

**GRANT COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
P 17-0428)	DECISION AND
Grove Terrace)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Grant County Hearing Examiner on February 14, 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. This Conditional Use Permit and SEPA checklist is from the Grove Terrace Mobile Home Park Two, LLC, to allow the expansion of Grove Terrace Mobile Home Park two by eight (8) spaces.
2. The proponent is Grove Terrace Mobile Home Two, LLC, Attn: Brian Fijolek, 5825 Hollywood Park Ct. SE, Olympia WA 98513
3. The designated contact is Jill Pearce, 9998 Maple Dr. NE #1, Moses Lake, WA 98837.
4. The project site is located at 9998 Maple Dr. NE, Moses Lake, at the intersection of Maple Dr. NE and Stratford Rd. NE. The site is located in the SE ¼ of the NE ¼ of Section 10, Township 19N, Range 28E, W.M., Grant County, WA. Parcels #17-0320-000 & #17-0319-005.
5. The zoning for the property is Urban Residential 3.
6. The zoning for neighboring parcels is: To the north, Urban Residential 3; to the south, Urban Commercial 2; to the east, Urban Commercial 2; to the west, Urban Residential 3.
7. The Comprehensive Plan designation for the subject property is Residential, Medium Density.
8. Environmental Review was completed by Grant County Development Services. A SEPA Determination of Non-Significance was issued on January 10, 2018.
9. The subject parcel was reviewed for Critical Areas and not found to be located within 300 feet of any Critical Area as defined by Grant County Code.
10. A Public Notice containing information on this project was published in the Columbia Basin Herald on December 18, 2017, 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.
11. The following agencies and County departments provided comments:
 - 11.1 Grant County Fire Marshal responded on December 15, 2017.
 - 11.2 Grant County Building Official responded on December 20, 2017.
 - 11.3 Grant County Public Works Department responded on December 18, 2017.
 - 11.4 Grant County Assessor's Office responded on December 15, 2017.
 - 11.5 WA State Department of Ecology responded on January 3, 2018.
 - 11.6 WA State Department of Health responded on January 3, 2018.
12. The following agencies were notified but did not respond:

- 12.1 Grant County Treasurer's office.
- 12.2 Grant County Health District.
- 12.3 Grant County Sheriff's office.
- 12.4 Grant County Auditor's office.
- 12.5 Grant County Emergency Management.
- 12.6 Grant County Noxious Weed Control Board.
- 12.7 Grant County P.U.D.
- 12.8 U.S. Bureau of Reclamation.
- 12.9 City of Moses Lake.
- 12.10 Moses Lake Irrigation & Rehabilitation District.
- 12.11 Grant County Fire District #5.
- 12.12 Grant County International Airport.

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

13.1 **Grant County Fire Marshal:**

- 1. All real property development shall comply with all applicable local, state, and federal laws.
- 2. Access road shall be a minimum of 20 wide and of an all-weather surface.
- 3. Since the new access road will be over 150' in length, one of the following is required for fire apparatus turn around. 120' hammerhead, 60' Y or a 96' diameter cul-de-sac.
- 4. Added February 05, 2018 for clarification: The access road is in reference to the new extended road to the new lots.

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

- 1. Parcel 17-0320-000 is a 6.80 acre parcel with Utility building, duplex, SFR and multiple manufactured homes as it is a mobile home park.
- 2. Parcel 17-0319-005 is a 5.00 acre parcel of land only.
- 3. Both parcels owned my Grove Terrace Mobile Home Park, LLC.

13.3 **Grant County Public Works:**

- 1. No additional approaches shall be built to access County Road. Existing internal roads and existing accesses to County road, Maple Drive, shall be utilized.
- 2. Approach permits shall be obtained for existing access points onto County road.

13.4 **Grant County Building Official:**

- 1. All structures are subject to obtaining a building permit prior to construction.
- 2. All construction shall comply with local, state and federal codes.

13.5 **WA State Dept. of Ecology:**

- 1. See January 3, 2018 letter for comments.

