

**BEFORE THE HEARING EXAMINER
FOR DOUGLAS COUNTY**

Regarding an Application for)
Preliminary Plat approval for a project)
known as **HARVEST HILLS ESTATES**)

Submitted by:)

File No. P-2025-03

HARVEST HILLS ESTATES, LLC)
Applicant,)

**FINDINGS, CONCLUSIONS, AND
DECISION APPROVING
PRELIMINARY PLAT,
SUBJECT TO CONDITIONS OF
APPROVAL**

CHARLES UNDERWOOD, PE,)
Agent)

*(Request to subdivide a 28+acre site zoned Residential Low
Density (R-L) into 122 residential lots with associated
infrastructure, located within the City of East Wenatchee's
Urban Growth Area in unincorporated Douglas County,
currently identified and addressed as 2202 6th Street SE,
comprised of Douglas County Parcel Nos. 22211840047,
22211840048, 22211840049, 22211840050 and
22211840046.*)

I. SUMMARY OF DECISION.

The application satisfies applicable approval criteria and merits approval, subject to appropriate conditions of approval.

**DECISION APPROVING
HARVEST HILLS ESTATES
PRELIMINARY PLAT APPLICATION –
FILE NO. P-2025-03**

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140 19TH STREET NW
EAST WENATCHEE, WASHINGTON 98802

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II. APPLICABLE LAW.

Jurisdiction.

Under provisions of DCC 2.13.070, the Hearing Examiner is delegated authority and responsibility to conduct public hearings, issue decisions, and attach reasonable conditions on applications for preliminary plats. (See DCC 2.13.070.A and .C). The Hearing Examiner’s decision is final, unless appealed as provided in applicable law. (DCC 2.13.070.B; and DCC 14.12.020). There shall be no administrative appeal of a decision of the hearing examiner, and any appeal of a decision of the hearing examiner shall be timely filed as a judicial appeal in the superior court. (DCC 14.12.005.B).

Process for review of a Preliminary Plat application.

DCC 14.10.040 explains that quasi-judicial review shall be used for subdivision applications, which requires a public hearing before the designated hearing body or official, issuance of public notices, generation of a Staff Report, and issuance of a written decision to approve, approve with conditions or deny the application. The terms preliminary plat or preliminary subdivision shall be read to mean the same thing for purposes of this decision.

Criteria for approval of a Preliminary Plat application.

DCC 17.10.020 summarizes approval criteria for a preliminary plat application, using language that is consistent with applicable state subdivision statutes, including without limitation RCW 58.17.110, and reads in relevant part as follows:

DCC 17.10.020 Approval or disapproval—Factors to be considered—Conditions of approval.

Decisions on applications for a preliminary subdivision, preliminary short subdivision or preliminary binding site plan shall be based on a determination as to whether:

- A. The proposed division of land conforms to the plans, policies and codes in DCC Section 17.04.050 as they now exist or may hereafter be amended.
- B. Appropriate provisions are made, according to RCW 58.17.110 and without limitation, for:
 - 1. The public health, safety, and general welfare;
 - 2. Open spaces;
 - 3. Drainage ways;
 - 4. Streets or roads, alleys, other public ways;
 - 5. Transit stops;
 - 6. Potable water supplies;

- 7. Sanitary wastes;
- 8. Parks and recreation, playgrounds;
- 9. Schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

C. Whether the public interest will be served by the proposed land division and dedication.

As discussed below, County staff reviewed the pending preliminary plat application in accord with applicable county and state code provisions, and recommended approval.

III. RECORD.

Copies of all materials in the record and a digital audio recording of the open-record hearing conducted for this application are maintained by the County and may be requested or reviewed by contacting the county's public records officer. The hearing occurred on October 10, 2025, where staff, the applicant, and interested members of the public provided sworn testimony. In the week before the public hearing, the Examiner visited the site of the proposed plat to observe existing conditions, surrounding neighborhoods, and the road network serving the area. The undersigned Examiner presided at the public hearing, and all persons wishing to provide comments were heard, providing testimony under oath.

The Staff Report, prepared by Swati Rastogi, Principal Planner for the County's Land Services Department, with 25 pages, and multiple Exhibits attached to such report, comprised of application materials, written comments from various agencies and members of the public, and reports from qualified professionals regarding aspects of the application, are all included as part of the Record for this matter. A link to digital copies of the Staff Report and most exhibits, including written comments, was transmitted to the Examiner prior to the public hearing, and appears to have been available for review by the public prior to the hearing date.

Before the hearing came to a conclusion, Staff and the applicant team requested an opportunity to respond to public comments and questions raised by the Examiner during the public hearing in post-hearing memos to be submitted after the hearing. The Examiner granted their request. In the following weeks, the Examiner received and had an opportunity to review written comments submitted during the hearing from members of the public, and detailed written responses from the applicant and Staff, without need for additional responses to any remaining questions, and confirmed that the record closed on October 27th. However, because the Examiner subsequently realized that copies of public notice materials were inadvertently omitted from the digital files provided before the hearing, the Examiner reopened the record and added true and correct copies of noticing materials to the record on November 10th, copies of which are numbered Exhibits B-03 through B-09. The notice

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1 related exhibits are supported by a sworn declaration or affidavit generated before the public
2 hearing, so there is no credible basis to challenge their authenticity. (*See declarations of*
3 *mailing, and affidavit of posting, included as Exhibits B-05, B-06, and B-09*). Below is a list
4 drafted by Staff, updated by the Examiner, listing most if not all records included as part of
5 the Project file and record for this matter:

4 ***Exhibits:***

5 *Application Documents:*

6 A-01 Application 06-09-2025
7 A-02 Cultural Resources Assessment 08-06-2021
8 A-03 Open Space Plan 06-05-2025
9 A-04 Preliminary Plat 06-02-2025
10 A-05 Preliminary Storm Drainage Report 06-05-2025
11 A-06 Project Narrative 06-09-2025
12 A-07 Road and Utility Improvement Plans 06-05-2025
13 A-08 SEPA Checklist 06-05-2025
14 A-09 Site Plan 06-02-2025
15 A-10 Traffic Impact Analysis 06-05-2025

11 *Staff Review Documents:*

12 B-01 Staff Report (9-16-2025)
13 B-02 Notice of SEPA DNS 8-5-2025

14 *Public Noticing Documents, added to the record by the Examiner on Nov. 10, 2025:*

15 B-03 Notice of Application (6-24-2025)
16 B-04 Notice of Application to Agencies (6-24-2025)
17 B-05 Notice of Application - Declaration of Mailing (6-24-2025)
18 B-06 Notice of Application - Affidavit of Posting (7-16-2025)
19 B-07 Hearing Notice - Media Wenatchee World (9-25-2025)
20 B-08 Hearing Notice - Media Empire Press (9-25-2025)
21 B-09 Hearing Notice - Declaration of Mailing (9-22-2025)

19 *Agency Comments:*

20 *Submitted Prior to Hearing:*

21 C-01 Agency Comment - DAHP (7-9-2025)
22 C-02 Agency Comment - DCAssessor (6-24-2025)
23 C-03 Agency Comment - DCFM (7-22-2025)
24 C-04 Agency Comment - DCGIS (7-10-2025)
25 C-05 Agency Comment - DCPUD (7-9-2025)
26 C-06 Agency Comment - CDHD (7-11-2025)

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1 C-07 Agency Comment - DCRS (10-9-2025)
2 C-08 Agency Comment - DCSD (7-15-2025)
3 C-09 Agency Comment - DCSO (10-8-2025)
4 C-10 Agency Comment - DCTSW (7-21-2025)
5 C-11 Agency Comment - DCTSW (8-20-2025)
6 C-12 Agency Comment - ECY (7-7-2025)
7 C-13 Agency Comment - ECY (9-5-2025)
8 C-14 Agency Comment - EWWD (7-10-2025)
9 C-15 Agency Comment - WVFD (10-6-2025)

