

**DOUGLAS COUNTY**

**DEPARTMENT OF HEARING EXAMINER**

140 19<sup>th</sup> Street NW  
East Wenatchee, WAS 98802-4109

**BEFORE THE DOUGLAS COUNTY HEARING EXAMINER**

|                          |   |                               |
|--------------------------|---|-------------------------------|
| <b>IN THE MATTER OF</b>  | ) | <b>FINDINGS OF FACT,</b>      |
|                          | ) | <b>CONCLUSIONS OF LAW,</b>    |
| CUP-2017-04              | ) | <b>DECISION AND</b>           |
| Eastmont School District | ) | <b>CONDITIONS OF APPROVAL</b> |

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on May 17, 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 Eastmont School District, 800 Eastmont Ave., East Wenatchee WA.
2. General Description: This conditional use permit application is to locate a regional bus maintenance facility for the Eastmont School District. The facility will include areas for management, training, maintenance shops, a fueling station and storage for approximately 40 buses plus ancillary vehicles.
3. The subject property is located at the NE corner of Grant Road and N Perry Avenue within the Section 8, Township 22 N., Range 21 EWM, Douglas County WA. The Douglas County Assessors Number is 222108300032.
4. The subject property is located within the Greater East Wenatchee Urban Growth Area.
5. The Comprehensive Plan Designation is Medium Residential.
6. The subject property is located in the R-M zoning district.
7. 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.
8. Comments from reviewing agencies have been considered and addressed where appropriate.
9. The Eastmont School District is SEPA Lead Agency and issued a Determination of NonSignificance for the project. The comment period for the DNS ran from December 1, 2017 to December 15, 2017.
10. The proposed development is within 2000 feet of the centerline of the approach path to runway 12 of the Pangborn Memorial Airport. The development is subject to 14 CFR Part 77.

11. Frontage Improvements are addressed in Chapter 12.50.150 Transportation System and Frontage Improvements, of the Douglas County Road Standards and EWMC. Grant Road is designated as an Urban Arterial. EWMC Figure 3-8, Urban Arterial is the applicable street standard. North Perry Avenue and 1<sup>st</sup> Street NE are both designated as an Urban Local Access per figure 3-7b.
12. A Traffic Impact Memorandum, from RH2 Engineering dated March 2, 2018, was submitted for the project. The memorandum recommends dedication of right-of-way for future intersection improvements at Grant Road and N Perry Avenue to mitigate project impacts.
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.
17. An open record public hearing after due legal notice was held on May 17, 2018.
18. The entire Planning Staff file was admitted into the record at the public hearing.
19. The Douglas County Department of Land Services recommended approval of the requested permit, subject to the recommended conditions of approval.
20. Appearing and testifying on behalf of the applicant was Sean Tanner. Mr. Tanner testified that he was an agent authorized to appear and speak on behalf of the applicant and property owner. Mr. Tanner testified that all of the proposed conditions of approval were acceptable to the applicant and property owner.
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 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 Ordinance TLS 15-11-31B.
6. As conditioned, the proposal is consistent with 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. 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-2017-04 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. The project shall proceed in substantial conformance with the plans and application materials of file dated October 31, 2017, March 7, 2018, and March 8, 2018 except as amended by the conditions herein.
3. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
4. Documentation that the FAA Notice of Proposed Construction FAA 7460-1 has been satisfied must be submitted to the County prior to building permit issuance.
5. Exterior site lighting shall be shielded to minimize light pollution that projects upward or outward, particularly towards the northeast of the subject property.
6. Applicant must contact the PUD and complete a request for service. They must provide site and proposed utility drawings. The District will coordinate the electrical/fiber designs and provide a cost estimate for service extension to the project. Any costs associated with relocating, removing, conversion to underground, etc. of existing District facilities that may be necessary due to roadway improvements will be the responsibility of the applicant. Utility easements will be required adjacent to all county roads and for all new primary extensions.
7. Final design of the facility must be coordinated with service providers, including but not limited to, power, water, sewer, fire protection, irrigation. Design coordination shall occur via the County's pre-development meeting process.
8. Concurrent with the submittal of a building permit application a noise study must be performed which is coordinated with the design of the facility. The study and design shall detail how the facility will ensure that maximum allowable noise levels found in DCC 8.04 are met. This study must include provisions for verification of levels post construction and approaches for correction should maximum levels not be met.
9. Concurrent with the submittal of a building permit application an analysis of the emissions impacts of site fleet operations on surrounding properties shall be performed. This analysis and design of the facility shall be coordinated with WA Department of Ecology Air Quality Division. The design and analysis shall include documentation of concurrence from DOE Air Quality that emissions impacts on adjacent properties has been mitigated.
10. Concurrent with the submittal of the building permit application, a landscape plan meeting the requirements of EWMC 17.72.080 shall be submitted.
11. Final plans for transportation improvements designed by a professional engineer licensed in the State of Washington shall be submitted to and approved by Douglas County prior to construction. Construction plans shall be prepared in accordance with the requirements of East Wenatchee Municipal Code and Douglas County.
12. Final construction plans for the improvements require County acceptance prior to the start of construction. Approval from utilities and service purveyors, including the US Postmaster, shall be acquired prior to acceptance of the plans.
13. Improvements associated with this development shall include:
  - 13.1 Half street improvements to Grant Road shall be constructed per Figure 3-8 modified to include two 12 foot travel lanes, a 5 foot shoulder, curb, gutter, illumination, and a 6 foot sidewalk on the north side of Grant Road. A figure is provided on Page 3 (#3A) of the Transportation & Stormwater Recommendation memo from Mike Neer PE dated April 19, 2018.