13.6 **WA State Dept. of Health:**

- 1. The Grove Terrace MHP Two Service Area Map from the CWSP does not include the proposed expansion area to the west. Because of this a Water System Plan is required.
- 2. A Water System Plan is also required per Washington Administrative Code (WAC) 246-290-100(2)(e)(ii).
- 3. The City of Moses Lake has the first right of refusal to provide water service to units 102-108.

4. DOH requests the Grove Terrace MHP Two water system contact our office to schedule a water system plan preplan meeting.
5. DOH has no comment on the addition of lot #93.
6. Please see Attachment B for this comment in its entirety.

14. **Public Comments (Summary of Comments):**

14.1 Sonny Mike (January 4, 2018):

Mr. Mike believes the proposal on parcel 17-0319-005 will have a negative effect on the value of his property. Mr. Mike states that the existing lots are not in good condition and that he expects the new lots to be the same. He will be contacting his attorney for legal advice and may pursue a law suit if his lawyer should advise it. Mr. Mike is offering to sell his property to Grove Terrace MH Park should they wish to avoid any legal action. Please see Attachment B for the comment in its entirety.

14.2 Sherry M. Turner (January 4, 2018):

Ms. Turner is opposed to this addition to the park for trespassing and safety reasons. She states that people trespass across her property to access the mobile home park. Ms. Turner states that the proposed site for the new homes is currently a trash dump for the maintenance crew of the park. She does not expect that the new development will be kept clean. Ms. Turner states that she believes her property values will drop. Ms. Turner asked about how the additional units will be served in terms of water, power, and roads. Staff responded with information about the proposed water, electric, and road access. Please see Attachment B for the comment in its entirety.

15. The application was determined to be Technically Complete on December 11, 2017.
16. 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.
17. 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 300ft of any Critical Areas.
18. The proposal is located within the Moses Lake Urban Growth Area (UGA).
19. The project site is located in the Urban Residential 3 Zoning District.
20. Pursuant to Grant County Code 23.04, Table 3, a Mobile/Manufactured Home Park is allowed as a Conditional Use in the Urban Residential 3 Zoning District.
21. Grant County Code 25.02 defines a Mobile/Manufactured Home Park as "consisting of common areas and two (2) or more lots held out for placement of mobile homes, manufactured homes, park model trailers, or park model recreational vehicles in which both the individual lots and the common areas are owned by an association of shareholders which leases or otherwise extends the right to occupy individual lots to its own members."
22. A site visit was conducted on January 4, 2018 by GC Development Services Staff.
23. A SEPA DNS was issued for this project on January 10, 2018.
24. Two (2) public comments were received for the proposed development.
25. Information about this application was sent to all applicable agencies of jurisdiction for their review and comments. Agency comments and/or requirements specific/applicable to this proposal have been included as Conditions of Approval. All comments received have been

included as part of this Staff Report, and will be made available to the applicant. No adverse comments were expressed by any agency that would prohibit development.

26. This Conditional Use Permit application is for the expansion of a Mobile/ Manufactured Home Park in the Urban Residential 3 Zoning District.
27. Neither Grant County nor the applicant could provide any information regarding prior permits, if any, that were obtained regarding the prior development of this property. Part of the request in this specific application is for modification within the existing parameters of the Mobile Home Park.
28. Grant County Development Services 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. Grant County Development Services Staff has been determined that this proposal complies with the GCUDC as follows:
 - 28.1 The proposed use will not be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan because:
 - 28.1.1 The proposed use will not be contrary to the intent or purposes and regulation because we will be following Grant County Building Code to complete the project.
 - 28.1.2 The proposed use will not be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan. Mobile/Manufactured home parks are allowed in the Urban Residential 3 Zoning District as a Conditional Use. The project is in the Urban Residential 3 Zoning District. The project will be required to comply with all relevant development and performance standards of the Grant County Unified Development Code.
 - 28.2 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 because:
 - 28.2.1 The proposal is appropriate in design because we will be continuing with the existing appearance of the approved homes already in Grove Terrace MHP Two.
 - 28.2.2 The proposal is appropriate in design, character and appearance with the goals and policies for the applicable land use designation. The proposed development will be similar in design to the existing park. Additionally, the project will comply with the goals of the Comprehensive Plan, one of which is to provide for provide affordable residential housing inside the County's designated urban growth areas (5UR-20).
 - 28.3 The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval because:
 - 28.3.1 The proposed use will not cause significant adverse impact on human or natural environment because we will do our best to finish the project quickly with the least amount of noise and disturbance possible to the people and the land.
 - 28.3.2 The proposed use will not cause significant adverse impacts on the human or natural environment. Conditions of Approval have been suggested below that will ensure that the project, if approved, will not negatively impact the

