

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-2020-05)	DECISION AND
Nile & Second Street, LLC)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on September 23, 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 Nile & Second Street LLC, PO Box 139 Orondo, WA 98843.
2. This application is for a major subdivision application to subdivide two existing lots into 14 separate lots (13 lots for single family homes and a stormwater tract). As part of the proposal, two existing homes would be removed. Vehicular access for all residential lots is proposed via a new access roadway onto S. Nile Avenue north of 2nd street SE. The subject property is approximately 5.18 acres in size. The lots are proposed to range in size from approximately 13,413 square feet to 19,512 square feet.
3. The subject property is located at 141 South Nile Avenue, East Wenatchee. The property is located in the (R-M) Medium Residential zoning district under East Wenatchee Municipal Code within the Urban Growth Area, and is further described as being located within Section 07, Township 22N, Range 21. E.W.M. The Assessor's Parcel Numbers are 75000001601 and 75000001603.
4. Site Characteristics: The subject property includes two single family homes and vacant lands. The topography is relatively flat.

Total Project Size:	5.18 acres
No. of lots	13
Domestic Water:	East Wenatchee Water District
Sewage Disposal:	On-site septic

Power/Electricity: Douglas County PUD
Fire Protection: Douglas County Fire District #2
Telephone Service: Varied
Fire Protection: Douglas County Fire District #2
Telephone Service: Varies

5. Surrounding Property:

North: Orchard lands zoned Light Commercial.

South: Single family homes zoned Medium Residential.

East: Single family home zoned Office High / Residential

West: Orchard lands zoned Light Commercial

6. The subdivision will be accessed from S. Nile Avenue. The proposal includes an internal road system. All roadway improvements would be the responsibility of the developer and compliant with the East Wenatchee Standards and Specifications.
7. The subject property is located within the Medium Residential zoning district under East Wenatchee Municipal Code, which allows for the subdivision of land.
8. The Growth Management Act identifies that urban growth areas are lands intended for annexation by the adjacent city within 20 years. Based on this, Douglas County has adopted city development regulations within their urban growth areas in order to guide growth according to city standards and ease the transition during future annexations. On March 28, 2007, Douglas County adopted Ordinance 07-01H which adopted sections of Title 17 'Zoning' of the East Wenatchee Municipal Code within the unincorporated portions of the East Wenatchee Urban Growth Boundary.
9. The requirements of Title 17, "Subdivisions" Douglas County Code, apply to the design and review requirements for approval of major subdivisions of 10 or more lots, parcels or tracts.
10. The Greater East Wenatchee Area Comprehensive Plan designates this property as Residential Medium Density. The primary and preferred land use is residential. The use of innovative housing techniques such as attached single family, zero-lot line housing, averaging lots sizes, infilling and a variety of housing types, densities and other alternates should be encouraged. In order for these techniques to be used in a manner that protects the integrity of the surrounding properties, there must be mechanisms to ensure neighborhood compatibility and good design quality. Urban governmental services and infrastructure must be available at the time of development or there must be a plan in place, with funding, to insure that a full range of urban governmental services is available to serve the development within the planning period. The following goals and policies set forth in the comprehensive plan are relevant to this development.
11. Urban Growth:
11.1 POLICY UG-12: The City and County encourage the use of innovative, high quality infill development and redevelopment strategies such as planned developments, zero-lot line, lot-size averaging, shadow platting, small lot subdivisions, and mixed uses in existing developed areas within the urban growth areas.

12. Land Use – Residential:
 - 1.1 The quality and integrity of residential neighborhoods defines the character of the community. Ensuring that these neighborhoods remain stable and vital is of primary importance to meet the goals of the Growth Management Act, the Land Use Plan, and the Housing Plan.
 - 1.2 POLICY: Urban governmental services and infrastructure must be available at the time of development or there must be a plan in place, with funding, to insure that a full range of urban governmental services is available to serve the development within the planning period.

