

DOUGLAS COUNTY

DEPARTMENT OF HEARING EXAMINER

140 19th Street NW
East Wenatchee, WA 98802-4109

BEFORE THE DOUGLAS COUNTY HEARING EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
P-2025-01)	DECISION AND
Canyon Hills North Major Subdivision)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on April 17, 2025, 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. **Requested Action:** This is an application for a 112 lot major subdivision. The proposed division will be developed in two separate phases. Proposed lots range in size from 5100 sq. ft. to 61,657 sq. ft. The subject property is located in the Residential Low Density (R-L) zoning district under Douglas County Code.
2. **Location:** The subject property is located north of the intersection Badger Mountain Road and Canyon Hills Drive in East Wenatchee. The property is further described as being located within Section 36, Township 23N, Range 20E, W.M. Douglas County Assessor’s Parcel Number: 23203610001.
3. **Total Project Size:** 33.22 acres
4. **No. of lots:** 112
5. **Services and Utilities:**
 - 5.1. Domestic Water: East Wenatchee Water District
 - 5.2. Sewage Disposal: Douglas County Sewer District
 - 5.3. Power/Electricity: Douglas County Public Utility District
 - 5.4. Fire Protection: Wenatchee Valley Fire Department

- 5.5. School District: Eastmont School District
- 5.6. Irrigation: Domestic Water
- 5.7. Telephone Service: Varied
- 6. **Site Characteristics:** The topography varies throughout the site.
- 7. Uses adjacent to the subject properties:
 - 7.1. North: Dryland Agriculture
 - 7.2. South: Single-family dwellings, Douglas County PUD Substation
 - 7.3. East: Dryland Agriculture
 - 7.4. West: Single-family dwellings, Wenatchee Valley Super Oval, NCW Gun Club
- 8. **Access:** The subdivision is proposed to be accessed via Badger Mountain Road. The subdivision will have two access points to Badger Mountain Road, one access point will be built in each separate phase. Internally, the subdivision will be served by a network of new public roadways.
- 9. **Zoning and Development Standards:** The subject property is located within the Residential Low Density (R-L) Zoning District under Douglas County Code 18A.24 permitting subdivision of land subject to the dimensional standards noted in the Douglas County Code.
- 10. **Major Subdivisions:** The requirements of Title 17, "Subdivisions" Douglas County Code, apply to the design and review requirements for approval of major subdivisions of 10 or more lots, parcels or tracts.
- 11. **COMPREHENSIVE PLAN:**
 - 11.1. The Greater East Wenatchee Area Comprehensive Plan designates this property as Low Residential. It is envisioned that this designation would permit a range of housing options and densities to provide areas desirable for single-family residential use. The primary and preferred land use is residential. The use of innovative housing techniques such as attached single family, zero-lot line housing, averaging lots sizes, and other alternatives should be encouraged infilling and variety of housing types and densities. For these techniques to be used in a manner that protects the integrity of the surrounding properties, there must be mechanisms to ensure neighborhood compatibility and good design quality.
 - 11.2. The following goals and policies set forth in the Greater East Wenatchee comprehensive plan are relevant to this development:
 - 11.2.1. **Urban Growth:**
 - 11.2.1.1. **GOAL 2:** Reduce the inappropriate conversion of undeveloped land into sprawling, low density development and provide for the orderly and progressive

change from rural to urban density land uses within the Urban Growth Area with the provision of a full range of urban services.

11.2.1.1.1. **POLICY UG-7:** Ensure that the location of proposed easements and road dedications, structures, stormwater drainage facilities, and the extension of a full range of urban utilities (water, sewer, power, etc.) are consistent with the orderly future development of the property to achieve urban densities.

11.2.1.1.2. **UG-8** The development of residential and commercial property within the urban growth area shall only occur when all necessary urban public facilities and services are provided prior to or concurrent with development.

11.2.1.2. **GOAL 3:** Establish development patterns that use urban land more efficiently.

11.2.1.2.1. **POLICY UG-12:** The City and County encourage the use of innovative, high quality infill development and redevelopment strategies such as planned developments, zero-lot line, lot-size averaging, shadow platting, small lot subdivisions, and mixed uses in existing developed areas within the urban growth areas.

11.2.1.3. **GOAL 4:** The County and the City will collaborate on and adopt consistent regulations and development standards for areas located within the urban growth areas.

11.2.1.3.1. **UG-14** During the review process for development proposals within the urban growth areas the County and the City will participate in the review process, with final approvals continuing to reside with the agency with jurisdiction.

11.2.2. **Land Use – Residential:**

11.2.2.1. The quality and integrity of residential neighborhoods defines the character of the community. Ensuring that these neighborhoods remain stable and vital is of primary importance.

11.2.2.2. Urban governmental services and infrastructure must be available at the time of development or there must be a plan in place, with funding, to ensure that a full range of urban governmental services is available to serve the development within the planning period.

11.2.3. **Housing:**

11.2.3.1. **GOAL 1:** To provide for a sufficient number of safe, attractive and affordable residences for people of all income levels.

