

**GRANT COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
P19-0114)	DECISION AND
Crescent Ridge Ranch Land Company, LLC)	CONDITIONS OF APPROVAL
(Ross Clemenshaw))	

THIS MATTER having come on for hearing in front of the Grant County Hearing Examiner on May 8, 2019, 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 application is for a subdivision of five (5) parcels into ten (10) lots in Master Planned Resort zoning districts of Grant County. The lots will range in size from 8,703 square feet to 10,762 square feet and will be for residential development.
2. The proponent is Crescent Ridge Ranch Land Company, LLC (Ross Clemenshaw), 5601 6th Ave. S., Suite 350, Seattle, WA 98108-2544.
3. The designated contact is Columbia Northwest Engineering (Philip Bloom), 249 North Elder St., Moses Lake, WA 98837.
4. The project site is located at the Crescent Bar community. The lots are currently addressed as 9791, 9785, 9779, 9773 and 9767 all on Ridgeview Road NW, Quincy, WA, in a portion of the north half of the Southeast quarter Section 18, Township 20 North, Range 23 East, W.M., Grant County, WA. Parcel numbers 14-1285-862, 14-1285-863, 147-1285-864, 14-1285-865 and 14-1285-866.
5. The zoning for the property is Master Planned Resort.
6. The zoning for neighboring parcels is: to the north, Master Planned Resort; to the south, Master Plan Resort; to the east, Master Planned Resort; to the west, Master Planned Resort.
7. The Comprehensive Plan designation for the subject property is Master Plan Resort.
8. The project was previously reviewed for compliance with SEPA and a Mitigated Determination of Non-Significance was issued by Grant County in June 15, 2006.
9. The project site was previously reviewed for Critical Areas pursuant to GCC § 24.08 and mitigation conditions were completed through the previously issued Mitigated Determination of Non-Significance.

10. Information detailing this project was sent to agencies of jurisdiction for their review and comments on April 2, 2019. Property owners within 300 feet were also notified, and a Notice of Application was published in the Columbia Basin Herald as well as being posted on-site.
11. The following agencies and County departments provided comments:
 - 11.1 Grant County Building & Fire Marshal responded on April 2, 2019.
 - 11.2 Grant County Health District responded on April 10, 2019 and April 11, 2019.
 - 11.3 Grant County Public Works Department responded on April 8, 2019.
 - 11.4 Grant County Assessor's office responded on April 4, 2019.
 - 11.5 WA State Department of Health responded on April 2, 2019.
 - 11.6 U.S. Bureau of Reclamation responded on April 17, 2019.
12. The following agencies were notified but did not respond:
 - 12.1 Grant County Fire District #3.
 - 12.2 Grant County P.U.D.
 - 12.3 Grant County Sheriff's Office.
 - 12.4 Grant County Emergency Management.
 - 12.5 Grant County Noxious Weed Control Board.
 - 12.6 Grant County Auditor.
 - 12.7 Grant County Treasurer's Office.
 - 12.8 Quincy Columbia Basin Irrigation District.
 - 12.9 WA State Department of Fish and Wildlife.
 - 12.10 WA State Department of Ecology.
13. No public comments were received.
14. The application was determined to be technically complete on April 2, 2019.
15. The proposal was processed as a Type III Quasi-Judicial Decision, in accordance with Chapter 25.04 "Permit Application Review Procedures" of the Grant County Unified Development Code.
16. Subject to the Conditions of Approval below, the proposal appears to comply with Chapter 22.04 "Subdivisions and Plats" of the Grant County Unified Development Code.
17. The proposal was reviewed for compliance with Chapter 24.08 "Critical Areas and Cultural Resources" of the Grant County Unified Development Code. The project was found to be in proximity to known Washington Ground Squirrel colonies. A habitat assessment was prepared.
18. The proposal was reviewed for compliance with SEPA. A Mitigated Determination of Non-Significance (MDNS) was issued by Grant County on June 15, 2006. This SEPA determination was adopted for this application.
19. The project is not located within an Urban Growth Boundary.
20. The project is located in Master Planned Resort area in the Crescent Bar Community area.

