

**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-2019-06	)	<b>DECISION AND</b>
Maryhill Estates East	)	<b>CONDITIONS OF APPROVAL</b>

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on July 30, 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 JAB Investors LLC, PO BOX 119, Wenatchee, WA 98807.
2. General Description: An application for a 123 lot Major Subdivision (“Maryhill Estates East”). The subject property is approximately 28.8 acres in size and is located at 200 S. Nile Ave. The lots are proposed to range in size from approximately 6,628 square feet to 9,935 square feet.
3. Location: The property is located in the Residential Medium (R-M) zoning district under East Wenatchee Municipal Code and is further described as being located within Section 18, Township 22N, Range 21 E.W.M. The Assessor’s Parcel Number is 22211810012.
4. Site Information:

Total Project Size:	28.8 acres
No. of lots	123
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 and vacant land.
South:	Single family homes and vacant land.

East: Single family homes and vacant land.  
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 Residential Medium (R-M).
10. The subject property is located in the Residential Medium (R-M) 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 application triggers the requirement to provide parks/open space. Based on project size, the minimum required open space is 1.49 acre. 1.49 acres 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.
15. According to the WA State Department of Archaeology & Historic Preservation, "A desktop review using our statewide predictive model has identified the proposed project area as having a very high sensitivity for archaeological resources. Further, the scale of the proposed ground disturbing actions would destroy any archaeological resources present. Therefore, we recommend a professional archaeological survey of the project area be conducted prior to ground disturbing activities."
16. According to the Cultural Resources Assessment for Maryhill Estates East Project, Douglas County, Washington dated April 30, 2020 prepared by Margaret Berger, Principal Investigator, "No additional cultural resources investigations are recommended. An inadvertent discovery protocol is provided."
17. On May 4, 2020, the WA State Department of Archaeology & Historic Preservation concurred with the results and recommendations made in the survey report.
18. The East Wenatchee Water District provided comment that public water is available per this request upon completion of necessary conditions.
19. According to the Douglas County Sewer District, extensions of public sewer, both in SE 4th Street and in the subdivision itself, will be required to serve the subdivision. The developer has initiated a Developer Extension Application/Agreement (DEA) with the Sewer District, and the SE 4th Street sewer improvements, required to address downstream system capacity issues

previously identified, are currently under construction. The District anticipates there will be adequate capacity and availability to serve this subdivision, given that the conditions below are met.

20. Initial application materials reviewed by Douglas County Transportation and Stormwater include:
  - 20.1 Alternate to Code Request prepared by Selland Construction, accepted April 28, 2020.
  - 20.2 Civil Plans prepared by CPH Consultants, received April 3, 2020.
  - 20.3 Preliminary Plat prepared by CPH Consultants, received April 3, 2020.
  - 20.4 Preliminary Stormwater Report prepared by CPH Consultants, received April 3, 2020.
  - 20.5 Traffic Impact Analysis prepared by TENW, received April 3, 2020.
  - 20.6 SEPA Checklists prepared by the applicant, received October 16, 2019
21. Requests for an alternate to the East Wenatchee Municipal Code (EWMC) were reviewed and partially accepted on April 28, 2020. The alternate to code allows the applicant to:
  - 21.1 Utilize a design speed of 20 MPH for the radii directly adjacent to Lots 105 /107-108 and Lots 54-55/ 58-59/ 62.
  - 21.2 Construct frontage improvements along South Nile Avenue to an alternate standard. The alternate to code allows for the elimination of the center turn lane and the inclusion of proposed landscape strips to accommodate existing DC PUD transmission poles. A left turn lane will be constructed at the intersection of 2nd St SE and S. Nile Ave. The HOA will be responsible for maintaining the landscaping within the landscape strips
22. The plans depict right of way dedication and frontage improvements along South Nevada Avenue, 4th Street Southeast, and South Nile Avenue in accordance with pre-application comments provided by the Transportation and Stormwater department. Connectivity between South Nevada Avenue and South Nile Avenue is included through extension of 2nd Street Southeast and 3rd Street Southeast. Full width improvements are included at the intersection of 2nd Street Southeast / South Nevada Avenue and the intersection of 2nd Street Southeast / South Nile Avenue.
23. Phasing lines included on the plans appear to have been placed in locations that would allow the development to function at an acceptable level between stages of development. Stormwater facilities intended to serve the development are proposed for construction under Phase 1. Each phase thereafter would need to extend storm pipe and add structures to collect runoff and route it to the facilities constructed in Phase 1.
24. The stormwater report adequately demonstrates stormwater management feasibility for the subject property through the use of qualitative analysis, sub-basin delineation, and calculations. However, the report states, "A ditch along the east side of Lots 2-6 will collect runoff from the adjacent orchard to the east. A catch basin between Lots 4 and 5 will collect the stormwater from the ditch and convey it west to a drywell located on Road A." Douglas County will not accept a roadway with a drywell constructed in the public right of way. That said, this is an item that is corrigible during construction plan review.
25. The study does not include a discussion about the intersection improvements at South Mary Avenue & Grant Road included in the Douglas County Six-Year Transportation Improvement

