

**DOUGLAS COUNTY**

**DEPARTMENT OF HEARING EXAMINER**

140 19<sup>th</sup> Street NW  
East Wenatchee, WAS 98802-4109

**BEFORE THE DOUGLAS COUNTY HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
P-2018-02	)	<b>DECISION AND</b>
Sage Brooke	)	<b>CONDITIONS OF APPROVAL</b>

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on April 18, 2019, 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 Adam Brizendine as JAB Investors, LLC, POB 119, Wenatchee, WA 98807.
2. General Description: A 99-Lot major subdivision of two parcels totaling approximately 22 acres and zoned Low Density Residential (R-L) under the East Wenatchee Municipal Code. The proposed lots range in size from 5,000 square feet to approximately 1.5 acres. The proposal includes a recreation/open space area and a tract for storm drainage. The project is proposed to be served by public water and public sewer.
3. Location: The two subject properties are located at the intersection of Rock Island Rd and South Nevada Avenue, west of South Nile Avenue in the East Wenatchee Urban Growth Area (UGA). The properties are located within the Low Density Residential (R-L) zoning district under the East Wenatchee Municipal Code and are further described as being located within the SE Quarter of Section 19, Township 22N, Range 21E, W.M.

4. The Assessor's Parcel Numbers are: 41000001702 and 41000001801.
5. Site Information:
  - 5.1 Total Project Size: approximately 22 acres
  - 5.2 No. of lots 99
  - 5.3 Domestic Water: East Wenatchee Water District
  - 5.4 Sewage Disposal: Douglas County Sewer District
  - 5.5 Power/Electricity: Douglas County PUD
  - 5.6 Fire Protection: Douglas County Fire District #2
  - 5.7 Telephone Service: Frontier
6. Site Characteristics: The subject property was recently in orchard production and is currently devoid of vegetation except for orchard grass, weedy species and cleared fruit trees that are prepared for disposal.
  - 6.1 The topography ranges from a steep slope of over 30% near the north property line to a gentler slope of 10-15% grade for the majority of the acreage proposed to be developed. A large, incised, ephemeral drainage is present on the west-central section of the property and there are other incised drainage gullies along the steep slope adjacent to the northern property line.
  - 6.2 A shop/warehouse used for the previous agriculture operations is the only structure on site. Illegal dumping sites and construction scrap are scattered in areas of the property.
7. Surrounding Property:

North: Single family homes, agriculture and WENREC irrigation canal.

South: Single family homes and agriculture

East: Single family homes

West: Single family homes
8. The subject properties are located within the Greater East Wenatchee Planning Area.
9. The subject properties are located within the East Wenatchee Urban Growth Area.
10. The Greater East Wenatchee Area and the proposed project are within Link Transit's service area.
11. The Comprehensive Plan Designation is Low Residential.
12. The subject property is located in the Low Density Residential (R-L) zoning district which allows for subdivisions as permitted uses.
13. On March 28, 2007, Douglas County adopted Ordinance No. 07-01H which adopted portions of Title 17 of the East Wenatchee Municipal Code within the unincorporated portions of the East Wenatchee Urban Growth Area.
14. EWMC 17.72.210 requires residential lots to have not less than 40 feet of frontage on a public or private roadway, except when located within a cul-de-sac, or when the lot is accessed from a joint-use driveway or access easement meeting the requirements of

Chapters 12.50 through 12.60 EVMC. 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.

