

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-2022-01)	DECISION AND
Mott 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 owners are James and Brenna Mott, 2599 NW Columbia Ave., East Wenatchee, WA 98802.
2. This application is for a major subdivision application to subdivide an existing lot of approximately 6.25 acres in size into 19 separate lots ranging in size from 0.13 to 0.68 acres. The lots are proposed to range in size from approximately 5,738 square feet to 19,090 square feet.
3. Location: The subject property is located at 2599 NW Columbia Avenue, East Wenatchee, WA 98802 and is further described as being located within Section 34, Township 23N, Range 20E, W.M. The Assessor's Parcel Number is 40800001601.
4. Site Characteristics: The subject property includes one existing single family dwelling. The topography is varied throughout the site:
North: Single family dwellings
South: Single family dwellings
East: Single family dwellings
West: Single family dwellings
5. Site Information:
Total Project Size: 6.25
No. of lots 19

Domestic Water:	East Wenatchee Water District
Sewage Disposal:	Douglas County Sewer District
Power/Electricity:	Douglas County PUD
Fire Protection:	Douglas County Fire District #2
Telephone Service:	Varied

6. Access: The subdivision will be accessed via NW Columbia Avenue. The proposal includes an internal road system. All roadway improvements would be the responsibility of the developer; and compliant with the East Wenatchee Road Standards and Specifications.
7. Zoning and Development Standards: The subject property is located within the Residential Low Density (R-L) Zoning District under East Wenatchee Municipal Code (EWMC), which allows for the subdivision of land.
8. Major Subdivisions: The requirements of Title 17, "Subdivisions" Douglas County Code, apply to the design and review requirements for approval of major subdivisions of 10 or more lots, parcels or tracts.
9. Comprehensive Plan: The Greater East Wenatchee Area Comprehensive Plan designates this property as Residential Low Density. The Low Residential designation is intended to permit a range of housing options and densities to provide areas desirable for single-family residential use. The primary and preferred land use is residential. The use of innovative housing techniques such as attached single family, zero-lot line housing, averaging lots sizes, and other alternates should be encouraged infilling and variety of housing types and densities. In order for these techniques to be used in a manner that protects the integrity of the surrounding properties, there must be mechanisms to ensure neighborhood compatibility and good design quality. The following goals and policies set forth in the comprehensive plan are relevant to this development.
10. Urban Growth:
 - 10.1 POLICY UG-12: The City and County encourage the use of innovative, high quality infill development and redevelopment strategies such as planned developments, zero-lot line, lot-size averaging, shadow platting, small lot subdivisions, and mixed uses in existing developed areas within the urban growth areas.
11. Land Use – Residential:
 - 11.1 The quality and integrity of residential neighborhoods defines the character of the community. Ensuring that these neighborhoods remain stable and vital is of primary importance to meet the goals of the Growth Management Act, the Land Use Plan, and the Housing Plan.
 - 11.2 Policy: Urban governmental services and infrastructure must be available at the time of development or there must be a plan in place, with funding, to ensure that a full range of urban governmental services is available to serve the development within the planning period.

12. Housing:

- 12.1 GOAL: To provide for a sufficient number of safe, attractive and affordable residences for people of all income levels.
- 12.2 GOAL: To provide for a variety of housing types and densities to ensure a range of affordable housing options for all segments of the community.
- 12.3 GOAL: To ensure that public facilities and infrastructure are available to support development at urban densities in advance of / or concurrent with development.
- 12.4 POLICY H-1: Require residential development at urban densities to locate within urban growth areas consistent with the comprehensive plan.
- 12.5 POLICY H-4: Apply consistent standards in residential development to preserve residential character.
- 12.6 POLICY H-6: Require the construction of sound, safe, and sanitary dwelling units.
- 12.7 POLICY H-12: Development standards must address efficient transportation networks and multi-modal opportunities for new development requiring the extension of existing streets into and through developments and the provision of sidewalks and trails for non-motorized modes of transportation.
- 12.8 POLICY H-13: New residential development in the urban growth area must be concurrently served by a full range of urban governmental services.
- 12.9 POLICY H-25: Ensure that new developments provide adequate street illumination.

