



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

STAFF REPORT LANGLEY PAINT BOOTH CUP-2021-04

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: Douglas County Fire District #4, CUP-2020-04
DATE: July 26, 2021

I. GENERAL INFORMATION

Requested Action: An application for a Condition Use Permit for the installation of a commercial paint booth. The proposed paint booth will be operated by Mitchell & Megan Langley at the property mentioned below. Douglas County Permit #CUP-2021-04.

Location: The property is located at 120 Davis Ave, Brewster Washington. The subject property is also located in the Rural Service Center (RSC) zoning district under Douglas County Code and is further described as being located within Section 03, Township 30, Range 25. The Assessor's tax parcel number is 30253310058.

II. SITE INFORMATION

Site Characteristics: The subject property includes one existing single family dwelling and multiple accessory structures.

Access: The subject property will be accessed via Davis Ave.

Zoning: The subject property is located within the Rural Service Center (RSC) zoning district, which allows service centers/ paint booths through a conditional use permit (CUP).

III. COMPREHENSIVE PLAN – REGULATIONS/ POLICIES:

The Douglas County Comprehensive Plan designates this property as *Rural Service Center* and is zoned Rural Service Center (RSC) under Douglas County Code. The following goals and policies set forth in the comprehensive plan are relevant to this development:

GENERAL LAND USE:

POLICY G-9: Rural developments should only occur where adequate access to transportation systems, rural levels of utilities and facilities are available. Appropriate facilities/services may include domestic water, sewage disposal, fire and police protection, schools, and power, etc. depending on the scale and impact of the development.

POLICY G-11: Establish siting and design criteria to provide buffering or other mechanisms that will protect adjacent land uses from potential conflicts between incompatible uses.

POLICY G-15: Encourage the operation of rural commercial businesses, natural resource related industries, recreation and tourism activities, cottage industries, small scale business, and home occupations that are consistent with existing and planned land use patterns and are of an appropriate size and scale to maintain rural character.

RURAL LANDS:

POLICY R-3: Establish land use designations that represent rural character and that protect the integrity of rural areas.

POLICY R-6: Encourage development in rural areas to be served by rural levels of service.

RURAL DEVELOPMENT:

GOAL: Provide opportunities for continued smaller scale developments outside UGAs that will be compatible with and continue to preserve, maintain and enhance the vital agricultural uses in the County.

POLICY RD-4: Rural developments will not impact existing public facilities/services to the extent that the level of service for that facility is reduced below the adopted threshold and/or an acceptable operation capacity.

POLICY RD-5: The costs associated with implementing a rural development and providing the necessary utilities, facilities and/or services will be borne by the developer.

RURAL SERVICE CENTER

POLICY RSC-1: Encourage mixed land use patterns that currently exist within the rural service centers by clearly establishing what kinds of uses will be permitted and which will be prohibited.

POLICY RSC-3: Small retail and/or service oriented commercial uses, tourist, agriculturally related commercial uses, recreation, cottage industry, and resource industries will be encouraged within the rural service centers to serve the surrounding residents and the traveling public

ECONOMIC DEVELOPMENT

POLICY ED-7: Develop and implement land use regulations that are flexible enough to recognize the changing nature of business and industry.

Applicable provisions of DCC 18.80.030 "Evaluation Criteria"

- A. The proposed use will be harmonious and in accordance with the general and specific objectives of the comprehensive plan and all subarea plans.
- B. The proposed use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity of the area.
- C. The traffic generated by the proposed use shall be mitigated so as not to burden the traffic circulation system in the vicinity.
- D. The proposed use will be served adequately by facilities and services such as highways, roads, law enforcement, fire protection, drainage, refuse disposal, domestic water and sanitary sewers, and schools; or that persons or agencies responsible for the establishment of the proposed use will provide adequate services.
- E. The proposed use will not create excessive additional requirements at public cost for public facilities and services.
- F. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or general welfare by reasons of excessive production of traffic, noise, smoke, fumes, vibration, glare, or odors.
- G. Proposed ingress and egress, driveway widths, parking, and road improvements shall be approved pursuant to DCC Title 20 and to the satisfaction of the county engineer.

