

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,
PRD-92-01A#2/P-15-05)	DECISION AND
Rio Vista Ph. 1)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on February 15, 2018, 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 Great West Developers, 122 East Arrellaga, Santa Barbara, CA.
2. General Description: This is an application to amend Conditions of Approval #23 and #24 regarding frontage improvements on Crescent Bar Rd. The application requests a waiver of the frontage improvements and modification of Conditions of Approval matching the waiver.
3. Location: The property is located between Crescent Bar Road and the Columbia River. The property is further described as being within Section 13, Township 20 North, Range 22 East, W.M., in Douglas County, Washington. The Douglas County Assessor Numbers for the subject property are 91002900001 and 91002400000.
4. Site Information:

Total Project Size:	5.96 acres
No. of lots	9
Domestic Water:	Group B water system
Sewage Disposal:	On-site septic systems
Power/Electricity:	Douglas County PUD
Fire Protection:	Douglas County Fire District #2
5. Site Characteristics: The subject property is situated on slopes overlooking the Columbia River at Crescent Bar. Slopes range from 5 to 70%, with an average of 40%. There are several small drainage courses on the property, as well as a relatively large drainage that will be maintained as a greenbelt. Native grasses, sagebrush and small shrubs are present on the property, along with some wetland areas located on adjacent Grant County PUD property. Current improvements on the property include a single family residence, the Burlington Northern-Santa Fe Railroad, and a county road providing access to the Crescent Bar recreational area.

6. Surrounding Property: To the north, SR 28, Vacant; to the south, Columbia River, vacant; to the east, scattered single family residences; to the west, scattered single family residences.
7. The Rio Vista Planned Residential Development was determined to be consistent with the comprehensive plan in effect in January 1993.
8. On November 18, 1990, Douglas County approved Resolution CE 90-90, Rio Vista Planned Residential Development and establishing Conditions of Approval.
9. On January 1993, Douglas County approved Resolution CE 93-02 amending the Rio Vista Planned Residential Development and establishing new Conditions of Approval.
10. The Rio Vista Planned Residential Development is vested under the PRD regulations in effect at the time of amended permit approval.
11. On June 2, 2016, the Hearing Examiner approved phase one for 9 lots.
12. The subdivision will access Crescent Bar Rd. via 2 different access points. Lots 1-7 will access a new private road inside an access and utility easement. Lots 8 and 9 will access via a joint use driveway.
13. Douglas County issued a Determination of Non-significance and Adoption of Existing Environmental Documents on September 14, 2007 in accordance with WAC 197-11-340(2). The documents adopted are the SEPA Checklist dated October 7, 1992 and the Rio Vista Mitigated DNS dated October 19, 1992. This Threshold Determination is still applicable for this phase 1 application.
14. The application package includes the following documents:
 - 14.1 Hochhauser Blatter Architecture & Planning request to remove Condition of Approval No. 23 and amend condition No. 24.
 - 14.2 Pacific Engineering request for waiver of Crescent Bar Road frontage improvements dated December 11, 2017 and updated on January 9, 2018.
 - 14.3 Crescent Bar Rd. Street Capacity Analysis from Morrison Maierle Engineering dated November 2017.
 - 14.4 Roadway Adequacy Analysis for Crescent Bar Rd. from Transportation Engineering Northwest dated October 5, 2017.
15. 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.
16. Frontage Improvements are addressed in Chapter 12.50.150 *Transportation System and Frontage Improvements*, of DCC and the Douglas County Road Standards. Crescent Bar Road is designated as Rural Minor Collector.
17. The Douglas County Engineer approved the Request for Alternative – Waiver of Frontage Improvements for PRD-92-01A#2/P-15-05 on January 9, 2018.
18. 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.

19. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
20. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
21. Comments from reviewing agencies have been considered and addressed where appropriate.
22. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
23. An open record public hearing after due legal notice was held on February 15, 2018.
24. The entire Planning Staff file was admitted into the record at the public hearing.
25. The Douglas County Department of Land Services recommended approval of this preliminary plat, subject to the recommended conditions of approval.
26. Appearing and testifying on behalf of the applicant was Mark Peterson. Mr. Peterson testified that he was the attorney for the applicant and was authorized to appear and speak on their behalf. Mr. Peterson stated that the applicant had no objection to any of the proposed Conditions of Approval.
27. Also speaking on behalf of the County was Mike Neer, from the County Engineering Office. Mr. Neer stated that this waiver will be effective for the full buildout of the planned 242 lots. This determination was based upon the County's Engineers Assessment combined with that of an expert witness report submitted by Transportation Engineering Northwest dated October 5, 2017.
28. No member of the public testified at the hearing.
29. 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.
30. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
31. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
32. 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 proposal is consistent with Chapter 18.67 Planned Residential Development in effect when the project was vested and Title 19 "Environment"; and Title 20 "Development Standards" of the Douglas County Code.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. Public use and interests will be served by approval of this proposed planned residential development.

5. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Douglas County Code and Comprehensive Plan.
6. As conditioned, the proposal does conform to the standards specified in Douglas County Code.
7. As conditioned, the use will comply with all required performance standards as specified in Douglas County Code.
8. 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.
9. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
10. 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 PRD-92-01A#2/P-15-05 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. 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. Conditions 1 thru 22 and 25 thru 49 from the preliminary plat approval, dated June 2, 2016 are still valid and enforceable and shall continue.

Conditions 23 and 24 are being recommended for revision (deleted, amended) as a result of review of the application to amend preliminary plat approval.

1. Delete Condition of Approval #23.

2. Condition of Approval #24 to be revised as follows (**Bold text to be deleted**):

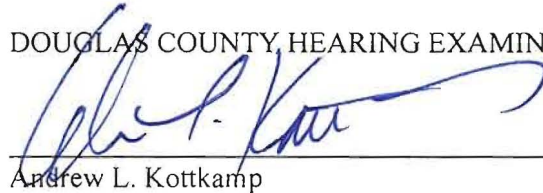
Proposed retaining walls and any associated components (Including but not limited to tie backs) constructed to accommodate the infrastructure within Phase 1 shall not be allowed within the County right-of-way. **Retaining walls to support the widening of Crescent Bar Road may be located within County Right-of-Way, subject to review and approval of location and type by the County Engineer.**

Cuts or retaining walls associated with private access construction or site development including but not limited to those constructed within County Road Easements granted under AFN 310949 and/or within slopes necessary to stabilize the County Road prism shall **accommodate loading from the widening of Crescent Bar Road, and shall not affect the stability of the County Road prism.**

All retaining walls shall be designed by a Structural Engineer licensed in the State of Washington. All retaining walls and proposed earthworks shall be reviewed and approved by the Geotechnical Engineer of record prior to acceptance of Construction Plans by the County Engineer.

Dated this 21st day of February, 2018.

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.