

**GRANT COUNTY  
LAND USE HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW AND,</b>
P 19-0258	)	<b>DECISION AND</b>
Doumit	)	<b>CONDITIONS OF APPROVAL</b>

THIS MATTER having come on for hearing in front of the Grant County Hearing Examiner on October 3, 2019, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law and, Decision and Conditions of Approval as follows:

**I. FINDINGS OF FACT**

1. This is an application for construction of an approximately 39,000 sq. ft. indoor baseball and sports training facility building. The proposed building will measure approximately 150' x 250' and 45 ft. high.
2. The property owner and applicant is Ryan Doumit, 4653 Rd 6.5 NE, Moses Lake, WA 98837.
3. The designated contact is Cliff Harden/Harden Construction, 6203 Chaparral Dr., Moses Lake, WA 98837.
4. The project is located at 6708 College Parkway Rd NE Moses Lake, near the campus of Big Bend Community College and the Grant County International Airport. NW ¼ of Section 32, Township 20N, Range 28E, W.M., Grant County, WA. Parcel # 17-1049-011. The site is approximately 6 acres in size.
5. The zoning for the subject property is Urban Light Industrial.
6. The zoning for neighboring parcels is: To the north, Urban Public Facility; to the south, Urban Public Facility; to the east, Urban Public Facility; to the west, Urban Light Industrial.
7. The Comprehensive Plan designation for the subject property is Industrial (Urban).
8. Environmental Review was completed by Grant County Development Services. A SEPA Mitigated Determination of Non-Significance was issued on September 20, 2019.
9. The project site 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 August 30, 2019 and 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.  
The following agencies provided comments:
  - 10.1 Grant County Building & Fire Marshal responded on July 23, 2019
  - 10.2 Grant County Public Works Department responded on September 3, 2019
  - 10.3 Grant County Assessor's Office responded on September 3, 2019
  - 10.4 WA State Department of Ecology responded on September 12, 2019

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

- 11.1 Grant County Building Official
- 11.2 Grant County Treasurer's Office
- 11.3 Grant County Health District
- 11.4 Grant County Sheriff's Office
- 11.5 Grant County Auditor's Office
- 11.6 Grant County Emergency Management
- 11.7 Grant County Noxious Weed Control Board
- 11.8 Grant County P.U.D.
- 11.9 U.S. Bureau of Reclamation
- 11.10 Grant County International Airport, Port District #10
- 11.11 City of Moses Lake - Municipal Services
- 11.12 Moses Lake Irrigation & Rehabilitation District
- 11.13 Grant County Fire District #5

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

12.1 **Grant County Fire Marshal:**

- 1. Fire flow is required for this project at a minimum rate of 750 gpm with a 20 psi residual. Minimum water main size is 6". Fire hydrants are required on all four sides of the structure and will comply with the City of Moses Lake and GCFD #5 requirements.
- 2. The building will comply with the requirements stated in the current edition of the IBC and IFC in regards to clear space around the building, exiting directly to the outside, and the requirement for a fire alarm system throughout the building.

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

- 1. Parcel 17-1049-011 is a 5.97 acre parcel of land only, owners are Coco Ventures LLC, no issues.

12.3 **Grant County Public Works:**

- 1. All requirements of the approved approach permits shall be met.
- 2. Saw cut, sidewalk, curb and gutter from joint to joint for clean edge for match line.
- 3. Install (2) Type 1 Concrete Parkway Approached of WSDOT Standard Plan F-80.10-04 onto College Parkway approx. 1558 & 1768 feet of Chanute St. NE per submitted location and approved plans.
- 4. Where asphalt is cut & removed (gutter), Patch shall be 3" of compacted Hot Mix Asphalt (HMA) on top of 6" of compacted Top Course (CSTC).
- 5. Work infringing on the County Road shall require a flagger. All roads shall remain open at all times. All safety precautions and MUTCD guidelines shall be adhered including flaggers, warning signs and cones.
- 6. Public Works shall be notified when work is completed for inspection.

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

- 1. The SEPA Checklist and submittal documents do not clearly define which type of catch basins exist along the road next to the proposed training facility.

Without more information, the application may need to obtain a Construction Storm Water General Permit for this project.

13. No public comments were received.
14. The facility will contain turf flooring and batting cage netting as well as provisions for multisport training purposes. The facility will utilize City of Moses Lake water and sewer services for the completed structure. The site plans for the facility indicate 34 paved parking spaces with graveled parking areas to accommodate overflow. The application was determined to be Technically Complete on August 23, 2019.
15. 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.
16. 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 existing Critical Areas.
17. The proposal is located within the Moses Lake Urban Growth Area (UGA).
18. The project site is located in the Urban Light Industrial Zoning District.
19. Pursuant to Grant County Code 23.04, Table 3, Indoor Recreation and Entertainment Facilities are an allowed as a Conditional Use in the Urban Light Industrial Zoning District.
20. Grant County Code 25.02 defines an Indoor Recreation & Entertainment Facilities: structures and places designed and equipped for indoor leisure-time activities, including, but not limited to, physical fitness clubs, skating rinks, bowling alleys, sports courts, theaters, and dramatic, operatic, musical or other performance, for which admission is charged.
21. The submitted site plan shows approximately 5400 sq. ft. allocated to landscaping. Calculations by planning staff concluded that 5900 square feet of landscaping would need to be installed on the site.
22. A site visit was conducted on August 29, 2019 by Grant County Development Services Staff.
23. A SEPA MDNS was issued for this project on September 20, 2019.
24. 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. No adverse comments were expressed by any agency that would prohibit development.
25. Grant County Development Services 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 the application.
26. The proposed use will not be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan.
  - 26.1 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.
  - 26.2 The proposed use will not be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan. Indoor Recreation and Entertainment Facilities are allowed in the Urban Light Industrial Zoning District as a Conditional Use. The project is in the Urban Light Industrial Zoning District. The project will be