13. Utilities:

- 13.1 GOAL 1: Facilitate the development of all utilities at the appropriate levels of service to accommodate growth that is anticipated to occur in the area, in a fair and timely manner.
- 13.2 POLICY UT 2: A full range of urban services shall be provided within the entire urban growth area by promoting utility extensions to those areas needing urban services.
- 13.3 POLICY UT 3: Encourage development of vacant properties adjacent to established utility systems, according to the appropriate zoning classification and/or land use designation.
- 13.4 POLICY UT 4: Ensure that development take into account the timely provision of adequate and efficient utility systems.
- 13.5 POLICY UT 5: The cost of on-site utility improvements or site preparation for developments, such as surface drainage, utilities, and water and sewer systems should be the responsibility of private enterprise.
- 13.6 POLICY UT 7: Facilitate the provision of urban services to all areas in the urban growth area by sizing and locating new services that will efficiently accommodate future service extensions.
- 13.7 POLICY UT 10: Require the under-grounding of utility wires, where feasible.
- 13.8 GOAL 4: Provide sewer service for the East Wenatchee Urban Growth Area.
- 13.9 GOAL 5: Provide an efficient surface and stormwater management system that serves community residences and business in a manner that makes efficient use of limited resources and minimizes damage to public and private property from flooding events.
- 13.10 POLICY UT 23: Design, construct, and maintain stormwater facilities in a manner that minimizes their impact on adjacent neighborhoods and business.

- 13.11 POLICY UT 25: Require new developments locate required stormwater management facilities on-site unless a regional facility benefiting drainage has been constructed with sufficient excess capacity to serve the development.
 - 13.12 POLICY UT 29: Stormwater facilities and infrastructure shall be of a type, nature and location to facilitate ease of access for required inspection, maintenance and operation. Stormwater facilities shall be located on a separate tract, where feasible overflow and access is provided from a county or city right-of-way.
14. Transportation:
- 14.1 GOAL: Provide a balanced transportation system that meets the needs of the community by accommodating the movement of people, goods, and services at an optimum level of safety, economy and efficiency.
 - 14.2 GOAL: Ensure adequate and safe access to property via a system of public and private roads.
 - 14.2.1 POLICY T-6: As public and private development occurs, ensure that transportation system improvements have adequate streets, sidewalks and walkways; and are consistent with the transportation and adopted system design.
 - 14.2.2 POLICY T-7: Ensure that current and future developments provide proper, adequate and safe access to the transportation system and facilities.
 - 14.2.2.1 Provision for adequate parking must be included for all development
 - 14.2.2.2 Natural and artificial landscaping should be considered in the design of system facilities.
 - 14.2.3 POLICY T-8: Facilitate mobility for all residents within the Greater East Wenatchee Area; including the elderly and persons with disabilities by providing accessible transportation facilities.
 - 14.2.4 POLICY T-16: Design transportation facilities within the Greater East Wenatchee Area that minimize adverse environmental impacts resulting from both their construction and use.
 - 14.2.5 POLICY T-17: Economic and residential growth decisions should be tied to the ability of the existing transportation system to accommodate the increased demand, or new transportation facilities should be provided concurrently with the proposed development.
 - 14.2.6 POLICY T-18: Allow land use changes only when proposals are consistent with the adopted transportation level of service standards of the comprehensive plan.
 - 14.2.7 POLICY T-19: Control the location and spacing of driveways and encourage the development of shared driveways.
 - 14.2.8 POLICY T-23: Institute financing measures for major circulation elements that fairly distribute the cost between private property owners and the public sector.
 - 14.2.9 POLICY T-24: All road construction projects shall be designed and constructed in compliance with locally adopted stormwater management standards.

- 14.2.10 POLICY T-26: Encourage public transportation-compatible infill development on bypassed vacant parcels in developed areas adjacent to bus routes and stops.
- 14.2.11 POLICY T-27: All transit related decisions such as roadway access, projects, and pedestrian linkages shall be consistent with the current adopted LINK service area policies.
- 14.2.12 POLICY T-34: Development shall provide improvements adjacent to their development in accordance with adopted design standards and approved traffic studies. Where deficiencies are present, these issues would have to be addressed prior to development occurring in order to protect the public's health, safety and general welfare consistent with the policies of the comprehensive plan, standard engineering principals, and adopted standards. Improvements necessary to maintain adopted levels of service shall be in place at the time of development, or a financial commitment agreed to by the city or county and the applicant must be in place to complete the improvements or strategies within six years.
- 14.2.13 POLICY T-40: Encourage physical activity by providing alternative modes of transportation with more pedestrian and bicycle friendly street standards

