

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-2019-03 |) | DECISION AND |
| Summer View |) | CONDITIONS OF APPROVAL |

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on January 16, 2020, 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 Hanson Home Construction LLC, 3021 NW Delcon Dr., East Wenatchee, WA 98802.
2. General Description: An application for a 35 Lot subdivision (“Summer View”) P-2019-03. The subject property is approximately 13.81 acres in size. The lots are proposed to range in size from approximately 10,700 square feet to 16,600 square feet.
3. Location: The proposal is located at 8th NE and Nile Ave., East Wenatchee. The property is further described as located within Section 7, Township 22N, Range 21E, W.M. The Assessor’s Parcel Number is 22210710032. The property is located in the Residential Low Density (R-L) zoning district under East Wenatchee Municipal Code.
4. Site Information:

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|---------------------|---------------------------------|
| Total Project Size: | 13.81 acres |
| No. of lots | 35 |
| 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. Site Characteristics: The topography is relatively flat.

6. Surrounding Property:

North: Single family homes.
South: Single family homes.
East: Single family homes.
West: Single family homes.

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. The Douglas County Fire Marshal has reviewed the project, and subject to the recommended conditions, the proposal can be granted.
14. The northern and western edge of the property is bounded by Flood Hazard Areas. Compliance with DCC Chapters 15.48, 19.18, and 17.14 is required.
15. The subject property is located within an identified Geologically Hazardous Area. Compliance with DCC Chapter 19.18D is required.
16. The application triggers the requirement to provide parks/open space. Based on project size, the minimum required open space is 30,056 sf. 30,477 sf. are shown as part of the open space / recreation conceptual plan. The application proposes area for conceptual and future placement of both active and passive recreation. Final designs have not been completed.
17. Upon request and on September 11, 2019, the applicant submitted a Summer View Subdivision Project Cultural Resources Survey Report prepared by Susan Ellis, PhD, Principal Investigator and Jon Meyer, MA with Columbia Historical Consulting.
18. According to the Confederated Tribes of the Colville Reservation Tribal Historic Preservation Officer, "We review the report for the HANSON'S SUMMER VIEW SUBD P-2019-03. We concur that no further cultural resource work is warranted."
19. According to the Greater Wenatchee Irrigation District, "GWID provided response to the Developer."
20. According to the Greater Wenatchee Irrigation District, also attached is the revised park plan submitted by the Developer to satisfy one of the requirements in GWID's letter. RH2 has requested that Ed Zontek submit the revised park plan to the County for review, as the removal

of the trees from the original park plan (per GWID requirements) may conflict with the County's Open Space requirements. It is acceptable that the easement area be designated as open space, provided that GWID maintains full access to their easement and the meters located on the west side of the property. Otherwise, GWID has no further comments at this time. Once the County has received and reviewed the revised park plan, workflow item may be changed so it is no longer deficient."

