

**DOUGLAS COUNTY**

**DEPARTMENT OF HEARING EXAMINER**

140 19<sup>th</sup> Street NW  
East Wenatchee, WAS 98802-4109

**BEFORE THE DOUGLAS COUNTY HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
P-2020-08	)	<b>DECISION AND</b>
Sutton II	)	<b>CONDITIONS OF APPROVAL</b>

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on May 20, 2021, 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. The applicant is Fourth Street Development LLC. , 630 Valley Mall Parkway, #411, East Wenatchee, WA 98802.
2. This is an application for a 70 lot major subdivision. The subject property is approximately 33.82 acres in size and is located west of South Kentucky Avenue, and just north of the Wenatchee Reclamation District Irrigation Canal. The division will consist of 69 smaller residential lots and one larger lot reserved for future development.
3. The property is partially located in the Residential Low (R-L), and Residential Medium (R-M) Density zoning district under East Wenatchee Municipal Code. The property is further described as being located within Section 13, Township 22N, Range 20E, W.M. Douglas County Assessor’s Parcel Number: 73400010205.
4. Site Information/Characteristics: The topography is rolling.

Total Project Size:	33.82 acres
No. of lots	70
Domestic Water:	East Wenatchee Water District
Sewage Disposal:	Douglas County Sewer District
Power/Electricity:	Douglas County PUD
Fire Protection:	Douglas County Fire District #2
Telephone Service:	Varied

5. Surrounding Property:  
North: Single family homes, multifamily development  
South: Single family homes and vacant land.  
East: Single family homes  
West: Single family homes.
6. The subject property is located within the Greater East Wenatchee Planning Area.
7. The subject property is located within the East Wenatchee Urban Growth Area.
8. The Comprehensive Plan designation is Residential Low and Residential Medium.
9. The subject property is located in the Residential Low Density (R-L) and Medium (R-M) zoning districts which allows for subdivisions as permitted uses.
10. On March 28, 2007, Douglas County adopted Ordinance No. 07-01H which adopted portions of Title 17 of the East Wenatchee Municipal Code within the unincorporated portions of the East Wenatchee Urban Growth Area.
11. EWMC 17.72.210 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 EWMC. 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.
12. The application triggers the requirement to provide parks/open space. East Wenatchee Municipal Code requires 1.69 acres of the gross site area be dedicated for open space/ recreation. The applicant has provided open space tracts totaling .74 acres in size. The applicant has agreed to provide the remaining .95 acreage required in either additional open space on lot 70, or elective optional payment in lieu of open space per EWMC 17.73.090.
13. Initial application materials reviewed by Douglas County Transportation and Land Services include:
  - 13.1 Revised Preliminary Civil Plans prepared by Torrence Engineering, received April 16, 2021.
  - 13.2 Preliminary Storm Report prepared by Torrence Engineering, received December 16, 2020.
  - 13.3 Preliminary Plat prepared by Landline Surveyors, received April 16, 2021.
  - 13.4 Traffic Impact Analysis prepared by TENW, received April 12, 2021.
14. The preliminary civil plans depict Jean Street Southeast extending to the east and terminating in a cul-de-sac. The project was revised from the initial submittal to include connection of this development to S. Kentucky Avenue in an effort by the applicant to reduce the traffic that would otherwise be directed to Jean Street and Juno Street.

15. The preliminary storm report provided adequately addresses the feasibility of mitigating stormwater runoff generated due to the proposed development. The project proposes the use of an infiltration pond for mitigation.
16. The plat map depicts an easement for a temporary turnaround at the southeast corner of the project boundary. This easement shall have a minimum radius of 55' and will have the potential to be dedicated as public right of way should the road not be constructed as a through street within a two year timeline. The lot configuration will need to take this into account such that if the right of way is ultimately dedicated the lots would still conform to the requirements of Douglas County Code / East Wenatchee Municipal Code.
17. The updated study addresses traffic distribution after inclusion of a through street out to South Kentucky Avenue. With the inclusion of this through street the proportion of traffic utilizing the Jean / Juno Street routes may be reduced considerably. The study also addresses other possible traffic calming requirements that could be included to slow vehicles down that are headed that direction. The Hearing Examiner is requiring 'bulb-outs' at all internal intersections to act as traffic calming devices. A bulb-out is where the width of the roadway will be reduced at the intersections to reduce the length of the crosswalks and provide a visual constraint that will promote slower speeds.
18. The traffic study estimates that traffic generated by the project and the proportion of that traffic that would utilize the various future intersection improvement projects along the Grant Road corridor that are identified within the Six-year Transportation Improvement Program. The study identifies a fair share contribution for those improvements.
19. The applicant has requested to conduct the subdivision in four separate phases. A map detailing the proposed phases has been provided.
20. Comments from reviewing agencies have been considered and addressed where appropriate.
21. Douglas County issued a Determination of Non-Significance on February 9, 2021 pursuant to WAC 197-11-355 (Optional DNS).
22. 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.
23. Multiple members of the public commented on the proposal.
24. The Washington State Department of Ecology commented on the proposal on January 4, 2021.
25. The Douglas County Assessor commented on the proposal on December 23, 2020.
26. The Douglas County Treasurer commented on the proposal on January 13, 2021.

