

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-16-03)	DECISION AND
Jessup)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on March 2, 2017, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. The applicant is Jessup Home Design, 118 Springhill Dr., East Wenatchee WA.
2. The property owner for APN 75000006401 is Lawrence and Ruby Junger, 121 NW 35th St East Wenatchee, and for APN 75000005001 is Ben and Ruth Nickels, 2610 6th St SE, East Wenatchee.
3. The property owners signed the application.
4. General Description: An application for a 74 lot major subdivision. Proposed lot sizes range from 12,500 sq. ft. to 21,780 sq. ft. Lots are proposed to be served by public water and sewer.
5. Location: The subject property is located between 6th St. SE and 8th St. SE at the NE corner of the intersection of 8th St. SE and S Nile Ave. The property is further described as being located within the SW quarter of the SW quarter of Section 17, Township 22 N., Range 21 EWM, Douglas County, WA. The Douglas County Assessors Numbers are 75000006300, 75000006401, and 75000005001.
6. Site Information:

Total Project Size:	27.6 acres
No. of lots	74
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: Frontier

7. Site Characteristics: Portions of the subject property are in orchard. Other portions are formerly orchard. A single family residence is present on APN 75000005001. A single family residence and shed are present on 75000006300.
8. The subject property is located within the East Wenatchee Urban Growth Area.
9. The Comprehensive Plan Designation is Low Residential.
10. The subject property is located in the R-L zoning district which allows for subdivisions as permitted uses.
11. On March 28, 2007, Douglas County adopted sections of Title 17 'Zoning' of the East Wenatchee Municipal Code within the unincorporated portions of the East Wenatchee Urban Growth Boundary. The most recent update occurred on July 28, 2015 where the County adopted Ordinance TLS 15-11-31B.
12. RCW 58.17.110(2) requires that appropriate and adequate provisions be made for streets or roads, alleys or other public ways.
13. The subdivision will access S. Nile Ave, 6th Street SE, and 8th Street SE. The proposal includes local access streets which will be constructed to county standards. All roadway improvements would be the responsibility of the developer.
14. A request for County consideration of Design Alternatives was submitted on January 25, 2017 (dated January 9, 2017) from Pacific Engineering. The County Engineer reviewed and accepted, with modifications the proposed Design Alternatives on January 30, 2017. The accepted alternatives have been incorporated into the conditions of approval.
15. Frontage Improvements are addressed in Chapter 12.50.150 Transportation System and Frontage Improvements, of the DCC and EWMC. 8th Street SE is designated as an Urban Collector. Figure 3-8, Urban Collector is the applicable street standard. S. Nile Ave is designated as an Urban Arterial. Figure 3-8, Urban Arterial is the applicable street standard. 6th Street SE is designated as Urban Local Access Street. Figure 3-7b is the applicable street standard.
16. Section 17.04.040(A), D.C.C., authorizes dedications of right-of-way and improvements to the area directly affected by the development.
17. A Traffic Impact Analysis, dated May 25, 2016, updated January 4, 2017, with a January 31, 2017 correction prepared by Transportation Engineering NorthWest was submitted for the proposed development.
18. The intersection of Nile and 8th Street SE has been identified by the County Engineer as an intersection of concern with respect to safety; specifically topography and sight distance. The intersection does not meet minimum standards. Previously, as an interim measure the intersection was converted from a 2-way stop condition to a 4-way stop condition. Off-site

frontage improvements extending through the subject property frontages on S. Nile Avenue, and 8th Street SE through the NE quadrant of the S. Nile Ave./8th St. SE intersection are required (DCC 12.50.150) in order to provide adequate facilities to support the proposed development.

19. A preliminary stormwater drainage overview and preliminary stormwater plans, dated June 29 2016, revised January 2, 2017 prepared by Martin Davy, PE, Pacific Engineering was submitted for the proposed development. The preliminary overview utilized a presumptive infiltration rate and notes that specific on-site infiltration testing will be conducted as part of the final design process. Development runoff from the stormwater events will be retained and infiltrated on-site. During design of the transportation improvements, both on-site and off-site frontage improvements, provisions to address stormwater will be addressed in the final design report.
20. The International Fire Code (IFC) establishes when secondary access is required for single family residential development. Site access is proposed via County Road intersection to S. Nile Ave, an intersection to 8th Street SE and an intersection to 6th Street SE.
21. In order to meet the state requirements for Enhanced 911 service, all lots within this plat will be addressed prior to final plat approval.
22. 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.
23. The application triggers the requirement to provide park/open space. The applicant has requested voluntary payment of \$70,274.45 in lieu of dedication per EWMC 17.73.090.
24. EWMC 17.73.090 identifies 3 entities which could accept the funds; Douglas County, City of East Wenatchee, and Eastmont Metropolitan Parks District. The Douglas County Board of Commissioners has directed staff that the County would not accept the funds. The Eastmont Metropolitan Parks District has provided comment that they cannot accept the funds at this time. The City of East Wenatchee has provided comment that it is in the process of creating an interlocal agreement with the parks district by which the City would act as fiduciary agent which would allow them to accept the funds for park purposes. The city agrees that it will be able to accept the funds, provided that the interlocal agreement process with the parks district is successful. If the city is not able to reach an agreement with the parks district regarding management of the funds then the city states that the payment would be rejected.
25. Comments from reviewing agencies have been considered and addressed where appropriate.
26. Douglas County issued a Determination of Nonsignificance on February 16, 2017, pursuant to WAC 197-11-355 (Optional DNS).
27. Surrounding property owners were given the opportunity to comment on the proposals, can request a copy of the decision, and can appeal the decision subject to the requirements outlined in DCC Title 14.

28. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
29. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
30. 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.
31. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
32. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval.
33. An open record public hearing after due legal notice was held on March 2, 2017.
34. The entire Planning Staff file was admitted into the record at the public hearing.
35. The Douglas County Department of Land Services recommended approval of this preliminary plat, subject to the recommended conditions of approval.
36. Appearing and testifying on behalf of the applicant was Martin Davy. Mr. Davy testified that he was an agent authorized by the applicant, Jessup Home Design, to appear and speak on their behalf. Mr. Davy provided testimony regarding his letters dated February 27, 2017, regarding proposed conditions of approval 21, 22, 25, 30, and 37. His testimony was consistent with those letters. He testified that other than his client's concern with those proposed conditions, he had no objection to any of the other proposed conditions of approval.
37. Also present in the hearing room were property owners Ben Nickels and Lawrence Junger. Both Mr. Nickels and Mr. Junger, when asked by the Hearing Examiner whether they wish to testify regarding any concerns they had with any of the proposed conditions of approval or about the project in general, both indicated that they did not wish to testify.
38. Testifying from the public were the following individuals:
 - 38.1 Fred Hurst. Mr. Hurst testified that he owns property at Nile and 8th St. His concern related to additional safety measures that might be required to mitigate the safety issues he believes exist at this intersection. These would include street lights. Mr. Hurst indicated that he generally was not opposed to this project but did not want it to create more problems than those that already exist.
 - 38.2 Dr. Greg Ledgerwood. Dr. Ledgerwood testified regarding mitigation on the Nile and 8th St. intersection. He stated that the area is becoming more and more urban. Pedestrian traffic is a real issue on Nile and 8th St. There should be curbed gutter and sidewalk throughout the adjacent boundaries of this subdivision in order to provide

minimum safety for pedestrian traffic. He also suggested lowering the speed limit may prove beneficial.

39. 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.
40. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
41. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
42. Any conclusion of law that is more correctly a finding of fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this decision.
2. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Greater East Wenatchee Area Comprehensive Plan.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. Public use and interests will be served by approval of this proposal.
5. As conditioned, the proposal is consistent with Title 17 Zoning of the East Wenatchee Municipal Code as adopted by Douglas County.
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. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
8. 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-16-03 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. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.
2. The project shall proceed in substantial conformance with the plans and application materials of file dated July 1, 2016, January 12, 2017, and January 31, 2017 except as amended by the conditions herein.
3. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
4. A plat certificate showing parties of interest from a title company must be submitted with the blue-line drawings.
5. The final plat map 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.
6. All parties having an ownership interest in the subject property shall acknowledge the plat.
7. 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.
8. All improvements shall be in place prior to plat finalization or a subdivision agreement must be entered into between the applicant and the County. The subdivision agreement shall specify surety, time frames, etc. If the developer elects to enter into a subdivision improvement agreement, an appropriate financial security such as a surety bond or irrevocable standby letter of credit shall accompany said agreement in conformance with D.C.C. 14.90.
9. The following notes shall appear on the face of the plat:
 - 9.1 Based on historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides. The Washington 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 MTCA cleanup levels, the Washington State Department of Ecology recommends that potential buyers be notified of their occurrence. This note shall not be required to be placed on the final plat, if the soils are sampled by a professional with adequate credentials to verify that the site does not contain lead and arsenic and organochlorine pesticides at concentrations above the MTCA cleanup levels.
10. 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.
11. The final plat shall show the location of all easements serving or encumbering the subject property.