- 11.2.3.2. **GOAL 3:** To provide for a variety of housing types and densities to ensure a range of affordable housing options for all segments of the community.
- 11.2.3.3. **GOAL 5:** To ensure that public facilities and infrastructure are available to support development at urban densities in advance of / or concurrent with development.
- 11.2.3.4. **POLICY H-1:** Require residential development at urban densities to locate within urban growth areas consistent with the comprehensive plan. If the property is located outside of the service district boundary of a utility, annexation into the service district must occur prior to development of the property.
- 11.2.3.5. **POLICY H-4:** Apply consistent standards in residential development to preserve residential character.
- 11.2.3.6. **POLICY H-6:** Require the construction of sound, safe, and sanitary dwelling units.
- 11.2.3.7. **POLICY H-12:** Development standards must address efficient transportation networks and multi-modal opportunities for new development requiring the extension of existing streets into and through developments and the provision of sidewalks and trails for non-motorized modes of transportation.
- 11.2.3.8. **POLICY H-13:** New residential development in the urban growth area must be concurrently served by a full range of urban governmental services.
- 11.2.3.9. **POLICY H-24:** Ensure that new developments provide adequate street illumination.

11.2.4. Open Space and Recreation:

- 11.2.4.1. **GOAL:** Provide recreational opportunities, facilities, and experiences which will allow all individuals the opportunity to improve the quality of their lives, while preserving and enhancing the existing resources of the area.
 - 11.2.4.1.1. **POLICY OS-6:** Provide adequate access for vehicles and pedestrians to public recreational areas as appropriate.
 - 11.2.4.1.2. **POLICY OS-11:** Identify types, quantities, and associated criteria of facilities needed and proposed candidate sites.
 - 11.2.4.1.3. **POLICY OS-12:** Provide land use and transportation planning which supports the candidate sites.
 - 11.2.4.1.4. **POLICY OS-14:** Seek private dedication of land for parks and open spaces through a variety of methods, including purchases, donations, easements, and through the development review process.

11.2.5. Capital Facilities:

11.2.5.1. **GOAL:** Ensure that adequate capital facilities and services are planned, located, designed and maintained in an efficient manner that maximizes the use of existing facilities and promotes orderly compact urban growth and development that is served with a full range of urban services.

11.2.5.1.1. **POLICY CF 7:** The phasing of growth & development within the Urban Growth Boundary should be consistent with the priorities and capital improvement budgets contained within the water and sewer plans.

11.2.6. Utilities:

11.2.6.1. **GOAL 1:** Facilitate the development of all utilities at the appropriate levels of service to accommodate growth that is anticipated to occur in the area, in a fair and timely manner.

11.2.6.1.1. **POLICY UT 2:** A full range of urban services shall be provided within the entire urban growth area by promoting utility extensions to those areas needing urban services.

11.2.6.1.2. **POLICY UT 3:** Encourage development of vacant properties adjacent to established utility systems, according to the appropriate zoning classification and/or land use designation.

11.2.6.1.3. **POLICY UT 4:** Ensure that development take into account the timely provision of adequate and efficient utility systems.

11.2.6.1.4. **POLICY UT 5:** The cost of on-site utility improvements or site preparation for developments, such as surface drainage, utilities, and water and sewer systems should be the responsibility of private enterprise.

11.2.6.1.5. **POLICY UT 7:** Facilitate the provision of urban services to all areas in the urban growth area by sizing and locating new services that will efficiently accommodate future service extensions.

11.2.6.1.6. **POLICY UT 10:** Require the undergrounding of utility wires, where feasible.

11.2.6.2. **GOAL 4:** Provide sewer service for the East Wenatchee Urban Growth Area.

11.2.6.3. **GOAL 5:** Provide an efficient surface and stormwater management system that serves community residences and business in a manner that makes efficient use of limited resources and minimizes damage to public and private property from flooding events.

11.2.6.3.1. **POLICY UT 23:** Design, construct, and maintain stormwater facilities in a manner that minimizes their impact on adjacent neighborhoods and business.

11.2.6.3.2. **POLICY UT 25:** Require new developments locate required stormwater management facilities on-site unless a regional facility benefiting drainage has been constructed with sufficient excess capacity to serve the development.

11.2.6.3.3. **POLICY UT 29:** Stormwater facilities and infrastructure shall be of a type, nature and location to facilitate ease of access for required inspection, maintenance and operation. Stormwater facilities shall be located on a separate tract, where feasible overflow and access is provided from a county or city right-of-way.

11.2.7. Transportation:

11.2.7.1. **GOAL 1:** Provide a balanced transportation system that meets the needs of the community by accommodating the movement of people, goods, and services at an optimum level of safety, economy and efficiency.

11.2.7.2. **GOAL 3:** Ensure adequate and safe access to property via a system of public and private roads.

11.2.7.3. **POLICY T-6:** As public and private development occurs, ensure that transportation system improvements have adequate streets, sidewalks and walkways; and are consistent with the transportation and adopted system design.

11.2.7.4. **POLICY T-7:** Ensure that current and future developments provide proper, adequate and safe access to the transportation system and facilities.

11.2.7.4.1. Provision for adequate parking must be included in all developments.

11.2.7.4.2. Natural and artificial landscaping should be considered in the design of system facilities.

11.2.7.5. **POLICY T-8:** Facilitate mobility for all residents within the Greater East Wenatchee Area; including the elderly and persons with disabilities by providing accessible transportation facilities.

11.2.7.6. **POLICY T-16:** Design transportation facilities within the Greater East Wenatchee Area that minimize adverse environmental impacts resulting from both their construction and use.

11.2.7.7. **POLICY T-17:** Economic and residential growth decisions should be tied to the ability of the existing transportation system to accommodate the increased demand, or new transportation facilities should be provided concurrently with the proposed development.