21. Furthermore and according to the Greater Wenatchee Irrigation District on 10/22/2019, "the revised park exhibit submitted by the applicant is acceptable. GWID has no further comments at this time."
22. According to the Douglas County PUD, "Contact Ted Merz to confirm electrical design and obtain updated cost estimate for the project."
23. The East Wenatchee Water District provided comment that public water is available per this request upon completion of necessary conditions.
24. The Douglas County Sewer District provided comment that public sewer is available in NE 8th St. near the southwest corner of the parent parcel. There is adequate existing capacity to support the proposed 35 residential lots. Specific conditions are provided for approval.
25. Initial application materials reviewed by Douglas County Transportation and Stormwater include:
 - 25.1. Alternate to Code prepared by Ed Zontek, partially accepted June 13, 2019.
 - 25.2. Preliminary Engineering prepared by Ed Zontek, received April 29, 2019.
 - 25.3. Stormwater Analysis prepared by Ed Zontek, received April 29, 2019.
 - 25.4. Preliminary Plat prepared by Northwest GeoDimensions, received April 29, 2019.
 - 25.5. Traffic Impact Analysis prepared by TENW, received April 29, 2019.
 - 25.6. SEPA Checklist prepared by Northwest GeoDimensions, received April 29, 2019.
 - 25.7. Geologic Hazard Assessment prepared by Nelson Geotechnical, received April 29, 2019.
26. Requests for an alternate to the East Wenatchee Municipal Code (EWMC) were reviewed and partially accepted on June 13, 2019. The alternate to code allows the applicant to:
 - 26.1 Utilize a design speed of 20 MPH for the radius directly adjacent to Lots 10-12 and
 - 26.2 Install a joint use driveway connection for Lots 31 and 32 to North Nile Avenue.
27. The Geological Hazard Assessment has identified or stated the following:
 - 27.1. Stormwater management plans were unavailable at the time this letter was prepared. Specific geotechnical engineering input has not been requested at this time, nor is any provided in this letter."
 - 27.2. "Along the northern and western boundary of the property there are slopes that measure to be 18 to 25+ feet in length with inclinations of 30 to 45 degrees (58 to 100 percent). In some areas the neighboring property cut into the slope. These affected slopes appear to be unraveling at a slow pace."

- 27.3 “The geologic units mapped in this area are shown as Columbia River Flood Deposits [...] this unit is described as moderately sorted mixed-lithology cobble to boulder gravel containing rare angular boulders as large as 2 meters. Our observations on site showed cobbles on the slopes surrounding the property and the soil on the generally flat area of the parcel as a loose sand.”
- 27.4 “There is moderate to high surface runoff and moderate to severe erosion hazard depending on vegetation cover. Vegetation should be re-established as soon as practical on all areas disturbed during grading and construction. To reduce soil blowing, care should be taken not to leave areas of exposed soil unprotected.”
- 27.5. “Although the risk of landsliding is low for the site, the risk of long-term back-wasting and sloughing of exposed, un-retained cut slopes should be considered moderate to high for site development and construction consideration, due to the soil type anticipated on-site and the effects of past cuts and slope conditions.”
- 27.6. “The historic drainage swales located to the west of the property do not appear to be particularly active; however, indications of seasonal runoff within the swales should be anticipated, particularly during times of severe weather.”
- 27.7. “No specific evidence of high groundwater levels is known in this area at the time of our site visit.”
- 27.8. “Due to the removal of the toe of the slope and the steep inclinations of the northern and western slopes, we recommend a building setback of 25 feet from “top of slope”, as delineated.”
- 27.9. “[...] cuts should be performed to depths of four feet or less, unless specifically engineered and retained. Fills should be engineered and/or sloped at gradients no steeper than 2 Horizontal to 1 Vertical (2H:1V).”
- 27.10. “Any disturbed areas should be re-established as soon as practical through vegetation planting or other approved means. The erosion hazard is greatest for the on-site soils that have been stripped of vegetation. Protection from erosion includes covering exposed soils with erosion resistant materials such as straw, providing silt barriers or fences, maintaining existing vegetation, and re-establishing vegetation in disturbed areas.”
- 27.11. “We generally recommend the use of roof drains around structures, to control surface water. Roof drains should not be connected to wall or footing drains if used.”
28. The Traffic Impact Analysis (TIA) has identified the need for the development to provide a proportional share contribution for improvements located at the intersection of Nile Avenue and Grant Road. The TIA has also identified or stated the following:
- 28.1 “An estimated total of approximately 330 daily, 26 a.m. peak hour trips (6 entering and 20 exiting), and 35 p.m. peak hour vehicular trips (22 entering and 13 exiting) would be generated at full build-out of the project.”
29. In order to meet the state requirements for Enhanced 911 service, all lots within this plat shall be addressed and internal roads shall be named prior to final plat approval.