10 *Submitted Post Hearing:*

11 C-16 Agency Comment - DCLS (10-14-2025)
12 C-17 Agency Comment - DCFM (10-14-2025)
13 C-18 Agency Comment - DCTSW (10-14-2025)
14 C-18-1 DCC Figure 3-7b
15 C-18-2 P-07-12 Legacy As-built Construction Plans
16 C-18-3 P-16-04 Summer Run As-built Construction Plans
17 C-18-4 P-2018-01 Leisure Estates Approved Construction Plans 03-10-2020
18 C-18-5 P-2025-03 Harvest Hills neighborhood overlay

19 *Public Comments, in writing before public hearing:*

20 D-01 Public Comment - A. White (8-23-2025)
21 D-02 Public Comment - B. Jacobs (7-8-2025)
22 D-03 Public Comment - C. Ryan (7-8-2025)
23 D-04 Public Comment - C. Smith (8-26-2025)
24 D-05 Public Comment - D. Frasu (9-16-2025)
25 D-06 Public Comment - D. LaMoy (7-7-2025)
26 D-07 Public Comment - D. Ryan (7-9-2025)
D-08 Public Comment - D. Wiley (7-5-2025)
D-09 Public Comment - H. Jacobs (7-7-2025) – Recorded Video Testimony
D-10 Public Comment - H. Jacobs (7-7-2025)
D-11 Public Comment - H. Sharma (10-9-2025)
D-12 Public Comment - J. Esparza (6-27-2025)
D-13 Public Comment - J. Lin (7-8-2025)
D-14 Public Comment - J. Tackman and P. Feehan (10-9-2025)
D-15 Public Comment - K&T. Harvey (8-25-2025)
D-16 Public Comment - Leisure Estates HOA (7-9-2025)
D-17 Public Comment - M&C. Hartwig (6-28-2025)
D-18 Public Comment - M. Steiner (9-15-2025)
D-19 Public Comment - T&K. Stinson (7-9-2025)
D-20 Public Comment - T. Hackenmiller (8-24-2025)
D-21 Public Comment - T. Kiehl (7-1-2025)
D-22 Public Comment - W&M. Cooper (8-22-2025)
D-23 Public Comment - W&S. Bushong (8-18-2025)

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Submitted during public hearing:

- D-24 Public Comment - H. Sharma (10-10-2025)
- D-25 Public Comment - J. Kiehl (10-10-2025)
- D-26 Public Comment - L. Heikel (10-10-2025)
- D-27 Public Comment - M. Cavanaugh (10-10-2025)
- D-28 Public Comment - M.&C. Hartwig (10-10-2025)
- D-29 Public Comment - R. Miller (10-10-2025)

Submitted Post Hearing:

- D-30 Public Comment - B. Jacobs (10-10-2025)
- D-31 Public Comment - L. Criswell (10-10-2025)
- D-32 Public Comment - M. Cavanaugh (10-12-2025)
- D-33 Public Comment - J. Kiehl (10-15-2025)

Reference Documents:

- E-01 Leisure Estates Div 1 Plat - AFN 3236541
- E-02 P-2018-01 (Leisure Estates) Blue Line Letter 8-13-20
- E-03 P-2018-01 Leisure Estates Decision 08-17-2018
- E-04 P-2018-01 Staff Report 08-16-2018
- E-05 EW UGA Comprehensive Plan (2023) - Circulation Map
- E-06 Hearing Sign-In Sheet (10-10-2025)
- E-07 Applicant Supplemental Response to Hearing Questions (10-15-2025)

Testimony/Comments:

During the duly noticed public hearing held in the County's hearing room, with some participants appearing via an online hearing platform coordinated by staff, all witnesses were sworn in by the Examiner and provided testimony under oath, including the following County Staff members, applicant representatives, and members of the public:

County Staff:

Swati Rastogi, Principal Planner for Douglas County, and the primary staff representative at the public hearing; summarized application, plat location, accessibility, focus of comments from members of the public and agencies, staff recommendation of approval with conditions; noted that County Transportation and Fire personnel were available to provide information; responded to questions from the Examiner and some public comments, reserved detailed responses to post-hearing written memos, now included as part of the record (*See Exs. C-16 through C-18.5*);

Andrew Schauer, Development Services Manager for Douglas County, attended hearing, spoke briefly at conclusion of public comments, briefly addressed some issues raised, reserved detailed responses to be provided in writing via post-hearing materials, now included as part of the record,

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1 including without limitation a 5-page memo from Mr. Schauer to Ms. Rastogi, addressing
2 Transportation issues. (Ex. C-18)

3 ***Applicant:***

4 Charles (Charley) Underwood, with Selland Construction, appeared as the applicant’s primary
5 hearing representative, acknowledged and accepted that Staff denied the applicant’s request for
6 limited deviations from some County design standards, did not question or challenge the Staff
7 Report analysis or recommended conditions of approval; reserved responses to public hearing
8 comments and questions for post-hearing written submittal, now included in the record as Ex. E-
9 07.

10 ***Public Comments:***

- 11 1. Jan Kiehl, local resident along Legacy Place, expressed general concerns about impacts on
12 quality of life, safety concerns on local streets;
- 13 2. Paul Mock, local resident along 8th Street, already submitted written comments into the
14 record, opposes the development; expressed concerns about cars driving too fast on local
15 streets in the area, general safety concerns on 8th, noted concerns same since 2011 in that area;
16 concerns that project will not be of the same character or general price point of some
17 surrounding neighborhoods; concerns that Legacy Place might be used as a through street;
- 18 3. Mel Hartwig, local resident along Legacy Place area for about 11 years, retired PE, expressed
19 opinion that Legacy Place and Lyle are dangerous in the winter, with vehicles sliding down,
20 other safety concerns about that area;
- 21 4. Chris Hartwig, local resident, noted how the slope along Lyle and Legacy Place is such that
22 bad weather conditions can cause cars to slide over into mail boxes or fire hydrants along the
23 side;
- 24 5. Matt Cavanaugh, shares same concerns expressed by others about cars hitting into curbs,
25 steep grades, questioning if the grades exceed County standards, expressed concerns about
26 safety of children at any bus stop where cars might slide into them;
6. Helenita Jacobs, lives north of the proposed plat, expressed concerns about potential traffic
impacts on Nevada roadway, explaining that Nevada is poorly maintained, with potholes and
the like;
7. Rand Miller, lived at corner of Legendary and Legacy Place for about 7 years, expressed
safety concerns, noted how the closed cul de sac provides a “sense of safety”;
8. Peggy Lord, local realtor, noted that she supports keeping Legacy as a cul de sac;
9. Wynn Bushong, Legacy Place resident, two homes in from Lyle, shares same concerns as
others about winter traffic problems causing cars to slide into curb by mailboxes;
10. Hari Sharma, local resident, professional engineer, expressed concerns about grades at 12%
at Legacy and Lyle, concerns that new plat development could increase traffic volume where
it’s already a bad situation, noted that he agrees that the new road connections will enhance
fire access and egress/ general fire safety, but traffic is still a concern of his;
11. Juan Esparza, concurs with others, shares same general concerns about more traffic and
speeds on local streets in the area;
12. Alison Lewis, joined by her children, expressed concerns with more traffic on local streets
where she doesn’t believe sidewalks are sufficient to walk to/from schools; expressed

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1 personal concerns about difficulties backing boat down onto street on occasion, how
2 increased traffic could make it worse;

3 13. Christina Ryan, local resident along Legacy, by the cul de sac, has children, moved to location
4 in June, asked that opening the cul de sac be reconsidered;

5 14. Logan Chriswell, local resident, in last house by the proposed plat, on the cul de sac to be
6 opened; noted how low stress is important to him, appreciates the peace and quiet he now
7 enjoys on the cul de sac;

8 15. Lane Heikel, lives along Legacy, shared concerns expressed by others with traffic impacts,
9 concerns about grades on local streets, concern that home values will decline;

10 16. Eleanor Wood, teenager, in school, expressed agreement with others that the project will
11 make it more dangerous to walk or bike along local streets, more difficult for kids to walk
12 home from school;

13 17. Katie Wood, local resident, agreed with comments by others about traffic, too much growth,
14 how Lyle and 8th have traffic problems that need to be addressed.