21. The proposed lots will be served by the existing Crescent Ridge Ranch Community Sewer System. The existing sewer system was designed, permitted and constructed in conformance with applicable standards and regulations of the Washington State Department of Health, Washington State Department of Ecology and Grant County Health District.
22. Water will be provided by the Sunsera at Crescent Bar Water System #AA7454. The water system was designed, permitted and constructed in conformance with applicable standards and regulation of the Washington State Department of Health/Washington State Department of Ecology and Grant County Health District.
23. The application was reviewed by agencies of jurisdiction, no comments were received that would prohibit approval of the proposed subdivision.
24. No public comments were received on this proposal.
25. The Hearing Examiner finds the proposed subdivision complies with the Criteria of Approval findings for a subdivision as outlined below:
 - 25.1 The proposed subdivision **does** meet the applicable requirements of UDC Chapter 22.04 "Subdivisions and Plats;"
 - 25.1.1 Applicant Response:

The proposed subdivision has been designed in conformance with all applicable requirements and standards of Chapter 22.04.250 Land Division, Articles I through IX.
 - 25.1.2 Staff Response:

The proposed subdivision complies with GCC 22.04 Subdivisions and Plats. The proposed preliminary subdivision as conditioned will comply with all applicable standards found in Grant County Code Chapter 22.04.
26. The proposed subdivision **does** serve the public use and interest;
 - 26.1 Applicant Response:

The proposed subdivision is for the re-division of 5 existing lots within a completed portion of the approved Crescent Ridge Ranch Planned Unit Development / Plat; thereby, creating 10 smaller lots were 5 lots previously existed. The proposal transfers density within the approved PUD / Plat. The total number of lots approved for the PUD will not change. The replat is consistent with and within the scope and intent of the approved Planned Unit Development. In approving the Planned Unit Development, Grant County determined that the PUD is in conformance with all applicable land use and environmental regulations including but not limited to : the Grant County Comprehensive Plan, the Grant County Zoning Code; and, the Grant County Subdivision Regulations; thereby, adequately providing needed recreational housing opportunities in furtherance of the Grant County Comprehensive Plan; and , thereby, adequately providing for the public health, safety and general welfare.
 - 26.2 On July 30, 2018, Grant County approved Minor Administrative Amendments to the Crescent Ridge Ranch Planned Unit Development (Reference Grant County File # 18-0248) as follows; and, as shown on the attached Approval Letter and Exhibits:

- 26.2.1 Subdivide existing lots R-2 through R6 to result in essentially 10 lots rather than 5 to accommodate smaller detached single-family homes. The shifted density will come from approved residential lots / units in future Phase 4, such that there is no net gain in overall density.
- 26.2.2 Delete lots R-36 through R-43 (8 total lots) from the approved PUD, and establish Lots R-44, 45, 47, 48, 51, 52, 53 and 54 as comm-wall duplex lots.
- 26.2.3 Establish four new / revised phases for lots R22-28, R29-35, R50-R54 and R44-R49.
- 26.3 Staff Response:
- This subdivision would serve the public use and interest. The plat would create additional residential lots consistent with the density allowed in the Master Planned Resort/Planned Unit Development, which is one of the goals of the comprehensive plan and Unified Development Code. The public interest is served when the goals and policies of the Comprehensive Plan are met.
27. The proposed subdivision **does** comply with the Comprehensive Plan, the Shoreline Master Program, the Zoning Code and other land use regulations, and SEPA;
- 27.1 Applicant Response:
- The proposed subdivision is consistent with the Grant County Comprehensive Plan and has been designed in conformance with the Grant County Zoning Code and other applicable land use and environmental regulations. No deviations or variances for the project are noted or requested. The Shoreline Management Master Program does not apply to this property. The proposed subdivision is within the scope and intent of the original PUD SEPA Determination. In approving the existing Planned Unit Development / Plat, Grant County determined that the PUD is in conformance with all applicable land use and environmental regulations including but not limited to: the Grant County Comprehensive Plan, the Grant County Zoning Code, and the Grant County Subdivision Regulations;
- 27.2 Staff Response:
- The proposal complies with the Comprehensive Plan as well as the Zoning Code, the proposed lots meets the density outlined in these documents. SEPA review was completed for the subdivision and a Mitigated Determination of Non-Significance was signed by Grant County on June 15, 2006. Additionally, the proposal is not located within 200ft of any shoreline and is therefore not subject to the Shoreline Master Program.
28. The proposed subdivision **does** comply with the Health District requirements for sewage disposal and potable water supply;
- 28.1 Applicant Response:
- The proposed subdivision complies with health requirements for sewage disposal and potable water supply: as outlined in RCW 90.44.050 and WAC 246-272A-0320.
- 28.1.1 Water Service: The Crescent Ridge Ranch PUD is located within the Sun Serra Water System Service Area and is provided water service from the Sun Serra Water System (DOH PWS ID AA745). The water system was designed, permitted, and constructed in conformance with applicable standards and

