

DOUGLAS COUNTY

DEPARTMENT OF HEARING EXAMINER

140 19th Street NW
East Wenatchee, WA 98802-4109

BEFORE THE DOUGLAS COUNTY HEARING EXAMINER

IN THE MATTER OF)	RECOMMENDED FINDINGS OF
)	FACT, CONCLUSIONS OF LAW,
PRD 2017-01)	DECISION AND CONDITIONS
C&C Investment Properties, LLC)	OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on March 15, 2018, the Hearing Examiner having taken evidence hereby submits the following recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. RECOMMENDED FINDINGS OF FACT

1. The applicant is C&C Investments Properties LLC, PO Box 2874, Wenatchee WA.
2. General Description: An application for a 30 lot planned unit development/major subdivision. Proposed lot sizes range from 2,722 sq. ft. to 4,295 sq. ft. Lots are proposed to be served by public water and sewer.
3. Location: The subject property is located on the west side of Cascade Ave within Govt Lot 9, Section 34, Township 23 N., Range 20 EWM, Douglas County, WA. The Douglas County Assessors Number is 23203440003.
4. Site Information:

Total Project Size:	3.52 acres.
No. of lots	30.
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.
5. Site Characteristics: The site is primarily vacant. An abandoned single family residence is present on the property.
6. The subject property is located within the East Wenatchee Urban Growth Area.
7. The Comprehensive Plan Designation is Waterfront Mixed Use.
8. The subject property is located in the WMU zoning district which allows for subdivisions as permitted uses.

9. 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.
10. Comments from reviewing agencies have been considered and addressed where appropriate.
11. Douglas County issued a Determination of Nonsignificance on February 22, 2018 pursuant to WAC 197-11-355 (Optional DNS).
12. 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.
13. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
14. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
15. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
16. This planned unit development application is for the reduction of the setback from the Low Density Residential District on the south property line from 20 feet to 10 feet.
17. The site size is larger than the minimum 2 acres for a residential planned unit development.
18. Adequate public services exist to serve the project.
19. The adjacent property to the south is owned by the East Wenatchee Water District. This property is a well head for the Regional Water Authority.
20. The existing site conditions and the proposed development mitigate any impacts created by a 10 foot reduction in the setback from the R-L district for this project.
21. Public and agency comments that were received were considered by the Hearing Examiner in rendering this recommended Decision and forming recommended Conditions of Approval.
22. An open record public hearing after due legal notice was held on March 15, 2018.
23. The entire Planning Staff file was admitted into the record at the public hearing.
24. The Douglas County Department of Land Services recommended that the Hearing Examiner recommend approval of this Planned Unit Development, subject to the recommended Conditions of Approval.
25. Appearing and testifying on behalf of the applicant was Ed Zontek. Mr. Zontek testified that he was an agent authorized to appear and speak on behalf of the property owner. Mr. Zontek indicated that proposed Condition of Approval number 23, second bullet for the plat, incorrectly stated a 29 foot width instead of a 28 foot width. All other Conditions of Approval were acceptable.
26. Staff indicated that the 29 foot number was a typographical error and that the correct number would be 28.
27. No member of the public testified at the hearing.

28. 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.
29. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by Conditions of Approval.
30. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
31. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. RECOMMENDED 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 Greater East Wenatchee Area Comprehensive Plan.
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 proposal.
5. As conditioned, the proposal is consistent with Title 17 Zoning of the East Wenatchee Municipal Code as adopted by Douglas County.
6. As conditioned, the proposal is consistent with Title 17 "Subdivision", Title 19 "Environment", and Title 20 "Development Standards", of the Douglas County Code.
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. RECOMMENDED DECISION

Based on the above Recommended Findings of Fact and Conclusions of Law the Hearing Examiner recommends that, PDR 2017-01, C&C Investment Properties LLC, be **APPROVED** subject to the following Recommended Conditions of Approval.

IV. RECOMMENDED CONDITIONS OF APPROVAL

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. A final development plan meeting the requirements of EWMC 17.68.090 and 17.68.100 shall be submitted to the county within 12 months of approval of the preliminary plan by the Douglas County Board of Commissioners. The following will be included with the final development plan:
 - 1.1 An updated development schedule when construction of the PUD will be expected to begin and when full build out is completed.
 - 1.2 Site plans/maps showing the location and floor size area of all proposed buildings, structures and other improvements, including maximum heights and types of dwelling units.
 - 1.3 Engineering plans and drawings for the circulation system and utility systems.
 - 1.4 A final landscape plan for the treatment of all open space and landscape strip.
 - 1.5 The proposed treatment of the perimeter including materials for the perimeter fencing.
 - 1.6 Provisions for maintenance of the common open space.

Dated this 19th day of March, 2018.

DOUGLAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp