

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-2020-07)	DECISION AND
Pugsley Place Subdivision)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on December 3, 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 Pugsley Place Project LLC, 2452 Columbia Ave NW #17, East Wenatchee, WA 98801.
2. This is an application for a major subdivision application to subdivide an existing lot of approximately 6.012 acres in size into 16 separate lots ranging in size from 0.23 to 0.45 acres.
3. The property is located in the (R-L) Low Residential zoning district under East Wenatchee Municipal Code within the Urban Growth Area, and is further described as being located within Section 34, Township 23N, Range 20E, W.M. The Assessor’s Parcel Number is 23203440031.
4. Site Characteristics: The subject property is vacant and the topography is relatively flat.

Total Project Size:	6.012
No. of lots	16
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. Surrounding Property:
North: Condominium units
South: Single family homes
East: Single family homes
West: Apple Capitol Loop Trail and Columbia River.
6. The subdivision will be accessed from NW Columbia Ave. 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 Low Density Residential (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 Low Density Residential. The minimum lot size permitted in the Low Density Residential designation is 5,000 square feet. It is envisioned that this designation would 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, 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 ensure 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:

- 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. Douglas County issued a Determination of Non-Significance on October 27, 2020 in accordance with WAC 197-11-355 (Optional DNS).
17. Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included. The following agencies commented:

Agency Notified	Response Received	Agency Notified	Response Received
Chelan-Douglas Health District	N/R	Dept. of Arch. & Historical Preservation	09/04/2020 09/29/2020
Douglas County PUD	08/25/2020 10/26/2020	Douglas County GIS/Addressing	08/26/2020
WA State Dept. of Ecology	09/03/2020	Douglas County Assessor	08/31/2020
Douglas County Fire Marshal	09/03/2020	East Wenatchee Water District	10/22/2020
Douglas County Sewer District	10/26/2020	Douglas County Transportation & Stormwater	11/06/2020

Douglas County Land Services	10/22/2020	Wenatchee Reclamation District	N/A
Eastmont School District	N/R	Douglas County Treasurer	08/31/2020

18. The following members of the public commented on the proposal:

- 18.1 Board of Edgewater Cottages HOA – 09/08/2020
- 18.2 Bryan J. Maroney, Attorney at Law with Davis, Arneil Law Firm, LLP – 09/07/2020
Bryan J. Maroney, Attorney at Law with Davis, Arneil Law Firm, LLP provided a letter on behalf of the Board of Edgewater Cottages on September 07, 2020. The letter purports that approval of the Pugsley Place project would land lock Parcel #23203440032.
- 18.3 The applicant's attorney, Evan M. McCauley with Jeffers, Danielson, Sonn & Aylward provided a response to Maroney Letter on September 25, 2020. The letter purports that the application of EWMC 12.52.020 is incorrect and that the property does in fact have existing legal access.
- 18.4 The letters from Bryan Maroney and Evan McCauley, identified above, were provided to James Mitchell, Civil Deputy for Douglas County. In response, James Mitchell prepared a memorandum which includes a brief excerpt regarding the dispute surrounding Douglas County's application of EWMC 12.52.020B.1. It adds that while Parcel #23203440032 does have pedestrian access to the Apple Capital Loop Trail and that the Edgewater Condominiums internal road system does not provide vehicular access as required. The current recommendation from the Prosecuting Attorney's office is to include the following condition:
 - 18.4.1 In accordance with East Wenatchee Municipal Code 12.52.020, the applicant shall include provisions for access to the landlocked property located to the west of the Edgewater Estates Condominiums from the public right of way through the Pugsley Place internal private road system. The easement agreement provided by Mr. Evan M. McCauley of Jeffers, Danielson, Sonn & Aylward, P.S. and reviewed by the Douglas County Prosecuting Attorney's office shall be recorded prior to final plat approval with the AFN listed on the face of the plat.
- 18.5 Board of Edgewater Cottages HOA – 09/05/2020.
- 18.6 Board of Edgewater Cottages HOA – 08/17/2018
- 18.7 Marla Lindell - 10/19/2020

19. According to the Washington State Department of Archaeology and Historic Preservation, Thank you for contacting the State Historic Preservation Officer (SHPO) and the Department of Archaeology and Historic Preservation (DAHP) with documentation regarding the above referenced project. In response, we concur with the results and recommendations made in the revised survey report. We appreciate receiving any correspondence or comments from concerned tribes and other parties that you receive as you consult for this project.

