

DOUGLAS COUNTY

DEPARTMENT OF HEARING EXAMINER

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

BEFORE THE DOUGLAS COUNTY HEARING EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
P-2021-04)	DECISION AND
Chapacka East Subdivision)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on December 16, 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 and owner is Stephen Skylstad , 49 Sageland Rd, East Wenatchee, WA 98802.
2. This application is for a fifty three (53) lot major subdivision. The subject property is approximately 35.3 acres in size. Proposed lots range from approximately .18 acres to .73 acres in size. The subject property is located in the Residential Low Density (R-L) zoning district under East Wenatchee Municipal Code.
3. Location: The subject property located north of the intersection of Daniels Dr and Badger Mountain Road in East Wenatchee. The property is further described as being located within Section 36, Township 23N, Range 20W, E.W.M. Douglas County Assessor’s Parcel Numbers: 23203630002 and 23203630011.
4. Site Characteristics: The topography is rolling.
5. Site Information:

Total project size:	35.3 acres
No. of lots:	53
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

6. Surrounding Property:
North: Single family homes.
South: Single family homes, Badger Mountain Road
East: Badger Mountain Road
West: Vacant land, East Wenatchee Water District Reservoir
7. The subject property is located within the Greater East Wenatchee Planning Area.
8. The subject property is located within the East Wenatchee Urban Growth Area.
9. The Comprehensive Plan designation is Low Residential.
10. The subject property is located in the Low Density Residential (R-L) zoning district which allows for subdivisions as permitted uses.
11. 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.
12. 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.
13. EWMC 17.24.050 requires a minimum Lot Area for a single family dwelling; of 5,000 square feet. The smallest proposed lot is 7,589 square feet.
14. EWMC 17.24.050 requires a minimum lot width of 50 feet and a minimum lot depth of 80 feet. The smallest lot is 72 feet, one flag lot, and depth is 78 feet.
15. The application triggers the requirement to provide parks/open space. East Wenatchee Municipal Code requires 1.77 acres of the gross site area be dedicated for open space/recreation. The applicant has provided open space and stormwater within Tracts C and D totaling approximately 11.65 acres in size. 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 ... or stormwater facilities that are designed for active and/or passive recreation opportunities. All open space/recreation areas must include two or more facilities for active and/or passive recreation. Access to the open space/recreation area must be available to all residents of the development through a designed and constructed accessible route throughout the facility. The preliminary plat shows concept, but the application materials do not show final design, integration of stormwater facilities, nor area of required improved open space/recreation pursuant to 17.73.040 for the .89 acre area.

16. Initial application materials reviewed by Douglas County Transportation and Stormwater include:
 - 16.1 Preliminary Plat prepared by 48 Degrees North, received August 26, 2021.
 - 16.2 SEPA Checklist prepared by SCJ Alliance, received August 26, 2021.
 - 16.3 Project Narrative prepared by SCJ Alliance, received August 26, 2021.
 - 16.4 Alternate to Code prepared by SCJ Alliance, received August 26, 2021.
 - 16.5 Preliminary Civil Plans prepared by SCJ Alliance, received August 26, 2021.
 - 16.6 Preliminary Stormwater Report prepared by SCJ Alliance, received August 26, 2021.
 - 16.7 Traffic Impact Analysis prepared by SCJ Alliance, received August 26, 2021.
 - 16.8 Engineering Geologic Hazard Assessment prepared by Nelson Geotechnical Associates, received August 26, 2021.
 - 16.9 Habitat Management and Mitigation Plan prepared by Grette Associates, received November
17. Comments from reviewing agencies have been considered and addressed where appropriate.
18. Douglas County issued a Determination of Non-Significance on November 10, 2021 pursuant to WAC 197-11-355 (Optional DNS).
19. 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.
20. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
21. The Washington State Department of Ecology commented on the proposal on January 4, 2021.
22. The Washington State Department of Fish and Wildlife commented on the proposal on September 13, 2021.
23. The Douglas County Assessor did not comment on the proposal.
24. The Douglas County Treasurer commented on the proposal on September 1, 2021.
25. The Chelan Douglas Health District (CDHD) Commented on the proposal on September 22, 2021.
26. Domestic water will be provided by East Wenatchee Water District.
27. Public sewer will be provided by the Douglas County Sewer District.
28. The Douglas County PUD commented on the proposal on September 20, 2021.
29. The Douglas County GIS Department commented on the proposal on September 3, 2021.