- 15. Environmental Review. Douglas County issued a Determination of Non-Significance on 03/03/2022 in accordance with WAC 197-11-355 (Optional DNS).
- 16. Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included as conditions of approval, as applicable. The following agencies commented:

Agency Notified	Response Received	Agency Notified	Response Received
Chelan-Douglas Health District		Dept. of Arch. & Historical Preservation	01/25/2022
Douglas County PUD	02/17/2022	Douglas County GIS/Addressing	02/14/2022
WA State Dept. of Ecology	02/10/2022	Douglas County Assessor	02/17/2022
Douglas County Fire Marshal	02/15/2022	East Wenatchee Water District	02/23/2022
Douglas County Sewer District	02/25/2022	Douglas County Transportation & Stormwater	02/25/2022
Douglas County Land Services	06/27/2022	Douglas County Treasurer	
Eastmont School District	N/R	Confederated Tribes of the Colville	01/26/2022

		Reservation	
Washington State Department of Fish and Wildlife	02/09/2022		

17. No members of the public commented on the proposal prior to the hearing.
18. 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:
 - 18.1 Comprehensive Plan consistency: The proposal is consistent with the goals and policies of the Greater East Wenatchee Area Comprehensive Plan. The proposed lot sizes meet the density standards for residential lots. Policy H-13 requires that urban development within the urban growth area be served concurrently with urban services. The development will be served by the full range of urban services. The first goal of the transportation chapter strives to provide a balanced transportation system that meets the needs of the community by accommodating the movement of people, goods and services at an optimum level of safety, economy and efficiency. This project will include a balanced transportation system and be consistent with multiple goals and policies of the Greater East Wenatchee Area Comprehensive Plan.
 - 18.2 Consistency with the provisions of Title 17, "Subdivision", Douglas County Code. As conditioned, the proposed subdivision is consistent with the provision of this title.
 - 18.3 Consistency with the provisions of the R-L Zoning District, Chapter 17.24, EWMC as adopted by Douglas County: The subdivision will meet all applicable development standards of the Residential Low Density zoning district including but not limited to minimum lot size, lot width, and lot depth. As conditioned, the proposal is consistent with the provisions of this chapter.
 - 18.4 Consistency with the provisions of Lot Frontage, Section 17.72.210, EWMC as adopted by Douglas County: Residential lots shall have not less than 40 feet of frontage on a public or private roadway, except when located within a cul-de-sac or when the lot is accessed from a joint-use driveway or access easement meeting the requirements of Chapters 12.50 through 12.60 EWMC, comprehensive street standards, and any amendments. A minimum of 20 feet of contiguous frontage is required for lots located on a cul-de-sac (road right-of-way) and lots located on the outside of a road curve with a radius between 50 and 75 feet. As applied, the proposal is consistent with the provisions of this chapter.
 - 18.5 Consistency with the provisions of Open Space Standards, Chapter 17.73, EWMC, adopted by Douglas County: RCW 58.17.110 requires that local governments make appropriate provision for the establishment of parks, open space and recreational areas at the time it considers approval of a proposed subdivision. The Greater East Wenatchee Area Comprehensive Plan and EWMC 17.73 establish the level of service and standards in order to mitigate any adverse impacts of new development on neighborhoods without adequate parks, open space and recreational facilities.

The application triggers the requirement to provide parks/open space. Based on project size, the total development area is 259,274 sf. The required open space requirement of 5% is 0.30 acres or 12,964 sf. The applicant has provided a preliminary open space / recreation plan within a 0.31 acres (13,328 sf) Tract (B). A final open space / recreation plan must be included with the construction drawings. As conditioned, the proposal is consistent with the provisions of this chapter.

