



NOTICE OF DECISION

City of Woodinville

Development Services Department
425-489-2754 • 17301 133rd Avenue NE • Woodinville, WA 98072
Desk Hours • Monday – Thursday 7:30am – 5:00pm • Friday 7:30am – 4:00pm

The City of Woodinville has issued a Notice of Decision for the following project:

Project Name: Northshore Sports Complex Conditional Use Permit

Proponent: Dotty Heberling of Northshore Sports Complex, on behalf of Benton & Sollitt Inc.

Project Number: CUP10002/SEP10029

Description of proposal: Conditional use permit to operate a batting cage in the Industrial zone. The batting cage will occupy Building B of the property. Some interior construction will occur. SEPA is required for a conditional use permit.

Project Location: 14220 NE 193rd Place; Legally described as Lot 4 of King County Short Plat #787036, Recording #8811309002, Woodinville, WA.

Notice of Decision Date: February 14, 2011

End of Appeal Period Date/Time: February 28, 2011

Project Permit Expiration Date: February 14, 2016

Project Decision: A public hearing was held before the Woodinville Hearing Examiner on February 1, 2011, for review of the Conditional Use Permit application. After considering comments by the public, City staff, and outside agencies, the project was approved with conditions by the Woodinville Hearing Examiner, subject to the attached Findings of Fact, Conclusions and Decision.

The Conditional Use Permit shall be valid for five (5) years from the date of this decision. If a building permit is not obtained within this period, the Conditional Use shall become null and void, and a new application would need to be submitted.

The Conditional Use Permit shall also be declared void if there is a failure to comply with the approved plans or conditions of approval.

The application, supporting documents, and studies are available for review at the City of Woodinville, 17301 133rd Avenue NE, Woodinville, WA 98072. Contact: Erin Martindale, Project Manager, at (425) 489-2754, Ext. 2283. Email address: erinm@ci.woodinville.wa.us

Appeals: A Party of Record must file an appeal of this decision within 14 days from date of final this notice. The final decision of the Hearing Examiner's Decision is appealable to the City Council. Appeals must be delivered to the Planning Director and must be filed no later than February 28, 2011 by 4:00 p.m. Appellants must be a party of record. To receive additional information on appeals for this application, please contact the Project Manager listed below.



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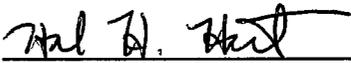
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Affected property owners may request a change in valuation with King County for property tax purposes notwithstanding any program of revaluation. For information regarding property valuations and/or assessments, contact the King County Assessor's Office at 206-296-7300.

Contact person: Erin Martindale, Project Manager

(425) 877-2283

Email address: erinm@ci.woodinville.wa.us

Signature: 
Hal H. Hart, Development Services Director

Date: February 14, 2011

Methods of Notice:

Published

Posted: 1) In-House, 2) Post Office & 3) Website

Post Site

Mailed to Parties of Record

King County Assessor's Office



NOTICE OF DECISION

City of Woodinville

Development Services Department

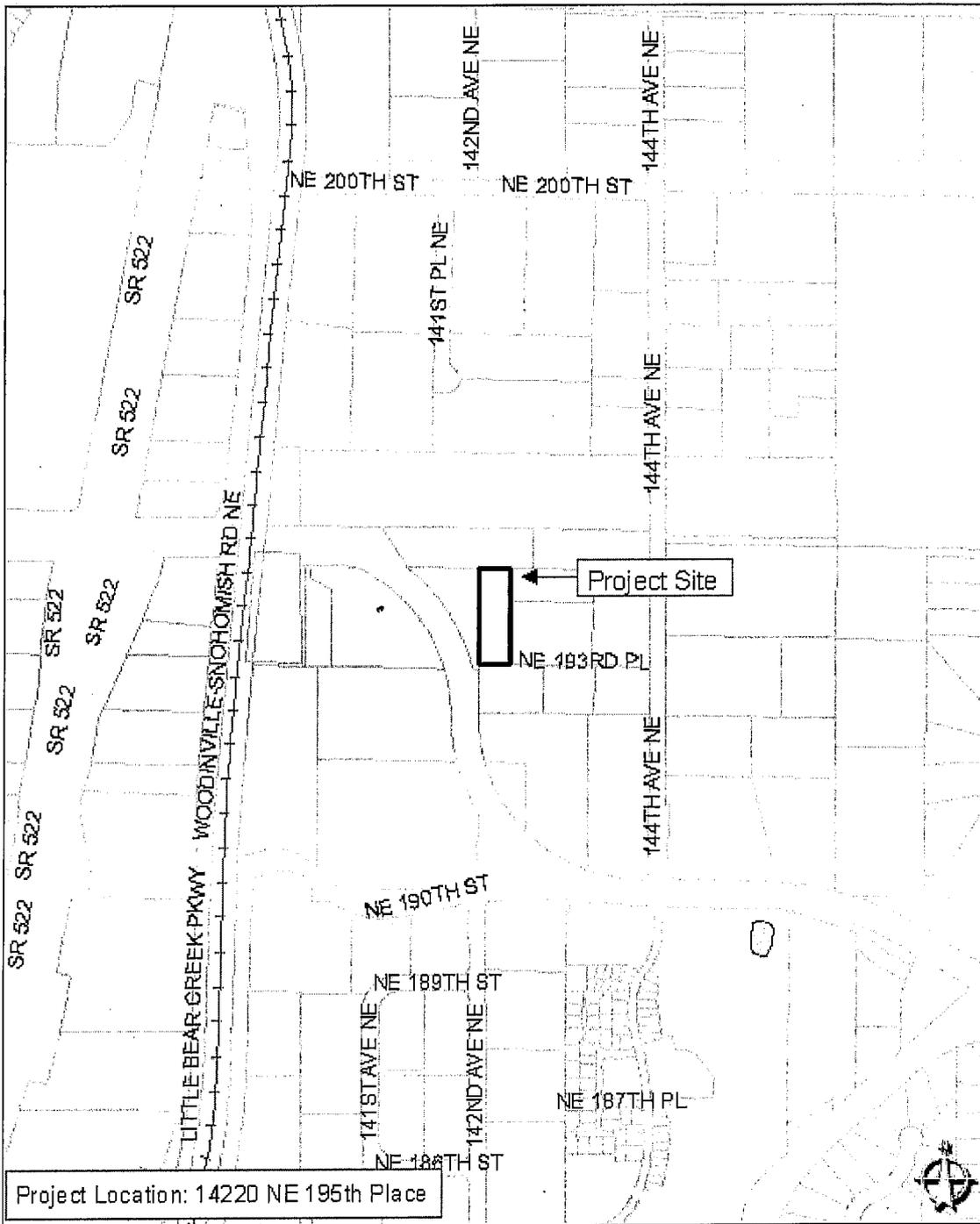
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Location Map

Project Name: Northshore Sports Complex Conditional Use Permit

File Numbers: CUP10002/SEP10029



**BEFORE THE HEARINGS EXAMINER
FOR THE CITY OF WOODINVILLE**

In the Matter of the Application of)
)
Dotty Heberling, on behalf of)
Northshore Sports Complex)
)
For a Conditional Use Permit)

No. CUP 10002 / SEP

FINDINGS, CONCLUSIONS
AND DECISION

RECEIVED
FEB 3 2011
City of Woodinville

SUMMARY OF DECISION

The request for a Conditional Use Permit to construct and operate an indoor batting cage facility in the industrial zone is **APPROVED**. Conditions of approval are necessary to mitigate specific impacts of the proposed use.

SUMMARY OF RECORD

Request:

Dotty Heberling, on behalf of Northshore Sports Complex, requests a Conditional Use Permit to construct and operate an indoor batting cage facility in the industrial zone at 14220 NE 193rd Place, in Woodinville, Washington.

Hearing Date:

The City of Woodinville Hearing Examiner held an open record hearing on the request on February 1, 2011.

Testimony:

The following individuals presented testimony under oath:

Erin Martindale, City Senior Planner
Tom Hansen, P.E., City Public Works Engineer
Dotty Heberling, Applicant's Representative
Robert Chadwick
Les Dow

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated January 25, 2011
2. Application forms received October 19, 2010
3. Plans (two sheets), received October 19, 2010

*Findings, Conclusion and Decision
City of Woodinville Hearing Examiner
Northshore Sports Complex – No. CUP 10002/SEP 10029*

4. Public Notice of Application
 - a. Notice of Application, issued November 1, 2010
 - b. Affidavit of Posting on Site, issued November 1, 2010
 - c. Affidavit of Posting on City Sites, issued November 1, 2010
 - d. Affidavit of Mailing, issued November 1, 2010, with mailing list
 - e. Affidavit of Publication, published November 1, 2010
5. Agency Comments Received
 - a. Transportation Impact Fee Calculation Worksheet
 - b. City of Woodinville, dated October 26, 2010
 - c. Woodinville Fire & Rescue, dated November 4, 2010
 - d. Woodinville Water District, dated November 4, 2010
6. SEPA Determination of Nonsignificance, issued January 3, 2011 and SEPA Checklist, received October 19, 2010
 - a. Affidavit of Publication, published January 3, 2011
7. Notice of Public Hearing
 - a. Notice of Public Hearing, dated January 17, 2011
 - b. Declaration of Posting on City Sites, issued January 17, 2011
 - c. Declaration of Posting on Site, issued January 17, 2011
 - d. Declaration of Mailing, issued January 17, 2011, with mailing list
 - e. Affidavit of Publication, published January 17, 2011

The Hearing Examiner enters the following Findings and Conclusions based upon the testimony and exhibits admitted at the open record hearing:

FINDINGS

1. Dotty Heberling, on behalf of Northshore Sports Complex, (Applicant) requests a Conditional Use Permit to construct and operate an indoor batting cage facility in the industrial zone at 14220 NE 193rd Place, Woodinville, Washington.¹ *Exhibit 1, Staff Report, page 1; Exhibit 2; Exhibit 3.*
2. The City of Woodinville (City) determined the CUP application was complete on October 19, 2010. *Exhibit 1, Staff Report, page 2; Exhibit 4.a.* The City provided notice of the application by mailing to property owners within 500 feet of the site on October 29, 2010. *Exhibit 1, Staff Report, page 7; Exhibit 4.a; Exhibit 4.d.* The City provided notice of the application on November 1, 2010 by posting notice on-site and at official City posting locations, and publishing notice in *The Woodinville Weekly*. *Exhibit 1, Staff Report, pages 2 and 7; Exhibits 4.a – c, 4.e.* No public comments were received. *Exhibit 1, Staff Report, pages 2 and 7.* On January 14, 2011, the City provided notice of the open record hearing associated with the request by posting notice on-site and at official City posting locations, and by mailing to property owners within 500 feet of the site on January 14, 2011. The City published notice in *The Woodinville Weekly* on January 17, 2011. *Exhibit 1, Staff Report, pages 2 and 7; Exhibits 7.a – e.*

¹ The property is identified by King County tax parcel number 0326059141. A legal description is provided as part of the application. *Exhibit 1, Staff Report, page 2; Exhibit 2.*