30. The Douglas County Fire Marshal commented on the proposal on September 17, 2021.
31. The East Wenatchee Water District commented on the proposal on September 1, 2021.
32. The Douglas County Sewer District commented on the proposal on September 17, 2021.
33. Sewer capacity for a major subdivision, connecting to the existing public sewer collection system as shown on the preliminary engineering drawings, is not available at this time. There are two localized downstream capacity improvements required to serve a major subdivision.
34. DCSD Capital Improvement Projects CS-10 and CS-12 are intended to address these downstream capacity improvements. These projects are tentatively planned for 2023 and 2024, respectively. The Sewer District makes no guarantee that they will be constructed as planned.
35. The Douglas County Transportation Department commented on the proposal on September 30, 2021.
36. A request for an alternate to the East Wenatchee Municipal Code (EWMC) was reviewed and accepted on September 27, 2021. The alternate to code allows the applicant to:
 - 36.1 Construct the internal private roads per standard Figure 3-7b with parking on one side of the road and curb, gutter and sidewalk on both sides of the road. This results in a 32-foot wide road from face of curb to face of curb.
 - 36.2 Construct the internal private road utilizing rolled curb on both sides of the road.
 - 36.3 Construct a dead end road with a cul-de-sac that exceeds 600 feet in length.
37. The civil plans include a proposed dead end private road approximately 1100 feet in length. Five lots will be served by a private access off the end of the cul-de-sac. Stormwater facilities that include infiltration ponds are proposed on tracts A and B. The civil plans also include a proposed right of way dedication of approximately 0.59 acres to accommodate the Douglas County Badger Mountain Road Re-alignment project that is included on the Six-Year Transportation Improvement Plan. The Douglas County Engineer provided direction on December 14, 2021 confirming that Douglas County will continue with the right of way acquisition process in association with the Badger Mountain Road Realignment Project – County Road Project 993. In the event that acquisition of the property does not occur prior to the final plat, then the applicant shall dedicate the 0.59 acres to the County as part of the final plat approval. A fully executed possession and use agreement for a 0.59 acre tract for future right of way to be created on the P-2021-04 final plat will be sufficient to finalize the plat.
38. Badger Mountain Road is a major Urban Arterial. Per Figure 3-8 of the road standards, Major Urban Arterials include a through lane in each direction, a two way left turn lane, bicycle lanes, curb, gutter, and sidewalk. In accordance with EWMC 12.50.150, the final civil plans shall include a left turn lane on Badger Mountain Road for vehicles to queue on Badger Mountain Road to enter the subdivision while allowing through traffic to continue without stopping.
39. The report provided adequately addresses the feasibility of mitigating stormwater runoff generated due to the proposed development. The project proposes the use of two infiltration

ponds to retain the SCS Type II 100-year 24-hour storm event. As the ponds will not be able to overflow to the public right of way, the engineer is proposing to oversize the pond to provide 125% of the required volume.

40. The project is located above the Badger Mountain Road slide and is not anticipated to have a negative impact on the slide area. A geotechnical analysis of the proposed stormwater management system shall be included with the construction plan submittal to verify the project will have no adverse impacts on the Badger Mountain Road slide. A letter stamped by a professional geotechnical engineer shall be submitted to Douglas County prior to construction plan approval to confirm that the project will not have adverse impacts on the slide area. This letter shall address both proposed the infiltration ponds along with any lots that are being proposed to retain runoff on the lots in an individual private stormwater facility.
41. The traffic impact analysis (TIA) included a level of service evaluation at key intersections potentially impacted by this 53 lot development. Per the TIA, the 55 PM peak hour trips generated by this development will not decrease the level of service below the accepted threshold of LOS E at any of these key intersections. As noted in the TIA, the private road intersection with Badger Mountain Road will necessitate improvements on Badger Mountain Road. These improvements shall include a left turn lane on Badger Mountain Road for traffic entering this development.
42. The Douglas County Land Services Department commented on the proposal on October 13, 2021.
43. Douglas County GIS maps identify geologically hazardous soils on site.
44. The applicant submitted an Engineering Geologic Risk Assessment for the proposal. The assessment includes recommendations to mitigate geologic hazards in relation to the development.
45. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
46. Multiple members of the public commented on the proposal.
47. The following parties of record provided comment:
 - 47.1 Linda and Michael Moye, 2158 Inglewood Drive, East Wenatchee, WA 98802
 - 47.2 Rich Beausoleil, 2126 Inglewood Drive, East Wenatchee, WA 98802
 - 47.3 Mary Peterson, 2137 Inglewood Drive, East Wenatchee, WA 98802
 - 47.4 Clinton & Myra Larama, 2178 Inglewood Drive, East Wenatchee, WA 98802
 - 47.5 Walt & Aylette Ness, 2186 Inglewood Drive, East Wenatchee, WA 98802
 - 47.6 Glen & Jacqueline Schloe, 2110 Inglewood Drive, East Wenatchee, WA 98802
 - 47.7 Diana Hamilton, 2134 Inglewood Drive, East Wenatchee, WA 98802
 - 47.8 Kathryn Moody, 2162 Inglewood Drive, East Wenatchee WA 98802
 - 47.9 Lisa & Mike Davis (Representing petitioners), 2170 Inglewood Drive, East Wenatchee, WA 98802.

