

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-2021-05)	DECISION AND
Lopez 10 Lot Subdivision)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on August 18, 2022, 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 Armando Lopez-Castellanos, xx Whitlam Ave., Bridgeport Bar, WA 98813.
2. This application is for a 10 lot major subdivision. The proposed lots range from 0.5 acres to 2.57 acres in size.
3. Location: The property is located in the Rural Service Center (RSC) zoning district under Douglas County Code, and is further described as being located within Section 33, Township 30N, Range 25E, W.M. Douglas County Assessor's Parcel Number: 30253310028. The subject property is located at Whitlam Ave, Bridgeport Bar, WA 98813.
4. Site Characteristics: The subject property is vacant. The topography is relatively flat. Uses adjacent to the subject properties:
North: Single family dwellings
South: Orchard
East: Orchard/ Vacant land
West: Single family dwellings
5. Site Information:
Total Project Size: 10.17
No. of lots 10
Domestic Water: Greater Bridgeport Bar Water District

Sewage Disposal:	On-site Septic Systems
Power/Electricity:	Douglas County PUD
Fire Protection:	Douglas-Okanogan County Rural Fire District #15
Telephone Service:	Varied

6. Access: The subdivision will be accessed from Whitlam Avenue. All transportation improvements will be the responsibility of the developer; and compliant with the Douglas County Road Standards and Specifications.
7. Zoning and Development Standards: The subject property is located within the Rural Service Center (RSC) Zoning District under Douglas County Code (DCC), which allows for the subdivision of land.
8. Major Subdivisions: The requirements of Title 17, "Subdivisions" DCC, apply to the design and review requirements for approval of major subdivisions of 5 or more lots, parcels or tracts.
9. Comprehensive Plan: The Douglas County Comprehensive Plan designates this property as Rural Service Center (RSC). The following goals and policies set forth in the comprehensive plan are relevant to this development.
10. Rural Service Center: Rural service centers are those areas where historic, unincorporated communities or older, recreationally-oriented subdivisions are characterized by compact rural type densities and may offer some urban services such as roads, community water systems, and limited commercial uses. They are generally small, compact, isolated rural community centers that primarily exist to provide housing, convenience goods and services to residents in and around the area. It is intended that these areas continue to be a mixture of land uses, particularly residential and limited neighborhood businesses and services. These areas will also be accommodating needed agriculturally related commercial, cottage industries, tourist related uses, recreation and/or light industrial uses.
 - 10.1 POLICY RSC-1: Encourage mixed land use patterns that currently exist within the rural service centers by clearly establishing what kinds of uses will be permitted and which will be prohibited.
 - 10.2 POLICY RSC-2: Provide incentives for development of a variety of housing types, including farm worker housing, and increased residential densities within the rural service centers, and encourage the refurbishing and updating of existing structures.
11. Utilities:
 - 11.1 GOAL 1: Develop in Douglas County will occur in conjunction with the availability of adequate, cost effective provision of utilities. The installation and expansion of utilities will be coordinated to minimized cost and disruption of normal activities.
 - 11.2 POLICY U-4: Require that development take into account the timely and concurrent provision of adequate and efficient utility systems.

- 11.3 POLICY U-9: The cost of on-site utility improvements or site preparation for developments will be the responsibility of the development benefiting from the improvement.
- 11.4 POLICY U-10: Promote the continued use, maintenance, development and revitalization of existing utilities whenever possible.

12. Transportation:

- 12.1 GOAL: Provide efficient use of existing and future transportation facilities through a systematic approach of monitoring and maintaining the road system, integrating all types of transportation systems and facilities, by coordinating transportation facilities planning with other elements of the comprehensive plan, and coordination with other federal, state, and local agencies.
 - 12.1.1 POLICY T-1: Develop a functional classification system to aid in the evaluation and provision of orderly and efficient traffic flow.
 - 12.1.2 POLICY T-13: Ensure that transportation planning and implementation considers and is respectful of the rural and historic character found throughout the County.
 - 12.1.3 POLICY T-15: As development occurs it shall comply with the applicable road standards, and off-site improvements to existing County roads may be required where those existing roads do not currently meet the adopted road standards.

13. Environmental Review. Douglas County issued a Determination of Non-Significance on 03/28/2022 in accordance with WAC 197-11-355 (Optional DNS) feet.