3. The City acted as lead agency for review of the environmental impacts caused by the proposal, as required by the State Environmental Policy Act (SEPA). Hal H. Hart, City SEPA Official, reviewed the Applicant's environmental checklist and other information on file. Mr. Hart determined that the proposal would not have a probable significant adverse impact on the environment and issued a Determination of Nonsignificance (DNS) on January 3, 2011, with a comment deadline of January 18, 2011. The City published notice of the DNS in *The Woodinville Weekly* on January 3, 2011. No appeals were received. *Exhibit 1, Staff Report, page 7; Exhibit 6; Exhibit 6.a.*
4. The property is designated Industrial on the City's Comprehensive Plan Future Land Use Map. *Comprehensive Plan, Chapter 3, page 10 (December 2006); Exhibit 1, Staff Report, page 1.* Surrounding land is also designated Industrial.² *Exhibit 1, Staff Report, page 2.*
5. The property is zoned Industrial, as are surrounding properties. A vacant property lies to the west; otherwise all surrounding properties are developed with industrial uses. *Woodinville Municipal Code (WMC) 21.08.040(B)(13)(a). Exhibit 1, Staff Report, pages 2 and 3; Exhibit 2.*
6. The proposed use would be located in Building B of a four building industrial park. Building B contains 24,000 square feet. The Applicant has a lease to occupy 10,950 square feet. The Applicant would install seven batting cages and viewing areas. Remaining areas would be used for offices, as well as a storage area that could be used for future expansion. Existing City and utility services are adequate to serve the proposed use. *Exhibit 1, Staff Report, pages 4 and 6; Exhibit 2, pages 4 and 8; Exhibit 3.*
7. The Applicant's business hours would be primarily evenings and weekends. During July through September hours are by reservation, mostly late evenings and weekends. Building B has a total of 38 parking spaces, 20 of which have been allocated for use by the Applicant's business. The City staff calculated that while there is no specific parking ratio for recreation uses, the entire building would require 37 parking spaces if the entire space is fully occupied. The Applicant has access to additional parking spaces within the industrial park after 4:00 PM. No pedestrian walkways are required for this use. *Exhibit 1, Staff Report, pages 3, 4 and 6; Exhibit 2, page 4; Exhibit 3.*
8. NE 193rd Place provides access to the industrial park from 144th Ave NE to the east. 144th Ave NE runs north and south and intersects with NE 200th Street to the north and

² The City staff identified the following Comprehensive Plan Goals and Policies as applicable to the proposal: Goal LU-11 (To provide an active and diverse industrial area that promotes economic growth), Policy LU-11.1 (Limit non-industrial use of industrial lands to uses which are complementary to industrial activities, and do not create potential land use conflicts with industrial activities), and LU-11.2 (Protect industrial lands from encroachment by other land uses, which would reduce the economic viability of industrial lands). *Exhibit 1, Staff Report, pages 3 and 4.*

NE North Woodinville Way to the south. Tom Hansen, City Public Work Engineer, testified that the NE 200th St and Woodinville Snohomish Rd NE signaled intersection operates at Loss of Service (LOS) C and the NE 195th St and 144th Ave NE intersection operates at LOS B during PM Peak Hours.³ Mr. Hansen determined that the proposed use would generate approximately six PM Peak Hour trips. Therefore, a traffic analysis to evaluate potential level of service issues on the public street system was not required. Traffic impact fees, however, will be required for the proposed project. *Exhibit 7, pages 2 and 5; Testimony of Mr. Hansen.*

9. City code provides that Indoor Batting Cage Facilities are a conditional use in the Industrial Zone, subject to the following conditions and limitations:
- (a) Facilities open to youth under the age of 18 shall not be located in the Sexually Oriented Business Overlay District.
 - (b) The facility shall require the minimum safety standards as provided for a national youth baseball association such as the Little League Association.
 - (c) Signs regarding safety rules must be prominently displayed.
 - (d) Pedestrian walkways shall be clearly marked.
 - (e) The business owner shall provide to the City a signed statement by the building owner declaring that High Hazard Occupancies (Type H Occupancies as defined in Chapter 15.09 WMC, International Codes) shall not be located in any spaces adjacent to the indoor batting facility; or the facility shall be located in a single occupancy building.
 - (f) Retail sales at an indoor batting facility shall be limited to baseball-related items, and the retail sales area shall not exceed 500 square feet.
 - (g) Children under the age of 15 are not permitted on the premises without a supervising adult.
 - (h) On-site food preparation is prohibited.

³ LOS [Level of Service] is reported on a scale of "A" through "F". The general definition of each LOS is as follows:

LOS "B" – This is a high maintenance service level in which the roadway and associated features are in good condition. All systems are operational. Users may experience occasional delays.

LOS "C" – This is a medium maintenance service level in which the roadway and associated features are in fair condition. Systems may occasionally be inoperable and not available to users. Short term delays may be experienced when repairs are being made, but would not be excessive.