15. The properties are located within the Wenatchee Reclamation Irrigation District service area.
16. Alice Meyer of the Wenatchee Reclamation District (WENREC) stated in email that WENREC District Manager, Waylon Marshall, met on-site with the applicant (Charley Underwood, PE) to discuss the District's needs and exclusive access through the property.
17. WENREC requires that the developer be aware that excavation in the vicinity of the canal can undermine the integrity of the canal.
18. WENREC has an exclusive access easement through the subject property to the irrigation canal and service road along the northern property boundary. WENREC has stated that their easement cannot be used by the proposed development.
19. RCW 58.17.310 prohibits any city, town or county from approving a plat in the WENREC District unless the entity has provided an irrigation water right-of-way for each parcel of land.
20. Erik Howe, PE of RH2 Engineering submitted comments on April 2, 2019 on behalf of Link Transit regarding requirements for a bus pullout and bus stop shelter along the project's Rock Island Road frontage. Link Transit's requirements are included in the suggested conditions of approval and in Attachment A of this staff report.
21. Eastmont School District #206 has determined that adequate school related facilities exist to accommodate increased student enrollment associated with increased residential development.
22. The Douglas County Fire Marshal provided comments on April 1, 2019 and April 8, 2019.
23. Proposed lots 47 through 50 do not have adequate emergency access.
24. Secondary emergency egress at S. Nile is sufficient to avoid residential fire sprinklers, provided that fire flow and access are met.
25. A minimum of 1000 gallons per minute (gpm) of fire flow is required for this subdivision.
26. Fire department access roads require a separation distance of no less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, as measure in a straight line between accesses.
27. Developments of one- or two-family dwellings exceeding 30 dwelling units require secondary, approved fire apparatus access unless the dwelling units are provided with an approved residential fire sprinkler system.
28. The property is not currently served with 1000 gpm fire flow.
29. The East Wenatchee Water District provided comment that public water is available for the project as proposed.
30. The Douglas County Sewer District provided comment that public sewer is available for the project as proposed.
31. This plat is contingent upon the completion of the right of way vacation for South Nevada Avenue.

32. Initial application materials reviewed by Douglas County Transportation and Stormwater include:
  - 32.1 Alternate to code request prepared by Selland Construction, accepted on December 11, 2018.
  - 32.2 Preliminary civil plans prepared by Selland Construction, received March 21, 2019.
  - 32.3 Preliminary plat map prepared by 48° North, received March 21, 2019.
  - 32.4 Geological Hazard Assessment prepared by Anderson Geological Consulting, received December 20, 2018.
  - 32.5 Preliminary Stormwater Report prepared by Selland Construction, received March 21, 2019.
  - 32.5 Traffic Impact Analysis prepared by TENW, received March 21, 2019.
  - 32.6 SEPA Checklist prepared by JAB Investors, LLC, received December 19, 2018.
33. Alternate to Code Request:

A request for an alternate to the East Wenatchee Municipal Code (EWMC) was reviewed and accepted on December 11, 2018. The alternate to code allows the applicant to:

  - 33.1 Construct internal private road sections utilizing parking and sidewalk on one side only.
  - 33.2 Construct rolled curb on all internal roads.
  - 33.3 Construct internal roads utilizing a design speed of 15 MPH.
34. Acceptance of the code variance is contingent upon the following:
  - 34.1 Parking shall be limited to the outside roadway radii.
  - 34.2 “NO PARKING” signs shall be located along the inner roadway radii.
35. Geological Hazard Assessment:

The Geological Hazard Assessment has identified or stated the following:

  - 35.1 “A large, incised, ephemeral drainage is present on the west-central section of the property and there are other incised drainage gullies along the steep slope of gravels and cobble soil along the northern area of the property.”
  - 35.2 “The Cashmont and Pogue soils comprise the majority of the tax parcels that are proposed for development and the Torriorthents comprise the steep slope area of the properties.”
  - 35.3 “At the northern extent of the proposed housing development area, the cleared, more gentle sloped land ends abruptly at a steep, greater than 30 percent grade, south aspect slope which contains several drainage gullies.”
  - 35.4 “The development project [...] will not impact these hazards other than potential irrigation pipe breakage or lack of stormwater control mitigation at the mouth of the incised gully.”

