

**STAFF REPORT
MOUNTAIN SPRINGS SUBDIVISION**

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: Amendment to Mountain Springs, P-16-03
DATE: July 31, 2019

I. GENERAL INFORMATION

Requested Action: An amendment to a 74 lot major subdivision (Mountain Springs). Specifically, Phase No. 3 will be increased to 26 Lots (and the total of Mountain Springs increased to 78). Proposed lot sizes range from 9,567 sq. ft. to 15,508 sq. ft. Lots are proposed to be served by public water and sewer. The area of the amendment is located South of 6th St. SE. The property being amended is further described as being located within the SW quarter of the SW quarter of Section 17, Township 22 N., Range 21 EWM, Douglas County, WA. The Douglas County Assessors Number is 75000005001.

Location: The property is further described as being located within the SW quarter of the SW quarter of Section 17, Township 22 N., Range 21 EWM, Douglas County, WA. The Douglas County Assessors Numbers are 75000006300, 75000006401, and 75000005001 for the entire subdivision.

II. SITE INFORMATION

Total Project Size:	27.6 acres
No. of lots	78 (formerly 74)
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

Site Characteristics: Formerly orchard. A single family residence is present on APN 75000005001

North: Single Family Homes, Orchards

South: Single Family Homes, Orchards

East: Single Family Home, Orchard

West: Orchard, Single Family Home, PUD substation

Access: The subdivision will access S. Nile Ave, 6th Street SE, and 8th Street SE. The proposal includes local access streets which will be constructed to county standards. All roadway improvements would be the responsibility of the developer.

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 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.

Major Subdivisions:

The requirements of Title 17, "Subdivisions", Douglas County Code, apply to the design and review requirements for approval of major subdivisions of 9 or more lots (inside an urban growth area boundary), parcels or tracts.

Revisions to Preliminary Approval:

Pursuant to DCC 17.42.020 (A), the creation of additional lots is a substantial change, and shall be processed as a new application and shall be reviewed in accordance with the application classifications in DCC Chapter 14.1

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 goals and policies of the comprehensive plan from the Staff Report of February 16, 2016 remain valid.

IV. ENVIRONMENTAL REVIEW

Douglas County issued a Determination of Non-significance on February 16, 2017 in accordance with WAC 197-11-355 (Optional DNS). A new SEPA Checklist was prepared by Northwest GeoDimensions, received June 6, 2019. Section B (Environmental Elements), Water, Ground, Question #1: "RESPONSE: No." The project proposes to mitigate storm water runoff via stormwater infiltration (i.e. discharged to groundwater).

Douglas County has determined that the revision to Preliminary Approval is within the scope and intent of the February 16, 2017 DNS; and issued an Addendum.

VI. AGENCY AND PUBLIC COMMENTS:

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

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. The proposed lot sizes meet the density standards for

residential lots. Policy H-13 requires that urban development within the urban growth area be served concurrently with urban services. The development will be served by the full range of urban services. The first goal of the transportation chapter strives to provide a balanced transportation system that meets the needs of the community by accommodating the movement of people, goods, and services at an optimum level of safety, economy and efficiency.

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

As conditioned, the proposed amendment to the subdivision is consistent with the provision of this title.

Consistency with the provisions of the R-L Zoning District, Chapter 17.24, E.W.M.C. as adopted by Douglas County:

The revised residential lots exceed the 90 foot minimum lot depth and 70 foot minimum lot width. Upon review, all lots appear to have an adequate building envelope outside of required setbacks. As conditioned, the amendment is consistent with the provisions of this chapter.

Consistency with the provisions of Required Use of Public Sanitary Sewer System, Chapter 17.72.260, E.W.M.C. as adopted by Douglas County:

DCSD No. 1 has provided comments on Permit Application P-16-03A, Mountain Springs Phase 3, 26-lot major subdivision amendment. Public sewer is available in the previous phase of Mountain Springs, which is nearing completion. There is adequate existing capacity to support the proposed 26 residential lots. The applicant is proposing to connect the new lots to sewer. As conditioned, the proposal is consistent with the provisions of this chapter.

