

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-2022-01A |) | DECISION AND |
| Mott Plat Amendment |) | CONDITIONS OF APPROVAL |

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on August 21, 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: An application for a plat amendment to the Mott Subdivision (P-2022-01). The original Mott subdivision received preliminary approval for a 19 lot major subdivision in August of 2022. The original Mott subdivision included a dedicated tract for open space/ recreation. The purpose of this plat amendment is to remove the open space tract and increase the number of proposed lots to 21. The applicant has elected to submit payment in lieu of providing open space in accordance with DCC 18A.73.090.
2. Location: The subject property is located at 2599 NW Columbia Ave, East Wenatchee, WA 98802. The property is further described as being located within Section 34, Township 23N, Range 20E, W.M. Douglas County Assessor’s Parcel Number: 40800001601.
3. **SITE INFORMATION**
 - 3.1. Total Project Size: 6.25
 - 3.2. No. of lots 21
 - 3.3. Domestic Water: East Wenatchee Water District
 - 3.4. Sewage Disposal: Douglas County Sewer District
 - 3.5. Power/Electricity: Douglas County PUD
 - 3.6. Fire Protection: Wenatchee Valley Fire Department
 - 3.7. Telephone Service: Varied
 - 3.8. Site Characteristics: The subject property includes one existing single family dwelling. The topography is varied throughout the site.
 - 3.9. Uses adjacent to the subject properties:
 - 3.9.1. North: Single family dwellings
 - 3.9.2. South: Single family dwellings

3.9.3.East: Single family dwellings

3.9.4.West: Single family dwellings

3.10. Access: The subdivision will be accessed via NW Columbia Avenue. The proposal includes an internal road system. All roadway improvements will be the responsibility of the developer, and compliant with the East Wenatchee Road Standards and Specifications.

3.11. Zoning and Development Standards: The subject property is located within the Residential Low Density (R-L) Zoning District under Douglas County Code 18A.24, which allows for the subdivision of land.

3.12. 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.

4. **COMPREHENSIVE PLAN:**

4.1. The Greater East Wenatchee Area Comprehensive Plan designates this property as

4.2. Low Residential. The Low Residential designation is intended to 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 alternates should be encouraged infilling and variety of housing types and densities. In order 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.

4.3. The following goals and policies set forth in the comprehensive plan are relevant to this development:

4.4. URBAN GROWTH

4.4.1. 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.

4.4.2. LAND USE – RESIDENTIAL: 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 to meet the goals of the Growth Management Act, the Land Use Plan, and the Housing Plan.

4.4.3. POLICY: 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.

4.5. HOUSING

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

4.5.2. GOAL: To provide for a variety of housing types and densities to ensure a range of affordable housing options for all segments of the community.

4.5.3. GOAL: To ensure that public facilities and infrastructure are available to support development at urban densities in advance of / or concurrent with development.

- 4.5.3.1. POLICY H-1: Require residential development at urban densities to locate within urban growth areas consistent with the comprehensive plan.
- 4.5.3.2. POLICY H-4: Apply consistent standards in residential development to preserve residential character.
- 4.5.3.3. POLICY H-6: Require the construction of sound, safe, and sanitary dwelling units.
- 4.5.3.4. 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.
- 4.5.3.5. POLICY H-13: New residential development in the urban growth area must be concurrently served by a full range of urban governmental services.
- 4.5.3.6. POLICY H-24: Ensure that new developments provide adequate street illumination.

4.6. UTILITIES

- 4.6.1. 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.
- 4.6.2. 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.
- 4.6.3. POLICY UT 3: Encourage development of vacant properties adjacent to established utility systems, according to the appropriate zoning classification and/or land use designation.
- 4.6.4. POLICY UT 4: Ensure that development take into account the timely provision of adequate and efficient utility systems.
- 4.6.5. 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.
- 4.6.6. 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.
- 4.6.7. POLICY UT 10: Require the under-grounding of utility wires, where feasible.
 - 4.6.7.1. GOAL 4: Provide sewer service for the East Wenatchee Urban Growth Area.
 - 4.6.7.2. 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.
- 4.6.8. POLICY UT 23: Design, construct, and maintain stormwater facilities in a manner that minimizes their impact on adjacent neighborhoods and business.
- 4.6.9. 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.