<http://www.wsdot.wa.gov/Maintenance/Accountability/los.htm>

Findings, Conclusion and Decision
City of Woodinville Hearing Examiner
Northshore Sports Complex – No. CUP 10002/SEP 10029

- (i) A safe pedestrian “pick-up/drop-off” area that does not interfere with local traffic shall be provided.

WMC 21.08.040(A), (B)(13).

The Applicant provided a written response that the proposed use would meet the above limitations. The City staff proposed conditions that address (b), (c) and (f) – (i) above. *Exhibit 1, pages 3, 4 and 8; Exhibit 2, pages 3 to 7.*

10. Erin Martindale, City Senior Planner, testified that if the number of batting cages exceed ten, additional City review would be required. She clarified proposed Condition 10 by stating that, while the current proposal would not require a building permit, Woodinville Fire & Rescue review would be required. She testified that the proposed project would meet the CUP criteria. *Exhibit 5.c; Testimony of Ms. Martindale.*
11. Dotty Heberling, owner of Northshore Sports Complex, testified that she has operated a batting cage facility with seven batting cages in the area for the past 11 years. The hours of operation are generally weekdays from 4:00-9:00 PM and weekends from 9:00 AM to 10:00 PM. She testified that she agrees with the City’s proposed conditions. *Testimony of Ms. Heberling.*
12. Robert Chadwick is representative of the owner of the industrial park. He testified that other spaces surrounding the proposed use are currently vacant. He supported the use of a batting cage facility on the site. He testified that he could foresee no conflicts and that there were no incompatible uses with the proposed project. *Testimony of Mr. Chadwick.* Les Dow testified in support of the proposal and noted that he coaches 52 players who use the existing batting cage facility who would also use the proposed facility. *Testimony of Mr. Dow.*

CONCLUSIONS

Jurisdiction:

The Hearing Examiner has jurisdiction to hear and decide applications for Conditional Use Permits. *WMC 21.02.090; WMC 21.42.100; WMC 21.44.050.*

Criteria for Review:

In order to approve a conditional use permit, the Hearing Examiner must find that the Applicant has demonstrated that:

1. The conditional use is designed in a manner which is compatible with the character and appearance with the existing or proposed development in the vicinity of the subject property;
2. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;

*Findings, Conclusion and Decision
City of Woodinville Hearing Examiner
Northshore Sports Complex – No. CUP 10002/ SEP 10029*

3. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
4. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
5. The conditional use is not in conflict with the health and safety of the community;
6. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
7. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

WMC 21.44.050.

RCW 36.70B.040 requires consistency with City development regulations or the appropriate elements of the comprehensive plan, considering:

- a. The type of land use;
- b. The level of development, such as units per acre or other measures of density;
- c. Infrastructure, including public facilities and services needed to serve the development; and
- d. The characteristics of the development, such as development standards.

RCW 36.70B.040.

Conclusions Based on Findings:

1. **With conditions, the proposed use is designed in a manner which is compatible with the character and appearance with the existing or proposed development in the vicinity of the subject property.** The Applicant proposes to re-locate an existing indoor batting cage facility to Building B within an industrial park. No outdoor modifications to the building are proposed and the building would retain an appearance of industrial/warehouse space. Conditions of approval are required to ensure that the requirements of WMC 21.08.040(B) (13) are carried out. *Findings 1 – 12.*
2. **With conditions, the location and design of the proposed use does not hinder or discourage the use of neighboring properties.** Only internal modifications to Building B would be implemented. Neighboring properties are located within an industrial park. Activities within Building B would take place primarily in evenings and weekends so as to not conflict with other uses within the industrial park. Conditions of approval are required to ensure that the requirements of WMC 21.08.040(B)(13) are carried out. *Findings 1-12.*

*Findings, Conclusion and Decision
City of Woodinville Hearing Examiner
Northshore Sports Complex – No. CUP 10002/ SEP 10029*