13. Housing:
 - 13.1 GOAL: To provide for a sufficient number of safe, attractive and affordable residences for people of all income levels.
 - 13.2 GOAL: To provide for a variety of housing types and densities to ensure a range of affordable housing options for all segments of the community.
 - 13.3 GOAL: To insure that public facilities and infrastructure are available to support development at urban densities in advance of or concurrent with development.
 - 13.4 POLICY H-1: Require residential development at urban densities to locate within urban growth areas consistent with the comprehensive plan.
 - 13.5 POLICY H-4: Apply consistent standards in residential development to preserve residential character.
 - 13.6 POLICY H-6: Require the construction of sound, safe, and sanitary dwelling units.
 - 13.7 POLICY H-12: Development standards must address efficient transportation networks and multi-modal opportunities for new development requiring the extension of existing streets into and through developments and the provision of sidewalks and trails for non-motorized modes of transportation.
 - 13.8 POLICY H-13: New residential development in the urban growth area must be concurrently served by a full range of urban governmental services.
 - 13.9 POLICY H-25: Ensure that new developments provide adequate street illumination..

14. Utilities:
 - 14.1 GOAL 1: Facilitate the development of all utilities at the appropriate levels of service to accommodate growth that is anticipated to occur in the Area, in a fair and timely manner.
 - 14.2 POLICY UT 2: A full range of urban services shall be provided within the entire urban growth area by promoting utility extensions to those areas needing urban services.
 - 14.3 POLICY UT 3: Encourage development of vacant properties adjacent to established utility systems, according to the appropriate zoning classification and/or land use designation.
 - 14.4 POLICY UT 4: Insure that development take into account the timely provision of adequate and efficient utility systems.
 - 14.5 POLICY UT 5: The cost of on-site utility improvements or site preparation for developments, such as surface drainage, utilities, and water and sewer systems should be the responsibility of private enterprise.

- 14.6 POLICY UT 7: Facilitate the provision of urban services to all areas in the urban growth area by sizing and locating new services that will efficiently accommodate future service extensions.
 - 14.7 POLICY UT 10: Require the under-grounding of utility wires, where feasible.
 - 14.8 GOAL 4: Provide sewer service for the East Wenatchee Urban Growth Area.
 - 14.9 GOAL 5: Provide an efficient surface and stormwater management system that serves community residences and business in a manner that makes efficient use of limited resources and minimizes damage to public and private property from flooding events.
 - 14.10 POLICY UT 23: Design, construct, and maintain stormwater facilities in a manner that minimizes their impact on adjacent neighborhoods and business.
 - 14.11 POLICY UT 25: Require new developments locate required stormwater management facilities on-site unless a regional facility benefiting drainage has been constructed with sufficient excess capacity to serve the development.
 - 14.12 POLICY UT 29: Stormwater facilities and infrastructure shall be of a type, nature and location to facilitate ease of access for required inspection, maintenance and operation. Stormwater facilities shall be located on a separate tract, where feasible overflow and access is provided from a county or city right-of-way..
15. Transportation:
- 15.1 GOAL: Provide a balanced transportation system that meets the needs of the community by accommodating the movement of people, goods, and services at an optimum level of safety, economy and efficiency.
 - 15.2 GOAL: Ensure adequate and safe access to property via a system of public and private roads.
 - 15.3 POLICY T-4: Permanent cul-de-sacs shall only be permitted in situations where it can be demonstrated that the design provides an acceptable level of network circulation and the prohibition of cul-de-sacs creates an unreasonable economic burden.
 - 15.4 POLICY T-6: As public and private development occurs, ensure that transportation system improvements have adequate streets, sidewalks and walkways; and are consistent with the transportation and adopted system design.
 - 15.5 POLICY T-7: Ensure that current and future developments provide proper, adequate and safe access to the transportation system and facilities.
 - 15.5.1 Provision for adequate parking must be included for all development
 - 15.5.2 Natural and artificial landscaping should be considered in the design of system facilities
 - 15.6 POLICY T-8: Facilitate mobility for all residents within the Greater East Wenatchee Area; including the elderly and persons with disabilities by providing accessible transportation facilities.
 - 15.7 POLICY T-16: Design transportation facilities within the Greater East Wenatchee Area that minimize adverse environmental impacts resulting from both their construction and use.
 - 15.8 POLICY T-17: Economic and residential growth decisions should be tied to the ability of the existing transportation system to accommodate the increased demand, or new transportation facilities should be provided concurrently with the proposed development.

