

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

P-87-04B

Fancher Heights Plat Amendment

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**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
DECISION AND
CONDITIONS OF APPROVAL**

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on July 20, 2023, 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 East Unit Inc., 49 Sageland Rd, East Wenatchee, WA 98802.
2. This was an application for a plat amendment to the Fancher Heights subdivision. The proposal involves the addition of a fire apparatus access road. The proposed fire apparatus access road will be located along the east property line of the Fancher Heights Homeowners Association property (Parcel: 56400000001). The access will turn east along the north property line of the Gjesdal Property (Parcel: 56400000100) and connect to Fancher Heights Boulevard.
3. The subject properties are located at 2237 Fancher Heights Blvd, East Wenatchee WA, 98802 and immediately adjacent to the west. The subject properties are further described as being located in Section 36, Township 23N, Range 20W, E.W.M. Douglas County Assessor's Parcel Numbers: Parcel Number: 56400000100 & 56400000001.

4. SITE INFORMATION

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:	Varied

5. Site Characteristics: The topography is relatively flat with a slope on the western portion of the site. Uses adjacent to the site:

- North: Single family homes
- South: Single family homes and Badger Mountain Road.
- East: Single family homes and Badger Mountain Road.
- West: Vacant Land and East Wenatchee Water District Reservoir

6. Access: The proposal includes the addition of an emergency vehicle apparatus roadway that will travel north from the neighboring Edgeview Estates Development, through the Fancher Height's common area, then travel east through private property and connect to Fancher Heights Boulevard.

7. Zoning and Development Standards: The subject property is located within the Residential Low Density (R-L) zoning district which allow for the subdivision of land. The Growth Management Act identifies that urban growth areas are lands intended for annexation by the adjacent city within 20 years. Based on this, Douglas County has adopted city development regulations within their urban growth areas in order to guide growth according to city standards and ease the transition during future annexations. On March 28, 2007, Douglas County adopted Ordinance 07-01H which adopted sections of Title 17 'Zoning' of the East Wenatchee Municipal Code within the unincorporated portions of the East Wenatchee Urban Growth Boundary.

8. Major Subdivisions: The requirements of Title 17, "Subdivisions", Douglas County Code, apply to the design and review requirements for approval of major subdivisions of 10 or more lots, parcels or tracts.

9. The Greater East Wenatchee Area Comprehensive Plan designates this property as Residential Low Density. The Low Residential designation is intended to permit a range of housing options and densities to provide areas desirable for single-family residential use. The primary and preferred land use is residential. The use of innovative housing techniques such as attached single family, zero-lot line housing, averaging lots sizes, and other alternates should be encouraged infilling and variety of housing types and densities. In order for these techniques to be used in a manner that protects the integrity of the surrounding properties, there must be mechanisms to ensure neighborhood compatibility and good design quality.

10. The following goals and policies set forth in the comprehensive plan are relevant to this development:

10.1 LAND USE – RESIDENTIAL

- 10.1.1 The quality and integrity of residential neighborhoods defines the character of the community. Ensuring that these neighborhoods remain stable and vital is of primary importance to meet the goals of the Growth Management Act, the Land Use Plan, and the Housing Plan.
- 10.1.2 **POLICY**: Urban governmental services and infrastructure must be available at the time of development or there must be a plan in place, with funding, to ensure that a full range of urban governmental services is available to serve the development within the planning period.

10.2 HOUSING:

- 10.2.1 GOAL: To provide for a sufficient number of safe, attractive and affordable residences for people of all income levels.
- 10.2.2 GOAL: To ensure that public facilities and infrastructure are available to support development at urban densities in advance of or concurrent with development.
- 10.2.3 POLICY H-6: Require the construction of sound, safe, and sanitary dwelling units.
- 10.2.4 POLICY H-12: Development standards must address efficient transportation networks and multi-modal opportunities for new development requiring the extension of existing streets into and through developments and the provision of sidewalks and trails for non-motorized modes of transportation.
- 10.2.5 POLICY H-13: New residential development in the urban growth area must be concurrently served by a full range of urban governmental services.

10.3 UTILITIES.

- 10.3.1 GOAL: Facilitate the development of all utilities at the appropriate levels of service to accommodate growth that is anticipated to occur in the Area, in a fair and timely manner.
- 10.3.2 POLICY UT 2: A full range of urban services shall be provided within the entire urban growth area by promoting utility extensions to those areas needing urban services.
- 10.3.3 POLICY UT 5: The cost of on-site utility improvements or site preparation for developments, such as surface drainage, utilities, and water and sewer systems should be the responsibility of private enterprise.

10.4 TRANSPORTATION:

- 10.4.1 GOAL: Provide a balanced transportation system that meets the needs of the community by accommodating the movement of people, goods, and services at an optimum level of safety, economy and efficiency.
- 10.4.2 GOAL: Ensure adequate and safe access to property via a system of public and private roads.
- 10.4.3 POLICY T-6: As public and private development occurs, ensure that transportation system improvements have adequate streets, sidewalks and walkways; and are consistent with the transportation and adopted system design.
- 10.4.4 POLICY T-16: Design transportation facilities within the Greater East Wenatchee Area that minimize adverse environmental impacts resulting from both their construction and use.
- 10.4.7 POLICY T-17: Economic and residential growth decisions should be tied to the ability of the existing transportation system to accommodate the increased demand, or new transportation facilities should be provided concurrently with the proposed development.
- 10.4.8 POLICY T-18: Allow land use changes only when proposals are consistent with the adopted transportation level of service standards of the comprehensive plan.