12. Prior to final plat approval of each phase all lots must meet minimum lot dimensions.
13. Prior to final plat approval new lot lines must meet setbacks to existing structures or that structure must be removed.
14. Prior to final plat approval of phase 1 a boundary line adjustment between APN 75000006300 (Ph1) and APN 75000006401 (Ph2) must be approved and recorded which connects and includes Tract A in phase 1.
15. Prior to final plat approval of phase 2, a boundary line adjustment shall be approved and recorded that transfers that portion of Tract A that is a 5 foot strip of land on the south side of proposed lots 29 and 30 back to APN 75000006401. This strip will be absorbed into lots 29 and 30 for the phase 2 final plat
16. 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. Addresses for each lot shall be shown on the face of the final plat mylar prior to final plat approval.
17. The location of existing utilities (i.e. power, sewer, water and irrigation lines, etc.) and utility and private access road easements shall be depicted on the face of the final plat.
18. The developer shall install all utilities in accordance with the standards and specifications of the Douglas County PUD, East Wenatchee Water District, Douglas County Sewer District #1, Greater Wenatchee Irrigation District and Douglas County Fire Marshal. All utilities shall be located underground.
19. Written verification from the Douglas County PUD that easements and improvements have been addressed to their satisfaction, shall be required prior to final plat approval.
20. Prior to final plat approval, written verification from the East Wenatchee Water District that the requirements of the District have been satisfied and certifying water availability is required.
21. Prior to final plat approval, written verification from the Greater Wenatchee Irrigation District that the requirements of the District have been satisfied is required.
22. Written verification from the Douglas County Fire Marshal that adequate fire protection measures meeting the International Fire Code and DCC 15.28 and International Fire Code Appendices B and C are in place. Roadways shall meet Chapter 15.24.030 Fire Apparatus Access and International Fire Code Appendix D, Fire Apparatus Access Roads for emergency access except as provided for in condition of approval number 23, roadways shall meet. Deviations to the IFC may be allowed only upon written approval from the Fire Marshall.
23. The Fire Marshal has identified that Lots 34 and 35 are 197 feet from the cul-de-sac which requires that a apparatus turn around be installed between the lots. However, the Douglas County Fire District No. 2 Assistant/Fire Marshall Brian Brett, in a letter dated March 1, 2017, indicate that it may be possible to mitigate the distance to lots 34 and 35 while still enabling adequate access and the Fire Marshall indicated that he would entertain such a proposal. He

also indicated that he was willing to deviate IFC and utilize the City of East Wenatchee Code for inside the urban growth area, specifically Chapter 12.53 regarding dimensions for driveways and turnarounds.

24. Prior to final plat approval, written verification from the Douglas County Sewer District No. 1 that the requirements of the District have been satisfied is required.
25. Prior to final plat approval of the each phase, the property owner must enter into an agreement with the Douglas County Sewer District in which the property owner and successors in interest agree to annexation of the property into the district boundary when proposed by the district. This requirement can be waived if the property is in the process of annexation into the district.
26. Prior to final plat approval of phase 1 the applicant shall enter into an agreement with Douglas County, the Eastmont Metropolitan Parks District or the City of East Wenatchee for voluntary payment of \$70,274.45 in lieu of dedication of open space/parks. In the event none of the entities agree to accept these funds, then the applicant shall be required to provide adequate provisions for parks, including dedication of land for the creation of a park, as may be required by the Douglas County Code and East Wenatchee Municipal Code.
27. 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.
28. The following language must appear with the Health District signature line:
 - 28.1 “The Health District makes no representation as to the legal availability of water to this plat.”
29. Final plans for transportation improvements designed by a professional engineer licensed in the State of Washington shall be submitted to and approved by Douglas County prior to construction. Construction plans shall be prepared in accordance with the requirements of East Wenatchee Municipal Code and Douglas County Code Chapters 12, 17 and 18, to AASHTO Policy on Geometric Design of Highways and Streets, in accordance with the current Douglas County Road Standards.
30. Prior to final plat approval, a 1-foot non-vehicular access easement shall be depicted along the subdivision’s borders with S. Nile Avenue, 8th Street SE, 6th Street SE, excluding areas of the proposed intersections and the existing access to the “Nickle’s residence on 6th Street SE.
31. Road improvements associated with this development shall include:
 - 31.1 Half street frontage improvements to 8th Street SE in accordance with figure 3-8, Urban Collector (30 feet right-of-way centered on 8th Street SE). Construction of improvements required prior to final plat approval. Half street improvements shall extend to the intersection of S. Nile Avenue. This improvement shall be designed and constructed prior to Phase 2 plat approval.
 - 31.2 Half-street frontage improvements to S. Nile Avenue in accordance with Figure 3-8, Urban Arterial (35 feet right-of-way centered on S. Nile Avenue). Construction of