environment. The Conditions of Approval will apply to the entire mobile home park.

- 28.4 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 because,
 - 28.4.1 The applicant is not be looking at any future conditional uses after this project as it would bring us to our max approved connections.
 - 28.4.2 The cumulative impact of additional requests for like actions will not produce significant adverse effects to the environment.
- 28.5 The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
 - 28.5.1 The applicant will provide adequate road and fire access, water supply is already sufficient in the area, and we will be adding additional septic tanks to meet sewage disposal demands.
 - 28.5.2 This proposal will be served by adequate facilities. Water and sewer are existing within the park. As conditioned, the applicant will work with the Department of Health to complete a Water System Plan to incorporate the proposed area for units 102-108 into the service area boundary of the existing Group A public water system. The site will utilize the existing County road access as well as an existing internal road that will be extended to access the new units. All storm water will be required to be retained on-site (in compliance with the Eastern Washington Storm Water manual) and the property is served by the local Fire District (No. 5). The new internal access road shall be conditioned for emergency vehicle access and turn around.
- 28.6 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.
 - 28.6.1 The location, size, and height of buildings will be comparable to that of existing homes in the area and will not interfere with surrounding properties.
 - 28.6.2 This project will not unreasonably interfere with development or use of neighboring properties. The project as designed and conditioned will comply with all relevant development standards and will not unreasonably interfere with any neighboring properties. Specifically, fencing and screening are conditioned so as to obscure the view of the park from neighboring properties.
- 28.7 The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood.
 - 28.7.1 The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to the neighborhood, it will have minimal impact with such a small expansion.
 - 28.7.2 Pedestrian and vehicular traffic resulting from this project will not be hazardous to the existing traffic in the area. This proposal will be utilizing existing county road access. Application materials were sent to Grant County Public Works and their comment stated that existing approaches and internal

roads shall be utilized and new approaches will be prohibited. This shall be a condition of approval.

- 28.8 Land uses, activities, and structures that are allowable as conditional uses must also comply with any required performance standards in GCC § 23.08.
 - 28.8.1 The applicant will comply with any required performance standards specified in GCC.
 - 28.8.2 The application will be conditioned so as to comply with the relevant performance standards found in 23.08.250, Mobile/Manufactured Home Parks and Subdivisions.
- 28.9 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).
 - 28.9.1 The proposal is not adjacent to an airport or airfield and will have no effect on said area.
 - 28.9.2 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 or airfield.
- 28.10 The proposal conforms to the standards specified in GCC § 23.12.
 - 28.10.1 The proposal conforms to the standards specified by following required building and land use conditions.
 - 28.10.2 The project, as conditioned, complies with all applicable development standards found in GCC § 23.12.
29. The entire Planning Staff file was admitted into the record at the public hearing.
30. The Grant County Planning Department recommended approval of the requested permit, subject to the recommended conditions of approval.
31. An open record public hearing after due legal notice was held on February 14, 2018.
32. At this hearing the entire planning staff file of record was admitted into the record.
33. Appearing and testifying on behalf of the applicant was Jill Pearce. Ms. Pearce testified that she was an agent authorized to appear and speak on behalf of the property owner. Ms. Pearce testified that they intended to add eight spaces with one space being inside the existing mobile home park and the seven spaces on a new parcel. She stated that the applicant would meet all of the proposed Conditions of Approval. She further stated that the applicant had no objections to a condition that would apply all of the Conditions of Approval to the entire project area. Not only the new project area, but the entire existing project area.
34. No member of the public appeared at the hearing.
35. 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 17-0428 is hereby APPROVED subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

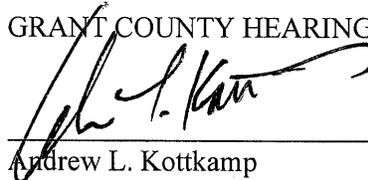
All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns. In addition, all of the Conditions of Approval shall apply to not only the new project area, but also the entire existing Mobile Home Park development.

