

**GRANT COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
P 16-0360)	DECISION AND
Segale Properties, LLC)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Grant County Hearing Examiner on December 14, 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 permit application from Segale Properties, LLC, PO Box 88028, Tukwila, WA 98138 is for Construction of twelve (12) single family homes to be used for permanent farmworker housing. The proposed development will be pursuant to GCC § 23.08.190, Farm Worker Accommodations.
2. The applicant is Mark Hancock, PO Box 88028, Tukwila, WA 98138.
3. The proposed project is area is located on Lot 1 of the Segale Properties LLC Short Plat on Rd. H SE approximately one (1) mile south of Potholes Reservoir. The site is located in the NW ¼ of Section 21, Township 17 North, Range 28 East, W.M., Grant County, WA. Parcel #31-3771-010.
4. The zoning for the subject property is Agriculture.
5. The zoning for neighboring parcels is: To the north, Agriculture; to the south, Agriculture; to the east, Agriculture; and to the west, Agriculture.
6. The Comprehensive Plan designation for the subject property is Irrigated.
7. The project is exempt from SEPA review.
8. The subject parcel was reviewed for Critical Areas and it was not found to be located within 300 ft. of any known Critical Areas.
9. A Public Notice containing information on this project was published in the Columbia Basin Herald on November 2, 2016, was mailed to property owners within 300 feet of the subject property, and was posted on the subject property. Information on this project was also mailed to applicable agencies of jurisdiction for their review and comment.
10. The following agencies and County departments provided comments:
 - 10.1 Grant County Fire Marshal/Building Official responded on November 2, 2016 and November 3, 2016

- 10.2 Grant County Health District responded on November 15, 2016
 - 10.3 Grant County Public Works Department responded on November 3, 2016
 - 10.4 Grant County Assessor's Office responded on November 3, 2016
 - 10.5 U.S. Bureau of Reclamation responded on November 18, 2016
11. The following agencies were notified but did not respond:
 - 11.1 Grant County Fire District #11
 - 11.2 Grant County P.U.D.
 - 11.3 Grant County Emergency Management
 - 11.4 Grant County Treasurer's Office
 - 11.5 Grant County Sheriff's Office
 - 11.6 Grant County Auditor
 - 11.7 Quincy Columbia Basin Irrigation District
 - 11.8 Grant County Noxious Weed Control Board
 12. The application was determined to be Technically Complete on October 24, 2016.
 13. This proposal was processed as a Type III Quasi-Judicial Decision, 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. This proposal was reviewed for compliance with Chapter 24.08 "Critical Areas and Cultural Resources" of Grant County Unified Development Code. The project site was not found to be located within 300 ft. of any Critical Areas.
 15. The proposal is not within an Urban Growth Area (UGA).
 16. Farm Worker Accommodations are allowed in the Agriculture Zone as a Conditional Use pursuant to GCC 23.04, Table 4.
 17. Segale Properties, LLC owns 2174.21 contiguous acres.
 18. This Conditional Use Permit is to allow Farm Worker Accommodations on a farm in Grant County. The units will be located on one of 13 parcels, totaling 2174.21 acres, which make up the farm owned and operated by Segale Properties, LLC. The project site is located in the Agriculture Zoning District which as stated in the Staff Comments above allows Farm Worker Accommodations as a Conditional Use. The Farm Worker Accommodations will consist of 12 single family units. The applicant has demonstrated, in the application materials, that they will comply with the Performance and Use Standards listed in Grant County Code 23.08.190 specific to Farm Worker Accommodations. The explanation by the applicant can be found as part of the Criteria of Approval responses in the application.
 19. Grant County Planning Staff reviewed and considered the application materials and the comments received for the proposal. Based on the proposed conditions of approval specified below, and the current design of the project, staff recommended approval of subject Conditional Use Permit.