48. The applicant has provided a detailed response to the public comments.
49. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
50. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
51. After due legal notice and open record public hearing was held on December 16, 2021.
52. The entire Planning Staff file was admitted into the record at the public hearing.
53. Appearing and testifying on behalf of the applicant was Diana Jones. Ms. Jones testified that she was an agent authorized to appear and speak on behalf of the property owner and Applicant. Ms. Jones testified that she agreed with all representations set forth within the staff report and all conditions as revised.
54. Testifying from the public were the following individuals:
 - 54.1 Kathy Moody. Ms. Moody testified as to her concerns that the geology reports were vague and requested a continuance to review documents. She said that this project will cause her to lose their current views from their house. She testified that she believed that a Douglas County commissioner had ties with the builder, that school transportation has not been met, and concerns regarding dust and wind impacts during construction.
 - 54.2 Scott Calhoun. Mr. Calhoun testified regarding a power line and was curious if the seller would sell lots to them. The Applicant indicated in response that they would try to put utilities underground.
 - 54.3 Rich Beausoleil. Mr. Beausoleil testified about his concerns regarding two Zoom account numbers on the notice of the hearing, the speed with which the application was processed by Douglas County and Fish and Wildlife issues regarding the shrub steppe habitat. Finally, he indicated that there is an active landslide on the property.
 - 54.4 Lisa Davis. Ms. Davis testified that she did not believe this development would fit with the character of her neighborhood. She requested a continuance to allow for additional comment.
 - 54.5 Michael and Linda Moyer. Mr. and Mrs. Moyer testified consistent with their written comments that were submitted after the hearing pursuant to the Hearing Examiner keeping the record open.
55. As a result of the confusion regarding the Zoom link on the agenda that was mailed to area residents, the Hearing Examiner kept the record open until December 23, 2021 to allow additional public comment. If any public comment was received, then the Hearing Examiner would keep the record open until January 3, 2022 for the Applicant to submit any response. The record closed on January 3, 2022.

56. Two additional public comments were received by the Hearing Examiner during the period of time where the record was kept open.
- 56.1 The first comment was by Kathy Moody. She was simply questioning staff confirming the record was only open until December 23, 2021 for additional public comments
 - 56.2 An email submitted by Michael and Linda Moye with their written comments presented at the public record hearing.
 - 56.3 The Applicant, through their agent, Diana Jones, submitted a response to the public comments on January 3, 2021.
 - 56.4 The additional comments by Ms. Moody, Mr. and Mrs. Moye, and Ms. Jones were admitted into the record.
57. 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 # 07-01H.
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, the Hearing Examiner has determined that P-2021-04 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 submitted on 08/26/2021 and 11/01/2021 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 including but not limited to:
 - 2.1 Department of Ecology NPDES Construction Stormwater General Permit.
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. Within the final recreation plan, the applicant shall identify how much area of the parent parcel is being utilized as usable recreation/ open space. EWMC 17.73.040 requires that the minimum usable open space/recreation area for all divisions of land for residential purposes be at least 5% of the total gross site area. If the applicant is unable to meet the 5% minimum, subject to the standards of EWMC 17.73.040, the applicant may utilize the payment in lieu of option for the remaining amount. Cost estimates for the payment in lieu of option shall be approved by Douglas County and be consistent with EWMC 17.73.090.
12. The applicant shall adhere to the findings, conclusions and recommendations derived from the Engineering Geologic Hazard Assessment prepared by Nelson Geotechnical Associates and dated April 2021. Timing of the grading and earthwork must meet the parameters set forth by these findings, conclusions and recommendations.

