

BEFORE THE HEARINGS EXAMINER
FOR CLALLAM COUNTY

In the Matter of the Application of)	NO. CUP98-0011, LDV98-0006
)	
Sunland Associates)	FINDINGS, CONCLUSIONS
)	AND DECISION
For Approval of a Conditional Use Permit)	
and Planned Unit Development.)	
_____)	

SUMMARY OF DECISION

The proposed conditional use and a planned unit development are **APPROVED** with conditions to authorize the development of a nine-hole golf course and a 63-lot planned unit development within the existing Sunland Planned Development Community.

SUMMARY OF RECORD

Request: Sunland Associates (Applicant) requests approval of a conditional use permit and a planned unit development permit to create a 63-lot planned unit development and a nine-hole golf course at the existing Sunland project. This proposal is the final of ten phases for the Sunland project.

Hearing Date:

An open-record hearing on the request was held before the Hearings Examiner of Clallam County on July 13, 1998.

Testimony:

At the hearing before the Hearings Examiner, the following individuals presented testimony and evidence under oath:

- Mr. Bruce Emery, Clallam County Associate Planner;
- Ms. Nancy McHenry, Representative for Applicant;
- Mr. Richard Steward, Representative for Applicant.

Exhibits:

At the hearing before the Hearings Examiner, the following exhibits were admitted as part of the official record of these proceedings:

- Exhibit 1: Original Staff Report with Attachments, dated July 1, 1998
 - Attachment a: Applications, Site Plan, and Vicinity Map
 - Attachment b: SEPA Threshold Determination and Checklist

Attachment c: Affidavit of Mailing and Legal Notice

- Exhibit 2: Approval Letter for Sunland Waste Water Treatment Facility, dated December 13, 1996
- Exhibit 3: Letter from Ray Bradford, Clallam County road Department, dated June 22, 1998
- Exhibit 4: Easement Deed for slope and fill maintenance for County Road Department
- Exhibit 5: Letter from George and Lorene Rittenmyer, dated July 7, 1998
- Exhibit 6: Memorandum from Ann Soule, Clallam County Water Quality Division, dated July 10, 1998

Upon consideration of the testimony and exhibits submitted at the open record public hearing, the following Findings of Fact and Conclusions of Law are entered by the Hearings Examiner:

FINDINGS

1. Sunland Associates (Applicant) requests approval of a conditional use permit and a planned unit development permit to create a 63-lot planned unit development and a nine-hole golf course at the existing Sunland project. The property is 66 acres in size and will have 150 homes at full completion. The golf course, serving as open space for the community, will cover 33 acres of land. This proposal is the final phase, out of ten phases, for the Sunland project. *Exhibit 1; Testimony of Ms. McHenry.*
2. The subject property lies southeast of the Woodcock and Sequim-Dungeness Road intersection, north of Sequim. The parcel is legally described as the NW ¼ of S8, T30N, R3W, W.M. Assessor tax parcel numbers 033008-219010 and 033008-200100. *Exhibit 1, Application.*
3. The site is zoned Urban Residential High Density (URH), and is consistent with the Comprehensive Plan designation. The site is in the Regional Planning Area of Sequim-Dungeness within the Sunland Planned Urban Residential Community. *Exhibit 1; Testimony of Mr. Emery.*
4. Most of the site is flat pasture land with a bluff forming a natural demarcation between the housing area and the golf course. The golf course will provide a buffer between the Sunland community and the adjacent roadways and rural properties. The soil is Dungeness

Silt Loam that is deep and well drained. This soil has a high aquifer recharge potential, and should be monitored closely to avoid contamination of the water supply. While sampling of area wells show only limited contamination from nitrates, chemicals, and biological organisms, the Clallam County Water Quality Division requests that Best Management Practices (BMP's) be used to help safeguard against further contamination. *Exhibit 1, Staff Report; Exhibit 6, Water Quality Memo.*

5. Sunland, a planned community, is not fully developed. It is bounded by Woodcock Road to the north, Holland Road to the east, and Sequim-Dungeness Way to the west. The existing Sunland development provides the southern boundary. *Exhibit 1; Testimony of Mr. Emery.*
6. There are two critical areas of concern related to development of the property. First, the rate of aquifer recharge means that chemical and biological material applied to the soil has to be closely monitored so as not to contaminate the source of potable water. Second, the development of the Sunland community should not impact the wildlife corridor located east of the project. The bluff is also a significant natural feature that should be preserved. The golf course will act as a buffer between the Sunland community and the bluff. By having the golf facility sandwiched between the housing development and the steep slope of the bluff, the stability of the slope is protected from possible construction of residential development. *Exhibit 1; Testimony of Mr. Emery..*
7. The proposed development will not encroach upon the agricultural lands located north, east, and west of Sunland. *Exhibit 1; Testimony of Mr. Emery.*
8. The sewer and water facilities provided to Sunland have adequate capacity for future growth. *Exhibit 1; Exhibit 2.* The rebuilding of Woodcock Road will mitigate any adverse impacts from traffic as foreseen by the Road Department. *Exhibit 3, Road Department Letter.*
9. Notice of the application for a conditional use permit and approval of the planned unit development was properly given by mailing, posting and publication. *Testimony of Mr. Emery.* The County and the applicant's representatives appeared at the hearing on these applications. No one presented any opposition to the proposed development. The applicant agreed that the conditions of approval recommended by the County are reasonable and capable of being implemented. With these conditions, the County is of the opinion that Sunland development will continue to be consistent with the master plan for development.¹ *Exhibit 1; Testimony of Mr. Emery & Ms. McHenry.*