Consistency with the provisions of Open Space Standards, Chapter 17.73, E.W.M.C. as adopted by Douglas County:

RCW 58.17.110 requires that local governments make appropriate provision for the establishment of parks, open space and recreational areas at the time it considers approval of a proposed subdivision. The Greater East Wenatchee Area Comprehensive Plan and EWMC 17.73 establish the level of service and standards in order to mitigate any adverse impacts of new development on neighborhoods without adequate parks, open space and recreational facilities.

The application does trigger the requirement to provide park/open space. The applicant has requested voluntary payment in lieu of dedication per EWMC 17.73.090. The application materials provide detailing a cost of \$70,274.45 to provide the required open space and proposes to pay this amount.

EWMC 17.73.090 identifies 3 entities which could accept the funds; Douglas County, City of East Wenatchee, and Eastmont Metropolitan Parks District. The Douglas County Board of Commissioners has directed staff that the County would not accept the funds. The Eastmont Metropolitan Parks District has provided comment that they cannot accept the funds at this time. The City of East Wenatchee has provided comment (Attachment C) that it is in the process of creating an interlocal agreement with the parks district by which the City would act as fiduciary agent which would allow them to accept the funds for park purposes. The city agrees that it will be able to accept the funds, provided that the interlocal agreement process with the parks district is successful. If the city is not

able to reach an agreement with the parks district regarding management of the funds then the city states that the payment would be rejected.

In the event that city rejects payment of the funds, the voluntary payment section of the code could not be successfully completed. In this instance, the application would have to be amended to physically provide the required open space/park area. As originally conditioned, the proposal is consistent with the provisions of this chapter.

Consistency with the provisions of D.C.C., Chapter 20.34, "Stormwater Drainage"

The applicant has submitted a preliminary stormwater plan developed by a professional engineer licensed in the State of Washington. As conditioned, the proposal is consistent with the provisions of this chapter.

Consistency with the provisions of D.C.C., Title 12 "Road Standards"

Adequate provisions for transportation facilities must be addressed for the proposed subdivision concurrent with final approval. Residential subdivisions must be designed to accommodate fire apparatus and emergency vehicles as well as facilitating the movement of pedestrians, bicyclists and vehicles to and from the development. RCW 58.17.110(2) and DCC 17.16.100(A) require that no plat shall be approved unless adequate provisions be made for streets or roads, alleys or other public ways.

Transportation and Stormwater has provided comments and recommendations for approval. As conditioned, the proposal is consistent with the provisions of this title.

Agency comments:

Agency comments have identified mitigation or project design required for the amendment to the subdivision. These comments have been included as conditions of approval to address these agency concerns.

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, Title 17, 19 and 20 of the Douglas County Code and the Greater East Wenatchee Area Comprehensive Plan. Staff recommends approval of P#16-03A subject to the following findings of fact and conditions:

Suggested Findings of Fact:

1. Mountain Springs Subdivision Hearing Examiner Decision (P016-03) dated March 14, 2017 remains valid excepting the amendment to add lots to Phase No. 3 which will be increased to 26 Lots (and the total of Mountain Springs increased to 78).
2. The amended lot sizes range from 9,567 sq. ft. to 15,508 sq. ft.
3. All Lots are proposed to be served by public water and sewer. According to East Wenatchee Water District, amending this plat, specifically Phase 3 to 26 Lots, will not affect the District's ability to serve this proposal. According to Douglas County Sewer District (DCSD) No. 1, public sewer is available in the previous phase of Mountain Springs, which is nearing completion. There is adequate existing capacity to support the proposed 26 residential lots.

