

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-2020-06)	DECISION AND
Kentucky Court)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on November 19, 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 is Whiskey Ranch/ Mark McNaughton, 1920 33rd Ave W, #150, Lynwood, WA 98036.
2. This is an application for a thirty (30) lot major subdivision known as Kentucky Court. The subject property is approximately 11.67 acres in size. The proposed lot sizes to range in size from approximately 8,877 square feet to 17,950 square feet.
3. The subject property is located at South Kentucky Avenue, just north of the Wenatchee Reclamation District Irrigation Canal. The property is located in the Residential Low (R-L) zoning district under East Wenatchee Municipal Code and is further described as being located within Section 13, Township 22N, Range 20, E.W.M. The Assessor's Parcel Number is 40200005003.
4. Site Characteristics: The subject property is vacant and the topography is rolling.

Total Project Size:	11.67 acres
No. of lots	30
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

Fire Protection: Douglas County Fire District #2
Telephone Service: Varies

5. Surrounding Property:
North: Single family homes and vacant land.
South: Single family homes and vacant land.
East: Single family homes.
West: Single family homes.
6. The subdivision will be accessed via South Kentucky Ave. The proposal includes an internal road system. All roadway improvements will be the responsibility of the developer; and compliant with the East Wenatchee standards and specifications.
7. The subject property is located within the Residential Low Density (R-L) 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 Low Density. The Low Residential designation is intended to permit a range of housing options and densities to provide areas desirable for single-family residential use. 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, and other alternates should be encouraged infilling and variety of housing types and densities. 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. 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:
 - 12.1 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.

- 12.2 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. Open Space and Recreation:
- 16.1 GOAL: Provide recreational opportunities, facilities, and experiences which will allow all individuals the opportunity to improve the quality of their lives, while preserving and enhancing the existing resources of the area.
 - 16.2 POLICY OS-6: Provide adequate access for vehicles and pedestrians to public recreational areas as appropriate.
17. Douglas County issued a Determination of Non-Significance on July 6, 2020 in accordance with WAC 197-11-355 (Optional DNS).
18. Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included.
19. No members of the public commented on the proposal
20. 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:
- 20.1 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. The project will include a balanced transportation system that meets the needs of the community.

21. Consistency with the provisions of Title 17, "Subdivision", DCC:
 - 21.1 As conditioned, the proposed subdivision is consistent with the provision of this title.
22. Consistency with the provisions of the Residential Low Density Zoning District, Chapter 17.24, EWMC as adopted by Douglas County:
 - 22.1 As conditioned, the dimensional standards for the Residential Low Density zoning district will be met for each proposed lot: for example: Minimum lot area: Five thousand square feet.
 - 22.2 As applied, the proposal is consistent with the provisions of this chapter.
23. Consistency with the provisions of Lot Frontage, Section 17.72.210, EWMC as adopted by Douglas County:
 - 23.1 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.
 - 23.2 As applied, the proposal is consistent with the provisions of this chapter.
24. Consistency with the provisions of Open Space Standards, Chapter 17.73, EWMC, adopted by Douglas County:
 - 24.1 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.
 - 24.2 The application triggers the requirement to provide parks/open space. Based on project size, the minimum required open space is .58 acre. The applicant has provided .83 acres of open space. The application proposes area for conceptual and future placement of both active and passive recreation. Final designs have not been completed.
 - 24.3 The application does not include a basic design. A final design of the recreation spaces or agreed payment must be included with the construction drawings. Design detail such as safety fencing, active and passive recreation areas, access, pedestrian circulation, and landscaping shall be included. The open space payment must comply with EWMC 17.73 Open Space Standards.
 - 24.4 As conditioned, the proposal is consistent with the provisions of this chapter.

25. Consistency with the provisions of DCC Chapter 20.34, Stormwater Drainage:
25.1 As conditioned, the proposal is consistent with the provisions of this chapter.
26. Consistency with the provisions of DCC Title 12 Road Standards:
26.1 As conditioned, the proposal is consistent with the provisions of this chapter
27. 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	09/10/2020	Douglas County Treasurer	06/12/2020
Douglas County PUD	06/04/2020	Douglas County GIS/Addressing	06/04/2020
WA State Dept. of Ecology	06/10/2020	Douglas County Assessor	06/05/2020
Douglas County Fire Marshal	06/22/2020	East Wenatchee Water District	06/09/2020
Douglas County Sewer District	06/16/2020	Douglas County Transportation & Storm Water	06/18/2020
Douglas County Land Services	07/09/2020	Wenatchee Reclamation Irrigation District	06/03/2020
Colville Confederated Tribes	N/R	Dept. of Arch. & Historical Preservation	N/R
Ziply/ Verizon/ Frontier	06/04/2020	LINK	N/R
Eastmont School District	N/R	USPS	N/R

28. 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.