30. Applicable agencies have been given the opportunity to review this proposal. Comments from reviewing agencies have been considered and addressed where appropriate (see below). Agency comments have been included as suggested conditions of approval, as applicable.
 - 30.1 Chelan-Douglas Health District - 06/10/2019
 - 30.2 Douglas County PUD - 06/04/2019
 - 30.3 WA State Dept. of Ecology - 06/12/2019
 - 30.4 Douglas County Fire Marshal - 06/18/2019
 - 30.5 Douglas County Sewer District - 06/11/2019
 - 30.6 Douglas County Land Services - 06/17/2019
 - 30.7 Colville Confederated Tribes - 10/21/2019
 - 30.8 Dept. of Arch. & Historical Preservation - 10/21/2019
 - 30.9 Eastmont Metro District- no response
 - 30.10 Douglas County GIS/Addressing - 07/01/2019
 - 30.11 Douglas County Assessor – no response
 - 30.12 East Wenatchee Water District - 06/10/2019
 - 30.13 Douglas County Transportation & Storm Water - 06/17/2019
 - 30.14 Greater Wenatchee Irrigation District - 10/22/2019
 - 30.15 WA State Department of Transportation - no response.
31. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at an open record public hearing. At the time of this report and within the file of record, no public comments have been received.
32. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
33. According to the Washington State Department of Ecology, Due to the dry conditions of our region, we are reminding people that extra efforts are needed to control blowing dust and fill. The proponent should create a site-specific Fugitive Dust Control Plan (FDCP) before starting this project, and then follow the plan for construction of the project and duration of activity on property
34. An open record public hearing after due legal notice was held on January 16, 2020.
35. Admitted into the record was Exhibit "A", which is a January 15, 2020 Memorandum from Zachary Horton to Nathan Pate, regarding a proposed revision to proposed Condition of Approval No. 38.
36. Appearing and testifying on behalf of the applicant was Ed Zontek. Mr. Zontek testified that he was an agent authorized to appear and speak on behalf of the property owners and applicants. Mr. Zontek indicated that all of the proposed conditions of approval were acceptable, including the revision to proposed Condition of Approval No. 38, as set forth in Exhibit "A".
37. Testifying from the public was the following individual:

- 37.1 Betsy Schweitzer. Ms. Schweitzer lives at the intersection of Nile Ave. and 8th NE, immediately across the street from the project. She indicated that this particular intersection needed a traffic study because of her observations of the current significant traffic at this intersection. She also indicated that with the homes being built in this project, this will add to traffic going through the intersection of 8th NE and Nile Ave., on their way to Grant Road.
38. In response to Ms. Schweitzer's testimony, Mr. Zontek indicated that a Traffic Impact Analysis was performed, which included the intersection with Nile and 8th. He indicated that frontage improvements on the property, adjacent to the applicant's property that fronts 8th and Nile, are included in the project, including a widening of the road and additional lighting.
39. The Hearing Examiner has reviewed the Traffic Impact Analysis dated April 22, 2019, as prepared by Michael Read, professional engineer and principal of Transportation Engineering NW.
40. The Hearing Examiner was satisfied that traffic impacts at the intersection of N. Nile Avenue and 8th St. NE were studied as part of this Traffic Impact Analysis and reasonable mitigation measures were recommended.
41. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
42. Any finding of fact that is more correctly a conclusion of law 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 Conclusion of Law that is more correctly a Finding of Fact 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 Application P-2019-03 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 except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. A plat certificate showing parties of interest from a title company must be submitted with the 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 are current prior to final plat approval.
7. Pursuant to DCC, a disclosure statement shall be placed on the face of final plats, final short plats and final binding site plans that are within a flood hazard area that advises property owners and potential purchasers of the potential flood hazard on the property, and that certain activities are subject to compliance with this chapter and other applicable provisions of the Douglas County Code.
8. The final plat shall include the extent of flood hazard areas and corresponding base flood elevations.
9. 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.
10. The final plat shall show the location of all easements serving or encumbering the subject property.
11. 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.
12. The developer shall install all utilities in accordance with the standards and specifications of the Chelan-Douglas Health District, Douglas County PUD, East Wenatchee Water District, Douglas County Sewer District, and Douglas County Fire District #2.
13. The developer shall prepare final plans for the development and installation of utilities for the approval of the respective purveyors prior to site development. Final "as-built" drawings shall be delivered to purveyors upon completion.