- 15.9 POLICY T-18: Allow land use changes only when proposals are consistent with the adopted transportation level of service standards of the comprehensive plan.
 - 15.10 POLICY T-19: Control the location and spacing of driveways and encourage the development of shared driveways.
 - 15.11 POLICY T-23: Institute financing measures for major circulation elements that fairly distribute the cost between private property owners and the public sector.
 - 15.12 POLICY T-24: All road construction projects shall be designed and constructed in compliance with locally adopted stormwater management standards.
 - 15.13 POLICY T-26: Encourage public transportation-compatible infill development on bypassed vacant parcels in developed areas adjacent to bus routes and stops.
 - 15.14 POLICY T-27: All transit related decisions such as roadway access, projects, and pedestrian linkages shall be consistent with the current adopted LINK service area policies.
 - 15.15 POLICY T-28: Coordinate with LINK to provide public transportation, which is affordable, safe, convenient, clean, comfortable, accessible, well maintained and reliable.
 - 15.16 POLICY T-34: Development shall provide improvements adjacent to their development in accordance with adopted design standards and approved traffic studies. Where deficiencies are present, these issues would have to be addressed prior to development occurring in order to protect the public's health, safety and general welfare consistent with the policies of the comprehensive plan, standard engineering principals, and adopted standards. Improvements necessary to maintain adopted levels of service shall be in place at the time of development, or a financial commitment agreed to by the city or county and the applicant must be in place to complete the improvements or strategies within six years.
 - 15.17 POLICY T-40: Encourage physical activity by providing alternative modes of transportation with more pedestrian and bicycle friendly street standards.
16. Douglas County issued a Determination of Non-Significance on July 29, 2020 in accordance with WAC 197-11-355 (Optional DNS).
 17. In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application:
 - 17.1 The proposal is consistent with the goals and policies of the Greater East Wenatchee Area Comprehensive Plan. The proposed lot sizes meet the density standards for residential lots. Policy H-13 requires that urban development within the urban growth area be served concurrently with urban services. The development will be served by the full range of urban services. The first goal of the transportation chapter strives to provide a balanced transportation system that meets the needs of the community by accommodating the movement of people, goods and services at an optimum level of safety, economy and efficiency.
 18. Consistency with the provisions of Title 17, "Subdivision", DCC:
 - 18.1 As conditioned, the proposed subdivision is consistent with the provision of this title.

19. Consistency with the provisions of the Residential Medium Density Zoning District, Chapter 17.28, EWMC as adopted by Douglas County:
 - 19.1 As conditioned, the dimensional standards for the Residential Medium Density zoning district will be met for each proposed lot: for example: Minimum lot area: Four thousand square feet for single-family dwellings, or 3,500 square feet for attached single-family dwellings.
 - 19.2 As applied, the proposal is consistent with the provisions of this chapter.

20. Consistency with the provisions of Lot Frontage, Section 17.72.210, EWMC as adopted by Douglas County:
 - 20.1 Residential lots shall 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, comprehensive street standards, and any amendments. 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.
 - 20.2 As applied, the proposal is consistent with the provisions of this chapter.

21. Consistency with the provisions of Section 17.72.260 required use of public sanitary sewer system:
 - 21.1 C. Connection Required. Inside the UGA, connection to a public sanitary sewer is required for all development projects under the following criteria: 3. Development of any parcel of real property located within 200 feet of any Douglas County sewer district sanitary sewer facility is required, at his/her expense, to extend the sewer main and connect all applicable plumbing outlets from such buildings or structures directly to the public sewer. The distance between the property and the public sanitary sewer facility is measured along the usual or most feasible route of access to the nearest property line of the subject property.
 - 21.2 The subject property is approximately 665 feet from an existing sewer mainline located within Grant Road right-of-way.

22. Consistency with the provisions of Open Space Standards, Chapter 17.73, EWMC, adopted by Douglas County:
 - 22.1 RCW 58.17.110 requires that local governments make appropriate provision for the establishment of parks, open space and recreational areas at the time it considers approval of a proposed subdivision. The Greater East Wenatchee Area Comprehensive Plan and EWMC 17.73 establish the level of service and standards in order to mitigate any adverse impacts of new development on neighborhoods without adequate parks, open space and recreational facilities.
 - 22.2 The applicant has identified the desire to make payment pursuant to EWMC 17.73.090 Elective optional payment in lieu of establishing an on-site open space/recreation area. According to the applicant, the estimated value of the current land and recreation improvements are approximately \$22,570.
 - 22.3 A payment must be included with the construction drawings. The open space payment must comply with EWMC 17.73 Open Space Standards.
 - 22.4 As conditioned, the proposal is consistent with the provisions of this chapter.