15
16 Given the size of the record and the level of public interest in this Project, the
17 Examiner sought to read every exhibit with attention and a fair mind. The Examiner
18 conducted a thorough site visit before the public hearing, to observe physical site conditions,
19 adjacent developments, the surrounding road network, and properties in or near the
20 development site. The Examiner gave specific attention to reviewing all evidence, testimony
21 and comments pertaining to the areas of greatest public concern, insofar as they related to
22 decision criteria within the Examiner's jurisdiction. Having completed such review and
23 mindful of the legal standards involved and scope of the Examiner's jurisdiction, this
24 Decision is now in order.

25 Any party of record that disagrees with this Decision or any condition is free to pursue
26 an appeal, in accord with applicable law.

IV. FINDINGS OF FACT.

1. Any statements of fact or findings set forth in previous or subsequent portions of this
Decision that are deemed to be findings of fact are hereby adopted and incorporated herein
as such. The use of captions in these findings or other parts of this Decision are for the
convenience of the reader, and should not be read or construed to modify the effect or
meaning of any statement wherever located.

2. The applicant and property owner of several mostly vacant parcels of land included
as part of the proposal addressed in this Decision is an entity known as Harvest Hills Estates,
LLC, for which Adam Brizendine, Bradley Selland, and Jason Gaul are each listed as a
"Governor" on the Washington Secretary of State's public portal for business information
regarding registered Corporations, hereinafter collectively referenced as "Applicant" or "the
applicant".

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1
2 ***Description of the Proposal***

3
4 3. The pending application is for preliminary plat approval to subdivide a 28+acre site
5 zoned Residential Low Density (R-L) into 122 residential lots with associated infrastructure,
6 located within the City of East Wenatchee’s Urban Growth Area in unincorporated Douglas
7 County, currently identified and addressed as 2202 6th Street SE, comprised of Douglas
8 County Parcel Nos. 22211840047, 22211840048, 22211840049, 22211840050 and
9 22211840046. *(Staff Report, page 1; Application materials, Exs. A-01 through A-10).*

10 4. The proposed plat is known as Harvest Hills Estates. *(Ex. A-04, Preliminary Plat*
11 *illustrations, plan sheets).* When complete, the proposed subdivision will include new
12 internal streets to access all lots, and it will have multiple points of access, providing new
13 connections for and with abutting residential developments and streets, including the
14 following locations:

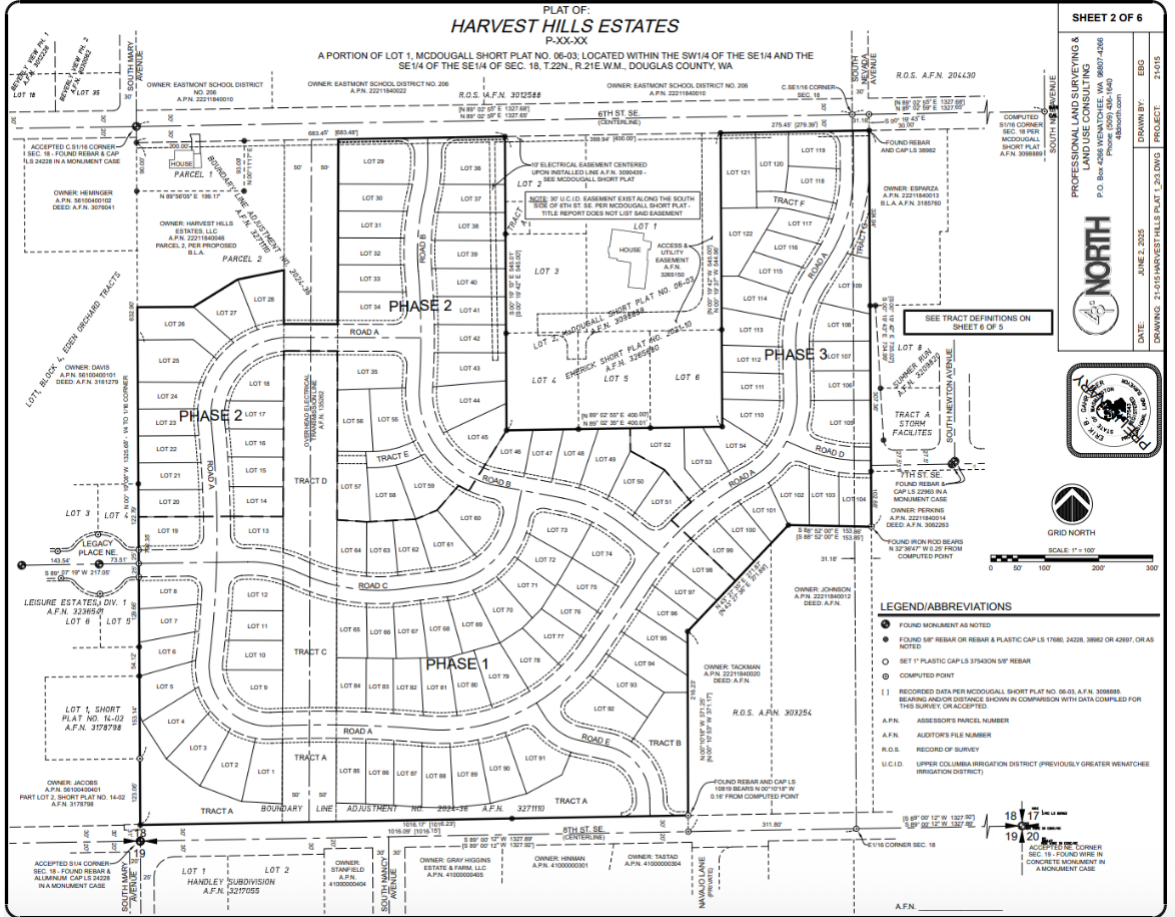
- 15 ▪ Two points of access at the north property via 6th Street SE.
 - 16 ▪ One point of access at the east property line connecting to 7th Street SE.
 - 17 ▪ One point of access at the south property line via 8th Street SE.
 - 18 ▪ One point of access at the west property line connection to Legacy Place NE.
- 19 *(See Staff Report, page 2; Ex. A-04, Preliminary Plat plan sheets).*

20 5. The applicant proposes to develop the 122-lot plat in three phases, as shown in a
21 screenshot of the proposed plat illustration that is republished below:

22 //
23 //
24 //

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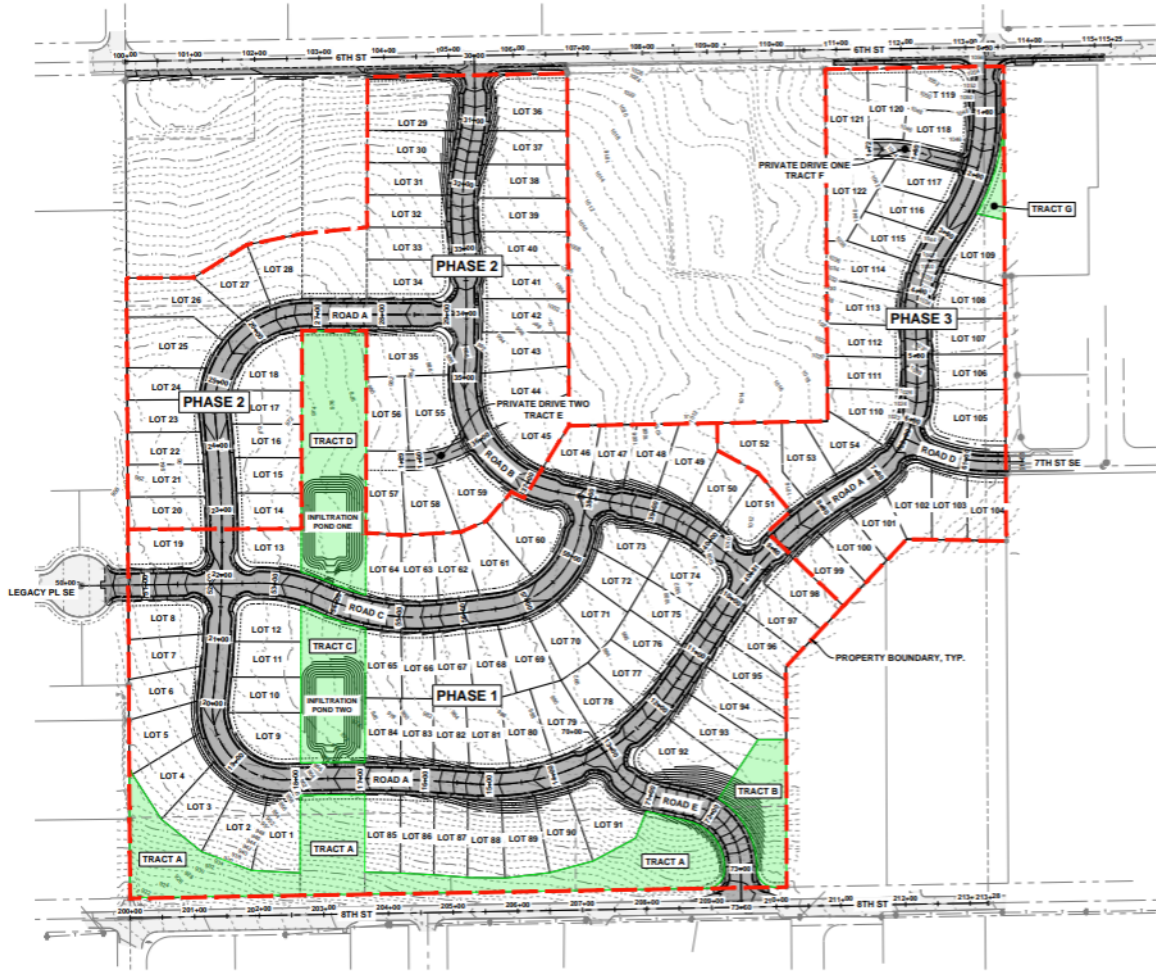
(Ex. A-04, Preliminary Plat plan sheets, sheet 2 of 6).

6. A less complex illustration showing proposed lots, new roads and access connections, proposed phases, and open space proposed within the new plat, which may be easier on the eyes, is republished below:

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(Screenshot from Ex. A-03, Open Space Plan sheet).

7. The Staff Report confirms that public services and utilities for the proposed plat area adequate and will be provided as follows:

- Domestic Water: East Wenatchee Water District
- Sewage Disposal: Douglas County Sewer District
- Power/Electricity: Douglas County Public Utility District
- Fire Protection: Wenatchee Valley Fire District
- School District: Eastmont School District
- Irrigation District: Upper Columbia Irrigation District
- Telephone Service: Varied

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1 8. As confirmed on aerial maps and a site visit by the Examiner, uses adjacent to the
2 subject properties are Residential on the South and East sides, with Agricultural uses to the
3 North, and a mix of Agricultural and Residential uses on the West. (*Staff Report, page 1;*
4 *Site visit*).

5 9. There is no credible dispute that the proposed plat lies entirely within the Greater East
6 Wenatchee Comprehensive Plan area, is designated for low density Residential uses, and
7 currently zoned Residential Low Density (R-L), which allows for subdivisions as permitted
8 uses. (*Staff Report, page 2*).

9 10. The Staff Report credibly summarizes and analyzes provisions of County
10 Comprehensive Plan Goals and Policies that are relevant for this proposal, finding and
11 concluding that the application is consistent with such items, including without limitation
12 those addressing Urban Growth, Land Use – Residential, Housing, Open Space and
13 Recreation, Capital Facilities, Utilities and Transportation. (*Staff Report, pages 2-8*).

14 11. During the public hearing, comments from surrounding property owners and
15 residents mostly repeated the same concerns expressed in written comments submitted before
16 the Staff Report was issued. The following findings focus on the main issues raised in public
17 comments at the public hearing, though all comments were considered, weighed, and
18 assessed against applicable approval criteria and evidence included as part of this record.

19 ***Request to retain Legacy Place SE cul-de-sac as a permanent road end.***

20 12. Multiple written comments and local residents appearing during the public hearing
21 expressly or essentially requested something to the effect that the current cul-de-sac at the
22 current end of Legacy Place SE, which is proposed to be opened and connected with new
23 roadways in the Harvest Hills plat, should be retained in its current form as a permanent road
24 end.

25 13. Such requests run counter to the public interest and compelling public safety
26 considerations, as credibly noted by the Fire Marshal and County Transportation Department
staff. (*See Exhibits C-17 and C-18*).

14. For example, Transportation Department staff provided the following response to
public comments seeking to retain the cul de sac as a permanent road end:

Multiple residents noted that children play in the Legacy Place SE cul-de-sac. Children
should not play in the street, regardless of whether a dead end or cul-de-sac exists.
Children should travel parallel to the roadways on the sidewalks, and cross at marked
crosswalks or otherwise safe locations. Public parks and open space dedications are
available for play areas. Per the Staff Report, the applicant is proposing to exceed the

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1 minimum open space requirements by providing approximately 3.29 acres (11.7 % of
2 the gross site area) of open space. This open space is available for public use, including
3 those residents who live nearby on Legacy Place SE.

4 Permanent cul-de-sacs are permitted in only limited circumstances, as outlined in
5 Douglas County Code 12.52.040, [which reads in relevant part as follows:

6 L. Cul-de-Sacs and Dead-End Roads. All dead end roads shall terminate with
7 a cul-de-sac. Cul-de-sacs are permitted provided they do not impede general
8 network circulation. Permanent cul-de-sacs and dead-end roads are permitted
9 within new developments. Permanent cul-de-sacs will be permitted where the
10 applicant can (1) demonstrate that the design provides an acceptable level of
11 network circulation considering the terrain and adjacent existing roadway
12 network, and (2) demonstrate that the prohibition of cul-de-sacs will place an
13 unreasonable economic impact on the applicant.

14 Where permitted, the following requirements shall apply:

15 [...] 3. Permanent road ends in excess of six hundred feet are discouraged but
16 may be allowed in cases where lots are large and/or difficult terrain exists,
17 provided, the number of single-family lots served by the road does not exceed
18 twenty or the projected AADT generated from the properties served by the
19 road does not exceed two hundred. The roadway shall have a minimum right-
20 of-way and roadway section as specified in Figures 3-2 through 3-8 and be
21 provided with a cul-de-sac as shown in Figure 3-9 at the end of this chapter.
22 [...]

23 [continuing written comments from Transportation staff] Legacy Place SE extends
24 nearly 1100 feet beyond the intersection with Legendary Lane SE. This 1100 foot
25 length of roadway serves 31 single family residences. Typically traffic volumes for
26 single family residences are estimated at 10 ADT each, for an estimated AADT of 310.
By all three measures, a permanent road end on Legacy Place would not be allowed.

Planned concurrency with code is demonstrated by notes on the plat which constructed
Legacy Place SE, (Leisure Estates Division 1,P-2018-01), and the plat which
constructed 7th Street SE (Summer Run, P-16-04). Both plat documents note that a
temporary 1-foot non-vehicular easement, to be extinguished upon extension or
improvement of the right-of-way.