- 35.5 “The incised drainage gully that is at the northern end of South Nevada Avenue is a concern for stormwater runoff control and the potential impact to houses in its flow path.”
- 35.6 “[...] mitigation measures should include stormwater controls for the water that could drain from the ephemeral drainage at South Nevada Avenue [...].”
36. Preliminary Stormwater Report
- 36.1 A drainage issue is known to exist on the subject property and is suspected to originate in the location of an existing natural drainage located on the north central portion of the project. The drainage is spanned by the Wenatchee Reclamation District’s irrigation canal through an enclosed flume. The flume has a rectangular weir on the north face that has the potential to discharge water during large storm events.
- 36.2 Preliminary infiltration data was supplied as an attachment to the report which identifies testing performed in two locations. The map showing the location of these tests appears to be missing from the document. It should be noted that the test was performed over a five-minute period which does not conform to the requirements presented in the Stormwater Management Manual for Eastern Washington.
37. The Curve Number (CN) value assigned to the off-site 18.5-acre tributary basin does not appear consistent with the existing conditions.
38. Additionally, the Preliminary Stormwater Report has identified or stated the following:
- 38.1 “Previously, the site was developed as a tree fruit orchard but was recently cleared. The current topography generally slopes from north to south with variable slopes. There is an existing shop / warehouse onsite and the current ground cover consists primarily of orchard grass remnants.”
- 38.2 “Currently, it is proposed that runoff from the site improvements (lots and streets) will be retained and infiltrated within the private access easement. The project will also collect and infiltrate runoff from the improved Rock Island Road right-of-way. Developed drainage patterns will remain as close to existing as practical, with the assumption that all developed runoff from the site improvements will be retained onsite.”
39. Traffic Impact Analysis
- 39.1 The Traffic Impact Analysis (TIA) has identified the need for the development to provide a proportional share contribution for improvements located at the intersection of Nile Avenue & Grant Road and Nile Avenue & SR 28. The TIA has also identified or stated the following:
- 39.2 The northbound approach (private) located at the intersection of Nile Avenue & SR 28 currently operates at a Level of Service (LOS) F.
- 39.3 “[...] the proposed Sage Brooke Subdivision project is estimated to generate approximately 962 weekday daily trips, 76 a.m. peak hour trips (19 entering and 57 exiting), and 101 p.m. peak hour trips (64 entering and 37 exiting).”
40. “The northbound approach of Nile Avenue onto Grant Road and the southbound approach of Nile Avenue onto SR 28 would operate at LOS E in 2025 without the project. In addition, the

private street approach northbound onto SR 28 at Nile Road is forecast to operate at LOS F in 2025 baseline condition.”

41. “For the site access driveway onto Rock Island Road with a 40 mph design speed [...] a minimum of 405 feet is required for entering sight distance [...] and 305 feet is required for design stopping sight distance [...]. Estimated field sight distance for the site access driveway onto Rock Island Road is greater than 800 feet to the west and greater than 400 feet to the east, and therefore would meet [...] minimum requirements.”
42. “Field estimates of entering sight distance at three study intersections along Rock Island Road were reviewed [...]. At the 4-way intersection of Nile Avenue and Rock Island Road, entering sight distance east and west along Rock Island Road measured 15-feet away from the edge of travelled way was in excess of 500 feet in either direction. At the intersection of Lyle Avenue and Mary Avenue, both fencing and vegetation on the southwest quadrants of each intersection block and obstruct entering sight distance to the west at both intersections. These include obstructions within both the public right of way and on private property.”
43. “Nile Avenue north of Rock Island Road has limited shoulders but adequate lane widths of approximately 11 feet. Grade and sharp horizontal geometry of the roadway fits within a “mountainous roadway” category and is signed for sharp curves and steep grade. While these existing geometric conditions are not “ideal”, they do fall within representative roadway conditions for a number of local and collector arterials throughout North Central Washington given challenging topography throughout the region and are considered “expected” by residents and typical travelers. During inclement weather, alternative travel routes via SR 28 or Rock Island Road are available to residents and/or guests, and therefore, no adverse safety issues are expected.”
44. The Washington State Department of Transportation has had an opportunity to review the TIA and have supplied the below comments:
  - 44.1 March 25, 2019 –
    - 44.1.1 “The attached TIA shows only 28% of the traffic at the SR 28/Nile interchange. This is less than the circuitous route up S Nile Ave. to Grant Road (30%). I expect the percentage of traffic heading out on SR 28 off of Nile is underestimated as a result of travelers selecting different routes due to the low LOS at Nile and SR 28.”
    - 44.1.2 “The new development’s travelers merging onto SR 28 from Nile will increase the conflicts at the intersection with travelers merging onto SR 28 from the mobile home park. This increased conflict needs to be taken into account when placing requirements for mitigation of significant traffic impacts.”
45. “In reference to the TENW Response 4i, with respect to being the responsibility to mitigate traffic impacts being only WSDOT and the County, the TIA’s proposed mitigation of 3.4% in project funds at the intersection of SR 28 and Nile suggests otherwise.”
46. “In regards to partial project funding being submitted by the Developer, according to RCW 82.02.020, Developer volunteer mitigation funds are required to be spent within 5 years. With the department not having a planned intersection improvement project at the intersection of SR 28 and Nile in the near future, prorate share payment for improvements at the SR 28/Nile intersection is not applicable.”