- 13.2 Half street improvements on N. Perry Avenue shall be constructed to Urban Local Access Standards per Figure 3-7b, including intersection improvements at Grant Road and 1<sup>st</sup> Street NE. This includes 18 feet from centerline to the face of curb, a 5 foot sidewalk, signing, striping, illumination, drainage, and utility improvements. The existing N/ Perry Avenue right-of-way appears to be sufficient to accommodate the required improvements.
- 13.3 The N. Perry Avenue alignment shall be signed NO PARKING until such time full width improvements are completed.
- 13.4 1<sup>st</sup> Street NE shall be constructed to Urban Local Access Standards per Figure 3-7b. A 50 foot right-of-way dedication via a statutory warranty deed is required. 1<sup>st</sup> Street NE shall terminated with a 96 foot diameter cul-de-sac measured from face of curb to face of curb. A 20 foot by 30 foot v=paved snow storage area shall be constructed at the east end of the cul-de-sac.
- 13.5 The cul-de-sac shall be signed NO PARKING.
- 13.6 Intersections of local access roads and arterials/collectors shall include a minimum radius at the face of cur of 35 feet. Local access road intersections shall include a minimum radius of 25 feet.
- 13.7 WSDOT Type 1 concrete driveway approaches shall be installed at the proposed access points from N. Perry Avenue and 1<sup>st</sup> Street NE. The location of the N. Perry driveway access shall be generally as shown on the preliminary layout prepared by RH2, submitted on March 8, 2018. The spacing of the driveway from the intersection with Grant Road shall provide for a 10 vehicle queue space as indicated in the traffic analysis.
- 13.8 Direct access to Grant Road from the project site will not be permitted.
14. To mitigate impacts to the Grant Road corridor as recommended in the RH2 Traffic Study, dedication of right-of-way in the vicinity of the Grant Road and N. Perry Avenue intersection (NE quadrant only) as depicted in Exhibit F of the traffic analysis from RH2 Engineering dated March 2, 2018 shall be completed via a statutory warranty deed prior to the issuance of the final certificate of occupancy or acceptance of roadway improvements by Douglas County, whichever comes first.
15. Internal circulation and any proposed gated shall be coordinated with and approved by the Fire Marshal.
16. Illumination shall conform to East Wenatchee Municipal Code and Douglas County Code Section 12.57.100 Roadway Illumination and follow Douglas County PUD Standards. The applicant shall be responsible for PUD charges for connection of street lights to the transformer or hand hold. Street lights shall be LED rather than HPS. The type of luminaire shall be coordinated with Douglas County during the building permit review process.
17. Prior to issuance of certificate of occupancy and acceptance of the roadway improvements, the engineer of record shall provide written certification that all improvements have been constructed in accordance with the conditions of approval, Douglas County Code, East Wenatchee Municipal code, and the approved construction plans. Monitoring/ inspection shall be required by the engineer in accordance with the Douglas County Road Standards and East Wenatchee Municipal Code. Final inspection reports shall be submitted to Douglas County for all public improvements.