- 11.2.7.8. **POLICY T-18:** Allow land use changes only when proposals are consistent with the adopted transportation level of service standards of the comprehensive plan.
- 11.2.7.9. **POLICY T-19:** Control the location and spacing of driveways and encourage the development of shared driveways.
- 11.2.7.10. **POLICY T-23:** Institute financing measures for major circulation elements that fairly distribute the cost between private property owners and the public sector.
- 11.2.7.11. **POLICY T-24:** All road construction projects shall be designed and constructed in compliance with locally adopted stormwater management standards.
- 11.2.7.12. **POLICY T-26:** Encourage public transportation-compatible infill development on bypassed vacant parcels in developed areas adjacent to bus routes and stops.
- 11.2.7.13. **POLICY T-27:** All transit related decisions such as roadway access, projects, and pedestrian linkages shall be consistent with the current adopted LINK service area policies.
- 11.2.7.14. **POLICY T-34:** Development shall provide improvements adjacent to their development in accordance with adopted design standards and approved traffic studies. Where deficiencies are present, these issues would have to be addressed prior to development occurring in order to protect the public's health, safety and general welfare consistent with the policies of the comprehensive plan, standard engineering principles, and adopted standards. Improvements necessary to maintain adopted levels of service shall be in place at the time of development, or a financial commitment agreed to by the city or county and the applicant must be in place to complete the improvements or strategies within six years.
- 11.2.7.15. **POLICY T-40:** Encourage physical activity by providing alternative modes of transportation with more pedestrian and bicycle friendly street standards.

12. ENVIRONMENTAL REVIEW:

- 12.1. Douglas County issued a Determination of Non-Significance on April 3, 2025, in accordance with WAC 197-11-355 (Optional DNS).

13. AGENCY AND PUBLIC COMMENTS:

- 13.1. Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included as an attachment to this report.
- 13.2. Agency comments:

Agency Notified	Response Date	Agency Notified	Response Date
Chelan Douglas Health District	2/21/2025	Douglas County Sewer District	2/13/2025
Confederated Tribes of the Colville Reservation	2/14/2025	East Wenatchee Water District	2/21/2025
Douglas County Assessor's Office	2/3/2025	Eastmont School District	N/R
Douglas County Building Official	2/13/2025	Link Transit	N/R
Douglas County Fire Marshal	2/13/2025	WA State Dept. of Ecology	2/13/2025
Douglas County Land Services Dept.	3/6/2025	Douglas County Public Utility District	2/19/2025

* N/R = No Reply

13.3. Agency comments have been included as suggested conditions of approval, where applicable.

13.4. One public comment was received regarding the proposed subdivision. The comment was submitted by David Hatfield, a representative of the NCW Gun Club, a private shooting range located to the northwest of the subject property. Concerns expressed within the comments are provided below:

13.5. Per Hatfield Comment:

13.5.1. Resident Trespassing and Safety Risks

13.5.1.1. The proximity of residential neighborhoods to active shooting ranges inherently increases the risk of unauthorized access. Individuals unfamiliar with range operations may inadvertently trespass, creating significant safety hazards. This could lead to conflicts, liability issues, and potential restrictions on our activities. Clear signage and additional fencing can help to mitigate this concern. Due to the size of the existing property, topography and adjacent property utilization, fencing has only been established in certain areas.

13.5.2. Noise Complaints and Operational Restrictions

13.5.2.1. Despite current sound mitigation measures, gunfire noise will potentially be a concern for these new residents and inevitability future residents. These complaints tend to arise even if the residents are made aware of the range's presence before moving in. Over time, these noise complaints can and may pressure local authorities to impose restrictive operational changes, potentially limiting our hours or forcing costly sound barriers that may still not be sufficient to appease all residents.

13.5.3. Encroachment Leading to Eventual Displacement

13.5.3.1. Historically, gun ranges located near expanding residential areas often face increasing regulatory pressures, which can lead to forced relocation or closure.

This Club's displacement would not only disrupt our members but also pose an extreme financial and logistical burden. Finding a new property that meets zoning, environmental, and safety requirements is incredibly difficult and prohibitively expensive. The comment includes recommendations to help mitigate the concerns above. Suggestions include establishing a buffer zone to prevent homes from being built too close, implementing legally binding agreements that acknowledge the range's presence and operations, and providing notice to prospective buyers regarding range activities and operations.

14. PROJECT ANALYSIS:

14.1. In review of this proposal, it is important to consider the goals and policies of the comprehensive plan, applicable county regulations, public and agency comments, any identified environmental concerns and state and federal requirements. Planning staff's analysis and review of the subject application is noted below:

14.1.1. Consistency with Greater East Wenatchee Comprehensive Plan:

14.1.1.1. The proposal is consistent with several sections of the Greater East Wenatchee Area Comprehensive Plan as noted above – Urban Growth, Land Use – Residential, Housing, Open Space and Recreation, Capital Facilities, Utilities and Transportation.

14.1.2. Consistency with the provisions of Title 17, "Subdivisions", Douglas County Code:

14.1.2.1. The proposal is consistent with the provision of this title.

14.1.3. Consistency with the provisions of the R-L Zoning District, Chapter 18A.24, DCC as adopted by Douglas County:

14.1.3.1. The subdivision will meet all applicable development standards of the Residential Low Density zoning district including but not limited to minimum lot size, lot width, and lot depth. The proposal is consistent with the provisions of this chapter.

14.1.4. Consistency with the provisions of Lot Frontage, Section 18A.72.210, DCC:

14.1.4.1. Residential lots shall have not less than 40 feet of frontage on a public or private roadway, except when located within a cul-de-sac or when the lot is accessed from a joint-use driveway or access easement meeting the requirements of Chapters 12.50 through 12.58 DCC, comprehensive street standards, and any amendments.

