

GRANT COUNTY LAND USE HEARING EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
P 16-0337)	DECISION AND
Rodriguez & Chiaramonte)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Grant County Hearing Examiner on November 9, 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 Cecilio Rodriguez & Karen Chiaramonte, 415 Airport Way, SW, Mattawa, WA 99349 and is for construction of an approximately 3000 sq. ft. airplane hangar on a lot at Desert Aire. The lot is adjacent to Desert Air airport, and is adjacent to lot 148, which is where the applicants have their residence.
2. The applicants are Cecilio Rodriguez & Karen Chiaramonte, 415 Airport Way, SW, Mattawa, WA 99349.
3. The proposed project area is located at 415 Airport Way SW, Mattawa, WA in the NE 1/4 of Section 22, Township 14N, Range 23E, W.M., Grant County, WA. Parcel # 02-1688-494.
4. The zoning for the subject property is Rural Village Residential 1.
5. The zoning for neighboring parcels is: To the north, Rural Village Residential 1; to the south, Rural Village Industrial; to the east, Rural Village Residential 1; and to the west, Rural Village Residential 1.
6. The Comprehensive Plan designation for the subject property is Rural Village.
7. This project is SEPA exempt.
8. 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.
9. A Public Notice containing information on this project was published in the Columbia Basin Herald on October 10, 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. The following agencies provided comments:
 - 9.1 Grant County Fire Marshal/Building Official responded on October 17, 2016
 - 9.2 Grant County Public Works Department responded on October 12, 2016

- 9.3 Grant County Assessor's Office responded on October 25, 2016
- 9.4 Grant County Noxious Weed Control Board responded on October 24, 2016
10. The following agencies were notified but did not respond:
 - 10.1 Grant County Fire District #8
 - 10.2 Grant County Health District
 - 10.3 Grant County P.U.D.
 - 10.4 Desert Air Architectural Committee
 - 10.5 Grant County Treasurer's Office
 - 10.6 Grant County Emergency Management
 - 10.7 Grant County Sheriff's Office
 - 10.8 Grant County Auditor
 - 10.9 WA State Department of Transportation.
11. No public comments were received for this proposal.
12. The application was determined to be Technically Complete on October 4, 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 300ft of any Critical Areas.
15. The proposal is not within an Urban Growth Area (UGA).
16. Hangars are allowed in the Rural Village Residential I Zone as a Conditional Use pursuant to GCC 23.04, Table 5.
17. Pursuant to GCC 23.12, Table 3, Footnote 23, accessory structures in the RVR1 zone shall be subject to a 25-foot setback from the front property line or road.
18. As mentioned above, this Conditional Use Permit application is for the construction of an airplane hangar. The hangar will be placed on a one half acre lot adjacent to the Desert Aire Airport. The hangar will be approximately 60-feet x 50-feet (3,000 square feet) in size.
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, and the current design of the project, staff recommended approval of subject Conditional Use Permit.
20. The proposed use will not be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan because:
 - 20.1 These lots were designed for Airport Hangars as part of the Desert Aire Airport and Grant County Planning.

- 20.2 The proposed use will not be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan because an airplane hangar is allowed with a Conditional Use permit on lots adjacent to the Desert Aire Airport in the Rural Village Residential 1 zoning district.
21. 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:
- 21.1 Desert Aire Airport lots were designed for hangar development.
- 21.2 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 the Comprehensive Plan section RU-3.1 states that new development in Rural Villages such as Desert Aire “shall continue to be a mixture of residential, commercial, and industrial.” This lot will have a residence and private airplane hangar which is consistent with the mixed use development of Rural Villages.
22. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval because:
- 22.1 Desert Aire Airport lots were designed for hangar development.
- 22.2 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.
23. 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:
- 23.1 Desert Aire Airport lots were designed for hangar development.
- 23.2 The cumulative impact of additional requests for like actions will not produce significant adverse effects to the environment. This portion (adjacent to airport) of Desert Aire was designed for Hangars. Placement of additional hangars will not produce significant adverse impacts.
24. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities because:
- 24.1 The hangar is being developed under the Grant County Building Permitting process.
- 24.2 This proposal will be served by adequate facilities.
25. 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 because:

- 25.1 Desert Aire Airport lots were designed for hangar development, with appropriate setback and height restrictions, which have been surveyed and approved by the Desert Aire Airport commission.
- 25.2 This project will not unreasonable interfere with development or use of neighboring properties. This proposal is for a hangar adjacent to an airport. This area has existing hangars with future hangar contemplated on other lots adjacent to the airport.
26. The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood because:
 - 26.1 Pedestrian and vehicular traffic resulting from this project will not be hazardous to the existing traffic in the area. This proposal will produce no pedestrian traffic and will not produce any additional vehicular traffic.
27. Land uses, activities, and structures that are allowable as conditional uses must also comply with any required performance standards in GCC § 23.08.
 - 27.1 Hangar design complies with GCC 23.08 and has been approved by the Desert Aire Airport Commission.
 - 27.2 Grant County Code Chapter 23.08, Performance & Use Standards does not have any specific standards for Hangars.
28. 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).
 - 28.1 Desert Aire Airport lots were designed for Hangar development.
 - 28.2 The proposal will not result in the siting of an incompatible use adjacent to an airport. This proposal is to locate a hangar adjacent to the Desert Aire Airport. This would be a compatible use.
29. The proposal conforms to the standards specified in GCC § 23.12 because:
 - 29.1 Hangar design conforms to the standards specified in GCC 23.12.08 and has been approved by Desert Aire Airport Commission.
 - 29.2 The project, as conditioned, complies with all applicable development standards found in GCC § 23.12.
30. An open record public hearing after due legal notice was held on November 9, 2016.
31. The entire Planning Staff file was admitted into the record at the public hearing.
32. The Grant County Planning Department recommended approval of the requested permit, subject to the recommended conditions of approval.

33. Appearing and testifying on behalf of the applicant was Cecilio Rodriguez. Mr. Rodriguez testified that he was one of the owners of the subject property and was authorized to appear and speak on behalf of the other owner. Mr. Rodriguez testified that there would be no residential use within the proposed hangar. He testified that the applicants own a residence on the adjacent lot (lot 148) and did not intend to develop the subject property with any residential use. Finally, Mr. Rodriguez testified that all of the proposed conditions of approval were acceptable.
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 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 P16-0337, is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

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 the 25-ft accessory structure setback in the Rural Village Residential 1 zoning district.
6. This proposal shall be subject to and comply with all standards and requirements of GCC 23.12 "Development Standards."
7. The applicant shall manage any dust or debris that may become airborne during high wind events with appropriate application of water or other dust control measures.
8. All/any on-site lighting shall be designed so as to not create an optical illusion of the airport landing area at night or in low visibility situations. All lighting fixtures shall be designed to avoid glare and pointed down to prevent light leakage upwards in order to avoid confusion, lack of visibility, or blindness to pilots during hours of darkness.
9. An Approach Permit shall be obtained for County Road Access.
10. There shall be no residential use within the hangar without first receiving all required permits.

Dated this 14th day of November, 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.