Program. This study shall be revised to include a discussion regarding these improvements and proportionate share contribution attributed to the traffic generated by this project.

26. Written confirmation shall be provided verifying that the City of East Wenatchee has reviewed and finds the TIA acceptable.
27. 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.
28. Irrigation water is available. Developer must fill out an application for the proposed development with GWID.
29. Comments from reviewing agencies have been considered and addressed where appropriate.

Agency Notified	Response Received	Agency Notified	Response Received
Chelan-Douglas Health District	11/19/2019	Eastmont Metro District	N/R
Douglas County PUD	05/21/2020	Douglas County GIS/Addressing	10/24/2019
WA State Dept. of Ecology	11/12/2019	Douglas County Assessor	N/R
Douglas County Fire Marshal	04/23/2020	East Wenatchee Water District	05/13/2020
Douglas County Sewer District	06/29/2020	Douglas County Transportation & Storm Water	05/13/2020
Douglas County Land Services	04/29/2020	Greater Wenatchee Irrigation District	05/25/2020
Colville Confederated Tribes	11/19/2019	Eastmont School District	N/R
Dept. of Arch. & Historical Preservation	05/05/2020	Link Transit Service	N/R
City of East Wenatchee	N/R		

30. Douglas County issued a Determination of Non-Significance on June 29, 2020 pursuant to WAC 197-11-355 (Optional DNS).
31. 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.
32. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
33. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
34. Douglas County Code Section 17.24.015 engineering plan and technical report review requirements:
  - 34.1 Engineering plans and technical information reports shall be prepared consistent with the applicable requirements of the plans, policies and codes in DCC Section 17.04.050 as they now exist or may hereafter be amended, and the conditions of preliminary approval. Each plan set or document shall be stamped, signed and dated by an engineer and other qualified professionals as appropriate to the plan and information.
  - 34.2 Plans for roads, controls and other proposed or conditioned improvements proposed to be located within a public right-of-way shall be submitted for review and acceptance by the county engineer.
  - 34.3 Plans for proposed sanitary sewer and water systems shall be submitted for review and approval by the Chelan-Douglas Health District and/or the appropriate utility purveyor.
  - 34.4 Plans and soils reports must document site development conformance with DCC Chapter 15.36, Grading and Excavation.
  - 34.5 No improvement work shall be undertaken until preliminary approval has been issued and the plans have been approved by the county engineer and other agencies as applicable. The county engineer shall be notified before any improvement work is begun.
  - 34.6 The subdivider, upon completion of improvements, shall file maps and documents with the department that shall show all improvements as-built.
  - 34.7 Plans accepted by the county engineer in accordance with subsection A of this section shall be valid for a period of thirty-six months following acceptance unless an extension of time has been granted by the county engineer.
35. According to the Washington State Department of Ecology, "Due to the dry conditions of our region, Ecology is 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." In addition, the proposal triggers a NPDES permit.
36. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
37. An open record public hearing after due legal notice was held on July 30, 2020.

38. The entire Planning Staff file was admitted into the record at the public hearing.
39. Appearing and testifying on behalf of the applicant was Charlie Underwood. Mr. Underwood testified that he was an agent authorized to appear and speak on behalf of the property owner and applicant. Mr. Underwood indicated that the applicant had no objection to any of the proposed Conditions of Approval.
40. No member of the public appeared at the hearing.
41. 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 a Conclusion of Law is hereby incorporated as such by this reference.