47. "In regards to the TIA, the Department recommends the Developer supplement the TIA with a signal analysis at the Nile/SR 28 intersection and propose improvements at the intersection using the supplemented TIA as background data. Then, the Department recommends the Developer provide a plan for approval regarding implementing a plan to mitigate for the Developer's significant traffic impacts."
  - 47.1 April 4, 2019 –
    - 47.1.1 "As the TIA stated, signal warrants at the SR 28/Nile Intersection are not expected to be met with the Sage Brooke development. Therefore, the proposed development will not create substantial traffic impacts to the SR 28/Nile Intersection that will warrant mitigation."
48. The project, as proposed, meets the requirements of WSDOT.
49. SEPA Checklist
  - 49.1 Section B (Environmental Elements), Water, Ground Water, question #1: "No."
    - 49.1.1 The project proposes to mitigate stormwater runoff via infiltration (i.e. discharged to groundwater).
  - 49.2 Section B (Environmental Elements), Water, Water runoff, Question #2: "No."
    - 49.2.1 The project will treat stormwater in accordance with the Stormwater Management Manual for Eastern Washington (SWMMEW).
  - 49.3 Section B (Environmental Elements), Water, Water runoff, Question #3: "No."
    - 49.3.1 The project is developing a roadway system that intercepts runoff from an incised gully with a fairly large contributory basin.
50. 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.
51. Comments from reviewing agencies have been considered and addressed where appropriate.
52. Douglas County issued a Determination of Non-Significance on April 3, 2019 pursuant to WAC 197-11-355 (Optional DNS).
53. 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.
54. Proper legal requirements were met, and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
55. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
56. Section 17.24.150 of the Douglas County Code requires that every subdivision shall be served by a water supply system approved and installed to meet the requirements and standards of the Chelan Douglas Health District.
57. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
58. An open record public hearing after due legal notice was held on April 18, 2019.

59. The entire Planning Staff file was admitted into the record at the public hearing.
60. Also admitted into the record was Exhibit 1. Exhibit 1 is a public comment submitted by Jack Dugger dated April 17, 2019. Exhibit 1 was admitted into the record.
60. Appearing and testifying on behalf of the applicant was Charley Underwood. Mr. Underwood testified that he was the agent of the property owner and was authorized to appear and speak on their behalf. Mr. Underwood testified that the applicant concurred with the all of the representations set forth in the staff report and had no objections to any of the proposed conditions of approval. Mr. Underwood also indicated that all of the roads would be private.
61. Testifying from the public were the following individuals:
  - 61.1 Fred Willsey. Mr. Willsey testified that he has an irrigation line along the property line. He doesn't know if he has an easement but he wanted to put the fact that he has an irrigation line into the record. He is concerned that he would be required to connect to the sewer line if it runs in front of his house. He just spent a lot of money on a new drain field and did not want to be forced to connect to the sewer line.
  - 61.2 Kammeron Todd. Ms. Todd was representing the residents of the Penfold subdivision. She also had concern regarding water and irrigation line easements and that they will have the ability to access and maintain their irrigation lines after the development of this property. She also had concerns regarding flooding off of Nile and wanted additional information as to the stormwater plans for the development. She also had concerns that the residents of the Penfold subdivision did not want to be required to connect to any sewer lines.
  - 61.3 Jim O'Dell. Mr. O'Dell also wanted to put on the record that he had an irrigation line adjacent to the property that needed to be protected. He also had concerns regarding flooding that occurs off of Nile Avenue and that he just put in an \$18,000.00 drain field and did not want to be required to hook up to the sewer system. He also had concerns that there was only 1 access point into the subdivision and that this seemed to be way too many cars using Rock Island Road. He also has hedgerows on his property that he didn't want to remove.
62. Representatives of Douglas County indicated that stormwater would be required to be retained on site with a system designed for a 100 year storm and that this was found in a proposed condition of approval.
63. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
64. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
65. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
66. Any conclusion of law that is more correctly a finding of fact is hereby incorporated as such by this reference.