14. Applicable agencies have been given the opportunity to review this proposal. The following agencies commented:

Agency Notified	Response Received	Agency Notified	Response Received
Chelan-Douglas Health District	04/25/2022	Dept. of Arch. & Historical Preservation	03/28/2022
Douglas County PUD	04/04/2022	Douglas County GIS/Addressing	03/28/2022
WA State Dept. of Ecology	04/12/2022	Douglas County Assessor	03/28/2022
Douglas County Fire Marshal	03/30/2022	East Wenatchee Water District	02/23/2022
Washington State Department of Transportation	N/R	Douglas County Transportation & Stormwater	04/21/2022
Douglas County Land Services	06/27/2022	Douglas County Treasurer	N/R

Washington State Department of Fish and Wildlife	04/04/2022	Confederated Tribes of the Colville Reservation	03/31/2022
Douglas County PUD	04/04/2022	Greater Bridgeport Water District	N/R

15. One member of the public commented on the proposal prior to issuance of the staff report. The comment contained concerns about water resources (wells/irrigation) and the inability to serve the proposed lots.
16. In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is an analysis and consistency review for the subject application:
 - 16.1 Comprehensive Plan consistency: The proposal appears consistent with the goals and policies of the Douglas County Comprehensive Plan. The proposed lot sizes meet the density standards for the applicable land use designation. The development will be adequately served by a combination of existing and proposed utilities.
 - 16.2 Consistency with the provisions of Title 17, "Subdivision", Douglas County Code. As conditioned, the proposed subdivision is consistent with the provision of this title.
 - 16.3 Consistency with the provisions of the RSC Zoning District, Chapter 18.32, DCC as adopted by Douglas County: As conditioned, the following dimensional standards for the RSC zoning district (DCC 18.32.060) will be met for each proposed lot:
 - 16.3.1 Minimum lot area: 10,000 square feet;
 - 16.3.2 Minimum width of lot at building line: 70 feet. Corner lots shall have a minimum width of 100 feet of contiguous frontage with one side being not less than seventy feet;
 - 16.3.3 Maximum building height: 40 feet;
 - 16.3.4 Minimum setback distances:
 - 16.3.4.1 Front yard: 20 feet;
 - 16.3.4.2 Rear yard: 15 feet;
 - 16.3.4.3 Side yard: 5 feet.
 - 16.3.5 Buildings on corner lots shall observe the minimum front yard setback on both streets and shall provide at least one rear yard setback.
 - 16.4 Consistency with the provisions of DCC Title 12 Road Standards: As conditioned, the proposal is consistent with the provisions of this chapter.
 - 16.5 Consistency with the provisions of DCC Chapter 20.34 Stormwater Drainage: As conditioned, the proposal is consistent with the provisions of this chapter.
17. The applicant has submitted the following:
 - 17.1 Preliminary Plat prepared by NW Geodimensions and SCJ Alliance.
 - 17.2 SEPA Environmental Checklist prepared by SCJ Alliance.
 - 17.3 Preliminary Stormwater Report prepared by SCJ Alliance.
 - 17.4 Project Narrative prepared by SCJ Alliance.

18. The subject property is designated Rural Service Center by the Douglas County Comprehensive Plan.
19. The subject property is located in the Rural Service Center (RSC) zoning district.
20. Whitlam Avenue is classified as a rural local access and currently meets the minimum County road standards along the property frontage. Frontage improvements are not required.
21. McCormick Street is classified as a rural local access that does not meet current County road standards. A 20 foot right of way dedication and widening to meet County road standards as defined in Figure 3-2 shall be installed along the project frontage.
22. The stormwater mitigation plan submitted with the preliminary materials generally indicates that stormwater management will be provided for McCormack Street via the full dispersion BMP in the 2019 SWMMEW. This concept appears to be a viable alternative. A final stormwater report stamped by a professional civil engineer shall be submitted with the civil engineering plans.
23. Access to the proposed lots will consist of direct access to McCormick Street and Whitlam Avenue. No access easements are proposed.
24. Douglas County issued a Determination of Non-Significance on 03/28/2022 in accordance with WAC 197-11-355 (Optional DNS).
25. 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 14.12.
26. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
27. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
28. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
29. After due legal notice and open record public hearing was held on August 18, 2022.
30. The entire Planning Staff file was admitted into the record at the public hearing.
31. Appearing and testifying on behalf of the applicant was Jeff Sutton. Mr. Sutton testified that he was an agent authorized to appear and speak on behalf of the property owner and Applicant. Mr. Sutton testified that he agreed with all representations set forth within the staff report and all conditions of approval, with the exception of proposed Condition of Approval No. 8. He indicated that in his experience it is unusual to have the location of existing utilities depicted on the face of the final plat. He also testified that no variance would be needed to develop any lot.
32. No member of the public appeared at the hearing.
33. 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 RSC zoning district.
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 "Subdivision", Title 18 "Zoning", Title 19 "Environment", and Title 20 "Development Standards", of the Douglas County Code and Douglas County Comprehensive Plan.
6. Any Finding of Fact that is more correctly Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, the Hearing Examiner has determined that P-2021-04 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. The project shall proceed in substantial conformance with the plans and application materials of file except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate approvals and permits including but not limited to:
 - 2.1 Washington State Department of Ecology NPDES Construction Stormwater General Permit.
3. A plat certificate showing parties of interest, from a title company, shall be submitted with the blue-line drawings.
4. The final plat shall be submitted by a land surveyor licensed in the State of Washington, and shall comply with the standards set forth in Title 17 of the Douglas County Code.
5. All parties having an ownership interest in the subject property shall acknowledge the plat.

