Nonsignificance on December 27, 2007 pursuant to WAC 197-11-340.
13. 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.
14. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
15. As conditioned, the proposal meets the requirements of Lot Size Averaging, Chapter 17.72.045, EWMC, as adopted by Douglas County.
16. 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. Public use and interests will be served by approval of this proposal.
3. As conditioned, the proposal is consistent with Title 18 "Zoning", Title 17 "Subdivision", 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 May 2, 2013 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 project shall proceed in substantial conformance with the plans and application materials on file, except as amended by the conditions herein.
4. A plat certificate showing parties of interest from a title company must be submitted with the blue line drawings.
5. 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.
6. All parties having an ownership interest in the subject property shall acknowledge the plat.
7. 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.
8. Conditions 10-12, 14-21, 23-27, 29-53, and 55-60 from the Douglas County Hearing Examiner's notice of action for P-07-12 are still in effect and verification that these conditions have been completed shall be provided prior to final plat approval.

17. Prior to final plat approval of Phase 3, a phasing plan must be approved that meets the lot size averaging requirements.

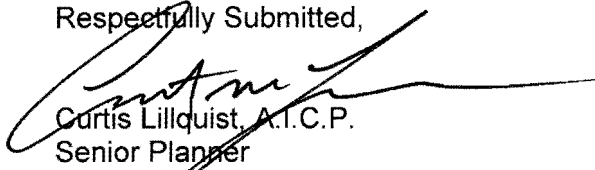
18. The following note shall be placed on the final plat:

- *Maximum lot coverage shall be 55%*
- *Lots (list lot numbers for lots less than 7,000 square feet) shall have a front yard setback of 15 feet, except that garages shall be set back at least 18 feet from the right-of-way.*

9. All lots (platted or unplatted) subject to this application shall complete a final plat review under this notice of action.

10. Preliminary approval shall expire 7 years from the date of Notice of Action by the Douglas County Hearing Examiner. Final plat approval after the expiration will require the submittal of a new preliminary application and approval based on applicable documents and codes in effect at the time of re-application.

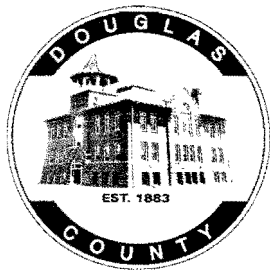
Respectfully Submitted,



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

Attachments

ATTACHMENT A



DOUGLAS COUNTY

TRANSPORTATION & LAND SERVICES

140 19TH STREET NW, SUITE A • EAST WENATCHEE, WA 98802

PHONE: 509/884-7173 • FAX: 509/886-3954

www.douglascountywa.net

THE LEGACY AMENDMENT PRELIMINARY GIS REVIEW

May 5, 2013

During the course of my preliminary review of the proposed amendment to The Legacy subdivision a couple of house keeping things came to mind. The first being a plat name convention. I think it would be appropriate to name this "The Legacy Division 1 Amendment". This is a suggestion since it was inconsistent among the three pages that were submitted.

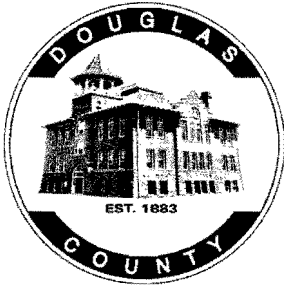
My other comment has to do with all the potential rebar/caps being in the ground. It appears to me by the previously recorded plats & survey that all of the corners of the original plat have been set. I would like to throw the idea out there that maybe the corners of the lots that haven't been created or sold be pulled. This would then leave these amended lot corners in the ground. This could be predominately noted on the recorded amended plat. I feel that if all the existing and these proposed lot corners are in the ground, there has the potential to be many litigation issues about what is the "real" lot corner. Please consider how this might work or not for further discussion during the review process.

If you have any questions about the above mentioned comment, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Wilson".