- H. Adequate buffering devices such as fencing, landscaping, or topographic characteristics shall be in place in order to mitigate, and protect adjacent properties from potential adverse impacts of the proposed use, including visual or auditory effects.
- I. Conditional use permits shall comply with the DCC and all applicable local, state, or federal regulations.
- J. The hearing examiner is the review authority and may approve, conditionally approve or deny a request for changing the minimum lot size of a conditional use. Any waiver of minimum lot size shall not be construed as an exemption from the requirements of DCC Title 17 and RCW Chapter 58.17.

IV. ENVIRONMENTAL REVIEW

Douglas County issued a Determination of Non-Significance on July 26, 2021 in accordance with WAC 197-11-355 (Optional DNS).

V. AGENCY AND PUBLIC COMMENTS:

Applicable agencies have been given the opportunity to review this proposal. These agencies have identified mitigation or project design requirements for the project (Attachment A) that have been included as conditions of approval where appropriate.

Agency Notified	Response Received	Agency Notified	Response Received
WSDOT	06/18/2021	Douglas County Transportation	06/23/2021
Douglas County Fire Marshal	06/18/2021	Douglas County PUD	7/28/2021
Douglas County Planning	07/20/2021	WA State Dept. of Ecology	06/24/2021
Chelan Douglas Health District	07/07/2021	Douglas County Assessor	07/13/2021
Greater Bar Water District	6/21/2021	Douglas County GIS	06/14/2021
Douglas County Treasurer	N/R		

* N/R = No Reply

No public comments were received on the proposal.

Agency comments have been included as an attachment.

VI. 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 project is located within designated *Rural Service Center* designation and is consistent with Section 4.2 “Rural Service Centers”, section 4.3 “Rural Development”, of the Douglas County Comprehensive Plan.

Consistency with DCC Chapter 18.80.030 “Conditional Uses – Evaluation Criteria”

RSC zoning authorizes this land use as a Conditional Use. The required operational conditions will sufficiently mitigate associated impact. The project will not create excessive demands on public services. Noise impacts, dust control, and adequate buffering must fall within the parameters of Douglas County Code, as well as State standards.

As conditioned, the proposal appears consistent with the requirements of this section.

Consistency with DCC 18.32 RSC:

The Rural Service Center (RSC) zoning district allows this use via a Conditional Use Permit (CUP).

As conditioned, the proposal appears consistent with the requirements of the zoning district.

Douglas County Transportation Department has evaluated the proposal and recommended approval of the project with applicable conditions.

Douglas County Land Services: The application materials demonstrate compliance with adopted codes, standards, and specifications applicable to this project. As conditioned, the proposal is consistent with the provisions of Douglas County Code.

VII. 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 18, 19 and 20 of the Douglas County Code, and the Douglas County Countywide Comprehensive Plan. Staff recommends approval of CUP-2021-04, subject to the following findings of fact and conditions:

Suggested Findings of Fact

1. The applicants are Mitchell and Megan Langley, P.O. Box 454, Brewster, WA 98812.
2. General Description: An application for a Condition Use Permit for the installation of a commercial paint booth.
3. Location: The property is located at 120 Davis Ave, Brewster Washington. The subject property is also described as being located within Section 03, Township 30, Range 25. Douglas County Assessor’s Parcel Number: 30253310058.
4. The Comprehensive Plan Designation for the subject property is Rural Service Center.
5. The subject property is a part of the Rural Service Center (RSC) zoning district.
6. Douglas County Code Section 18.80.030 establishes minimum criteria for Conditional Use Permits.
7. A Determination of Non-Significance was issued by Douglas County on July 26, 2021.
8. Initial application materials reviewed by Douglas County Transportation and Land Services include:
 - a. Narrative prepared by the applicant, received June 7, 2021.
 - b. Site plan prepared the applicant, received June 7, 2021.
 - c. Preliminary Landscaping plan prepared by Shady Creek Gardens and Ponds LLC, received June 7, 2021.
 - d. Operation & Maintenance Manual prepared by Mitchell Langley, received June 7, 2021
 - e. SEPA Checklist prepared by the applicant, received June 7, 2021.