29. During the comment period no public comments were received regarding the proposal.
30. According to the WA State Department of Archaeology & Historic Preservation, “A desktop review of our Statewide Predictive Model has identified the proposed project area as having high potential for archaeological resources. . . Therefore, we recommend a professional archaeological survey of the project area be conducted prior to ground disturbing activities.”
31. According to the Cultural Resources Assessment for Kentucky Court, Douglas County, Washington dated August 17, 2020 prepared by Susan Ellis and Jon Meyer, “This survey located a historic isolate associated with a history of fruit growing on the property. This item is not considered eligible for the National Register of Historic Places. The survey also identified the Wenatchee Reclamation Ditch south of the APE. This structure is considered eligible for the National Register. However, the proposed project activities should occur outside of the ditch. Provided that the proponent keeps all project activities from physically impacting the Wenatchee District Ditch, Columbia Historical Consulting recommends that the project proceed without any further cultural resources work.”
32. Initial application materials reviewed by Douglas County Transportation and Land Services include:
 - 32.1 Revised Preliminary Site Plan prepared by Torrence Engineering, received August 30, 2020.
 - 32.2 SEPA Checklist prepared by Torrence Engineering, received May 11, 2020.
 - 32.3 Preliminary Civil Plans prepared by Torrence Engineering, received September 22, 2020.
 - 32.4 Preliminary Stormwater Report prepared by Torrence Engineering, received September 22, 2020.
 - 32.5 Traffic Impact analysis prepared by TENW, received September 22, 2020.
33. 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.
34. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
35. 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.
36. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
37. After due legal notice an open record public hearing was held on November 19, 2020 via Zoom video conferencing.

38. Unfortunately, due to technical difficulties, the public was not able to attend the meeting by Zoom. Accordingly, the Hearing Examiner left the record open until 5:00 p.m. Tuesday, November 24, 2020 for any written public comments to be submitted.
39. No member of the public submitted any written comments before 5:00 p.m., November 24, 2020.
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 John Torrence. Mr. Torrence testified that he was an agent authorized to appear and speak on behalf of the property owners and Applicant. Mr. Torrence testified that all of the proposed Conditions of Approval were acceptable. He indicated that they were now proposing that this development be placed into three phases and that the phasing plan had been submitted to Douglas County. Mr. Torrence also testified that there was sufficient buildable area on all of the proposed lots for a single family residence, and normal accessory structures, without the need for a variance.
42. 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-2020-06 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 dated 05/09/2020 and 08/30/2020 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 approvals and permits including, but not limited to:
 - 2.1 NPDES Construction Stormwater General Permit.
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 and assessments are current prior to final plat approval.
7. During construction, all work associated with the proposed project shall occur between the hours of 6:00 a.m. to 7:00 p.m., Monday through Friday and 7:00 a.m. to 7:00 p.m., Saturday. Construction activities on Sunday shall not commence before 8:00 a.m. and shall conclude by 7:00 p.m.
8. The final plat shall show the location of all easements serving or encumbering the subject property.
9. The location of existing utilities (i.e. power, sewer, water and irrigation lines, etc.) and utility easements shall be depicted on the face of the final plat.
10. A final design of the recreation spaces must be included with the construction drawings. Design detail such as safety fencing, active and passive recreation areas, access, pedestrian circulation, and landscaping shall be included. The open space plans must comply with EWMC 17.73 Open Space Standards.
11. The following note shall be placed on the face of the final plat:
 - 11.1 "Based upon the historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides. Ecology recommends that the soils be sampled and analyzed for lead and arsenic, and for organochlorine pesticides. If these contaminants are found at concentrations above the Model Toxics Control Act

cleanup levels Ecology recommends that potential buyers be notified of their occurrence.”

12. The project shall proceed in conformance with the findings and recommendations presented within the Cultural resource Report prepared by Susan Ellis and Jon Meyer.
13. In the event that any cultural resources (Burial sites, human remains, historical artifacts, etc.) are discovered, the applicant shall adhere to the inadvertent discovery protocol provided by Susan Ellis within the Cultural Resource Report.
14. Due to the presence of contaminated soils from previous agricultural activity, the Chelan Douglas Health District requires strict dust control during any earth disturbing activity. CDHD recommends dust control, including mulching, hydro seeding, gravel, sod and/or other ground cover for any bare earth left after construction including landscaped areas, paths, unpaved parking areas and roads. Any complaints related to dust shall be sent addressed by the Chelan Douglas Health District.
15. 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 prior to final plat approval. 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.
16. The Dedicatory language on the plat shall carry the following note:
16.1 “The Health District has not reviewed the legal availability of water to this development.”
17. Sanitary sewer service shall be by expansion of the Douglas County Sewer District public sewer system. All sewer system improvements must be designed, constructed, and placed in accordance with the purveyor’s and the Dept. of Ecology’s standards and requirements. Completion of the improvements, including necessary easements, must be accepted in writing from the utility prior to final plat approval.
18. Applicant shall obtain written approval from the Douglas County PUD prior to final plat approval.
19. Road naming and addressing shall comply with DCC 12.04 *Road Naming and Addressing*.
20. Access greater than 150 feet in length require an approved turn around.
21. Minimum fire flow is 1000 gpm for a two-hour duration. Hydrant must be no more than 250 feet from the nearest frontage access of each lot. Maximum hydrant spacing is 500 feet and as approved by the Fire Marshal.
22. A DEA (developer line extension agreement) with the East Wenatchee Water District will be required prior to plan submittals to the District.