improvements required prior to final plat approval. To the extent practical, half street improvements shall extend off-site to the intersection of 8th Street SE. Designer and applicant to coordinate with county staff prior to design. This improvement shall be designed and constructed prior to Phase 2 plat approval.

- 31.3 Intersection design of 8th Street and Nile Avenue may require a design deviation to accommodate limitations of right-of-way. Notification and coordination with adjacent property owner and county staff during design and construction is required. To the extent practical, half street improvements shall extend off-site to the intersection of 8th Street SE. Modifications due to topography constraints shall be coordinated and approved during design. This improvement shall be designed and constructed prior to Phase 2 plat approval.
- 31.4 Half-street frontage improvements to 6th Street SE in accordance with Figure 3-7b, Urban Local Access (25 feet right-of-way centered on 6th Street SE). This improvement shall be designed and constructed prior to Phase 3 plat approval.
- 31.5 The intersections of proposed Road A with 8th Street SE and 6th Street SE shall be constructed as a full width intersections in accordance with Urban Local Access Figure 3-7b. The full width intersection shall include a minimum 50 feet of right-of-way to accommodate a minimum of 36 feet of ACP with curb, gutter and sidewalk along both sides.
- 31.6 The intersection of proposed 7th Street SE with S. Nile Avenue shall be constructed as a full width intersection in accordance with Figure 3-7b. 7th Street SE shall include a minimum right-of-way width of 50 feet. 7th Street SE shall include a minimum right-of-way width of 50 feet. 7th Street SE, from the intersection of S. Nile Avenue approximately 200 feet east, may provide a reduced right-of-way width of 45 feet and shall meet the minimum standard to accommodate parking on one-side only, which includes a minimum width of 32 feet ACP, in addition, sidewalk may be provided on one-side (south) only. The reduced section shall be signed NO PARKING. The typical full width road improvement shall include a minimum 50 feet of right-of-way to accommodate a minimum of 36 feet of ACP with curb, gutter and sidewalk along both sides. The intersection design is subject of an accepted request for design alternative, related to the radius at the north side of the intersection. The design alternative shall include a minimum 25-foot radius at the north return of the intersection.
- 31.7 7th Street SE shall extend from the proposed intersection with S. Nile Avenue through to the eastern boundary of the proposed subdivision. A 1-foot non-vehicular access easement shall preclude access until such time as the road is extended/improved through a permitted process. A physical barrier, temporary in nature shall be incorporated along with provisions for snow storage, during construction plan preparation and acceptance. Due to the short length a turnaround may not be required, but restrictions on lot access will be evaluated during plan preparation and acceptance.
- 31.8 Portions of 7th Street SWE (Phase 1 and Phase 2) to be constructed as a “half” street improvements shall include but not limited to 24-feet (minimum) of ACP, curb, gutter and sidewalk.