14. Written verification of the availability of public water and sanitary sewer to each lot must be submitted to the Chelan Douglas Health District prior to final plat approval.
15. Prior to final plat approval, written verification shall be provided from the Douglas County Sewer District that all District requirements have been satisfied and that adequate sewer is provided to all lots within the project. The following shall be required:
 - 15.1. Sewer extension: Public sewer will need to be extended to serve the subdivision. The general requirements for a developer extension of public sewer are:
 - 15.1.1 Developer's Extension Application (with applicable fee)
 - 15.1.2 Engineered sewer plans for review (with application)
 - 15.1.3 Developer's Extension Agreement (DEA) and deposit (with applicable fee)
 - 15.1.4 Engineering review costs for this extension, are reimbursable to the District, and will be invoiced directly to the developer.
 - 15.1.5 Easements as required
 - 15.1.6 Performance & payment bond for 100% of the sewer portion of the project constructed in existing right-of-way.
 - 15.1.7 County right-of-way permit if applicable (issued through DCSD)
 - 15.1.8 Built to DSCD standard plans and specifications, inspected and tested
 - 15.1.9 2-year maintenance bond for 15% of the cost of the total sewer project
 - 15.1.10 As-built drawings meeting the criteria in the DEA
 - 15.1.11 Quit Claim Deed
 - 15.2. Engineering review: The civil plans for the subdivision will not be submitted for review to the District's engineer, until the applicant requests initiation of the review.
 - 15.3. No-protest waiver: Prior to plat approval, the applicant will be required to sign a form waiving the right to protest future annexation into the Sewer District. The no-protest waiver for the development will then become appurtenant to each lot of the subdivision.
16. Prior to final plat approval, Douglas County PUD shall provide written verification that all District requirements have been satisfied.
17. Hydrants to be located no more than 250 feet from the nearest frontage access. Hydrants will not have more than 500 feet of separation. A hydrant placement plan will be submitted and approved by the Fire Marshal. Minimum Fire Flow is 1000 G.P.M. Prior to final plat approval, written verification shall be provided from the Douglas County Fire Marshal that all requirements have been satisfied.
18. Prior to final plat approval, written verification shall be provided from the East Wenatchee Water District that all District requirements have been satisfied and that adequate water is provided to all lots within the project.
 - 18.1. A DEA (developer line extension agreement) will be required prior to plan submittals to the 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.

- 18.2. 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.
19. 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.
20. Frontage improvements are required along North Nile Avenue in accordance with Figure 3-8 (Urban Collector) from the Douglas County Road Standards.
21. Frontage improvements are required along 8th Street Northeast in accordance with Figure 3-8 (Urban Arterial) from the Douglas County Road Standards.
22. Right of way dedication along 8th Street Northeast to accommodate 35 feet from centerline shall be included on the final plat.
23. As described in the accepted alternate to code, the radii directly adjacent to Lots 10-12 and Lot 20 shall be designed utilizing a minimum design speed of 20 MPH. All other radii shall be designed utilizing a minimum design speed of 25 mph.
24. Access to North Nile Avenue and 8th Street Northeast for individual lots created within this subdivision is prohibited. All access points are to come from the internal road system except as described in the accepted alternate to code which allows for installation of a joint use driveway for Lots 31 and 32 to North Nile Avenue. A 1' non-vehicular easement shall be included along the North Nile Avenue/8th Street Northeast frontage excluding the access points for the internal road system and the joint use driveway for Lots 31 and 32.
25. 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.
26. The location of cluster mailbox units for the subdivision shall be shown on the construction plans. A pullout / turnout shall be provided if the mailbox cluster is located on North Nile Avenue or 8th Street Northeast. Location to be accepted by the County Engineer and USPS Postmaster prior to plan acceptance; additional right of way may be required.
27. Five-foot utility easements are required along all lots or tracts with County road frontage in accordance with applicable road standards.
28. All existing and proposed easements shall be clearly delineated with the Auditor's File Number(s) noted as necessary on the final plat.
29. The applicant shall enter into an agreement to contribute a proportionate share contribution towards transportation improvements at the intersection of Grant Road and Nile Avenue. An updated traffic analysis shall be submitted prior to construction plan acceptance. The traffic analysis shall include a break out of traffic impacts associated with the development and shall include an analysis of the pro-rata share calculation associated with the required