4.6.10. 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.

4.7. TRANSPORTATION

4.7.1. GOAL: 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.

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

4.7.3. 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.

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

4.7.4.1.1. Provision for adequate parking must be included for all development

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

4.7.4.1.3. Traffic calming techniques should be required when there are conflicts between transportation modes.

4.7.5. 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.

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

4.7.7. 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.

4.7.8. POLICY T-18: Allow land use changes only when proposals are consistent with the adopted transportation level of service standards of the comprehensive plan.

4.7.9. POLICY T-19: Control the location and spacing of driveways and encourage the development of shared driveways.

4.7.10. POLICY T-23: Institute financing measures for major circulation elements that fairly distribute the cost between private property owners and the public sector.

4.7.11. POLICY T-24: All road construction projects shall be designed and constructed in compliance with locally adopted stormwater management standards.

4.7.12. POLICY T-26: Encourage public transportation-compatible infill development on bypassed vacant parcels in developed areas adjacent to bus routes and stops.

4.7.13. 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.

4.7.14. 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 principals, 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.

4.7.15. POLICY T-40: Encourage physical activity by providing alternative modes of transportation with more pedestrian and bicycle friendly street standards.

5. ENVIRONMENTAL REVIEW

5.1. Douglas County issued a Determination of Non-Significance on 07/31/2025 in accordance with WAC 197-11-355 (Optional DNS).

6. Agency and Public Comments:

6.1. Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included as an attachment.

6.2. Agency comments:

| Agency Notified | Response Received | Agency Notified | Response Received |
|--|-------------------|--|-------------------|
| Chelan-Douglas Health District | 7/11/2025 | LINK Transit | N/R |
| Douglas County PUD | 7/7/2025 | Douglas County GIS/Addressing | 06/26/2025 |
| WA State Dept. of Ecology | N/R | Douglas County Assessor | N/R |
| Douglas County Building Official/ Fire Marshal | N/R | East Wenatchee Water District | 07/08/2025 |
| Douglas County Sewer District | 07/09/2025 | Douglas County Transportation & Stormwater | 07/08/2025 |
| Douglas County Land Services | 07/23/2025 | Douglas County Treasurer | 06/23/2025 |
| Eastmont School District | N/R | Wenatchee Reclamation Irrigation District | 06/25/2025 |