## **III. DECISION**

Based on the above Findings of Fact and Conclusions of Law, Application P-2019-06 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 10/21/2019, 04/06/2020 and 05/12/2020 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. 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 applicant shall adhere to Inadvertent discovery protocol including, but not limited to: Inadvertent Discoveries (43 CFR 10.4) – In the event that human remains, burials, funerary items, sacred objects, or objects of cultural patrimony are found during project implementation, the proponent or his authorized agent shall cease work immediately within 200 feet of the find. They shall then take steps to protect the find from further damage or disruption. Then they shall contact the THPO at (509) 634-2695 (desk) to report the find. The THPO shall contact the appropriate law enforcement authority if human remains are found. The THPO shall then contact BPA. No further work shall be allowed on the project until the THPO has approved the plan for managing or preserving the remains or items. Post-Review Discoveries (36 CFR 800.13) – In the event that prehistoric artifacts (i.e. arrowheads, spear points, mortars, pestles, other ground stone tools, knives, scrapers, or flakes from the manufacturing of tools, fire pits, peeled trees, etc.) or historic-period artifacts or features (i.e. fragments of old plates or ceramic vessels, weathered glass, dumps of old cans, cabins, root cellars, etc.) are found during the project implementation, the proponent or his authorized agent shall cease work immediately within 200 feet of the find. They shall then contact the THPO at (509) 634-2695 to report the find. The THPO shall then contact BPA. No further work shall be allowed on the project until the THPO has approved a plan for managing or preserving the artifacts or features.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.

- 14.1 Prior to final plat approval, the SE 4th Street sewer improvements must be complete and accepted for use.
- 14.2 Prior to final plat approval, all remaining sewer improvements must be constructed and accepted by the Sewer District, or a Performance Bond for 125% of the total value of all remaining sewer improvements must be provided to the Sewer District
15. Prior to final plat approval, Douglas County PUD shall provide written verification that all District requirements have been satisfied.
  - 15.1 Applicant must complete a Customer Service Request and coordinate with the District to design electrical and fiber plans. A cost estimate to provide service to the proposal will be provided and must be paid prior to final approval. Appropriate utility easements required including 10' utility easements adjacent to S. Nile Ave. and 4th St. SE.
16. Minimum required fire flow is 1000 gpm for 2-hours duration. Hydrants to be spaced no more than 500 feet between hydrants. Hydrants to be placed no more than 250 feet from the nearest frontage access to each lot and as approved by the Fire Marshal. Prior to final plat approval, written verification shall be provided from the Douglas County Fire Marshal that all requirements have been satisfied.
17. 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.
  - 17.1 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.
  - 17.2 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.
18. 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.
19. Right of way dedication along the northern property line to accommodate construction of 2nd Street SE half-street improvements in accordance with Figure 3-7b is required (i.e. 30 foot minimum). Full width improvements are required at the intersection with 2nd Street SE & South Nevada Avenue and 2nd Street SE & South Nile Avenue (i.e. 28' of asphalt). Right of way dedication and construction of 2nd Street SE shall be associated with Phase 5 of the development as depicted on the preliminary plans dated April 3, 2020.
20. Right of way dedication along South Nevada Avenue to accommodate 25' from centerline shall be included on the face of the plat. Frontage improvements are required along South Nevada Avenue in accordance with Figure 3-7b (Urban Local Access) from the Douglas County Road Standards. Frontage improvements shall be constructed incrementally with each phase (at a minimum) as depicted on the preliminary plans dated April 3, 2020. Where improvements end between phases, a 5:1 asphalt taper shall be provided.