- improvements. The agreement shall address and include proportionate share contribution associated with all lots and shall run with the project.
30. As applicable, 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.
 31. Prior to final plat acceptance and/or release of financial security, the Engineer of Record shall provide written certification that the frontage improvements, internal roads, utility plans, stormwater systems, and site 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.
 32. Final acceptance shall be processed in accordance with East Wenatchee Municipal Code (EWMC) Section 12.56.110 Performance Assurance Agreement and a warranty assurance agreement shall be completed per EWMC 12.50.110 prior to final plat acceptance.
 33. All new or revised accesses onto a County road (including temporary) require an approved access permit. An access permit for the applicant's construction entrance shall be obtained prior to any onsite grading or prior to construction plan acceptance (whichever comes first).
 34. 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.
 35. Final site-specific stormwater plan and report prepared by a Professional Engineer (PE) licensed in the State of Washington that conforms to East Wenatchee Municipal Code, Douglas County Code, and the Stormwater Management Manual for Eastern Washington (SWMMEW) shall be submitted to and accepted by Douglas County prior to construction.
 36. The drainage report and construction plans shall explain/depict how runoff is being retained on each lot or conveyed to a community storm system. This includes grading and/or storm drainage stubs as necessary. If storm stubs are utilized, a note will be required on the face of the final plat which states:
 - 36.1. "At the time of building permit submittal, an engineered site specific stormwater plan and report shall be submitted that conforms to Douglas County Code and 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."
 37. 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.
38. Provisions to provide access for inspection and maintenance to the stormwater tract(s) shall be addressed within the design plans, report, and on the face of the final plat.
 39. 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.
 40. 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.
 41. Registration of facilities that are regulated under the Washington State Department of Ecology's Underground Injection Control Program shall be completed prior to construction plan acceptance.
 42. Stormwater facilities shall be located on a separate tract/tracts under the functional control of the Homeowners' Association (HOA) with each lot having an undivided ownership, interest, and responsibility for the tract(s).
 43. 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.
 44. 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.
 45. Individual lots created within this development are subject to the Greater East Wenatchee Stormwater Utility annual service charge. This charge is per parcel and is triggered at the time of building permit issuance.
 46. 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.
 47. 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.
 48. Prior to final plat approval, written verification from the Greater Wenatchee Irrigation District that the requirements of the District have been satisfied is required.
 49. In order to meet the state requirements for Enhanced 911 service, all lots within this plat shall be addressed and internal roads shall be named prior to final plat approval.