## II. CONCLUSIONS OF LAW

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

## III. DECISION

Based on the above Findings of Fact and Conclusions of Law, Application P-2018-02 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 December 19, 2018 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. To facilitate efficient emergency response affecting public health and safety, an addressing plan shall be assigned by the Douglas County Geographic Information System Coordinator during blue line review of the final plat. Contact Todd Wilson at 509-884-7173 prior to blue line submittal to select appropriate road names. Access easements must be named. Addresses for each lot shall be shown on the face of the final Mylar prior to final plat approval.
10. A detailed design of the recreation/open space area(s), signed by a licensed designer, must be included with the final plans and construction drawings (Bluelines) and shall be consistent with EWMC 17.73 Open Space Standards.
11. Prior to final plat approval, the required open space shall be built/installed and shall be consistent with EWMC 17.73 Open Space Standards, or a performance assurance agreement must be entered into between the applicant and the County.
12. Prior to final plat approval, a signed affidavit is required from a landscape professional that all open space landscaping has been installed as required, or a performance assurance agreement must be entered into between the applicant and the County.
13. 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 EWMC Chapters 12.50 through 12.60, comprehensive street standards, and any amendments.
14. 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, as per EWMC 17.72.210 Lot Frontage, except as may be amended.
15. An adequate building envelope for each lot must be established outside of all applicable setbacks and shown on the blue line drawing. Maximum land coverage for all buildings on a proposed lot shall be 40%, as per EWMC 17.24.050 Dimensional Standards, except as may be amended.
16. 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.
17. 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.
18. 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.

19. 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.
20. The following language must appear with the Health District signature line:
21. "The Health District has not reviewed the legal availability of water to this development."
22. All mitigation measures, construction techniques, recommendations and technical specifications provided in the geotechnical report shall be applied during the implementation of the proposal. The engineer of record shall submit sealed verification at the conclusion of construction that development occurred in conformance with the approved plans.
23. Prior to final plat approval, written verification shall be provided from the Wenatchee Reclamation District that all District requirements have been satisfied.
24. Prior to final plat approval, written verification shall be provided from Link Transit that all requirements have been satisfied.
25. Prior to final plat approval, Douglas County PUD shall provide written verification that all District requirements have been satisfied.
26. The applicant must coordinate with Douglas County Transportation and the US Postal Service to determine mailbox location(s).
27. The applicant shall not undermine the integrity of WENREC's irrigation canal or access road.
28. WENREC has an exclusive access easement through the subject property to the irrigation canal and service road along the northern property boundary. The WENREC access road and easement shall not be used for the proposed development.
29. RCW 58.17.310 prohibits any city, town or county from approving a plat in the WENREC District unless the entity has provided an irrigation water right-of-way for each parcel of land. Other requirements of WENREC must be satisfied prior to final plat approval. Final approval from WENREC is required prior to final plat approval.
30. A bus pullout and bus stop shelter for Link Transit shall be installed by the developer along the project's Rock Island Road frontage. Other requirements of Link Transit must be satisfied prior to final plat approval.
31. Adequate access approved by the Douglas County Fire Marshal and Douglas County Transportation must be provided to lots 47 through 50.
32. Secondary emergency egress at S. Nile is sufficient to avoid residential fire sprinklers, provided that fire flow and access are met.
33. A minimum of 1000 gallons per minute (gpm) of fire flow is required for this subdivision.
34. Fire department access roads require a separation distance of no less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, as measure in a straight line between accesses.
35. Developments of one- or two-family dwellings exceeding 30 dwelling units must construct an approved fire apparatus access unless the dwelling units are provided with an approved residential fire sprinkler system.
36. The applicant shall provide fire flow at or above 1000 gallons per minute. Adequate fire flow must be provided, or residential fire sprinklers will be required for each lot.