Adequate turnarounds are required on all dead-end street. Temporary hammerhead or
"T" shaped turnarounds have been used in the past, but when the roadways were later
extended, neighboring property owners were impacted when the temporary turnaround
was removed and new curbing was installed. Driveways required changes, landscaping
to yards were potentially impacted, and construction in the existing roadway was
generally disruptive. Temporary cul-de-sacs such as that constructed on Legacy Place
SE were found to have less impact to neighboring property owners when
the streets were extended. Existing curb remains in place, and no impacts to driveways

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1 or yards are required at the time the roads are extended beyond the cul-de-sac.

2 Transportation staff does not propose additional conditions beyond those included in
3 the staff report.

4 *(Ex. C-18, Transportation Department responses to questions raised by the Hearing Examiner, memo dated October 14, 2025, on pages 4 and 5).*

5 15. The county's fire Marshall provided credible written comments supporting the
6 proposed plat as designed and with the connections to surrounding neighborhoods. The fire
7 marshal's comments noted that all plats in the county are reviewed for future connectivity as
8 infrastructure grows, explaining that this includes sewer, power, and water connections; and
9 that water line connections for fire hydrants serving fire flow purposes clearly rely on
10 connectivity amongst adjacent development projects. The Fire Marshall emphasized that
11 time is of the essence for first responders, so roadblocks, like where cul de sacs are presented,
12 can add crucial lifesaving minutes to any emergency response time. *(Ex. C-17, page 1).*

13 ***Concerns about additional traffic along Legacy Place.***

14 16. While multiple comments expressed concerns that the project would generate
15 significant traffic and adverse impacts on the neighborhood to the west of the site, along
16 Legacy Place SE where the recently built temporary cul de sac road end would be opened
17 and connected to new internal streets in the new plat, there is no preponderance of evidence
18 to support such claims or concerns.

19 17. Instead, the Traffic Impact Analysis (TIA) prepared by qualified professionals from
20 the TenW firm provided a project trip distribution summary, none of which supports claims
21 that new residents in the proposed plat will make frequent trips along Legacy Place. Instead,
22 the two access points along 6th Street and the new access point to the south along 8th Street
23 are likely to absorb most all new traffic generated by this project. TenW and County Traffic
24 staff concur that most all project traffic will utilize the new connections up onto 6th Street and
25 8th Street. *(Ex. C-18, page 1).* County Transportation Staff agrees with the TIA in finding
26 that minimal impacts will occur along Legacy Place SE and 7th Street SE. *(Ex. C-18, page 1).*

18. The TIA provides the following summary of Project Trip Distribution:

The distribution of vehicle trips generated by the proposed Harvest Hills project was based on existing and anticipated travel patterns in the area and confirmed with County staff during the traffic scoping process. The new weekday PM peak hour project-generated trips (shown graphically in Figure 3) were generally distributed to the vicinity street system as follows:

- 10% to/from the east on Grant Road

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- 25% to/from the west on Grant Road
- 25% to/from the north on Kentucky Ave
- 10% to/from the south on Nile Ave
- 15% to/from the west on 4th Street SE
- 15% to/from the west on Rock Island Road

(Ex. A-10, Traffic Impact Analysis, by TenW engineering firm, on page 9).

19. Given this unrebutted trip distribution forecast for the new plat, the Examiner finds that simple map reading and site visits to the area confirm that Legacy Place would probably only ever be attractive for drivers who want to access or leave the new plat from or towards destinations to the west. So, it appears entirely reasonable and most likely that drivers would take routes using 6th or 8th when coming or going from the west.

20. Simply put, taking Legacy Place via Lyle Avenue is not the most convenient path for future residents to use. There is no preponderance of evidence in this record that would rebut findings in the TIA, and there is no preponderance of evidence from any qualified professionals to support a finding that the new plat will generate material impacts along Legacy Place. There is no preponderance of evidence in this record that would support additional mitigation or conditions related to traffic along Legacy Place.

21. The Examiner concurs with the TIA and Transportation Staff, finding and concluding that only minimal impacts will be experienced along Legacy Place SE or 7th Street SE.

22. On the other hand, there is an unrebutted preponderance of evidence in this record to establish that new road connections through the Harvest Hills subdivision will be in the public interest, and will, in fact, provide significant benefits for residents in adjacent neighborhoods, through better road circulation; improved emergency access into and out of the area; and additional options for travel if some roadways or adversely impacted by snow, ice or other weather problems.

23. Extending Legacy Place SE to the east through the new plat would provide a second access roadway for the neighborhood to the east, which now only has one ingress/ egress point for the entire neighborhood, out onto Lyle Avenue, near a part of the road that many residents find to be too steep.

24. As the Fire Marshall observed, the previous subdivisions to the east and west of the Harvest Hills project were developed with connectivity being a primary objective. The cul-de-sac along Legacy Place was required for fire access purposes until the next subdivision to the west would be built. That is precisely what this project is – the next project to the east, expressly intended to provide connectivity and at least a second ingress/egress point for the adjacent neighborhoods. (See Fire Marshall comments, included as Ex. C-17). The Fire Marshall’s comments related to how the plat provides better connectivity and enhances life

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1 safety considerations for adjacent residents are credible and should not be minimized,
2 especially for purposes of keeping a road ending that does not meet current County codes for
3 such design. *(See previous findings addressing DCC 12.52.040.L, criteria that must be*
4 *satisfied to retain permanent cul de sacs or dead end roads).*

5 25. On the subject of steep grades on portions of preexisting streets in or around adjacent
6 neighborhoods, there is no preponderance of evidence from qualified professionals that
7 would support a condition to have the applicant fund a correction of any sort on Legacy, Lyle,
8 8th, or wherever some individuals expressed concerns about current road conditions. This
9 proposed plat includes new internal streets that will be open for full public use, including use
10 by surrounding residents, providing new routes for ingress/egress and options to avoid
11 intersections that might be too steep for some drivers during bad weather or other hazardous
12 conditions, or during emergencies.

13 26. Connecting Legacy Place SE to the new subdivision heading east would provide four
14 additional routes for residents living on Legacy Place SE to enter or leave their neighborhood
15 during an emergency or adverse weather conditions – with two alternate routes to/from 6th
16 St. SE, one to/from 7th St. SE, and one to/from 8th St. SE. The profiles for these streets all
17 have grades of 5% or less, which are significantly less than that for the South Lyle Avenue
18 grade that was the subject of multiple complaints in public comments. *(Ex. C-18,*
19 *Transportation Staff Response to public comments, response to item 8).*

20 27. With respect to requests for off-site improvement along South Nevada Avenue, the
21 unrebutted TIA found that the segment of Nevada between 4th and 6th Streets is not adequate
22 to support additional traffic volumes, but only two (2) PM peak hour trips are forecast to
23 occur along this segment of S. Nevada Avenue. *(Staff Report, page 13).* The TIA data
24 regarding potential traffic along Nevada stands rebutted. The Examiner finds and concludes
25 that requests for additional improvements on Nevada are not supported by any preponderance
26 of evidence, and must be declined.

27 28. Development regulations, most of which are the same or substantially similar to those
28 applied to some newer residential developments in the project vicinity, will apply to this
29 project as well, and compliance with such regulations is in the public interest and intended to
30 ensure the site will be developed in a manner consistent with similarly situated sites in the
31 same area. As noted by Washington courts, views are not generally protected under county
32 or applicable state law. Height limits, setbacks, landscaping requirements, road standards,
33 construction BMPs, stormwater controls, dust control measures, and the like are typically
34 among the development regulations used to prevent adverse impacts on neighbors and other
35 properties in the vicinity of a particular development or construction project.

36 29. The record includes credible and unrebutted evidence from qualified professionals

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1 that the proposed plat will provide additional connectivity for existing neighborhoods around
2 the Project, which will improve access and response capabilities for fire and emergency
3 services. The same new connections will improve access and emergency or bad weather
4 ingress/egress options for surrounding residents and neighbors.

5 30. In the end, no one offered any credible evidence that would serve as a basis to deny
6 the pending application. Instead, credible testimony from Staff, and written responses from
7 several County Departments, now included as part of the record, serve as a basis to find and
8 conclude that the proposed plat satisfies applicable approval criteria and merits approval,
9 subject to compliance with appropriate conditions of approval.