19. Consistency with the provisions of DCC Chapter 20.34, Stormwater Drainage. As conditioned, the proposal is consistent with the provisions of this chapter.
20. Consistency with the provisions of DCC Title 12 Road Standards. As conditioned, the proposal is consistent with the provisions of this chapter.
21. The applicant has submitted the following:
 - 21.1 Preliminary Plat prepared by Northwest Geodimensions.
 - 21.2 SEPA Environmental Checklist prepared by the applicant
 - 21.3 Geotechnical Report prepared by Nelson Geotechnical Associates, INC.
 - 21.4 Preliminary Stormwater Report prepared by SCJ Alliance
 - 21.5 Cultural Resource Survey for the Mott Development 19-Lot Subdivision prepared by Jordan J. Thompson, Justin Fitzpatrick, and David A. Harder.
 - 21.6 Alternate to code request prepared by SCJ Alliance
 - 21.7 Preliminary Civil Plans prepared by SCJ Alliance
22. The subject property is located within the East Wenatchee Urban Growth Area.
23. The subject property is designated Residential Low Density by the Greater East Wenatchee Area Comprehensive Plan.
24. The subject property is located in the Residential Low Density (R-L) zoning district which allows for subdivisions as permitted uses.
25. Douglas County issued a Determination of Non-Significance on 03/03/2022 in accordance with WAC 197-11-355 (Optional DNS).
26. 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.
27. 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 EWMC.
28. A request for an alternate to the East Wenatchee Municipal Code was reviewed and accepted on February 25, 2022 (see attached). The alternate to code allows the applicant to:
 - 28.1 Construct the internal private road utilizing parking on one side only (Figure 3-7a).
 - 28.2 Construct rolled curb on all internal private roads.

29. The preliminary civil plans depict frontage improvements along Northwest Columbia Avenue in accordance with pre-application comments provided by the Transportation and Stormwater department. Internal roads are proposed to be private.
30. The preliminary storm report adequately demonstrates stormwater management feasibility for the subject property through the use of qualitative analysis, sub-basin delineation, and calculations. It should be noted that additional investigation regarding the depth to ground water shall be completed as part of the construction plan review process. The applicant's engineer is advised to further coordinate the water quality analysis discussion in the report prior to construction plan submittal.
31. The Geologic Hazard Assessment indicated that shallow ground was encountered during the site explorations and is likely the result of a leaking irrigation main upstream of the property. The leaking main was found and repaired. It is recommended that further evaluation be completed prior to construction plan preparation to verify that ground water is at a depth sufficient to meet the requirements in the 2019 Stormwater Management Manual for Eastern Washington (SWMM EW) as it relates to stormwater infiltration.
32. Douglas County issued a Determination of Non-Significance on March 3, 2022. This DNS was not appealed.
33. 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 EWC 19.07.
34. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
35. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
36. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
37. After due legal notice an open record public hearing was held on August 18, 2022.
38. The entire Planning Staff file was admitted into the record at the public hearing.
39. Appearing and testifying on behalf of the applicant was Jim Mott. Mr. Mott testified that he was an agent authorized to appear and speak on behalf of the property owner and Applicant. Mr. Mott testified that he agreed with all representations set forth within the staff report and all conditions of approval.
40. The following members of the public testified at the hearing:
 - 40.1 Frank Geiger. Mr. Geiger testified as to his concerns regarding irrigation lines and whether there would be impacts to irrigation box 420. His concern was whether or not the subdivision properties would use irrigation from this box. He submitted exhibit 1 that was admitted into the record.
 - 40.2 Shelly Key. Ms. Key testified regarding her concerns regarding the current and proposed development in the Cascade Avenue area. She had concerns about the cost of development and the future cost of area residence for roads and other infrastructure improvements.

- 40.3 Bryce Goslin. Mr. Goslin testified as to his concerns regarding overflow from the irrigation water line that is currently directed onto the Applicant's property. He also had concerns regarding the widening of the street and the current location of the power pole.
41. 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 # 07-01H.
6. As conditioned, the proposal is consistent with Title 17 "Subdivision", Title 19 "Environment", and Title 20 "Development Standards", of the Douglas County Code.
7. Any Finding of Fact that is more correctly Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, the Hearing Examiner has determined that P-2022-01 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