37. Fire hydrants shall be located within 250 feet from the frontage access to each lot and no greater than 500 feet between hydrants, and as approved by the fire marshal, in accordance to area design requirements.
38. Fire department access roads shall maintain a separation distance of no less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, as measure in a straight line between accesses.
39. Prior to final plat approval, written verification shall be provided from the Douglas County Fire Marshal that all requirements have been satisfied.
40. 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.
41. Prior to plan submittal, the applicant shall submit a Hydraulic Analysis and Developer Line Extension Agreement to the East Wenatchee Water District.
42. Prior to final plat approval, written verification shall be provided from the Douglas County Sewer District that all District requirements have been satisfied and certification of sewer availability is required.
43. 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.
44. Internal private roads shall be constructed to meet the roadway section for parking on one side presented on Figure 3-7b of the Douglas County Road Standards. The applicant is allowed to construct rolled curb and sidewalk on one side only per the accepted alternate to code.
45. Internal private roads shall be designed utilizing a minimum design speed of 15 mph.
46. Parking shall be restricted to the outside roadway radii. "NO PARKING" signs shall be installed along the inner roadway radii.
47. Frontage improvements are required along Rock Island Road in accordance with Figure 3-8 (Urban Arterial) from the Douglas County Road Standards. The applicant shall enter into a Deferred Improvements Agreement for the frontage improvements along Tract B prior to final plat acceptance.
48. The preliminary civil plans depict installation of a sanitary sewer lift station on "TRACT B". Tract B is visually depicted as part of Phase 4 on the preliminary plat map. The lift station and the associated infrastructure necessary to serve Phases 1-3 shall be constructed prior to final plat acceptance for Phases 1-3 respectively.
49. The applicant shall coordinate directly with Douglas County Transportation and Stormwater to obtain a Utility Permit for the sanitary sewer force main installation within Douglas County Right of Way. Permit shall be issued and noticing periods adhered to before commencement of work within Douglas County Right of Way.
50. Emergency vehicle access shall be provided to Nile Avenue. The access shall be gated to prohibit the public from utilizing this access point. Coordinate approval with the County Engineer and Douglas County Fire Marshal.

51. Access to Rock Island Road for individual lots created within this subdivision is prohibited. All access points are to come from the internal road system. Include a 1' non-vehicular easement along the Rock Island Road Frontage excluding the access point for the internal road system.
52. Access to Lots 47-50 shall be coordinated with and accepted by the Douglas County Fire Marshal and Wenatchee Reclamation District.
53. The paved cul-de-sac turnaround located at the end of the proposed road designated as "Road D" shall include a paved snow storage easement (20' x 30'). Signage restricting parking in order to accommodate emergency vehicles as well as the snow storage area shall be installed in the cul-de-sac.
54. 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.
55. The location of cluster mailbox units for the subdivision shall be shown on the construction plans. A pullout / turnout shall be provided if the mailbox cluster is located on Rock Island Road. Location to be accepted by the County Engineer and USPS Postmaster prior to plan acceptance. Additional Right of Way may be required.
56. Five-foot utility easements are required along all lots or tracts with County road frontage in accordance with applicable road standards.
57. All existing and proposed easements shall be clearly delineated, with the Auditor's File Number(s) noted on the final plat as needed.
58. The applicant shall enter into a Deferred Improvements Agreement on Douglas County approved forms for the proportionate share contribution associated with the improvements of Nile Avenue and Grant Road prior to final plat acceptance. The agreement shall be drafted in accordance with the recommendations identified within the Traffic Impact Analysis performed by TENW, dated March 6, 2019.
59. Coordinate directly with Link Transit to determine if additional transit stops or any other form of mitigation is required as a result of this project. Provide written verification from Link Transit confirming that the existing facilities or proposed mitigation is adequate. Include a signature block for link transit on the cover sheet of the construction plans.
60. 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.
61. Prior to final plat acceptance and/or release of financial security, the Engineer of Record shall provide written certification that the frontage improvements, internal roads, utility plans, stormwater systems, and site grading have been constructed/completed in accordance with the Conditions of Approval, applicable codes, and the accepted construction plans. Monitoring shall be required as determined appropriate by the Engineer of Record and in accordance with the Road Standards, with final reports submitted to Douglas County along with the certification.