- 31.9 A 1-foot non-vehicular access easement along the north side of proposed 7th Street SE; in the vicinity of Lots 48-52 shall be included along with a plat note indicating that access to 7th Street SEW shall be prohibited until such time as the full width improvements are completed to the Urban Local Access Standards.
- 31.10 All internal roads, except the portion of 7th Street SE noted previously shall be designed/constructed full width including parking both sides in accordance with Urban Local Access standards, Figure 3-7b.
- 31.11 Right-of-way for Road D (portion may be utilized for snow storage) shall extend to the western property boundary to facilitate future road extension.
- 31.12 During preliminary review, the applicant was encouraged to provide for connectivity between proposed Road B and Road C, rather than the permanent cul-de-sacs proposed. While the proposed cul-de-sac configuration has been accepted for preliminary approval, should the applicant opt to pursue design/construction of a looped configuration between Road B and Road C, this modification providing connectivity between these two dead ends would be approved, subject to design and construction in accordance with Urban Local Access Standards. Readdressing of lots created in Phase 1 would likely be necessary.
- 31.13 Emergency vehicle turn arounds meeting the requirements of Figure 3-9, IFC, the County Engineer and Douglas County Fire Marshal requirements shall be provided at all dead end roads. The turn-arounds shall be paved and include pedestrian facilities. Temporary cul-de-sacs shall include a 1-foot non-vehicular access easement precluding access until such time as the road is extended/improved. A physical barrier, temporary in nature shall be incorporated, along with provisions for snow storage. The applicant submitted a request for Design Alternate which was accepted with conditions by the County Engineer. The Design Alternate provides that temporary cul-de-sacs, which are to be extended as part of a future phase of this subdivision may be constructed within an easement (ROW is preferable), and may consist of a 1-inch (min) lift of HMA over a minimal gravel base. This easement shall provide public use, and access by Douglas County for operation and maintenance and by the County and/or developer for construction of the full structural section. A Performance Assurance Agreement, including Surety shall be provided for completion of the cul-de-sac as a final road end (structural section, curb, gutter, sidewalk) within a maximum of 24 months, would the road extension not be completed within the maximum timeframe.
- 31.14 The designer shall identify the applicable WSDOT Standard Driveway detail to be utilized throughout the development. Utilization of Type II approaches may require additional right-of-way dedication to encompass sidewalk fully within right-of-way. Utilization of Type I approaches shall include confirmation during plan preparation of constructability and identification of joint use approaches as needed to satisfy minimum standards. Any access restriction shall be clearly identified on the plat.
- 31.15 Access to Lots 34 and 35 shall be via shared driveway/access easement (20 foot min). Access to Lots 40, 41, 46 and 47 shall be via shared driveway/access easement (30 foot

min). Private access and operation and maintenance agreements shall be executed and Auditors File Number references on the final plat map. Access easements shall be completed in accordance with EWMC and approval of the Douglas County Fire Marshal.

32. Illumination (intersections and cul-de-sacs) shall conform to East Wenatchee Municipal Code and Douglas County Code Section 12.57.100 *Roadway Illumination* and follow Douglas County PUD Standards. The applicant shall be responsible for PUD charges for connection of street lights to the transformer or hand hole.
33. Final plans and right-of-way dedication associated with the location of cluster mailbox units for the subdivision shall be provided. Location to be approved by the County Engineer and USPS Postmaster. Location of mail box cluster on S. Nile Avenue or 8th Street SE is discouraged and requires additional right-of-way and construction of a pull out per WSDOT/AASHTO standards. Cluster box locations shall be located in a manner that parked vehicles will not impede traffic flow/sight distance at intersections.
34. Prior to final plat approval and/or release of financial security, the engineer of record shall provide written certification (stamped) that the improvements constructed (transportation, utility plans, stormwater systems, and site grading) have been completed in accordance with the Conditions of Approval, Douglas County Code and the accepted construction plans. Monitoring shall be required in accordance with the Douglas County Road Standards, East Wenatchee Municipal Code, inspection reports and test results submitted to Douglas County.
35. Prior to final plat approval, requirements for acceptance of the constructed improvements shall be met in accordance with the Road Standards, including Section 12.56.110 *Final Acceptance*, and 12.50.110 *Performance Assurance, B. Maintenance Performance*.
36. Utility installation/replacement/upgrade within the Douglas County right-of-way, including, but not limited to S. Nile Avenue, 8th Street SE, and 6th Street SWE shall be approved by Douglas County. Damage to existing roads, both public and private, 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.
37. Five foot utility easements are required along all lots or tracts with county road frontage in accordance with the Douglas County Road Standards.
38. Private utilities located within or crossing the county right-of-way shall be identified within the construction plan set and will require execution of a Franchise Agreement concurrent with or prior to final plat approval. Process takes a minimum of 3 weeks applicant responsible for initiation/coordination of Franchise Application, coordinate with county staff for assistance.
39. A final storm water drainage plan designed by a professional engineer licensed in the State of Washington shall be submitted to and approved by Douglas County prior to construction. Construction and post-construction stormwater shall be addressed in accordance with EWMC, DCC and the Stormwater Management Manual for Eastern Washington (Ecology). Infiltration testing shall be completed in accordance with the guidelines contained in the SWMMEW. Measures to address stormwater infiltration during frozen soil conditions shall be included,