¹ Exhibit 5, submitted by George and Lorene Rittenmyer, raises an issue unrelated to the current proposal. The Rittenmyers seeks improvement of an access road through Division 11. The current proposal is for Division 17. The resolution of issues related to Division 11 is best sought in a separate forum from that of Hearing Examiner review of the current proposal.

CONCLUSIONS

Jurisdiction

The Hearings Examiner is granted the authority to hear and decide this application pursuant to Chapter 36.70 of the Revised Code of Washington and Chapter 26.04 of the Clallam County Code.

Criteria for Review

The Clallam County Board of Commissioners has instructed the Hearing Examiner to review land use applications with reference to specific criteria to determine if the application should be granted, granted with conditions or denied.

Conditional Use Permit

The Hearings Examiner shall approve the application if he finds that:

- a. The proposed action is consistent with the spirit and intent of the Clallam County Comprehensive Plan, Title 31.
- b. The proposed action is consistent with the Clallam County Zoning Code, Title 33.
- c. The proposed action is consistent with land uses within the zoning district in which it is located and in the vicinity of the subject property.
- d. The proposed action will have no unreasonable adverse impact on the surrounding land uses which can not be mitigated through the application of reasonable conditions.

Planned Unit Development

The Hearings Examiner shall approve the application if he finds that:

- a. The Planned Unit or Cluster Development is designed and arranged to relate to surrounding properties and to minimize adverse impacts by noise, traffic, and incompatible land uses.
- b. The Planned Unit or Cluster Development is designed or situated to minimize alterations of significant natural features.

- c. The Planned Unit or Cluster Development promotes compatibility among land uses within the development and outside the development.
- d. The Planned Unit or Cluster Development results in a positive contribution to the community which would not be achieved through standard platting and zoning procedures.
- e. The Planned Unit or Cluster Development is consistent with the spirit and intent of the Clallam County Comprehensive Plan, Zoning Code, Shoreline Master Program, Land Division Code, Floodplain Management Code, Environmental Policy Code, Six-Year Road Plan, Health Building and Fire Codes, and other applicable State and County Codes.

The Hearings Examiner may attach to any permit approval such reasonable conditions as may be necessary to assure that development will comply with the criteria for approval. Such conditions may include, but not be limited to the following:

Construction sequence and timing, operation and maintenance, duration of use, removal of development upon termination of use, compliance with approved engineering plans and specifications, off-street parking, setbacks, special screening, lighting, site access, site size, road dedications, signing, structure height, siting of structures and improvements, strategies to minimize adverse environmental impacts as specified in the environmental analysis required by the County Environmental Policy Code, Chapter 27.01 Clallam County Code.

Conclusions Based on Findings for Conditional Use Application

1. Sunland Associates (Applicant) requests approval of a conditional use for the golf course and approval of a planned unit development to develop a 63-lot residential subdivision within the existing Sunland project. Each of these applications must be analyzed as to their consistency with review criteria. *Finding of Fact 1.*
2. *The proposed expansion of the golf course is consistent with the spirit and intent of the Clallam County Comprehensive Plan.* Sunland proposes to continue development according to its master plan approved under C.C.C. 31.03.330(8). The existing golf course will be expanded by nine holes, making it consistent with C.C.C. 31.03.110. Therefore, the proposal is consistent with the Comprehensive Plan. *Findings of Fact 5, 8, 9.*
2. *The proposed action is consistent with the Clallam County Zoning Code, Title 33.* The Clallam County Zoning Code designates the Sunland development and area for the golf course as Urban Residential High Density (URH). The URH zone is defined as a zone

allowing for high density multiple family residential development without commercial and industrial encroachment (C.C.C. 33.13.010). Outdoor recreational facilities is a conditional use in URH zones. The proposed expansion of the golf course is consistent with current land use. The golf course also acts as a buffer between the URH lots and the rural residences and roads. This proposed development is consistent with the Zoning Code. *Findings of Fact 3, 4.*