14.1.4.2. A minimum of 20 feet of contiguous frontage is required for lots located on a cul-de-sac (road right-of-way) and lots located on the outside of a road curve with a radius between 50 and 75 feet.

- 14.1.4.3. The proposal is consistent with the provisions of this chapter, subject to the Conditions of Approval.
- 14.1.5. Consistency with the provisions of Open Space Standards, Chapter 18A.73 DCC:
 - 14.1.5.1. The applicant proposes to develop two separate parcels as open space/ recreation areas. These areas will include both active and passive recreation opportunities such as sports courts, gravel walking paths, and benches. The total area of the proposed open space/ recreation is 2.34 acres. The total acreage of the subject property is 33.22 acres. Per DCC 18.73A, the applicant is required to provide open space/ recreation areas that total at least 5% of the gross site area. The subject property is approximately 33.22 acres in size, therefore a minimum of 1.66 acres of open space/ recreation is required.
 - 14.1.5.2. The proposal is consistent with the provisions of this chapter, subject to the Conditions of Approval.
- 14.1.6. Consistency with the provisions of DCC Chapter 20.34, Stormwater Drainage
 - 14.1.6.1. The proposal is consistent with the provisions of this chapter, subject to the Conditions of Approval.
- 14.1.7. Consistency with the provisions of DCC Title 12 Road Standards
 - 14.1.7.1. The proposal is consistent with the provisions of this chapter, subject to the Conditions of Approval.
15. The applicant for the project is FIO LLC.
16. General Description: An application for a 112 lot major subdivision. The proposed division will be developed in two separate phases. Proposed lots range in size from 5100 sq. ft. to 61,657 sq. ft. The subject property is located in the Residential Low Density (R-L) zoning district under Douglas County Code.
17. The applicant has submitted the following:
 - 17.1. Land Use Master Application
 - 17.2. Preliminary Plat Map
 - 17.3. SEPA Checklist
 - 17.4. Project Narrative
 - 17.5. Preliminary Stormwater Report
 - 17.6. Cultural Resource Survey

- 17.7. Open Space/ Recreation Plan
 - 17.8. Alternate to Code Request
 - 17.9. Traffic Impact Analysis
 - 17.10. Preliminary Civil Plans
 - 17.11. Canyon Hills North Grading Agreement
18. Location: The subject property is located north of the intersection Badger Mountain Road and Canyon Hills Drive in East Wenatchee. The property is further described as being located within Section 36, Township 23N, Range 20E, W.M. Douglas County Assessor's Parcel Number: 23203610001.
19. Site Information:
- 19.1. Total Project Size: 33.22 acres
 - 19.2. No. of lots: 112
 - 19.3. Domestic Water: East Wenatchee Water District
 - 19.4. Sewage Disposal: Douglas County Sewer District
 - 19.5. Power/Electricity: Douglas County Public Utility District
 - 19.6. Fire Protection: Wenatchee Valley Fire Department
 - 19.7. School District: Eastmont School District
 - 19.8. Irrigation: Domestic Water
 - 19.9. Telephone Service: Varied
20. Site Characteristics: The topography is relatively flat with mild slopes in the north portion of the subject property.
21. Access: The subdivision is proposed to be accessed via Badger Mountain Road. The subdivision will have two access points to Badger Mountain Road, one access point will be developed in each separate phase. Internally, the subdivision will be served by a network of new public roadways.
22. Surrounding Property:
- 23. North: Dryland agriculture
 - 24. South: Single-family dwellings, Douglas County PUD Substation
 - 25. East: Dryland agriculture

26. West: Single-family dwellings, Wenatchee Valley Super Oval, NCW Gun Club
27. The subject property is located within the East Wenatchee Urban Growth Area.
28. The subject property is designated Residential Low Density by the Greater East Wenatchee Area Comprehensive Plan.
29. The subject property is in the Residential Low Density (R-L) zoning district which allows for subdivisions as permitted uses.
30. Douglas County issued a Determination of Non-Significance on April 3, 2025 in accordance with WAC 197-11-355 (Optional DNS).
31. DCC 18A.72.210 requires residential lots to have not less than 40 feet of frontage on a public or private roadway, except when located within a cul-de-sac, or when the lot is accessed from a joint-use driveway or access easement meeting the requirements of Chapters 12.50 through 12.60 DCC.
32. The project was reviewed by Washington State Department of Archeology and Historic Preservation and the agency provided comments on June 06, 2024. The comments state:
 - 32.1. Thank you for contacting the Department of Archaeology and Historic Preservation (DAHP) and providing a copy of the cultural resources survey report for the above referenced project. As a result of our review, we agree with the recommendations made in the report and your finding of No Historic Properties Affected. As a result of our agreement, further contact with DAHP on this matter is not necessary.
 - 32.2. However, if information becomes available and/or the scope of work changes, please resume consultation with DAHP and all consulting parties. In the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity must stop, the area secured, and contact made with concerned tribes and DAHP for further consultation.
33. One public comment was received regarding the proposed subdivision. The comment was submitted by Dave Hatfield, a representative of the NCW Gun Club, a private shooting range located to the northwest of the subject property. The comment expressed concerns such as resident trespassing and safety risks, noise complaints and resulting operational restrictions, and residential encroachment leading to eventual displacement.
34. The preliminary civil plans include widening on Badger Mountain Road to accommodate left turn lanes at the two new public intersections for this subdivision. The proposed public internal roads are designed to the Urban Local Access Standard Figure 3-7b. A stormwater pond is proposed in a tract in the southwest corner of the subdivision. A second stormwater pond is proposed on the western side of the eastern portion of the subdivision
35. Badger Mountain Road is classified as an Urban Arterial, however, has been constructed in this area per the Urban Collector Road Standard. As such, the Urban Collector standard is acceptable along the project frontage.