* N/R = No Response

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

6.2.2. No members of the public commented on the proposal.

7. PROJECT ANALYSIS

- 7.1. Comprehensive plan consistency:
- 7.1.1. *The proposal is supported by multiple goals and policies found within the Greater East Wenatchee Area Comprehensive Plan, as identified above.*
- 7.2. Consistency with the provisions of Title 17, "Subdivisions", Douglas County Code.
- 7.2.1. *As conditioned, the proposed subdivision is consistent with the provision of this title.*
- 7.3. Consistency with the provisions of the R-L Zoning District, DCC 18A.24:
- 7.3.1. 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.
- 7.3.2. *As conditioned, the proposal is consistent with the provisions of this chapter.*
- 7.4. Consistency with the provisions of Lot Frontage, Section 18A.72.210, EWMC as adopted by Douglas County:
- 7.4.1. 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 12.60 EWMC, comprehensive street standards, and any amendments.
- 7.4.2. 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.
- 7.4.3. *As conditioned, the proposal is consistent with the provisions of this chapter.*
- 7.5. Consistency with the provisions of Open Space Standards, Chapter 18A.73, EWMC, adopted by Douglas County:
- 7.5.1. RCW 58.17.110 requires that local governments make appropriate provision for the establishment of parks, open space and recreational areas at the time it considers approval of a proposed subdivision. The Greater East Wenatchee Area Comprehensive Plan and DCC 18A.73 establish the level of service and standards in order to mitigate any adverse impacts of new development on neighborhoods without adequate parks, open space and recreational facilities.
- 7.5.2. *Per DCC 18A.73, the application triggers the requirement to provide open space/ recreational areas. The original Mott subdivision included a tract (Tract B) specifically for the purpose of providing open space/ recreation to satisfy the requirements of DCC 18A.73. This plat amendment application proposes to remove the open space/ recreation tract that was originally proposed with the Mott subdivision (P-2022-01). Instead, the applicant has elected to provide a payment in lieu of open space/ recreation in accordance with DCC 18A.73.090. Prior to approving the final plat, the applicant will be required to provide applicable payment in accordance with DCC 18A.73.090.*
- 7.5.3. *As conditioned, the proposal is consistent with the provisions of this chapter.*
- 7.6. Consistency with the provisions of DCC Chapter 20.34, Stormwater Drainage
- 7.6.1. *As conditioned, the proposal is consistent with the provisions of this chapter.*
- 7.7. Consistency with the provisions of DCC Title 12 Road Standards
- 7.7.1. *As conditioned, the proposal is consistent with the provisions of this chapter.*

8. The applicant is 2599 Columbia Ave LLC, 305 Aplets Way, Cashmere, WA 98815.
9. General Description: An application for a plat amendment to the Mott Subdivision (P-2022-01). The original Mott subdivision received preliminary approval for a 19 lot major subdivision in August of 2022. The original Mott subdivision included a dedicated tract for open space/ recreation. The purpose of this plat amendment is to remove the open space tract and increase the number of proposed lots to 21. The applicant has elected to submit payment in lieu of providing open space in accordance with DCC 18A.73.090.
10. The following materials have been provided for project review:
 - 10.1. Master application
 - 10.2. SEPA checklist
 - 10.3. Project narrative
 - 10.4. Preliminary plat map
 - 10.5. Civil Plans
11. Location: The subject property is located at 2599 NW Columbia Ave, East Wenatchee, WA 98802. The property is further described as being located within Section 34, Township 23N, Range 20E, W.M. Douglas County Assessor's Parcel Number: 40800001601.
12. Site Information:

| | | |
|-------|---------------------|----------------------------------|
| 12.1. | Total Project Size: | 6.25 acres |
| 12.2. | No. of lots | 21 |
| 12.3. | Domestic Water: | East Wenatchee Water District |
| 12.4. | Sewage Disposal: | Douglas County Sewer District |
| 12.5. | Power/Electricity: | Douglas County PUD |
| 12.6. | Fire Protection: | Wenatchee Valley Fire Department |
| 12.7. | Telephone Service: | Varied |
13. Site Characteristics: The topography is relatively flat with moderate slopes to the east.
14. Surrounding Property:
 - 14.1. North: Single family dwellings
 - 14.2. South: Single family dwellings
 - 14.3. East: Single family dwellings
 - 14.4. West: Single family dwellings
15. The subject property is located within the East Wenatchee Urban Growth Area.
16. The subject property is designated Residential Low Density by the Greater East Wenatchee Area Comprehensive Plan.
17. The subject property is located in the Residential Low Density (R-L) zoning district, which allows for subdivisions as a permitted use.
18. Douglas County issued a Determination of Non-Significance on 7/31/2025 in accordance with WAC 197-11-355 (Optional DNS).

