

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, AND
CUP-2018-08)	DECISION AND
DCFD4 Orondo Training Facility)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on February 14, 2019, 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 applicant is Scott Carter, Douglas County Fire District 4.
2. The property owner is Douglas County Fire District 4, POB 258, Orondo, WA 98843.
3. General Description: A conditional use permit (CUP) to construct a live fire training facility at the Orondo Fire Station.
4. The subject property is approximately two (2) acres in size and is zoned Rural Service Center (RSC) under Douglas County Code.
5. The subject property is located in Orondo at the intersection of US Hwy 2/97 and US Hwy 2. The Assessor's Parcel Number is: 25213210031.
6. The Douglas County wide Comprehensive Plan designation is Rural Service Center (RSC).
7. DCC 18.80 "Conditional Use Permits" establish minimum review criteria for the proposed use.
8. A site plan, project narrative and SEPA Checklist were received in the application materials, dated December 14, 2018.
9. A stormwater report, prepared by Pace Engineers was received in the application materials, dated December 14, 2018.
10. The live fire training facility will be constructed from three (3) interconnected metal shipping containers. A building permit is not required from Douglas County.
11. Comments from reviewing agencies have been considered and addressed where appropriate. No public comments were received at the writing of the staff report.

12. Douglas County issued an environmental review Determination of Non-Significance on February 1, 2019 in accordance with WAC 197-11-355 (Optional DNS).
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 development will not adversely affect the general public, health, safety and general welfare.
16. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval.
18. The Douglas County Department of Land Services recommended approval of the requested permit, subject to the recommended conditions of approval.
19. An open record public hearing after due legal notice was held on February 14, 2019.
17. The entire Planning Staff file was admitted into the record at the public hearing.
20. Appearing and testifying on behalf of the applicant was Scott Carter. Mr. Carter testified that he was an agent authorized to appear and speak on behalf of Douglas County Fire District No. 4. Mr. Carter testified that this facility will enhance the skills of volunteer firefighters. Mr. Carter testified that all of the proposed Conditions of Approval were acceptable.
21. No member of the public appeared at the hearing.
23. 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.
24. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
25. The cumulative impact of additional requests for like actions (the total of the conditional uses over time or space) will not produce significant adverse effects to the environment that cannot be mitigated by conditions of approval.
26. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
27. The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the proposed use will not unreasonably interfere with allowable development or use of neighboring properties.
28. The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood.
29. Land uses, activities, and structures that are allowed by this conditional use permit will comply with the required performance standards specified.
30. 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. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. As conditioned, the proposal is consistent with Douglas County Code 18.80.030 conditional use permits general evaluation criteria.
5. Public interests will be served by approval of this proposal.
6. As conditioned, the proposal is consistent with Title 14 "Development Permit Procedures and Administration, Title 18 "Zoning" and Title 19 "Environment" of the Douglas County Code and the Douglas County Countywide Comprehensive Plan.
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. DECISION

Based on the above Findings of Fact and Conclusions of Law, Application CUP-2018-08 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. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.
2. The project shall proceed in substantial conformance with the plans and application materials on file submitted on December 14, 2018 except as amended by the conditions herein.

3. The owners/operators shall be responsible to obtain and comply with any applicable federal, state, and local laws, and must obtain all necessary permits and approvals prior to operation, which may include permits regarding smoke emissions and runoff.
4. The development shall comply with the dimensional standards of the Rural Service Center (RSC) zoning district established in DCC 18.32, as amended.
5. The Engineer of Record shall provide as-builts and certification that the stormwater system has been completed in accordance with Douglas County Code, the Stormwater Management Manual for Eastern Washington, and the accepted plans.
6. A private stormwater operation and maintenance agreement shall be executed and recorded by July 31, 2019. The agreement shall be executed on standard forms approved by Douglas County. As-builts, certification, and maintenance criteria are provided to Douglas County and Douglas County produces the form for signature and execution by the applicant.
7. The applicant shall comply with the Public Safety Narrative as submitted in the application materials and the intent of NFPA 1402 wherever applicable and as directed by the Fire Marshal.
8. The owner/operator shall maintain compliance with the standards of the Douglas County Code and of the conditional use permit at all times.
9. The conditional use permit shall expire at the end of one year from the time it is granted if the project is not substantially established by that time.

Dated this 15th day of February, 2019.

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.