required to comply with all relevant development and performance standards of the Grant County Unified Development Code.

27. 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.
  - 27.1 The proposal is appropriate in design because of adjacent athletic facilities in the area as well as other large structures.
  - 27.2 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 uses in the area. Additionally, the project will comply with the goals of the Comprehensive Plan, one of which is to provide for provide for recreational opportunities inside the County's designated urban growth areas.
28. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
  - 28.1 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.
  - 28.2 The proposed use will not cause significant adverse impacts on the human or natural environment. Conditions of Approval will ensure that the project will not negatively impact the environment.
29. 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.
  - 29.1 The cumulative impact of additional requests for like actions will not produce significant adverse effects to the environment.
30. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
  - 30.1 The building will have adequate facilities in regards to fire, water, snow loads sewage disposal all up to code.
  - 30.2 This proposal will be served by adequate facilities. Water and sewer are existing within the park. As conditioned, the applicant will work with the City of Moses Lake with regards to the connections and utilization of City of Moses Lake facilities. The site will establish access off Grant County Rd College Parkway. All storm water will be required to be retained on-site (in compliance with the Eastern Washington Storm Water manual).The property is served by the local Fire District (No.5) and Grant County Sherriff's Office.
31. 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.
  - 31.1 The size of the building will in no way interfere with the development of neighboring properties.
  - 31.2 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.

32. The Grant County Planning Department recommended approval of the requested permit, subject to the recommended conditions of approval.
33. An open record public hearing after due legal notice was held on October 3, 2019.
34. The entire Planning Staff file was admitted into the record at the public hearing. Appearing and testifying on behalf of the applicant was Ryan Doumit. Mr. Doumit testified that he was the property owner and the applicant. He testified that there would be no overnight facilities or kitchen facilities. He indicated that there were no public events such as weddings, family reunions, corporate gatherings, etc., planned under this permit. The only events that they will have of a larger nature will be sport training clinics. He understands that in order to start using the property for other public gatherings outside of sport training gatherings, he will need to amend this conditional use permit. Finally, Mr. Doumit testified that all proposed conditions of approval were acceptable.
35. No member of the public appeared at the hearing.
36. 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 19-0258 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 applicant shall comply with all requirements as deemed necessary by the Grant County Planning Department, including but not limited to:
  - 1.1. The applicant/developer shall comply with all requirements of GCC 22.04, Article V "Final Subdivisions and Short Subdivisions" and other pertinent portions of Grant County Code.
  - 1.2. Applicant shall ensure Best Management Practices are utilized to minimize the release of fugitive dirt and dust created from construction activities.
2. The applicant shall comply with all requirements as deemed necessary by Grant County Public Works, including but not limited to:
  - 2.1. Provide a plat check fee of \$200.00 for major plats.
  - 2.2. Where applicable provide crossing permits from the USBR for any access over a right-of-way.
  - 2.3. An Approach Permit shall be obtained for County Road access or all lots.
  - 2.4. Along the east property boundary line of lot 6 dedicate to Grant County an additional 20 feet for road Right-of-Way, extend it through the radius at Rd. 7 NE.
  - 2.5. Reflect the County road Rights-of-Way fronting the property boundaries of the plat as being dedicated to Grant County, where applicable, per previous plat.
3. The applicant shall comply with all requirements as deemed necessary by the East Columbia Basin Irrigation District, including but not limited to:
  - 3.1. Plat fee of \$300.00 must be paid prior to signing the final plat.
  - 3.2. There is a \$50.00 lot fee for all lots retaining their water allotment that will need to be paid prior to signing the final plat.
  - 3.3. The EL18 is a pipeline through a portion of this plat, the final plat shall include the following note: "Underground Irrigation and Drainage Facilities, Buildings and other permanent structures are not to be erected above underground Columbia Basin Project irrigation and drainage facilities. Any encroachments onto CBP rights-of-way including but not limited to temporary improvements such as paving, fencing and landscaping require a District Permit.
  - 3.4. Installation of Irrigation facilities to convey irrigation water from the District's delivery point to each parcel containing irrigable land must be completed prior to the filing of the final plat. Irrigation easements must be dedicated to all lots retaining water allotments.
4. The applicant shall comply with all requirements as deemed necessary by the Grant County Assessor's Office, including but not limited to:
  - 4.1. All owners must fill out current use application and farm management plan for all 9 new lots. This must be completed one week prior to recording final plat.

Dated this 7 day of October, 2019.

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.