20. The Douglas County PUD provided comments regarding electrical service.

21. 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.
22. The East Wenatchee Water District provided comment that public water is available per this request upon completion of necessary conditions.
23. 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.
24. The Douglas County Sewer District provided comment that public sewer is available; and specific conditions are provided for approval.
25. The Douglas County Fire Marshal has reviewed the project, and subject to the recommended conditions, the proposal can be granted.
26. The Washington State Department of Ecology has provided comments, and recommendations for approval.
26. Initial application materials reviewed by Douglas County Transportation and Stormwater include:
 - 26.1 Alternate to Code prepared by Ed Zontek, received Nov. 5, 2020.
 - 26.2 Letter prepared by Bryan Maroney, received Sep. 9, 2020.
 - 26.3 Letter prepared by Evan McCauley, received Sep. 29, 2020.
 - 26.4 Memorandum prepared by James Mitchell, received Oct. 26, 2020.
 - 26.5 Preliminary Civil Plans prepared by Ed Zontek, received Nov. 5, 2020.
 - 26.6 Preliminary Stormwater Report prepared by Ed Zontek, received Oct. 28, 2020.
 - 26.7 Traffic Impact Analysis prepared by TENW, received Sep. 22, 2020.
27. A request for an alternate to the East Wenatchee Municipal Code (EWMC) was reviewed and accepted on November 6, 2020. The alternate to code allows the applicant to:
 - 27.1 Construct a gate across the proposed private road so long as adequate queuing room is provided to prevent obstruction to the flow of traffic along NW Columbia Avenue.
 - 27.2 Construct the internal private road to Figure 3-7a with sidewalk on one side only.
 - 27.3 Construct a hammerhead at the terminus of the private road in lieu of a cul-de-sac.
28. The civil plans include the proposed stormwater management solution which takes into account the existing 24" water main located below the future flow line. The applicant potholed the 24" main in the location of a proposed curb inlet to ensure adequate cover. The results indicated that this approach was feasible. The civil plans also depict the frontage

improvements along NW Columbia Avenue and construction of an internal private road that meets standards as established in EWMC and the alternate approved in coordination with the Engineer of Record.

29. The Preliminary 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. The applicant is proposing a stormwater pipe located within a 15' wide easement behind a 48" fence on private property. Our department has requested justification which explains how this pipe will be able to be maintained should there be the need to perform repairs. This question remains unanswered and will be further analyzed and resolved during construction plan review.
30. 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:
 - 30.1 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.
31. Consistency with the provisions of Title 17, "Subdivision", DCC:
 - 31.1 As conditioned, the proposed subdivision is consistent with the provision of this title.
 - 31.2 Consistency with the provisions of the Residential Low Density Zoning District, Chapter 17.24, EWMC as adopted by Douglas County: As conditioned, the following dimensional standards for the R-L zoning district (EWMC 17.24.050) will be met for each proposed lot:
 - 31.2.1 Minimum lot area: 5,000 square feet, except as provided in EWMC 17.72.020(D);
 - 31.2.2 Minimum width of lot at building line: 50 feet. Corner lots shall have a minimum width at the building line of 60 feet, except as provided in EWMC 17.72.020(D);
 - 31.2.3 Minimum lot depth: 80 feet;
 - 31.2.4 Maximum building height: 35 feet;
 - 31.2.5 Maximum land coverage: 40 percent for all buildings;
 - 31.2.6 Minimum setback distances, except as provided in EWMC 17.72.040:
 - 31.2.6.1 Front yard: 15 feet, provided any garage or carport with vehicle entrances facing a street shall be set back at least 20 feet from the front lot line;
 - 31.2.6.2 Rear yard: 15 feet;
 - 31.2.6.3 Side yard: five feet.
 - 31.3 Buildings on corner lots shall observe the minimum front yard setback on both streets and shall provide at least one rear yard setback.

- 31.4 Cul-de-Sacs or Irregular Lots (EWMC 17.72.040). No building or structure shall be erected where the front building setback line measures less than 60 feet wide, except when located in a manufactured home park or if specifically approved as a part of a planned development.
- 31.5 17.72.210 Lot frontage - 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, a manufactured home park, a planned development 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) in all use districts and lots located on the outside of a road curve with a radius between 50 and 75 feet.
- 31.6 As applied, the proposal is consistent with the provisions of this chapter.
32. Consistency with the provisions of Lot Frontage, Section 17.72.210, EWMC as adopted by Douglas County:
- 32.1 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.
- 32.2 As applied, the proposal is consistent with the provisions of this chapter. The access is designated as "Private Road."
33. Consistency with the provisions of Open Space Standards, Chapter 17.73, EWMC, adopted by Douglas County:
- 33.1 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.
- 33.2 The application triggers the requirement to provide parks/open space. Based on project size, the total development area is 259,274 sf. The required open space requirement of 5% is 0.30 acres or 12,964 sf. The applicant has provided a preliminary open space / recreation plan within a 0.30 acres Tract (B).
- 33.3 A final open space / recreation plan must be included with the construction drawings. The open space payment must comply with EWMC 17.73 Open Space Standards.
- 33.4 As conditioned, the proposal is consistent with the provisions of this chapter.
34. Consistency with the provisions of DCC Chapter 20.34, Stormwater Drainage:
- 34.1 As conditioned, the proposal is consistent with the provisions of this chapter.
35. Consistency with the provisions of DCC Title 12 Road Standards:
- 35.1 As conditioned, the proposal is consistent with the provisions of this chapter