36. The Alternate to Code request is partially accepted by the County Engineer to allow:
- 36.1. Reduction of the design speed to 20 MPH on F-Line and G-Line in Phase 2 of the subdivision. The reduction in design speed allows for a horizontal curve radius of 100 feet at 3 proposed locations.
 - 36.2. Construction of left turn lanes at the new intersections rather than DCC required two-way center turn lane along the entire project frontage per Road Standard Figure 3-8.
 - 36.3. Elimination of the sidewalk east of the eastern intersection along Badger Mountain Road.
37. Offsite grading is proposed on the property to the north of the subdivision. The applicant has provided a signed agreement, dated 2/18/2025, confirming the owner of the property to the north will grant a grading and construction easement prior to construction. The offsite grading is necessary to construct the connection between the two phases of the subdivision.
38. The proposed portion of Road L from approximate stations 53+00 to 61+00 that connects Phase 1 to Phase 2 is shown on the preliminary civil plans with a width of 18 feet from edge of pavement to face of curb. The minimum width for a half-street is 24 feet from edge of pavement to face of curb per DCC12.52. If hydrants are located along this section of road, the minimum width is 26 feet per the International Fire Code.
39. Road Standard Figure 3-7b includes a full road section width of 28 feet from face of curb to face of curb with no parking. It may be mutually beneficial for the developer and the property owner to the north if this section of road is constructed to the current county standard as part of this project. Constructing the road to full width with sidewalk on the south side and curb and gutter on the north side is acceptable to the County should the applicant choose to do so.
40. Per DCC, For phase 1, Road L shall terminate in a cul-de-sac if the design includes a dead end is longer than 150 feet.
41. Upstream runoff collected by the ditch on Badger Mountain Road currently flows across this property to the drainage known as Canyon B north of this property. This runoff shall be collected and conveyed across the property to mimic the existing conditions. Alternative methods of handling this upstream runoff can be considered during review of the construction plans and stormwater report.
42. The preliminary plat includes 109 lots, two tracts, and right-of-way dedication for a public internal roadway network with two extensions to provide future access to the property to the north. A 10-foot wide right of way dedication is shown along the Badger Mountain Road frontage.
43. The preliminary storm report adequately demonstrates stormwater management feasibility for the subject property through qualitative analysis, sub-basin delineation, and calculations.
44. The Traffic Impact Analysis (TIA) is based on trip generation from 60 single family homes for phase 1 and 160 single family attached homes (duplexes) for phase 2. A total of five intersections

were analyzed and found to operate at an acceptable level of service with the project at the 2027 horizon year for phase 1 and at the 2030 horizon year for phase 2. The TIA conclusions indicate that the existing transportation facilities are anticipated to accommodate the Canyon Hills North project and that no project-specific off-site transportation system improvements are necessary.

45. Per the Washington State Department of Ecology, If the project anticipates disturbing ground with the potential for stormwater discharge off-site, the NPDES Construction Stormwater General Permit is recommended. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit may take 38-60 days. The permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) shall be prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water and storm drains by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction.
46. Per the East Wenatchee Water District, Water is available per this request. The pump station that feeds the pressure zone where this parcel is located has reached its maximum pumping capacity. The EWWD is currently exploring options for increasing capacity in this zone. A financial contribution will be required from the developer to increase capacity within this zone to help serve this proposal and it yet to be determined what that is.
47. Per the Douglas County Sewer District, Public sewer is available in Badger Mountain Road as shown on the preliminary plans. Offsite collection system capacity for this subdivision will require the developer to upsize approximately 150 feet of 8-inch sewer main crossing Daniels Drive.
48. Surrounding property owners were given the opportunity to comment on the proposals, can request a copy of the decision, and can appeal the decision subject to the requirements outlined in DCC 14.12.
49. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
50. Purveyors who responded to the project have indicated that adequate utilities/services are available or can serve this project.
51. The development will not adversely affect the general public, health, safety and general welfare, subject to the suggested Conditions of Approval.
52. After due legal notice and open record public hearing was held on April 17, 2025.
53. The following exhibits were admitted into the record:
 - 53.1. Ex. 1. Staff Report
 - 53.2. Ex. 2. Remainder of Planning file of Record.

54. Appearing and testifying on behalf of the Applicant was Pat Doneen. Mr. Doneen testified that he was the agent for the Applicant and property owner. He testified that he had reviewed the Staff Report and had no objection to any of the representations contained therein. He also testified that he had reviewed the proposed Conditions of Approval, as amended, and had no objection to any of those.
55. Appearing and testifying from the public were the following individuals
- 55.1. Jeremy Anders. Mr. Anders testified as an agent of the Super Oval. Mr. Anders stated that the racetrack has been present at this location for 55 years and that the racetrack will generate some noise. He wanted all future owners to realize that their home is located near the gun club and the Super Oval and that noise will be generated from these uses.
- 55.2. Dave Hatfield. Mr. Hatfield testified consistent with his written comments. Mr. Hatfield indicated that he was testifying on behalf of the Gun Club. He would like to see the project fenced to discourage trespassing on Gun Club property. He also suggested that there be some notice to buyers that the Gun Club is in the vicinity and will generate noise.
- 55.3. Brian Fair. Mr. Fair testified in favor of the project. He indicated that 40% of the SPEC homes in this area are sold to investors and that more homes were needed to insure more individual ownership.
- 55.4. Mike Lindsey. Mr. Lindsey testified on behalf of the Gun Club. He also suggested that the houses be required to have fencing to discourage trespassing. He also suggested that there be some sort of legal documents that the buyers and sellers of property are required to sign where the existence of the Gun Club and Super Oval are confirmed and that the buyers waive any claims against those entities based upon the noise.
- 55.5. In response to Mr. Lindsey's testimony, the Hearing Examiner indicated that the Hearing Examiner does not have the authority to require individuals or entities to enter into contracts that would waive liability from one entity to the other.
56. 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. The development meets the goals, policies and implementation recommendations as set forth in the Greater East Wenatchee Area Comprehensive Plan, subject to the Conditions of Approval.
3. This proposal is consistent with applicable federal and state laws and regulations, subject to the Conditions of Approval.
4. Public use and interests will be served by approval of this proposal, subject to the Conditions of Approval.