21. Right of way dedication along 4th Street Southeast to accommodate 35' from centerline shall be included on the face of the plat. Frontage improvements are required along 4th Street SE in accordance with Figure 3-8 (Urban Arterial) from the Douglas County Road Standards. Frontage improvements shall extend across Parcel No. 22211810016 to provide pedestrian connectivity. The construction of frontage improvements shall be associated with Phase 1 of the development as depicted on the preliminary plans dated April 3, 2020.
22. Right of way dedication along South Nile Avenue to accommodate 35' from centerline shall be included on the face of the plat. Frontage improvements are required along South Nile Avenue in accordance with Figure 3-8 (Urban Arterial) from the Douglas County Road Standards. As described in the accepted alternate to code, the alternate layout for the frontage improvements along South Nile Avenue has been accepted by the County Engineer. The plans shall reflect the layout therein contemplated. Frontage improvements shall be constructed incrementally with each phase (at a minimum) as depicted on the preliminary plans dated April 3, 2020. Where improvements end between phases, a 5:1 asphalt taper shall be provided.
23. As described in the accepted alternate to code, the radius directly adjacent to Lots 105 / 107-108 and the radius directly adjacent to Lots 54, 55, 58, 59 and 62 have been approved to be designed utilizing a minimum design speed of 20 MPH.
24. Access to South Nile Avenue and 4th Street Southeast for individual lots created within this subdivision is prohibited. A 1' non-vehicular easement shall be included along the South Nile Avenue/4th Street Southeast frontage excluding any possible locations necessary for pond access/maintenance.
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 4th Street Southeast or South Nile 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.
27. 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.
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 a Deferred Improvements Agreement to contribute a proportionate share contribution towards transportation improvements at the intersection of Grant Road & Nile Avenue prior to final plat acceptance for Phase 3.
30. The applicant shall enter into a Deferred Improvements Agreement to contribute a proportionate share contribution towards transportation improvements at the intersection of Grant Road & Nevada Avenue prior to final plat acceptance for Phase 4.

31. The applicant shall enter into a Deferred Improvements Agreement to contribute a proportionate share contribution towards transportation improvements at the intersection of Grant Road & Mary Avenue prior to final plat acceptance for Phase 5.
32. 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.
33. 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 II approach throughout the development additional right of way will be required. A note will be required on the face of the final plat which states:
  - 33.1 "All driveways shall be constructed using a WSDOT Type \_\_\_ driveway approach."
34. 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.
35. 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.
36. 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.
37. Per DCC Chapter 12.24, all new or revised accesses onto a County road (including temporary accesses) require an approved access permit.
38. 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.
39. 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.
40. Site specific stormwater design for the Lots 56, 57, and 106 may be deferred until time of building permit submittal. A note shall be included on the face of the final plat for Phases 4 & 6 which states:

- 40.1 “At the time of building permit submittal for Lots 56, 57, and 106, an engineered site specific stormwater plan and report 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’s Office.”
41. 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.
42. Storm infrastructure shall be designed such that each phase/phases proposed for construction at one-time are self-supporting within the respective plat boundaries or contained within off-site easements for permanent and/or temporary storm infrastructure that is proposed to cross a future development tract.
43. Stormwater facilities shall be located on a separate tract(s) under the functional control of the Homeowners’ Association with each lot having an undivided ownership, interest, and responsibility for the tract(s).
44. 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.
45. 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.
46. 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.
47. 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.
48. 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. UIC registration shall be provided as applicable.
49. 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. A note shall be included on the face of the final plat which states:
- 49.1 “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 \_\_\_\_\_.”

50. 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.
51. 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.
52. Prior to final plat approval, written verification from the Greater Wenatchee Irrigation District that the requirements of the District have been satisfied is required. These specifically include, but are not limited to:
  - 52.1 The Revisions requested to the preliminary plat have been made. The appearance of GWID's easements on the plat may be requested to be modified for the final plat. There is no indication on the preliminary engineering or plat submitted that the existing GWID pipelines within the 2nd Street Corridor and beneath the roadway in 4th Street will be replaced. However, GWID's Standards dictate replacement of these lines and it is assumed the developer is aware of this and will be providing plans for the replacement of these pipelines and the meters accompanying meters.
53. 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.
  - 53.1 The applicant shall follow the guidelines in DCC 12.04 (road naming) for naming. Approval of final road naming is required.
  - 53.2 Final addresses will be assigned during the blue line review.
  - 53.3 The only other item GIS noticed that should be changed prior to the blue line submittal is in the legal description. GIS believes that there is a typo in the first set of referenced book/pages. The Subdivision Guaranty has the correct pages identified.
54. With construction plan set submittal, the applicant shall provide final open space / recreation plans. A final design of the recreation spaces must be included with the construction drawings. Construction design details shall be included with the plans. The open space plans must comply with EWMC 17.73 *Open Space Standards*.
55. 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.

56. 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.

Dated this 10th day of August, 2020.

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.**