18. Utility installation/replacement/upgrade within the Douglas County right-of-way shall be approved by Douglas County. Damage to existing roads, both public and private resulting from construction activities (including utility extensions require to provide necessary services to the proposed development) shall be repaired to the satisfaction of Douglas County.
19. A final storm water drainage plan and report prepared by a professional engineer licensed in the State of Washington shall be submitted to and approved by Douglas County prior to construction. Construction and post-construction stormwater elements shall be addressed in accordance with DCC and the Stormwater Management Manual for Eastern Washington (Ecology). Measures to address stormwater infiltration during frozen soil conditions shall be included.
20. Provisions to provide access for inspection and maintenance to the stormwater facilities shall be addressed within the design plans and report.
21. Stormwater facilities shall be designed to accommodate on-site and roadway improvements.
22. Stormwater infiltration surface shall be in undisturbed native material. The design infiltration rate shall be based on on-site infiltration testing completed in accordance with the SWMMEW.
23. The fueling island shall be covered and runoff from under the canopy shall be contained and not allowed to be conveyed to the storm drainage system.
24. The Engineer of Record shall provide as-builts and stamped certificated that they system has been completed in accordance with the accepted plans, as well as applicable East Wenatchee Municipal Code, Douglas County Code , and the Stormwater Management Manual for Eastern Washington.
25. Prior to final construction acceptance and prior to issuance of final certificate of occupancy, a private stormwater operation and maintenance agreement shall be executed and recorded. Said agreement shall be executed on standard forms prepared by Douglas County. The agreement shall specify the owner of the property as having responsibility for the long-term maintenance of the private stormwater drainage system within the development.
26. Erosion control measures shall be designed in accordance with the SWMMEW. Disturbed areas shall be re-vegetated and maintained throughout construction.
27. A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared in accordance with the SWMMEW guidelines and submitted and accepted prior to building permit approval. Best Management Practices shall be implemented and maintained throughout construction.
28. One access point for construction activities shall be utilized and shown on the final construction plans from N. Perry Avenue. A stabilized construction access for the site shall be shown on the erosion control plan.
29. The applicant shall be responsible for preventing mud, dirt and debris from leaving the site, including stormwater runoff from being tracked or otherwise discharging onto the public right-of-way or adjacent properties.
30. At issuance of a development permit, the parcel shall be subject to the Greater East Wenatchee Stormwater Utility annual service charge. The charge is based upon the total square feet of impervious surface on the site. Sites that have a site-specific private system, with a recorded operation and maintenance agreement, and who have maintained their system as required are eligible for a reduction in the annual service charge.

31. Individual/common plan of development for this proposal exceeds 1 acre of disturbed ground. This meets the threshold used by the Washington State Department of Ecology in administering their General Permit to Discharge Stormwater Associated with Construction Activity. If required, the permit must be obtained prior to beginning ground-breaking activities. Acquisition of permits is the responsibility of the applicant.

Dated this 22<sup>nd</sup> day of May, 2018.

DOUGLAS COUNTY HEARING EXAMINER



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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.**