

**GRANT COUNTY  
LAND USE HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
CUP 16-0273	)	<b>DECISION AND</b>
Grant County PUD	)	<b>CONDITIONS OF APPROVAL</b>

THIS MATTER having come on for hearing in front of the Grant County Hearing Examiner on October, 12, 2016, 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. This conditional use permit application from Grant County PUD is for a new campground consisting of 55 camp sites on Crescent Bar Island. The campground will include accessory uses customary to public campgrounds including restroom and shower facilities, and picnic shelters.
2. The applicant is the Grant County PUD, P.O. Box 878, Ephrata, WA, 98828. The designated contact is Edrie Risdon.
3. The proposed campground would be located on an Crescent Bar Island in a portion of the Northwest quarter of Section 19, Township 20N, Range 23E, W.M., Grant County, WA. parcel #14-1325-000.
4. The zoning for the subject property is Recreational Development.
5. The zoning for neighboring parcels is: To the north, Recreational Development; to the south, Recreational Development; to the east, Recreational Development; and to the west, Columbia River.
6. The Comprehensive Plan designation for the subject property is Recreational Development.
7. Environmental Review was completed by Grant County PUD. A SEPA MDNS was signed by Ross Hendrick on December 22, 2015.
8. Pursuant to and in compliance with GCC § 24.08 and GCC § 24.12, a critical areas review of the project area was conducted as part of the application process for this proposal. The Grant County PUD conducted a Wetland Delineation, Critical Areas Assessment and Cultural Resource study for the project area. All the recommendations, buffers and mitigation have been incorporated into the project plan and have been included as conditions of approval.
9. A Public Notice containing information on this project was published in the Columbia Basin Herald on August 31, 2016, was mailed to property owners within 300 feet of the proposed project and was posted on the subject property. Information on this project was also mailed to agencies of jurisdiction for their review and comments on September 21, 2016. The following agencies provided comments:

- 9.1 Grant County Fire Marshal/Building Dept responded on September 22, 2016.
- 9.2 Grant County Health District responded on September 23, 2016.
- 9.3 Grant County Public Works Department responded on September 22, 2016.
- 9.4 Grant County Assessor's Office responded on September 23, 2016.

10. The following agencies were notified but did not respond:

- 10.1 Grant County Fire District #3
- 10.2 Grant County Emergency Management
- 10.3 Grant County Treasurer's Office
- 10.4 Grant County Auditor
- 10.5 Grant County Sheriff's Office
- 10.6 Quincy Columbia Irrigation District
- 10.7 U.S. Bureau of Reclamation
- 10.8 Grant County Noxious Weed Control Board.

11. **Agency Comments:** The following is a summary of comments received:

11.1 **Grant County Fire Marshal:**

- 1. All real property development shall comply with all applicable local, state, and federal laws including but not limited to the establishment of water supply for fire suppression fire code requirements.

11.2 **Grant County Building Department:**

- 1. No comment

11.3 **Grant County Health District:**

- 1. The water system needs to be upgraded and approved by WA St. Dept. of Health for this project (in process). The wastewater disposal system and lagoons need to be upgraded and approved by WA St. Dept. of Ecology for this project (in process).

11.4 **Grant County Public Works Department:**

- 1. Road improvements within County Road Right of Way south of the Crescent Bar Bridge #425 shall be completed per the approved standard deviation sent in for review August 25, 2016 and approved on September 12, 2016. The deviation allows for roadway narrowing (to 26-ft.), instead of widening (to 28-ft.) as would be per Road Standard.
- 2. Prior to any work taking place within County Road Right of Way, a Work in Right of Way permit shall be obtained and drawings submitted for review/comment with the permit application for all proposed work within the County Road Right of Way.
- 3. Curb in County Right of Way shall be per Grant County Road Standard Appendix B Figure 4-3, Type 1 curb and gutter.
- 4. Sidewalk in County Right of Way shall be constructed per WSDOT Standard Plan F-30.10-01 with minimum width of 4 feet.
- 5. Curb ramp shall conform to the current ADA standards.

