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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-16-04)	DECISION AND
Summer Run)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on June 22, 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 Hanson Homes Construction, 3021 NW Delcon Dr., East Wenatchee WA.
2. General Description: An application for a 9 lot major subdivision. The proposed lot sizes range from 12,500 sq. ft. to 21,780 sq. ft. The lots are proposed to be served by public water and sewer.
3. Location: The subject property is located on the south side of 6th St. SE, SE Quarter of the SE Quarter, Section 18, Township 22 N., Range 21 E.W.M., Douglas County WA. The Douglas County Assessors Number is 22211840016.
4. Site Information:

Total Project Size:	7.3 acres
No. of lots	9
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
5. Site Characteristics: The subject property is in orchard.
6. The subject property is located within the East Wenatchee Urban Growth Area.
7. The Comprehensive Plan Designation is Low Residential.

8. The subject property is located in the R-L zoning district which allows for subdivisions as permitted uses.
9. 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.
10. RCW 58.17.110(2) requires that appropriate and adequate provisions be made for streets or roads, alleys or other public ways.
11. The subdivision will access 6th Street SE. The proposal includes a local access street which will be constructed by the applicant to county standards. All roadway improvements would be the responsibility of the developer.
12. Frontage Improvements are addressed in Chapter 12.50.150 *Transportation System and Frontage Improvements*, of the Douglas County Road Standards. 6th Street SE is designated as Urban Local Access. Figure 3-7b, Urban Local Access is the applicable road standard.
13. Section 17.04.040(A), D.C.C., authorizes dedications of right-of-way and improvements to the area directly affected by the development.
14. The internal roadway (A-Line) shall be a full width street in accordance with Figure 3-7b, Urban Local Access Street (Parking Both Sides). The internal roadway (B Line) shall be designed a half street in accordance with Figure 3-7b, Urban Local Access Street (Parking One Side).
15. To facilitate the future connection of S. Nevada Avenue consistent with Policies T-5, T-6 regarding connectivity, preliminary design (including cross sections) will need to demonstrate the feasibility of full width construction of S Nevada Avenue in the future. Half street right-of-way will need to be dedicated along the subject parcel as needed to accommodate those future improvements.
16. The preliminary stormwater analysis and preliminary stormwater plans, dated revised February 2017 prepared by Ed Zontek, PE, were submitted for the proposed development. This analysis determined that stormwater can be accommodated on-site.
17. In order to meet the state requirements for Enhanced 911 service, all lots within this plat will be addressed prior to final plat approval.
18. Comments from reviewing agencies have been considered and addressed where appropriate.
19. Douglas County issued a Determination of Nonsignificance on June 5, 2017 pursuant to WAC 197-11-355 (Optional DNS).

20. 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.
21. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
22. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
23. 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.
24. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
25. Public and agency comments that were received and were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval.
26. An open record public hearing after due legal notice was held on June 22, 2017.
27. The entire Planning Staff file was admitted into the record at the public hearing.
28. The Douglas County Department of Land Services recommended approval of this preliminary plat, subject to the recommended conditions of approval.
29. Appearing and testifying on behalf of the applicant was Ed Zontek. Mr. Zontek testified that he was the agent of the applicant and was authorized to appear and speak at this hearing. Mr. Zontek testified that no variance for any of the lots will be needed in order to construct a single family residence and reasonable accessory structures. Mr. Zontek indicated that proposed lot 9 will be reserved for future development. Mr. Zontek testified that all of the proposed Conditions of Approval were acceptable to the applicant.
30. No member of the public testified at the hearing.
31. 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.
32. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
33. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
34. 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, the proposed use is consistent with the intent, purposes and regulations of the Douglas County Code and Comprehensive Plan.
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-16-04 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 5, 2016, February 27, 2017, and April 27, 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. 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.
13. 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.
14. 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.

15. 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.
16. 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.
17. Prior to final plat approval, written verification from the Greater Wenatchee Irrigation District that the requirements of the District have been satisfied is required.
18. 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.
19. 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.
20. Prior to final plat approval, 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.
21. 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.
22. The following language must appear with the Health District signature line:
 - 22.1 "The Health District makes no representation as to the legal availability of water to this plat."
23. 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.
24. Final design plans for the improvements in public rights-of-way and affecting public facilities require County acceptance prior to the start of construction.
25. Road improvements associated with this development shall be completed prior to final plat approval and shall include:
 - 25.1 Half street frontage improvements to 6th Street SE in accordance with figure 3-7b, Urban Local Access Street (25 feet right-of-way centered on 6th Street SE).