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

1. The project shall proceed in substantial conformance with the plans and application materials of file except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals 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 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. The location of existing utilities (i.e. power, sewer, water and irrigation lines, etc.) and utility easements shall be depicted on the face of the final plat.
10. The applicant shall abide by the conclusions and recommendations of the Geologic Hazard Assessment and Stormwater Infiltration Analysis prepared by Nelson Geotechnical Associates. All grading and earthwork shall follow the parameters outline within the assessment.
11. The applicant shall prepare an Inadvertent Discovery Plan (IDP). A copy of that plan shall be kept on-site at all times.
12. 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, and Douglas County Fire District #2.
13. 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.
14. Prior to final plat approval, written verification shall be provided from the Douglas County Sewer District that all District requirements have been satisfied and that adequate sewer is provided to all lots within the project. The following shall be required:
 - 14.1 The applicant will need to extend public sewer to serve the subdivision. Sewer improvements must be completed and accepted, or adequately bonded for, prior to final plat approval.
 - 14.2 The applicant shall initiate a Developer Extension Application/Agreement (DEA) with the Sewer District.
 - 14.3 All sewer improvements must be constructed and accepted by the Sewer District, or a Performance Bond for 125% of the total value of all sewer improvements must be provided to the Sewer District, prior to final plat approval.
15. Prior to final plat approval, Douglas County PUD shall provide written verification that all District requirements have been satisfied.

- 16 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. The large-diameter port of all hydrants must be equipped with a 4-inch diameter Storz quarter-turn fitting.
- 17 Maximum grade for any graveled access is 10%. Grades greater than 10% but not greater than 12% must be paved. Grades beyond 12% are typically not allowed unless approved by the Fire Marshal on a case-by-case basis.
- 18 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 be 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.
- 19 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.
 - 19.1 A DEA (developer line extension agreement) will be required prior to plan submittals to the District. Requirements for fire flow will meet the standards of the Douglas County Fire Marshal and all required improvements will be per current District Design Standards and Specifications.
 - 19.2 All work performed will need to be installed and accepted or have a Performance/Guarantee Bond in place prior to the District signing the "Water Availability" for plat approval. The developer will assume all the District's costs for this proposal including inspections, testing and permits. After construction is completed and accepted by the District, a 2-year Maintenance/Warranty Bond will be required.
- 20 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.
- 21 Include the designation "P-2022-01" on each sheet of the final civil construction plans.
- 22 Frontage improvements are required along NW Columbia Avenue in accordance with Figure 3-8 (Urban Collector) from the Douglas County Road Standards. Northwest Columbia Avenue is classified as an Urban Arterial, however, adjacent improvements have been constructed per the Urban Collector standards. Therefore, Douglas County Transportation has determined it would be appropriate to be consistent and utilize the Urban Collector standard.
- 23 Internal private roads shall be constructed to meet the roadway section for parking on one side presented on Figure 3-7a of the Douglas County Road Standards. The applicant is allowed to construct rolled curb on both sides and utilize a roadway width consistent with parking on one side only. The applicant's engineer shall coordinate the side on which no parking signs will be installed with the Fire Marshal.
- 24 Access to NW Columbia Avenue for individual lots created within this subdivision is prohibited. A 1' non-vehicular easement shall be included along the Northwest Columbia Avenue frontage excluding the location designated for the private road connection, locations