3. *The proposed action is consistent with land uses within the zoning district in which it is located and in the vicinity of the subject property.* The planning area in which Sunland is located has a need for more public golf courses. Expanding the current golf course will not alter the land use of the site and will be consistent with adjacent residential development. *Findings of Fact 1, 3.*
4. *The proposed action will have no unreasonable adverse impact on the surrounding land uses which can not be mitigated through the application of reasonable conditions.* As conditioned, adverse impacts are not anticipated from this proposal. Road, stormwater, visual, and noise impacts can be addressed by imposing conditions of approval that have been agreed to by the applicant. *Findings of Fact 4, 8.*

Conclusions Based on Findings for Planned Unit Development Application

1. *The Planned Unit Development is designed and arranged to relate to surrounding properties and to minimize adverse impacts of noise, traffic and incompatible land uses.* Surrounding properties are undeveloped. Development according to the site plan will be consistent with the existing community. The golf course landscaping will provide a buffer between the community and adjacent rural properties. *Findings of Fact 4, 7, 9.*
2. *The Planned Unit Development is designed and situated to minimize alteration of significant natural features.* The bluff between the proposed site and the existing Sunland community is the only significant natural feature. The golf course will be located between the residential section of the development and the slope, thereby protecting the slope from encroachment by structures. The stability of the slope can be maintained by leaving it in its natural state. *Findings of Fact 4, 6.*
3. *The Planned Unit Development promotes compatibility among land uses within the development and outside the development.* The golf course will provide an excellent buffer between the high-density residential development and adjacent public roads and rural properties. The golf course will reduce the visual and noise impacts of the development from the adjacent farmland and rural residential lots. *Findings of Fact 1, 4, 7.*

4. *The Planned Unit Development results in a positive contribution to the community which could not be achieved through standard platting and zoning procedures. The development will have 150 units upon completion. By providing trees, landscaping, and a golf course the development is a positive contribution to the community beyond that achieved through normal platting procedures. Findings of Fact 1, 4.*
5. *The Planned Unit Development is consistent with the spirit and intent of the Clallam County Comprehensive Plan, Zoning Code, Shoreline Master Program, Land Division Code, Floodplain Management Code, Environmental Policy Code, 6-Year Road Plan, Health, Building and Fire Codes and other applicable state and county codes. With conditions of approval, the proposed final phase of development of the Sunland project is consistent with the applicable comprehensive plans and ordinances of Clallam County and applicable laws of the State of Washington. Findings of Fact 3, 9.*

DECISION

Based upon the preceding Findings of Fact and Conclusions, and testimony and evidence presented at the open record hearing, the application for a conditional use permit to add an additional nine holes to the existing golf course is **APPROVED**. The application for a planned unit development to create a 63 lot planned unit development is **APPROVED**. The approval of each application is subject to compliance with the conditions as listed below. The conditions of the conditional use permit and the planned unit development permit shall be strictly enforced, and failure of the Applicant to adhere and satisfy these conditions will result in withdrawal of approval. The conditions are:

1. All improvements must be consistent with the revised site plan as submitted on June 16, 1998, by Clark Land Office.
2. The applicant will be required to show on a plot plan, water main details and proposed location for fire hydrants in order to ensure that fire protection is adequate for the development. The plan must be submitted to the satisfaction of the Building Official prior to final plat approval. Please contact Rob Robertsen with the Building Division at (360) 417-2314 for further details.
3. The applicant must receive approval from the Washington State Department of Health for the Sunland Community Water System to serve the new lots within Division 17. Proof of this approval shall be submitted to the satisfaction of the Environmental Health Division prior to final plat approval. Please contact Tanya Busch-Weak in the Environmental Health Division at (360) 417-2328 for further details.