6. It is the responsibility of the applicant to contact the Douglas County Assessor's and Treasurer's offices to confirm all taxes and assessments are current prior to final plat approval.
7. The final plat shall show the location of all easements serving or encumbering the subject property.
8. 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.
9. Prior to earth disturbance, the applicant shall prepare, and submit, a Cultural Resource Survey. DAHP shall provide written approval/ concurrence of the Survey prior to any ground disturbance.
10. The developer shall install all utilities in accordance with the standards and specifications of the applicable utility purveyor.
11. The developer shall prepare final plans for the development and installation of utilities for the approval of the respective purveyors prior to site development. Final "as-built" drawings shall be delivered to purveyors upon completion.
12. Prior to final plat approval, Douglas County PUD shall provide written verification that all District requirements have been satisfied. Additional areas for utility easements may be required.
13. The final plat Mylar must include these notes "The Health District has not reviewed the legal availability of water to his plat development. Site evaluation may be required at the time of application for individual onsite septic system construction permits."
14. Per the Chelan Douglas Health District, a written statement from the utility, purveyor or owner is required, confirming water is available to serve the proposed lots. Include description on any system improvements needed or easements to be completed.
15. The applicant shall complete a Site and Soil Evaluation report for feasibility of onsite systems. Site and Soil evaluation reports must be completed by a state licensed designer or professional engineer, per WAC 246-272A.
16. Lots greater than one (1) acre are EXEMPT from proposed structures on proposed lots fire flow requirements PROVIDED that all structures located upon adjacent (neighboring) lots maintain no less than 50 feet of separation utilizing the closest and most direct path as measured from eave to eave.
17. All access longer than 150 feet must end in an approved Turn Around. The Turn Around must not be a part of a garage approach, must not counted as parking, must not be counted as a storage area, must account for seasonal snow accumulation, and must be capable of supporting the weight of emergency apparatus in all weather conditions.
18. Regarding lots 9 & 10, Hydrant credit is granted for pre-existing hydrants. Minimum Required Fire Flow is 1000 GPM at a minimum of 20 PSI for no less than a 2-Hour duration. A hydrant must be located no more than 250 feet from the nearest frontage access to each lot. Maximum hydrant spacing is 500 feet and as approved or required by the Fire Marshal.
19. Final construction plans designed by a Professional Civil Engineer licensed in the State of Washington shall be submitted to and accepted by Douglas County prior to construction.

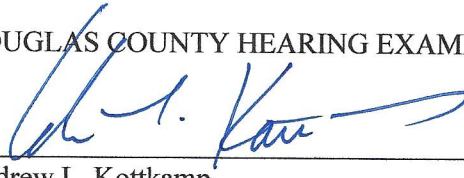
Construction plans shall be prepared in accordance with the requirements of the Douglas County Code and Road Standards. The construction plans shall include the design for McCormick Street per Figure 3-2.

20. Five (5) foot utility easements are required along all lots or tracts with County road frontage in accordance with Douglas County Road Standards. Utility purveyors may require easements in excess of five feet.
21. All existing and proposed easements shall be clearly delineated, with the AFN(s) noted as necessary, on the final plat map.
22. Per DCC Chapter 12.24, all new or revised driveways and accesses onto a county road (including temporary accesses) require an approved access permit. This will be processed at the time of building permit submittal for the lots after the plat is recorded.
23. 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.
24. A final site-specific stormwater plan and report prepared by a Professional Civil Engineer (PE) licensed in the State of Washington that conforms to Douglas County Code and the 2019 Stormwater Management Manual for Eastern Washington (SWMMEW) shall be submitted to and accepted by Douglas County prior to construction.
25. Stormwater facilities for McCormick Street shall be located in the public right of way and maintained by Douglas County if the facilities are only mitigating runoff from the public right of way.
26. Provisions to provide access for inspection and maintenance of the stormwater facilities shall be addressed within the design plans, report, and on the face of the final plat.
27. Site specific stormwater design for the individual lots may be deferred until time of building permit submittal. A note shall be included on the face of the final plat which states:

“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 current edition of the Stormwater Management Manual for Eastern Washington. The Engineer of Record shall provide certification that the private on-site stormwater system has been completed in accordance with the accepted plans. A Declaration of Stormwater System Maintenance Covenants, prepared with standard Douglas County forms, shall be executed and recorded with the Douglas County Auditor.”
28. 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. UIC registration shall be provided as applicable.

Dated this 23rd day of August, 2022.

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.