5. The proposal is consistent with Title 18A DCC, subject to the Conditions of Approval.
6. The proposal is consistent with Title 17 "Subdivisions", Title 19 "Environment", and Title 20 "Development Standards", of the Douglas County Code, subject to the Conditions of Approval.
7. Any Finding of Fact that is more correctly Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, the Hearing Examiner has determined that P-2025-01 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

1. The project shall proceed in substantial conformance with the plans and application materials of file except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. A plat certificate showing parties of interest from a title company must be submitted with the blueline drawings.
4. The final plat shall be submitted by a land surveyor licensed in the State of Washington, and shall comply with the standards set forth in Title 18A of the Douglas County Code.
5. All parties having an ownership interest in the subject property shall acknowledge the plat.
6. It is the responsibility of the applicant to contact the Douglas County Assessor's and Treasurer's offices to confirm all taxes are current prior to final plat approval.
7. During construction, all work associated with the proposed project shall occur between the hours of 6:00 a.m. to 7:00 p.m., Monday through Friday and 7:00 a.m. to 7:00 p.m., Saturday. Construction activities on Sunday shall not commence before 8:00 a.m. and shall conclude by 7:00 p.m.
8. The final plat shall show the location of all easements serving or encumbering the subject property.
9. Per DCC 18A.72.211, flag lots are prohibited for this proposal. The final plat shall revise the configuration of the flag lots to meet minimum dimensional standards. Access easements may be an alternative option to gain access to the lots if they are not connected to the streets with direct frontage.
10. Upon submittal of the construction plans, the applicant shall also provide a final recreation plan. The plan shall provide specific details of the recreation elements, as well as any landscaping installation.

11. All improvements to the open space and recreation area must be completed or bonded for prior to final approval of the plat.
12. Domestic water service shall be by expansion of the East Wenatchee Water District public water system. Written confirmation from the utility agreeing to provide individual service to each lot is required. All water system improvements must be designed, constructed, and placed in accordance with the purveyor's requirements. Completion of the improvements, including necessary easements, must be accepted in writing from the utility prior to final plat approval.
13. The dedicatory language on the plat shall carry this note:
 - 13.1. "The Health District has not reviewed the legal availability of water to this development."
14. Sanitary sewer service shall be by expansion of the Douglas County Sewer District public sewer system. All sewer system improvements must be designed, constructed, and placed in accordance with the purveyor's and the Dept. of Ecology's standards and requirements. Completion of the improvements, including necessary easements, must be accepted in writing from the utility prior to final plat approval.
15. A 10' utility easement shall be provided for primary power. The Cost estimate to provide electrical service to the project must be paid prior to final approval and primary conduit and conductor installed prior to approval.
16. Once a final layout has been approved by the Transportation Department, please coordinate with the Douglas County GIS Department in naming the new roads, public or private. Standards for naming roads can be found in DCC 12.04, Road Naming and Property Addressing.
17. Addresses shall be assigned during the blue line review. Addresses can be added to the plat prior to recording.
18. Minimum fire flow is required in compliance with D.C.C. 15.28.090 = 1,000 GPM.
19. Fire hydrants are required in compliance with D.C.C.15.28.
20. Per IFC Appendix D107.1, Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required.
21. Per IFC Appendix D107.2, Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.
22. The Road (L & E) between Phase 1 and Phase 2 shall be completed out to Badger Mountain Road in order to remove the sprinkler system requirement. Road width shall be a minimum of 26 feet wide exclusive of shoulders.
23. The pump station that feeds the pressure zone where this parcel is located has reached its maximum pumping capacity. The EWWD is currently exploring options for increasing capacity

