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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,
CUP-17-02)	DECISION AND
Northwest Wholesale)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on June 22, 2017, 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 Northwest Wholesale Inc., 1567 N Wenatchee Ave, 98801.
2. The property owner is: Strider EW LLC, 4721 Northwest Dr., Bellingham WA 98226.
3. The property owner signed the application.
4. General Description: A conditional use permit application to locate an orchard supply business which includes fertilizer/chemical distribution and above ground tank storage of critical material.
5. The subject property is Lot 4, Strider Binding Site Plan further described as being located within the SW Quarter of Section 11, Township 23 N., Range 20 EWM, Douglas County WA. The Douglas County Assessors Number is 23201130003.
6. The Comprehensive Plan Designation is General Industrial.
7. The zoning district is General Industrial (I-G).
8. The applicant has submitted a Preliminary Stormwater Analysis dated March 2017 from Ed Zontek P.E.
9. Comments from reviewing agencies have been considered and addressed where appropriate.
10. Douglas County Ordinance TLS-12-07-08D established an Environmental Planned Action in accordance with RCW 43.21.031 for future development actions within the Baker Flats Industrial Area.

11. This project qualifies as a development action under the Baker Flats Planned Action adopted by Douglas County under Ordinance TLS-12-07-08D and WAC 197-11-172. This project is not subject to further procedural review under SEPA.
12. Storage of hazardous and/or critical materials will be subject to requirements under the authority of WA Dept. of Ecology, Douglas County Fire Marshal and Douglas County Building to be evaluated during building permit review.
13. The proposed site is planned to be served by an extension of Enterprise Drive associated with the Strider Binding Site Plan (BSP-10-01). Final approval and construction of required transportation and stormwater improvements is pending completion.
14. Road improvements to serve this property and the development are addressed under the Strider Binding Site Plan (BSP-10-01) currently under construction.
15. The subject property is subject to Road Assessment Reimbursement Area recorded under AFN 3199768. Development of the property is subject to reimbursement under the terms of the recorded agreement. Pro-rata share application based upon binding site plan approval.
16. 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.
17. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
18. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
19. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval.
22. An open record public hearing after due legal notice was held on June 22, 2017.
20. The entire Planning Staff file was admitted into the record at the public hearing.
21. The Douglas County Department of Land Services recommended approval of the requested permit, subject to the recommended conditions of approval.
23. 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 confirmed that there would be no underground tanks as part of this particular permit. Mr. Zontek testified that all of the proposed Conditions of Approval were acceptable.
24. No member of the public testified at the hearing.
25. 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.

26. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
27. 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.
28. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
29. 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.
30. The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood.
31. Land uses, activities, and structures that are allowed by this conditional use permit will comply with the required performance standards specified.
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 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 18 "Zoning" and Title 19 "Environment" and Title 20 "Development Standards" of the Douglas County Code.
6. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Douglas County Code and Comprehensive Plan.
7. As conditioned, the proposal does conform to the standards specified in Douglas County Code.
8. As conditioned, the use will comply with all required performance standards as specified in Douglas County Code.
9. 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.

10. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
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 17-02 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

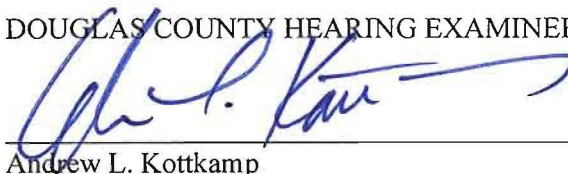
All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

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 March 24, 2017 except as amended by the conditions herein.
3. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations.
4. The Chelan Douglas Health District has identified that in order to approve a building permit requiring septic; plans and specifications a septic system must be submitted and approved. Additionally, a letter of water availability for the East Wenatchee Water District must be submitted.
5. The commercial building permit application shall include a landscape plan consistent with the requirements of DCC 20.40.
6. Road Improvements from the Strider Binding Site Plan (BSP-10-01) shall be completed prior to issuing final occupancy for any building permit.
7. The applicant (Northwest Wholesale) and Property Owner (Strider EW LLC) are responsible for coordinating access to the Northwest Wholesale CUP site during construction of roadway improvements associated with the binding site plan.
8. Access shall be constructed in accordance with accepted construction plans. An access permit shall be obtained for construction of the private access.
9. The applicant will need to coordinate with Douglas County regarding the Road Assessment Reimbursement Area (Auditor File Number 3199768) pro-rata share calculation and payment.
10. At time of building permit submittal, a site-specific stormwater plan and report shall be submitted that conforms to Douglas County Code 20.34 and 20.36 and the Stormwater Management Manual for Eastern Washington.

11. A Construction Stormwater Pollution Prevention Plan shall be prepared including Best Management Practices to be implemented and maintained throughout construction.
12. The Engineer of Record shall monitor construction and shall provide as-built drawings and report as necessary along with certification that the improvements have been completed in accordance with the applicable codes, regulations and accepted plans.
13. Prior to final occupancy for any building permit; a private stormwater operation and maintenance agreement shall be executed on standard Douglas County forms. The site plan, details, certification and operation and maintenance recommendations are provided to the County. County staff then prepares the agreement for signature and recording by the applicant.
14. 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. Completion of the SW design/construction in accordance with the plat notes and DCC will qualify the parcel for the reduction in the annual service charge.
15. 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 shall be obtained prior to beginning groundbreaking activities. Acquisition of this permit is the responsibility of the applicant.
16. An Industrial Stormwater Permit and/or General Construction Stormwater Permit from the Department of Ecology (DOE) may be required for this operation. Acquisition and compliance with DOE regulations is the responsibility of the applicant.

Dated this 23rd day of June, 2017.

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.