36. 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.
37. As conditioned below, this application is not detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 17 of the East Wenatchee Municipal Code as adopted in Ordinance # 07-01H, Title 17, 19 and 20 of the Douglas County Code and the Greater East Wenatchee Area Comprehensive Plan.
38. 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."
39. 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."
40. The applicant has submitted the following:
 - 40.1 SEPA Environmental Checklist (08/17/2020)
 - 40.2 Road Naming and Address Applications
 - 40.3 Preliminary Plat prepared by Northwest Geodimensions
 - 40.4 Preliminary open space / recreation plan prepared by Northwest Geodimensions
 - 40.5 Civil Plans prepared by Ed Zontek, P.E. - Consulting Civil Engineer
 - 40.6 Preliminary Stormwater Report prepared by Ed Zontek, P.E. - Consulting Civil Engineer
 - 40.7 A Survey Of Cultural Resources prepared by Brett R. Lenz and Andrew Murphy
41. 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.
42. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
43. 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.

45. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
46. The open record public hearing was originally scheduled for November 19, 2020 via Zoom video conferencing. At this hearing, and on the record, the hearing was continued to December 3, 2020 at 1:30 p.m.
47. At this hearing, the entire Planning Staff file was admitted into the record at the public hearing.
48. Appearing and testifying on behalf of the applicant were Evan McCauley and Ed Zontek. Mr. McCauley indicated that he was the attorney for the Applicant and property owner. He stated that they appreciated working with Douglas County officials and that they agreed with all of the proposed Conditions of Approval, including new proposed Condition of Approval No. 22. Mr. Zontek testified that he is the consulting engineer and confirmed that all of the proposed Conditions of Approval were acceptable, with the revisions suggested by Douglas County.
49. No member of the public testified at the hearing.
50. 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-2020-07 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

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

1. The project shall proceed in substantial conformance with the plans and application materials of file except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. A plat certificate showing parties of interest from a title company must be submitted with the blueline 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 Chelan-Douglas Health District, 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 and sanitary sewer to each lot must be submitted to the Chelan Douglas Health District prior to final plat approval.
13. Prior to final plat approval, written verification shall be provided from the Douglas County Sewer District that all District requirements have been satisfied and that adequate sewer is provided to all lots within the project. The following shall be required:
 - 13.1 The applicant will need to extend public sewer to serve the subdivision. Sewer improvements must be completed and accepted, or adequately bonded for, prior to final plat approval.
14. Prior to final plat approval, Douglas County PUD shall provide written verification that all District requirements have been satisfied. Additional areas for utility easements required.
15. Minimum required Fire Flow is 1000 gallons per minute for a two-hour duration at a minimum of 20 psi. The nearest frontage access to each lot must not be greater than 250 feet from a hydrant. Maximum hydrant spacing is 500 feet.
16. Access at the hammerhead turn-around including between lots 7/10, 10/11, and 14/15 must be posted "No Parking."
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 Marshal and all required improvements will be per current District Design Standards and Specifications.
 - 17.2 All work performed will need to be installed and accepted or have a Performance/Guarantee Bond in place prior to the District signing the "Water Availability" for plat approval. 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. Internal roads shall be constructed in accordance with Urban Local Access standards (Figure 3-7a). The applicant is allowed to construct sidewalk on one side only and a hammerhead at the end of the private road in lieu of a cul-de-sac per the accepted alternate to code. Coordinate design and approval of the hammerhead turnaround with the Douglas County Fire Marshal. The proposed gate across the private road shall be setback 60' from the curb line of NW Columbia Avenue to accommodate queuing storage for residents and any large vehicles that may need to service the subdivision.