Todd Wilson, PLS
GIS Coordinator



DOUGLAS COUNTY

TRANSPORTATION & LAND SERVICES

140 19TH STREET NW, SUITE A • EAST WENATCHEE, WA 98802

PHONE: 509/884-7173 • FAX: 509/886-3954

www.douglascountywa.net

COMMENT REQUEST

Name of Applicant: Highland Ridge Development

Date of Application: May 2, 2013

Date of Letter of Completeness Issued: May 6, 2013

Date Notice of Application Issued: May 6, 2013

Application Number: PA-13-01

Description of Proposal: An amendment to plat number P-07-12, which received preliminary approval of 41 lots. The proposed amendment would permit lot size averaging. Proposed lot sizes range from 6,684 to 9,108 square feet. The subject property located at the NE intersection of South Lyle and 8th St SE, and is further described as being located within the SE ¼ of the SW ¼ of Section 18, Township 22 North, Range 21 East, W.M., in Douglas County, Washington.

Return Comments To: Curtis Lillquist
Douglas County Transportation & Land Services
140 19th St. N.W., Suite A.
East Wenatchee, WA 98802
clillquist@co.douglas.wa.us
509-884-7173

Respond By: 5:00 p.m., May 20, 2013

If comments are not received from your agency by the above date it will be construed that your agency has no concern with this application.

SIGNED: _____

DATE: _____

5/17/13

AGENCY NAME: _____

Curtis Lillquist (x6588)

From: Brandy Fields <FIELDSEB@eastmont206.org>
Sent: Wednesday, May 15, 2013 2:08 PM
To: Curtis Lillquist (x6588)
Subject: PA-13-01 Highland Ridge Development - Amendment to P-07-12

Mr. Lillquist,

For PA-13-01 Highland Ridge Development, adequate school-related facilities exist for Eastmont School District.

Thank you,
*Brandy Fields

Brandy Fields

Secretary to Superintendent
Eastmont School District #206
Phone (509) 888-4699
Fax (509) 884-4210
www.eastmont206.org

"Do all the good you can, by all the means you can." John Wesley

Curtis Lillquist (x6588)

From: Keri Henson (x6345)
Sent: Wednesday, May 08, 2013 10:34 AM
To: Curtis Lillquist (x6588)
Subject: PA 13-01

Curtis,
The Prelim for Highland Ridge Development PA-13-01 looks ok here.

Keri Henson
Chief Deputy Assessor, Douglas County
P.O. Box 387 / 203 S. Rainier
Waterville, Washington 98858
Office: 509-745-8521
Direct: 509-888-6345
khenson@co.douglas.wa.us



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

May 16, 2013

Received

MAY 20 2013

Douglas County TLS

Curtis Lillquist
Douglas County Transportation & Land Services
140 19th St. NW, Suite A
East Wenatchee, WA 98802

Re: PA-13-01

Dear Mr. Lillquist:

Thank you for the opportunity to comment on the notice of application for the Highland Ridge Amendment to allow lot size averaging. We have reviewed the application and have the following comment.

TOXICS CLEAN-UP

Based upon the historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides. Ecology recommends that the soils be sampled and analyzed for lead and arsenic, and for organochlorine pesticides. If these contaminants are found at concentrations above the Model Toxics Control Act cleanup levels Ecology recommends that potential buyers be notified of their occurrence.

If you have any questions or would like to respond to these Toxics Clean-up comments, please contact **Valerie Bound** at (509) 454-7886.

Sincerely,

Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-2012

1780



Curtis Lillquist (x6588)

From: McGlothern, Cynthia <McGlotC@wsdot.wa.gov>
Sent: Wednesday, May 08, 2013 4:29 PM
To: Curtis Lillquist (x6588)
Subject: Highland Ridge Development PA 13-01 Vic: S Lyle & 8th Street SE

Curtis,

Thank you for the opportunity to review and comment on the above referenced plat amendment. WSDOT does not identify any issues or concerns to address. Please contact our office if there are any questions.

Thanks again,
Cynthia McGlothern
Transportation Planner
WSDOT, North Central Region
509-667-2910