1. The applicant shall comply with all requirements as deemed necessary by the Grant County Planning Division, including but not limited to:
 - 1.1 Applicant shall comply with any/all applicable requirements found in Grant County Code Chapter 23.12.230, Development Standards for Mobile/Manufactured Home Parks including but not limited to;
 - 1.1.1 Pursuant to GCC 23.12.230 (h)(2), Internal street paving: a minimum of thirty (30) foot width reserved for internal streets with a minimum of twenty-four (24) foot wide paved surface shall be required for access to each unit.
 - 1.1.2 Pursuant to GCC 23.12. 230(h)(5) Off-Street Parking: Two paved off-street parking spaces shall be provided for each unit.
 - 1.1.3 Pursuant to GCC 23.12.230(h)(10), Perimeter Site-screening and Landscaping: The perimeter of a mobile/manufactured home park shall be site-screened with a six-foot high, view-obscuring fence and shall include at a minimum a ten (10) foot wide landscape strip adjacent to the fence and within the park consisting of a combination of shrubs, trees, and ground cover.
 - 1.2 This proposal is subject to and shall comply with the Performance and Use Standards for Mobile/Manufactured Home Parks as defined in GCC § 23.08.250 including but not limited to:
 - 1.2.1 Pursuant to GCC 23.08.250(a)(4) At least twenty (20) percent of total area of a mobile/manufactured home park shall be developed for recreation or maintained in open space.
 - 1.2.2 Pursuant to GCC 23.08.250(a)(8) a common storage area shall be provided at a ratio of fifty (50) square feet per dwelling unit.
 - 1.3 All required landscaping shall be installed no later than three (3) months following issuance of a certificate of occupancy for the first manufactured home.
 - 1.4 The laundry building shall require a demolition permit.

- 1.5 The landowner/applicant is responsible to determine if other permits and/or licenses will be required by other local, state, and Federal agencies. The landowner/applicant shall acquire all such permits and/or licenses as required.
- 1.6 Any further development, beyond the scope of this project as proposed, may require additional review and/or permitting.
2. The applicant shall comply with all requirements as deemed necessary by the Grant County Public Works Department, including but not limited to:
 - 2.1 No additional approaches shall be built to access County road. Existing internal roads and existing accesses to County road, Maple Drive, shall be utilized.
 - 2.2 Approach permits shall be obtained for existing access points onto County road.
3. The applicant shall comply with all requirements as deemed necessary by the Grant County Building Division, including but not limited to:
 - 3.1 All structures are subject to obtaining a building permit prior to construction
 - 3.2 All construction shall comply with local, state, and federal codes.
4. The applicant shall comply with all requirements as deemed necessary by the Grant County Fire Marshal, including but not limited to:
 - 4.1 Access road shall be a minimum of 20' wide and of an all-weather surface. The access road is in reference to the new extended road to the new lots.
 - 4.2 Since the new access road will be over 150' in length, one of the following is required for fire apparatus turn around: 120' hammerhead, 60' Y or a 96' diameter cul-de-sac.
5. The applicant shall comply with all requirements deemed necessary by the WA State Department of Health, including but not limited to:
 - 5.1 The Grove Terrace MHP Two Service Area Map from the CWSP does not include the proposed expansion area to the west. Because of this a Water System Plan is required.
 - 5.1.1 A Water System Plan is also required per Washington Administrative Code (WAC) 246-290-100(2)(e)(ii).
 - 5.2 DOH requests the Grove Terrace MHP Two water system contact our office to schedule a water system plan preplan meeting.

Dated this 16th day of February, 2018.

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.