10.4.9 POLICY T-24: All road construction projects shall be designed and constructed in compliance with locally adopted stormwater management standards.

10.4.15 POLICY T-34: Development shall provide improvements adjacent to their development in accordance with adopted design standards and approved traffic studies. Where deficiencies are present, these issues would have to be addressed prior to development occurring in order to protect the public's health, safety and general welfare consistent with the policies of the comprehensive plan, standard engineering principals, and adopted standards. Improvements necessary to maintain adopted levels of service shall be in place at the time of development, or a financial commitment agreed to by the city or county and the applicant must be in place to complete the improvements or strategies within six years.

11. ENVIRONMENTAL REVIEW. Douglas County issued a Determination of Non-Significance on July 11, 2023 in accordance with WAC 197-11-355 (Optional DNS).
12. Agency comments: Agency comments have been incorporated as conditions of approval, as applicable. No members of the public commented on the proposal.

Agency Notified	Response Received	Agency Notified	Response Received
Douglas County PUD	06/20/2023	Douglas County Treasurer	N/R
WA State Dept. of Ecology	N/R	Douglas County GIS/Addressing	06/12/2023
Douglas County Fire Marshal/ Building Official	07/13/2023	Douglas County Assessor	N/R
Douglas County Sewer District	N/R	East Wenatchee Water District	06/14/2023
Douglas County Land Services	07/05/2023	Douglas County Transportation & Storm Water	07/03/2023

13. In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements.
14. Comprehensive Plan Consistency: The proposal is consistent with the goals and policies of the Greater East Wenatchee Area Comprehensive Plan. The proposed lot sizes meet the density standards for residential lots. Policy H-13 requires that urban development within the urban growth area be served concurrently with urban services. The development will be served by the full range of urban services. The first goal of the transportation chapter strives to provide a balanced transportation system that meets the needs of the community by accommodating the movement of people, goods and services at an optimum level of safety,

economy and efficiency. The project will include a balanced transportation system that meets the needs of the community.

15. Consistency with the provisions of Title 17, "Subdivision", DCC:
 - 15.1 As conditioned, the proposed subdivision is consistent with the provision of this title.
16. Consistency with the provisions of the Residential Low Density Zoning District, Chapter 17.24, EWMC as adopted by Douglas County:
 - 16.1 As conditioned, the proposal is consistent with the provisions of this chapter.
17. Consistency with the provisions of DCC Chapter 20.34, Stormwater Drainage.
 - 17.1 As conditioned, the proposal is consistent with the provisions of this chapter.
18. Consistency with the provisions of DCC Title 12 Road Standards:
 - 18.1 As conditioned, the proposal is consistent with the provisions of this chapter.
19. As conditioned below, this application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 17 of the East Wenatchee Municipal Code as adopted in Ordinance # 07-01H, Title 17, 19 and 20 of the Douglas County Code and the Greater East Wenatchee Area Comprehensive Plan
20. Initial application materials reviewed by Douglas County Transportation and Land Services include:
 - 20.1 Master Application prepared by the applicant, dated May 18, 2023
 - 20.2 Preliminary Plat prepared by 48 Degrees North, dated July 11, 2023.
 - 20.3 SEPA Checklist prepared by SCJ Alliance, dated May 15, 2023.
 - 20.4 Project Narrative prepared by the applicant, dated May 1, 2023.
 - 20.5 Preliminary Stormwater Report prepared by SCJ Alliance, dated April 24, 2023.
 - 20.6 Preliminary Access Easements across the Common Area and Lot 1 of the Fancher Heights Phase 1 subdivision.
21. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
22. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
23. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
24. After due legal notice and open record public hearing was held on July 20, 2023.
25. The entire Planning Staff file was admitted into the record at the public hearing.

26. Appearing and testifying on behalf of the applicant was Diana Jones. Ms. Jones testified that she is the property owner's and applicant's agent and was authorized to appear and speak on their behalf. Ms. Jones indicated that the applicants had no objection to any of the proposed Conditions of Approval and agreed with all representations set forth in the staff report.
27. No member of the public testified at the hearing.
28. 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 # 01-01H.
6. As conditioned, the proposal is consistent with Title 17 "Subdivisions", Title 19 "Environment", and Title 20 "Development Standards", 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, the Hearing Examiner has determined that P-87-04B 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 except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate approvals and permits.
3. A plat certificate showing parties of interest, from a title company, shall be submitted with the blueline drawings.

4. The final plat shall be submitted by a Land Surveyor licensed in the State of Washington, and shall comply with the standards set forth in Title 17 of the Douglas County Code.
5. All parties having an ownership interest in the subject property shall acknowledge the plat.
6. It is the responsibility of the applicant to contact the Douglas County Assessor's and Treasurer's offices to confirm all taxes and assessments are current prior to final plat approval.
7. The final plat shall show the location of all easements serving or encumbering the subject property.
8. The project shall comply with all conditions of approval of P-87-04 except as modified by this amendment.
9. The applicant shall revise the indexing graphic to accurately reflect the project location.
10. The final amended plat shall include a purpose statement detailing what is being amended.
11. D103.6.1 Roads 20 to 26 feet in width. Fire lane signs shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide.
12. A single gate is allowed for the fire access road. The gate shall meet IFC D103.5 and shall be approved by the fire code official.
13. D102.1 Approved fire apparatus access roads shall be constructed of asphalt, concrete or other approved driving surface capable of supporting the imposed load of the apparatus weighing up to 75,000 pounds.

Dated this 21 day of July, 2023.

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.