10 ***As designed and conditioned in this Decision, the Harvest Hills Estates Preliminary Plat
11 application satisfies applicable approval criteria.***

12 31. Except as modified in this Decision, the Staff Report credibly details how the project
13 is designed or can be conditioned to comply with applicable County codes and development
14 regulations. (*Staff Report*).

15 32. After considering the application materials and a SEPA Checklist prepared for this
16 project, the County's SEPA Responsible Official issued a Determination of Non-Significance
17 (DNS) for this project. (*See Ex. A-08, SEPA Checklist, and Ex. B-02, Notice of SEPA DNS*).
18 There is no evidence or legal authority that would serve as a basis for the Examiner to reopen
19 the SEPA review process for this project, or to add additional mitigation measures or
20 conditions of approval.

21 33. A preponderance of evidence in the record, including without limitation the summary
22 of relevant reports and analyses provided in the Staff Report, the Examiner's site visit to the
23 area, and credible testimony and follow-up written responses from Staff and applicant
24 witnesses, fully supports a finding that the proposed plat has been designed or can be
25 conditioned to satisfy applicable approval criteria for the proposed preliminary plat, including
26 without limitation the state subdivision statute found at RCW Ch. 58.17, and the County's
approval criteria for a preliminary plat, found at DCC 17.10.020.

34. Except as modified by findings and conditions provided in this Decision, the Staff
Report includes a number of specific findings and proposed conditions that establish how the
proposed Preliminary Plat application satisfies provisions of applicable law, is consistent
with the County's Comprehensive Plan, and is designed or can be conditioned to comply with
applicable development standards and guidelines.

35. Based on all evidence, exhibits and testimony in the record, the undersigned Examiner
specifically finds that the proposed Harvest Hills Estates Preliminary Plat, as conditioned

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1 below, makes appropriate provision for the considerations detailed in applicable law, and that
2 the public use and interest will be served by the preliminary plat and associated
improvements.

3 36. Conditions of approval include conditions and measures recommended in written
4 comments from various public agencies, copies of which are included in the record.

5 37. The Conditions of Approval included as part of this Decision are reasonable,
6 consistent with applicable law, supported by the evidence, and capable of accomplishment.

7 **V. CONCLUSIONS OF LAW**

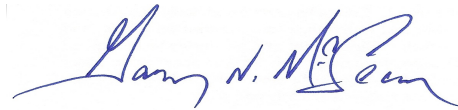
8 1. Based on the Findings as summarized above, the undersigned examiner concludes
9 that the proposed Harvest Hills Estates Preliminary Plat, as conditioned below, conforms to
10 all applicable zoning and land use requirements and appropriately mitigates potential adverse
environmental impacts. Upon reaching such findings and conclusions as noted above, the
application meets the standards necessary to obtain approval by the County.

11 2. Any Finding or other statements in previous or following sections of this document
12 that are deemed Conclusions of Law are hereby adopted as such and incorporate herein by
reference.

13 **VI. DECISION**

14 Based upon the preceding Findings of Fact and Conclusions of Law, evidence
15 presented through the course of the open record hearing, all materials contained in the
16 contents of the record, and site visits to the affected area, the undersigned Examiner
APPROVES the Harvest Hills Preliminary Plat, subject to the attached Conditions of
Approval.

17 Decision issued: November 13, 2025.

18
19 

20 Gary N. McLean
21 Hearing Examiner Pro Tem

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CONDITIONS OF APPROVAL

***Harvest Hills Estates
Preliminary Plat***

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[NOTE: For convenience of the parties, these conditions are generally organized and numbered as they were presented with the Staff Report. The use of captions, numbering, or sections has no substantive effect regarding the full scope or applicability of any condition to various aspects of the project, wherever they might be located].

General Conditions added by the Examiner.

- A. Preliminary Plat approval shall be null and void if any condition enumerated herein is not satisfied.
- B. No construction or site development activities related to the plat may be undertaken until required land-use and engineering approvals become effective, and the County and other regulatory authorities with jurisdiction issue applicable permits.
- C. The applicant shall comply with all professional report conclusions and recommendations submitted in connection with the preliminary plat and engineering reviews, as approved and or amended by the County.
- D. Applicant shall be responsible for consulting with state and federal agencies, and tribal entities with jurisdiction (if any) for applicable permit or other regulatory requirements. Approval of a preliminary plat does not limit the applicant’s responsibility to obtain any required permit, license or approval from a state, federal, or other regulatory body. Any conditions of regulatory agency permits/licenses/approvals shall be considered conditions for this project.
- E. The final engineering plans and submittals necessary to obtain final approval of the plat shall conform to all applicable provisions of the Douglas County Code and the Conditions of Approval herein.
- F. Lots cannot be created, sold, or marketed for sale until final plat approval is granted and the plat map is recorded with the Douglas County Auditor. It is expressly understood that final plat approval is a separate process from the preliminary subdivision approval process.

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1 **Additional Conditions based on those proposed in the Staff Report, as modified by the Examiner.**

2 (1) The project shall proceed in substantial conformance with the plans and application materials on file
3 except as amended by the conditions herein.

4 (2) The applicant is responsible for compliance with all applicable local, state and federal rules and
5 regulations, and must obtain all appropriate permits and approvals.

6 (3) A plat certificate showing parties of interest from a title company must be submitted with the final
7 plat.

8 (4) The final plat shall be submitted by a land surveyor licensed in the State of Washington and shall
9 comply with the standards set forth in Title 18A of the Douglas County Code.

10 (5) All parties having an ownership interest in the subject property shall acknowledge the plat.

11 (6) It is the responsibility of the applicant to contact the Douglas County Assessor's and Treasurer's
12 offices to confirm all taxes are current prior to final plat approval.

13 (7) During construction, all work associated with the proposed project shall occur between the hours of
14 6:00 a.m. to 7:00 p.m., Monday through Friday and 7:00 a.m. to 7:00 p.m., Saturday. Construction
15 activities on Sunday shall not commence before 8:00 a.m. and shall conclude by 7:00 p.m.

16 (8) The project is required to comply with all dimensional standards of R-L zoning district as noted in
17 DCC 18A.24.050 and lot frontage standards as noted in DCC 18.72.210. In particular, the final plat
18 submittals shall correct the following:

- 19 ▪ Lot 8, lot width appears to be less than the required 60 feet for corner lots.
- 20 ▪ Lot 52, the lot frontage is less than the required 40 feet. It does not appear that the lot is
21 accessed from a joint use driveway or access easement meeting the requirements of Chapters
22 12.50 through 12.58 DCC, comprehensive street standards, and any amendments. See DCC
23 18.72.210.

24 (9) Update the open-space plan to show the following:

- 25 ▪ The open space plan proposes active and passive recreation amenities. Please update the plan
26 to show location of proposed active and passive recreational amenities in accordance with DCC
18A.73.040 (B).
- Show access to open space/ recreation area through a design and constructed accessible route
throughout the facility.

(10) In accordance with DCC 18A.73.040 (A), up to 50 percent of the required open space may consist
of areas of native vegetation that are also allowed to fulfill the critical areas buffer requirements in
Chapters 19.18 and 19.18A through 19.18E DCC or stormwater facilities that are designed for active
and/or passive recreation opportunities in accordance with this chapter and Chapters 20.34 and 20.36
DCC, as amended. Update the open-space plan to show if any native vegetation is proposed in this area.

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1 (11) All improvements to the open space and recreation area must be completed or bonded for prior to
2 final approval of the plat in accordance with DCC 18A.73.060.

3 (12) In accordance with DCC 18A.73.080 (C), the owners of the open space have a right to cover up to
4 25 percent of the land designated for the open space/recreation facility with impervious surfaces
5 reasonably necessary to exercise the rights provided in subsections A and B of such section. An increase
6 in the 25 percent limit may be granted by the administrator if the developer provides justification that the
7 additional impervious surface is needed to create a useable recreation area. Update the open space plan
8 in a manner that satisfies applicable code requirements, such to review and approval by the Director
9 before final plat approval.