4. The area of the amendment is located South of 6th St. SE. The property being amended is further described as located within the SW quarter of the SW quarter of Section 17, Township 22 N., Range 21 EWM, Douglas County, WA. The Douglas County Assessors Number is 75000005001.
5. The applicant and property owner is Ackerman Construction INC, 2755 8th St SE, East Wenatchee, WA 98802.
6. All property owners of the Mountain Springs Preliminary Plat signed the amendment application.
7. The surveyor of record for the amendment is Northwest Geodimensions, 15 N Chelan Ave, Wenatchee, WA 98801.
8. According to the Douglas County Transportation and Stormwater, in general, the materials reviewed show consistency with the original plat and do not create any significant impact to the public infrastructure. Application materials reviewed by Douglas County Transportation and Stormwater include:
 - a. Preliminary Engineering prepared by Pacific Engineering, received June 6, 2019.
 - b. Preliminary Stormwater Analysis prepared by Pacific Engineering, received June 6, 2019.
 - c. Preliminary Plat prepared by Northwest GeoDimensions, received June 6, 2019.
 - d. Traffic Impact Analysis prepared by TENW, received June 6, 2019.
 - e. SEPA Checklist prepared by Northwest GeoDimensions, received June 6, 2019.
9. The Traffic Impact Analysis (TIA) has been amended to include the additional traffic associated with the increase from 22 lots to 26 lots in Phase 3. The additional traffic generated does not warrant additional mitigation other than that previously identified during the original platting process.
10. Comments from reviewing agencies have been considered and addressed where appropriate.
11. Douglas County issued a Determination of Nonsignificance on February 16, 2017 pursuant to WAC 197-11-355 (Optional DNS). This DNS is valid and upheld for the amendment.
12. Surrounding property owners were given the opportunity to comment on the amendment, 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 amendment at a public hearing.
14. Purveyors who responded to the amendment have indicated that adequate utilities/services are or can serve this project.
15. Section 17.24.150 of the Douglas County Code requires that every subdivision shall be served by a water supply system approved and installed to meet the requirements and standards of the Chelan Douglas Health District.
16. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.

Suggested Conclusions:

1. As conditioned, the amendment and development meets the goals, policies and implementation recommendations as set forth in the Greater East Wenatchee Area Comprehensive Plan.
2. As conditioned, this amendment is consistent with applicable federal and state laws and regulations.
3. Public use and interests will be served by approval of this amendment.

4. As conditioned, the amendment is consistent with Title 17 Zoning of the East Wenatchee Municipal Code as adopted by Douglas County.
5. As conditioned, the amendemtn is consistent with Title 17 "Subdivision", Title 19 "Environment", and Title 20 "Development Standards", of the Douglas County Code.
6. The amendment is consistent with the Hearing Examiner Decision dated March 14, 2017.

Suggested Conditions of Approval:

- 1) All conditions of the Hearing Examiner Decision dated March 14, 2017 shall be in full effect except as modified herein.
- 2) The project shall proceed in substantial conformance with the plans and application materials of file dated July 1, 2016, January 12, 2017, January 31, 2017, June 6, 2019, and July 31, 2019 except as amended by the conditions herein.
- 3) All existing structures shall adhere to the required setbacks of the new lot lines, or be removed.
- 4) For each phase, applicable annotations from Hearing Examiner Decision dated March 14, 2017 shall be shown or referenced.
- 5) Hearing Examiner Decision dated March 14, 2017 Condition of Approval No. 38 shall be revised to read:

Private utilities located within or crossing the county right-of-way shall be identified within the construction plan set and will require execution of a Franchise Agreement concurrent with or prior to final plat approval. Process takes a minimum of three week's applicant responsible for initiation/coordination of Franchise Application, coordinate with county staff for assistance. The Franchise Agreement shall be between the Homeowners' Association and Doug/as County.
- 6) Lot numbering shall increase sequentially from Phase 1 to Phase 3 and be labeled in substantial conformance with the numbering layout provided during original plat review regardless of whether the subdivision is constructed out of sequence or by multiple parties. This is to preserve the intent of the original conditions which make reference to certain lots within the proposed subdivision.
- 7) A separate Homeowners' Association shall be created for Phase 3 and will be subject to the original conditions of approval which make reference to said association; more specifically described as Conditions of Approval #38, 40, and 45.
- 8) Common areas to other phases of Mountain Springs Subdivision shall reflect appropriate CCRs. Separate and distinct common areas may have modified CCRs for split phases.

Respectfully Submitted,

Nathan Pate, AICP
Principal Planner

Attachments