**11.5 Grant County Assessor's Office:**

1. Parcel #14-1325-000 is a 612.60 acre parcel with golf course, fire station, golf cart storage, maintenance building, RV park, store & restaurant.
12. This application was determined to be technically complete on August 11, 2016.
13. This proposal was processed as a Type III Quasi-Judicial Application, in accordance with Chapter 25.04 "Permit Application and Review Procedures" and Chapter 25.08 "Conditional Uses and Variances" of the Grant County Unified Development Code.
14. Pursuant to and in compliance with GCC § 24.08 and GCC § 24.12, a critical areas review of the project area was completed. Along with the mitigation required for the project, the Cultural Resources report required the inadvertent finding statement be included as a condition of approval.
15. A JARPA SSDP was approved on August 18<sup>th</sup>, 2016 under file #15-0183 with 13 Conditions of Approval.
16. Major campgrounds are allowed in the Recreational Development zone Pursuant to GCC 23.04, Table 5.
17. Planning Department staff conducted a site visit on June 10, 2016.
18. State Environmental Policy Act (SEPA) review was completed by Grant County PUD. A Mitigated Determination of Non-Significance was signed by Ross Hendrick on December 22, 2015.
19. The subject parcel is not located in any urban growth area of any city.
20. The application included a mitigation plan which includes the necessary mitigation required for the project at a 1:1 replacement. All impacts to wetlands were avoided, other impacts to wetland buffers were minimized and avoided when possible. All temporary impacts within 200-ft. of the shoreline (1.32 acres) will be replanted with native grasses and vegetation after the project is complete to prevent cheat grass and other invasive species from establishing. See mitigation plan in application for details.
21. The project is classified as a Major Campground (greater than 50 campsites), which is allowed with a Conditional Use Permit in the RD zone.
22. Grant County Planning Staff has reviewed and considered the application materials and the comments received for the proposal. Based on the proposed conditions of approval, and the current design of the project, staff recommended approval of subject Conditional Use Permit.
23. The proposed use will not be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan.
  - 23.1 The proposed campground will not be contrary to the intent, purposes and regulations of the Grant County Code or the Comprehensive Plan. The intent of the Recreation

designation is intended to provide for commercial development related to seasonal, resort-related, or tourist activities in rural areas. A campground on Crescent Bar Island will support seasonal tourist activities in the area, including concerts at The Gorge Amphitheater and other tourist activities that occur on Crescent Bar Island. (waterski competitions, etc.).

- 23.2 This use will not be contrary to the intent of the Grant County Code and the Comprehensive Plan. Grant County Code allows Major Campgrounds with a Conditional Use permit as per GCC 23.04 Table 5.
24. 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.
  - 24.1 The proposed campground is appropriate in design, character, and appearance with the goals and policies for the land use designation in which the proposed use is located. Surrounding properties at Crescent Bar are multi-unit condominiums (e.g. Sunsera), and are used for recreation purposes. There is also a Thousand Trails campground located in the vicinity. The proposed campground will have 55 campsites, a much smaller number than the number of condominium units. The campground provides a different recreation experience in the Crescent Bar area for people who do not want to rent a condominium unit, and provides for uses consistent with the intent of the recreation designation.
  - 24.2 The proposal is appropriate in design, character, and appearance with the goals and policies for the applicable land use designation. The neighboring uses include residential, condominiums and other recreational uses like a golf course. This project as conditioned will not be a detriment to any of those current uses listed above.
25. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
  - 25.1 The proposed campground will not cause significant adverse impact on the human or natural environment that cannot be mitigated by conditions of approval. The campground was designed to avoid impacts to the environment by avoiding wetlands and mitigating for impacts to wetland buffers. The location was chosen to have the least impact on existing uses on the island (condominiums and RV parks). Temporary impacts from construction will also be mitigated.
  - 25.2 The proposed use will not cause significant adverse impacts on the human or natural environment. The project had been designed to avoid impacts to natural environments and mitigate where impacts could not be avoided. The Conditions of Approval will mitigate impacts to human or natural environments.
26. 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.
  - 26.1 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. Future plans for a

marina at Crescent Bar Island is a use that will require a Conditional Use Permit (among other regulatory approvals). The cumulative impact of that proposal combined with the current campground proposal will not create significant adverse effects to the environment that cannot be mitigated by conditions of approval. The impacts of the proposed campground are different than the impacts from the marina – the campground will impact uplands and wetland buffers. The marina will impact the aquatic environment, and will be thoroughly studied and vetted with regulatory agencies to address impacts and how to provide mitigation.