10 (13) The owners of the proposed open space shall have the duty to maintain the open space and
11 recreation area in good usable condition in compliance with the provisions of DCC 18A.72.250.

12 (14) In accord with DCC 17.10.010 (J), ensure that the final plat shows the location and purpose of all
13 easements capable of being plotted on the map.

14 (15) In accord with DCC 17.10.010 (P), please note the intended ownership of all utility tracts in the
15 notes of the plat.

16 (16) In accord with DCC 17.10.030 (A), this preliminary plat approval is the basis upon which the
17 applicant may proceed toward development of this subdivision and preparation of the final plat in accord
18 with all applicable standards and the conditions imposed by the approval decision and the approved
19 construction plans.

20 (17) In accord with DCC 17.10.030 (B), preliminary approval shall be effective for a period of sixty
21 months [five years] after the date of approval or the period of time specified in RCW 58.17.140 unless an
22 extension of time has been granted in writing by the director.

23 (18) In accord with DCC 17.10.030 (C), the applicant may request an extension to the above- mentioned
24 sixty-month duration. An application form and supporting data for time extension requests must be
25 submitted to the director at least sixty days prior to the expiration of preliminary approval accompanied
26 by the fee set by resolution of the board. Extension requests shall be processed in accordance with DCC
Section 14.10.020, re: Limited administrative review of applications. The director may approve an
extension of up to twenty four-months in accord with DCC 17.10.030 (D).

(19) The applicant shall make a complete final plat submission in accord with DCC 17.14.010 re:
Application Materials and Format.

(20) With the final plat submission, the applicant shall submit a title report or plat certificate issued
within thirty days of application showing all persons having an ownership interest in the property to be
divided, a legal description describing the exterior boundary of the site and listing all encumbrances
affecting the site. Address and highlight the following information in the title report – the easements/
encumbrances that have been shown on the face of the plat and any easements that have not been shown
on the plat along with the reason for not being shown on plat.

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1 (21) The final plat submitted to Douglas County Land Services Department for review shall contain all elements noted in DCC 17.14.020 re: Contents – Map.

2 (22) The project was reviewed by Chelan Douglas Health District [“CDHD”] and the agency provided
3 comments on July 11, 2025, included in the record as Ex. C-01. The project is required to comply with
4 all conditions noted in the letter, relevant portions of which are republished below and included as
5 conditions for this preliminary plat:

[CDHD] reviewed the above development proposal to subdivide an existing parcel of land
~28.10 acres in size into one hundred and twenty-two (122) residential lots. Proposed lots will
range in size from ~5,041 sq.ft to 11,695 sq.ft. Domestic water will be provided by the East
Wenatchee Water District. Sanitation will be provided by the Douglas County Sewer District.
The subject property is located at 2202 6th St. SE, East Wenatchee (county tax parcel:
22211840047). The site also encompasses parcels 22211840048, 22211840049, 22211840050,
and 22211840046.

[CDHD] recommend[s] further approval of the project. Please note that Chelan-Douglas Health
District cannot sign the final Mylar until the following conditions are addressed:

Expanding, Municipal Public Water Systems

- 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.
- The dedicatory language on the plat shall carry this note: “The Health District has not reviewed the legal availability of water to this development.”

Public Sewer

- 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.

Fees for review of land-use applications have been established by the Chelan-Douglas Health District Board of Health. The District will bill the applicant upon receipt of these comments. [*NOTE and modification to this Condition by the Examiner: Fees shall be those in effect at the time of a complete application for a specific review is

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submitted, as determined by the CDHD Board. The District's comment letter for this application provided fees in effect in 2025, which appeared as follows.]

<i>Project</i>	<i>CDHD 2025 fees</i>
<i>Plats with Municipal sewer and water</i>	<i>\$65</i>
<i>Short Plat, BSP < 5 lots Review</i>	<i>\$495</i>
<i>Major Plat, BSP > 5-20 lots Review</i>	<i>\$745</i>
<i>Major Plat Review, per lot over 20 lots</i>	<i>\$45</i>
<i>Pre-Application Review</i>	<i>\$110</i>
<i>Other Land Use Review comments (per hour)</i>	<i>\$110</i>

[Additional information, presumably including current fees for projects, and forms can be downloaded from the Chelan-Douglas Health District's website at: <http://www.cdhd.wa.gov/FormsandDocuments.htm>]

(23) The project was reviewed by Douglas County Fire Marshal providing comments on July 22, 2025. The project is required to comply with all conditions noted in such letter, which is included in the record as Ex. C-04, summarized as follows:

- A. Single-family detached dwellings and accessory dwellings and manufactured home permits for manufactured homes not in manufactured home parks, provided the lot is at least one acre (forty-three thousand five hundred sixty square feet, not including any submerged area below the ordinary high water mark) in size and where adjacent property dwellings are separated by at least fifty feet as measured in the most direct manner, or provided the lot, tract, or parcel is exempt from fire flow.
- B. Minimum Required Fire Flow is 1000 GPM at a minimum of 20 PSI for no less than a 2-Hour duration. A hydrant must be located no more than 250 feet from the nearest frontage access to each lot. Maximum hydrant spacing is 500 feet and as approved or required by the Fire Marshal. The large-diameter port of all hydrants must be equipped with a 4-inch diameter Storz quarter-turn fitting.”

(24) The project was reviewed by Douglas County GIS Department. The agency provided comments on July 10, 2025, a copy of which is included in the record as Ex. C-05. The plat is required to comply with all conditions noted in such letter, as summarized below:

A. Road Naming. All new public and private roads needing to be named in the unincorporated parts of Douglas County, need to conform to the road naming standards as outlined in Douglas County Code 12.04, Road Naming and Addressing. Road names should be alphabetical, from west to east. Unless modified by the Director, roads should be named as follows:

- Road A – S. Nevada Loop
- Road B - The road name should fall between Mary and Nevada.
- Road C - Legacy Place SE (Right now the drawing shows this as NE. It needs to be changed to SE.)

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- Road D - 7th Street SE
- Road E - The road name should fall between Nancy and Navajo.

B. Addressing. During the review of the cluster subdivision, addresses will be assigned to all the lots and included as part of by blue line review. The addresses can then be added to the mylar for final recording. These cannot be assigned until all access issues, if any, are resolved.

C. General. Item 3 under “GENERAL NOTES & PROVISIONS” will need to be reworded once the roads are named; and the proposed BLA should be completed prior to Blue line Review, so that we can verify the legal description on the plat matches with the Title Report’s legal description. Questions regarding GIS comments and conditions should be directed to 884-7173.

(25) The project was reviewed by Douglas County Public Utility District and the agency provided comments on July 09, 2025, included in the record as Ex. C-06. The project is required to comply with all conditions noted in such letter, summarized as follows:

Applicant must complete an Application for Service and coordinate with the District to design a power/fiber plan. A ten foot 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 approval.

(26) The project was reviewed by Douglas County Sewer District and the agency provided comments on July 15, 2025, included in the record as Ex. C-08. The project is required to comply with all conditions noted in such letter, summarized as follows:

Public sewer is available at this time. An extension(s) of public sewer will be required to serve the subdivision, and the developer will need to initiate a Developer Extension Application/Agreement (DEA) with the Sewer District.

The proposed phasing of the subdivision may require multiple DEAs. The applicant should contact the District to discuss.

Sewer improvements for each phase must be constructed and accepted by the Sewer District, or a Performance Bond for 125% of the total value of all said sewer improvements must be provided to the Sewer District, prior to final plat approval(s).

(27) The Douglas County Transportation Department reviewed the project and provided comments on July 21, 2025 (updated August 20, 2025). The project is required to comply with all conditions noted in such letter, summarized as follows: *(NOTE: *As presented in the Staff Report, this Condition No. (27) has 27 subparts, listed below).*

Transportation & Stormwater

1. Final construction plans designed by a Professional Engineer licensed in 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.