27. The Chelan Douglas Health District (CDHD) Commented on the proposal on January 13, 2021.
28. The Douglas County PUD commented on the proposal on April 21, 2021.
29. The Douglas County GIS Department commented on the proposal on December 22, 2021.
30. The Douglas County Fire Marshal commented on the proposal on April 30, 2021.
31. The East Wenatchee Water District commented on the proposal on April 20, 2021.
32. The Douglas County Sewer District commented on the proposal on April 28, 2021.
33. The Douglas County Transportation Department commented on the proposal on May 4, 2021.
34. The Douglas County Land Services Department commented on the proposal on April 29, 2021.
35. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
36. The following parties of record provided comment:
  - 36.1 Randy and Patty Rantz
  - 36.2 Billie Farr
  - 36.3 Johanna Carveth
  - 36.4 Jeri Thomas, 1221 Jupiter St SE, East Wenatchee, WA 98802
  - 36.5 Danica Mito
  - 36.6 Richard Ponce, 1217 Jupiter St SE, East Wenatchee, WA 98802
  - 36.7 Jessin and Babette Donnelly, 1227 Juno St SE, East Wenatchee, WA 98802
  - 36.8 Robyn De Grasse 1116 SE Jean ST, East Wenatchee WA 98802
  - 36.9 Kenneth and Laura Davis, 1132 Jean St SE, East Wenatchee, WA 98802
  - 36.10 Brian Wetherald, 1241 Jupiter St SE, East Wenatchee, WA 98802
  - 36.11 Caitlin Orange, 1218 Jean St SE, East Wenatchee, WA 98802
37. The applicant conducted two neighborhood meetings. The neighborhood meetings occurred on March 1st and March 2nd, 2021.
38. Purveyors who responded to the project have indicated that adequate utilities/services are available and can serve this project.
39. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
40. The proposal is consistent with the goals and policies of the Greater East Wenatchee Area Comprehensive Plan. The proposed lot sizes meet the density standards for residential lots. Policy H-13 requires that urban development within the urban growth area be served concurrently with urban services. The development will be served by the full range of urban

46. Consistency with the provisions of DCC Chapter 20.34, Stormwater Drainage:  
46.1 As conditioned, the proposal is consistent with the provisions of this chapter.
47. An open record public hearing was held on May 20, 2021 via Zoom video conferencing.
48. At this hearing, the entire Planning Staff file was admitted into the record at the public hearing.
49. Appearing and testifying on behalf of the applicant was Hank Lewis. Mr. Lewis is the agent of the Applicant/property owner, and was authorized to speak on their behalf. Mr. Lewis testified that the Applicant/property owner had no objection to any of the proposed Conditions of Approval. He further testified that the Applicant was willing to do whatever the County requested regarding traffic calming methods.
50. Testifying from the public was Johanna Carveth. Ms. Carveth stated she was testifying on behalf of the Skyview development on Juno and Jean Streets. She testified that Iowa Avenue is a busy street and is not safe. There are many children in the neighborhood on Juno and Jean. She stated that the neighbors did not like the idea of the “bulb-outs” because they have trailers and boats for recreation and also semi-trucks would and all would have difficulty negotiating these intersections.
51. 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 Title 17 Zoning of the East Wenatchee Municipal Code as adopted by Ordinance # 01-01H.
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, review of all applicable files, including the Planning Department staff file, and after an open record public hearing, the Hearing Examiner has determined that P-2020-08 is hereby **APPROVED** subject to the following Conditions of Approval.