- 26.2 The cumulative impact of additional requests for like actions will not produce significant adverse effects to the environment because all projects within the shoreline environment require mitigation. This project provides mitigation at the 1:1 replacement ratio required in the GC Shoreline Master Program, mitigating adverse impacts to the environment.
27. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
- 27.1 The proposal will be served by adequate facilities including access, fire protection, water, stormwater control, and sewage disposal facilities. Crescent Bar Rd is the main public County road serving the campground. Water and sewage disposal are already in place on the island and will have the capacity to serve the campground. Grant PUD is working with GCFD #3 to determine a location for a new fire house that will serve the area. New stormwater infiltration ponds are proposed as part of the overall project to handle stormwater.
- 27.2 This proposal is served by adequate facilities because the property is utilizing an existing county road (Crescent Bar Rd) which was reviewed by GC Public Works. There are existing water and sewer facilities in place on island to serve the proposed campground and GC PUD is working with the WA St. Dept. of Health and Ecology on updating the water and sewer system at Crescent Bar. The PUD is working with the GC Fire District #3 to determine a location for a new fire house and has given temporary use of an existing maintenance building to store the current fire truck on island. All applicable comments submitted by agencies have been incorporated into the Conditions of Approval for the project.
28. The location, size, and height of buildings, structures, walls and fences and screening vegetation for the proposed use shall not unreasonably interfere with allowable development or use of neighboring properties.
- 28.1 The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the proposed campground will not unreasonably interfere with allowable development or use of neighboring properties. The campground will not be visually obtrusive to neighboring uses, the size and type of use the campground provides is similar to what is existing on the island.
- 28.2 The proposed use will not unreasonably interfere with allowable development or neighboring properties because the recreational campground is similar to other uses in the area.

29. The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood.
  - 29.1 Pedestrian and vehicular traffic associated with the proposed campground will not be hazardous to existing and anticipated traffic in the neighborhood. Camper's vehicles will not interfere with existing pedestrian traffic on the island, as they will pull into their campsite and will typically remain parked until they depart. There will be pedestrian sidewalks and road crossings.
  - 29.2 Pedestrian and vehicular traffic resulting from this project will not be hazardous to the existing traffic in the area. This proposal has been reviewed by the GC Public Works department and no comments were submitted which would prohibit the approval of this project.
30. Land uses, activities, and structures that are allowable as conditional uses must also comply with any required performance standards in GCC § 23.08.
  - 30.1 Land uses, structures, and activities allowable as conditional uses will comply with performance standards specified in GCC 23.08, specifically GCC 23.08.355 (Small Scale Recreation and Tourism) and GCC 23.08.300 (RV Parks and Travel Trailer Parks).
  - 30.2 The use approved by this Conditional Use Permit will comply with applicable performance standards for Outdoor Recreational Developments-Major Campgrounds (GCC 23.08.290(h)).
31. The proposal does not include any use or activity that would result in the siting of an incompatible use adjacent to an airport or airfield (RCW 36.70).
  - 31.1 The campground proposal does not include any use or activity that would result in siting of an incompatible use adjacent to an airfield or airport. There are no airfields or airports in the vicinity.
  - 31.2 This proposal does not include any activity or use that would be incompatible with an airport or airfield. There are no airfields or airports in the vicinity.
32. The proposal conforms to the standards specified in GCC § 23.12.
  - 32.1 The campground proposal will conform to the Development standards specified in GCC 23.12
  - 32.2 The project, as conditioned, complies with all applicable development standards found in GCC § 23.12.
33. An open record public hearing after due legal notice was held on October 12, 2016.
34. The entire Planning Staff file was admitted into the record at the public hearing.
35. The Grant County Planning Department recommended approval of the requested permit, subject to the recommended conditions of approval.