23. Consistency with the provisions of EWMC 17.08.390 Lot of record:
 23.1 Parcel No. 75000001603 (Lot No. 11 and Tract A) was created by way of illegal segregation identified between 75000001603 and 75000001607. The applicant has completed a Declaration of Innocent Purchaser dated July 9, 2020 compliant with RCW 58.17.210. The perfection of this subdivision will resolve the Lot of Record determination.
24. Consistency with the provisions of DCC Chapter 20.34, Stormwater Drainage:
 24.1 As conditioned, the proposal is consistent with the provisions of this chapter
25. Consistency with the provisions of DCC Title 12 Road Standards:
 25.1 As conditioned, the proposal is consistent with the provisions of this chapter
26. Applicable agencies have been given the opportunity to review this proposal. Agency comments are below:

Agency Notified	Response Received	Agency Notified	Response Received
Chelan-Douglas Health District	09/14/20	Douglas County Treasurer	N/R
Douglas County PUD	08/12/2020	Douglas County GIS/Addressing	05/06/2020
WA State Dept. of Ecology	05/19/2020	Douglas County Assessor	05/06/2020
Douglas County Fire Marshal	05/27/2020	East Wenatchee Water District	07/22/2020
Douglas County Sewer District	07/27/2020	Douglas County Transportation & Storm Water	08/28/2020
Douglas County Land Services	07/29/2020	Greater Wenatchee Irrigation District	08/31/2020
Colville Confederated Tribes	N/R	Link Transit Service	N/R
Dept. of Arch. & Historical Preservation	05/20/2020	Eastmont School District	N/R

27. 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.
28. During the comment period no public comments were received regarding the proposal

29. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
30. The applicant submitted a soils report received April 30, 2020 prepared by Brian Dickey with BlackStone Septic Design.
31. Initial application materials reviewed by Douglas County Transportation and Stormwater include:
 - 1.1 Preliminary Civil Plans prepared by Ed Zontek, received July 22, 2020.
 - 1.2 Preliminary Plat prepared by Northwest Geodimensions, received July 22, 2020.
 - 1.3 Preliminary Stormwater Report prepared by Ed Zontek, received May 1, 2020.
32. Traffic Impact Analysis prepared by TENW, July 22, 2020. A request for an alternate to the East Wenatchee Municipal Code (EWMC) was reviewed and accepted on August 13, 2020. The alternate to code allows the applicant to:
 - 32.1 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. The HOA will be responsible for maintaining the landscaping within the landscape strips.
33. The preliminary civil plans provided depict construction of a cul-de-sac at the end of the proposed public road. However, they do not include frontage improvements along Parcel No. 75000001607 and the road and right of way do not extend to the easterly property line to allow for future connection as described in the Douglas County Transportation and Stormwater department's pre-application notes (Pre-App-2019-033). Parcel No. 75000001603 was created via illegal segregation and will be legitimately established as part of this plat. Frontage improvements are required along the entire parent parcel boundary as a result (Parcel No. 7500001603 & 75000001607). That said, it is feasible to accommodate these requirements with the layout proposed.
34. The stormwater report provided adequately addresses the feasibility of mitigating stormwater runoff generated due to the proposed development. The project proposes the use of an infiltration pond for mitigation.
35. The study (Traffic Impact Analysis) provided estimates the additional traffic generated by the project and the proportion that would utilize the intersection of Grant Road and Nile Avenue. Douglas County has identified this intersection for improvement on the Six-year Transportation Improvement Program. The study identifies a fair share contribution to that improvement project.
36. 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.
37. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.

38. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
39. After due legal notice an open record public hearing was held on September 23, 2020 via Zoom video conferencing.
40. At this hearing, the entire Planning Staff file was admitted into the record at the public hearing.
41. Appearing and testifying on behalf of the applicant were Michelle Taylor and Ed Zontek. Ms. Taylor and Mr. Zontek testified that they were both agents authorized to appear and speak on behalf of the property owners and applicants. Ms. Taylor testified that all of the proposed Conditions of Approval were acceptable. She also testified that all of the lots can accommodate single family residences and accessory structures without the need for a variance.
42. Staff proposed a modification of proposed Condition of Approval No. 19.
43. Mr. Zontek requested modifications to proposed Condition of Approval Nos. 21 and 28. Staff did not have any objection to Mr. Zontek's proposed changes.
44. No member of the public testified at the hearing.
45. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this decision.
2. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Greater East Wenatchee Area Comprehensive Plan.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. Public use and interests will be served by approval of this proposal.
5. As conditioned, the proposal is consistent with Title 17 Zoning of the East Wenatchee Municipal Code as adopted by Ordinance # 01-01H.
6. As conditioned, the proposal is consistent with Title 17 "Subdivision", Title 19 "Environment", and Title 20 "Development Standards", of the Douglas County Code.
7. Any Finding of Fact that is more correctly Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, review of all applicable files, including the Planning Department staff file, and after an open record public hearing, the Hearing Examiner has determined that P-2020-05 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

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

1. The project shall proceed in substantial conformance with the plans and application materials of file dated 04/30/2020, 05/01/2020, and 07/22/2020 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 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. The developer shall install all utilities in accordance with the standards and specifications of the Douglas County PUD, East Wenatchee Water District, Douglas County Sewer District, and Douglas County Fire District #2.
11. 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.

12. Written verification of the availability of public water to each lot must be submitted to the Chelan Douglas Health District prior to final plat approval.
13. 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.
 - 13.1 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.
 - 13.2 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.
14. A No protest waiver is required PRIOR TO FINAL PLAT for sanitary sewer connection. The owner will pay the recording fee. Due to potential for residential developments to the west, across S. Nile Ave, that may bring public sewer within 200 ft. of this project in the relatively near future, the developer may wish to build a "dry" sewer connection/system to serve the subdivision.
15. Written approval from the Chelan Douglas Health District is required prior to final plat approval.
16. 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.
17. The dedicatory language on the plat shall carry this note: "The Health District has not reviewed the legal availability of water to this development."
18. Subject to specific application approval and issuance of permits by the Health Officer, the property is generally suitable for placement of individual on-site sewage disposal systems. Test holes have been examined on the subject property by Blackstone Septic Designs via a report dated 7/12/19.
19. The area available for placement of onsite sewage systems is limited. The applicant shall provide a supplemental drawing prior to final plat approval which will show designated drainfield areas sufficient in size and location to accommodate an initial and reserve drainfield area for a four-bedroom home based on the soil type found on each individual proposed lot.

