



LINCOLN COUNTY BOARD OF ADJUSTMENT
September 12, 2016 Hearing Summary

Board members present: Mr. Justin Slack, Mr. Dean Schoenfelder and Commissioner Mark Stedman.

Proponent: Kodiak LLC
PO Box 65309
Tacoma, WA 98464

Re: Conditional Use Permit No. 03-12

Proposal: Recreational Vehicle subdivision with 41 lots, shower/laundry facilities, pool.

Location of Proposal: NE ¼ of section 5, township 26N, range 36E, Lincoln County, WA

Mr. Stedman opened the hearing at 10:01 AM. The notice of public hearing and affidavit of publication were read and entered into the record.

Lynn Barnett of Kodiak LLC explained the proposal. He described it as a seasonal RV resort. Having developed the property across Hawk Creek Rd, he noticed people bringing their RV's over and thought an RV Subdivision nearby would complement Hawk Creek Resort. Mr. Barnett expressed that he believed his type of RV facility could be very successful.

Ron Sidell expressed his concern regarding the proposal. He says it looks good on paper but is concerned about the social impact as well as the environmental impact. He would like to see some hefty mitigation imposed i.e roads.

Coral Estes lives in Hawk Creek Resort and is concerned about the impact the proposal will have on an already rough and dusty road (Hawk Creek Rd). She bought her lot for the beautiful valley, creek, eagles and fish. She is also concerned about noise from the proposed RV subdivision. She referenced Deer Meadows (which is a regular subdivision, not an RV subdivision) regarding what she doesn't want to happen.

Dave Garnetti is a full time resident of Hawk Creek Resort. He is concerned about noise and that CenturyLink does not have enough capacity to support the proposal. He also voiced concerns regarding fire danger (residents not following burn ban), floodplain issues. He sees this proposal as only a negative.

Tim Lewallan, president of Hawk Creek Resort HOA has a background in hydro-geology. He submitted a letter regarding his concerns about the susceptibility of the aquifer in this area. His letter cites work done by the WRIA 53 Planning Unit. He fears pumping water for the proposal will dry the creek and the septic could contaminate the groundwater. He is also concerned about the road and that the proposal would produce minimal tax revenue. He stated the proposal should not go forward without more information.

Annette Sandberg read a multi-page letter outlining her concerns including environmental, road, social (see letter for details).

Curtis Boutain lives in the valley. He is concerned about the water table and dust.

Tim Johnson owns 130 acres across Hawk Creek from the proposal. He is currently working on a habitat enhancement project on his property. He is concerned about the native red band trout and trespassing as a result of the proposal.

Commissioner Stedman stated concerns regarding fire exits and fire suppression. The applicant responded by saying they would work on finding another exit, possible a gated exit for emergency purposes only. There was a lot of discussion and concern about who would maintain the water and septic systems; it would be the developer to begin with then once an HOA was established, they would take over. It would also be up to the developer/association to police the no permanent residence status. Commissioner Stedman expressed concern about gravel pads in the buffer. Larry Kendrick (agent for applicant) stated they could move those around and/or reduce size to eliminate some of the buffer impacts. The proposal includes property that the applicant does not own. However, there is a signed agreement to complete a Boundary Line Adjustment contingent upon conditional use permit approval. Commissioner Stedman also voiced his concern regarding the differences between agricultural uses along creeks vs. this development.

Board member, Justin Slack expressed concerns regarding who would monitor/police the occupancy rules along with others. The applicant stated it would be the responsibility of the HOA. Mr. Slack also questioned what "future residential" was referred to in the SEPA checklist. Larry Kendrick responded that that referred to the possibility of park models. (Park models are considered an RV by the state of Washington).

The Hearing was closed at 11:21 AM. The Board deliberated and Justin made a motion to deny the request for a conditional use permit, Mark seconded, all in favor. Due to a conflict of interest Mr. Dean Schoenfelder recused himself from the vote and deliberation.

The meeting was adjourned at 11:28 AM.

Findings:

1. A Mitigated Determination of Non-Significance (MDNS) has been issued and advertised pursuant to the requirements of the State Environmental Policy Act (SEPA), Chapter 43.21C RCW and SEPA Rules, WAC 197-11. Timely comments that were received upon circulating the SEPA checklist were reviewed and considered.
2. Section 17.02.030 of the Lincoln County zoning code (Title-17) does not outright permit the location of a RV Subdivision within the Agricultural District.
3. Section 17.02.060 of the code allows this use within the agricultural district as a conditional use, pursuant to criteria found in Section 17.06.010.
4. A wetland assessment and mitigation report was conducted for the site and adequately mitigates impacts to wetlands and wetland buffers.
5. Notice of Public Hearing was completed in accordance with RCW 58.17
6. The Board of Adjustment denied the proposal due to concerns regarding fire, enforcement, environmental, septic and road impacts.

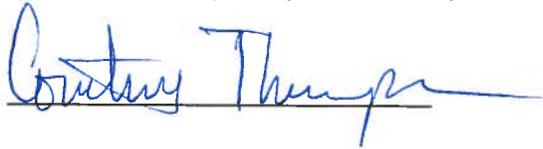
In the event the Board of Adjustment reconsiders the proposal, based on testimony from the Public Hearing, Lincoln County staff recommends the following:

Conditions of Approval:

1. Compliance with applicable Lincoln County building, zoning, development codes.
2. Compliance with all county health and state department of health requirements.

3. Compliance with Lincoln County road ingress/egress requirements.
4. Compliance with all federal & state regulations.
5. Install one additional exit to be used for emergency purposes only.
6. No gravel pads or roads in wetland buffer area.
7. Submit a dust control plan (for Hawk Creek Rd) to Lincoln County Public Works within 6 months of approval.
8. The on-site system manager must provide an annual report to the Lincoln County Health Department that operation and maintenance is being conducted in compliance with the approved operation and maintenance plan.
9. Must adhere to the approved Wetland Assessment & Mitigation Plan.
10. No full-time residents.
 - a. No additions to recreational vehicles (i.e. porches/decks)
 - b. No mail receptacles
 - c. No skirting (except for temporarily when occupied during freezing temperatures)
 - d. Only one vehicle per site
 - e. No storage of trailers on site (i.e. boat, ATV, ORV, UTV)
11. Per LCC 17.01.066 "a recreational vehicle shall not be occupied continuously for more than thirty (30) days".
12. Record covenants (approved by Lincoln County) in conjunction with the subdivision.
13. Best Management Practices and a good neighbor policy shall be employed in all phases of operation.
14. Reference this conditional use permit (CUP-03-12) and all required conditions on the face of the plat with language such as "these conditions shall apply to all lots within Creek Side RV Resort in perpetuity".

Dated this 26th day of September 2016, at Davenport, WA 99122.

A handwritten signature in blue ink that reads "Courtney Thompson". The signature is written in a cursive style and is positioned above a horizontal line.

Courtney Thompson
Planner

Cc: BOCC