regulations of the Washington State Department of Health / Washington State Department of Ecology and Grant County Health District, as applicable. The proposal only transfers approved density within the existing PUD / Plat and creates no new demand for additional water system capacity or infrastructure improvements. The proposed lots will connect to the existing water system. Water mains with fire hydrants have been previously constructed and to serve the area in which this proposal is located. No new water infrastructure is required.

28.1.2 Sanitary Sewer Service: Sewer Service is provided from the existing Crescent Ridge Ranch Community Sewer System. The existing community sewer system was designed, permitted, and constructed in conformance with applicable standards and regulations of the Washington State Department of Health; Washington State Department of Ecology; and, Grant County Health District, as applicable. Lots within the area of the proposal will connect to the existing sewer system. Existing sewer mains are in the right of way of Ridgeview Drive. No new sewer infrastructure is required. The proposal only transfers approved density within the existing plat and creates no new demand for additional capacity or infrastructure improvements.

28.2 Staff Response:

The subdivision proposed complies with Grant County Health District and Washington State Department of Health Requirements. The Health District was consulted, as well as State Department of Health, and any comments have been included as conditions of approval. The applicant is proposing to serve the lots created through this plat with water provided by the Sunsera Water System. This system was designed, permitted and constructed in conformance with applicable standards of the Washington State Department of Health, Washington State Department of Ecology and the Grant County Health District. The proposal transfers approved density within the existing PUD/Plat and creates no new demand for additional water capacity or infrastructure improvements. The lots will be served by the existing Crescent Ridge Ranch Community Sewer System. The existing community sewer system was designed, permitted and constructed in conformance with applicable standard and regulations of the Washington State Department of Health, Washington State Department of Ecology and Grant County Health District. Lots within this proposal will be connected to this sewer system. No new infrastructure is required. The proposal only transfers approved density within the existing plat and creates no new demand for additional capacity or infrastructure improvements.

29. The proposed subdivision does contain accurate legal description of the lots being created, and the roads and easements therein;

29.1 Applicant Response:

The Legal descriptions created via the platting process are subject to lots / block descriptions and not a Metes and Bounds description as set forth in RCW 58.08.010. Private Roads specified within the subdivision are considered as an effect of donation, per RCW 58.08.015 And RCW 58.08.050, and no additional descriptions are required. Easements noted on the face of the plat do not need to contain a legal description either, as long as they are shown properly delineated, and dedicated on the face of said

plat. Additional covenants and restrictions placed on the plat are recorded under separate instrument numbers, prior to recording of the short subdivision.

29.2 Staff Response:

The subdivision does contain an accurate legal description. The application was reviewed by the Assessor's Office to ensure that a proper legal description was provided. Conditions of approval have been included to ensure the legal description on the final plat will be accurate.