### IV. CONDITIONS OF APPROVAL

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. The project shall proceed in substantial conformance with the plans and application materials of file dated 12/16/2020 and 04/19/2021 except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate approvals and permits.
3. A plat certificate showing parties of interest, from a title company, shall be submitted with the blue-line drawings.
4. The final plat shall be submitted by a Land Surveyor licensed in the State of Washington, and shall comply with the standards set forth in Title 17 of the Douglas County Code.
5. All parties having an ownership interest in the subject property shall acknowledge the plat.
6. It is the responsibility of the applicant to contact the Douglas County Assessor's and Treasurer's offices to confirm all taxes and assessments are current prior to final plat approval.
7. During construction, all work associated with the proposed project shall occur between the hours of 6:00 a.m. to 7:00 p.m., Monday through Friday and 7:00 a.m. to 7:00 p.m., Saturday. Construction activities on Sunday shall not commence before 8:00 a.m. and shall conclude by 7:00 p.m.
8. The final plat shall show the location of all easements serving or encumbering the subject property.
9. The location of existing utilities (i.e. power, sewer, water and irrigation lines, etc.) and utility easements shall be depicted on the face of the final plat.
10. A final design of the recreation spaces must be included with the construction drawings. Design detail such as safety fencing, active and passive recreation areas, access, pedestrian circulation, and landscaping shall be included. The open space plans must comply with EWMC 17.73 Open Space Standards.

11. The applicant shall provide the remaining .95 acre of required open space through additional open space provided on lot 70, or optional payment in lieu of open space pursuant to EMWC 17.73.090.
12. The following note shall be placed on the face of the final plat:
  - 12.1 “Based upon the historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides. Ecology recommends that the soils be sampled and analyzed for lead and arsenic, and for organochlorine pesticides. If these contaminants are found at concentrations above the Model Toxics Control Act cleanup levels Ecology recommends that potential buyers be notified of their occurrence.”
13. The project shall proceed in conformance with the findings and recommendations presented within the Cultural Resource Report prepared by Susan Ellis and Jon Meyer.
14. In the event that any cultural resources (Burial sites, human remains, historical artifacts, etc.) are discovered, the applicant shall adhere to the inadvertent discovery protocol provided by Susan Ellis within the Cultural Resource Report.
15. Minimum required fire flow is 1000 GPM at a minimum of 20 PSI for no less than a 2-hour duration. Hydrant must be no more than 250 feet from the nearest frontage access of each lot. Maximum hydrant spacing 500 feet and as approved by the Fire Marshal. The large-diameter port of all hydrants must be equipped with a 4-inch diameter Storz quarter-turn fitting.
16. Access greater than 150 feet must terminate in an approved turn around. The turnaround must not be counted as parking, must account for seasonal snow accumulation, must not be a part of a garage approach, and must be capable of supporting the weight of emergency apparatus in all weather conditions.
17. All access longer than 150 feet must end in an approved Turn Around. The Turn Around must not be a part of a garage approach, must not counted as parking, must not be counted as a storage area, must account for seasonal snow accumulation, and must be capable of supporting the weight of emergency apparatus in all weather conditions.
18. Maximum grade for any graveled access is 10%. Grades greater than 10% but not greater than 12% must be paved. Grades beyond 12% are typically not allowed unless approved by the Fire Marshal on a case-by-case basis.
19. Parking shall not be allowed in approved turn arounds and shall be posted in accordance to Appendix D of the International Fire Code.
20. Segregation of irrigation shares shall occur prior to final plat approval. Irrigation rights-of-way must be shown on the plat.
21. 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.

22. The dedicatory language on the plat shall carry this note:
  - 22.1 "The Health District has not reviewed the legal availability of water to this development."
23. 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.
24. This site may contain area wide or localized contaminated soils from lead arsenate and other pesticides and/or petroleum. The presence of these contaminants may affect the health of on-site construction workers and neighbors when the soil is disturbed by either equipment or weather. Dust control must be maintained during any earth disturbing activities during construction and installation. The Washington Department of Ecology recommends dust control, including mulching, hydroseeding, gravel, sod and/or other ground cover for any bare earth left after construction including landscaped areas, paths, unpaved parking areas and roads.
25. Applicant must complete a Customer Service Request and coordinate with Douglas County PUD District Engineering to design a power/utility plan. An estimate to provide service to the project will be provided based on the final design. Estimate
26. An NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required if there is a potential for stormwater discharge from a construction site with disturbed ground.
27. The applicant shall obtain approval from the East Wenatchee Water District prior to final plat approval.
28. A Developer Line extension Agreement (DEA) is required with the East Wenatchee Water District.
29. The applicant shall obtain approval from the Douglas County Sewer District prior to final plat approval.
30. A Developer Extension Agreement (DEA) is required with the Douglas County Sewer District prior to final plat approval.
31. All sewer improvements must be constructed and accepted by the Sewer District, or a Performance Bond for 125% of the total value of all sewer improvements must be provided to the Sewer District, prior to final plat approval.