20. Right of way dedication along Northwest Columbia Avenue to accommodate 30' from centerline shall be included on the final plat. Frontage improvements are required along Northwest Columbia in accordance with Figure 3-8 (Urban Collector) from the Douglas County Road Standards. Frontage improvements on the south end shall terminate with a 5:1 asphalt taper; the sidewalk shall terminate with an ADA compliant ramp to grade with truncated domes. Frontage improvements on the north end shall tie into the existing improvements along the frontage of the Edgewater Condos to provide pedestrian connectivity.
 - 20.1 The existing 24" water main is located beneath future flow line and as a result a typical catch basin cannot be installed in this location. Through coordination with the applicant's engineer and the East Wenatchee Water District a solution has been reached that will allow installation of a curb inlet which is significantly smaller in size and will provide adequate cover over the main.
 - 20.2 There is an existing East Wenatchee Water District drain in a 48" diameter concrete structure that is located where the sidewalk will be installed along the frontage of NW Columbia Avenue. The lid shall be adjusted to finish grade of the sidewalk and include a minimum of two feet of concrete on all sides of the lid. Additional right of way may be required to accommodate the sidewalk panel in this location.
21. In accordance with East Wenatchee Municipal Code 12.52.020, the applicant shall include provisions for access to the landlocked property located to the west of the Edgewater Estates Condominiums from the public right of way through the Pugsley Place internal private road system. The easement agreement provided by Mr. Evan M. McCauley of Jeffers, Danielson, Sonn & Aylward, P.S. and reviewed by the Douglas County Prosecuting Attorney's office shall be recorded prior to final plat approval with the AFN listed on the face of the plat.
22. The minimum width of the access easement or tract serving Lots #9, 12-13, and 16 shall be 20'. The driveway serving these lots shall be constructed prior to final plat approval. Minimum surfacing width shall be 15'.
23. Access to Northwest Columbia Avenue for individual lots created within this subdivision is prohibited. A 1' non-vehicular easement shall be included along the Northwest Columbia Avenue frontage. With exceptions for the proposed private road and access for the storm facilities.
24. 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.
25. 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 Northwest Columbia 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.

26. 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.
27. All existing and proposed easements shall be clearly delineated with the Auditor's File Number(s) noted as necessary on the final plat.
28. 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.
29. 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.
30. 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.
31. 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.
32. Per DCC Chapter 12.24, all new or revised accesses onto a County road (including temporary accesses) require an approved access permit.
33. 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.
34. 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.
35. 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.

36. Notes shall be included on the face of the final plat which state:
 - 36.1 "At the time of building permit submittal, an engineered site specific stormwater plan and report for Lots 5-8 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."
 - 36.2 "At the time of building permit submittal, a site plan depicting the conveyance pipe layout and the connection to the stormwater stub(s) provided for Lots 1-4 and 9-16 shall be submitted that includes the following information:
 - 36.2.1 Pipe size.
 - 36.2.2 Minimum pipe slope.
 - 36.2.3 Invert elevation at the connection to the stub.
 - 36.2.4 Finished floor elevation of the structure and garage slab.
37. The applicant shall reasonably demonstrate how maintenance will be performed for the storm pipe located within the 15' easement on proposed Lot #15. This may require an alternate location for the fence shown on the preliminary civil plans and will be determined during the construction plan review process.
38. 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).
39. Provisions to provide access for inspection and maintenance of the stormwater tract(s) / easement(s) shall be addressed within the design plans, report, and on the final plat as necessary.
40. 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.
41. 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.
42. 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.

43. The Engineer of Record shall monitor construction and shall provide as-built drawings and report as necessary along with certification that the improvements have been completed in accordance with the applicable codes, regulations, and accepted plans.
44. Prior to final plat acceptance, a Private Stormwater Operation and Maintenance Agreement shall be executed on standard Douglas County forms. The site plan, details, certification, and operation and maintenance recommendations are provided to the County. County staff then prepares the agreement for signature and recording by the applicant. A note shall be included on the face of the final plat which states:
 - 44.1 "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 _____."
45. Individual lots created within this development are subject to the Douglas County Stormwater Utility annual service charge. This charge is per parcel and is triggered at the time of building permit issuance. The private road will be assessed a fee as well and is based on the total amount of impervious surface.
46. Individual/common plan development for this proposal exceeds 1-acre of disturbed ground. This would meet the threshold by the Washington State Department of Ecology (WSDOE) in administering their general permit to discharge stormwater associated with construction activity. 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.
47. Prior to final plat approval, written verification from the Irrigation District (Wenatchee Reclamation District or Greater Wenatchee Irrigation District) that the requirements of the District have been satisfied is required.
48. 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. The applicant shall submit 2-3 road names, in order of preference, for Tract A. The road names should comply with DCC 12.04.
49. In the event that ground disturbing or other construction activities result in the inadvertent discovery of buried archaeology, the development work should cease, and immediate contact made with the appropriate Tribal contacts, as well as the office of the State Historic Preservation Officer (SHPO) at DAHP in Olympia.
50. A final recreation space plan must be included with the construction drawings. The open space plans must comply with EWMC 17.73 Open Space Standards.
51. In the event that ground disturbing or other construction activities result in the inadvertent discovery of buried archaeology, the development work should cease, and immediate contact

made with the appropriate Tribal contacts, as well as the office of the State Historic Preservation Officer (SHPO) at DAHP in Olympia.

52. According to the Department of Ecology, the following note shall appear on the face of the plat:
- 52.1 "Based upon the historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides. The WA State Department of 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."
54. 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 4th day of December, 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.