

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,
NC 2017-01)	DECISION AND
Bailey)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on January 18, 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 Chris Bailey, 62 Bailey Way, Brewster, WA 98812.
2. The applicant’s agent is: Kris Erlandsen, Erlandsen & Associates, P.O. Box 739, Brewster, WA 98812.
3. General Description: An application for expansion of a legal nonconforming use for an existing precision-machining business.
4. The project is located at 13 Bailey Way, Brewster, WA. The property is described as being located within the SE Quarter of Section 36, Township 30 N, Range 23E W.M. The Assessor’s Parcel Number is: 30233640003.
5. The current Comprehensive Plan Designation is Commercial Agriculture 10 (AC-10).
6. The subject property is located in the Commercial Agriculture 10 (AC-10) zoning district.
7. The subject property is located within a critical area for geologically hazardous areas.
8. Douglas County Code Chapter 18.82 “Nonconforming Uses” establishes minimum review criteria for the consideration of proposals for the expansion of nonconforming uses.
9. DCC Section 18.82.080 allows for the expansion of nonconforming uses, provided the expansion is approved by the Douglas County Hearing Examiner through a public hearing.
10. The machining business onsite was established in 1990 and conformed to the applicable development regulations in effect at that time.
11. The business was designated to be a legal nonconforming use on July 2nd, 2007 by a letter from Associate Planner Marla Olson referencing a determination made by the Land Services Director that the onsite machining business was a legal nonconforming use.

12. The project is exempt from an environmental threshold determination pursuant to DCC 19.04.110(A)(3) and WAC 197-11-800(1)(b)(iv) and (c).
13. Agency comments have been received and are included with the staff report.
14. The Douglas County Fire Marshal has determined that inadequate fire flow exists in the area.
15. Douglas County Code sections 20.34 & 20.36 address County stormwater requirements.
16. No public comments were received.
17. 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.
18. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
19. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
20. A public open record hearing after legal notice was held on January 18, 2018.
21. At the above hearing, the entire planning staff file on this matter was admitted into the record.
22. Testifying on behalf of the applicant were Kris Erlandsen, of Erlandsen & Associates and Chris Bailey, the applicant. Mr. Erlandsen testified that he was an agent authorized to appear and speak on behalf of the applicant and property owner. Mr. Erlandsen testified that the applicant agreed with the representations contained within the staff report and had no objection to any Conditions of Approval. Chris Bailey testified that in 1990 he understood the zoning for the subject property to be Light Industrial Ag 10. He testified that the current building they wish to expand was built in 1989 and to his understanding all required permits were obtained.
23. The expansion of this non-conforming use will not be contrary to public health, safety or welfare.
24. This expansion will not significantly jeopardize future development of the area in compliance with the provisions and the intent of the applicable zoning district.
25. 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 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 proposed, revised, and conditioned, potential impacts of the project can be mitigated.
5. Public interests will be served by approval of this proposal.
6. As conditioned, the proposal is consistent with Title 18 "Zoning" and Title 19 "Environment" of the Douglas County Code.

7. 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, NC 2017-01 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. The project shall proceed in substantial conformance with the plans and application materials on file submitted on September 26, 2017 except as amended by the conditions herein.
2. The applicant shall comply with all applicable local, state and federal regulations.
3. A commercial building permit for the expansion is required, to include, but is not limited to review of: landscaping, parking, geologic risk assessment, fire flow/fire walls and stormwater facilities.
4. All stormwater runoff shall be retained and disposed of on-site or disposed of in a system designed for such runoff and which does not flood or damage other properties.

Dated this 24th day of January, 2018.

DOUGLAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

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.