3. **The proposed use is compatible with the physical characteristics of the property.** The proposed batting cage facility would not require any modification to the exterior of the existing structure. The proposed change of use from industrial to the indoor batting cage will not significantly impact the subject property. *Findings 1, 3-12.*
4. **There have been no modifications to development standards.** No modifications to development standards, i.e. setbacks or buffers, have been requested by the Applicant. *Findings 1-12.*
5. **With conditions, the proposed use does not conflict with the health and safety of the community.** The City reviewed the environmental impacts of the proposed use and issued a Determination of Nonsignificance. The proposed building use would meet all City building and fire codes. The business owner has provided a signed statement declaring that High Hazard Occupancies are not located in any spaces adjacent to the indoor batting facility. Conditions of approval are necessary to ensure that traffic impacts do not adversely affect the safety of the community. These impacts can be mitigated by payment of traffic impact fees. *Findings 1, 3-12.*
6. **With conditions, the pedestrian and vehicular traffic associated with the proposed use will not create a hazard nor will it conflict with existing or anticipated traffic in the neighborhood.** The proposed batting cage facility is located in an industrial park with little to no pedestrian traffic. Evening and weekend hours of operation would not conflict with industrial traffic in the neighborhood. The Applicant would provide a designated pick-up/drop-off space. Conditions of approval are necessary to ensure that any impacts of the proposed use do not adversely affect the safety of the community. *Findings 1, 3, 6-12.*
7. **Adequate public facilities and services exist to support the proposed use and such use will not adversely affect these public services.** The proposed use will not require increased public services or facilities. *Finding 6.*
8. **Based on the above conclusions, the requirements of RCW 36.70B.040 will be satisfied.** The proposed use is consistent with the Comprehensive Plan, and will not deviate from any development regulation adopted by the City. *Findings 3-4, 9-10.*

DECISION

Based upon the preceding Findings and Conclusions, the request for a Conditional Use Permit to construct and operate an indoor batting cage facility in the industrial zone at 14220 NE 193rd Place, Woodinville, Washington, is **APPROVED**, subject to the following conditions:⁴

⁴ This decision includes conditions designed to mitigate impacts of this proposed project as well as conditions required by City Code.

1. This conditional use permit allows for the operation of a batting cage facility. Seven (7) cages are proposed at this time. Addition of cages will require a minor or major modification to the conditional use permit. If there is an increase to more than 10 batting cages, the change will be considered a major modification that will follow the same process as the original conditional use permit. If the increase in cages is three or less, it will be considered a minor modification and be reviewed administratively.
2. All conditions of approval are required to be met at all times in order for the conditional use permit to be valid. Any change in operations that violates any condition of approval requires a major modification of the conditional use permit, to be submitted by the applicant.
3. The facility shall require the minimum safety standards as provided for a national youth baseball association such as the Little League Association.
4. Prior to operation, a sign(s) regarding safety rules shall be installed and prominently displayed, subject to inspection by the City.
5. This use is authorized to have up to 500 square feet of retail area without modifying the conditional use permit. In order to have more than 10 square feet of retail area, a building permit will be required to change the occupancy of the space.
6. Children under the age of fifteen (15) are not permitted on the premises without a supervising adult.
7. On-site food preparation is prohibited.
8. Prior to operation, a sign shall be installed that designates a spot for pick-up/drop-off only. This spot shall not count towards the required parking stalls.
9. All fire code required exits shall be maintained at all times.
10. Fire alarm and fire sprinklers may be required for this project. At the time of building permit application, or prior to operation if no building permit is submitted, the applicant shall obtain from the fire reviewer a written statement that no improvements are required, or shall obtain permits and meet the requirements for alarms and sprinklers.
11. The Public Works Department has determined that traffic impact fees will be due for this project, as required by Woodinville Municipal Code 3.39. The amount due will be determined after a building permit is submitted and before it is issued, or prior to operation if no building permit is submitted, subject to the code in place at that time.

Decided this 3rd day of February 2011.


THEODORE PAUL HUNTER
Hearing Examiner
Sound Law Center

Findings, Conclusion and Decision
City of Woodinville Hearing Examiner
Northshore Sports Complex – No. CUP 10002/ SEP 10029