32. Final construction plans designed by a Professional Engineer licensed in the State of Washington shall be submitted to and accepted by Douglas County prior to construction. Construction plans shall be prepared in accordance with the requirements of the East Wenatchee Municipal Code and Douglas County Code.
33. Internal roads shall be constructed in accordance with Urban Local Access standards (Figure 3-7b). Bulb-outs shall be constructed at intersections within the development (as determined by Douglas County) to act as a traffic calming measure and to reduce the width of the pedestrian crossings. Additional traffic calming measures may be required or proposed/accepted in addition to bulb-outs at the discretion of the County Engineer.
34. Coordinate directly with Link Transit to determine if additional transit stops or any other form of mitigation is required along South Kentucky Avenue as a result of this project. Provide written verification from Link Transit confirming that the existing facilities or proposed mitigation is adequate. Include a signature block for Link Transit on the cover sheet of the construction plans.
35. A maximum of 15 Lots may be developed solely off of the connection to SE Jean Street. If both connections are constructed simultaneously (i.e. Jean & Juno) a maximum of 25 Lots may be developed. At a minimum, the connection from Juno Street SE to South Kentucky Avenue shall be constructed once the 25-Lot threshold has been exceeded. The lot calculations exclude any property to be dedicated as a Tract.
36. Road A shall provide a connection from SE Jean Street and extend easterly as shown in the preliminary layout. The cul-de-sac located at the end of SE Jean Street shall be removed and the existing sidewalk shall be extended to connect with the sidewalk in this development. At a minimum, 6" of top soil shall be placed and hydro seeded in the location where the cul-de-sac has been removed.
37. Road C shall extend to the eastern property line, align with the proposed roadway on the adjacent development, and include a 96' diameter cul-de-sac approximately as shown in the preliminary layout.
  - 37.1 The applicant has the option to enter into an easement agreement with Douglas County for the portion of the right of way required for the cul-de-sac (i.e. 110' diameter). Said agreement shall include provisions for dedication of the easement as public right of way via Statutory Warranty Deed if Road C is not constructed as a through street within two years. A Performance Assurance Agreement for the cost of constructing a permanent cul-de-sac shall be executed prior to final plat acceptance. Occupancy will not be issued for any structures within Sutton 2 Subdivision for lots 54 through 59 and 63 through 69 without construction of, at a minimum, a temporary cul-de-sac with a pavement section that meets the current Urban Local Access Road Standards per Figure 3-7b.
38. Road E shall extend to the southern property line and align with the proposed roadway on the adjacent development approximately as shown in the preliminary layout.

39. Right of way dedication along South Kentucky Avenue to accommodate 35' from centerline shall be included on the face of the plat. Frontage improvements are required along South Kentucky Avenue in accordance with Figure 3-8 (Urban Arterial) from the Douglas County Road Standards.
  - 39.1 The existing DCPUD poles along the frontage shall be relocated to the back of walk similar to what was done with the church property to the north.
40. As much as is practical, construction traffic shall be prohibited from utilizing the SE Jean Street / Juno Street SE connection points for site development. A construction entrance to the site shall be installed from South Kentucky Avenue; location to be determined during construction plan review.
41. Access to South Kentucky Avenue for individual lots created within this subdivision is prohibited. A 1' non-vehicular easement shall be included along the South Kentucky Avenue frontage adjacent to Lots 52-53.
42. Illumination shall be designed and installed consistent with East Wenatchee Municipal Code, Douglas County Code Section 12.57.100 Roadway Illumination, and meet Douglas County PUD Standards. The applicant shall be responsible for PUD charges for the connection of street lights to the transformer or hand hole. The type of light fixture to be installed shall be coordinated with Douglas County during construction plan review.
43. The location of any cluster mailbox units proposed for the subdivision shall be shown on the construction plans. A pullout / turnout shall be provided if the mailbox cluster is located on South Kentucky Avenue. Location to be accepted by the County Engineer and USPS Postmaster prior to plan acceptance. Cluster mailbox units shall be located within the public right of way or covered within an easement dedicated for such use.
44. Five-foot utility easements (min.) are required along all lots or tracts with County road frontage in accordance with applicable road standards. Utility purveyors may require easements in excess of five feet.
45. All existing and proposed easements shall be clearly delineated with the Auditor's File Number(s) noted as necessary on the final plat.
46. The applicant shall enter into a Deferred Improvements Agreement to contribute a proportionate share contribution towards transportation improvements along the Grant Road corridor prior to final plat acceptance.
  - 46.1 The applicant shall provide written verification from the City of East Wenatchee that an agreement to provide a proportionate share contribution for the intersection improvement at 3 rd Street SE & Rock Island Road has been completed prior to final plat.
47. The applicant shall specify the type of WSDOT standard driveway approach to be used throughout the development. If the applicant elects to utilize the WSDOT Type 2 approach throughout the development additional right of way will be required.