62. Final acceptance shall be processed in accordance with East Wenatchee Municipal Code (EWMC) Section 12.56.110 Performance Assurance Agreement and a warranty assurance agreement shall be completed per EWMC 12.50.110 prior to final plat acceptance.
63. All new or revised accesses onto a County road (including temporary) require an approved access permit. Douglas County will permit one access point to Rock Island Road for connection/construction and one access to South Nile Avenue for gated emergency vehicle access only. An access permit shall be obtained prior to any on-site grading or within thirty (30) days of plan acceptance (whichever comes first).
64. 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.
65. A final site-specific stormwater plan and report prepared by a Professional Engineer (PE) licensed in the State of Washington that conforms to East Wenatchee Municipal Code, Douglas County Code, and the Stormwater Management Manual for Eastern Washington (SWMMEW) shall be submitted to and accepted by Douglas County prior to construction.
66. Field infiltration tests shall be performed in the location of the proposed stormwater facilities. Testing shall conform to the requirements and recommendations of the Stormwater Management Manual for Eastern Washington (SWMMEW). The infiltration rate derived in this manner shall be utilized in the design process with an appropriate factor of safety applied. The test results shall be included as an appendix to the stormwater report and shall include a map depicting the location of the tests, testing agency, and methodology utilized from the SWMMEW.
67. The Wenatchee Reclamation District has stated that the large enclosed flume with the rectangular weir on the northern face has never overflowed. A known drainage issue exists in this location; mitigation shall be provided. Coordinate directly with Douglas County Transportation and Stormwater during construction plan review to determine an acceptable solution.
68. The Curve Number (CN) value assigned to the off-site 18.5-acre tributary basin does not appear consistent with the existing conditions. The CN value utilized in the final stormwater design and report shall be revised to be an accurate representation of the existing condition (i.e. hydrologic soil group & ground cover) to accommodate the runoff from this drainage.
69. The drainage report and construction plans shall explain/depict how runoff is being retained on each lot or conveyed to a community storm system. This includes grading and/or storm drainage stubs as necessary. If storm stubs are utilized, a note will be required on the face of the final plat (see plat notes below)
70. Storm infrastructure for proposed Lots 47-50 shall be identified or feasibility addressed and deferral specifically requested within the storm report. If a deferral is requested, a note will be required on the face of the final plat (see plat notes below).

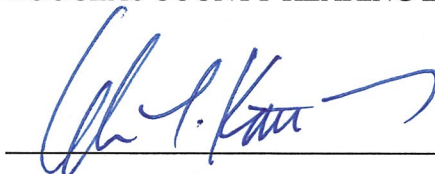
71. Stormwater facilities shall be designed to overflow to the private roads or oversized by 125% of design capacity plus one-foot of freeboard. The volume used to determine that the system meets 125% of design capacity cannot include volume provided by the one-foot of freeboard. A downstream analysis of potential overflow impacts shall be included within the design report.
72. As applicable, provisions to provide access for inspection and maintenance to the stormwater tract(s) shall be addressed within the design plans, report, and on the face of the final plat.
73. 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.
74. The applicant shall be responsible for preventing mud, dirt, debris, and stormwater runoff from being tracked or otherwise discharging onto the public Right of Way or adjacent properties.
75. Registration of facilities that are regulated under the Washington State Department of Ecology's Underground Injection Control Program shall be completed prior to construction plan acceptance.
76. Stormwater facilities shall be located on separate tracts or easements under the functional control of the Homeowners' Association (HOA) with each lot having an undivided ownership, interest, and responsibility for the tracts and/or easements.
77. 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.
78. 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.
79. Individual lots created within this development are subject to the Greater East Wenatchee Stormwater Utility annual service charge. This charge is per parcel and is triggered at the time of building permit issuance.
80. 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.
81. The following notes shall appear on the face of the final plat:
  - 82.1 "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.”

- 82.2 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.
- 82.3 At the time of building permit submittal, an engineered site specific stormwater plan and report shall be submitted that conforms to Douglas County Code and the Stormwater Management Manual for Eastern Washington. The Engineer of Record shall provide certification that the private on-site stormwater system has been completed in accordance with the accepted plans. A Private Stormwater Operation and Maintenance Agreement, prepared with standard Douglas County forms, shall be executed and recorded with the Douglas County Auditor.
- 82. At the time of building permit submittal for Lots 47-50, an engineered site specific stormwater plan and report shall be submitted that conforms to Douglas County Code and the Stormwater Management Manual for Eastern Washington. The Engineer of Record shall provide certification that the private on-site stormwater system has been completed in accordance with the accepted plans.
- 83. A Private Stormwater Operation and Maintenance Agreement has been recorded under AFN: \_\_\_\_\_.
- 84. A Private Access Operation and Maintenance Agreement has been recorded under AFN: \_\_\_\_\_.
- 84.1. All activities associated with lot development, including any construction, grading and excavation shall adhere to the conclusions and recommendations section in the geologic hazard assessment dated October 1, 2018 prepared by Anderson Geological Consulting, LLC and recorded under AFN: \_\_\_\_\_.
- 84.2. Concurrent with the submittal of a building permit application, the applicant must provide a letter from a licensed geotechnical professional that all site and construction plans contain necessary components and are consistent with the recommendations contained in the above listed geologic hazard risk assessment.

Dated this 22<sup>nd</sup> day of April, 2019.

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.**