- in this zone. A financial contribution will be required from the developer to increase capacity within this zone to help serve this proposal.
24. A DEA (developer line extension agreement) will be required prior to plan submittals to the East Wenatchee Water District. The designated fire flow storage within the reservoir that serves this pressure zone is 750gpm for a 2-hour duration. Requirements for fire flow will meet the standards of the Douglas County Fire Marshall and all required improvements will be per current District Design Standards and Specifications.
 25. The Developer will assume all the Water District's costs for this proposal including inspections, testing and permits. After construction is completed and accepted by the District, a 2-year Maintenance/Warranty Bond will be required.
 26. Public sewer is available in Badger Mountain Road as shown on the preliminary plans. Offsite collection system capacity for this subdivision will require the developer to upsize approximately 150 feet of 8-inch sewer main crossing Daniels Drive.
 27. The applicant shall enter into a Developer Extension Agreement (DEA) with the Douglas County Sewer District. The applicant shall coordinate design of the required extension with DCSD engineers to address the offsite improvements.
 28. The applicant shall comply with the following general requirements for extension of public sewer:
 - 28.1. Developer's Extension Application (\$500 non-refundable fee)
 - 28.2. Engineered sewer plans for review (with application)
 - 28.3. Developer's Extension Agreement (DEA) and deposit (\$3,500; balance refundable)
 - 28.4. Engineering review costs for this extension, incurred by the District, are reimbursable to the District, and will be invoiced directly to the developer.
 - 28.5. Easements as required
 - 28.6. Performance & payment bond for 125% of the sewer portion of the project in existing ROW
 - 28.7. County right-of-way permit if applicable (issued through DCSD)
 - 28.8. Built to DCSD standard plans and specifications, inspected and tested
 - 28.9. 2-year maintenance bond for 15% of the total cost of the sewer project
 - 28.10. As-built drawings meeting the criteria in the DEA
 - 28.11. Bill of Sale
 29. All sewer improvements must be constructed and accepted by the Sewer District, or a Performance Bond for 125% of the total value of all sewer improvements must be provided to the Sewer District, prior to final plat approval.
 30. Final construction plans designed by a Professional Engineer licensed in the State of Washington shall be submitted to and accepted by Douglas County prior to construction. Construction plans shall be prepared in accordance with the requirements of the Douglas County Code.
 31. Include the designation "P-2025-01" on each sheet of the final civil construction plans.

32. Frontage improvements are required along Badger Mountain Road in accordance with Figure 3-8 (Urban Collector standard) of Douglas County Code. Per the Alternate to Code accepted by the County Engineer on February 12, 2025, left turn lanes shall be designed and constructed at the two new intersections. A two-way center turn lane is not required along the entirety of the project frontage. Sidewalk is required along the project frontage with the exception of the frontage east of the eastern intersection's curb return. A 10-foot right-of-way dedication is required along the project frontage. Frontage improvements on Badger Mountain Road may be constructed concurrently with each respective phase.
33. A 1-foot non-vehicular easement shall be shown on the final plat along the Badger Mountain Road frontage.
34. All internal roads shall be constructed to meet the roadway section presented on Figure 3-7b of the Douglas County Road Standards.
35. Per the Alternate to Code accepted by the County Engineer on February 12, 2025, the horizontal alignment radii on Road F and Road G can be based on a 20 mph design speed.
36. Road M and Road E shall extend to the northern property to provide future connectivity to the north.
37. A 1-foot non-vehicular easement shall be shown on the final plat at the terminus of Road M and Road E. A note shall be included on the plat that states that the non-vehicular easement shall terminate upon extension of Road M/E to the north and that the non-vehicular easement does not apply to existing agricultural uses.
38. The proposed portion of Road L from approximate stations 53+00 to 61+00 that connects phase 1 to phase 2 shall be 24 feet minimum from edge of pavement to face of curb per DCC 12.52. If hydrants are located along this section of road, the minimum width is 26 feet per the International Fire Code.
 - 38.1. Road Standard Figure 3-7b includes a full road section width of 28 feet from face of curb to face of curb with no parking. Constructing this section of road to full width with curb, gutter and sidewalk on the south side and curb and gutter on the north side is acceptable to the County should the applicant choose to do so.
 - 38.2. A 1-foot non vehicular easement shall be shown on the northern property for the portion of the Road L that is constructed as a half street improvement. A note shall be included on the plat that states that the non-vehicular easement shall terminate upon construction of the northern half of Road L per county road standards and that the non-vehicular easement does not apply to existing agricultural uses.
 - 38.3. Should Road L terminate in a dead end as part of Phase 1, a cul-de-sac is required at its terminus if the dead end is longer than 150 feet per DCC 12.52.
39. A Grading, Slope, and Construction easement shall be recorded prior to construction plan acceptance if off-site grading is necessary.
40. Illumination shall be designed and installed consistent with East Wenatchee Municipal Code, Douglas County Code Section 12.57.100 Roadway Illumination. The applicant shall be responsible for PUD charges for the connection of streetlights to the transformer or hand hole. The type of light fixture to be installed shall be coordinated with Douglas County during construction plan review.

41. The location of any cluster mailbox units proposed for the subdivision shall be shown on the construction plans. The location shall be accepted by the County Engineer and USPS Postmaster prior to plan acceptance. Cluster mailbox units shall be located within the public right of way or covered within an easement dedicated for such use. Mailboxes shall be located on the internal public roads. Mailboxes shall not be located on Badger Mountain Road.
42. Five-foot utility easements (min.) are required along all lots or tracts with County road frontage in accordance with the road standards. Utility purveyors may require easements in excess of five feet.
43. All existing and proposed easements shall be clearly delineated with the Auditor's File Number(s) noted on the final plat.
44. Prior to final plat acceptance and/or release of financial security, the Engineer of Record shall provide written certification that the frontage improvements, off-site improvements, internal roads, utility infrastructure, stormwater systems, and grading have been constructed/completed in accordance with the Conditions of Approval, applicable codes, and the accepted construction plans. Monitoring shall be required as determined appropriate by the Engineer of Record and in accordance with the Road Standards, with final reports submitted to Douglas County along with the certification.
45. Final acceptance shall be processed in accordance with Douglas County Code (DCC) Section 12.56.110 Final Acceptance. A Warranty Assurance Agreement shall be completed per DCC 12.50.110 prior to final acceptance.
46. Per DCC Chapter 12.24, all new or revised accesses onto a County road (including temporary accesses) require an approved access permit.
47. Utility installation/replacement/upgrade within the Douglas County right-of-way shall be approved by Douglas County. A permit to perform work in the right-of-way shall be obtained prior to construction. Damage to existing roads resulting from construction activities (including utility extensions required to provide necessary services to the proposed development) shall be repaired to the satisfaction of Douglas County, by the applicant. The extent of repair and/or replacement will be determined during construction plan review and during field inspection of the completed work within the right-of-way.
48. A final site-specific stormwater plan and report prepared by a Professional Engineer licensed in the State of Washington that conforms to Douglas County Code and the current Stormwater Management Manual for Eastern Washington (SWMMEW) shall be submitted to and accepted by Douglas County prior to construction.
49. Final construction plans shall include proposed grading of lots and locations of walls (as applicable) to ensure runoff is retained on-site or conveyed to the public right-of-way.
50. Include the designation "P-2025-01" on the cover sheet of the final stormwater report.
51. Upstream runoff collected by the ditch on Badger Mountain Road currently flows across this property to the drainage known as Canyon B north of this property. This runoff may be collected and conveyed across the property to be discharged at the same location in a safe manner to prevent erosion. Alternative methods of handling this upstream runoff can be considered during the review of the construction plans and stormwater report for the development.