48. As applicable, a Franchise Agreement for private utility infrastructure within Douglas County right of way shall be executed and recorded prior to issuance of a final Certificate of Occupancy for any structure. The Franchise Agreement shall be between Douglas County and the Homeowner's Association.
49. Prior to final plat acceptance and/or release of financial security, the Engineer of Record shall provide written certification that the frontage improvements, off-site improvements, internal roads, utility infrastructure, stormwater systems, and grading have been constructed/completed in accordance with the Conditions of Approval, applicable codes, and the accepted construction plans. Monitoring shall be required as determined appropriate by the Engineer of Record and in accordance with the Road Standards, with final reports submitted to Douglas County along with the certification.
50. Final acceptance shall be processed in accordance with Douglas County Code (DCC) Section 12.56.110 Final Acceptance and a Performance Assurance Agreement and/or Warranty Assurance Agreement shall be completed per DCC 12.50.110 prior to final plat acceptance.
51. Per DCC Chapter 12.24, all new or revised accesses onto a County road (including temporary accesses) require an approved access permit.
52. Utility installation/replacement/upgrade within the Douglas County right-of-way shall be approved by Douglas County. A permit to perform work in the right-of-way shall be obtained prior to construction. Damage to existing roads resulting from construction activities (including utility extensions required to provide necessary services to the proposed development) shall be repaired to the satisfaction of Douglas County, by the applicant. The extent of repair and/or replacement will be determined during construction plan review and during field inspection of the proposed work within the right-of-way.
53. A final site-specific stormwater plan and report prepared by a Professional Engineer (PE) licensed in the State of Washington that conforms to Douglas County Code and the 2019 Stormwater Management Manual for Eastern Washington (SWMM EW) shall be submitted to and accepted by Douglas County prior to construction.
54. 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.
55. The proposed lots which include an on-site infiltration facility will require a stormwater site plan and report be submitted with the application for a building permit. A note shall be included on the face of the final plat which states:
  - 55.1 "At the time of building permit submittal for Lots 62-69, an engineered site specific stormwater plan shall be submitted that conforms 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.”

56. The applicant has indicated that stormwater stubs will be provided to each of the lots which will drain to a communal facility. A note shall be included on the face of the final plat which states:
  - 56.1 “At the time of building permit submittal Lots 1-61, a stormwater site plan shall be submitted which depicts the on-site stormwater conveyance system. The site plan shall include the following information:
    - 56.1.1 Pipe size.
    - 56.1.2 Minimum pipe slope.
    - 56.1.3 Invert elevation at the connection to the stormwater stub.
    - 56.1.4 Finished floor elevation of the structure and garage slab.”
57. Stormwater facilities shall, as much as is feasible, be above ground and 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). This may not apply to the remainder lot (Lot 70) that is intended for future development.
  - 57.1 The storm facilities serving the proposed subdivision shall be substantially completed in association with Phase 1 of the development.
58. Provisions to provide access for inspection and maintenance of the stormwater tract(s) shall be addressed within the design plans, report, and on the face of the final plat.
59. 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.
60. 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.
61. 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.
62. The Engineer of Record shall monitor construction and shall provide as-built drawings and report as necessary along with certification that the improvements have been completed in accordance with the applicable codes, regulations, and accepted plans.
63. 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 are provided to the County. County staff then prepares the agreement for signature and recording by the applicant. The remainder lot (Lot 70) shall be excluded from this agreement. A note shall be included on the face of the final plat which states:

- 63.1 “Douglas County will not maintain the private stormwater facilities located within this subdivision. Responsibility for the long term maintenance of the private stormwater facilities is described within the Declaration of Stormwater System Maintenance Covenants recorded under AFN \_\_\_\_\_.”
64. Individual lots created within this development are subject to the Douglas County Stormwater Utility annual service charge. This charge is per parcel and is triggered at the time of building permit issuance.
65. Individual/common plan development for this proposal exceeds 1-acre of disturbed ground. This would meet the threshold by the Washington State Department of Ecology (WSDOE) in administering their general permit to discharge stormwater associated with construction activity. The applicant is responsible for acquisition of all applicable permits prior to beginning ground breaking activities, including but not limited to: Construction Stormwater General Permit, Sand & Gravel Stormwater General Permit, and/or Industrial Stormwater General Permit. Compliance with the Washington State Department of Ecology’s regulations is the responsibility of the applicant.

Dated this 21st day of May, 2021.

DOUGLAS COUNTY HEARING EXAMINER



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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.**