- 49.1. The applicant shall follow the guidelines in DCC 12.04 (road naming) for naming. Approval of final road naming is required.
- 49.2. Final addresses will be assigned during the blue line review.
50. 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, pedestrian access, irrigation and landscaping shall be included. The open space plans must comply with EWMC 17.73 Open Space Standards
51. All recommendations found within the Geologic Hazard Assessment prepared by Nelson Geotechnical, received April 29, 2019 shall be conditions. Specifically, due to the removal of the toe of the slope and the steep inclinations of the northern and western slopes, a building setback of 25 feet from "top of slope", as delineated shall be on the face of the plat. These building setbacks could possibly be reduced with performance of a specific geotechnical engineering exploration and evaluation, and report, to analyze conditions and provide specific recommendations for building setbacks. The following shall be conducted, as determined by Douglas County, at the time of building permit and/or site disturbance:
- 51.1 Cuts should be performed to depths of four feet or less, unless specifically engineered and retained. Fills should be engineered and/or sloped at gradients no steeper than 2 Horizontal to 1 Vertical (2H: 1v).
- 51.2 All fill placements under structures, pavement, and in embankments should be placed as structural fill. Structural fill consists of engineered soils which are constructed on prepared subgrades, placed in uniform lifts, and compacted to engineering standards.
- 51.3 If structures are to be located in areas of undocumented fill or loose soils, foundations will need to extend through this material and rest on the underlying medium dense or better native soils, or placed within reworked and engineered structural fill.
- 51.4 Structures could be expected to be founded on shallow spread footings, as designed by the building designer, per International Code Council requirements, and per any specific geotechnical recommendations. Nelson Geotechnical generally recommend that the foundations for structures extend through any loose soils, and bear on the underlying native soils to at least the minimum depths required by the county. Specific geotechnical issues encountered during site development should be determined and mitigated, as necessary, through consultation and recommendations by the geotechnical consultant.
- 51.5 Any disturbed areas should be re-established as soon as practical through vegetation planting or other approved means. The erosion hazard is greatest for the on-site soils that have been stripped of vegetation. Protection from erosion includes covering exposed soils with erosion-resistant materials such as straw, providing silt barriers or fences, maintaining existing vegetation, and re-establishing vegetation in disturbed areas. Nelson Geotechnical consider the erosion hazard to be moderate to high for native undisturbed areas, and re-established vegetation areas, but very high for the exposed soils. All cut slopes should consider erosion control methods through placement of toe support, netting, vegetation planting, or backsloping to achieve stable slope conditions.

- 51.6 The soils anticipated to be exposed during site grading are rated by the NRCS as having high erosion potential. The erosion hazard is greatest for the on-site soils that have been stripped of vegetation. Protection from erosion includes using Best Management Practices (BMP's), which includes covering exposed soils with erosion-resistant materials such as straw, providing silt barriers or fences, maintaining existing vegetation, and re-establishing vegetation in disturbed areas.
- 51.7 Nelson Geotechnical generally recommend the use of roof drains around structures, to control surface water. Roof drains should not be connected to wall or footing drains if used. All drains should be directed into a specifically designed controlled drainage system, properly designed within the lot area, or leading to an approved collection area.
52. According to the Washington State Department of Ecology, the proponent shall create a site-specific Fugitive Dust Control Plan (FDCP) before starting this project, and then follow the plan for construction of the project and duration of activity on property. Control and monitoring complaints shall be reported to the Washington State Department of Ecology. Washington Administrative Code (WAC) 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the site. Also, dust is prohibited from interfering unreasonably with the use and enjoyment of property, causing health impacts, or damaging property or business. Any and all monitoring and compliance complaints shall be with the Washington State Department of Ecology.
53. According to the Washington State Department of Ecology, the proponent shall obtain a NPDES Construction Stormwater General Permit. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. The permit also requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) shall be prepared and implemented for all permitted construction sites. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction. In the event that an unpermitted stormwater discharge does occur off-site, it is a violation of Chapter 90.48 RCW, Water Pollution Control and is subject to enforcement action. Any and all monitoring and compliance complaints shall be with the Washington State Department of Ecology.
54. According to the Washington State Department of Ecology Based upon the historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides. The following note shall appear on the face of the final plat:

“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.”

This note shall not be required to be placed on the final plat if a professional with adequate credentials samples the soils and verifies that the site does not contain lead and arsenic and organochlorine pesticides at concentrations above the MTCA cleanup levels.

Dated this 17th day of January, 2020.

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.