20. The Hearing Examiner finds that the project is consistent with the Grant County Code as follows:
- 20.1 The proposed use will not be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan.
 - 20.1.1 This use will not be contrary to the intent of Grant County Code and the Comprehensive Plan. Farm Worker Accommodations are allowed in the Agriculture zone as a Conditional Use. This project is located in the Agriculture zone. Additionally the Comprehensive Plan mentions numerous times the importance of accommodations for the agricultural labor force.
 - 20.2 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.
 - 20.2.1 The proposal is appropriate in design, character, and appearance with the goals and policies for the applicable land use designation. Accommodations for farms workers are a use contemplated in the Agriculture zone and Irrigated land use designation. Additionally the placement of the units will be such that it will not negatively impact ongoing agricultural operations.
 - 20.3 The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
 - 20.3.1 The proposed farm worker units will not cause significant adverse impacts on the human or natural environment. Staff has determined that the project design will not negatively impact the environment. Additionally, Conditions of Approval have been suggested below that will ensure that the project, if approved, will have no negative impact.
 - 20.4 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.
 - 20.4.1 The cumulative impact of additional requests for like actions will not produce significant adverse effects to the environment, provided those similar requests are adequately conditioned, or have appropriate mitigation measures applied to them at the time of approval. The applicant has demonstrated how the development proposed will meet all applicable performance standards.
 - 20.5 The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
 - 20.5.1 This proposal will be served by adequate facilities. The applicant has demonstrated that the housing units will be served by onsite water and sanitary facilities. The application materials were submitted to other agencies for review, to ensure appropriate facilities were provided. No negative comments that would prohibit development were received.

- 20.6 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.
- 20.6.1 This project will not unreasonable interfere with development or use of neighboring properties. As mentioned above, and in the application materials, Segale Properties owns over 2000 contiguous acres across multiple parcels. This housing development will only be on a 4 acre portion of one parcel, and will allow the works to access the entirety of the Segale Properties farm.
- 20.7 The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood.
- 20.7.1 Pedestrian and vehicular traffic resulting from this project will not be hazardous to the existing traffic in the area. The application materials were forwarded to Grant County Public Works for their review and comments. Public Works did not have any significant comments regarding this proposal.
- 20.8 Land uses, activities, and structures that are allowable as conditional uses must also comply with any required performance standards in GCC § 23.08.
- 20.8.1 Uses approved by this Conditional Use Permit would comply with applicable performance standards. The applicant has demonstrated in the application materials how they will meet the applicable standards.
- 20.9 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).
- 20.9.1 This proposal is not adjacent to an airport/airfield. The proposal does not include any use or activity that would result in the siting of an incompatible use adjacent to an airport of airfield.
- 20.10 The proposal conforms to the standards specified in GCC § 23.12
- 20.10.1 The project, as conditioned, complies with all applicable development standards found in GCC § 23.12.
21. The entire Planning Staff file was admitted into the record at the public hearing.
22. The Grant County Planning Department recommended approval of the requested permit, subject to the recommended conditions of approval.
22. An open record public hearing after due legal notice was held on December 14, 2016.
23. Appearing and testifying on behalf of the applicant was Mark Segale. Mr. Segale testified that he was an agent authorized to appear and speak on behalf of the property owners and applicant. Mr. Segale testified that all of the proposed conditions of approval were acceptable to the

applicant and property owner. He testified that they have an established type A water system and they would have individual septic systems for each home.

24. No member of the public appeared at the hearing.
25. 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 Shoreline Master Program, 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 P 16-0360 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. Applicant shall comply with all requirements found in Grant County Code Performance and Use Chapter 23.08.190, Farm Worker Accommodations.
6. Applicant shall comply with any/all applicable requirements found in Grant County Code Chapter 23.12, Development Standards.
7. Fire Flow to be provided via the Class A water system to provide 500 gallons per minute via two fire hydrants located one at the corner entrance and one approximately 200 feet from entrance.
8. The cul-de-sac shall have a 96' diameter as required by the IFC (International Fire Code).

Dated this 15th day of December, 2016.

GRANT COUNTY HEARING EXAMINER



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.