13. The project shall abide by the conclusions, recommendations, and mitigation measures identified within the Habitat Management and Mitigation Plan prepared by Grette Associates and received November 2, 2021.
14. The habitat conservation area shall be identified on all plats, maps, plans and documents submitted for the project.
15. The proposed habitat conservation area shall be preserved and protected for the life of the project. No disturbance including, but not limited to, grading, site preparation, recreation, construction activities, etc. is allowed within the designated conservation area.
16. All habitat conservation areas shall be staked, by the surveyor, with highly visible markers to prevent access and protect the designated habitat conservation area. Stakes shall be installed and inspected prior to final plat approval.
17. The applicant shall install signage along the staked habitat conservation area. The signage shall read "Habitat Conservation Area". Proposed signage shall not exceed 2' x 2' in size. Signage shall be installed and inspected prior to final plat approval.
18. The applicant shall submit a plan showing stake and sign locations with the final Plat.
19. All homes must be provided with residential fire sprinklers in accordance to NFPA 13D.
20. 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. In the absence of an available water district, NFPA 1142 may be utilized in the calculation of Fire Flow and storage. Nesting of domestic water and water utilized for fire flow is allowed. The water system must be automatic in its provision of pressure and flow, must be available for use at all times, and must maintain a minimum quantity of required storage at all times. If a pond is utilized for water storage, the amount of storage must be increased to account for seasonal freezing. Dry hydrants are not allowed. Elements of the 2018 Wildland-Urban Interface code may also be utilized for mitigative purposes.
21. 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.
22. 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.
23. The applicant shall enter into a Developer Extension Agreement (DEA) with DCSD that includes both the on-site sewer collection system for the subdivision, and construction of the necessary downstream improvements.

24. All sewer improvements must be fully constructed and accepted according to the terms of the DEA, or a performance bond for 125% of the total estimated cost of constructing all sewer improvements must be provided to DCSD.
25. A developer line extension agreement (DEA) will be required prior to plan submittals to the East Wenatchee Water District. 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.
26. The Developer will assume all 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.
27. 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.
28. Internal private roads shall be constructed in accordance with Urban Local Access standards (Figure 3-7b) modified in accordance with the Alternate to Code accepted by the County Engineer on September 27, 2021. This includes a reduced roadway width for parking on one side only and rolled concrete curb and gutter.
29. During construction plan preparation and review, the applicant's engineer shall coordinate with Douglas County Transportation to ensure the horizontal and vertical alignment design of the internal private road accommodates the planned future Badger Mountain Road Re-alignment project.
30. "NO PARKING" signs shall be installed along one side of the internal private roads. The applicant shall coordinate with the Fire Marshal during the construction plan review process to determine which side is preferred. All signage on the internal private road shall be installed by the applicant.
31. As proposed on the preliminary civil plans, an area of approximately 0.59 acres shall be dedicated or acquired as public right of way to accommodate the Douglas County Badger Mountain Road Re-alignment project that is included on the Six-Year Transportation Improvement Plan. The dedication or acquisition shall either be at the time of final plat and shown on the face of the plat or prior to final plat if completed in association with the County Road Project 993 as part of the right of way acquisition process, whichever occurs first. A fully executed possession and use agreement for a 0.59 acre tract for future right of way to be created on the P-2021-04 final plat will be sufficient to finalize the plat.
32. Per EWMC 12.50.150 and Douglas County Road Standards Figure 3-8, the final civil plans shall include a left turn lane on Badger Mountain Road for vehicles to queue on Badger Mountain Road to enter the subdivision while allowing through traffic to continue without stopping. Douglas County will coordinate with the applicant's engineer to locate and

configure the left turn lane and intersection improvements for the development to minimize impacts to this project and the Badger Mountain Road Re-alignment project.