9. Surrounding property owners were given the opportunity to comment on the proposal, can request a copy of the decision, and can appeal the decision subject to the requirements outlined in DCC Title 14.
10. No members of the public commented on the proposal.
11. Comments from reviewing agencies have been considered and addressed where appropriate.
12. The Washington State Dept. of Ecology provided comments regarding water withdrawal.
13. Proper legal requirements were met and surrounding property owners, affected agencies, and interested parties were given the opportunity to comment on the proposal at a public hearing.
14. 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 Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
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 19 “Environment”, and Title 20 “Development Standards” 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 except as amended by the conditions herein.
2. The applicant, and site operators, are responsible for compliance with all applicable local, state and federal rules and regulations and shall acquire all applicable permits including but not limited to:
 - a. Commercial Building Permit for the paint booth.
 - b. Confirmation of approval from the Washington State Dept. of Ecology
3. Proposed landscaping shall be consistent with the plans on file and be maintained for the life of the project.
4. A Private Stormwater Operation and Maintenance Covenant shall be executed on standard Douglas County forms. The Site plan and operation and maintenance recommendations are provided to the County. County staff then prepares the agreement for signature and recording by the applicant.
5. The spray booth shall be installed, maintained, and operated in accordance, but not limited to, the following International Fire Code (IFC) Chapters: IFC 24, IFC 50, IFC 51, IFC 57.
6. The termination points for ducts conveying explosive or flammable vapors, fumes, or dusts to the atmosphere must be no less than 30 feet from lot lines; 10 feet from openings to the building; 6 feet from exterior walls and roofs; 30 feet from combustible walls or openings into the building that are in the direction of the exhaust discharge; and 10 feet above adjoining grade.
7. Spray booth to be protected by an approved automatic fire protection system in accordance to IFC Chapter 9.
8. Spraying equipment must be interlocked with the mechanical ventilation and allow for adequate ventilation after use in accordance to Chapter 24.
9. The applicant shall coordinate with the Greater Bar Water District to ensure the spill prevention plan is appropriate for the project.

10. As applicable, the applicant shall conduct a lot consolidation to ensure that all lot lines meet current Douglas County setbacks. The lot lines must be must meet setbacks prior to issuance of the commercial building permit.

Respectfully Submitted,



Tanner Ackley
Senior Planner – Douglas County Land Services

Date: August 10, 2021

Attachments:

Agency Comments

Tanner Ackley (x6544)

From: stevenlaura.anderson@gmail.com
Sent: Monday, June 21, 2021 10:51 PM
To: Tanner Ackley (x6544)
Subject: CUP-2021-04

[EXTERNAL MESSAGE]

Greetings Tanner,

The Greater Bar Water District provide domestic water in the area of this CUP proposal. We serve more than 400 people around the proposed site. The proposed site is approximately 2133 feet from the districts two wells. We are constantly monitoring water quality throughout the year with daily and monthly testing required by the Washington State Department of Health and the EPA.

The only thing that concerns me and the Board of Commissioners is the possibility of ground water contamination from paint and paint by-products. If the CUP contains regulatory language to prevent and monitor such contamination then the GBWD finds no other issues to oppose the CUP.

Regards,

Steve Anderson
GBWD Manager
509 423-3210



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 West Alder Street • Union Gap, Washington 98903-0009 • (509) 575-2490

June 24, 2021

Tanner Ackley
Douglas County Transportation and Land Services
140 19th Street N.W.
East Wenatchee, WA 98802

Re: SEPA Register 202103096, CUP-2021-04

Dear Tanner Ackley:

Thank you for the opportunity to comment during the Optional Determination of Non Significance process for the installation of a commercial paint booth, proposed by Mitch and Megan Langley. We have reviewed the documents and have the following comments.