- necessary for pond access/maintenance and for access to the existing home on the north side of the plat.
- 25 Illumination shall be designed and installed consistent with EWMC, 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.
- 26 The location of any cluster mailbox units proposed for the subdivision shall be shown on the construction plans. A pullout/turnout shall be provided if the mailbox cluster is located on NW Columbia Avenue. Location shall be accepted by the County Engineer and USPS Postmaster prior to plan acceptance. Cluster mailbox units shall be located within the public right-of-way or covered within an easement.
- 27 Five-foot utility easements (min.) are required along all lots or tracts with County road frontage in accordance with applicable road standards. Utility purveyors may require easements in excess of five feet.
- 28 All existing and proposed easements shall be clearly delineated with the Auditor's File Number(s) noted as necessary on the final plat.
- 29 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.
- 30 Prior to final plat acceptance and/or release of financial security, the Engineer of Record shall provide written certification that the frontage improvements, off-site improvements, internal roads, utility infrastructure, stormwater systems, and grading have been constructed/completed in accordance with the Conditions of Approval, applicable codes, and the accepted construction plans. Monitoring shall be required as determined appropriate by the Engineer of Record and in accordance with the Road Standards, with final reports submitted to Douglas County along with the certification.
- 31 Final acceptance shall be processed in accordance with Douglas County Code (DCC) Section 12.56.110 Final Acceptance and a Warranty Assurance Agreement shall be completed per DCC 12.50.110 prior to final plat acceptance.
- 32 Per DCC Chapter 12.24, all new or revised accesses onto a County road (including temporary accesses) require an approved access permit.
- 33 Utility installation/replacement/upgrade within the Douglas County right-of-way shall be approved by Douglas County. A permit to perform work in the right-of-way shall be obtained prior to construction. Damage to existing roads resulting from construction activities (including utility extensions required to provide necessary services to the proposed development) shall be repaired to the satisfaction of Douglas County, by the applicant. The extent of repair and/or replacement will be determined during construction plan review and during field inspection of the proposed work within the right-of-way.
- 34 A final site-specific stormwater plan and report prepared by a Professional Engineer (PE) licensed in the State of Washington that conforms to Douglas County Code and the 2019 *Stormwater Management Manual for Eastern Washington* (SWMMEW) shall be submitted to and accepted by Douglas County prior to construction.

- 35 Include the designations "P-2022-01" on the cover sheet of the final stormwater report.
- 36 Stormwater facilities shall be designed to overflow to the public Right of Way or oversized by 125% of design capacity plus one-foot of freeboard. The volume used to determine that the system meets 125% of design capacity cannot include volume provided by the one-foot of freeboard. A downstream analysis of potential overflow impacts shall be included within the design report.
- 37 Stormwater facilities shall be located on a separate tract(s) under the functional control of the Homeowners' Association with each lot having an undivided ownership, interest, and responsibility for the tract(s).
- 38 Provisions to provide access for inspection and maintenance of the stormwater tract(s) shall be addressed within the design plans, report, and on the face of the final plat.
- 39 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.
- 40 The applicant is responsible for preventing mud, dirt, debris, and stormwater runoff from being tracked or otherwise discharging onto the public Right of Way or adjacent properties.
- 41 As applicable, registration of facilities that are regulated under the Washington State Department of Ecology's Underground Injection Control Program shall be completed prior to construction.
- 42 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.
- 43 Prior to final plat acceptance, a Private Stormwater Operation and Maintenance Agreement shall be executed on standard Douglas County forms. The site plan, details, certification, and operation and maintenance recommendations are provided to the County. County staff then prepares the agreement for signature and recording by the applicant. A note shall be included on the face of the final plat which states:
- 43.1 "Douglas County will not maintain the private stormwater facilities located within this subdivision. Responsibility for the long term maintenance of the private stormwater facilities is described within the Declaration of Stormwater System Maintenance Covenants recorded under AFN _____."
- 44 Any proposed lots which include an on-site infiltration facility will require an engineered stormwater site plan and report be submitted with the application for a building permit. As applicable, a note shall be included on the face of the final plat which states:
- 44.1 "At the time of building permit submittal for Lots ___, an engineered site specific stormwater plan shall be submitted that conforms to Douglas County Code and the currentl edition of the *2019 Stormwater Management Plan 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.”

- 45 Stormwater stubs may be provided to each of the lots which will drain to the facilities on Tract A. As applicable, a note shall be included on the face of the final plat which states:
- 45.1 “At the time of building permit submittal for Lots ___, a stormwater site plan shall be submitted which depicts the on-site stormwater conveyance system. The site plan shall include the following information:
- 45.1.1 Pipe size
 - 45.1.2 Minimum pipe slope
 - 45.1.3 Invert elevation at the connection to the stormwater stub
 - 45.1.4 Finished floor elevation of the structure and garage slab.”
- 46 Individual lots created within this development are subject to the Douglas County Stormwater Utility annual service charge. This charge is per parcel and is triggered at the time of building permit issuance.
- 47 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.
- 48 No parking signs shall be installed on one side of the roadway and within the cul-de-sacs. The cul-de-sacs shall be a minimum of 96 feet in diameter as is stipulated by the International Fire Code – Appendix D. The side on which no parking will be required shall be coordinated with the Fire Marshal during the construction review phase of the project.
- 49 All internal roads shall be private and not maintained by Douglas County.

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.