52. Stormwater facilities shall be designed to overflow to the public Right of Way or oversized by 125% of design capacity plus one-foot of freeboard. The volume used to determine that the system meets 125% of design capacity cannot include volume provided by the one-foot of freeboard. A downstream analysis of potential overflow impacts shall be included within the design report.
53. Stormwater facilities shall be located on a separate tract(s) under the functional control of the Homeowners' Association with each lot having an undivided ownership, interest, and responsibility for the tract(s).
54. Provisions to provide access for inspection and maintenance of the stormwater tract(s) shall be addressed within the design plans and stormwater report.
55. Prior to any on-site grading occurring or prior to construction plan acceptance (whichever comes first), a Stormwater Pollution Prevention Plan (SWPPP) and a Temporary Erosion and Sediment Control Plan (TESC Plan) shall be submitted to and accepted by Douglas County. The SWPPP and TESC Plan shall be kept on-site at all times and updated as necessary to address and prevent sediment and sediment laden water from leaving the project site.
56. The applicant is responsible for preventing mud, dirt, debris, and stormwater runoff from being tracked or otherwise discharging onto the public Right of Way or adjacent properties.
57. As applicable, registration of facilities that are regulated under the Washington State Department of Ecology's Underground Injection Control Program shall be completed prior to construction.
58. The Engineer of Record shall monitor construction and shall provide as-built drawings along with certification that the improvements have been completed in accordance with the applicable codes, regulations, and accepted plans. UIC registration shall be provided as applicable.
59. Prior to final plat acceptance, a Private Stormwater Operation and Maintenance Agreement shall be executed on standard Douglas County forms. The site plan, details, certification, and operation and maintenance recommendations shall be provided to the County. County staff will prepare the agreement for signature and recording by the applicant. A note shall be included on the face of the final plat which states:
 - 59.1. "Douglas County will not maintain the private stormwater facilities located within this subdivision. Responsibility for the long term maintenance of the private stormwater facilities is described within the Declaration of Stormwater System Maintenance Covenants recorded under AFN _____."
60. Any proposed lots that will not drain to a subdivision stormwater system shall utilize an on-site infiltration facility which requires an engineered construction plan and stormwater report be submitted with the application for a building permit. As applicable, a note shall be included on the face of the final plat which states:
 - 60.1. "At the time of building permit submittal for Lots _ - _, an engineered construction plan and stormwater report shall be submitted conforming to Douglas County Code and the current edition of the Stormwater Management Manual for Eastern Washington. The Engineer of Record shall provide certification that the private on-site stormwater system has been completed in accordance with the accepted plans. A private stormwater operation and maintenance agreement, prepared with standard Douglas County forms, shall be executed and recorded with the Douglas County Auditor prior to occupancy."

61. Stormwater stubs may be provided to each of the lots which will drain to the subdivision stormwater facilities. As applicable, a note shall be included on the face of the final plat which states:
- 61.1. "At the time of building permit submittal for Lots _ - _, a drainage construction plan shall be submitted which depicts the on-site stormwater conveyance system. The site plan shall include the following information:
- 61.1.1. Pipe size.
 - 61.1.2. Minimum pipe slope.
 - 61.1.3. Invert elevation at the connection to the stormwater stub.
 - 61.1.4. Finished floor elevation of the structure and garage slab."
62. Individual lots created within this development are subject to the Douglas County Stormwater Utility annual service charge. This charge is per parcel and is triggered at the time of building permit issuance.
63. Individual/common plan development for this proposal exceeds 1-acre of disturbed ground. This would meet the threshold by the Washington State Department of Ecology (WSDOE) in administering their general permit to discharge stormwater associated with construction activity. The applicant is responsible for acquisition of all applicable permits prior to beginning ground breaking activities, including but not limited to: Construction Stormwater General Permit. Compliance with the Washington State Department of Ecology's regulations is the responsibility of the applicant.

Dated this 24 day of April, 2025.

DOUGLAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

Any aggrieved party or agency of record may request a reconsideration of this Hearing Examiner's decision. Motions for reconsideration must be filed with the Department within ten (10) days from the date of issuance as defined by RCW 36.70C.040(4)(a). Unless otherwise provided, the filing of a motion for reconsideration shall not stop or alter the running of the period provided to appeal the Hearing Examiners decision to Superior Court. Motions for reconsideration are governed by Douglas County Code 2.13.150.

Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Douglas 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.