36. Appearing and testifying on behalf of the applicant was Edrie Risdon. Ms. Risdon testified that she was an agent of the applicant and property owner and was authorized to appear and speak on their behalf. Ms. Risdon testified that all of the proposed conditions of approval were acceptable to the applicant.
37. No member of the public appeared at the hearing.
38. 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 proposed use is consistent with the intent, purposes and regulations of the Grant County Code and Comprehensive Plan.
3. As conditioned, the proposal does conform to the standards specified in Grant County Code Section 23.12.
4. As conditioned, the use will comply with all required performance standards as specified in Grant County Code 23.08.
5. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan.
6. As conditioned, this proposal does comply with Comprehensive Plan, the zoning code and other land use regulations, and SEPA.
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, Conditional Use Permit Application 16-0273 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 Applicant shall obtain all permits required by all federal, state and local agencies with jurisdiction.
3. The Applicant shall comply with all federal, state and local laws and regulations.

4. Construction shall proceed substantially as shown on the application materials on file with Grant County, except as modified by conditions below.
5. The project shall be completed as proposed in the submitted application materials. Any deviation from the identified scope will require additional review.
6. This proposal is subject to and shall comply with all standards and requirements of GCC § 23.12 “Development Standards” and with applicable section of GCC § 23.08.290(h) “Outdoor Recreational Developments.
7. The applicant shall comply with the mitigation requirements outlined in the Habitat Management and Mitigation Plan for the Crescent Bar Island Upland Recreation Improvements Project report by Anchor QEA dated December 2015.
8. Grant County PUD shall update the Crescent Bar on Island water system in order to satisfy the necessary fire flow requirement as proposed in the application.
9. Applicant shall comply with all 13 Conditions of Approval in the JARPA SSDP approved on August 18, 2016 (File #15-0183).
10. Applicant shall comply with any/all applicable requirements found in Grant County Code Chapter 23.08, Performance and Use Standards.
11. Applicant shall comply with any/all applicable requirements found in Grant County Code Chapter 23.12, Development Standards.
12. Best management practices for control of erosion and sedimentation shall be implemented for the project.
13. Development shall comply with applicable state and federal laws for the protection of archaeological and historic resources. If human remains are discovered during ground-disturbing activities, all development activity shall cease immediately and the applicant, or his contractor or agent, shall immediately contact the Shoreline Administrative Official and the WA State Dept. of Archaeological Historic Preservation for further instruction.
14. Development authorized as part of this approval shall be completed within 5 years of the date of the permit approval pursuant to GCC 25.08.070(a).
15. The applicant shall comply with all requirements as deemed necessary by Grant County Fire Marshal, including but not limited to:
  - a. All real property development shall comply with all applicable local, state, and federal laws including but not limited to the establishment of water supply for fire suppression fire code requirements.
16. The applicant shall comply with all requirements as deemed necessary by Grant County Public Works, including but not limited to:
  - a. Road improvements within County Road Right of Way south of the Crescent Bar Bridge #425 shall be completed per the approved standard deviation sent in for review August 25, 2016 and approved on September 12, 2016. The deviation allows for

roadway narrowing (to 26-ft.), instead of widening (to 28-ft.) as would be per Road Standard.

- b. Prior to any work taking place within County Road Right of Way a Work in Right of Way permit shall be obtained and drawings submitted for review/comment with the permit application for all proposed work within the County Road Right of Way.
  - c. Curb in County Right of Way shall be per Grant County Road Standard Appendix B Figure 4-3, Type 1 curb and gutter.
  - d. Sidewalk in County Right of Way shall be constructed per WSDOT Standard Plan F-30.10-01 with minimum width of 4 feet.
  - e. Curb ramp shall conform to the current ADA standards.
17. The applicant shall comply with all requirements as deemed necessary by Grant County Health District, including but not limited to:
- a. The water system needs to be upgraded and approved by WA St. Dept. of Health for this project.
  - b. The wastewater disposal system and lagoons need to be upgraded and approved by WA St. Dept. of Ecology for this project.

Dated this 18<sup>th</sup> day of October, 2016.

GRANT COUNTY HEARING EXAMINER



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Andrew L. Kottkamp

**Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Grant 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.**