30. The proposed subdivision **does** comply with Grant County and, where applicable, all State Department of Transportation regulations pertaining to roads, utilities, drainage, access for emergency vehicles and other infrastructure improvements;

30.1 Applicant Response:

The property fronts upon Ridgeview Drive NW, which is an existing improved private street within the Planned Unit Development / Plat. Ridgeview Drive connects with the existing County Roads and State Highway, beyond. Existing Traffic controls are in place. Street improvements are not required to serve this proposal. The proposal transfers density within the approved PUD / Plat. The proposal is consistent with and within the scope and intent of the approved Planned Unit Development / Plat. The proposed re-plat will not result in an increase in ADT or Peak Hour Vehicular Trip Generation above previously approved levels. There will be no impact to the existing transportation system that was not previously addressed with the approval of the Crescent Ridge Ranch PUD / Plat.

30.2 Staff Response:

Roads specific to this plat are private and will be maintained by the developer. The roads currently exist and comply with Grant County private road standards. The roads connect to existing approved county roads. The application materials were sent to Grant County Public Works as well as the Fire Marshal's Office, and the local Fire District.

31. The proposed subdivision **does** comply with all requirements of the United States Department of the Interior, the Bureau of Reclamation, and/or a recognized Irrigation District when the proposed preliminary is within the boundaries of an Irrigation District;

31.1 Applicant Response:

Not applicable to this proposal. The property is not located in an Irrigation District or within the Columbia Basin Irrigation Project.

31.2 Staff Response:

This application does comply with all requirements of the USBR and applicable Irrigation Districts. The application materials were sent to the Bureau and the Quincy Columbia Irrigation District.

32. The subdivision **does** comply with relevant City regulations pertaining to roads, utilities, drainage, access for emergency vehicles, and other infrastructure improvements for subdivision within an urban growth area;

32.1 Applicant Response:

Not Applicable. This preliminary plat is not located within an Urban Growth Area.

32.2 Staff Response:

The proposed subdivision is not located within an Urban Growth Area and therefore does not have to comply with any City standards.

33. The subdivision does have A) adequate streets or roads, sidewalks or other public ways B) potable water supplies, sanitary wastes, and drainage ways C) open spaces, parks and playgrounds D) Schools and School grounds E) Landscaping, lighting—if required.

33.1 Applicant Response:

The proposal is located within an area of the PUD for which street and utility infrastructure has been constructed. The proposal transfers density within the approved PUD / Plat. The proposal is consistent with and within the scope and intent of the existing approved Planned Unit Development / Plat. All infrastructure improvements required as a condition of approval of the existing PUD / Plat serving the area of this proposal have been constructed; thereby, adequately providing all infrastructure to serve the proposal.

- 33.2 The proposal is minor in nature and no resulting infrastructure revisions are required to serve the area in which this proposal is located. The proposal results from efforts to more efficiently layout the site to accommodate development within the PUD. No change is proposed to the basic design, density of residential development or open space requirement within the PUD.

33.2.1 More Specifically:

33.2.2 Access / Roads: The property fronts upon Ridgeview Drive NW, which is an existing improved private street within the Planned Unit Development / Plat.

33.2.3 Water Service: The Crescent Ridge Ranch PUD is located within the SunSerra Water System Service Area (SunSerra at Crescent Bar) and is provided water service from the Sun Serra Water System, identified as DOH PWS ID. AA745, Grant, County WA. The water system was designed, permitted, and constructed in conformance with applicable standards and regulations of the Washington State Department of Health / Washington State Department of Ecology and Grant County Health District. Water system infrastructure has been constructed to serve the area in which this proposal is located. Lots within the affected area will connect to the existing water system. No new water infrastructure is required. The proposal only transfers approved density within the existing plat and creates no new demand for additional capacity or infrastructure construction.

33.2.4 Sanitary Sewer Service: Sewer Service is provided from the existing Crescent Ridge Ranch Community Sewer System. The existing sewer system was designed, permitted, and constructed in conformance with applicable standards and regulations of the Washington State Department of Health; Washington State Department of Ecology; and Grant County Health District. Lots within the proposal will connect to the existing sewer system. Sewer system infrastructure has been constructed to serve the area in which this proposal is located. No new sewer infrastructure is required. The

proposed replat only transfers approved density within the existing plat and creates no new demand for additional capacity.