33. Per EWMC 12.52, the minimum width of the easement or tract serving lots 20 through 24 shall be 30 feet. The minimum width of the all weather surfacing shall be 20 feet. A hammer head turn around shall be installed within 150 feet of lot 24 in accordance with the Fire Marshal requirements.
34. Access to Badger Mountain Road for individual lots or tracts created within this subdivision is prohibited. A 1' non-vehicular easement shall be dedicated along the Badger Mountain Road right of way with exception for the proposed private road.
35. 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.
36. 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 Badger Mountain Road. 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. Additional right of way dedication may be required if the mailbox units are located on Badger Mountain Road.
37. Five-foot utility easements (min.) shall be dedicated 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.
38. All existing and proposed easements shall be clearly delineated with the Auditor's File Number(s) noted as necessary on the final plat.
39. A Private Access Operation and Maintenance Agreement shall be prepared, executed, and recorded by the applicant; the Auditor's File Number(s) shall be noted on the final plat map.
40. 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.
41. Per EWMC/DCC 12.56, 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.

42. Final acceptance shall be processed in accordance with Douglas County Code (DCC) Section 12.56.110 Final Acceptance and a Warranty Assurance Agreement shall be completed per DCC 12.50.110 prior to final plat acceptance.
43. Per DCC Chapter 12.24, all new or revised accesses onto a County road (including temporary accesses) require an approved access permit.
44. 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.
45. 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 (SWMMEW) shall be submitted to and accepted by Douglas County prior to construction.
46. 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.
47. The proposed lots which include an on-site infiltration facility will require an engineered stormwater site plan and report be submitted with the application for a building permit.
48. Stormwater stubs may be provided to each of the lots which will drain to the facilities on Tracts A and/or B. As applicable, a note shall be included on the face of the final plat which states:
49. "At the time of building permit submittal for Lots _ - _, a stormwater site plan shall be submitted which depicts the on-site stormwater conveyance system. The site plan shall include the following information:
 - 49.1 Pipe size.
 - 49.2 Minimum pipe slope.
 - 49.3 Invert elevation at the connection to the stormwater stub.
 - 49.4 Finished floor elevation of the structure and garage slab."
50. A geotechnical analysis of the proposed stormwater management system shall be included with the construction plan submittal to verify the project will have no adverse impacts on the Badger Mountain Road slide. A letter stamped by a professional geotechnical engineer shall be submitted to Douglas County prior to construction plan approval to confirm that project will not have adverse impacts on the slide area. This letter shall address both the proposed infiltration ponds along with any lots that are being proposed to retain runoff on the lots in an

individual private stormwater facility. 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 equal and undivided ownership, interest, and responsibility for the tract(s).

51. Provisions to provide access for inspection and maintenance of the stormwater tract(s) shall be addressed within the design plans, report, and on the final plat as necessary.
52. 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.
53. 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.
54. 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.
55. 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.
56. 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.
57. 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. The private road will be assessed a fee as well and is based on the total amount of impervious surface.
58. 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.
59. 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.

60. 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.
61. The dedicatory language on the plat shall carry this note:
 - 61.1 "The Health District has not reviewed the legal availability of water to this development."
62. Road sections A and B shall be named in accordance with DCC 12.04.
63. Written approval from the Douglas County PUD is required prior to final plat approval.
64. The following notes shall appear on the face of the final plat:
 - 64.1 "Douglas County shall not be responsible for the maintenance of roadway and appurtenant improvements, including storm drainage structures and pipes located on private property."
 - 64.2 "The County, at some undetermined time in the future, intends to construct as part of the Badger Mountain Road Re-alignment project, improvements including, but not limited to pavement, curb, gutter, sidewalk, and illumination. The re-aligned Badger Mountain Road will be located along the south and east limits of this plat."
 - 64.3 "At the time of building permit submittal for Lots _ - _, 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."
65. "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 _____."

Dated this 4 day of January, 2022.

DOUGLAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

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

Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Douglas County Superior Court, as provided for under the Judicial Review of Land Use Decisions, RCW 36.70C.040(3). The date of issuance is defined by RCW 36.70C.040 (4)(a) as "(t)hree days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available" or if this section does not apply, then pursuant to RCW 36.70C.040(3) (c) "...the date the decision is entered into the public record." Anyone considering an appeal of this decision should seek legal advice.