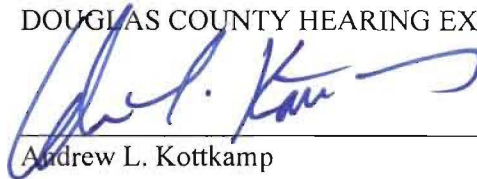
including provisions for overflow in extreme weather conditions. Recommendations and/or requirements contained within the Final Drainage Analysis shall be incorporated into final project approval, including but not limited to the addition of plat notes and recording of operation and maintenance agreements and/or easements.

40. Stormwater detention facilities shall be located on separate tract(s), owned and under the functional control of the homeowners association with each lot having an undivided interest in the tract(s). A note of the face of the plat shall specify tract ownership as noted.
41. 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 plat.
42. Stormwater facilities shall be above ground facilities, located on a separate tract(s) which is adjacent to and provided an emergency overflow to public right-of-way. This provides for maintenance, inspection and access to the facility and provides protection to downstream properties from overflows in the event of failure of the stormwater facility.
43. Stormwater easements for conveyance shall be clearly identified within the construction plans and plat map. Minimum easement width shall be fifteen (15) feet to provide for maintenance operations. Easements shall be clear of structures and obstructions, easements shall not be split longitudinally by property lines. The basis of this is to minimize impacts to property owners with respect to removal of boundary fencing for maintenance activities. Plat notes shall provide for access to the stormwater easements for inspection, maintenance and repair of the stormwater infrastructure.
44. The Engineer of Record shall provide as-builts and stamped certification that the system has been completed in accordance with the accepted plans, as well as applicable East Wenatchee Municipal Code, Douglas County Code and the Stormwater Management Manual for Eastern Washington.
45. Prior to final plat approval, an operation and maintenance agreement shall be executed, recorded and AF# referenced on the face of the final plat for the private stormwater facilities. Said agreement shall be executed on standard forms approved by Douglas County. It shall be clearly noted on the face of the plat that Douglas County will not maintain the private stormwater facilities (tracts). The agreement shall specify the homeowners of the subdivision as having responsibility for the long term maintenance of the private stormwater drainage system within the development. Stormwater tracts will be added in various phases, the stormwater operation and maintenance agreement shall be updated/amended with each phase to represent the progressive and final buildout of the stormwater facilities.
46. Erosion control measures shall be designed in accordance with the Stormwater Management Manual for Eastern Washington (SWMMEW). Disturbed areas shall be re-vegetated and maintained throughout construction.
47. The applicant shall be responsible for preventing mud, dirt and debris from leaving the site, including sediment or stormwater from being tracked or otherwise discharging onto the public right-of-way or adjacent properties.

48. Individual/common plan of development for this proposal exceeds 1 acre of disturbed ground. This meets the threshold used by the Washington State Department of Ecology in administering their General Permit to Discharge Stormwater Associated with Construction Activity. If required, the permit shall be obtained prior to beginning groundbreaking activities. Acquisition of permits is the responsibility of the applicant.
49. A stabilized construction access for the site shall be shown on the Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall be submitted and accepted prior to on-site grading taking place.
50. Preliminary approval of Phase 1 shall expire 5 years from the date of Notice of Action by the Douglas County Hearing Examiner. Preliminary approval of each subsequent phase shall expire 5 years from the date of final approval of the previous phase. Final plat approval after the expiration will require the submittal of a new preliminary application and approval based on applicable documents and codes in effect at the time of re-application.
51. All lighting, as currently required by any applicable code or by any agency with jurisdiction, shall be installed by the applicant at the intersection of Nile and 8th Street, SE, prior to final plat approval.

Dated this 14th day of March, 2017.

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.