20. The dedicatory language on the final plat shall include these notes:
 - 20.1 "The areas designated for drainfields must be protected from cover by structures or impervious surfaces, surface drainage, soil compaction, grade alteration, excavation and any other activity that may adversely affect the performance of the sewage system."
 - 20.2 "The mapped areas showing designated drainfield areas are on file with Douglas County Land Services and Chelan Douglas Health District."
 - 20.3 "Onsite sewage systems meeting at least Treatment Level B, as described by WAC 246-272A, will likely be required for new or repaired septic systems."
 - 20.4 "Drainfield size reductions for use of gravelless distribution products may not be authorized for onsite sewage systems on these lots."
21. Prior to final approval of this development, applicant must obtain an approval from Greater Wenatchee Irrigation District, and adhere to the following:
 - 21.1 The applicant will be required to replace meter 88 to a new style meter and vault per Greater Wenatchee Irrigation District Standard Details.
 - 21.2 A min. 5-foot-wide dedicated irrigation easement is required across each lot for the purposes of supplying irrigation water. Private irrigation infrastructure feeding each lot shall be installed within the easement.
22. Written approval from the Douglas County PUD is required prior to final plat approval.
 - 22.1 The applicant shall Complete Customer Service request. Coordinate with District Engineering for electrical and fiber design. Design to accommodate existing transmission structures. Include 10' easement along Nile and show utility easements on internal roads/access drives.
 - 22.2 Additional easements necessary. Access/utility easement to lot 11, including easement area for transformer in the NE corner. Addition easement width (10' total) along S. Nile Ave. frontage. Estimate to provide power to the project must be paid prior to final approval.
23. The applicant shall pay all applicable property taxes prior to final plat approval.
24. Written approval from the Douglas County Treasurer is required prior to final plat approval.
25. Minimum Fire Flow is 1000 gallons per minute for a 2-hour duration at a minimum sustained pressure of 20 psi. A hydrant will be located within 250 feet of the nearest frontage access to each lot. Maximum hydrant spacing is 500 feet and as approved by the Fire Marshal.
26. Access greater than 150 feet in length shall terminate in an approved cul-d-sac.
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. Right of way for the proposed public road shall extend to the easterly property line (50' wide minimum). The road shall be built out to the easterly property line to provide for future connection. Construction of a 96' diameter cul-de-sac (110' diameter right of way) is required for all dead end public roads. Sufficient space for a paved snow storage shall be provided at the road end / cul-de-sac. Snow storage location to be reviewed and approved during construction plan review.
29. 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. Frontage improvements shall terminate on both ends with a 5:1 asphalt taper. Sidewalks shall terminate with an ADA compliant ramp to grade with truncated domes.
30. It is acceptable to eliminate the two-way center turn lane and include landscape strips to accommodate existing DC PUD transmission poles. A landscaping plan for the landscape strips shall be submitted to and approved by the County Engineer. The HOA shall enter into an agreement with Douglas County that will require the HOA to maintain all landscaping along the project frontage within the Douglas County right of way prior to final plat approval. The agreement shall be recorded with the Douglas County Auditor's Office and the AFN noted on the face of the plat.
31. Frontage improvements are required along 2nd Street SE in accordance with Figure 3-7b (Urban Local Access) from the Douglas County Road Standards. Frontage improvements shall extend across Parcel No. 75000001607. Frontage improvements shall terminate on both ends with a 5:1 asphalt taper. Sidewalks shall terminate with an ADA compliant ramp to grade with truncated domes.
32. The minimum width of the access easement serving Lot #11 shall be 20'. The driveway serving this lot shall be constructed prior to final plat approval. Minimum surfacing width shall be 12' and the surfacing shall consist of a minimum of 6" of compacted gravel.
33. Access to South Nile Avenue for individual lots created within this subdivision is prohibited. A 1' nonvehicular easement shall be included along the South Nile Avenue frontage.
34. A note will be required on the face plat restricting Lots #11-13 from installing trees, fences, or other structures within the drainage easement.
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 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.

37. 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.
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. 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.
40. 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.
41. 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.
42. 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.
43. 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.
44. 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.
45. Per DCC Chapter 12.24, all new or revised accesses onto a County road (including temporary accesses) require an approved access permit.
46. 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.
47. 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.
 48. Site specific stormwater design for the individual lots may be deferred until time of building permit submittal. A note shall be included on the face of the final plat which states:
 - 48.1 “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 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.”
 49. 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.
 50. 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).
 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 face of the final plat.
 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. UIC registration shall be provided as applicable.

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. A note shall be included on the face of the final plat which states:
 - 56.1 "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 _____."
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.
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. A payment of \$22,750 for the recreation spaces must be remitted to Douglas County at the time the submittal of the construction drawings. The open space payment must comply with EWMC 17.73 Open Space Standards. Additional processing fees may be applicable.
60. If any archaeological materials are discovered during project implementation, all work should be halted within 200 feet of the find and the Washington State Historic Preservation Officer should be contacted. The project proponent will then work with Washington State Historic Preservation Officer to develop a management plan for the site prior to recommencing work. This project is subject to R.C.W. 27.44 and R.C.W. 27.53. Therefore, if ground disturbing activities encounter human skeletal remains during the course of construction, then all activity must cease that may cause further disturbance to those remains and the area of the find must be secured and protected from further disturbance. In addition, the finding of human skeletal remains must be reported to the county coroner and local law enforcement in the most expeditious manner possible. The remains should not be touched, moved, or further disturbed.
61. Additional test pits are required at time of lot development to determine the type and size of the septic.
62. Any existing structures must meet setbacks from proposed lot lines or the structures must be removed

63. 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.
64. 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.
65. 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 24th day of September, 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.