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2. Required frontage improvements include:

a. Project property frontage on 6th Street SE in accordance with DCC Figure 3-7b (Urban Local Access standard) and at new intersections with proposed public roads A and B.

i. The project shall coordinate with DCPUD to relocate poles and wires as needed to accommodate: (1) sidewalk per the standard road section, (2) construction of the intersection at SE Nevada Ave.

ii. Frontage improvements including sidewalk, curb & gutter, stormwater management, and associated restoration shall be constructed along approximately 145 ft across the frontage of adjacent parcel 22211840013 to provide pedestrian connectivity between this project and existing improvements, in accordance with the goals of the Greater East Wenatchee Comprehensive Plan. Coordination of improvements with the owner of parcel 22211840013 shall be determined during construction plan review, and shall be designed to minimize impacts to parcel 22211840013.

iii. Asphalt widening west of the PSE power lines on 6th Street SE, adequate to provide a 5-foot shoulder for pedestrian connectivity west to the South Mary Avenue intersection.

b. Project property frontage on 8th Street SE in accordance with DCC Figure 3-8 (Urban Collector standard) and at the new intersection with proposed public road E.

i. The project shall coordinate with DCPUD to relocate poles and wires as needed to accommodate full-width frontage improvements per the standard road section.

3. A 1-foot non-vehicular easement shall be shown on the final plat along the 6th Street SE and 8th Street SE frontages, with the exception of the public roadway intersection connections.

4. All internal roads shall be constructed to meet the roadway section presented on DCC Figure 3-7b and meet applicable alignment standards, or an approved alternate to code. Internal roads shall also connect with existing 7th Street SE and Legacy Place SE road ends adjacent to the project, and align with S Nevada Ave (as proposed).

5. Construction traffic for the development project shall access only from 6th Street SE and 8th Street SE, not from Legacy Place SE or 7th Street SE.

6. Illumination shall be designed and installed consistent with East Wenatchee Municipal Code and Douglas County Code Section 12.57.100 Roadway Illumination. The applicant shall be responsible for PUD charges for the service connection of streetlights. The type of light fixture to be installed shall be coordinated with Douglas County during construction plan review.

7. 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

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1 within an easement dedicated for such use. Mailboxes shall be located on the internal local
2 access roads.

3 8. Utility easements (5' min.) are required along all lots or tracts with County road frontage in
4 accordance with the road standards. Utility purveyors may require easements in excess of five
5 feet.

6 9. All existing and proposed easements shall be clearly described and delineated with the
7 Auditor's File Number(s) noted on the final plat.

8 10. The applicant shall enter into a Deferred Improvement Agreement for the following projects,
9 contributing proportional share impacts as identified in the mitigation portion of the submitted
10 project TIA:

11 a. Grant Road/Nevada Avenue: Preliminary estimated project cost: \$2,535,400.00. TIA
12 proportional impact: 0.2% PM peak hour

13 b. Grant Road/Nile Avenue: Preliminary estimated project cost: \$2,272,942.89. TIA
14 proportional impact: 0.8% PM peak hour

15 11. Prior to final plat acceptance and/or release of financial security, the Engineer of Record
16 shall provide written certification that the required frontage improvements, off-site
17 improvements, internal roads, utility infrastructure, and stormwater systems, have been
18 constructed/completed in accordance with the Conditions of Approval, applicable codes, and the
19 accepted construction plans. Monitoring is required by the Engineer of Record and in
20 accordance with the Road Standards (12.56.110), with final reports submitted to Douglas
21 County together with the required certification letter.

22 12. Final acceptance shall be processed in accordance with DCC 12.56.110 re: Final
23 Acceptance. A Warranty Assurance Agreement shall be completed per DCC 12.50.110 prior to
24 final acceptance.

25 13. Per DCC Chapter 12.24, all new or revised accesses onto a County road (including
26 temporary accesses) require an approved access permit.

14 Utility installation/replacement/upgrade within the Douglas County right-of-way shall be
15 approved by Douglas County. A permit to perform work in the right-of-way shall be obtained
16 prior to construction. Damage to existing roads resulting from construction activities (including
17 utility extensions required to provide necessary services to the proposed development) shall be
18 repaired by the applicant to the satisfaction of Douglas County. The extent of repair and/or
19 replacement will be determined during construction plan review and during field inspection of
20 the completed work within the right-of-way.

21 15. A final site-specific stormwater plan and report prepared by a Professional Engineer licensed
22 in the State of Washington that conforms to Douglas County Code sections 20.34, 20.36 and the
23 current Stormwater Management Manual for Eastern Washington (SWMMEW) shall be
24 submitted to Douglas County for its review and approval prior to construction.

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16. 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. Lot grading shall conform to IBC standards, and be coordinated with the County Building Official to assure conformance to codes and documentation which satisfies IBC requirements.

17. 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.

18. 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).

19. Provisions to provide access for inspection and maintenance of the stormwater tract(s) shall be addressed within the design plans and stormwater report.

20. 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.

21. 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.

22. 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.

23. The Engineer of Record shall monitor construction and shall provide as-built drawings along with a signed certification letter stating that the improvements have been completed in accordance with the applicable codes, regulations, and accepted plans. UIC registration shall be provided as applicable.

24. 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:

“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 _____.”

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25. 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:

“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.”

26. 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:

“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:
a. Pipe size.
b. Minimum pipe slope.
c. Invert elevation at the connection to the stormwater stub.
d. Finished floor elevation of the structure and garage slab.”

27. Individual lots created within this development are subject to the Douglas County Stormwater Utility annual service charge. 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 obtaining all required permits required by applicable law or regulations for any aspect of this project prior to beginning groundbreaking 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.

(28) The project was reviewed by East Wenatchee Water District and the comments were provided on July 10, 2025. The project is required to comply with all conditions noted in the Water District’s letter, as summarized below:

“Water is available per this request. A DEA (developer line extension agreement) will be required prior to plan submittals for the Water District’s review. 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. The Developer will assume all of the 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.”

*End of Conditions.

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1 **Notice of Rights to Request Reconsideration or**
2 **Appeal This Decision**

3 ***Reconsideration –***

4 As provided in Douglas County Code (DCC) 14.10.040.B.8, any aggrieved party or agency
5 of record may request a reconsideration of a hearing examiner decision consistent with the procedure
6 established in DCC Section 2.13.150. Motions for reconsideration must be filed with the department
7 within ten days from the date of issuance as defined by RCW 36.70C.040(4)(a), together with the
8 applicable reconsideration fee. If a motion for reconsideration is filed, the date of the final decision
9 by the hearing examiner occurs on the date a decision is entered on the motion for reconsideration,
10 and not the date of the original decision for which the motion for reconsideration was filed. Additional
11 details and requirements regarding any request or motion for reconsideration are found in DCC
12 2.13.150.

13 ***Appeal –***

14 As provided in DCC 14.12.005.B, there is no administrative appeal of a Decision by the
15 County’s Hearing Examiner and any appeal of a decision of the hearing examiner shall be timely filed
16 as a judicial appeal in the superior court.

17 DCC 14.12.020, captioned “Judicial Appeals”, explains that Appeals of an action of the
18 county with respect to an application, for which all administrative appeals specifically authorized
19 have been timely exhausted, shall be filed in the Douglas County superior court and served on all
20 necessary parties within twenty-one days after the date of issuance of the notice of final decision, as
21 determined pursuant to RCW 36.70C.040.

22 **NOTE:** The Notice provided on this page is only a short summary, and is
23 not a complete explanation of fees, deadlines, and other filing requirements
24 applicable to requests for reconsideration or appeals. Individuals should
25 confer with advisors of their choosing and review all relevant codes,
26 including without limitation the county code provisions referenced above
and the Land Use Petition Act (Chapter 36.70C RCW) for additional
information and details that may apply.

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