WATER RESOURCES

In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, up to 5,000 gallons per day used for industrial purposes, stock watering, and for the irrigation of up to one-half acre of non-commercial lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

If you have any questions or would like to respond to these Water Resources comments, please contact **Christopher Kossik** at (509) 454-7872 or email at christopher.kossik@ecy.wa.gov .

Sincerely,

A handwritten signature in blue ink that reads "Gwen Clear".

Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-2012
crosepa@ecy.wa.gov

Tanner Ackley (x6544)

From: Dan Day <DanD@dcpud.org>
Sent: Monday, July 26, 2021 11:51 AM
To: Tanner Ackley (x6544)
Subject: RE: CUP-2021-04

[EXTERNAL MESSAGE]

No comments.
Thank you.

From: Tanner Ackley (x6544) <tackley@co.douglas.wa.us>
Sent: Monday, July 26, 2021 11:03 AM
To: Dan Day <DanD@dcpud.org>
Subject: CUP-2021-04

Morning Dan,

I am currently writing the staff report for CUP-2021-04 and just wanted to see if the PUD had any comments for the project. This is the CUP for a paint booth installation up in Brewster. If you have any questions/ comments just let me know.

Thanks,

Tanner Ackley
Douglas County Land Services – Associate Planner



140 19th St. NW Suite A
East Wenatchee, WA 98802
509-884-7173

This email may be subject to disclosure as a public record under the Public Records Act, RCW Chapter 42.56

Shari Tincher (x6589)

From: Nelson, Maxwell <nelsonm@wsdot.wa.gov>
Sent: Friday, June 18, 2021 11:33 AM
To: Shari Tincher (x6589)
Cc: Mazur, George
Subject: FW: [EXTERNAL] CUP-2021-04 Notice of Application Packet Comments End June 28, 2021
Attachments: CUP-2021-04 Notice of Application Packet 06-10-2021 .pdf

[EXTERNAL MESSAGE]

Shari,

Thank you for the opportunity to review and comment. WSDOT has no comments on this proposal.

-Max

From: Annette Jester (x6549) <ajester@co.douglas.wa.us>
Sent: Thursday, June 10, 2021 3:13 PM
To: NC-Review <NC-Review@WSDOT.WA.GOV>
Subject: [EXTERNAL] CUP-2021-04 Notice of Application Packet Comments End June 28, 2021

WARNING: This email originated from outside of WSDOT. Please use caution with links and attachments.

REQUEST FOR AGENCY COMMENTS

APPLICANT: MEGAN & MITCHELL LANGLEY

Date of Application: 06/04/2021

Date Letter of Completeness Issued: 06/10/2021

Date Notice of Application Issued: 06/10/2021

Application Number: CUP-2021-04

Thank you,
Annette Jester
Permit Technician
Douglas County TLS
140 19th Street NW
East Wenatchee, WA. 98802
Office (509) 884-7173

Note Detail



Type: Permit Workflow Step

Id: COMMENTS-DC ASSESSOR

Note Type:* APPROVAL COMMENTS

Note Code:

Text:* Not sure what the Assessor's Office does with these. This is the first one I have seen.

Begin Date:* 07/13/2021

End Date:

Link:

GOTO

Publish on Portal - Private: Public:

Attachments

SELECT FILES

CLOSE





PUBLIC HEALTH
ALWAYS WORKING FOR A SAFER AND
HEALTHIER COMMUNITY

Chelan-Douglas Health District

200 Valley Mall Parkway, East Wenatchee, WA 98802
Environmental Health: 509/886-6400 • FAX 886-6449

Memorandum

To: Shari Tincher, Douglas County
From: Richmond Petty, R.S.
Date: 7/2/2021
Re: Langley (CUP 2021-04) Land Use Comments

I have reviewed the above development proposal for the installation of a commercial paint booth. The subject property is located at 120 Davis Ave., Brewster, WA (county tax parcel: 30253310058). The proposal was independently reviewed by our office and approved on 2/25/2020.