19. 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.
20. Finding of fact 18.5 of the hearing examiners' decision for P-2022-01 is no longer be applicable.
21. No public comments have been received as of the date of this staff report.
22. Douglas County issued a Determination of Non-Significance on July 31st, 2025.
23. 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 Title 14.
24. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
25. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
26. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
27. After due legal notice and open record public hearing was held on August 21, 2025.
28. The following exhibits were admitted into the record:
 - 28.1. Ex. 1. Staff Report
 - 28.2. Ex. 2. Remainder of Planning file of Record.
29. Appearing and testifying on behalf of the Applicant was Diana Jones. Ms. Jones testified that she was an agent authorized to appear and speak on behalf of the applicant and property owner. Ms. Jones indicated that she had reviewed the staff report and had no objections to any of the representations contained therein. She also testified that she had reviewed the proposed conditions of approval and had no objection to any of those.
30. Testifying from the public were the following individuals:
 - 30.1. Debbie Black: Ms. Black had concerns about wildlife once the property is fully developed and also stated that there was water surfacing on the applicant's property in a far corner and wonders where that water is coming from. Finally, Ms. Black indicated that water had to be pumped off from the site. She also indicated that there are deer on the site.
 - 30.2. Shelly Key: Ms. Key grew up in the area. She has seen all of the development that has occurred in the area. She was under the initial impression that the original development had 6.25 acres of open space. The Hearing Examiner corrected her indicating that the total lot size is 6.25 acres. She thought that there should be more environmental studies on the environmental impacts. She asked whether there was a wetland on the site and simply did not want this development to go through.
31. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this decision.
2. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Greater East Wenatchee area Comprehensive Plan.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. Public use and interests will be served by approval of this proposal.
5. As conditioned, the proposal is consistent with DCC Title 18A.24 – Residential Low Density District.
6. As conditioned, the proposal is consistent with Title 17 “Subdivision”, Title 19 “Environment”, and Title 20 “Development Standards”, of the Douglas County Code.
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-2022-01A is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

1. The project shall comply with the conditions of approval outlined in the Hearing Examiner decision for P-2022-01, except as modified below:
2. The project shall proceed in substantial conformance with the plans and application materials of file except as amended by the conditions herein.
3. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
4. A plat certificate showing parties of interest from a title company must be submitted with the blueline drawings.
5. The final plat shall be prepared by a land surveyor licensed in the State of Washington, and shall comply with the standards set forth in Title 17 of the Douglas County Code.
6. All parties having an ownership interest in the subject property shall acknowledge the plat.
7. It is the responsibility of the applicant to contact the Douglas County Assessor’s and Treasurer’s offices to confirm all taxes are paid prior to final plat approval.
8. 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.

9. The final plat shall show the location of all easements serving or encumbering the subject property.
10. Prior to final plat approval, the applicant shall satisfy the payment provisions outlined in DCC 18A.73.090. The payment amount shall be calculated in accordance with DCC 18A.73.090(C).
11. All plans shall be labeled "P-2022-01A".
12. The signature block under "Land Services" shall be revised to reflect the Planning Director, not Douglas County Engineer.
13. The final plat shall include a signature block for the Douglas County Board of County Commissioners.
14. Prior to final plat approval, the applicant shall obtain a release from the Wenatchee Reclamation Irrigation District which states irrigation shares have been segregated.
15. RCW 58.17.310 prohibits any city, town or county from approving a short plat or final plat for property in the District unless the entity has provided an irrigation water right-of-way for each parcel of land. Rights-of-way must be shown on the plat submitted for final approval.
16. The applicant shall complete a request for service and coordinate with the Douglas County PUD to design a power/ fiber plan. A 10' utility easement will be required for primary power. Cost estimate to provide electrical service to the project must be paid prior to final approval and primary conduit and conductor installed prior to final approval.
17. The surveyor shall remove the extra lines on page 3 that obscure the easement note numbers.
18. The road name shall be NW Century Court.
19. All public and private sewer infrastructure related to the development shall be completed and accepted for use prior to Douglas County Sewer District approval of the plat.
20. Construction shall proceed as permitted and conditioned with the original plat application. Amended plan set to be used for all construction

Dated this 3rd day of September, 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.