23. 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.
24. The Developer will assume all the Water 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.
25. An extension of public sewer will be required to serve the subdivision, and the developer will need to initiate a Developer Extension Application/Agreement (DEA) with the Douglas County Sewer District.
26. All sewer improvements must be constructed and accepted by the Sewer District, or a Performance Bond for 125% of the total value of all sewer improvements must be provided to the Sewer District, prior to final plat approval.
27. Final construction plans designed by a Professional Engineer licensed in the State of Washington shall be submitted to and accepted by Douglas County prior to construction. Construction plans shall be prepared in accordance with the requirements of the East Wenatchee Municipal Code and Douglas County Code.
28. Internal roads shall be constructed in accordance with Urban Local Access standards (Figure 3-7b).
29. Road B shall extend to the northern property line as approximately as shown in the preliminary layout.
30. Road A shall extend to the western property line and include a 96' diameter cul-de-sac approximately as shown in the preliminary layout.
 - 30.1 The applicant has the option to enter into an easement agreement with Douglas County for the portion of the right of way required for the 96' diameter cul-de-sac. Said agreement shall include provisions for dedication of the easement as public right of way via Statutory Warranty Deed if Road A is not constructed as a through street within two years. A Performance Assurance Agreement for the cost of constructing a permanent cul-de-sac shall be executed prior to final plat acceptance. Occupancy will not be issued for any structures within Kentucky Court Phase 2 without construction of, at a minimum, a temporary cul-de-sac with a pavement section that meets the current Urban Local Access Road Standards per Figure 3-7b.
31. Right of way dedication along South Kentucky Avenue to accommodate 35' from centerline shall be included on the face of the plat. Frontage improvements are required along South Kentucky Avenue in accordance with Figure 3-8 (Urban Arterial) from the Douglas County Road Standards. Frontage improvements shall extend south and terminate at the canal. Frontage improvements on the north end shall terminate with a 5:1 asphalt taper. Sidewalks shall terminate with an ADA compliant ramp to grade with truncated domes.
 - 31.1 The existing DCPUD poles along the frontage shall be relocated to the back of walk similar to what was done with the church property to the north. If it is determined that

it is not feasible to do so then the preferred alternative would be to have a consistent landscaping strip along the frontage rather than have the sidewalk wrap around the poles.

32. The minimum width of the access easement or tract serving Lots #27-28 shall be 20'. The driveway serving this lot shall be constructed prior to final plat approval. Minimum surfacing width shall be 15'.
33. Access to South Kentucky Avenue for individual lots created within this subdivision is prohibited. A 1' non-vehicular easement shall be included along the South Nile Avenue frontage.
34. 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.
35. The location of any cluster mailbox units proposed for the subdivision shall be shown on the construction plans. A pullout / turnout shall be provided if the mailbox cluster is located on South Kentucky Avenue. Location to be accepted by the County Engineer and USPS Postmaster prior to plan acceptance. Cluster mailbox units shall be located within the public right of way or covered within an easement dedicated for such use.
36. 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.
37. All existing and proposed easements shall be clearly delineated with the Auditor's File Number(s) noted as necessary on the final plat.
38. The applicant shall enter into a Deferred Improvements Agreement to contribute a proportionate share contribution towards transportation improvements along the Grant Road corridor prior to final plat acceptance.
39. 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.
40. 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.
41. 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.

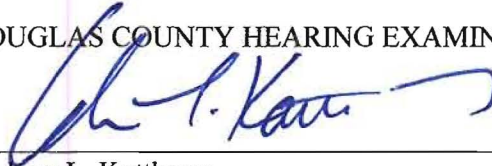
42. Prior to final plat acceptance and/or release of financial security, the Engineer of Record shall provide written certification that the frontage improvements, off-site improvements, internal roads, utility infrastructure, stormwater systems, and grading have been constructed/completed in accordance 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.
43. 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.
44. Per DCC Chapter 12.24, all new or revised accesses onto a County road (including temporary accesses) require an approved access permit.
45. 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.
46. 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.
47. 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.
48. As applicable, 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 depicting the connection to the stormwater stub(s) provided 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 above ground and located on a separate tract(s) under the functional control of the Homeowners' Association with each lot having an undivided ownership, interest, and responsibility for the tract(s).
50. 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.
51. 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.
52. 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.
53. 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.
54. 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.
55. 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:
 - 55.1 "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 _____."
56. 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.
57. 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.

58. Fence or plantings on Wenatchee Reclamation District easement will require a permit issued by the District.
59. Prior to final approval of this development, applicant must obtain a release from Wenatchee Reclamation District which states that irrigation shares have been segregated.
60. RCW 58.17.310 prohibits any city, town, or county from approving a short plat or final plat for property in the District unless the entity has provided an irrigation water right-of-way for each parcel of land. Rights-of-way must be shown on the plat submitted for final approval.

Dated this 25th day of November, 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.