As proposed, I have no objections to further approval of this project. Any changes to the project may require additional Health District review.

Fees for review of land-use applications have been established by the Chelan-Douglas Health District Board of Health. The District will bill the applicant upon receipt of our comments (attached).

Project	CDHD 2021 fees
Other Land Use review (CUPs, Zone Changes, etc.) per hour with 1 hour minimum (then 15 min increments if necessary) staff review fee	\$91/hr



PUBLIC HEALTH
ALWAYS WORKING FOR A SAFER AND
HEALTHIER COMMUNITY

Chelan-Douglas Health District

200 Valley Mall Parkway, East Wenatchee, WA 98802

Personal Health: 509/886-6400 • FAX 886-6478

Environmental Health: 509/886-6400 • FAX 886-6499

Memorandum

To: Chelan County Community Development

From: Scott Reynolds, Environmental Health

Date: 6/22/21

Re: SEPA Checklist, CUP 2021-04 Langley

We have reviewed the SEPA checklist submitted for the above land use proposal. Based on this information, there are no comments regarding solid waste or hazardous site contamination with this project. Any changes to the project may require additional Health District review.

The Chelan-Douglas Health District, Board of Health has established fees for review of land-use applications. The District will bill the applicant upon receipt of these comments.

Project	CDHD Fees
Plat Pre-Application Review (flat fee)	\$51
Short Plat Referral: <5 lots review (\$105 for 1 st half hour then \$91/hr after that)	\$109 min
Major Plat Referral: PDs, BSPs, etc. with on-site sewage systems, up to 20 lots + Per lot beyond 20	\$598 min \$34
Site Evaluation Application, if requested (first lot) + Per lot beyond the first lot	\$450 \$201
Public Water System (new or expansion)	call
Other Land Use review (CUPs, Zone Changes, etc.) per hour with 1 hour minimum (then 15 min increments if necessary) staff review fee	\$91/hr
Blue Line Plat comments (\$91/hour with a 1 hour minimum staff review fee and if necessary, 15 min increments)	\$91/hr

Display Order	Parcel Number	Name	Condition
  <input type="text" value="1"/>		Custom	The spray booth shall be installed, maintained, and operated in accordance, but not limited to, the following International Fire Code (IFC) Chapters: IFC
  <input type="text" value="2"/>		Custom	The termination points for ducts conveying explosive or flammable vapors, fumes, or dusts to the atmosphere must be no less than 30 feet from
  <input type="text" value="3"/>		Custom	Spray booth to be protected by an approved automatic fire protection system in accordance to IFC Chapter 9.
  <input type="text" value="4"/>		Custom	Spraying equipment must be interlocked with the mechanical ventilation and allow for adequate ventilation after use in accordance to Chapter 24.

DCFD Conditions

**DOUGLAS COUNTY
TRANSPORTATION & LAND SERVICES**



MEMO

DATE: June 23, 2021
TO: Nathan Pate, AICP
FROM: Zachary Horton, EIT
RE: CUP-2021-04 – Paint Booth - Preliminary Approval
Transportation & Stormwater Comments

Suggested Findings of Fact:

Initial application materials reviewed by Douglas County Transportation and Stormwater include:

- Operation & Maintenance Manual prepared by Mitch Langley, received June 4, 2021.

With incorporation of the conditions below, preliminary approval is recommended.

Suggested Conditions of Approval:

Transportation / Stormwater

1. A Private Stormwater Operation and Maintenance Covenant shall be executed on standard Douglas County forms. The Site plan and operation and maintenance recommendations are provided to the County. County staff then prepares the agreement for signature and recording by the applicant.