4. A total of four (4) road names will need to be assigned to the new roads within Sunland Division 17. Please contact Lynn Fox with the Road Department at (360) 417-2319 for further details.
5. Prior to final plat approval, the applicant shall have prepared an engineered drainage plan prepared by a licensed engineer. In order to maintain consistency C.C.C. 27.12.840 (3)(f), the plan must incorporate the use of available and reasonable best management practices for the removal of chemical or biological contaminants prior to discharge to surface or groundwater resources as specifically described in Exhibit 6. Contact Ray Bradford with the Road Department at (360) 417-2530, or Ann Soule with the Water Quality Division at (360) 417-2424 for further details.
6. One combined approach will be permitted onto Woodcock Road per the revised plot plan submitted on June 16, 1998. The applicant will be responsible for contacting the Road Department for approval of a multi-family approach permit. The new approach can first be constructed as a temporary approach as described in Exhibit 3, attached. The temporary approach will include a 12-inch diameter culvert. When the required improvements to Woodcock Road are complete, the approach will have to be improved to 28-feet in width at the right-of-way line with a 35-foot radius to the reconstructed road. The entire apron will need to be paved with 2 inches of asphalt concrete. Please contact Lynn Fox with the Road Department at (360) 417-2319 for further details.
7. The easement for slope and fill maintenance work as described in Exhibit 4 must be completed and filed with the Clallam County Auditor prior to final plat approval. please contact Joe Swordmaker with the Road Department for further details.
8. Prior to development of the 13th Lot (Phase 3), the applicant shall have widened and rebuilt Woodcock Road from its current width of 22 feet to 34 feet with inslopes of 4 : 1. This reconstruction will be done to current county standards as outlined in the City and County Design Standards from the intersection of Sequim-Dungeness Way to the new access road (a minimum of 450 feet from the center of Sequim-Dungeness Way to the center of the new approach on Woodcock Road) plus tapering to the east of the new approach to match back to the existing road. Where City and County Design Standards are silent as to design detail, the county will apply another accepted standard such as AASHTO or WSDOT. The next four conditions (Conditions 9 through 12) related to the reconstruction of Woodcock Road.
9. A 10-foot wide easement on both sides of Woodcock Road from Sequim-Dungeness Way to the new approach will need to be granted to the Clallam County

*Make sure
this sorts
out the easement
issue.*

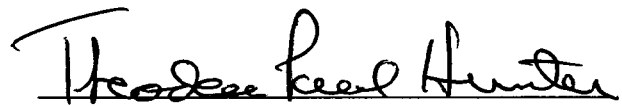
Road Department for future chanalization. The purpose of this easement would be for utilities and fill slopes.

10. The existing gravel approach along Woodcock Road will need to be removed prior to the reconstruction of Woodcock Road.
11. Engineered road plans by a State of Washington Engineer will be required to be submitted to the Road Department for review and approval prior to construction. Work shall not commence until approval is granted. A permit is required and must be obtained from the road Department. The engineered plans shall include utility relocation if necessary, including stormwater drainage.
12. During the reconstruction of Woodcock Road, the proponent shall hire an engineer to inspect and test all construction activities to ensure compliance with the standards set forth in Condition # 8, above. All questions relating to the reconstruction of Woodcock Road should be directed to Ray Bradford with the Road Department at (360) 417-2530.
13. The applicant has expressed a desire to dedicate the new platted roads within this Division to the County for public road purposes. To achieve this, the roads will need to be designed by a State of Washington Engineer, following the City and County Design, AASTO, and WSDOT standards. The proponent shall also hire an engineer to inspect and test all construction activities. Prior to county acceptance of the new roads, the proponent shall provide a surveyed plat map with ties to two (2) section corners showing the entire dedicated right-of-way. This drawing shall include a plan, profile, and cross section drawings of the newly constructed roads. If the proponent wishes to maintain the platted roads as private facilities, the applicant shall construct said roads to Clallam County private road standards as set forth in C.C.C. 29.30.200. The proponent shall also identify the mechanism for maintenance and repair of the private roads in a lot owner's association as specified in C.C.C. 29.30.700.
14. Prior to final plat approval, the applicant shall provide verification that utilities have been provided to all lots and stubs for service connections for underground utilities installed.
15. Prior to final plat approval, lot owners' association shall be required for the operation and maintenance of all common facilities within this short plat. The lot owners' association by-laws and articles of incorporation shall be submitted to and approved by the administrator prior to final approval. The final plat shall include a covenant which requires indefinite existence of the association and automatic

membership in the association upon assumption of ownership of a lot within the division [CCC 29.01.440].

16. A final plat map consistent with Chapter 29.20, C.C.C., must be submitted to the Planning Division for review by the Board of Clallam County Commissioners. All requirements set forth in Chapter 29.20, C.C.C., and the conditions of final plat approval contained herein, must be satisfied before the Board will grant final plat approval.
17. The applicant has indicated a desire to develop the Division in ten (10) phases. Consistent with C.C.C. 29.19.400, phased development of a land division may be allowed provided all required improvements are satisfied for that portion or phase currently being developed and considered for approval. In other words, all utility, road, drainage, and any other requirements established in the conditions for final approval must be completed to the portion or phase being developed. All necessary approvals such as water, drainage, and road improvement plans must be approved prior to final approval of Phase I. As set forth in Condition # 8, the improvements to Woodcock Road must be completed prior to development of Lot 13 (Phase 3). All phases must be completed within five (5) years of preliminary subdivision approval. Failure to complete all phases within this five year time frame will result in the expiration of the permit and the forfeiture of those Phases which remain to be completed.

Decided this 27th day of July, 1998.


Theodore Paul Hunter

Hearings Examiner for Clallam County