- 33.2.5 Fire Protection: Water for fire protection is provided from the existing Sun Serra Water System including wells, storage, and distribution infrastructure. The property is served with existing water mains (8" diameter) sufficient to provide required fire flow with existing fire hydrants. Existing fire Hydrants are located in the right-of-way of Ridgeview Drive. The existing fire protection system was designed, permitted, and constructed in conformance with applicable, local, state and Fire District regulations and standards.
- 33.2.6 Storm Water Drainage and Control: The exiting plat and area proposed for this re-plat is served with existing on-site storm water drainage and control infrastructure in conformance with Grant County Storm Water Regulations and the Eastern Washington Stormwater Manual.
- 33.2.7 Irrigation Water Supply: Irrigation water is sourced from the existing Sun Serra Water System serving the existing plat.
- 33.2.8 Electrical Power: Electrical Power is sourced from existing Grant County PUD infrastructure serving the existing plat.

33.3 Staff Response:

The proposed subdivision has adequate provision for streets and roads, as well as potable water supply and sanitary waste provisions. Parks, playgrounds, and schools were not required for a subdivision of this scale.

- 34. An open record public hearing after due legal notice was held on May 8, 2019.
- 35. The entire Planning Staff file was admitted into the record at the public hearing.
- 36. The Grant County Planning Department recommended approval of the requested permit, subject to recommended conditions of approval.
- 37. Appearing on behalf of the applicant was Steven Pittack. Mr. Pittack testified that he was an agent authorized to appear speak on behalf of the property owner and Applicant. Mr. Pittack testified that he agreed with all of the representations contained within the staff report and that the Applicant had no objections to any of the proposed Conditions of Approval.
- 38. No member from the public testified at the hearing.
- 39. Staff recommended removal of proposed Condition of Approval 4(a) as it was not applicable.
- 39. 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 proposed use will not be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan.
4. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
5. 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, Subdivision Application P 19-0114, is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

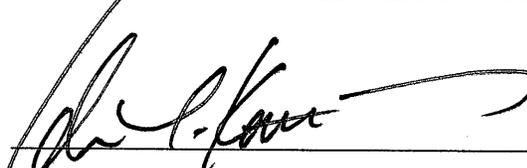
All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

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 The applicant/developer shall comply with all mitigation measures listed in SEPA Mitigated Determination of Non-Significance issued by Grant County on June 15, 2006.
 - 1.3 The applicant/developer shall comply with all applicable mitigation/conditions of approval as listed in Resolution 2006-218-CC of the Board of County Commissioners of Grant County, Washington.
 - 1.4 Applicant shall ensure Best Management Practices are utilized to minimize the release of fugitive dirt and dust created from construction activities.
 - 1.5 Note 3 listed on Crescent Ridge Ranch Major Plat Site Plan stating "Lot limited to 2 bedroom structure" and associated indicator within each drawn lot shall be shown on the final plat mylar prior to filing with the County Auditor.
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.
3. The applicant shall comply with all requirements as deemed necessary by the Quincy Columbia Basin Irrigation District, including but not limited to:

- 3 The applicant shall comply with all requirements as deemed necessary by the Quincy Columbia Basin Irrigation District, including but not limited to:
 - 3.1 QCBID Short Plat Fee of \$50 for the first split (first two lots), plus \$10 each additional lot.
- 4 The applicant shall comply with all requirements as deemed necessary by the Grant County Health District, including but not limited to:
 - 4.1 Water system shall be completed prior to final plat.
 - 4.2 Water system plans shall be designed by licensed Engineer, approved by Health District, and installed per approved plans.
 - 4.3 Following installation, a Construction Completion Report shall be submitted to Health District from design engineer.
- 5 The applicant shall comply with all requirements as deemed necessary by the Grant County Fire Marshall, including but not limited to:
 - 5.1 All buildings in the Crescent Ridge Ranch Development are required to have the appropriate fire sprinkler system installed in each unit.
6. Unless otherwise modified by these conditions, all other conditions of approval found in previous approval documents for the Crescent River Ranches development remain in effect

Dated this 9th day of May, 2019.

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.