- 25.2 The internal roadway (A-Line) shall be a full width street in accordance with Figure 3-7b, Urban Local Access Street (Parking Both Sides). Full street improvements include a minimum right-of-way dedication of 50 feet, 36 feet of paved surface and curb, gutter and sidewalk along both sides.
- 25.3 The internal roadway (B Line) shall be designed a half street in accordance with Figure 3-7b, Urban Local Access Street (Parking One Side). Half street improvements shall include a minimum right-of-way dedication of 3- feet, 24 feet of paved surface and curb, gutter and sidewalk and associated signage. Final B-Line termination and snow storage provisions shall be subject to approval of the County Engineer and Fire Marshal.
- 25.4 Design plans shall include preliminary design (including cross sections) of the full width of the future S. Nevada Avenue such as to demonstrate the feasibility of full width construction in the future. Half street right-of-way shall be dedicated along the subject parcel as needed to accommodate the future improvements. A minimum width of 25 feet shall be provided on the southern end of the alignment, the width may transition to no less than 10 feet on the northern end, based upon preliminary engineering as approved by the County Engineer during construction plan review and acceptance.
- 25.5 A physical barrier, temporary in nature, and approved by the County Engineer shall be provided along the south boundary of half street improvements. A 1-foot non-vehicular access easement and note(s) on the face of the plat shall indicate that no access along these areas shall be permitted until such time as the frontage is improved, including right-of-way dedication to meet the minimum standard.
- 25.6 Access to Lot 1 shall be designed during construction plan preparation and constructed prior to final plat approval. Access shall be located as far to the southern boundary as possible to minimize conflicts at the intersection.
26. The designer shall identify the applicable WSDOT Standard Driveway detail to be utilized throughout development.
27. New or revised driveways and accesses onto a County Road (including temporary or construction accesses) require an approved access permit as per the procedures in DCC 12.24, Approaches to County Roads.
28. A 1-foot non-vehicular access easement shall be depicted along (1) the northern boundary of Lot 1 (6th Street SE), (2) south side of proposed B-Line and (3) along the west boundary of Lot 8. A note on the plat shall indicate that access to Lots 1-5 and 7-9 is limited to the internal road system.
29. Illumination shall be designed and installed consistent with 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.

30. Final plans 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.
31. Prior to final plat approval and/or release of financial security, the engineer of record shall provide written certification that the final construction plans for the frontage improvements, internal roads, utility plans, stormwater systems, and site grading plans have been constructed in accordance with the conditions of approval, East Wenatchee Municipal Code, Douglas County Code and the approved construction plans. Monitoring shall be required as determined appropriate by the engineer and in accordance with the Douglas County Road Standards with final reports submitted to Douglas County along with certification.
32. 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*.
33. Utility installation/replacement/upgrade within the Douglas County right-of-way, including, but not limited to 6th Street SE 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. The extent of the repair and/or replacement will be determined during construction plan review and during field inspection of the proposed work within the right-of-way. Repairs shall be completed prior to final plat approval. Repair of existing road surfaces may include overlays of the existing road surface due to the construction activities. Existing moratoriums on public roads may limit utility work to boring or pushing. DCC 12.20.060, *Specific Requirements – Underground Utilities*.
34. Five foot utility easements are required along all lots or tracts with county road frontage in accordance with the Douglas County Road Standards.
35. A final storm water drainage plan and report 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 elements shall be addressed in accordance with EWMC, DCC and the Stormwater Management Manual for Eastern Washington (Ecology). Measures to address stormwater infiltration during frozen soil conditions shall be included, including provisions for overflow in extreme weather conditions. The stormwater plan shall have supporting calculations and final “as-built” drawings shall be delivered to Douglas County prior to final plat approval. Any modifications to the system during construction shall be analyzed by the engineer and the results provided to the County to demonstrate the constructed stormwater facilities meet the conditions of approval. 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.
36. Registration of facilities regulated under the Washington State Department of Ecology Underground Injection Control (UIC) Program shall be completed PRIOR to construction.

37. Should measures to address frozen soil conditions and/or extreme weather conditions include the addition of an Underground Injection Control facility, registration of the UIC shall be completed PRIOR to construction.
38. 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).
39. 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.
40. In accordance with the Stormwater Management Manual for Eastern Washington, design and maintenance criteria for infiltration ponds and the policies of the Greater East Wenatchee Stormwater Utility Management Team 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.
41. During construction, the engineer shall visually observe the bottom of the infiltration system to confirm that the design rate utilized is appropriate and to modify the design rate as warranted accounting for variations in soil conditions at different locations and depths.
42. The Engineer of Record shall provide 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.
43. Prior to final plat approval, an operation and maintenance agreement shall be executed, recorded and AF# referenced on the face of the final plat regarding 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.
44. Erosion control measures shall be designed in accordance with the Stormwater Management Manual for Eastern Washington (SWMMEW). Best Management Practices shall be employed to prevent runoff from flowing over the site slopes. Disturbed areas shall be re-vegetated and maintained throughout construction. Final grading shall incorporate permanent erosion control measures that route stormwater runoff away from site slopes and directs the collected water to appropriate discharge locations.
45. The applicant shall be responsible for preventing mud, dirt and debris from leaving the site, including stormwater runoff from being tracked or otherwise discharging onto the public right-of-way or adjacent properties.
46. 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.

47. 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.
48. Preliminary approval shall expire 5 years from the date of Notice of Action by the Douglas County Hearing Examiner. 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.

Dated this 23rd day of June, 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.